

## Rachel's Environment & Health News

### #255 - The Governed Begin To Withhold Their Consent And 34 Are Arrested In Ohio

October 15, 1991

The longest-running incinerator battle in America boiled over late last month when nearly 400 citizens in East Liverpool, Ohio shut down a public meeting September 25 chanting and singing "America the Beautiful" so loudly that officials of U.S. Environmental Protection Agency (EPA) and Ohio EPA surrendered, wheeled out a black board bearing the scrawled words, "We can't convene this meeting so it is adjourned. Send your written comments to U.S. EPA in Chicago," and left town, their ears red and ringing. As we went to press, 20 local citizens and two Greenpeace campaigners were still being held in three local jails, charged with civil disobedience--a mass trespass on the property of the WTI incinerator in East Liverpool Sunday October 13.

Between September 20 and October 13 momentum had built steadily. September 23 a consulting firm called CHMR loosely affiliated with University of Pittsburgh released a report saying the huge furnace was entirely safe. Greenpeace chemist Pat Costner, author of *PLAYING WITH FIRE; HAZARDOUS WASTE INCINERATION*, cut the report to shreds on technical grounds. "This report displays an embarrassing level of incompetence and complete lack of integrity," she began, then unfolded a laundry list of errors, evasions, and untruths. In an experiment in low-cost media, Costner delivered her blast from her home in Arkansas. Her written critique was sent by modem to Ohio, where it was printed and photocopied for distribution. She then videotaped her critical remarks, sent the tape by overnight courier for presentation the next day at a press conference in Pittsburgh where she answered reporters' questions by phone from Arkansas.

A couple of days later Richard Sahli, former chairperson of Ohio's siting board, attacked the incinerator as dangerous and outdated technology that didn't belong anywhere, least of all at water's edge on the Ohio River.

WTI public relations teams scheduled a "public information meeting" in a local school Sept. 24. But local citizens boycotted what they viewed as sham science and outright lies intended not to inform but to ramrod a dangerous project into a rural town. Only about 10 people sat in the empty hall while 150 angry citizens held a noisy demonstration outside. "We stole their show completely," said Joy Allison, a local leader.

The next night government took its turn at trying to convince people in East Liverpool that America's largest toxic waste incinerator was just what they needed to improve the quality of life in their little town. Citizens announced they would shut down the hearing. Nearly 400 local people showed up. As the show-and-tell got underway, citizens laid a coffin with a folded American flag on the stage behind EPA officials to symbolize the death of democracy. As the hearing opened, local leader Terri Swearingen stood on her chair and shouted through a bull horn, "This hearing is a sham," and all nonviolent hell broke loose. Local citizens had smuggled at least 5 battery-powered bull horns into the gym and the combined blast of bull horns plus 400 people chanting and singing in one room produced a deafening din that didn't diminish until EPA turned tail after nearly an hour. "You could hardly hear the person right next to you," said Swearingen, 35, a nurse and mother turned activist. "It was beautiful and powerful," she said. "It restored a sense of control for local people, and that sense of democracy is still growing. That meeting was the turning point," she said.

Momentum kept building and this past Sunday (October 13), 34 people were arrested for civil disobedience (trespassing on WTI property) in the quiet eastern Ohio town. Outsiders like actor Martin Sheen and charismatic chemist Paul Connert, head of Work on Waste USA, were both arrested, linked arm in arm with local people. The crowd was singing "Amazing Grace" when Sheen said, "I feel led by the Spirit to climb over this fence," and he did. Thirty-three others followed suit and were arrested.

The town was shaken to its midwestern roots, and so was Ohio government. Governor Voinovich blamed the entire series of events

on "outside agitators" but anyone who has followed the ten-year history of WTI knows the governor missed the point.

After five years of battle, the WTI project was badly stalled in 1984 because it was then owned outright by Waste Management, Inc. (WMI), a convicted felon. Under Ohio's "bad boy" law, convicted felons can't get a license to handle hazardous wastes in Ohio. Now a complex financial arrangement lets WMI profit from the incinerator through a thinly-veiled shield of subsidiaries. WMI sold its WTI permit to Von Roll (America), a European firm that provides the furnaces for Wheelabrator incinerators (a WMI subsidiary). The incinerator is being built by Rust Engineering (a WMI subsidiary). The 47 million pounds of hazardous ash produced by WTI each year will be sent to dumps in Wayne County, Indiana, and Model City, New York owned by Chemical Waste Management (a WMI subsidiary). But Ohio government gave WTI a permit on the pretense that convicted felon WMI is nowhere in sight. "They are not fooling anyone," said Alonzo Spencer, head of SOC (Save Our County) who has been fighting WTI relentlessly for 10 years. As we went to press, Spencer--a soft-spoken, middle-aged businessman--was in city jail in East Liverpool.

There ARE outsiders in East Liverpool--a handful of seasoned Greenpeace activists have set up an outpost in a house across the river in Chester, WV where they are being kept alive by the local Dominoes Pizza outlet as they work late into the night helping local people make their moves--but to think of these events as outsider-driven is to miss entirely what's happening here. The people in jail are ordinary Americans--nurses, airplane pilots, ministers, shopkeepers, homemakers, family people, senior citizens--who were being herded to the slaughterhouse by the regulatory-industrial complex when they bolted from the chute, growing feisty and independent in the process. They have now learned the secret of success: the system simply does not know how to handle citizens who confront their corporate adversaries directly, start exercising their right of free speech and start taking the Declaration of Independence to heart: "Governments are instituted among [people], deriving their just powers from the consent of the governed--[and] whenever any form of government becomes destructive of those ends it is the right of the people to alter or abolish it..." the Declaration says. Withholding consent is powerful medicine for an ailing democracy.

After the first bunch was taken off to jail, people regrouped later that night. Vern Hurst and nearly 20 others from the group STOP IT in Nova, Ohio, had arrived to help any way they could in the WTI fight. Hurst, a retired Air Force captain who has spent years fighting an incinerator proposed for his home town by IT Corp., spoke eloquently of the need to press on. "They've jailed your leaders, they hope they've broken your spirit. But this is the time to gather our strength and renew the fight until victory is ours..."

Government is being altered in Ohio. The consent of the governed is being withheld in East Liverpool.

The WTI incinerator is nearly 80% built, and construction is on a fast track with activity round the clock. It is the biggest incinerator ever proposed in the U.S. with a capacity of 176,000 tons of liquid hazardous waste and another 83,000 tons of inorganic waste annually.

WTI estimates that 11,000 trucks will drive through East Liverpool delivering wastes each year. If the incinerator works perfectly, with never a single upset, leak, spill or accident, it will release somewhere between 26 and 260 tons of raw, unburned hazardous wastes directly into the air of East Liverpool, plus 1.5 million pounds of toxic metals (lead, cadmium, arsenic, and so forth), and another 5.1 million pounds of toxic organics called Products of Incomplete Combustion (PICs); these are toxic compounds created inside the incinerator, many of them more dangerous than the raw wastes from which they were created during combustion. This large quantity of toxic pollution will sweep through an elementary school

1100 feet from the smoke stack, then down into the valleys of nearby Pennsylvania and West Virginia, carrying hazards as far as Pittsburgh (37 miles away) and beyond. Citizen groups in all three states have formed an alliance to stop WTI. West Virginia's Governor Caperton says he'll sue to stop it. If that happens, WTI seems headed for the U.S. Supreme Court and, at a minimum, serious delay.

People from East Liverpool and surrounding towns are now confident they can win their decade-long battle against the hated incinerator. "It was taking over that EPA meeting that did it for us. If we could do that, we can do anything," said one local citizen-turned-activist.

As we went to press, 20 local people and two Greenpeacers remained in three separate jails. Reports from the Columbiana County jail in Lisbon indicated that women prisoners were being denied basic necessities like tampons; one woman, a diabetic, was being denied a diet suitable for her medical needs. No such problems were being reported by the jailed men. It seems gender discrimination continues everywhere in our developing society, even as democracy's handbook is being rewritten.

--Peter Montague

=====

Descriptor terms: east liverpool, oh; oh; epa; wti; pat costner; greenpeace; hazardous waste incineration; waste disposal technologies; hazardous waste; martin sheen; paul connett; wmi; bad boy laws; von roll; wheelabrator; rust engineering; cwmi; alonzo spencer; wv; chester, wv; citizen groups; pa; heavy metals; pics; democracy;