

For Immediate Release:
Wednesday, January 28, 2009

Contacts: Dave Pringle, NJ Environmental Federation, 732-996-4288
Jeff Tittel, NJ Sierra Club, 609-558-9100
Mike Pisauo, NJ Environmental Lobby, 609-919-9500
Hetty Rosenstein, Communication Workers, cell: 973-580-7455

Corzine Bill Puts Polluters In Charge of Toxic Site Clean-up New draft of DEP privatization bill released, hearing Monday

Trenton, NJ – Environmental, labor and community groups gathered today to voice concerns about proposed legislation that would permit polluters and developers to hire their own consultants to sign off on toxic waste site cleanups. The latest draft of the bill was released yesterday and the final Senate Environment Committee hearing for public testimony is expected Monday.

“Everyone agrees the clean-up program is broken but rather than addressing the root of the problem, a poorly funded and staffed program, the Corzine Administration would let the fox watch the henhouse,” said **David Pringle of the NJ Environmental Federation**. “Toxic sites like Xanadu, Encap and Kiddie Kollege show the need for better not smaller government and when it comes to toxic waste the polluters can and should pay for it. The Governor and legislators need to fix this bill.”

For 15 years, DEP’s Site Remediation Program (SRP) has suffered massive cuts in human and financial resources. In 1994, 270 case managers oversaw 12,000 sites. Now there are only 150 case managers for 20,000 sites and a hiring freeze on 15 open positions. Laws passed in the ‘90’s further limited DEP’s ability to ensure good clean-ups. Now the Corzine bill would let private “Licensed Site Professionals” (LSP) hired and paid for by polluters and developers sign off on clean-ups.

"The LSP scheme is privatization of government oversight and deregulation of toxic site cleanups," said **Hetty Rosenstein, NJ Area Director for Communications Workers of America**, which represents 33,000 state workers, including those in SRP. "We're living with the dangerous results that a deregulated financial industry has wreaked on the nation's and state's economy. Instead of restoring DEP cuts, Governor Corzine has cut DEP by over 200 positions and is now trying to turn over the keys to private consultants on polluters' payroll. The public will get less clean, less sustainable cleanups and less government oversight if this bill passes."

"We have allowed the polluters to pick the remedy for contaminated sites and now we are going to allow them to hire consultants to certify if they are clean or not. Just like with Wall Street we de-regulated and now we will eliminate oversight with the difference being instead of toxic assets we will have toxic communities," said **Jeff Tittel, Director of the NJ Sierra Club**.

“Industry created this mess -- the toxic sites, less DEP staff, inundating DEP with incomplete and inaccurate submissions, and now they say ‘trust us, give us more!’”, said **Kim Gaddy of the North Jersey Environmental Justice Alliance**. “How many people have to get sick and taxpayer dollars wasted on polluters’ dreams before we fix this mess?”

"There are so many brownfield sites in the Ironbound that need attention but this bill does not ensure that these sites will get the appropriate prioritization or oversight based on their potential hazard in our community," said **Ana Baptista, PhD, Program Manager of Newark’s Ironbound Community Corporation**.

“We need to be cleaning up these sites to protect and improve our communities and not let these eyesores continue or sweep them under the rug by building schools on top of them,” said **Roy Jones of the South Jersey Environmental Justice Alliance**.

“The State has a Constitutional obligation to protect our safety including ensuring that contaminated sites are remediated. It can’t say the job’s too hard to protect our citizens, we want someone else to do it and pass the buck but that’s exactly what the State’s doing here,” said **Mike Pisauo of the NJ Environmental Lobby**. “We have seen time and time again consultants telling us the pollution is remediated and safe only to find out at great expense this it’s not. That’s why we’re calling on the Governor and legislators to fix this bill.”

-- end of release, 1 page flyer on solutions attached --

Toxic Site Clean-up or Not?

Fixing not Privatizing the State's Clean-up Program

6 Principles Not Adequately Reflected in A2962/S1897

New Jersey has roughly 20,000 contaminated sites -- that's an average of about 30 sites per town. The vast majority of them are not getting cleaned up at all, fast enough or well enough. They range from major Superfund sites to small residential oil tanks.

They leak toxins that contaminate drinking water and soil, seep into homeowner's basements, and are a drag on local tax rolls and the economy. Health problems associated with these chemicals include cancer, birth defects, impaired mental and physical development and immune disorders.

They are poster children for what can go wrong with de-regulation -- a mercury-laden factory converted daycare center in South Jersey, asbestos at WR Grace in Hamilton, a new but never opened and now torn down school built on contaminated land in Trenton to chromium-laced ballfields in Jersey City, EnCap -- a failed residential development on an old landfills in the Meadowlands that costs taxpayers over a hundred million dollars, and the mega-mall, Xanadu, being built on contaminated wetlands.

Incredibly, the Corzine Administration has proposed further deregulation -- permitting polluters to hire their own experts (LSP's -- licensed site professionals) to sign off on clean-ups. Governor Corzine is trying to look good to some (fewer stateworkers, no new or restoration of an old tax or fee) instead of doing good (making polluters pay and ensuring appropriate clean-up).

The Legislature is considering the Administration's proposal right now. While there are some positive aspects to the plan (licensing consultants and giving DEP the discretion to assert more control over a few sites), the negatives (especially empowering the consultants paid by polluters to signoff on clean-ups -- the proverbial fox guarding the henhouse) dominate.

Rather than privatizing the program, the program's staff and budget cuts, will and mandates to ensure proper clean-ups need to be restored, strengthened, and paid for by polluters. This bill cannot be fixed. However its damage can be reduced by severely limiting its scope as well as empowering the State and public with greater oversight as follows:

- 1) Require don't just permit greater DEP control over clean-ups at the most contaminated sites. The state should prioritize not privatize the program with polluters, not taxpayers, paying for it. To the degree, polluters and developers will permitted to use LSP's, the funds to pay for them should be held in escrow by NJDEP.
- 2) Include public health, especially cumulative impact in low income and minority communities, not just ecological factors in determining what clean-ups DEP has greater control over
- 3) Require meaningful public involvement at each phase of a clean-up including community input in redevelopment plans
- 4) Strengthen -- legally and politically -- enforcement provisions especially facilitating the collection of greater natural resource and treble damages to deter wrongful acts and provide clean-up funds
- 5) Require DEP to conduct more rigorous independent sampling and auditing of, and enforcement against bad, LSP's paid for by polluters
- 6) Mandate permanent clean-up not temporary cover-ups -- houses, schools, daycares and playgrounds should not be built on capped sites or landfills. Residential clean-ups must be for unrestricted use.