

# Toxinformer

Environmental Health Coalition

Volume 28, Issue 1

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## Last stop on the long road to victory

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# ENVIRONMENTAL HEALTH COALITION

Fighting Toxic Pollution  
Protecting Public Health  
Promoting Environmental Justice  
1980-2009

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# EHC

Organizing for Justice

ENVIRONMENTAL HEALTH COALITION is dedicated to environmental and social justice. We believe that justice is achieved when empowered communities act together to make social change. We organize and advocate to protect public health and the environment threatened by toxic pollution. EHC supports efforts that create a just society which foster a healthy and sustainable quality of life.



THE BORDER ENVIRONMENTAL JUSTICE CAMPAIGN works to reduce toxic pollution caused by maquiladora industries in Tijuana and to promote fair trade and globalization for justice.



THE CLEAN BAY CAMPAIGN works to cleanup, restore and protect San Diego Bay and bay tidelands from industrial and Naval polluters and development activities.



THE TOXIC FREE NEIGHBORHOODS CAMPAIGN organizes in communities of color to advocate for the prevention of toxic pollution from industrial and mobile sources.



THE CAMPAIGN TO ELIMINATE CHILDHOOD LEAD POISONING works to eliminate sources of lead exposure to protect children's health.

# STAY INFORMED!

Become a member of EHC today!

Yes, I want to become a member of EHC. I am enclosing my tax-deductible membership contribution of:

- \$25  \$100  
 \$50  \$250  
 \$75  \$\_\_\_\_\_ Other

Name \_\_\_\_\_

Street \_\_\_\_\_

City \_\_\_\_\_ State \_\_\_\_\_ Zip \_\_\_\_\_

Phone: (W) \_\_\_\_\_ (H) \_\_\_\_\_

Email: \_\_\_\_\_@\_\_\_\_\_

Check enclosed  Please charge my  Visa  Mastercard

Card No. \_\_\_\_\_ Exp. Date \_\_\_\_\_

Signature \_\_\_\_\_

MAIL TO: EHC, 401 Mile of Cars Way, Suite 310, National City, CA 91950

[www.environmentalhealth.org](http://www.environmentalhealth.org)

# Marking a Toxic Legacy's End

## *Metales y Derivados* exemplifies need to amend NAFTA



José □

officials. The concrete soccer field is located on site where the highly-toxic *Metales y Derivados* lead smelter stood for decades.

In the warm Tijuana sunshine, it seemed like a mirage.

Children running and laughing on new concrete soccer fields at the edge of an industrial park. Community activists joined in celebration where once they met to protest. Government officials and media from as far away as Mexico City, San Francisco and New York gathered to commemorate the end of a nightmare.

The people of Colonia Chilpancingo know what lies beneath

the concrete. It's a story of struggle and triumph they will pass on to their children and their grandchildren. It's a story that no other community should ever have to tell.

Environmental Health Coalition (EHC) and residents of Colonia Chilpancingo put a toxic legacy to rest on January 28 as they marked completion of the long-awaited cleanup of the *Metales y Derivados* battery recycling plant. Workers returned almost 2,000 tons of toxics from the site to the U.S. as the country of origin. The

remaining 42,000 tons were buried in a containment cell and covered by a concrete cap, which will serve as soccer fields for workers and the community nearby. The \$1.5 million cleanup was completed six months ahead of schedule.

*Metales y Derivados* became infamous for exposing how the North American Free Trade Agreement (NAFTA) fails to hold polluters

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responsible for their toxic messes and fails to enforce cleanup responsibilities. EHC and the Colectivo Chilpancingo Pro Justicia Ambiental, EHC's Community Action Team in Tijuana, mobilized to clean up the site, expressing health concerns, including an extremely high rate of birth defects in the neighborhood nearest to the site.

"We took to the streets to protest, conducted petition drives and letter-writing campaigns, met with government officials, and organized tours of *Metales y Derivados* and the community for many years," said Lourdes Luján, a longtime member of the Colectivo and lifetime resident of Colonia Chilpancingo. Along the way, the Colectivo was supported by allies on both sides of the border, including activists with environmental justice, labor, women's and migrants' rights groups. After more than a decade, the Mexican government agreed to a groundbreaking settlement to clean up the site.

"We take heart in the fact that the neighborhood will now be safer," Lujan said. "It never should have taken almost 15 years and such extraordinary efforts to fix this problem. EHC brought us together and showed us the power we have to improve our lives and our community. We will continue to work on issues that put our health at risk and push for changes that protect our families."

In 1998, EHC worked with community members to file a complaint about the *Metales y Derivados* site with the Commission for Environmental Cooperation, the environmental watchdog agency of the North American Free Trade Agreement. Four years later, the Commission



EHC Organizer Magdalena Cerda, right, applauds with Mexican officials during the ceremony celebrating the completion of the *Metales y Derivados* cleanup.

issued a report that said exposure to toxics left at the site could "severely harm human health" and called the cleanup "urgent." But the report showed a major flaw in NAFTA. Even though the report concluded that *Metales y Derivados* represented a clear danger to the people of Tijuana, the Commission had no power to compel the factory owner, or the U.S. or Mexican government to clean up the toxic waste.

Over the years, EHC and the Colectivo continued to pressure the U.S. and Mexican governments to address the problem. In 2004, those efforts resulted in the landmark cleanup agreement between the Mexican government and the community. The agreement represented the first time a structure was created for cross-border and community-government collaboration on toxic site cleanups. It was also the first time the Mexican government had entered a binding agreement with a community to clean up a toxic site, and included community oversight in the cleanup process.

NAFTA was a high profile cam-

paigned issue for U.S. Congressional seats as well as the presidential candidates. In the case of *Metales*, NAFTA did nothing to address a serious and avoidable public health problem.

"The nation joined President Obama in rejecting NAFTA as unfair. *Metales y Derivados* makes the case that public health and the environment are in jeopardy in Mexico, in the U.S., and around the world as long as NAFTA is the model for global trade," said Amelia Simpson, director of EHC's Border Environmental Justice Campaign.

The *Metales* victory represents a milestone in EHC's work to empower communities threatened by toxics and provide the assistance and resources needed to achieve environmental justice. Our work in Colonia Chilpancingo and other impacted communities continues.

For more information about EHC's Border Environmental Justice Campaign, go online to [www.environmentalhealth.org/BorderEHC/index.html](http://www.environmentalhealth.org/BorderEHC/index.html).

# Trucks and kids don't mix

## Colectivo Youth step up to stop diesel truck emissions

EHC's Border Environmental Justice Campaign, members of the Colectivo Chilpancingo Pro Justicia Ambiental and a newly-formed Youth Group are monitoring pollution from diesel truck traffic near schools that serve Colonia Chilpancingo and other nearby Tijuana neighborhoods.

Testing conducted in 2008 near the elementary school showed alarmingly high levels of diesel pollution that spiked as trucks passed. These ultra-fine particulates go deep into the lungs and can cause serious health problems, including cancer, asthma and heart problems.

Youth and Colectivo members trained in pollution monitoring conducted further testing from January to March 2009. EHC's youth apprentice Michel Vázquez coordinated the first phase of the project.

Aníbal Méndez, the new Youth Group Coordinator at EHC's Tijuana office, is developing a program of activities with the youth, with a focus on the air project. Advocates will use data gathered by EHC community researchers to launch an organizing and advocacy effort to address the truck pollution problem.

The air project is supported by grants from the Border 2012 U.S.-Mexico Program, Fundación Internacional de la Comunidad A.C. (International Community Foundation), the United Church of Christ, and New World Foundation.



*Ultra-fine diesel particulates go deep into the lungs and can cause serious health problems, including cancer, asthma and heart problems*



## Hearing delay shows MMC's contempt for community

*CEC says power plant violates planning guidelines*

Responding to news that the California Energy Commission recommends denial of its expansion permit, developer MMC in February delayed the final public hearing on the Chula Vista Energy Upgrade project. The action frustrated and outraged many Chula Vista residents and Environmental Health Coalition members who have fought to stop the project for more than two years.

"This is not a battle over power: It's a battle for justice," said Diana Vera, a Chula Vista resident and vocal opponent of the project. Vera lives only 400 feet from the proposed site. "It's been a long, painful process, and now the community is in limbo."

On January 23, the California Energy Commission recommended denial of the project. MMC, a New York-based corporation, wants to replace the current 44 megawatt peaker plant on Main St. in Chula Vista with a 100 megawatt plant located just 350 feet from homes and 1,300 feet from an elementary school. The immediate area near the plant is a community where 81 percent of residents are people of color and 16 percent are below the federal poverty level.

A final public hearing on the issue was scheduled for February 23, with a vote expected soon after. But MMC requested that the hearing be postponed. The hearing has now been rescheduled for April 13 at 4 p.m., at Chula Vista City Hall.

"It's painful to see how insensitive they are to the needs of our



EHC Organizer Jenny Huerta leads demonstrators during a rally against the proposed MMC power plant in Chula Vista.

community. If you walk through our neighborhood, you can see the reality," Vera said. "To MMC, it's all about money."

EHC has been an official party to the CEC proceedings and officially opposed the expansion. During the more than two year review process, thousands of residents and EHC members have testified in opposition to the expansion at public hearings and participated in rallies and protests voicing their opposition.

A 400-page report issued by the CEC in January said the project was "inconsistent with applicable laws, ordinances, regulations, and standards and it creates unmitigable impacts under the California Environmental Quality Act (CEQA)." Specifically, the CEC findings showed that the location of the proposed power plant was inconsistent with the Chula Vista General Plan for land use, which prohibits locating industry near homes, schools, or hospitals.

"The commission recognized that the General Plan means what it says: energy companies can't put a power plant within 1,000 feet of homes," said Diane Takvorian, Executive Director of Environmental Health Coalition, which was instrumental in creating the plan. "The decision respects the efforts of community members who insisted that Chula Vista's General Plan not allow polluting industries near homes and schools. The commission could have overridden the policies this community worked so hard to adopt, but it chose correctly and courageously to affirm those policies."

The commission's decision recognized that the approval of the MMC project would not substantially contribute to the removal of the South Bay Power Plant, an outdated, inefficient, polluting plant that blocks public access to San Diego Bay.

MMC, continued from Page 6

The decision also is remarkable and forward looking in that it recognizes that MMC's exclusive focus on a natural-gas peaking power plant prevented analysis of more sustainable alternatives like solar panels installed on rooftops and parking lots.

"This decision is a testament to the power of people," said Laura Hunter, director of EHC's Clean Bay Campaign. "When bad decisions threaten the health of our families and children, we organize and push back. It's a signal that we are moving away from energy strategies that sacrifice communities. The time for change is right here, right now on Main Street Chula Vista."

**Attend the MMC hearing on April 13!  
Make your voice heard!**

**Monday, April 13 at 4 p.m.  
Chula Vista City Hall  
276 Fourth Ave.  
Chulva Vista, CA 91910**

**Contact Jenny Huerta at  
(619) 474-0220, ext. 107  
for more information**

## Bayfront Development must be clean, green and local

**T**he Chula Vista Bayfront is a unique and precious resource that should be developed in an environmentally sustainable and economically viable manner. EHC has worked for years to ensure this.

In response to Gaylord Entertainment's decision in November 2008 to withdraw from plans to develop a project there, Environmental Health Coalition remains committed to working toward a high-quality, comprehensive and appropriate redevelopment of the Chula Vista Bayfront.

It is important to remember that the Bayfront development was, and

still is, larger than any one proposal—even one as significant as Gaylord.

EHC and other parties worked hard for years to make this Chula Vista Bayfront project a reality.

EHC has consistently articulated several core goals for all the Bayfront projects.

- Protect Wildlife
- Build Green
- Be A Good Neighbor
- Hire Local Workers

Now that Gaylord is gone, EHC urges the Port and City to move

forward with the Bayfront Plan by completing the environmental review for the Harbor Park Alternative to secure the land trade and to work to secure funding to develop the parks and other necessary infrastructure.

We're confident that there are developers who can work with the community to realize these goals and still make a profit.

We urge you to tell the City of Chula Vista and Port of San Diego to move forward to develop a project that benefits the residents of Chula Vista.

*The Chula Vista Bayfront is a unique and precious resource*

## National City residents celebrate plan to convert contaminated dumpsite into housing



Affordable housing for National City residents as key participants in the process.

fordable

**R**esidents are celebrating the success of a planning process that promises to revitalize the Old Town neighborhood in National City, beginning with Paradise Creek.

City officials are in negotiation with Related Services and Community Housing Works to build between 250 - 350 units of affordable housing for people who are currently struggling to pay rent in sub-standard homes. The plan focuses on the area between 19th and 22nd streets, Wilson and Hoover avenues, using Paradise Creek as a focal point. The city currently uses part of the land as its Public Works yard and allows EDCO to dump street sweeping refuse into nearby containers in an-

other section. Spillage from the containers has contaminated the land

In 2008, Environmental Health Coalition and allies hosted a series of community forums to create a vision for development that would create affordable homes, take advantage of nearby transportation, incorporate recreational opportunities and restore the marshland and habitat of Paradise Creek. More than 50 residents also participated in a series of city-funded public planning workshops conducted by Oakland-based Pyatok Architects.

Paradise Creek is a neglected natural resource that National City activists led by Ted and Margaret Godshalk, and youth have worked

tirelessly to protect and restore. Margaret is Vice-President of the EHC Board of Directors. For many National City youth, this is their introduction to environmental values and education. EHC will work with allies to insure that the housing does not compromise the natural integrity of this fragile ecosystem.

The Old Town project includes several acres of recreation space that are a valuable asset in the neighborhood restoration effort. The location near an adult school, the San Diego trolley, and Kimball Elementary also provides an ideal location for working families to access much-needed resources.



## HUD awards \$7 million to San Diego lead-safe homes program

On March 6, Jon Gant, director of the U.S. Department of Housing and Urban Development (HUD) office of healthy homes, announced a \$7 million grant from HUD to continue lead hazard control work in San Diego homes. HUD has awarded more than \$17 million for lead-hazard control since the formation of Lead Safe San Diego Collaborative in 2002.

Gant, along with San Diego Mayor Jerry Sanders and District 3 Councilmember Todd Gloria, made the announcement during a press event at a City Heights home targeted for lead hazard control work.

He applauded the success of the San Diego partners, including Environmental Health Coalition, and called the Lead Safe San Diego program a model for other communities working on lead hazard control.

He then presented a thank-you plaque to EHC, the San Diego Hous-



Jon Gant, left, HUD Director of the Office of Healthy Homes and Lead Hazard Control, presents a thank-you plaque to Diane Takvorian, EHC Executive Director, and Frank Ballow of the San Diego Housing Commission.

ing Commission and the City of San Diego in recognition of the successful partnership.

Leticia Ayala, Director of EHC's Campaign to Eliminate Childhood Lead Poisoning, said more than 1,000 homes in San Diego will have been

made lead-safe by 2012.

EHC provides referrals, enrolls units for inspection, enrolls children under the age of six for free blood lead test, and conducts follow-up inspections to assure lead remediation work is being maintained.

**To qualify for a lead-safe home grant, residents must live in a home built before 1978, be low-income, and have children who live in the housing unit or who frequently visit.**

**Owner-occupied homes must also meet the above criteria. Some rental units occupied by people without children may still qualify.**

**Contact Luz Palomino at (619) 474-0220 ext. 141 for more information**

# EHC Leaders complete inaugural Clean Ports, Clean Communities SALTA

**O**n February 19th, 2009, 18 EHC Leaders from Chula Vista, Barrio Logan, and National City celebrated their graduation from EHC's first Clean Ports, Clean Communities SALTA.

EHC's signature leadership training, SALTA (Salud Ambiental Lideres Tomando Accion – Environmental Health Leaders Taking Action) provides skills training on organizing, advocacy, power, and media relations.

This SALTA included trainings designed for community members most impacted by business operations on the Port of San Diego. Participants learned the about the health and the environmental impacts of diesel emissions and sources like ships, cargo handling equipment, and trucks. They also learned about the need for sustainable energy for port operations and explored alternative technologies and solutions that could be used to mitigate or eliminate some of the pollution.



EHC Organizer Luz Palomino leads participants through a learning exercise as part of the EHC SALTA training.



EHC staff and SALTA graduates celebrated the completion of the first Clean Ports, Clean Communities SALTA. Graduates of the SALTA program are given the tools and skills they need to be more effective advocates for the health of their communities.

# Sustainability is fundamentally a matter of justice

The following is adapted from *Stimulating Environmental Justice: How the States Can Use Federal Recovery Funds to Build a Just and Sustainable Economy*. A small Working Group representing eight organizations in six states prepared the document and will release a more detailed report in May 2009.

Members of the Working Group are: Bill Gallegos (Communities for a Better Environment, Los Angeles), Denise Perry (Power U, Miami), Kalila Barnett and Penn Loh (Alternatives for Community & Environment, Roxbury Massachusetts), Diane Takvorian (Environmental Health Coalition, San Diego), Burt Lauderdale (Kentuckians for the Commonwealth), Peggy Shepard and Cecil Corbin-Mark (West Harlem Environmental Action), Donele Wilkins (Detroiters Working for Environmental Justice), and Roger Kim (Asian Pacific Environmental Network, Oakland).

Since the 1980s, the environmental justice movement has been at the forefront of crafting sustainable solutions to local and global environmental and economic challenges. The strategies pursued by community-based groups like Environmental Health Coalition represent a vision of empowered communities, green economic alternatives, and harmony with the environment.

Our world is now on the cusp of a great transition. Whether we emerge into the light of a sustainable and healthy new world or fall into the abyss of ecological collapse depends on the choices we make in this moment.

President Obama has set a new tone for our democracy, based on making the right choices for our children and generations yet to come. The unprecedented Federal Recovery and Reinvestment Act is a unique opportunity to promote change on an unprecedented scale.

The choices we make on how to spend almost \$1 trillion of our federal funds may be the greatest legacy our generation leaves to the future. If we are to avert climate change and renew our communities, we know we cannot continue business as usual. We must end our addiction to fossil fuels and learn how to live in harmony with the natural systems that we depend on.

This transformation will require deep restructuring, not just the adoption of green lifestyles by those who can afford it. Systems that depend on the exploitation of nature and people must be replaced. This will require a shift from a throw-away consumer culture, in which certain peoples and lands are seen as expendable. We must embrace a new way of defining wealth and the American dream that unlinks our well-being from unsustainable consumption of Earth's resources.

Each state will be making choices about how to spend the federal stimulus. We believe that there are key principles that should guide the stimulus towards sustainability and democracy.

## **Enable full participation of all communities in public spending decisions**

EJ groups have modeled how we “speak for ourselves.” The voices of those most negatively affected by the current unsustainable economy are critical to ensuring true solutions.

We support meaningful participation for residents and community organizations, especially in the most environmentally and economically distressed communities. Residents must have a voice in deciding what stimulus funds are used for, how the funds are spent, and how the spending is monitored and evaluated.

## **Invest only in truly sustainable infrastructure and economic development**

EJ groups have promoted many policies that have strengthened environmental and health standards for all and have ensured that new development is truly green. We must ensure that environmental, labor, health, and safety regulations apply to all stimulus projects and cover all governmental, industrial and agricultural sectors. We can rebuild our infrastructure clean and green.

## **Create shared green wealth**

EJ groups have begun pioneering community-driven models for green development while building the wealth and assets within our communities. Public investment should lead to opportunities for all and build individual and community wealth. States must use stimulus funds to prioritize investment in chronically economically distressed communities and ensure community buy-in to neighborhood stabilization and revitalization projects.

Sustainability is fundamentally a matter of justice. A transition in which the majority of the world's people remain in poverty and lacking basic human needs is not stable or secure and, in the long run, is not sustainable.

This great transition towards sustainability will be the ultimate test of our democracy. These decisions will affect us all profoundly and reshape our relationship to the environment and to one another.

**EHC** would like to thank the supporters who make our work possible. Through the years you have watched EHC evolve into what is today, a nationally recognized environmental justice organization.

Whether we're organizing in San Diego County neighborhoods, fighting for children's health in communities in Mexico or developing plans for clean, renewable energy, we know that our victories would be impossible without the generous support of our members.

## Thank You!

Theresa Acerro, Char Ackerman\*, Alida Allison\*, Doris Araujo M.D., Maria Avalos, Leticia Ayala, Victor & Lucy Bacame, Douglas J. Ballis, Beatriz Barraza, Tama Becker-Varano, Bobbie Jean Bishop & Emiliana Carrera, Jane Bishop, Helen Bourne, Kevin Bundy, Kathleen C. Bush, Karen Byrne, Fos & Dorothy Campbell, Natasha Campbell, Johana Capretz, Jane Carney Schulze, David V. & Janet L. Carruthers, Judy Cascales, Thomas P. & Beverly M. Casey\*, Magdalena Cerda, Debra Chaddock, Bill Claycomb, Ken & Karen Cohen, Martha Cortes, Jean Costa, Geraldine Davis, Lois Day, Sheri Day, Christina De Los Santos\*, Cesareo Diaz, David DiDonato, Andrea Eaton, Larry Emerson & Kyoko Kitsu, Rachel Lopez Emmons, Thomas English, Lilia Escalante & family, Andrew & Anne-Marie Feenberg, David & Anne Fege, Denise A. Fidel, Marilyn G. Field, Beryl Flom, Raquel Flores, Sharon



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**EHC** agradece a los simpatizantes cuyo apoyo hace posible nuestro trabajo. A lo largo de los años usted ha visto como EHC ha evolucionado a lo que somos hoy día, una organización de justicia ambiental reconocida a nivel nacional.

Ya sea que estemos organizando para los barrios del Condado de San Diego, luchando por la salud de los niños de comunidades en México o desarrollando planes para energía renovable y limpia, sabemos que estas victorias no serían posibles sin el generoso apoyo de nuestros miembros.

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