

2003 Year in Review

TO: Ohio Citizen Action members
Boards of directors, Ohio Citizen Action and Ohio Citizen Action Education Fund

FR: Sandy Buchanan, Executive Director
Ohio Citizen Action

DT: February 6, 2004

Here is my annual report on significant organizational accomplishments in 2003. Because much of our work in 2003 came to fruition with some very exciting results in January 2004, I have included those developments in the report as well.

I. Good neighbor campaigns

Ohio Citizen Action and Ohio Citizen Action Education Fund had an extraordinary year of accomplishments in our good neighbor campaigns. Below is a summary of the campaigns in each region of the state.

AK Steel

AK Steel's coke plant in Middletown, Ohio, literally rains soot and heavy metals on workers and neighbors daily. The plant has also heavily contaminated a nearby creek with PCBs, endangering children and animals who play in the creek.



When we launched our campaign to clean up AK steel in May 2001, even talking about AK's extensive pollution was largely seen as taboo in a company town. Many neighbors were afraid to speak out because AK had threatened to close down large sections of the plant and had refused to invest money in pollution control.

With a combination of community organizing, environmental testing, creative use of the

media, and old-fashioned determination, we have turned that situation around completely. A major breakthrough in the campaign came on January 30, 2004, when the company's new CEO, James Wainscott, announced that AK has decided to invest \$65 million in long-needed air pollution controls at the facility so that it can keep the "hot end" of the plant, which produces steel slabs, open. The entire tone of the announcement "that we can preserve jobs in Middletown while cleaning up the environment" was a tribute to all the people who have worked on this campaign.

Several important events in 2003 helped lead to this turnaround. In March 2003, we released "AK Come Clean," a documentary filmed by neighbors of AK, with the video premier and a photograph display held at Xavier University. We then distributed 550 copies of the videotapes door-to-door in Middletown, and an additional 400 copies by mail and at meetings.

In May, we released the results of the water testing that Sierra Club conducted in Dick's Creek, which runs next to the plant. The results were startling not only because of the high levels of PCBs in the creek, but because an expert was able to "fingerprint" the PCBs and prove that they had indeed come from AK Steel. Dr. David Carpenter, a national expert on PCBs, and several neighbors and parents of children at Amanda Elementary School spoke at the press event. We immediately began a public push for a fence to be built to prevent children from getting into the creek, as well as pressuring AK to stop any ongoing pollution of PCBs and dredge the creek.

In 2003, Ohio Citizen Action members sent 8,400 personal letters to AK Steel asking them to "come clean" and 4,900 letters to Middletown city officials asking them to build a fence next to the creek. In September, AK's board of directors ousted long-time CEO Richard Wardrop, who had antagonized all major parties who dealt with AK and driven the stock price into the ground. The new CEO, James Wainscott, who had previously served as chief financial officer, immediately opened up lines of communication with us, the community, the unions, major suppliers, the state government and others.

In addition to the major announcement on the "hot end," Wainscott has agreed to build a fence along a small portion of the creek, behind the elementary school. We are now concentrating on getting a more comprehensive commitment from AK to prevent and clean up the PCB water pollution.

Columbus Steel Drum

Columbus Steel Drum is a hazardous waste drum refurbishing facility, which processes an average of 7,000 drums per day. Nearby neighbors, schools, and businesses in Gahanna and Jefferson Township have long endured noxious odors from the facility, as well as water pollution.

We began our good neighbor campaign at Columbus Steel Drum in 2002, and built a coalition of neighbors, local businesses, fire fighters, watershed activists, and local officials to put pressure on the company to upgrade their facilities and clean up their pollution. We also succeeded in getting the Honda Corporation, a major customer of Columbus Steel Drum, to pressure them to comply with environmental laws. Columbus Steel Drum company agreed to make a series of changes, and began participating in a Health and Safety Working Group with coalition members. At the same time, because of our high-profile campaign, the Ohio Attorney General sued Columbus Steel Drum for a series of permit violations at the plant and entered into a consent decree with the company.

While the company did make some needed improvements in its daily operations, it was clear by late 2003 that Columbus Steel Drum was failing to live up to its commitments to the community and to the court. The owner of the land worked with the City of Gahanna and a real estate developer to begin legal action to close Columbus Steel Drum and allocate funding to clean-up and redevelopment. On February 2, 2004, the Gahanna City Council voted to allocate \$300,000 to undertake a full environmental assessment with public oversight, preparing for a clean-up. Columbus Steel Drum continues to fight both the Ohio Attorney General and the landowner in court.

Proposed Columbus tire-melting plant

This year, a company called Universal Purifying Technologies applied for a permit to build a gigantic tire-melting facility at the site of Columbus's old trash-burning power plant, in a neighborhood which already has the biggest concentration of polluters in the city. The plant would heat 8,000 tires an hour to a very high temperature, with all the conditions present for the formation of dioxins.

Universal Purifying Technologies and Ohio EPA had hoped to sneak the permit for this

new facility in under the radar screen, without the public noticing. However, working with a wonderful group of South Side residents and the Buckeye Environmental Network, we organized a huge public outcry over this proposal. The old trash-burning power plant, which sits empty at the site today, had been the largest emitter of dioxins in the world when it closed ten years ago. Neighbors did not want to have to deal with another polluting facility and spoke up loudly, receiving terrific media coverage.

We were able to expose the technical, legal, and financial problems at the facility, and documented that no other tire-melting facilities are operating successfully in the U.S. or any other country. We pressed every agency that would have decision-making authority to reject the proposal, and sent over 3,000 letters and collected 12,000 petition signatures in opposition to the facility in just three months.

We won the campaign on January 6, 2004, when the Solid Waste Authority of Central Ohio voted unanimously to deny the lease to Universal Purifying Technology.

Davis-Besse nuclear power plant

Two years ago, workers at the Davis-Besse power plant on Lake Erie discovered a football-sized hole in the head of the reactor, which had been eaten away by leaking boric acid. Only a 3/8" steel liner, which was already bulging and cracking from the internal pressure, prevented a nuclear accident. The plant has been shut down ever since. During the shutdown, the plant's owner, FirstEnergy, revealed that the pumps which would send water into the reactor in the event of a meltdown have been designed wrong since the plant was built, and may have clogged with debris during an accident. A federal grand jury is now investigating events at Davis-Besse, and FirstEnergy has applied to the Nuclear Regulatory Commission for permission to restart the plant.

We have used many of the techniques of good neighbor campaigns in our effort to stop FirstEnergy from being able to reopen this facility. We generated a tremendous amount of media coverage about the problem, including a feature story on NOW with Bill Moyers in January, many quotes and appearances on national media when FirstEnergy was the main culprit in blacking out 54 million people in August, and frequent stories in the Plain Dealer, Toledo Blade, and Akron Beacon-Journal.

Ohio Citizen Action members have sent an astounding 30,000 letters to company

management and 12,800 letters to the Nuclear Regulatory Commission, asking them to "Look me in the eye and tell me Davis-Besse is safe." We worked closely with the Union of Concerned Scientists and plant whistleblowers to highlight the safety problems, recruited fifty doctors and nurses to send a letter to FirstEnergy urging them to explore alternatives to reopening the reactor, and organized residents of the nearby islands to highlight the absence of an evacuation plan. FirstEnergy has now sunk over half a billion dollars into repairs at Davis-Besse and replacement power, but shows no signs of fixing the main problem at the plant: the lack of safety culture at FirstEnergy.

In November, we helped force the resignation of Ohio Consumers Counsel Robert Tongren after media revelations that he had made a deal with FirstEnergy to support a multi-billion dollar bailout of the company when Ohio deregulated electricity in 2000. Tongren had destroyed a report by his own consultant showing that FirstEnergy's "stranded costs," accumulated as a result of mismanagement and cost overruns for its nuclear plants, were six billion dollars less than the company wanted, and eventually got. FirstEnergy's financial situation is so desperate that they have now requested an additional \$3 billion bailout from the Public Utilities Commission of Ohio, and want the case rushed through on an expedited schedule. We are organizing opposition from consumers and public officials.

PermaFix Corporation

The U.S. Army announced in March that it had granted a \$9 million contract to the PermaFix Corporation in Dayton to destroy 300,000 gallons of waste products from its stockpiles of deadly VX nerve agent. The VX hydrolysate would have been trucked 195 miles from Newport, Indiana, to a highly populated neighborhood in Dayton, which is 35% African-American and 35% low-income.

We worked closely with a tremendous group of residents in the Drexel neighborhood to organize a whirlwind campaign of opposition to the Army contract. Members of the newly-formed Citizens for the Responsible Destruction of Chemical Weapons persuaded 30 neighboring jurisdictions to pass resolutions against the transport of the waste to Dayton, packed public meetings of the City Council and County Commissioners, filed a lawsuit challenging the lack of an environmental impact statement, enlisted the help of their Congressman, and visited newspaper editors.

In October, the County announced it would not grant the necessary wastewater disposal to PermaFix, and the Army cancelled the contract. Neighbors are now organizing to fix other air pollution violations at PermaFix.

Sunoco Refinery

The Sunoco refinery in East Toledo has been polluting the low-income neighborhood surrounding it for 100 years. The facility has had 120 chemical spills, due to equipment failure, leaks, and stack releases since 2000. Neighbors experience terrible odors, loud noises, fires at the facility, spraying of nearby residences with water from the facility, pollution in the creek, damage to trees and vegetation, and many health problems.

We launched a good neighbor campaign at the Sunoco Refinery in January 2003. We conducted several volunteer canvasses throughout the neighborhood, held a series of meetings with a core group of interested neighbors, conducted air and water tests, and our Northwest Ohio members sent 3,200 personal letters to the plant manager asking him to clean up the operations.

The result has been something we have hoped for in our good neighbor campaigns ♦ Sunoco has decided to learn from other facilities who have been through these campaigns with us, and begun a series of results-oriented meetings with the community. Because both Sunoco and Rohm and Haas are headquartered in Philadelphia, officials of Rohm and Haas recommended that Sunoco hire the facilitator who worked with us at our Rohm and Haas/Morton International good neighbor campaign in Cincinnati. A series of monthly meetings began in December 2003, involving neighbors, employees, management, and Ohio Citizen Action. We will continue to push for changes in the plant ♦s operation in 2004.

II. Campaign Finance

- We continued to be known to the media as the people who "follow the money" in Ohio politics, providing training and assistance to both Ohio (e.g. Plain Dealer, Toledo Blade and Columbus Dispatch) and national journalists (i.e. NOW with Bill Moyers, TIME and the New York Times) interested in the flow of political dollars.
- During the year, we investigated and released reports on the money related to several major environmental issues, including the Ohio EPA ♦s proposal to

rewrite environmental permitting rules and FirstEnergy's proposed \$3 billion rate hike.

- We pushed for improved disclosure of campaign contributions from numerous angles, including a study which documented the statewide and legislative candidate fundraisers taking place from January to May 2003 and highlighted the need for campaign finance filings in off-election years.
- Our lobbying helped stall - and most likely kill - a legislative proposal which would have allowed corporations to give direct contributions to candidates in Ohio.
- We worked closely with state and national organizations to make recommendations about ways to clean up judicial elections in Ohio, which have become known around the country for their very expensive and often very nasty campaigns. We supported improved disclosure recommendations to prevent some of the tactics which have been used in previous Supreme Court races.
- In July the Education Fund released an analysis comparing the scant coverage of candidates and issues by major Columbus TV stations with the number of political ads. The report release was coordinated with national efforts to advocate for more news coverage of election issues.
- The Ohio Citizen Action Education Fund launched a Whistleblower Hotline, publicized through the distribution of 5,000 flyers by Ohio Citizen Action's canvass, encouraging people to call us to report violations of campaign finance laws.

III. Protecting the First Amendment and the right to know

We won a First Amendment lawsuit against the town of Mentor-on-the-Lake in May 2003. U.S. District Judge Donald Nugent issued a strong decision striking down the city's ordinance restricting door-to-door canvassing. The city's ordinance required canvassers to be photographed and fingerprinted, prohibited canvassing after sunset, and had additional unconstitutional licensing requirements. The city also had to pay our attorney's fees and damages. We believe that the decision will have a ripple effect in protecting our constitutional rights around the state.

Ohio Citizen Action opposed a series of attacks on the public's right to know about public health and toxic pollution in the Ohio General Assembly. We helped beat back a

proposal to remove public information from state agency websites. We worked with representatives of the newspapers and broadcasting associations, along with other environmental groups, to win some improvements, though not all we wanted, in a bill which hid information at the Ohio Department of Public Health.

IV. Promoting safe agriculture and environmental education

We worked with many organizations across Ohio and the country to advocate for policy changes at the state and federal level to promote organic agriculture and provide assistance to farmers who want to transition from chemical pesticide use to safer agricultural methods. We also helped develop the Greater Columbus Foodshed Project, which is working with local organizations to provide locally grown, healthy food to urban neighborhoods in conjunction with Head Start and other organizations. We supported environmental education at the Tikkun Village and schools in Akron.

V. Advocating for enforcement of environmental laws

Ohio Citizen Action has worked with the Ohio Chapter of the Sierra Club, Rivers Unlimited, and Ohio Public Interest Research Group since 1996 to expose the lack of enforcement of environmental laws by Ohio EPA. We petitioned the U.S. EPA to take away Ohio's authority to oversee the Clean Air Act, Clean Water Act, and hazardous waste laws. The petition caused U.S. EPA to file civil complaints against Ohio facilities for violations of air, water and hazardous waste regulations, order cleanups, level millions of dollars in penalties, and intensify inspections, environmental sampling, and monitoring at some suspect facilities. U.S. EPA announced in February 2003 that it would not revoke Ohio's authority, but issued a list of improvements which Ohio EPA pledged to make in order to live up to federal standards.

2003 marked the 15th anniversary of Dayton's wellfield protection ordinance which Ohio Citizen Action helped create. Since the law was passed, 17 million tons of toxic chemicals have been removed from the area above one of the nation's largest groundwater supplies, helping to protect the drinking water of thousands of people. We also continued our ozone monitoring project this year, and succeeded in convincing U.S. EPA to add two new counties: Columbiana and Brown, to the list of Ohio counties which do not meet ozone standards and therefore must institute pollution prevention.

VI. In memoriam

We will remember fondly these wonderful Ohioans who died in 2003:

- Roberta Booth, the leader of the South Side Columbus organization that won its fight with Georgia-Pacific Corporation, and mother of our board member Mike Jones
- Vicky Mroczek, Director of Ohio's Home Energy Assistance Program and a leader of Ohio Citizen Action in its early years
- Terry Mohn, a long-time Toledo activist and father of former board member Polly Taylor-Gerken