

2004 Year in Review

The year was characterized by tremendous success in our good neighbor campaigns across the state. These campaigns aim to influence major polluters to reduce toxic exposure by meeting the community's standards of safety, rather than minimal legal requirements.

I. Good neighbor campaigns

Southwest Ohio

AK Steel

AK Steel's coke and steel 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.

After a three-year-long good neighbor campaign, AK Steel in Middletown agreed in early 2004 to spend \$65 million to upgrade their air pollution controls to meet federal standards and protect the community from air pollution. They pledged to meet the new standards by May 2005, a year earlier than required.

As a result of our campaign, AK built a fence to keep children out of the PCB-contaminated creek. We recruited medical leaders from the University of Cincinnati to lead a public forum on PCB exposure in Hamilton, Ohio, since Hamilton is downstream from AK. AK is currently in negotiations with the U.S. EPA and Sierra Club to settle a water contamination lawsuit.

Lanxess Plastics

The Lanxess plant in the historic village of Addyston, Ohio, sits on the Ohio River fifteen miles west of Cincinnati, directly across the street from an elementary school. Former owners of the plant include Bayer and Monsanto. The Addyston plant makes plastics for auto interiors, refrigerator linings, office equipment, power tools, health spas and medical parts. The facility reported 77,000 pounds of air pollution, mostly involving chemicals that can cause cancer, in 2002, along with 100,000 pounds of water pollution into the Ohio River.

We launched a good neighbor campaign at Lanxess Plastics in July 2004. Throughout the area, neighbors report being overwhelmed with odors from the facility. These odors

give neighbors headaches and sometimes burn their eyes and the inside of their noses. Complaints include frequent smells of "burnt plastic," "rotten eggs," ammonia and chlorine.

Lanxess had an accident during Addyston's "Oktoberfest" celebration this fall, releasing 1,200 pounds of the toxic chemical acrylonitrile, but did not inform community leaders. We uncovered the information while examining files at the local environmental agency in December. Then, on December 15, Lanxess again leaked acrylonitrile, which is a probable cancer-causing agent, from the plant. This time, the plant leaked 700 pounds of the chemical in eight minutes. These accidents have sparked the media's interest in the plant's poor track record, which includes 16 accidents since July 2004, nine of which have caused releases of toxic chemicals.

We have organized a community group, Westside Action Group, which has begun holding meetings with the company, and 11,700 Ohio Citizen Action members have already sent personal letters and petitions to the plant manager urging him to invest in pollution prevention.

Central and Southeast Ohio

Proposed Columbus tire-melting plant

In 2003, a company called Universal Purifying Technology applied for a permit to build a gigantic tire-melting facility at the site of Columbus' old trash-burning power plant, in a neighborhood which already has the biggest concentration of polluters in the city. The plant planned to heat 8,000 tires an hour 24 hours a day to a very high temperature, with all the conditions present for the formation of dioxins.

On January 6, 2004, we had our first organizational victory of the year, when the Solid Waste Authority of Central Ohio voted unanimously to deny a lease to Universal Purifying Technology.

The success came as a result of an intense and well-organized campaign at the end of 2003, where we worked with neighbors on Columbus' South Side and the Buckeye Environmental Network, who had forced the trash-burning power plant to close down ten years earlier. 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 protested and asked pointed questions at Ohio EPA's hearings on the proposal, 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. And, at a time when the California owner of the proposed new plant was laying low and no one in Columbus knew who he was, we found him by knocking on a door one night in the Clintonville neighborhood. This chance contact allowed us to invite him to public meetings, so he could respond to questions and see the public's reaction to his proposal.

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 agreed to make a series of changes, including installing additional control equipment on their stacks, properly maintaining the furnace and installing a water curtain to minimize fugitive emissions from the drum burner. Additionally, Columbus Steel Drum agreed to clean up the drain ditches, fix leaks on the property and remove a storm water retention pond that collected water run offs from the property. The company also cut down on the number of drums processed each day.

Our high-profile campaign resulted in actions by a variety of public officials and interested parties. 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. Columbus Steel Drum's landowner filed eviction proceedings against the company, and the City of Gahanna voted to allocate money to clean up the site if it closed. All of the legal actions are currently pending in court.

We resumed our canvassing to put pressure on the company for several months in early 2004, when it became clear that Columbus Steel Drum was failing to live up to some of its commitments to the community. We continue to work with local leaders to ensure that Columbus Steel Drum is complying with its commitments to decrease air pollution, as long as it continues to operate.

Shelly Asphalt

Asphalt plants pollute surrounding neighborhoods with toxic air emissions, as well as sickening odors, heavy dust, noise, and increased traffic. The plants use waste oil from

refineries to heat sand and gravel, and then mix the aggregate with liquid asphalt. The plants usually have several storage tanks and aggregate storage piles on site. The Shelly Company is the largest asphalt company in Ohio, with 60 asphalt plants around Ohio, including one in Westerville, just north of Columbus.

We launched a good neighbor campaign at Shelly Asphalt in March 2004. In researching the environmental records at Ohio EPA, we discovered that asphalt plant pollution is almost completely unregulated by the state. There are more than 300 asphalt plants in Ohio, most of which have routinely avoided enforcement or even limits set by on their air emissions. Toxic air pollution from these plants includes volatile organic compounds and sulfur dioxide. These compounds harm our developmental and reproductive organs as well as the central nervous system. Some organics are suspected or known to cause cancer.

In Westerville, Ohio Citizen Action worked side by side with neighbors who formed Citizens for Clean Air to put pressure on Shelly Materials in several ways:

- Collecting and delivering 17,000 personal letters from Ohio Citizen Action members to Shelly's management, asking Shelly to work with the neighbors and fix their environmental problems.
- Phoning Shelly's headquarters in Washington, DC, and the headquarters of their parent company in Dublin, Ireland, demanding accountability for Westerville plant.
- Filing 30 verified complaints with the Ohio EPA, asking for immediate investigation.
- Documenting malfunctions, taking videos and photographs of problems occurring on site, keeping odor logs, taking air and dust samples.
- Receiving great media coverage.
- Involving Westerville City Council and the U. S. EPA, which is currently the two largest asphalt plants in Ohio, including Shelly and Kokosing, who have side-by-side plants in Westerville.

Less than a year into the campaign, in December 2004, the two asphalt companies -- otherwise fierce competitors -- have found a way to address these community problems together. Shelly is moving their asphalt plant out of Westerville and will buy asphalt from Kokosing for a reasonable price if they need it for their future contracts in the area.

During the campaign, we brought neighbors from several Shelly plants around the state

together. Neighbors of a Shelly plant and terminal near Gallipolis organized pressure on the Ireland headquarters of Shelly's parent company and posted yard signs in their community. Residents of the South Side of Columbus also protested emissions at the Shelly plant there. In December, Shelly said it would move the asphalt plant in Gallipolis to a less-populated area, and said it would replace an older asphalt plant on Columbus' South Side with the asphalt plant from Westerville, after making additional improvements to the plant. We will continue to work with neighbors in all of the communities to make sure Shelly follows through on its commitments.

DuPont

DuPont's Teflon-manufacturing plant in Washington, West Virginia discharges a chemical known as "C8" into the Ohio River. The drinking water of approximately 100,000 water customers in Southeast Ohio and West Virginia has been contaminated with C8. This chemical and others in the class of chemicals known as "perfluorochemicals" are being found throughout the world and may cause a variety of health problems, including severe birth defects. Court cases show that DuPont covered up evidence of the health hazards of these chemicals for years.

Ohio Citizen Action sponsored a public forum on the C8 problem near Pomeroy, Ohio in June 2004, featuring Jane Houlihan of Environmental Working Group. We found great public interest in the area about the problem, including a growing community frustration with Dupont's secretiveness. While Dupont's recent settlement of a class action lawsuit is supposed to provide drinking water treatment for these towns, many potential problems remain, including technological uncertainties about the treatment and the fact that the contamination may have spread to additional towns which have not yet had their water tested.

Northeast Ohio

FirstEnergy

FirstEnergy's Davis-Besse nuclear power plant came within two months of a major nuclear accident in 2002, according to the Nuclear Regulatory Commission. The plant had a football-sized hole in the nuclear reactor, along with emergency pumps which were not properly designed.

When the hole in the head of Davis-Besse was discovered in 2002, Ohio Citizen Action began a campaign to prevent the plant from reopening. We urged FirstEnergy to consider alternatives to nuclear power at Davis-Besse. Ohio Citizen Action members also pressured the Nuclear Regulatory Commission (NRC) not to allow FirstEnergy to restart the plant, sending 19,000 handwritten letters and petitions to the agency. The NRC told us this was the most public involvement they have seen at a nuclear plant.

Our campaign did not succeed in preventing the plant from reopening, but it did help keep the plant shut down for two years, allowing both FirstEnergy and the NRC to uncover numerous safety flaws. Eventually, FirstEnergy spent over \$300 million to repair and replace major parts of the plant, including replacing the reactor's head and putting in several new systems. FirstEnergy also spent \$300 million in replacement power.

The NRC allowed the plant to reopen in March 2004 under a higher level of scrutiny from independent nuclear safety experts. Almost as soon as Davis-Besse reopened, the NRC also found numerous safety problems at FirstEnergy's other Ohio plant, Perry. Both plants have been the subject of serious criticism from the NRC and independent experts during the year. We believe that the best hope for an improved safety culture at these plants is for FirstEnergy to be sold to a utility with a better safety track record.

We opposed First Energy's \$3 billion proposal for a rate hike, and succeeded in knocking off \$1 billion from that request to date. We worked with Ohio's new consumers' counsel, Janine Migden-Ostrander, to pressure the PUCO not to grant the rate request and to allow competition in the electric industry. This issue will come before the Ohio Supreme Court in 2005. Because three of the seven justices accepted \$40,000 each in contributions from FirstEnergy during their re-election campaign this fall, we are urging them to recuse themselves from the case.

ISG Cleveland Works

The ISG Cleveland Works steel mill occupies 1200 acres in the middle of Cleveland, straddling the Cuyahoga River. The mill is the largest single polluter of the air and water in Cuyahoga County, according to reports submitted to the Ohio EPA. ISG's air pollution, visible to anyone driving on the freeways past downtown Cleveland,

amounted to 76 million pounds in 2003. Because the plant is so close to Lake Erie, both its air and water pollution can endanger the lake.

Since ISG reopened the steel mills in 2003, pollution problems in nearby neighborhoods have included metal flakes and soot covering people's cars and homes, nauseating odors including strong sulfur smells, loud noises, and visible orange and yellow clouds coming from the stacks. Many of the chemicals and soot coming from the plant can cause long term health problems, including asthma, lung cancer, and developmental damage.

Since we began our campaign in July 2004, over 6,000 Ohio Citizen Action members have written personal letters and petitions to ISG, urging them to modernize the facility to prevent pollution. We have helped residents of the Tremont and Slavic Village neighborhoods open up lines of communication with the company, and are urging ISG to reroute the trucks which carry hot coke to the plant, so that they no longer go down residential streets.

In October, ISG announced that it will merge with London-based Mittal Steel, and will become part of the largest steelmaker in the world. ISG management has been cooperative in talking with us, and with the plant's direct neighbors, about making changes to their operations to protect the neighbors from harmful pollution. Given Mittal's financial resources, and the company's desire to become a leader in the field, we have a tremendous opportunity to help them make significant changes at the Cleveland plant. These changes could then become a model for some of their other plants across the country.

Northwest Ohio

Sunoco

The Sunoco refinery, which has been operating in Toledo since 1945, is located in the middle of a low-income residential area and is a neighbor to 57,000 residents within a three-mile radius. This community has over 40 schools and daycare facilities for children, including an elementary school directly across the street from the tank farm.

In Northwest Ohio, we launched a good neighbor campaign focused on pollution prevention at the Sunoco Oil Refinery in January 2003. We helped neighbors form the

East Side-Oregon Environmental Group, which has been holding community meetings and collecting "pollution logs" from residents who chronicle their experiences with foul odors, flaring, smoke, oily residues and soot that engulfs their property. We uncovered information showing that the refinery has been sending more sulfur dioxide into the air each year -- a jump of 797,880 pounds between 2002 and 2003 alone.

Ohio Citizen Action volunteers conducted health surveys in the neighborhood surrounding the Sunoco Refinery in August 2004, and sent aggregate data to county health officials urging a more thorough investigation. The survey found that, out of 473 respondents, sixty percent of the respondents or their children experience headaches, many on a daily basis. Thirty-five percent of the neighbors we talked with, or their children, have itchy, irritated eyes, and approximately a quarter of respondents or their kids have or experience asthma, shortness of breath, general fatigue, sinus infections and ear infections.

Separate from our good neighbor campaign, some residents have filed a class action lawsuit against Sunoco. Sunoco's attorneys have subpoenaed us as a third party in that case, demanding that we turn over the individual health questionnaires to the company. Because the neighbors who filled out these surveys had no expectation they would be given to Sunoco, we have objected to the subpoena and have appealed the order of the local judge who supported Sunoco's demand. We are organizing medical professionals, neighbors, and activists from Toledo and around the country to urge Sunoco to withdraw this unreasonable demand.

Over 9,700 Ohio Citizen Action members from throughout Northwest Ohio have written personal letters and sent petitions to Refinery Manager Roger Lyle, urging him to protect neighbors' health and safety. Voters in Oregon, Ohio decided in November to relocate the elementary school which is directly across the street from the refinery, and where the health of both students and teachers has been harmed by the proximity to the refinery. Sunoco has said it is also considering making major investments to modernize the plant's equipment and prevent pollution as part of their response to legal action by U.S. EPA.

Proposed U.S. Coking Group plant

In March and April 2004, the Ohio EPA railroaded a proposed permit for a new coke plant in Oregon, Ohio, through its permit process, to help the company avoid new

restrictions on air pollution which went into effect on April 15. The plant, known as U.S. Coking Group, has not identified its owners, investors, or customers.

Ohio Citizen Action provided assistance to local opponents of the proposed coke plant by helping to put pressure on Ohio EPA, organizing citizens to come to public meetings, providing extensive coverage on our website, and uncovering Ohio EPA's decision to pay overtime to its employees to get the permit done before the new air pollution regulations took effect.

When opponents discovered that the new plant would emit 680 pounds of mercury per year, they were able to get the governments of Michigan and Canada to weigh in against these emissions. Ohio EPA bowed to this pressure, and restricted emissions in the final permit to 36 pounds per year. Both the company and the Ohio Sierra Club appealed the final permit on various grounds, and the appeals are pending.

II. Campaign finance

- We conducted voter education surrounding key issues and campaign contributions in Ohio's four Supreme Court races (the only statewide races on the ballot), including door-to-door canvassing and distribution of information, phone canvassing, release of ongoing analyses of campaign contributions, and extensive media work. We also participated in several forums examining the role of money in Supreme Court elections, and exploring options for public financing.
- We lobbied on campaign finance issues, leading up to special session of the legislature called by the Governor to focus on campaign finance in December 2004. The final bill passed by the legislature included some provisions which Ohio Citizen Action strongly supported, such as major advances on disclosure and electronic reporting of campaign contributions, and some we opposed and believe will be found to be unconstitutional. These bar certain types of advocacy activities in elections in Ohio.
- We participated in the "Help America Vote Act" committee, which included blocking proposals which would have allowed the use of electronic voting without paper receipts. We raised a series of questions with Secretary of State Blackwell about how the November 2004 election was conducted, but he refused to respond.
- Using the information in our campaign contributions database, we determined that industry proponents of an Ohio EPA proposal to eliminate 40% of air permits in

the state had given over \$3.8 million to the Governor and state legislative candidates. This study, combined with a strong organizing campaign by a coalition of environmental organizations, sent the proposal back to the drawing board.

- We provided research assistance to dozens of reporters across the state on campaign finance issues, and helped unveil corruption at both the state and local level. We also provided support for a new City of Columbus ordinance requiring electronic filing of campaign contributions and website access.