

# BEATING OFF CANAL Environmental Disinformation

by Joe Schmidbauer

The environmental community was rejuvenated this past week. On Tuesday, July 28, the Buffalo Community Foundation sponsored a forum to discuss the most important environmental issues and concerns in Western New York. The keynote speaker was Paul

MacClennan, retired environmental reporter for *The Buffalo News*. The focus of his talk was the failure of the mainstream press (locally, *The Buffalo News*) to cover environmental issues. He called for a new commitment to environmental journalism.

On Friday, July 31, the 20<sup>th</sup> anniversary celebration of Love Canal was held in

Niagara Falls. Lois Gibbs spoke of the health dangers of resettling the neighborhoods surrounding Love Canal and other former toxic sites. On Saturday, she led a march through the Love Canal neighborhood.

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# BEATING OFF CANIT

## Environmental Disinformation

from cover

On Friday, July 31, *Buffalo Beat's* lead story was WNY's Nuclear Legacy Leaving at Last, by Natalie Green, the editor of *Buffalo Beat*. The story was about the cleanup of the low-level nuclear waste in Tonawanda. The story was a feel-good tale of grassroots environmental success and the remediation of a nuclear waste site, returning it to good public use. Unfortunately, it was a fairy tale constructed on political disinformation and press release journalism of the lowest order.

Ms. Green failed to report that the cleanup at Ashland sites, Nos. 1 and 2 are under litigation by F.A.C.T.S. (For A Clean Tonawanda Site) a grassroots organization that was formed in response to the failure of the Department of Energy (D.O.E.) to carry out an open public environmental review process.

The suit is the most significant lawsuit to come out of Western New York since Love Canal. The suit is supported by the Atlantic Coast Legal Fund, a major environmental non-profit organization.

### THE ISSUES OF THE SUIT ARE:

a. The United States Army Corps of Engineers has no authority to make the decision on the cleanup of the Tonawanda site. Under the Atomic Energy Act of 1954, as amended by UMRCA, only the Nuclear Regulatory Commission (NRC) has authority to make cleanup decisions for these byproduct materials.

b. The site is being cleaned up at a lower standard. The cleanup is using the Department of Energy standard that requires the removal of 42,000 cubic yards of waste soil. The Nuclear Regulatory Commission standard would require the removal of 172,000 cubic yards of contaminated soil.

The real question is the Fiscal Year 1998 Energy and Water Appropriations Bill, which transferred management of Formerly Used Sites Remedial Action Plan (FUSRAP) to the U.S. Army Corp. of Engineers (USACE), legal under the Atomic Energy Act of 1954. The suit will have a direct impact on similar sites across the United States.

The present cleanup is a not complete remediation by NRC standards. Another critical point absent in the *Beat* article is that a large portion of the nuclear waste in Tonawanda will remain at the other sites: Linde/Praxair, Seaway, and the Town of Tonawanda landfill. They are not included in this remediation plan, although they were part of the D.O.E. original review.

The transfer of management of the FUSRAP raises questions about a political end run around the NRC and a way to find a quick-fix political solution to a very serious environmental problem. The consequences of the management transfer are that public health is held to a lower standard.

*Buffalo Beat's* article is a feel-good celebration of a serious degradation of nuclear cleanup standards. It also creates the misconception that grassroots environmental groups are in support of the present cleanup. This is not the case.

Before filing a suit in federal court, F.A.C.T.S. and other environmental

open review process, and a complete cleanup. F.A.C.T.S. was formed in 1994 in response to the suspension of D.O.E.'s Tonawanda environment review process.

In March 1996, three environmental groups, F.A.C.T.S., Sierra Club's Niagara Chapter, and the Buffalo Greens called for a resolution by local governments to ask for a thorough cleanup of the Tonawanda site. (*Resolution calling for Thorough Cleanup of Tonawanda*)

*Nuclear site presented to local government.* Albany, Buffalo: Alternative Press, March 1996. In May 1997, F.A.C.T.S. filed Freedom of Information Act (FOIA) litigation against DOE in Federal District Court for with-

holding information pertinent to public review process.

other shareholders and environmental activist groups. Over the course of the review process, CANIT has been criticized for holding secret meetings with Department of Energy officials.

(FACTS Charges CANIT with Placing Politics Above Environment, All Buffalo Alternative Press, December 1995; and FACTS, Concerned about CANIT's closed meeting, November 29, 1996, Metro Community News)

The *Beat* article raises questions of disinformation by CANIT members and governmental officials and by the mainstream media (and also by so-called alternative media) regarding the truth about the Tonawanda cleanup and the failure to fully inform the public.

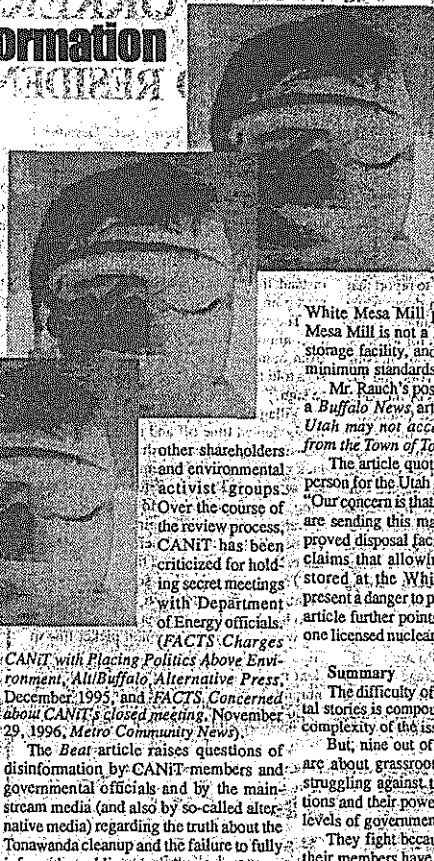
THE TRANSPORTATION OF NUCLEAR WASTE  
The transportation and disposal of nuclear waste is currently the hottest and bloodiest environmental issue. The transportation of nuclear waste through populated areas and the danger of an accident are grave concerns. In Germany, this issue mobilized the Green Party to organize mass protests, which resulted in a ban of nuclear waste transportation.

There is a network of environmental activist groups around the country actively protesting the transportation of waste through their communities. (Citizen for Alternative Radioactivity Dumping, 144 Harvard SE, Albuquerque, NM, 87106.)

Because there is a great deal of money to be made in nuclear waste disposal, there are numerous companies willing to accept nuclear waste, but there are serious issues regarding their ability to safely manage it. *Beat's* article misrepresents the cold reality of nuclear waste disposal by stating, "In the end, not only did CANIT find takers for their radioactive materials, they found competition for it, which drove down the cost of transport."

A corporate strategy for waste disposal continues to be to get the money, dump, go bankrupt, and run and then get government to clean up the mess. West Valley is a result of Getty Corporation accepting nuclear waste for reprocessing and is an example

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Jim Rauch, a member of F.A.C.T.S., questioned the legality of the Tonawanda waste transfer to

White Mesa Mill plant in Utah. White Mesa Mill is not a licensed nuclear waste storage facility, and the waste was below minimum standards for reuse.

Mr. Rauch's position was confirmed in a *Buffalo News* article, August 8, 1998, *Utah may not accept any further waste from the Town of Tonawanda.*

The article quoted Ms. Lamb, spokesperson for the Utah Department of Energy, "Our concern is that the facility where they are sending this material to is not an approved disposal facility." Her department claims that allowing the material to be stored at the White Mesa Mill would present a danger to public safety. The *News* article further points out that there is only one licensed nuclear waste facility in Utah.

Summary  
The difficulty of covering environmental stories is compounded by the technical complexity of the issues.

But, nine out of ten times, the stories are about grassroots community groups struggling against the power of corporations and their powerful influence over all levels of government and the media.

They fight because, in a primary way, their members have seen their friends and relatives become ill and die from industrial toxins.

The 20<sup>th</sup> anniversary of Love Canal was a reunion of old friends from all over the state. Many of them continue to fight for environmental justice at great cost to themselves, because, as Lois Gibbs, said to me, "Now it's about the children. We see babies one to four years old with cancer and dying. Corporate America continues to put profit over public health."

In *Buffalo Beat*, Green refers to the work of FUSRAP as an environmental success story. This statement seems almost absurd in the discussion of the disposal of nuclear waste, which has a half life of 6,000 to 500,000 years. Since World War II, the amount of background radiation has tripled. Four out of ten Americans will get cancer throughout their life time. The real question is: are we going to survive our nuclear legacy?

Ms. Green's article celebrates the struggles of Love Canal and West Valley. At the same time, it advocates reuse (re-settlement of a toxic site) and presents a false tale of nuclear waste disposal in its support. *Buffalo Beat* has taken local environmental journalism one step further into propaganda. I don't think that this is what Paul MacClennan had in mind when he called for a new environmental journalism.