

TESTIMONY OF

ANNE HILLIS AND JIM CLARK

THE JOINT SENATE SUBCOMMITTEE ON ENVIRONMENTAL
POLLUTION AND HAZARDEOUS WASTE

MARCH 28 AND 29, 1979

CO-CHAIRER BY

SENATOR EDMUND MUSKIE AND SENATOR CULVER

The day we testified was the same day the
3-Mile Island Nuclear accident occurred.

JAMES L. CLARK TESTIMONY BEFORE SENATE COMMITTEE ON
RESOURCE PROTECTION & ENVIRONMENT & PUBLIC WORKS

GENTLEMEN:

My name is James L. Clark. I am a disabled American Veteran having served approximately 14 years in various paratroop, Green Beret and Guard Units.

I have lived over eight years in the Love Canal area. Since living there my family has suffered many serious health problems.

The adverse health affects in that area are real. These people need to be immediately evacuated from that contaminated area!!!

Dr. Beverly Paigan's findings in many cases substantiated by surgery.¹

The New York State Health Department's attempt to disprove the illnesses seems to be working against the purpose of a health department.

With all the contaminants² found, one can only assume that there is a definite risk to the population of the Love Canal area.

We had another suicide discovered this past Friday.³ A 22 year old male shot himself. No one knows why, nor will they know why the next one will do it. This is a fact of life we live with every day.

New York State Health Commissioner, Dr. David Axelrod's statement before the Congressional Subcommittee that: "The cancer data could not be substantiated", is absolutely ludicrous. New York State Law requires that all cancer and tumors be reported to the New York State Health Department.

Besides our area has one of the finest cancer research institutes in the world - Roswell Park Memorial Institute in Buffalo -- and New York City has Sloane Kettering Institute. Why can't cancer findings be substantiated?

The "Blue Ribbon Panel" that was secretly assembled to look into the health problems and no names revealed to the public - was an absolute insult to our intelligence. I wrote Dr. David Axelrod advising him of the New York State Law-on Freedom of Information, Sec. 84-90.⁴

When a panel rules on a matter affecting the health and lives of my family, I would like to know who they are, if they are qualified individuals who can tell what is wrong and what course of action is to be taken to alleviate any problems. I have received no answer!

In the first two rows of houses, the people were removed without any scientific investigation, solely on a political campaign promise. When the human cry went up from the people, the Governor then promised on national T.V.: Allow us to move these two streets and anyone with health problems or chemicals also will be removed.

Approximately 23 families submitted their health records (under a short time limit). Our answer back was this enclosed form telegram - even people with heart conditions for it, but were afraid to open it. Three days later we received a certified letter saying the same thing.

Gentlemen! The evidence is in. The chemicals have leached. The health problems are real. These people must be relocated.

You do not solve a problem of this magnitude by arbitrarily drawing a line on a map, putting up a fence, at our expense, and have the Governor say: "That is all the houses we are going to buy".

Only now are they doing hydrology studies in the outer area. They have drilled 18 holes and 12 are contaminated⁵, and the people are telling them that they are drilling in the wrong places.

This document from the State tells of the fact that the ambient air in the Love Canal area is infested with chlorinated hydrocarbons 80 times greater than in downtown Niagara Falls, which isn't too sweet.

The New York State Health Commissioner at every meeting simply states there is a risk of flying in an airplane, that there is a risk in crossing a street. We want to know what the risk is of living in an environment with known human carcinogens where the quantities are 80 times greater than in the downtown air of an industrial city (Niagara Falls).

We know the affects of dioxin.⁶ These are the only statements that we have on Dioxin that we received from the Health Department.

Hooker's role in this entire affair has been to launch a massive advertising campaign - in essence claiming that the victims caused the problem by moving into the area and disturbing the clay cap.

The Love Canal dump, according to Hooker, was done in the most scientific, expert manner of the times - "a secure landfill" - meeting all the requirements of a secure landfill: isolation, barrier, sealed vault, clay cap, etc. All of this is readily disputed by this 1952 photo showing it leaching into the river.

Why wasn't it corrected then? Why are we using approximately the same technique now? It did not work then and it will not work now nor ten years from now by the State's own admission.⁸

The whole remedial plan - their 6 inch pipe - is only an engineering hypothesis which has yet to be proven.

The chemicals that have and are leaching from the Canal are not going to be brought back into the Canal. The people are, and will be continually exposed to, dangerous toxic chemicals.

This remedial plan was drawn up between City, State, Hooker, and an engineering firm which happens to be a Hooker business associate. The construction work for this plan was awarded, without bid, to another Hooker business associate - The Newco Chemical Corporation. Our City Manager, who awarded the contract for the construction work, resigned and moved to Florida to work for Newco.

If the construction work had been implemented all at once, instead of in three phases there might have been the possibility of containing some of the chemicals. Just the other day, north of the completed construction site, this fact was clearly shown by chemicals leaching from the ground, running into the storm sewers, and into the Niagara River for three days. After news coverage, the remedial construction crew instigated emergency procedures. "Emergency Procedures" because the insurance policy did not cover this - an insurance policy that New York State paid 1.3 million dollars for to cover approximately 40 workers.

In the next three days, over 12,000 gallons of leachate were sucked up. I wonder how much they did not contain from going into the river.

With hundreds of chemicals, of dioxin, of radiation, how much longer will these people be forced to stay?

Niagara Falls itself is a scenic wonder. Why are they allowing it to be turned into a chemical dump?

Newco, while doing the remedial work at the 16.5 acre Love Canal, is building a potential 400 acre Love Canal on 56th Street. Another "secure landfill"??

And S.C.A. is building a 900 acre site below the Falls that affect our friends to the north in Canada. S.C.A. has permission from the Department of Environmental Conservation to dump up to three million gallons per day of so-called treated waste into the Niagara River starting in late March 1979. Presently that are dumping "only" 550,000 gallons.

There is no such thing as a secure landfill. While being the greatest industrial nation in the world, we are using antiquated methods of waste disposal and of regulating it. What we are actually doing is regulating the slow, systematic poisoning of our citizens.

The people want this dumping to stop. We have letters from unions and religious leaders to this effect.

The technology for a total, safe method of waste treatment exists. We must initiate a national program on the mandatory industrial high temperature incineration of wastes.

But this solution cannot be left to private industry. It has been proven time and time again that industry will not police its own garbage even though laws and regulations exist. I know it is not by design or intention, but a situation could exist where a company that pollutes forms another company to clean up the pollution at the taxpayer's expense.

A national program would be expensive, but we cannot afford not to start it. What is one child's worth? What is the next Love Canal worth? We cannot victimize our Nation's children through carelessness and greed.

The Niagara Frontier will be a perfect place to initiate a pilot program with over fifty chemical dumps identified and more being built.

Thought must be given to the identification, registration and exchange of waste among industries because one industry's waste is another industry's raw material. Recycling, reclaiming and detoxifying these wastes would help the energy crisis. Even electricity could be generated from the steam created by the high temperature incineration.

Consideration must be given to the transportation of chemicals to be incinerated. Something such as MS-5 could be added to them (it would turn the wastes to jelly) to prevent spillage. If an accident occurred during transportation, at least people surviving the accident will not be splashed with acid.

This would open up a whole new area of environmental studies where the cause and effect of waste-induced environmental problems and the use of industrial by-products could be explored. And more exploration could be done in the area of solar furnaces for incineration, and for high-energy ceramic magnets for detoxification. Without such a program, we will continue to have one Love Canal after another with its disease, its birth defects, and jeopardy of the next generation.

Gentlemen, to show what the Love Canal really means, a little girl in the neighborhood asked me to show you this photo. Her condition came about when the "remedial" digging started and it has grown steadily worse. Several doctors have said it is definitely not teenage acne. Last Friday she was taken to Roswell Park Memorial Institute. They did not know what is causing the severe rash. That girl, Gentlemen, is my daughter.

QUESTIONS WE WOULD LIKE TO HAVE ANSWERED:

1. Why is Niagara Falls, New York as a scenic wonder, allowing SCA, Hooker, and Newco to turn it into a chemical dump?
2. Why was the engineering study turned over to a Hooker Associate who is doing the remedial work for Hooker at Bloody Run?
3. Why was Newco, a Hooker associate, given remedial construction of Love Canal with no bids asked for?
4. Why did Donald O'Hara leave the City of Niagara Falls to work for Newco in Florida.?
5. Why can't we get straight answers from New York State Health Department?
6. Why, if this was declared an Emergency Disaster area can't we get help from the Federal Government?
7. Why, when we can bring home 900 dead bodies from Guyana, can't we get the Government to help in Love Canal?
8. Why, if we can send billions of dollars to Egypt and Iran can't we help in Love Canal.
9. Why did Hooker receive three million dollar grant for a building downtown.
10. Why did our Mayor, with the taxpayers money, build Hooker a parking ramp for their new building, which by the way was built not for them but for Carborundum. Hooker is now planning to build their own and the City is also agreeing to put up another parking ramp.
11. Why was our Mayor so intent on reviewing the television documentary which brings to light all the truth in regard to the anguish and suffering of the people of the Love Canal and the like canals in our country?
12. Why did Hooker receive a ten million dollar grant for municipal garbage incinerator?
13. Why did Hooker turn this property over to the Board of Education for the sum of \$1.00?
14. Why did the Board of Education sell this property to contractors for the

- construction of homes when they knew there were reservations in their deed.
15. Why must we ~~live~~ here while blame is affixed. Their chemicals came in my yard, I did not go in their yard and mess with their chemicals.
 16. Why did Dr. David Axelrod refuse to testify before the subcommittee?
 17. Why is the New York State Health Department do diligently trying to disprove that Love Canal caused health problems?
 18. Bruce Davis, Head of Hooker, says that Dioxin in those minute levels will not harm you. Dr. Axelrod, New York State Health Commissioner; says it will kill you. Why are we still here?
 19. Why are our children still attending 93rd Street School where they have proven that radiation levels are higher than the maximum permissible dose level (yearly) than a worker around a nuclear reactor?
 20. How can a fence stop leaching?
 21. Why does the City of Niagara Falls have Hooker do their water tests for our drinking water?
 22. Why, if Dr. David Axelrod is ~~so~~ concerned about kidnapping wasn't an arrest made?
 23. Why are they pumping leachate from Storm to Sanitary Sewers during high rains?
 24. Why was all the workers with rashes sent to Roswell for first aid?
 25. Why is the sewage treatment plant unable to filter all the known chemicals out of our effluent. This treatment plant has not worked since March 1978.
 26. Why have soil samples of yards not been taken?
 27. Why did our Governor say he was definitely not going to buy anymore homes which is reality ~~is~~ tantamount to a death sentence.
 29. Why, if this is a demonstration project, are we not demonstrating to the world that we can clean up and not cover up and protect our citizens?