

Committee on Energy and Commerce

U.S House of Representative

Wednesday July 13, 2016

Committee on Energy and Commerce, Testimony of Robert Spiegel, Executive Director, Edison Wetlands Association. Good morning, my name is Robert Spiegel. I am the executive director and co-founder of the Edison Wetlands Association also known as the EWA.

Thank you for allowing me to testify today on an extremely important issue, one that deeply impacts public health and environmental quality for all Americans, Superfund Site Cleanups and the reinstatement of the “Polluter Pays” Fees. The EWA is a non-profit environmental organization that was founded in 1989 to protect public health and the environment by cleaning up and restoring hazardous waste sites in New Jersey and beyond.

The EWA also owns and operates the last farm in Edison Township, the Triple C Ranch and Nature Center, a natural oasis in the 1450 acre Dismal Swamp Conservation Area. At the Triple C Ranch and Nature Center, our staff, volunteers and interns run community gardens, and teach hands on environmental programs. The EWA has over 1000 members in New Jersey. The EWA has also been working directly with communities throughout New Jersey and beyond on the cleanup of Superfund Sites for over 25 years. The EWA also works to strengthen the public’s understanding of the Superfund process.

The EWA accomplishes this by working directly to chair or co-chair at least 12 Community Advisory Group's (CAG's) with the public, elected officials, the USEPA and other state and federal agencies. We assist communities with guidance and technical advisors to disseminate technical information to communities so they can meaningfully participate in the Superfund Process. The EWA strongly advocates for protective remediation at Superfund Sites, laws and regulations.

I co-founded the Edison Wetlands Association when I was working as a pastry chef in a catering banquet hall. The hall's ice carver John Shersick came into my bakery because he liked the smell of the baked goods I made. Besides being an ice carver John was a naturalist and hunter and one day he asked me a very strange question, "Do you want to see some green rabbits?" At the time, I baked elaborate cakes and taught martial arts, took care of my family, and pretty much minded my own business, which is a pretty hard thing to do in New Jersey when it comes to the environment. A few days later I followed the ice carver onto the Chemical Insecticide Superfund Site on Whitman Avenue, Edison NJ, and the place reeked of death, decay and rot. There were homeless people living on the site, children playing there, and people scavenging wood for building their decks.

Those people didn't know that this was the Chemical Insecticide Superfund site a former pesticide manufacturer that made among other chemicals, the defoliant used in the Vietnam War, the infamous Agent Orange. There were green rabbits on the site that day made green due to a chemical called Dinoseb. I later found out that green ooze was running down into the parking lot where workers made rolls for all the McDonald's

bakeries throughout the Tri-State area. Many of those workers died of cancer and other illnesses.

Our advocacy got the attention of those outside our community and the late best selling author Molly Ivins featured our story in her best seller Bushwhacked. After many years of advocacy and hard work we convinced Former USEPA Administrator Christie Whitman to give us the very last of the Superfund trust fund. USEPA Administrator Christie Whitman delivered the funds in an over size novelty check to start the cleanup work herself.

It was a bittersweet victory because we knew this was the last Superfund Site that would ever get this level of cleanup. Thanks to the Superfund trust fund we were able to get the site fully clean and this site was the first Superfund Site in New Jersey to be purchased and preserved with Green Acres open-space money. The EWA even contributed \$500,000.00 from our New Jersey Green Acres open space funding to purchase this site for parkland. This once Agent Orange Manufacturing Plant is now a Dog Park and community asset.

The EWA also assists environmental justice wealth challenged communities by helping them navigate the often-confusing Superfund process. One of the current short falls with this process is once the USEPA identifies Environmental Justice Communities like the Ringwood Mines Superfund Site and the Ramapough-Lennape Native American Nation as an environmental justice community, there is no follow up or action plan to address the injustices identified by the USEPA. If the USEPA Superfund fees were reinstated

funding could be used to develop action plans to help the wealth challenged communities with development and implementation of a plan to address environmental injustices when they are identified. The case with the Ramapough-Lennape Indian Nation and the wholesale poisoning of their ancestral lands by Ford Motor Company is a very sad but all to common issue in New Jersey and country.

I am here to discuss the funding shortfalls for the USEPA Superfund Program for “Orphan Sites”. “Orphan sites” are sites where there is no responsible party or the responsible party does not have adequate resources to conduct the cleanup. The lack of funding does not just affect sites where there is no responsible parties, it also affects sites where there is a viable party as more and more these parties know the USEPA does not have the ability to clean up the site. The so called “Treble Damages” where the USEPA could clean up a site and then bill the polluter for three times the cost was a very effective carrot and stick for getting “Responsible Parties” to cleanup their sites.

Without a dedicated trust fund, these Superfund Sites continue to discharge highly toxic chemicals into drinking water, streams, rivers including our homes, parks and schools. Any objective observer can see why New Jersey is the poster child for why we need to reauthorize the modest “Polluter Pays” fees and where the EPA’s mission could not be more apparent or necessary. The federal government is failing the American people and we cannot delegate any programs to the states, especially cleaning up leaking hazardous waste sites.

I challenge this committee to ask the United States Environmental Protection Agency “How many sites does the USEPA have where unacceptable human exposure to contamination is not under control?”

For many decades we have been trying to get an answer to this most basic question so we can better understand the how many communities are still being exposed to cancer causing chemicals at unacceptable levels?

Congressman Eckhardt’s 1979 Waste Disposal Hearings, Survey and final Report show that the chemical industry used the entire United States as its own private chemical dump with no town or city being exempt from industries practices. It’s only fair they contribute the modest fees asked to cleanup the national toxic waste nightmare they created. The Superfund Sites that I’m going to talk about in my testimony are just a few of the many examples that continue to poison New Jersey families and communities throughout our nation. It is clear the USEPA’s mission and the legislators who first help draft the Superfund Bill in 1980 never anticipated the magnitude of the problems left behind by many of the nations industrial powerhouses especially in New Jersey’s Garden State.

Sites like Ringwood Mines Superfund Site, Pompton Lake DuPont Works Site, the Lees Lane Landfill in Louisville KY, and Cornell-Dubilier Superfund Site are actively poisoning large geographic areas including the drinking water for more than 2 million people. I would invite any member of this committee or Superfund detractors to come to

these communities and see first hand the illnesses and hardships that results when these Superfund Sites area left to leak there poisons unabated killing children and destroying American families and our shared environment.

When the modest fees were collected from 1980 until 1995 the leaking toxic waste slop pits were being cleaned up. When the fund finally ran out cleanups slowed down, were much less protective and public health suffered as a result. These fees collected for the Superfund Trust fund were certainly modest by any objective observer and we need rethink about our priorities and reauthorize these fees on those industries that caused these problems, instead of requiring the American people to pay the costs.

The USEPA depleted Trust fund has led to lack of funding, manpower and resources in New Jersey and across the country. Poisoned American towns and cities have an emergency situation with body counts piling up and there is no dedicated funding for all the Superfund cleanup work desperately needed. The USEPA's priority for those who get cleanup funding is now a race to count the bodies of children and adults at Superfund sites around the country. Only the communities with the highest body count get scarce Superfund dollars allocated by the federal government for the USEPA Superfund Program.

In my opinion, based on over 25 years of experience with the Superfund toxic waste program, the failure to have a well-funded USEPA with a dedicated trust fund for the

thousands of leaking Superfund Sites is the real and direct threat to America's national security.

We also cannot talk about the Superfund Program without discussing the communities directly impacted by those sites. New Jersey's rich industrial legacy is both a blessing and a curse for New Jersey families. New Jersey's industries helped make the nation a powerhouse. This included manufacturing bricks and steel that built the nation's skyscrapers and bridges. It also included the development of synthetic chemicals that were a break through and thought to have had a net environmental benefit by replacing things like whale oil and animal based products thus saving the lives of thousands of animals. New Jersey led the nation in innovation from industries such as the automobile to the development of the pharmaceutical and biotech industries. This legacy also left behind a sinister dark side partly due to industries poor housekeeping practices along with organized crimes involvement in the waste disposal industry. New Jersey has more than 114 USEPA Superfund Sites the most in the nation.

New Jersey also has approximately 25,000 known contaminated sites including Department of Defense and Department of Energy Sites. New Jersey has the distinction of having the highest population density as well as the highest cancer rates (1 in 3 people) in the country.

This problem is compounded by the failure of New Jersey's Department of Environmental Protection (NJDEP) to provide any meaningful oversight on the

remediation of the states 25,000 contaminated sites, letting the polluters self-regulate.

Without a dedicated trust fund, these Superfund Sites continue to discharge highly toxic chemicals into drinking water, streams, rivers including homes, parks and schools.

The following Superfund and USEPA Regulated Sites are included in my written testimony because they still directly impact human health and the environment. I want to put it on the record as the USEPA is allowing the wholesale poisoning of these communities and the environment due to lack of adequate funding in the Superfund Program.

The Cornell-Dubilier Superfund Site in South Plainfield, New Jersey produced cancer causing Polychlorinated Biphenyls (PCBs) Capacitors and oils and dumped massive amounts of capacitors and chemicals including solvents into the adjacent wetlands and streams. Disposal practices at the site in the 1930's and 1940's were responsible for contaminating a vast geographic area including at least one other Superfund Site. The company also dumped PCB's at unremediated landfills where children play unaware they are not sports fields. The site also rendered the 10 mile Bound Brook with the distinction of being the only New Jersey water body with a ban on consuming even a single living organism, due to the fact the fish and other biota have PCB's at the highest levels seen in New Jersey's fish. The Bound Brook also traverses seven other towns and children frequently play in the PCB laced brook and subsistence fisherman catch and eat from the Brook, contaminated Spring Lake and New Market Pond. Both the lake and pond host

yearly fishing derbies and people regularly consume the poisoned fish that they catch for sustenance.

Recent USEPA's studies show these highly toxic cancer-causing chemicals will continue to discharge for decades, maybe centuries, without the USEPA taking active measures to stop the flow of chemicals from the 825-acre plume into this densely populated residential community.

The USEPA cannot stop the groundwater discharge nor do they have the resources to test the hundreds of homes, schools, daycare centers and businesses that sit directly above the 825-acre groundwater plume. In addition to emitting deadly gases that may pose a threat to unsuspecting families.

This problem is similar to the DuPont Public Works Site in Pompton Lakes, NJ where poison gases were discovered by the USEPA to be discharging from a chemical plume into over 450 homes. The scope of the problem in South Plainfield may be much greater than Pompton Lakes but the USEPA does not have the funds to sample the air in the structures located about the plume. The USEPA has been studying the Bound Brook for 20 years and without dedicated funding, staff and resources the USEPA cannot even finalize the investigation of the Bound Brook and Groundwater (Operable Unit 3 and Operable Unit 4).

The information has not been released to the public because the USEPA has no funding to stop these cancer-causing chemicals into the many towns that are being impacted along the 12-mile Bound Brook and the 825-acre toxic groundwater plume under South Plainfield, Piscataway and North Edison.

Without dedicated funding for the USEPA to conduct the critical cleanup work needed to address this direct human health and environmental threat, it may take centuries to stop the chemicals actively discharging from this site. Other Superfund Sites affected by the lack of funding include the Horseshoe Road and Atlantic Superfund Sites in Sayreville, the Raritan Bay Slag Superfund Site in Lawrence Harbor and Woodbrook Road Superfund Site in South Plainfield.

These companies use our nations wetlands, streams and rivers for their chemical dump as many companies have done, the Horseshoe Road Superfund Site has polluted vast areas on New Jersey's longest river, the Raritan. The USEPA was able to clean the uplands area when funding was dedicated to the cleanup. However, vast expanses of tidal and freshwater wetlands along the Raritan River and the Raritan River sediments remain poisoned with deadly arsenic, dioxins and other chemicals.

Our elected officials and regulators must adhere to the principals and goals of the Clean Water Act and make our water bodies swimmable, drinkable and fishable again.

Cleaning the expansive wetlands and dredging the Raritan River to make it safe again for

the commercial crabbers, fishermen, recreational boaters, jet skiers and bird watchers to use.

The USEPA has completed all the studies needed to begin the cleanup. Unfortunately, the USEPA's plan has stalled because the funding is just not available. Now fishermen and crabbers as well as those who walk along the Raritan River are routinely exposed to high levels of chemicals that continue to leach from these chemically soaked wetlands and contaminated sediments. The Raritan Bay Slag Superfund site is comprised of several massive toxic lead slag disposal areas indiscriminately dumped along large jetties, beaches and seawalls in the Raritan River and the Raritan Bay. USEPA used a very innovative approach to fast track the investigation of this site due to the impact on the Raritan Bay front community, the environment and its devastation to Bay front businesses.

Detractors look at Superfund as a bureaucratic program, and those who call for Superfund's abolishment have not seen the many Superfund communities throughout the country where cleanups have restored community health and reenergized property and home values. Cleaning our polluted waterways and stopping future pollution must be a priority of those we elect to govern and lead our country. It creates good paying jobs and our elected officials and regulators have a moral obligation to cleanup industries past assaults on our waterways. Cleaning the environment will lead the jobs revolution in the United States and indeed the world.

Recent university studies show a direct connection between the cleanup of Superfund Sites and a reduction in birth defects and childhood illness. In other words where Superfund Sites are cleaned up children are born healthier and suffer from less illness and disease. When we think about reauthorizing the “Polluter Pays” fees, we must keep in mind that it is only fair that those who caused this problem must pay to clean it up. Americans should not be forced to decide whether to fund a school, road or to pay for the cleanup of America’s hazardous waste sites. The United States has a host of new problems in the public eye from waste impacting the shores of the United States from the Fukushima reactor to global climate change and rising sea levels. There are certainly no shortages of serious problems that Americans face. Restoring the “Polluter Pays” fees will give us the funds to finally address America’s toxic legacy that continues to poison our country.

Dying from cancer after being exposed to hazardous waste sites sometimes takes years and is not the most glamorous way to die. If only we could get more Superfund Sites to have green rabbits like the CIC site did, maybe enough politicians will pay more attention to this issue to reauthorize the “Polluter Pays” provision of this important law that impacts every family and person in the United States and does not care whether you are Republican, Democrat or Independent.