

**Center for Health, Environment and Justice •
Citizens' Environmental Coalition • New York Public Interest Research
Group • Sierra Club – Atlantic Chapter**

NEWS RELEASE

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NEW SURVEY FINDS NEW YORK'S CLEANUP STANDARDS WEAKER THAN FEDERAL GOVERNMENT FOR LEAD, ARSENIC & OTHER TOXIC CHEMICALS

National Toxics Leader Lois Gibbs & NY Environmental Groups Urge DEC to Strengthen Brownfield Cleanup Rules on 30th Anniversary of Love Canal Tragedy

(Albany) Environmental groups released a new survey today that found New York has much weaker soil cleanup standards than the federal Environmental Protection Agency (EPA) for a number of chemicals commonly found at brownfield sites, including lead and arsenic.

Lois Gibbs, executive director of the Center for Health, Environment and Justice (CHEJ) urged state leaders on the 30th anniversary of the Love Canal tragedy to take action to prevent "future Love Canals" by strengthening the state's toxic waste cleanup programs. Earlier in the day, the groups met with Governor Paterson's staff and with Department of Environmental Conservation (DEC) Commissioner Pete Grannis to discuss how the state's brownfield cleanup regulations can be improved in order to protect the health of New Yorkers. Representatives of Citizens' Environmental Coalition, Environmental Advocates, NYPIRG and Sierra Club joined Gibbs at the meetings.

Lois Gibbs is in New York to commemorate the 30th anniversary of Love Canal, the infamous Niagara Falls toxic waste site that spurred the creation of the Federal Superfund. Gibbs, known as the "Mother of Superfund," led the successful community fight for relocation. Thirty years ago on August 2, 1978, the NYS Department of Health declared a State of Emergency at Love Canal, closed the 99th Street School and ordered a cleanup plan be undertaken immediately to address the site which contains over 20,000 tons of chemical waste. More information is at www.chej.org.

"Thirty years ago this week, the government moved families away from the leaking Love Canal toxic dump after I and my neighbors organized a grassroots community campaign," said Lois Gibbs, CHEJ Executive Director. "But, the lessons learned at Love Canal have not been heeded. Our survey of federal standards shows New York has second-rate standards that allow shockingly high levels of contamination to remain at a site. For instance, New York allows 3,900 parts per million (ppm) of lead to be left at an industrial site—nearly five times the federal standard of 800 ppm. We also found that six other states have tougher cleanup standards than

New York for these dangerous chemicals, even though New York offers the most generous financial incentives for cleanups.”

Last month, Governor David Paterson signed legislation reforming the tax credits for the state's Brownfield Cleanup Program. These reforms will limit the redevelopment tax credits available for individual projects, and provide greater incentives for more rigorous cleanups. Capping the tax credits was a top priority for Governor Paterson and the preceding Spitzer administration.

“Now that the state has addressed the problems with the brownfield tax credits, we are calling on the DEC to turn its attention to the concerns we have raised for quite some time about the weak cleanup requirements,” said Laura Haight, senior environmental associate with NYPIRG. “Our concerns about this program go well beyond what is in our pending lawsuit. These regulations were pushed through during the final weeks of the Pataki Administration. We hope the DEC, under the new leadership of Commissioner Pete Grannis, will take a fresh look at the regulations and make critically important changes to this program.”

“We have conducted a careful scientific evaluation of the brownfield cleanup standards imposed by DEC and have exposed a number of flaws and inconsistencies,” said Professor Joseph A. Gardella, Jr., who chairs the Toxics Subcommittee of the Sierra Club Atlantic Chapter. “In critical cases involving lead and arsenic, for example, New York's standards are far weaker than other state and federal standards. Our views are also consistent with EPA comments on the standards. The DEC must reconsider and develop standards that protect public health and the environment, as the law requires.”

“New York's brownfield cleanup program is not living up to its promise,” said Barbara Warren, Executive Director of Citizens' Environmental Coalition. “The cleanup standards that were issued under the Pataki Administration are seriously flawed. We are asking Governor Paterson and Commissioner Grannis to exercise new leadership to strengthen this important public health program.”

Sierra Club, NYPIRG, Environmental Advocates of New York and Citizens' Environmental Coalition, represented by the public interest law firm Earthjustice, are legally challenging the program's weak cleanup standards, issued in the final days of the Pataki administration. Earthjustice recently filed an appeal. Last fall, the DEC conceded one of the groups' legal claims, but the regulations have not yet been amended to reflect this change.

Hailed as landmark environmental legislation when it was passed in 2003, the Brownfield Cleanup Program was intended to encourage the cleanup and redevelopment of the thousands of boarded-up gas stations, decaying factories and other abandoned sites across the state. But in their lawsuit, the environmental groups contend that the soil cleanup standards developed by the DEC and Department of Health do not meet the law's stringent requirements for protecting human health and the environment. In addition to concerns about the cleanup standards, the groups have raised extensive concerns about the remedial program requirements, which the DEC is now applying to all three of its major cleanup programs, the Brownfield Cleanup Program, the Environmental Restoration Program, and the State Superfund.