



THE GREAT LAKES UNITED

GREAT LAKES UNITED

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Zero Discharge Strategy Launched at Annual Meeting

By Bruce Kershner, GLU Field Coordinator

Zero discharge has been U.S. and Canadian policy for 12 years, but it has never been translated into any concrete, meaningful law or regulation," announced Paul Muldoon, coordinator for the Program for Zero Discharge.

He was one of the speakers at Great Lakes United's Eighth Annual Meeting, held last May in Green Bay, Wisconsin. The meeting's focus on zero discharge was fitting, since the Fox River Valley has the world's greatest concentration of polluting pulp and paper mills.

"We're losing the battle for zero discharge just because of the way our society does business. Government regulates the environment through 25 agencies and innumerable committees," Muldoon says. "To the 'Reduce, Reuse, Recycle' motto, the government has added a fourth 'R': 'Rhetoric'."

He recommended a Toxic Hit List; no

more research is needed to document some toxic polluters. "Pollution" permits should be changed to "Denial" permits, and permits should be "Sunset" permits with a timetable for cessation. Chemicals that are replaceable should have a required phaseout. Lastly, government should charge a fee for pollution.

Jack Weinberg of Greenpeace's Office in Chicago pointed out that Greenpeace International has made the Great Lakes the zero discharge model for the rest of the world. Their campaign has targeted the pulp and paper industry because they *can* replace the 350 million pounds of organochlorine they now annually discharge into the lakes. "There's no justification for paper bleaching except the custom and habit of 'bright white'."

"Make the Great Lakes the place where the world movement for Zero

Discharge begins," exclaimed Weinberg. The next day, GLU members unanimously approved a resolution to initiate a Zero Discharge Task Force. A GLU Task Force was charged with building the movement throughout the Basin, developing strategies, publicity and networks (see P.2 article on the resolution).

On the topic of wetlands, Tom Dawson of the Wisconsin Department of Justice noted, "Developers have turned wetlands 'mitigation' and 'no net loss of wetlands' into 'Let's make a deal'". The deal usually turns out to be constructing sterile "duck ponds" as a substitute for protecting natural wetlands.

"Decisions on wetland permits have turned out to be political and business decisions, not environmental decisions," Dawson added. "Environmentalists should be educating Chambers of Commerce, Rotary Clubs and government groups about the societal benefits of wetland protection."

Even agency wetland managers create problems. "Managers love 'diking' wetlands for waterfowl production," Dr. Bud Harris of University of Wisconsin - Green Bay says. This accelerates wetland filling and disappearance.

"The No Net Loss Policy makes great policy and great politics," said Marty Jessen of the Minnesota's Freshwater Foundation, "but it doesn't do a damn thing to protect wetlands."

The topic during the luncheon shifted to "Jobs & The Environment," which was discussed by Richard Grossman, author of *Fear at Work*. His message is provided on page 8.

Becky Leighton, Lake Michigan Fed-

eration staffer and Brown County Supervisor, pointed out problems to avoid in implementing RAPs, including agency dominance and make-up of the implementation committee. Rick Coronado of Windsor Environmental Alliance warned that "the plan must include clean-up schedules, assignments, targets and funding. Otherwise, it is doomed to collect dust."

At the Saturday night banquet, everyone was treated to an impromptu comedy routine by Daniel Green and Scot Stewart; a wildlife art auction, good food and the warm, original melodies of singer Ken Lonquist.

Awards went to Becky Leighton and retiring board member Bill Robinson for service to GLU and the Great Lakes.

The meeting also offered five guided tours: wetlands, birdwatching, paper mill, scenic or toxic tours. Finally, there was the election of new board members.



Becky Leighton, Lake Mich. Federation, speaks at Annual Meeting on how to implement RAPs and how to attain zero discharge.

Change Health Role of Gov't, Workshop Concludes

By Barbara Wallace, Citizens' Clearinghouse on Waste Management

The link between human health effects and toxic contamination is rarely revealed by medical surveys because their design is too limiting and conservative to recognize the links.

Because of the urgency of the toxics health problem and the slow, relatively inactive results of using the traditional scientific method, members of a recent conference identified a new approach to this older method. The new non-traditional approach should:

- be willing to make assumptions and extrapolations
- consider cause-and-effect relationships, not just enumerate effects
- be willing to generalize even in the face of uncertainty
- study chronic, low level exposures
- examine wildlife indicators as a surrogate for evaluating potential for human health impacts
- focus on high-risk, high-exposure populations
- examine morbidity (eg. episodes of sickness per week) and subtle effects (blood chemistry changes), not just mortality

These and many other findings came out of the "Human Health Effects from Toxics in the Great Lakes Workshop," sponsored last July by Great Lakes United and Health and Welfare Canada at Lake Simcoe, Ontario.

The participants included people from Native communities, grassroots groups, religion, farming, fishing, industry, labour, research, and professional health interests, citizens with personal health problems related to the environment, and government observers.

The purpose of the workshop was to focus attention on these health effects and to develop recommendations from the public on how to address these concerns, taking into account both the roles of Health and Welfare Canada and of non-governmental organizations.

Participants arrived at a common philosophical framework: the goal of a toxic-free ecosystem, a strong sense of responsibility for future generations,

equal right to a healthy environment, and the need for all people to re-evaluate and change their philosophy of living.

The participants also developed principles to guide Health and Welfare Canada's activities. They are: 1) violation of environmental "commons" can no longer be tolerated; 2) Canada will fulfil its commitments under the Great Lakes Water Quality Agreement; and 3) Health and Welfare Canada is the appropriate body to assume responsibility for the environmental-health component of all government policies, programmes, and actual impacts.

In relation to government, two points were raised about their roles. The first of these was the inherent conflict of interest due to their combined roles of regulation, liability, and information disclosure. The second was that in cases where the government fails to set or maintain regulatory standards, the community should be empowered to act.

Prevention was seen as a very high priority. The goal must be zero discharge of persistent toxics.

To reach this goal, it was clear to the workshop participants that some substances must be banned. End-of-pipe capture will not achieve zero discharge. Alternatives to banned substances should be evaluated before their use is permitted.

Other needed changes are:

- a fundamental shift in the burden of proof towards proving safety rather than proving harm
- an automatic review of Certificates of Approval approximately every five years with opportunities for public input
- institution of a right-to-know system that includes yearly reports of industrial discharges, including use of agricultural chemicals, to all media
- development of standardized industrial codes of practice including a requirement for specific toxic reduction plans
- a requirement on industry to produce an environmental audit of all processes

Other prevention recommendations included: zero occupational exposure to

continued on p.5

Ontario Fails to Offer A "Zero Discharge" MISA

By Philip Weller, Executive Director, GLU

In July, the Ontario government's water pollution control program, the Municipal Industrial Strategy for Abatement (MISA), took another step toward establishing regulations that would limit pollution discharges within Ontario. The province's step, however, was tentative and incomplete. The province released an issue paper in July that attempts to resolve certain critical issues such as virtual elimination, and best available technology. But four years after beginning development of MISA, it was greeted by criticism from the environmental community.

Central to the concerns of environmentalists was the short time frame given by the province for groups to respond to the 253-page Issue Resolution Paper. At a July 19 news conference, GLU President John Jackson conveyed

the frustration of environmental groups, telling the media, "The Ministry of Environment is giving five environmental groups only 30 days to review a program they have been negotiating with polluters for four years."

The issue paper establishes the basis on which critical decisions must be made to create MISA regulations. Thirty days in the middle of summer to respond was clearly unacceptable. In response to a letter from five environmental groups, GLU, Greenpeace, Pollution Probe, the Canadian Institute for Environmental Law and Policy, the Canadian Environmental Law Association, complaining about the short-time frame for response, the Minister revised the comment period to October 30, 1990.

The MISA regulations are critical to the advancement of pollution control efforts in the Great Lakes Basin.

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Resolutions Chart Future Direction for GLU

By Karen Murphy, GLU Field Coordinator

Zero discharge is the overriding priority for the coming year, GLU members voted at this year's Annual Meeting. Resolutions also passed on air and water quality, and on labor and the environment, pointed out the need for Great Lakes United to work cooperatively with groups to build a broad-based citizen movement across the Basin which will advocate for zero discharge.

ZERO DISCHARGE TASK FORCE

The resolution establishing a Zero Discharge Task Force charged GLU with the responsibility for building a zero discharge movement throughout the Basin. Task Force goals include: supporting and networking zero discharge strategies and programs, assisting local community organizations, launching zero discharge campaigns, and developing supportive and productive relationships with the labor community.

AIR QUALITY

The passage of the U.S. Clean Air Act will require intense citizen participation

in the implementation of the Act's provisions. GLU will set up a transboundary working group, in conjunction with the Zero Discharge Alliance, to develop strategies for implementation of the air toxics provisions of the Clean Air Act and similar clean air initiatives in Canada.

LABOR AND ENVIRONMENT

GLU members asked GLU to set up the Labor - Environment Task Force detailed on page 8.

WATER QUALITY

Great Lakes United supports the inclusion of strong anti-degradation procedures within the U.S. EPA's Great Lakes Water Quality Initiative and Lakewide Management Plans to move regulatory programs toward zero discharge of persistent toxic substances.

CHLORINE IN PAPER INDUSTRY

To fulfil the goal of zero discharge in Lake Superior, all U.S. and Canadian jurisdictions on Lake Superior and elsewhere should ban the use of chlorine and chlorine compounds by the paper

industry.

FISH AND WILDLIFE PROTECTION

Great Lakes United and its member organizations support the strengthening and passage of the Michigan Scenic Rivers Act of 1990.

The U.S. Congress should act quickly to extend the protective Coastal Barrier Resources System to undeveloped, eligible barriers along the Great Lakes by passing H.R. 2840 in the House and similar legislation in the Senate. The U.S. Congress should reauthorize and strengthen the Coastal Zone Management Act before it expires in October 1990. States not currently participating in the federal CZM Program should take immediate steps to join it.

WATER LEVELS

Great Lakes United affirms its opposition to the construction of new water level control structures in the Great Lakes. In addition, we recommend that the second phase of the International Joint Commission's water level study should identify approaches to water level fluctuations that do not re-

quire structural controls, such as coastal zone hazard planning and other land use management approaches.

REMEDIAL ACTION PLANS

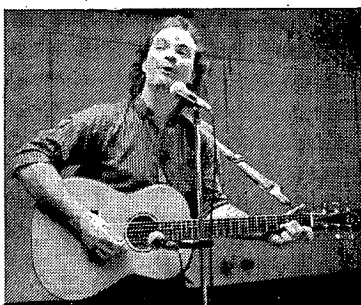
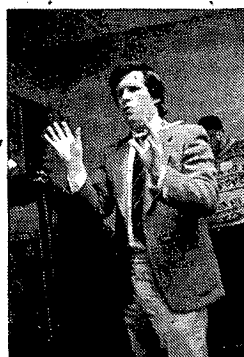
Urban non-point pollution is frequently not addressed in Remedial Action Plans (RAPs). All RAPs should thoroughly identify and investigate all potential sources of urban non-point pollution and develop appropriate strategies, funding, and timetables for remediating this source of pollution to Areas of Concern.

EXOTIC SPECIES

Research into exotic species should proceed expeditiously. In addition, regulatory agencies must implement, enforce and monitor shippers and other users of Great Lakes resources to prevent the further introduction of exotic organisms.

RECREATION

GLU supports the development of public access facilities at Michigan's Bay City State Park, including a public boat launching complex and fishing sites. □



Scenes from the Annual Meeting: Top L-R: Daniel Greene during banquet comedy routine; Al Duda of the IJC conversing with David Drake at banquet; Ken Longquist singing at Banquet; Most of the GLU staff, at banquet; Bill Munson, Bill Robinson and Becky Leighton laughing at Daniel's antics; Jack Weinberg sharing strategies during Task Force session; Future environmentalist decides meetings are hard work.

From the President

Citizens' groups have fought long and hard to receive our basic right to be consulted on decisions that affect our communities. We have made remarkable progress in achieving this goal; but success has brought its own set of problems.

We are under threat of being buried in consultation programmes. Increasingly, we are asked to sit on more and more government-appointed advisory and review committees, and to attend public hearings, judicial proceedings and legislative hearings. Weighty draft documents burden our desks asking for detailed responses by all too immediate deadlines. Even industry is adding to the barrage, introducing its own consultation programmes.

Our precious resources -- time, energy and money -- are consumed by participating in this multitude of consultations. Many of the large environmental groups could spend all of their time running from one consultation meeting to the next. For the local, totally volunteer groups, it becomes impossible to find the time and money to seriously participate.

The most serious threat posed from becoming trapped on the endless merry-go-round of consultations is the loss of our direction. Our energies go into those topics that government and industry choose to consult us on. By dropping everything to participate in their consultation programmes, we cease to set our own agendas. Government and in-

dustrial priorities become our priorities.

We must avoid this potentially fatal path by carefully defining our priorities and saying "No" to requests to consult if these are not in line with our priorities. It may feel awkward and hypocritical to say "No" when we fought so hard for the opportunity; but we must remember that this opportunity is not some gift from on high, but a fundamental right that we should be able to use when and if we so desire.

To make consultation mesh with our priorities, we must also set up our own consultation programmes that force government and industry to hear us. A prime example was Great Lakes United's hearings around the Basin in 1986 on Great Lakes water quality, which built a driving force behind the renegotiation of the Great Lakes Water Quality Agreement in 1987.

We can also force governments to set up consultations on government programmes that mesh with our priorities. The current public involvement in the review by the U.S. EPA of water quality standards for the Great Lakes, known as the Great Lakes Initiative, is a prime example. That happened as a result of a campaign led by the National Wildlife Federation.

A similar situation recently happened in Ontario when Ontario's environmental groups forced the provincial government to open up a critical stage in its Municipal-Industrial Strategy for Abatement (MISA) to public

review.

The second major problem with the current demands of consultation programmes is that the small local groups usually are unable to participate because of travel costs and the amount of time involved. As a result, consultation is primarily with the same set of increasingly tired-looking faces from the few large groups able to muster the forces to take part.

We must ensure that all groups are able to participate by making sure that government covers travel costs, has meeting times that mesh with people's work schedules, and pays people for the time spent preparing for and attending consultation meetings.

Being paid for our time spent on public consultation is not as outlandish as it may appear on the surface. We are an incredibly valuable resource with knowledge and expertise that, even if paid, provides excellent value for money.

The larger environmental groups must also help local community groups by consulting with them; to make sure they reflect the views of the local groups, they could send representatives of local citizens' groups as their representatives to some consultations.

The flood of public consultations presents new challenges to all of us. These are a few ideas to ensure that the consultations make a real difference. □

— John Jackson

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Mohawks Seek Unity With Environmentalists to Fight Pollution

By Mary Machuga and Bill Welch, Sierra Club & Erie Co. Environmental Coalition

This spring, violence and chaos came to the 28,000-acre Mohawk territory of Akwesasne (along St. Lawrence River on U.S. - Canada border). Mohawks fought over whether casino-style gambling should continue on their land. Pro-gambling forces and anti-gambling factions faced off, first with threats, then highway blockades of the casinos, and even physical battles, and burning of houses, barricades and more than 20 motor vehicles. The intra-tribal violence culminated in gunfire and deaths of two young Mohawk men. During this time, much of the population of 9000 Mohawks, including women and children, felt terrorized. Following the shooting deaths, hundreds of Canadian Police and New York State Police occupied Akwesasne, and restored most of the order. A strong contingent of these police remain.

To outsiders, the violence seems to be a civil war over differing economic values. But the real story is that it is just a tragic symptom of an environmental crisis.

To publicly clear up this misconception, Mohawk leaders of Akwesasne representing the Band Council (Canadian), the Tribal Council (U.S.) and the traditional Mohawk government met on May 20th, 1990, with environmental groups (including Great Lakes United, Environmental Planning Lobby, Citizens Environmental Coalition, Sierra Club, and Clearwater) at a NY DEC education center near Albany, NY. They announced that the gambling controversy at Akwesasne was *not* really

the cause of the recent turmoil and violence. Instead, it is the violence to the environment and culture of Akwesasne that has led to gambling turmoil. The Akwesasne livelihood, food, lifestyle and health are all threatened by pollution from the adjacent industries, and habitat destruction and pollution relating to seaway traffic.

The bright spot in this strife is that many Mohawks are seeking unity through their shared concern for the environment. They think of the Earth as the mother upon which we, and all living things, are dependent. At Akwesasne, Mother Earth has become sickened by pollutants from adjacent industries such as General Motors, Reynolds Metals Company, ALCOA, Domtar, and other river and Great Lakes pollution sources. PCBs from General Motors, Reynolds Metals and ALCOA have heavily contaminated the St. Lawrence River at Akwesasne, making much of the fish, frogs, turtles and waterfowl unfit for human consumption by Canadian and U.S. standards. This has greatly decreased the utilization of fish and wildlife as food by the Mohawks, and hundreds of thousands of fish and wildlife meals have been lost. The traditional way of life and diet of the Mohawks is being lost to pollution.

In addition, there once were 60 or so Mohawk families involved in commercial fishing on the St. Lawrence River, but because of toxicant levels in the fish, this industry is all but wiped out. The hiring of Mohawks, as fishing guides, has also declined as clients seek less polluted waters.

Airborne fluorides from Reynolds Metals and ALCOA fell out on Mohawk

lands and poisoned the cattle, and contaminated Mohawk agriculture. Additional study of the Reynolds Metals Company's air pollution of Akwesasne is needed -- not only of fluorides, but also to determine if other chemical threats are present in the dark plumes that emanate from their stacks.

Most serious, at present, is the past and present water and air pollution from ALCOA, Reynolds Metals Company, and General Motors. The flow of PCBs from these plants to the St. Lawrence River continues -- especially from Reynolds and ALCOA -- and this needs to be halted. If not, the Mohawks will never again be able to freely and safely consume the fish and wildlife of the St. Lawrence River at Akwesasne.

At the May meeting was Bear Clan Chief Tom Porter, a spiritual leader, who eloquently related how when he learned of the poisons in the fish of the river, he stopped fishing. He did not want his family and friends to eat such fish, and he symbolically placed his net on the bank of river to rot. He may leave Akwesasne with other Mohawks if he can find a suitable place to farm and where the fish and wildlife are safe for his people to eat on a regular basis. It is hoped that it will not be necessary for the chief and his followers to leave their ancestral home since the industrial pollution can be largely stopped and the river cleaned of PCB and

other toxic "hot spots."

It is essential that environmental organizations support the Mohawks in seeing that the pollution of their waters is stopped. Not only will the Mohawks be grateful, but so, too, will wildlife like the Beluga whales who live downriver of Akwesasne. It is believed that part of the health problems of the Beluga whales are caused by PCBs and other toxics originating from the Massena area industries. Fish, such as eels, come into the highly polluted Akwesasne waters and acquire toxics such as the PCBs. When they go back downriver, they are eaten by the whales.

The long standing pollution of the Mohawk waters of Akwesasne by Massena area industries is a blot on the reputation of the industries and New York State. This pollution has disrupted the traditional lifestyle of Mohawks, and has had much to do with their economic and social stress. The time to cure this disease is now! □



Chief Tom Porter explains how pollution threatens Mohawk survival.
Gerry Brown, Schenectady Daily Gazette

Turning Right-to-Know into Right-to-Act

By Andrew Leahy and Charlie Tebbutt, Atlantic States Legal Foundation

After Union Carbide's deadly chemical disaster in Bhopal, India, in 1985, environmental and labor constituencies in this country started stumping themselves with a single question: "Can Bhopal happen here?"

The simple answer at the time was, "Nobody knows." Nobody could say precisely which, how much, or where hazardous chemicals were out there, being stockpiled, used in manufacturing, spewed into the air, poured into the water, or buried in the earth.

Reacting in part to the shock of Bhopal, the U.S. Congress passed the Emergency Planning and Community Right-to-Know Act (EPCRA, but also known as SARA Title III) in 1986. EPCRA is a set of radically expansive industry-reporting requirements designed to collect information about the storage, use and release of hundreds of hazardous substances under one regulatory system. After the law is fully in place and complied with, EPCRA should allow advanced local and state planning for Bhopal-like disasters--and also let citizens who work for, or live near, manufacturers learn about the toxic materials in their environment.

Like most laws, however, government hasn't answered the question of how it's going to find and prosecute those who fail to comply. The system is more or less designed as a vehicle for industry to regulate itself and is heavily dependent on faith in a law-abiding corporate America.

Needless to say, this being an era of unprecedented white-collar crime and scandal, it's not difficult to believe such faith is misplaced, and that laws don't amount to much until someone gets around to enforcing them.

What to do? Perhaps you've heard of a relatively modern regulatory concept known as the "citizen suit," where the

affected public has explicitly legislated rights to enter court against law-breaking polluters to force compliance, impose penalties and win reimbursement of legal and technical expenses. Provisions for such suits were written into the Clean Water and Air Acts, and nearly a dozen other statutes. The *citizen suit* is a foothold for environmental organizations to effectively enforce pollution laws by picking up where the government leaves off.

Under EPCRA, citizens are allowed to bring cases against companies which fail to fulfil their reporting obligations. However, it wasn't clear until recently whether the EPA was willing to allow citizen suits under EPCRA.

In the fall of 1989, the Atlantic States Legal Foundation (ASLF) launched what would have become the first-ever citizen suits under EPCRA. Charlie Tebbutt, staff counsel for the not-for-profit environmental organization, notified seven companies in Onondaga County, NY, that ASLF intended to sue--after a mandatory 60-day waiting period--for their failure to report toxic chemical releases.

The EPA decided to inspect the seven companies fingered by ASLF. Five, it determined, had definitely failed to live up to EPCRA's reporting requirements. Just two days before ASLF would have had the right to file its cases in court, the EPA intervened by launching administrative actions against the companies, a tactic which pre-empted ASLF from further involvement.

ASLF, however, was able to convince EPA representatives of the regulatory and budgetary merits of working more cooperatively with organizations proposing citizen suits, instead of undercutting such efforts.

With the help of local citizens, ASLF then performed a compliance search in the industrial Buffalo, NY area. Last May, ASLF notified 17 companies of its intention to sue for EPCRA non-com-

pliance. While some settlements are expected soon, complaints are also being prepared this month for filing in federal district court. ASLF plans to bring additional suits in other regions.

Cases are developed with one part inspiration and three parts perspiration. Unlike the hundreds of Clean Water Act cases ASLF has successfully prosecuted, in which the company's own pollution reports serve as the basis for legal action, the search for *non-filers* under EPCRA is more akin to piecing together a jigsaw puzzle. After collecting all the necessary pieces, you find they don't always fit together. The gaps in the puzzle generally mean you've found a likely target for litigation under EPCRA.

Incidentally, it's possible that your research may work in reverse of your intentions, discovering companies which *should* have air or water permits, but *don't*, or companies which improperly dispose of hazardous waste--making them targets for suits under the Clean Air or Water Acts or the Resource Conservation and Recovery Act (RCRA).

Environmentalists interested in starting the process in their communities should develop a working knowledge of the state's freedom of information or open government laws and collecting some of these pieces of the puzzle:

- The state environmental agency should be able to provide a computer printout of companies in a given county which have voluntarily filed at least some of the reports required under EPCRA, a good starting point.

- Printouts of companies in counties which hold air and water pollution permits should be available from state agencies. They're useful for cross-checking against the list of EPCRA filers--so as to create your own list of companies which may be releasing large enough amounts of hazardous chemicals to be derelict non-filers under EPCRA, and thus targets for possible cases.

- Publicly-owned sewage treatment

plants should have available printouts or lists of companies which pre-treat their wastes prior to disposal in the sewer. Such "indirect dischargers" aren't required to obtain direct discharge water permits from the state, so these lists will make your cross-check even more accurate.

- Local Emergency Planning Committees, created by EPCRA, may be helpful in sharing data they have compiled in efforts to get companies to comply with the law's reporting requirements.

- Manifests tracking toxic wastes from "cradle to grave" are compiled under the RCRA and maintained by state environmental authorities.

- Industrial directories distributed by chambers of commerce (usually for a price) are good sources of data on local companies and generally include Standard Industrial Code (SIC) classifications for each entry--important because EPCRA only applies to manufacturers (SIC codes 20-39).

In all this cross-checking, you should look for evidence on companies that appear to be releasing above-threshold quantities of hazardous waste. The threshold quantity is generally 10,000 pounds per year for usage of a single chemical, but may be higher.

Once you have narrowed the list of suspects, you can dig deeper and inspect companies' air and water permits, hazardous waste manifest, industrial chemical surveys (maintained by sewage treatment plants), and other documents. This process should be aimed at collecting irrefutable data that the companies should have been reporting under EPCRA.

Though it's still a new environmental law, EPCRA's ultimate significance may well be the tremendous tool it offers the public for discovering what's out there, and doing something about it. But the first step will be ensuring that industry complies and the law works, a step that citizens should know is theirs to take. □



Is This Any Way To Treat A National Jewel?

By Bill Welch, Erie County Environmental Coalition & Sierra Club

Two decades ago, Pennsylvania and the United States identified Presque Isle State Park as being nationally important enough to become part of the U.S.'s system of "natural jewels." But in 1990 both the state and federal government are undertaking to destroy that "national jewel" by constructing the world's largest breakwater system of its kind.

Presque Isle State Park is a 5 1/2-mile long sand barrier peninsula that curves gracefully around the city of Erie, PA, forming its harbor. It is a scenic treasure that is one of the rarest and finest ecological preserves in the world, the home of diverse and rare wildlife and plants. It is also one of the finest examples of an unusual geological formation: a dynamic coastal feature called a "flying sand spit."

For these reasons, Congress designated the Lake Erie site as a National Natural Landmark, part of the system of national "jewels" established by law.

Great Lakes citizens have also voted their appreciation of it by making it the third most heavily visited state or national park in the U.S. -- up to six million people a year. As a result, it has become a keystone of Erie's economy.

Despite all this, the state approved -- and the U.S. Army Corps of Engineers is carrying out -- a \$30 million tax-paid "solution" to the problem of naturally migrating beach sands. The project is a chain of rock breakwaters composed of a half million tons of desk- and car-sized boulders, extending from one end of the peninsula to the other. Construction is now underway.

The massive breakwaters "solution" will cause a litany of new problems.

While it might stem the loss of beach sand from the main section, it will accelerate beach erosion at each end. The end of the peninsula, which is the home of most of the rare species and nesting areas, will rapidly erode away. It has already occurred where pilot breakwaters were installed.

The project will also cease the rare geological process that made the park the classic case in geology textbooks.

But the loss of critical habitat and geological uniqueness will endanger one more attribute: its National Natural Landmark status. For these are the very qualities which give it the national significance that qualify it as a National Landmark. If the Corps project continues, the National Park Service may be obligated to take away its Landmark status, giving Presque Isle and Erie the notoriety of being the first Landmark in history to be rescinded.

Great Lakes United, the Erie County Environmental Coalition and the Sierra Club notified Congress of the grave threat. Last June, Rep. Peter Kostmayer's House Interior Oversight Subcommittee held a hearing on the controversy. The testimony revealed that:

- The National Park Service neglected its statutory job of monitoring and notifying Congress of the threat, or opposing the project when it was under review

- The Army Corps failed to consider its impacts on the Landmark Status as the law requires

- The Pennsylvania Department of Environmental Conservation (DERC) has subjected the park to a long history of degrading projects, ranging from destruction of wetlands and a bald eagle nest, to allowing loss of habitat for up to 30 rare plants and rare birds, construction of a source of potential contamination

from sewage, and approval of the breakwaters project.

- The breakwaters are outlawed by numerous states and banned by the National Park Service for National Lake/Seashores because of their destructive effect.

- The breakwaters will also create a zebra mussel oasis that could destroy recreational use of the beach

- The breakwaters will, according to the County Department of Health, increase pollution that leads to beach closings, and also endanger public safety by creating dangerous rip tides.

- The scenic grandeur of the endless beach vista will be destroyed.

Furthermore, the government's neglect of this Landmark may be indicative of a nation-wide pattern of ignoring threats to Landmarks. Is this any way to treat our national jewels?

The only real solution to natural beach erosion is beach nourishment, the annual placement of new sand at the base of the peninsula, which is carried down the beach to replenish it. While an imperfect method, it has been successful for decades -- without destroying the park's qualities. While sand may cost more than a million dollars a year, "The state could buy sand forever just with the interest payments it would get by putting the \$30 million of breakwater funds in the bank," says Dr. Paul Knuth, a local coastal geologist.

The irony is that the breakwaters will ultimately be broken down by powerful lake forces, rendering them ineffective and requiring vast sums of money to rebuild them. This, of course, would happen long after they will have destroyed what they were originally intended to "protect" -- Presque Isle. □



The endless lake vista off Presque Isle will be blocked by 58 of these breakwaters.

Credit: Scott Kreuzer

NY Voters To Decide \$2 Billion Environmental Bond Act

On November 6, New Yorkers will be asked to help preserve our irreplaceable natural and historic heritage by approving the 21st Century Environmental Quality Bond Act, to appear as Proposition 1 on the statewide ballot.

"Once approved by the voters, the Bond Act will provide \$2 billion in critical state funds to protect natural areas and water quality for generations to come," says David Miller, Great Lakes Basin Advisory Council chair and past GLU director. "It will also provide \$14 million to the Great Lakes Protection Fund." His council is identifying up to 50 priority Great Lakes projects that the Fund should pay for.

The Bond Act will provide \$174 million to protect aquifers and watersheds that are the source of clean drinking water for millions of New Yorkers. It will help protect New York's Great Lakes, rivers, and coasts by preserving shoreline areas and provide grants to municipalities to upgrade sewage treatment facilities.

ment facilities.

Bond Act funds of more than \$455 million will assist local governments to support financially strapped recycling programs, develop regional markets for recycled materials, and close unsafe solid waste landfills. Monies will also be made available to hospitals to develop medical waste management facilities.

The Bond Act will offer nearly one billion dollars to help preserve New York's natural resources for future generations. Funds will be available to purchase new parks, wetlands, public lake access, sand dunes and wildlife habitat, among the dozens of Great Lakes projects identified.

YOU CAN HELP! Please make the Environmental Bond Act a reality.

Write to newspaper editors in support of the Bond Act. We also need volunteers to help promote its passage in your area. Contact Heritage 2000 Alliance, a statewide coalition of 221 groups, at 518-427-6924, 35 Maiden Lane, P.O. Box 309, Albany, NY 12201. □

Michigan Citizens Group Wins National Award

Friends of the Land of Keeweenaw (FOLK), a citizens' group from Michigan's Upper Peninsula, has been awarded a national conservation service citation from the National Wildlife Federation. The award recognizes FOLK's grassroots campaign to block plans to build a major new pulp mill along Lake Superior.

FOLK led a broad coalition that derailed misguided plans to locate a major new pollution source on Lake Superior. The suit also prevented the agency from using \$300,000 from a recycling fund to buy land on which to build the pulp mill. □

Great Lakes Bills Make Progress

A bill that would codify parts of the Great Lakes Water Quality Agreement and provide funds for federal and state implementation has been marked up by a Congressional subcommittee chaired by Rep. Henry Nowak (D-NY).

The bill (H.R.4323) has pleased Great Lakes advocates because it establishes deadlines for the development of Remedial Action Plans (RAPs) and Lakewide Management Plans (LMPs) called for under the Agreement. But there is concern over one provision which calls for states to issue water quality standards based on "guidance on numerical limits" for pollutants.

In testimony, environmentalists noted that the original version of the legislation called for "criteria" rather than "guidance" for water quality standards which states must meet.

"We are concerned that wrong interpretation of the 'guidance' clause," GLU director Phil Weller points out, "could hinder adoption of uniform, legally enforceable water quality standards that are needed to implement the Great Lakes Water Quality Agreement. Criteria, not guidance, are what are needed."

In another action, the Subcommittee marked up the Water Resources Development Act which would authorize for the first time "environmental dredging of contaminated sediments" by the Army Corps of Engineers. Currently the Corps is restricted to dredging within navigation channels. The amendment would bring to reality the Corps' "Great Leap" proposal discussed in a previous GLU issue.

However, environmental groups expressed their concern that the legislation did not require EPA oversight of this dredging. "Many environmental groups are skeptical of the Corps' commitment to the environment," said Brett Hulsey, Sierra Club Toxics Specialist. "We need the EPA and citizens to watchdog these dredging projects." □

GLU Membership/Funding Coordinator Joins GLU Staff

Great Lakes United announces the appointment of Kristine Miller as Development and Funding Coordinator. Ms. Miller will design and carry out a program aimed at expanding and diversifying GLU's funding sources. She will also be responsible for membership relations.

Though a native of Western New York, Kristine earned her B.A. degree at the University of Toronto. Following that, she worked as Director of Community Outreach for the Sierra Club Environmental Education Committee (Atlantic Chapter). One of the fundraising initiatives set for this fall is a new

member recruitment campaign. Please contact Kristine at the Buffalo office if you know of any individuals or organizations who might be interested in joining us. Also, if you would like to volunteer your time in any way, Kristine would be more than happy to speak with you!

Other staff news includes the departure of Helene Dreifus, who worked for two years as executive secretary. Her enthusiasm, commitment and office management skills were a benefit to GLU. Jim Ahl, Technical Analyst, also left for other employment. We wish Helene and Jim well in the future! □

Citizens Invited to Lake Workshops

The Lake Michigan Federation (LMF) is holding workshops to educate citizens on how to be involved in the Lake Michigan Lakewide Management Plan that U.S. EPA will prepare.

Executive director Glenda Daniel, said "the Lakeshops provide a solid opportunity for citizens to be heard on the most significant clean-up to affect Lake Michigan in this decade."

The lakeshops are scheduled on Saturdays from 10 a.m. to 3 p.m.: Sept. 8-Escanaba, MI; Sept. 22-Gary, IN; Oct. 26-Milwaukee, WI. Call (312)-939-0838 for exact locations. □



How "Green" is Canada's Green Plan?

By Vanessa Alexander, Toronto Environment Action

Last summer, debate amongst environmentalists swirled around green products and green consumers; this summer it has centered on the Canadian government's Green Plan -- in their words, "a framework for discussion on the environment." To some, both are ridiculous concepts: in their eyes, "green consumer" is an oxymoron, and the so-called "Green Plan" is neither green nor a plan. Others, though, are much less skeptical. Environment Canada has poured tremendous resources and time into the Green Plan, and the federal Conservative government desperately needs to gain some sort of credibility in the area of environmental protection.

After the reelection of the Mulroney government in 1988, Lucien Bouchard, a close friend of the prime minister but a newcomer to federal politics, was appointed as Environment Minister. This time, we were told, the portfolio was to be given a new prominence within cabinet and the bureaucracy. Bouchard promised much: an environmental review of federal projects and policies, and a greatly increased budget for Environment Canada. All would be revealed by the end of 1989 in Bouchard's sweeping "Green Plan" -- a plan epic in scope and power, reaching far into areas of other, more established ministries.

Bouchard's original Green Plan never saw the light of day outside of the most senior levels of government. Instead, after endless delays, Bouchard released a document full of questions about environmental issues, many of which environmental advocates thought had been answered long ago.

We had been promised an action plan; what we got was less than a discussion paper -- it was only a "framework" for discussion. The plan's future was made even murkier when Bouchard suddenly quit the Conservative party, resigning as Environment Minister. Mulroney quickly appointed Robert de Cotret, head of the Treasury Board, as half-time, interim minister. He was known as a strong backer of industry and business, but not a known friend of the environmental movement.

The introduction of the Green Plan speaks boldly of the goal to "make Canada, by the year 2000, the industrial world's most environmentally friendly country." That goal did not appear to be met, judging by the types of questions being asked in the document, such as:

- on legislation and regulation, "Should the Government emphasize compliance (i.e., advising firms on how to meet requirements) or enforcement

(i.e., inspecting and initiating legal actions as required)?"

- on global warming, "Should Canada commit itself to greenhouse gas emission targets? Should Canada commit itself unilaterally or only as a part of concerted international action?"

Release of the Plan was followed by informational and consultation sessions across the country.

The Canadian Environmental Network recognized the importance of communication amongst environmentalists to develop positions on the Green Plan.

In Ontario, we had only three weeks to organize and coordinate about 450 groups across a very large province before the Toronto regional session on June 4 and 5. Groups in northern and eastern Ontario had a bit more time to prepare as they were invited to the Ottawa regional meeting June 25 and 26. Barbara Wallace, of the Citizens' Clearinghouse on Waste Management, was hired to get in touch with environmental groups and to help organize preconsultation meetings in Toronto. In Northeastern Ontario, we hired Northwatch (a regional coalition of environmental groups) to do networking around the Green Plan in the region.

The Ontario Environment Network lobbied Environment Canada and their Ontario consultants to invite all the groups on the network's mailing list and succeeded getting more names added. The Network hosted three preconsultation meetings to come up with key positions on issues, and identify important gaps in the document. The latter proved fairly easy: the Green Plan:

- has no clear action plans, with specific targets, goals, timelines and budgets;

- needs much more on nuclear issues -- a nuclear phase-out plan would be particularly green, in the opinion of those in the OEN sessions;

- is incredibly weak on the links between environment and health, and what needs to be done in that area; and,

- is only an Environment Canada document discussing a national strategy that will need cooperation of several other federal departments and other levels of government if it is to succeed.

The actual Green Plan consultation sessions met with criticism across the country. All sessions were held in the week for two entire days. It was impossible for many of the environmental groups run entirely by volunteers -- a small staff to be represented. Invitations went out ridiculously late.

After the workshops, reports given at the final plenary session tended to be cautious affirmations of fairly accepted principles instead of the sort of bold proposals for action we needed to see. □

Reactions from environmentalists ranged from mild enthusiasm to frustration. The sessions were often extremely slow-going, with many participants lacking in understanding the depth of environmental issues. Attempts to put environmental concerns ahead of economic growth met with swift and hearty resistance from industry and, often, government bureaucrats.

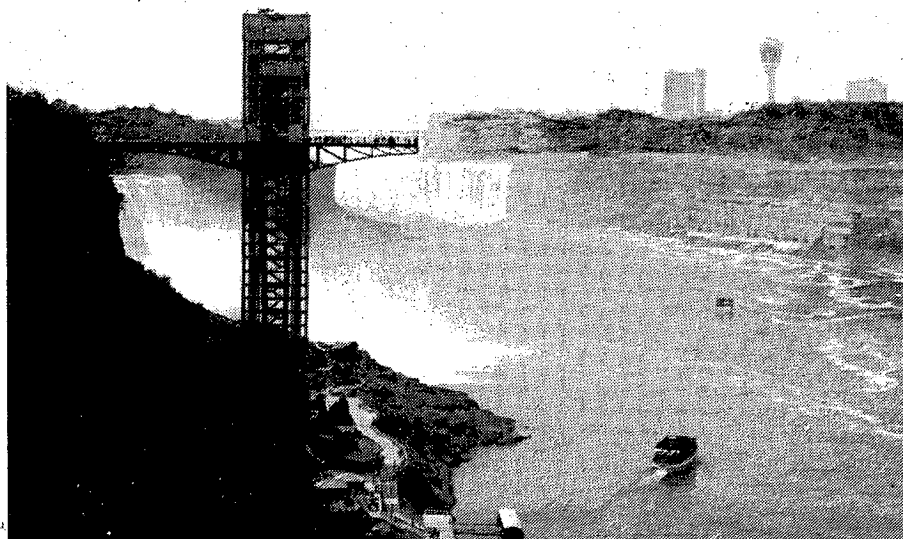
Plans are now in place for the national wrap-up session to be held in Ottawa August 20 and 21. Of 400 seats at those sessions, 80 have been reserved for Canadian Environment Network delegates representing all the regional and national environmental groups.

While many were frustrated by the document and by the first round of consultation sessions, there is still hope that this final session will prove important. We hope that the government will ultimately provide us with a new docu-

ment with more substance than the first had, with clear programs and clear timelines.

The new environment minister, who will also be a key figure in the discussions, has turned out to be more sympathetic to environmental issues than expected. The success or failure of the Green Plan is, no doubt, bound tightly to the thoughts of M. de Cotret.

Debate continues around the Green Plan, ranging from staunch critics who have consistently called for a boycott of the whole process to those who remain committed, convinced that it is good to be at the table even if the discussion leaves a lot to be desired. We won't really know who's been right or wrong until the late fall when, at long last, we get the new version of the Green Plan. After the wrap-up sessions, all we can do is sit and wait for the federal wheels to turn. Let's hope they take a new road. □



Tourist tower obstructs the very view (Niagara Falls, behind it) that tourists seek from Rainbow Bridge.

Great Lakes' Greatest Wonder Eclipsed by Commercialism

By Susan Lemma

Niagara Falls. A magnificent, natural wonder, and the Great Lakes' greatest spectacle. The second largest falls in the world; the fifth most visited tourist attraction on the continent. Niagara Falls can only be described in superlatives.

But there are many who decry that this scenic wonder is being abused by commercial-minded interests. It is hidden beneath a series of artificial tourist attractions. With each new development, the Falls is intruded upon and masked, while the cities on both the Canadian and American sides compete for tourist dollars. Each year, 14 million people come to see the natural wonder, but the business interests intentionally draw them away from the Falls themselves -- sending them into a honkytonk, contrived complex of tourist "traps" and amusement sites.

The problems of human intrusion on the Falls date back to the turn of the century. At that time, the great park planner Frederick Law Olmstead believed the area should belong to the public. Olmstead thought that the natural wonder of seeing the Falls and rapids close up would be reason in and of itself not to develop the land.

But this was a naive assumption. After Olmstead's death, the Niagara State Reservation's first superintendent viewed the park as a commercial attraction and began to develop the land with walkways and roads.

Today, the seven-mile American access to the Niagara gorge is blocked by a highway. The skyline of the Canadian side makes the vista look like a giant amusement park rather than a scenic reservation. On the American side, the State Park Visitors Center advertises

commercial attractions rather than focusing on, and guiding visitors to, the park's myriad of natural attractions. Instead of creating a museum showcasing the amazing natural history of the park and the Falls, a restaurant was built. Private tourist helicopters use the State park for a landing pad, creating a roar that drowns out even the roar of the Great Falls!

Developers are always pushing for new ideas, the most recent being a monorail through the bottom of the spectacular gorge.

There appears to be limited citizen action to protect the Falls. One group, though, has effectively lobbied for the removal of the helicopter landings on Goat Island as of April 1991.

But this is not enough. City planners need to realize the value of minimizing commercialization of the Falls, that increased development does not mean an enhanced tourist setting.

Alfred Chiodo, a leader of a Niagara Falls citizen action group, said exactly the opposite happens. Many people, especially locals, stay away from the park because of commercial projects.

"The helicopter business is disrupting the picnic areas. Children can't fly kites. The fumes are nauseating, it isn't fun anymore."

Nevertheless, he said it is even worse on the Canadian side. Many local Canadians come to the American side because it's actually less congested.

He emphasized people have to prevent the park from further land destruction and "keep the American side from becoming like the Canadian side."

"We don't want to be a honkytonk," he noted. "The Falls is still beautiful. We are trying to preserve a park for generations to come." □

Citizens Review Canada Role in Health

continued from page 1

bioaccumulating chemicals, revised building codes for new developments strengthening of food quality standards, improvements in the educations of health professionals, and professionally-supported public interest representation in risk assessment processes.

It was strongly recommended that Health and Welfare develop a formal policy on public consultation. In such a policy, the public should be defined to include the general public as well as those represented in non-governmental organizations (NGOs). In order to include this broader, general public, town hall type of meetings and public notification networks could be used.

Health and Welfare Canada was also urged to develop a specific policy and process on public participation in rule making, standard setting, and health risks assessments. The agency should give the public early admittance to this

process (eg., public comment long before a policy becomes a regulation). And lastly, they should set up an on-going Public Advisory Commission to meet regularly with NGOs.

A participant questionnaire revealed that 92% were very or somewhat concerned about miscarriage, infant mortality, birth defects, subtle developmental defects, and the immune system in relation to toxics in the Great Lakes area. Other health items such as cancer and lifespan were of similar concern to 84% to 88%.

Recommendations were also presented for Health and Welfare Canada in the area of research and public relations; on the role of citizens' groups in strengthening health protection and networking; and on ways for citizens to protect their own health.

A report on the workshop is available from the GLU office. □



21-Groups Adopt Joint Great Lakes Wetland Policy

By Stephen Brown and Gail Gruenwald,
Tip of the Mitt Watershed Council

Wetland protection is vital to the integrity of the Great Lakes Ecosystem. Yet wetlands are addressed in only an incidental way in the Great Lakes Water Quality Agreement.

To strengthen their protection, the Great Lakes Wetlands Policy Consortium recommends that a new Annex to the Agreement dealing specifically with wetlands should be added.

This recommendation is one of 50 that are presented in the consortium's final report, *Preserving Great Lakes Wetlands: An Environmental Agenda*, to be released this fall.

The Consortium was formed by the Tip of the Mitt Watershed Council in 1989 to study wetland policy issues in the Great Lakes Basin, and to make recommendations on how wetland protection should be improved.

The 21-member Consortium is a U.S.-Canada group of diverse interests, but all share a commitment to protecting the values of wetlands.

Wetland protection organizations throughout the Great Lakes Basin face similar challenges in supporting wetland protection programs in their jurisdictions. Nevertheless, there has been little coordination among groups to develop wetland policy goals or to share expertise. At present, environmental groups develop wetland policies as challenges to existing programs arise. This kind of reactive policy formation limits the effectiveness of efforts to support wetlands policy.

By developing a comprehensive statement on wetland policy goals, the Consortium aimed to develop a more proactive, coordinated approach to wetland concerns. The final report addresses the major issues involved in wetland protection and recommended policy changes to support its goals.

Among the most significant recommendations are:

1) Everyone who lives or works in the Great Lakes Basin, and all of the governments whose actions affect the Basin, must take responsibility for protecting and restoring its vital wetland resources;

2) Nongovernment and government agencies at all levels should adopt or work to improve regional coordination and planning policies which contribute to the protection of wetlands;

3) The Governments should develop a new wetland annex to the Great Lakes Water Quality Agreement and the Ontario government must develop wetland

protection legislation;

4) Government should encourage private stewardship by creating economic and other incentives, eg. property tax relief to promote private protection of wetlands;

5) Effective regulatory programs are necessary at all levels of government that prohibit destruction of existing wetland ecosystems by strictly regulating activities that destroy wetlands and buffer areas surrounding them;

6) Government should not provide funding for wetland destruction activities, especially those that it is attempting to control or eliminate through regulation. This includes expanding existing programs such as the Coastal Barriers Resources Program which prohibits federal insurance payments for property destruction within designated sensitive coastal barrier areas. Also, programs like Swampbuster should be amended to better protect wetlands;

7) Restoration efforts should be expanded and use incentives to increase the quantity and quality of Great Lakes wetland resources;

8) Wetlands should be actively managed so as to preserve their critical functions;

9) Research efforts should focus on applied problems at the ecosystem/watershed levels so that wetlands can be effectively protected, managed, restored and created;

10) Programs that secure permanent protection of critical wetland ecosystems should be expanded;

11) Educational outreach programs must be expanded and public access to government decision-making must be improved; and

12) Regulations should be changed to adopt a common definition of wetlands, and wetland impacts allowed under permits should require compensation using basin-wide standards.

This policy will be used by organizations within and outside the Consortium to develop wetland policies in their area or to improve existing policies.

For example, in Michigan, the Watershed Council will coordinate as Action Coalition of environmental groups to effect improvements in Michigan's wetland protection program. The Action Coalition will publicize the recommendations in the report, and prepare educational materials documenting the importance of wetlands in the state. The Action Coalition will also serve as a model for other groups in the Great Lakes Basin working to implement the recommendations in their areas. □

Lake Giveaway Halted by Court Victory

On June 22, 1990, U.S. District Court Judge Marvin Aspen ruled in favor of the Lake Michigan Federation by ordering a local university to permanently stop filling in Lake Michigan to create new land for their campus.

The judge agreed with the Federation that the Illinois General Assembly's conveyance of about 20 acres of Lake Michigan lake bottom land for \$10,000

(approximately \$400 per acre) for Loyola University to build athletic fields violated Illinois's 98 year-old "Public Trust Doctrine". The Doctrine generally holds that public resources cannot be sold to private entities. While Loyola University (co-defendant with the U.S. Army Corps of Engineers) had agreed that a footpath around the perimeter of the lake fill would be open to the public-- so as to show some public benefit of the project-- Judge Aspen ruled that "while such improvements made the project more palatable to Illinois legislators, the inescapable truth is that the lake bed property will be sacrificed to satisfy Loyola's private needs."

The ruling in *Lake Michigan Federation, et al. v. U.S. Army Corps of Engineers, et al.* is viewed by legal authorities as a decision of major importance that could have nationwide repercussions. It is a major step toward checking the privatization of public resources, especially Great Lakes lakebottom land. For a copy of the opinion to safeguard your coastal lands, call 312-939-0838. □

Mich. Rivers Need Your Help

By Brett Hulsey, Sierra Club

The Sierra Club, the Upper Peninsula Environmental Coalition (UPEC), Michigan United Conservation Clubs, and Great Lakes United urged members of Congress to enact a strong and swift Michigan Rivers bill at a public hearing in Marquette, Michigan held on July 24. The hearing was held by the U.S. House Subcommittee on National Parks and Public Lands to adopt Michigan Scenic Rivers legislation to protect both Michigan's outstanding rivers and local community and resident interests.

These two goals can be achieved in H.R. 4019, the Michigan Scenic Rivers Act, when the Subcommittee marks up this bill later this summer, by making several changes in the original bill.

"The part of H.R. 4019 that would release certain segments of rivers from any further protection under the National Wild and Scenic River System must go," said Gayle Coyer, UPEC President. Mead Paper has proposed siting of a major pulp and paper mill on one of those river segments -- the Ontonagon River. If built, the mill will discharge thousands of tons of organochlorines, including dioxin, into the river and Lake Superior," Coyer explained.

To fully protect the most important rivers, several additions outside of national forests need to be studied. These

are segments of the Ontonagon, Yellow Dog, Black, Manistee and Pine Rivers.

While the Forest Service has almost never used its condemnation authority, provisions in the bill would limit that authority. However, the groups urged that studies be conducted to determine the futures of these river segments. Stretches of the Ontonagon and Whitefish Rivers should be designated for further study rather than as Recreational rivers at this time. Recreation river status allows mining and lumbering in the stream bed.

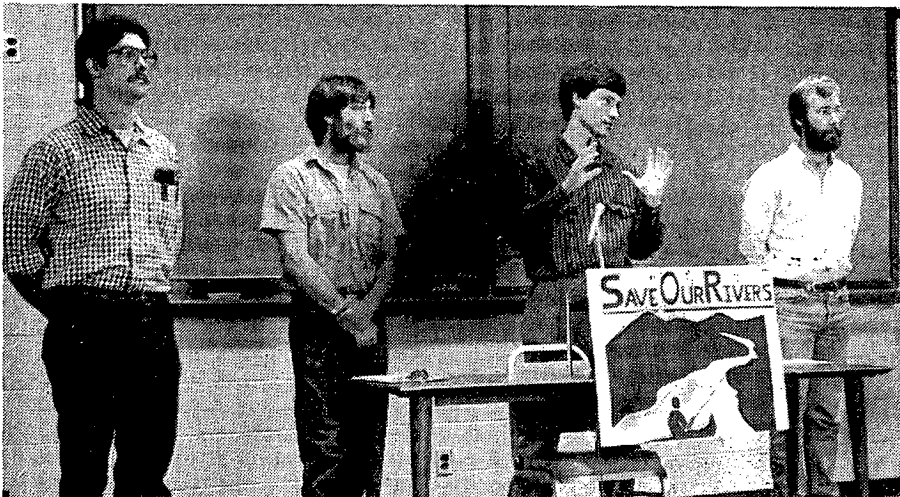
Several rivers in H.R. 4019 deserve upgraded classification to better protect their wild and scenic qualities. These include portions of the Ontonagon, the Paint and the Presque Isle rivers.

YOUR HELP IS NEEDED TO PASS THE MICHIGAN RIVERS BILL.

Write Rep. Bruce Vento, Rep. Dale Kildee, Sen. Don Reigle and Sen. Carl Levin, and your own congressmen at U.S. Capitol, Washington, DC 20510. Ask them to:

1) Move quickly to pass the bill this session; 2) Remove all release language from the bill to stop the paper mill; 3) Use the study river category to deal with public concerns; 4) Upgrade key rivers for additional protection.

For information, call Alison Horton, Sierra Club, Lansing at (517) 484-2372 or Gayle Coyer, UPEC, at (906) 249-1448. □



(L-R) Mike Huntley, UPEC; Gary Weglarz, Upper Peninsula Canoeing Assoc.; Brett Hulsey and Marvin Roberson, both of Sierra Club, spoke at news conference before Michigan Rivers Congressional hearing.

Michigan Governor Set Example For Strengthening Great Lakes Policy

By Sherry Finkbeiner, Legislative Analyst

Governor James Blanchard gave major support toward the "virtual elimination" of toxic pollution in the Great Lakes, strengthening commitments contained in the U.S. - Canada Water Quality Agreement and the Governors' Toxic Substances Control Agreement.

In a historic Executive Order, the Governor directed all departments and agencies within Michigan state government to manage water pollution control programs with the goal of virtual elimination of persistent toxic pollutants in toxic amounts to the Great Lakes from Michigan sources. The Michigan Office of the Great Lakes, in implementing the Executive Order, is proposing guidelines based on a Great Lakes Impact Analysis that will be available to the public.

To reach the goal of "virtual elimination", the order requires the Department of Natural Resources (DNR) to administer the water discharge permit program so that all permits for sources in a watershed are reviewed together. It also requires the Air Pollution Control Commission to establish air toxic rules to reduce the loadings of persistent toxics to the Great Lakes, in recognition of the multi-media nature of Great Lakes pollution. The order further requires each agency to administer and coordinate control programs to accomplish

Michigan's responsibilities in implementing Remedial Action Plans and Lakewide Management Plans.

The Governor also ordered Michigan's agencies to adhere to and provide leadership for the private sector in compliance with the federal Clean Water Act, the Clean Air Act, the Resources Conservation & Recovery Act and the Federal Insecticide, Fungicide Act (CERCLA).

The Governor underscored the need for pollution prevention in directing each state agency to encourage reduction, reuse or recycling of persistent toxic substances as an alternative to their release or discharge to the Great Lakes.

Finally, to guarantee steady progress toward achieving the goals of the Water Quality Agreement and the Toxic Substances Control Agreement, the Governor directed the DNR to work with its counterpart agencies in other Great Lakes states and provinces and with appropriate federal agencies to ensure region-wide public review of state water quality standards and pollution control programs for consistency with the agreements.

By administering these state programs in a manner consistent with the Great Lakes protection agreements, Michigan State government can improve the quality of the Great Lakes, both directly and by setting an example for other local, state, provincial and federal governments. □

INDIANA DUNES BILLS MOVE

Long awaited U.S. legislation to expand the Indiana Dunes National Seashore was introduced into the Senate, while a House bill was already passed. The House bill (HR 3209), introduced by Rep. Visclosky and Jontz, would add 3400 acres, while the Senate bill (S. 2882), sponsored by Indiana Senators Richard Lugar and Dan Coates, adds only 1280 acres.

Lake advocates applaud the addition of Crescent Dunes, one of the last undeveloped Indiana shorelands left. But they urge expansion of the Senate bill to add acreage found in the House bill. □



Canada Seeks Own Delisting Criteria for Areas of Concern

By Karen Murphy, GLU Field Coordinator

For many of us living in Areas of Concern it seems premature to discuss "delisting." But removing the designation as a toxic hot spot has been a hot topic for governments and the International Joint Commission for the past year and a half. Developing criteria for delisting Areas of Concern is important because it provides specific guidelines for determining when an area has been cleaned up. However, inadequate criteria could lead to delisting "in name only" and not actual cleanups.

In Spring 1989, the International Joint Commission (IJC) released draft delisting criteria. Citizens from throughout the Basin provided comments on those criteria in an effort to expand and improve upon their scope. The IJC is presently incorporating comments on the 1989 draft criteria and developing final listing/delisting criteria which may be released this fall.

In apparent dissatisfaction with the IJC's proposed criteria, Environment Canada and the Ontario Ministry of Environment, developed *Principles for Delisting Canadian Areas of Concern*. These are not specific criteria, but principles which will guide the development of criteria. The Canada-Ontario Agreement Steering Committee (which oversees the RAP process) distributed these principles to Remedial Action Plan (RAP) Coordinators and citizen representatives from RAP Public Advisory Committees (PACs) at their annual meeting held in April 1990. Comments are being solicited from the PACs. The deadline for comments is mid-September. Environment Canada hopes to have final principles and draft criteria developed by November.

Great Lakes-United polled citizens

LAKE LEVEL UPDATE

Water levels of all five Great Lakes fell due to lower precipitation. August 3, 1990 levels recorded by the Department of the Army were:

	Change from record Aug. high	Since last Aug. 3
Lake Superior	-20 in. (1986)	-6 in.
Lake Mich.-Hur.	-36 (1986)	-2
Lake St. Clair	-25 (1986)	-1
Lake Erie	-22 (1986)	-3
Lake Ontario	-25 (1947)	-6

participating on Canadian RAPs to identify their concerns about these proposed delisting criteria. The following concerns were raised:

- Environment Canada and the Ontario Ministry of the Environment have not clearly demonstrated a need for delisting criteria distinct from those developed by the IJC.

- The proposed principles recommend that more authority be vested in the local advisory committees for determining when delisting is appropriate. However, communities whose economies are based on tourism, fishing or other industries that may be directly impacted by designation as an Area of Concern, lack the impartiality necessary to determine when delisting of their own area is appropriate. In addition, some areas do not have public advisory committees.

- Delisting should not occur until all goals or objectives of the RAPs are achieved.

- Under the proposed principles, existing standards and regulatory programs would provide an initial screen for those Areas of Concern seeking delisting. However, existing regulatory programs do not provide adequate criteria for determining whether an area has been cleaned up. One PAC representative summed up these concerns as follows: "We're golden right now. There are no air standards, no sediment criteria, limited water quality standards, and no standards for persistent toxic substances. *Given this scenario we could be delisted tomorrow.*"

The Great Lakes Water Quality Agreement requires the U.S. and Canada to adopt a joint approach to delisting. In signing the Agreement, the U.S. and Canada pledged to implement and carry out its principles, objectives, and programs. The development of different delisting criteria for each country is an abrogation of the intent and spirit of the Agreement. Separate, and possibly unequal, delisting criteria for the two countries violates the spirit of cooperation and the concept of approaching environmental problems from an ecosystem and joint approach.

To become involved, call Louise Knox (416-973-9736), or Griff Sherbin (416-973-1107) of Environment Canada or contact Karen Murphy at GLU. □

In the Public Interest

By Paul Muldoon and Richard Lippes

QIn reference to water quality laws, some refer to technology-based standards and others refer to water quality standards. What is the difference?

AFor the most part, both Canadian and U.S. regulatory systems use both technology-based standards and water quality standards. These standards or criteria form the basis for the development of effluent limits in a discharger's permit.

While fundamentally different in nature, these two types of regulatory standards are designed to be complementary and mutually supportive.

Technology-based standards are effluent limits that are based upon what is technologically feasible and, often, economically achievable. These effluent limits are developed according to a number of steps. By and large, all industrial dischargers are divided into categories or sectors, such as petroleum refining, pulp and paper, inorganic chemicals, and so on. Second, a certain technological level is selected. For example, in both Canada and the U.S., the most often used level is the "Best Available Technology" (BAT). A process is then put in place to determine what is the BAT for each industrial sector. A BAT option may include a treatment technology or a management practice. Once a BAT is selected, a limit is set based upon a concentration, mass per unit of production or loading. For example, in petroleum refining, a limit may be set for the discharge of phenols for every 1000 barrels of feedstock. A BAT standard is a performance level; the discharger can achieve that limit

any way it wants to, even using a different technology. These standards are usually, but not necessarily, reviewed every five years.

While technology-based standards relate to technology feasibility, water quality standards relate to ecological need. For water quality standards, the dischargers' effluent must meet some acceptable level in the receiving waters. To develop these standards, usually water quality criteria are established through acute, and at times, chronic, toxicological testing, risk assessment, or other methods. Water quality standards are usually in place to protect wildlife and human health. Once the water quality standards are set, effluent limits are designed to meet the acceptable concentrations in the receiving waters. In the U.S., these standards are usually revised every three years.

Under the U.S. Clean Water Act and Ontario's Municipal Strategy for Abatement (MISA), dischargers must meet the more stringent of the technology- or water quality-based effluent limits. These limits are then put in the discharger's permit. It took over a decade for the US EPA to complete the technology-based limits, and now some of those standards are being reviewed. Ironically, the vast majority of permits in the Great Lakes have water quality-based limits owing to their more stringent nature over technology-based standards. However, in Ontario, MISA will be spending the next few years exclusively devoted to developing new technology-based standards. Once those standards are completed, then water quality standards will be developed. □

Citizens to Rigorously Review MISA

continued from page 1

The groups publicly stated, "The Ministry of Environment's new water pollution control strategy cannot possibly achieve its stated goal of eliminating persistent toxic pollution."

In response to the Ministry paper, the groups have prepared their own position paper about the MISA process. Foremost among our concerns is that MISA, as implemented through Ontario's proposed positions, will not implement the concept of zero discharge. Instead, MISA sets in motion a gradual reduction in discharge of some pollutants in some future time. It does not establish a schedule or timetable for the elimination of the discharges of persistent toxic chemicals into the environment.

The MISA that Ontario is proposing is clearly not "a zero discharge MISA". It is a MISA that will legitimize further discharge of persistent toxic chemicals, that will not conform to international obligations, and one that will not meet public expectations. MISA has been transformed into a technocratic, complex, secretive and unworkable regulatory framework.

If MISA is going to achieve zero discharge, it must incorporate fundamental principles and address issues it has yet to recognize.

(1) It must use a PRECAUTIONARY PRINCIPLE: common sense dictates chemicals should not be used unless conclusive scientific evidence proves those chemicals are benign. Any doubt should be in favour of health protection. To achieve this MISA must establish:

(a) that there is no right to pollute this province's waterways, and it is up to the discharger to prove that its discharges will not harm the environment;

(b) that the only legitimate regulatory strategy is that of *pollution prevention* - avoiding the creation and use of toxic chemicals rather than attempting to find "safe" or "acceptable" levels using end-

of-the-pipe technology; and,

(c) that the recognition of persistent toxic chemicals must be completely eliminated through bans and phaseouts.

(2) Unless modified, MISA will also fail to adopt an ECOSYSTEM APPROACH. As proposed, it does not modify the existing closed-door process, and will not create reasonable goals and time lines for implementation. MISA must create a multi-media approach to eliminating inputs of persistent toxic chemicals from all sources to all media.

(3) It must create an OPEN REGULATORY APPROACH. All stages of the regulatory process must be open to the public. The public must gain access to and have input into the definition of regulatory goals, and the establishment and enforcement of regulations.

(4) And it must create MEASURABLE GOALS AND TIMETABLES: Publicly established goals and timetables should be the driving force behind any regulatory system. All effluent regulations must be linked to a concrete timetable for achieving zero discharge and eliminating the generation of persistent toxic substances.

If MISA is truly going to be a substantial advancement over the existing failed approaches to control pollution, these features must be incorporated. The four-month review period gives the public an opportunity to provide comment to the Ministry on these and other issues related to MISA. Great Lakes United and the four other groups who prepared the position paper are hoping to get endorsements of the paper so it can be submitted to the Minister in early October.

To endorse this critique, groups can obtain a copy from the GLU office. Endorsements must be received by October 1, 1990. To receive a copy of the Ontario's MISA reports, contact Frank Giarno, Environment Ontario, 2nd Floor, 135 St. Clair Ave. West, Toronto, Ontario M4V 1P5, (416)323-4648. □

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The Jobs V. Environment "Conflict" is Just a Polluters' Myth

(The following editorial is adapted from a speech given at GLU's 1990 Annual Meeting last May. Labor/environment concerns were one of the founding issues for GLU, and labor unions such as the UAW have always been a vital part of the GLU coalition. At the Annual Meeting, a Labor & Environment Task force was initiated and will develop strategies on this important issue.)

By Richard Grossman, coauthor of *Fear at Work*, and publisher of *The Wrenching Debate Newsletter*

From 1975-1984, the group, Environmentalists For Full Employment, helped community and labor activists counter corporate and government job blackmail. We believed that it was possible for communities to force employers/polluters to provide decent, well-paying jobs and to protect the natural environment.

In fact, as Richard Kazis and I documented in our 1982 book *Fear at Work: Job Blackmail, Labor & the Environment*, people from different backgrounds were able to stand together against divide-and-conquer tactics of powerful corporations and government officials. Community solidarity resulted in many labor-community victories and many labor-environmental alliances were formed during these years.

But about 1980, the polluters/employers stepped up their job blackmail efforts. With help from the Reagan administration, they threatened layoffs and shut downs, pitting worker against worker, union against union, community against community. Laying off thousands of highly-paid skilled workers, they intimidated millions more workers into wage, benefit and working conditions concessions. For example, over three years in the early '80s, 3/4 million workers employed at nine corporations gave up \$7 billion. The NLRB and OSHA ceased to offer even the slight protections they had provided before. At the same time, the Interior Department and the Forest Service were given over to the loggers and miners, the developers, the polluters. The government's nuclear bomb industry went on an expansion and polluting rampage. Production and use of toxic chemicals in military and civilian industries skyrocketed, doubling every eight years. The EPA nurtured into existence a corporate waste-dumping in-

dustry, giving away the store in the process. All the while, real wages were declining, unemployment rising, poverty increasing, the gap between the rich and poor widening, unionized jobs disappearing, the power of unions was waning.

At the dawn of the '90s, public health, the environment, decent standards of living, workplace health are all under serious attack. Yet the polluters got richer and more powerful during and since the Reagan years.

Carnage in the workplace continues: over 100,000 die each year from diseases gotten on the job, over 400,000 contract diseases in their workplace each year, 6-8 million are injured on the job, with many thousands disabled and killed.

And so today, at the threshold of the so-called "environmental decade," the polluters are polluting more. They are wealthier, more powerful. Our government is a major polluter, and does not enforce the many laws which the labor and environmental movements were able to get through Congress in the past. In the name of "jobs," "competitiveness," and "national security," corporations and our government peddle health and environmental destruction, inadequate wages, untested technologies. In the name of some greater "good," our communities are being trained to let the polluters/employers set our goals for us. We are being forced to choose between our livelihood and our health, between our jobs and our environment, forever more. Everywhere that people protest today to protect our health and our jobs, we run smack into corporate or government job blackmail more effective than it was a decade ago.

Obviously, we need major changes. The leadership for these changes needs to come from the workplaces and the communities where environmental and economic harm is being done... where

GLU Sets Up Labour-Environment Task Force

At GLU's Annual Meeting, delegates voted to set up a Labour-Environment Task Force to develop joint strategies to address environmental problems in the workplace and community.

Key issues are to develop a stronger alliance between labour and environmental groups; Right-to-Act, e.g., the right to stop a plant from polluting; how to achieve Zero Discharge in both the workplace and the community; compensation for contaminated workers; and to develop product changes to minimize use of toxic substances.

Rick Coronado, Windsor & District Clean Water Alliance; Gary St. Laurent, Windsor & District Labour Council; Dorreen Carey, Grand Cal Task Force; and Lynn Kaatz Chary, Hoosier Environmental Council, are the initial members.

citizen resistance has been brewing.

Coalitions like Great Lakes United -- made up of people with roots in their communities, seeking both economic and environmental justice -- already know that existing laws have not been adequate. You know how much your protests are dismissed by public officials. You know the power of job blackmail.

You, as citizens, have to define your goals -- not the IJC or the EPA or the Congress -- if you really want to reverse the destruction of the Great Lakes and protect your communities' economic and employment vitality. Your strong insistence on the "zero discharge" goal reveals that you understand how the Clean Air Coalition abandoned what so many struggled for a decade ago and how much giveaways have become the order of the day. It is vital that you resist any efforts to weaken this goal.

But it is not enough just to hold the line. We've got to step up the pressures on both our environmental and labor movements, as well as on the polluters and government officials. We've got to increase our aspirations, seek changes in policies which actually will bring about our goals: phase outs and bans of many toxic chemicals; the shifting of burden of proof to the polluters; reparations and health care for people/communities already harmed; restoration of our communities; the right to refuse unsafe work; the presumption of liability on the part of the industrial producer/user of toxics; community controls over capital mobility...

We need to direct our struggles to where investment and production decisions are made. We need to break through the myth that tells us only the corporations have the right to decide how and what is produced... that democracy must stop at the factory gates. We need to start negotiating the

shift to a non-polluting, economically just society.

It is our right to help design these economic and social changes. We have the skills necessary to make these transitions fair and just. But we are being frozen out... and so our values are not being reflected, our knowledge not being used.

Instead, our resources, our labor, our taxes, our government are all being used to poison our communities and undermine our rights as citizens. If we want to stop the health and environmental destruction which has increased despite many "landmark" laws and new public consciousness; if we want to strengthen our communities and win back our rights as wage earners and citizens, we who come to the political process from "labor" and "environmental" constituencies will have to figure out how to pursue these goals in solidarity with one another.

Today, many corporations and much of our government are out of control. The result is increasing poverty, community chaos and health destruction. People are increasingly fearful of being poisoned, and of being without an income. And so it is up to us, in our communities, to bring the powers that direct money, resources, technology and labor under our control. This will require solidarity like we've never had before.

Great Lakes United is in a unique position to show what solidarity can accomplish. I wish you well.

FEAR AT WORK: JOB BLACKMAIL, LABOR & THE ENVIRONMENT, by Kazis and Grossman, will be published in a new edition this fall, by New Society Publishers, 4527 Springfield Ave., Philadelphia, PA 19143.

GLU Opens Ontario Office

In August, Great Lakes United opened an office in Windsor, Ontario at the University of Windsor. GLU researchers Lydia Stomm and Mary Ginebough will conduct research on Canadian environmental and health regulations from the Windsor location.

University of Windsor President Ron Ianni has generously provided the office at Assumption College to GLU. The P.O. Box will continue to be the Canadian mailing address.



Richard Grossman speaking on Jobs and the Environment at GLU Annual Meeting in Green Bay, WI.

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