

# Rachel's Environment & Health News

## #315 - Al Gore Takes On The WTI Incinerator

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Earlier this week, Vice-President-elect Al Gore weighed in heavily on the side of citizens fighting the WTI incinerator in East Liverpool, Ohio. On Monday Mr. Gore announced that he and 5 other senators have asked the General Accounting Office (GAO)--an investigative arm of the Congress--to make a thorough examination of WTI, to answer nagging questions about the safety of its huge incinerator, and about the illegality of permits it received from the Bush-Quayle EPA [U.S. Environmental Protection Agency] for construction and operation. (See RHWN #287.) Mr. Gore said the new Clinton-Gore administration will not give WTI a test burn permit until all questions have been satisfactorily answered.[1]

It appears to be a major victory for citizen activists who mounted a steadily-escalating campaign of nonviolent civil disobedience to stop WTI. A total of 182 people have been arrested so far in the campaign, which is not over.[2] At a rally November 22, hundreds of people were lined up in the cold rain waiting their turn to climb over the fence onto WTI's property, when the police intervened. No doubt those people remain ready to act whenever necessary. Two young women, local leader Terri Swearingen, 36, and Greenpeace staff member Beth Newman, 32, still face serious contempt-of-court charges for urging others to break the law at the plant gate. They could both be fined several thousand dollars and be jailed for months or longer.

A multi-racial coalition of citizens from Ohio, West Virginia and Pennsylvania has fought for 12 years to stop the WTI hazardous waste incinerator, the largest ever built. With extralegal and even illegal help from Vice-President Quayle's Council on Competitiveness,[3] and George Bush's EPA and Department of Justice, both of which went to bat for WTI AGAINST the local citizenry on several occasions, construction was completed in June, 1992, and the machine now stands poised to burn 176,000 tons of liquid hazardous wastes each year, plus 83,000 tons per year of inorganic wastes,[2] on a flood plain immediately adjacent to the Ohio River, 100 yards from a residential neighborhood, 400 yards from an elementary school, in a valley known for its stagnant air.

A spokesman for the WTI incinerator said Mr. Gore's actions would not affect their plans for burning waste, or for conducting a test burn, now scheduled for January. Thus the Clinton administration appears to be on a collision course with the operator of the plant, a subsidiary of the Swiss company, Von Roll, Inc., best known in the U.S. for its part in manufacturing a Supergun for Iraq.

The NEW YORK TIMES, which ran the story in its business section, observed that this is the first environmental policy decision of the Clinton-Gore administration. The TIMES said it signals two things: first, that Mr. Gore will have a leading role in setting environmental priorities; and second that the new administration intends to enforce environmental laws aggressively.[4] Indeed, Gore's press statement on Monday was couched in law-and-order terms: "Gore's request follows efforts by the Ohio, West Virginia, and Pennsylvania lawmakers over several years to persuade government regulators to comply with state and federal environmental laws."

But Gore's action Monday may signal more than a get-tough-on-crooks attitude. It may indicate that Messrs. Gore and Clinton intend to try to rehabilitate the U.S. Environmental Protection Agency and its partner in misfeasance, the U.S. Department of Justice, and thus to continue the endless duel between corporate crime and government eco-police.

Rebuilding the government's eco-police force will prove to be an uphill struggle, particularly at EPA where many Reagan-Bush ideologues are now entrenched in jobs protected by civil service laws.

Even though it has 18,000 employees and an annual operating budget of \$4.5 billion,[5] EPA is only a shell of a regulatory

agency. Its main function for the past decade has been to shovel taxpayers' money into the pockets of private contractors, known affectionately in Washington as "beltway bandits."

For the past decade, the effect of White House policy has been to drive out good people and replace them with functionaries. Today EPA has few talented, committed employees left, and fewer still who are competent managers. Today many employees simply look upon the agency as a place to do time while awaiting an opportunity for a lucrative trip through the revolving door. Nearly all of EPA's substantive work is now conducted by private contractors, many of whom do shoddy work for which they charge high fees. Of course EPA is not alone in this. "Privatization" has been the hallmark of the Reagan and Bush administrations, and it has proven to be an expensive failure. As the NEW YORK TIMES said last week, "In several agencies, particularly the Department of Energy, the Environmental Protection Agency, and the National Aeronautics and Space Administration, contractors are performing virtually all the work." [6] In fact, a report released last week by the White House Office of Management and Budget [OMB] said the problem is "endemic across all the civilian agencies." OMB said their investigation revealed a "culture" of federal agencies eager to award contracts but reluctant to supervise them. Result: "Contractors are squandering vast sums," the TIMES said in summarizing the OMB report which concluded that untold billions of dollars of taxpayers' money has been wasted and spent illegally by private contractors on parties, vacations, and sporting events. In almost every instance where auditors looked, they found problems with contracts. For example, CH2M Hill, an Oregon company that supervises the cleanup of hundreds of Superfund dumps for the EPA, and more recently for the Department of Energy, billed the government for parties, country club fees for employees and the use of a corporate airplane, all of which are illegal. In defense of his company, Lyle Hassebrook, president of CH2M Hill, said he is "very proud of our accomplishments" and denied all wrongdoing.

The problem isn't merely wasted money. The work of contractors is often shoddy. For example, the TIMES reported last week, "The Government spends between \$500 million and \$1 billion annually to determine the levels of toxic materials in soil and water and is becoming concerned that the results are meaningless. In the last four years, in the E.P.A.'s Superfund program to clean abandoned waste sites, the Government has successfully prosecuted six laboratories and 17 individuals for fraud, and three dozen other laboratories are under investigation." [6]

The TIMES says EPA has so little in-house talent left that it cannot function without contractors. Indeed earlier this year a contractor was paid \$20,000 to prepare the official response to a Congressional report that criticized the EPA's improper use of contractors.[7]

The Clinton-Gore administration will have a lot of rebuilding to do, if they want to create even the APPEARANCE of a competent environmental protection agency. But they should ask whether it would be worth the trouble. Let's face it: Even in their heyday, the ecopolice could not even slow, much less stop, the poisoning of America. Something much more fundamental than a refurbished EPA will be needed.

In truth, we need something as fundamental as an amendment to the Constitution, declaring that a corporation is not a natural person, and is not protected by the Bill of Rights and the 14th amendment. This would begin to level the playing field in the struggle between predatory corporate marauders and ordinary Americans. Corporations only became "natural persons" under the law when the Supreme Court declared them such in 1886, so we are merely suggesting a return to America's past. Earlier generations of Americans feared corporate power, and now it clear their fears were justified.

To succeed in protecting the environment, the Clinton-Gore

administration (and the traditional environmental movement) will have to admit that our problems go much deeper than mere regulatory failure. Few dare speak of it, but let's be candid: the problem is a corporate culture that expects to get rich off government handouts in return for shoddy work or no work at all. The real welfare queens are the likes of Westinghouse, GE, Boeing, Silverado Savings & Loan, General Dynamics, and Rockwell International. The defense industry is justifiably famous for its \$600 toilet seats, but now that mentality permeates many, if not most, large corporations. The standard rule seems to be: If the law is in the way, bend it and, when necessary, break it. A corollary is: If human lives are endangered, hire a consultant to complete a risk assessment, then push ahead with the project.

These are not problems that will be solved by buffing up the EPA's image, or even rebuilding its scientific and managerial talent. There is a fundamental imbalance of power in America, which threatens not only our democracy but now even our lives. Many corporations are larger and more powerful than all federal agencies combined. As global competition puts a squeeze on America's traditional way of doing business (see Robert Reich's WORK OF NATIONS, for example), the urge becomes stronger to cut corners and to save a dollar by trashing the environment. Without fundamental reform, things will continue to go downhill at an accelerating pace.

WE APPLAUD AL GORE'S MOVE AGAINST WTI. HE HAS DONE THE RIGHT THING. LET US HOPE THAT IT PRESAGES A FUNDAMENTAL RE-THINKING OF POWER RELATIONSHIPS BETWEEN CORPORATE AMERICA AND ORDINARY PEOPLE.

--Peter Montague, Ph.D.

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[1] Press statement from U.S. Senator Al Gore dated December 7, 1992. 2 pages. Available by fax from the senator's office at (202) 224-4944.

[2] Ellen Connett, "WTI's Hazardous Waste Incinerator in East Liverpool, Ohio: Von Roll's Supergun 2," WASTE NOT #217 (November, 1992), pgs. 1-2. WASTE NOT is published weekly by Ellen and Paul Connett, 82 Judson St., Canton, NY 13617; \$40/year. Phone: (315) 379-9200.

[3] T.C. Brown, "WTI Sought Quayle's Aid," CLEVELAND PLAIN DEALER August 5, 1992, pg. 4-C.

[4] Keith Schneider, "Gore Says Clinton Will Try to Halt Waste Incinerator," NEW YORK TIMES Dec. 7, 1992, pgs. A1, D9.

[5] Peter Brimelow and Leslie Spencer, "'You Can't Get There From Here,'" FORBES July 6, 1992, pgs. 59-64.

[6] Keith Schneider, "U.S. Admits Waste In Its Contracts; Study Says Unsupervised Jobs Cost Government Billions," NEW YORK TIMES December 2, 1992, pgs. A1, D24.

[7] Keith Schneider, "For the Government, Contractors Have Special rates," NEW YORK TIMES December 6, 1992, pg. E2.

Descriptor terms: al gore; bill clinton; wti; east liverpool, oh; oh; citizen groups; gao; congress; air pollution; epa; superfund; hazardous waste incineration; waste disposal technologies; waste treatment technologies;