

## **Testimony to Robert Martin, Ombudsman, U.S. Environmental Protection Agency**

Monday, January 25, 1999, Lake Township Hall

by Greg Coleridge, Director, Economic Justice and Empowerment Program

Good evening. My name is Greg Coleridge. I am the Director of the Economic Justice & Empowerment Program of the Northeast Ohio American Friends Service Committee, or AFSC. AFSC is a Quaker social action organization which is founded on, among many principles, the belief in the dignity and worth of every person and to see that of God or good in all human beings -- regardless of income, religion, race, gender, physical ability or where they may live.

Many people who we work with and who support our work live in or near the Industrial Excess Landfill (IEL) in Uniontown, Ohio. For the past 2 1/2 years, we have tried to support the Concerned Citizens of Lake Township (CCLT) and the Lake Township Trustees in their efforts to learn the truth of what is buried at the IEL and, then, take appropriate action to remove the dangers to the community.

We have studied the history of the IEL. We have analyzed numerous reports from the EPA and scientific experts. We read volumes of correspondences between differing federal agencies, public officials, CCLT, and the Township Trustees. We have spoken to several scientific experts who at one time were intimately involved in digging into what is in the IEL. We have also experienced first-hand attitudes and actions of EPA regional staff toward citizens and compared them to EPA attitudes and actions toward representatives of the polluting corporations responsible for some of what is buried just down the road.

We do not claim to have a handle on the complete truth -- far from it. All we can comment on is based on what information we have analyzed, who we have spoken to, and what we have experienced first-hand. From this, we believe that what we have at IEL is, to sum it up in one single word, a mess -- environmentally, bureaucratically and morally.

IEL is an environmental mess. We believe there is sufficient evidence to indicate that there are chemical and radioactive compounds that are being ignored. These are dangerous to the community and destructive to the environment. They are not going to magically evaporate -- no matter what hired public relations persons and labs connected to the polluting corporations may claim. No need to spend more time focused on this area since others have and/or will address this more in-depth.

IEL is a bureaucratic mess. The chief culprits are those at the top of EPA at Region 5 and at the state. EPA has exhibited repeated screw-ups and cover-ups, half-truths and half-lies, double-crosses and double-standards in their statements and actions toward the community, community groups and Township Trustees. They have, to name but a few problems, botched the handling of testing samples; invalidated test results on flimsy grounds showing high levels of radiation; refused for many years to conduct soil and gas testing; ignored concerns expressed by outside technical experts -- as well as their own technical experts -- which contradict pre-conceived conclusions; replaced members on the Science Advisory Board with those who, for the most part, did not have radiation experience and then use the Board's report claiming there is no radiation problem as definitive proof; and claimed that other agencies support their revised clean-up plans when they did not.

We make a distinction between the leadership and professionals at these agencies. We are not expressing serious concerns with the mid-level or low-level staff at EPA. For the most part, these employees are professionals dedicated to the pursuit of truth based on sound science. The problems seem to arise from the upper-level employees and appointed leadership and from the basic policies of the agencies themselves.

What is unclear behind this EPA bureaucratic mess is to what extent all this deception and distortion has been done to protect, if you will, the necks of the upper echelon at EPA and to what extent these actions have been done to protect the necks of other entities EPA at the regional and state levels have merely shielded -- that is, corporations, other federal agencies, compliant public officials, and branches of the U.S. military. This certainly deserves further investigation.

Finally, IEL is a moral mess. The moral compass by the upper echelon at EPA and others responsible for whatever lies within the IEL has been knocked off-center. The concerns and interests of the human beings who live and work in Uniontown have been placed below the concerns and interests of other entities -- certainly the polluting corporations. Maybe other entities as well.

Moral priorities have been misplaced. There has been a double standard.

When the polluting corporations “volunteered” to lead the testing round of water samples in March, 1997, EPA agreed. However, when the community representatives showed up asking to have samples drawn from the ground for them, EPA refused.

When the polluting corporations offered to send the water samples they drew to their own labs, which were non-certified by EPA, EPA agreed. However, when community representatives said they would send drawn water samples to EPA-certified labs, EPA still refused.

When the polluting corporations claim that no further soil or gas tests for radiation are needed, EPA agrees. However, when community representatives claim, based on sound advice from outside scientific experts, that further testing of soils and gases for radiation are needed, EPA refuses.

Representatives of the polluting corporations have been present and have an active seat at the table at the federal court proceedings in Cleveland concerning clean-up at IEL. Representatives of the community only gained a seat after raising a public outcry but still have no equal voice to that of the polluting corporations.

All of these and many other double standards lead one to ask several questions. Who should have more rights in our society -- human beings or corporations? Who's in charge? Or what's in charge? Do we the people have any authority over EPA? Or are we merely left to beg or plead with EPA while their agenda merely mirrors that of the corporations? Are public and administrative policies here affirming the basic dignity and worth of human beings in this area or merely affirming the narrow interests of corporations?

All of these are basic moral questions.

The problems here are, at root, not problems of mis-communication or mis-understanding. They are problems of power and authority -- who's got them and who doesn't.

In the long term, we must all rethink our relationship between ourselves and the regulatory agencies like EPA that are supposed to exist to serve our ends. We must also rethink our relationship to ourselves and corporations, which have over time come to assume greater powers in many respects than we the people.

In the short term, there must be a thorough, in-depth investigation of the IEL by the office of the federal EPA's Ombudsman office . This must be the first step proceeding all others. A thorough investigation of past practices, procedures and evidence is a crucial start of a sequence of events. Through its actions over the past decade and longer, EPA leadership at the regional and state levels have violated whatever trust they had with the community to pursue any other initial step.

As it is said, “those who forget the past are condemned to repeat it”. A thorough investigation of the past at the IEL is necessary to ensure that past mistakes are not repeated in the future.

Thank you.