

TIMES BEACH ACTION GROUP

CITIZEN INQUIRY UNCOVERS BLATANT VIOLATION OF ENVIRONMENTAL LAW SURROUNDING THE PROPOSED TIMES BEACH INCINERATOR.

UNCOVERS PCB DECEPTION SURROUNDING BLISS SITES

The Times Beach Action Group is a citizens organization which has long opposed the plans to burn over 100,000 cubic yards of dioxin contaminated soil at the former town of Times Beach. We have traditionally opposed the project on the grounds that the EPA has historically been unable to achieve the standards that they promise.

Given the callous disregard for public input by the EPA and the state of Missouri, and a lack of honesty on the part of the Center for Disease Control, including the falsification of health study results surrounding the dioxin burn in Jacksonville Arkansas; old questions and concerns were raised about the treatment of the "Dioxin" superfund sites in Missouri over the last two decades.

TBAG started an investigation of the early involvement of State and Federal agencies including the CDC in regards to allegations that the State of Missouri as well as the EPA and CDC had known of the "dioxin" sites as early as 1974, and had neglected to inform the public until Dec. of 1982.

In fact, a Subcommittee on oversight and investigations had investigated the apparent lack of urgency by the EPA and CDC in regards to Times Beach in 1982. The hearing now printed as congressional record under the title *PCB and Dioxin Cases*, is now infamous as the committee hearing in which President Reagan ordered the EPA administrator Gorsuch to withhold documents under "executive privilege". Rita Lavelle, in charge of the hazardous waste program, took this delay as a sign to begin shredding documents. In the middle of this conflict, flooding in the Midwest spread dioxin contamination throughout the town of Times Beach, Missouri, leading to the emergency evacuation of more than two thousand residents. Gorsuch was later forced to resign along with 19 other appointees. Rita Lavelle served six months in jail for perjury and obstruction of justice.

TBAG started its document search in Lincoln County where Judy Piatt filed suit against Russell Bliss and eventually North East Petrochemical Company and Syntex Pharmaceutical. Judy Piatt owned one of the horse arenas that Bliss sprayed with waste oil for dust control. After numerous inquiries in Lincoln

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County, we were informed no files for such a case existed, TBAG was informed that there was a change of venue and the depositions and court documents resided in Pike county. After obtaining the documents, TBAG set about establishing a timeline of events. (See enclosures.)

It was apparent that State, and Federal officials knew of the dioxin contamination in Missouri as early as 1975. Also as early as 1973, Bliss himself identified Times Beach and other Missouri locations as sites he had sprayed.

During the civil suit at least four Center for Disease Control officials were deposed including the researcher Dr. Kimbrough, to identify the toxic agent in the arena soil as dioxin in 1974. According to Kimbrough in a *NEW YORK TIMES* article DEATH OF ANIMALS LAID TO CHEMICAL, dioxin identified as cause of fatalities in Missouri- 2 children became ill. *"We didn't know what we were looking for. That is why it took so long. We thought at first it might be some kind of nerve poison and that sent us off on the wrong track. It was a needle in the haystack."* The needle in the haystack was identified as 2,3,7,8 tcdd. This is more popularly known as dioxin.

Kimbrough along with three other CDC officials involved in the civil case along with a Missouri Division of Health Official (MDOH) wrote a report that was eventually submitted to the subcommittee in 1982. The report submitted to the subcommittee made no mention of PCB's. On October 24, 1995 TBAG obtained through the Archives of Environmental Health an original report giving soil sample results for the Piatt property (pg.78 arena A) as well as the Bubbling Springs Site (arena c), and the tanks of NEPACCO, were the EPA has maintained that the toxins of the Bliss Sites originated. (see enclosure)

PCB's were found at great concentrations at the two sites sprayed by Bliss, yet surprisingly no such contaminant was found at the so called "Black Tank" at Verona.

TBAG has long requested through the freedom of information act congener specific sampling data to indicate what is to be burned at the incinerator. The EPA has maintained that there is only 2,3,7,8 tcdd in the soil, and has given us the chemical contents of the "black tank" in Verona stating that any chemical of concern would have originated from that site.

On October 26th, 1995 TBAG informed the St. Louis County Council of our findings before representatives of the EPA. Bob Fields Regional director of the EPA Kansas City, Region 7, admitted that PCB's were in the soil at "greater concentrations than dioxin.". This was the first mention of PCB's at the Eastern

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Missouri Bliss sites made publicly by the EPA. PCB's are listed in the Superfund Reauthorization Act (SARA) as a community right to know hazardous waste.

Bob Fields stated that the PCB's were from the Bliss tanks in Ellisville Mo. were he mixed the dioxin with waste oil, to be sprayed.

TBAG has located an early report by an Arthur A. Case, M.S., DD.V.M. in where he states that the only chemical found at the Piatt stable was PCB contaminated waste oil.

Even more disturbing, in direct contradiction to EPA claims that the agency did not investigate the Eastern Missouri sites until the early 1980's, TBAG has obtained a memo from Chief W. L. Banks then head of region sevens' oil and hazardous substance branch of the EPA to Dr. W.B. Papageorge, Monsanto Research Labs with lab results searching for aroclor 1242 in the Bliss, "oil storage tank". (see enclosure)

Aroclor is Monsanto's trademark name for PCB's they exclusively produced. Aroclor 1242 was voluntarily taken off the market by Monsanto in 1972. It is probably the most heavily chlorinated PCB ever produced.

Dr. Papageorge was involved in the PCB controversy of the late sixties and early seventies, where the toxicity of PCB's were hotly debated. PCB's were to become the first class of chemical to fall under federal regulation under the Toxic Substance and Control Act (TOSCA) in 1976.

TBAG has recently obtained the independent laboratory report done by Mantech Environmental Technology, INC. which did the "priority pollutant data risk assessment information". It states that although listed in the EPA's own summary listings and field sheet, no priority pollutant data was provided for nine of the twenty seven sites. Also the report states that "Compounds and elements also found at the sites but were not provided on the original spreadsheet were aroclor 1242, aroclor 1254, aroclor 1260". (see enclosure)

These elements were excluded from the official EPA risk assessment screening. (see enclosure)

Any information now given to TBAG by the EPA still fails to give needed information of the concentration of PCB's in the soil targeted for incineration.

No health agency involved in the project has plans to monitor PCB emissions including the EPA. The Missouri Department of Health as well as the EPA and the

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Missouri Department of Natural Resources had previously assured Missouri residents that their would only be dioxin emissions of the incinerator.

PCB's according to the EPA's own guideline are more difficult to destroy than dioxin. Also the congeners of PCB's are some of the most toxic particles of incomplete combustion to be emitted by the incinerator.

The EPA has just informed congressman Talent (R) MO. that "there is no congener-specific soil sampling data.

The soils accounted for in the Kimbrough document alone represents at least 20 percent of the soil to be incinerated.

TBAG again calls on Governor Mel Carnahan to reopen the consent decree. The project is in numerous violations of environmental law including the community right to know act of Superfund.

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EASTERN MISSOURI DIOXIN TIMELINE

1968

Hoffman-Taff produces agent orange at its Verona Missouri Plant, leaving a substantial amount of residue in its tanks.0.

1969

North Eastern Pharmaceutical and Chemical Company (NEPACCO) opens for business in Verona Missouri, leasing Hoffman-Taff's agent orange equipment and tanks filled with a substantial amount of residue.

1971

Bliss sprays Times Beach and many other sites in Missouri with Dioxin contaminated waste oil as a subcontractor of Independent Petrochemical Corporation to dispose of the sludge in Hoffman-Taff's tanks.

1971

Horses at the Shenandoah Stables die along with other animals. The Piatt children become ill.

1971

The Bacterial Disease branch of the Center for Disease Control (CDC) begins investigation of the Shenandoah Stable deaths and illnesses. (*Deposition of Dr. Coleman Carter pg. 10 2/28/75*)

1971

Piatt girl treated by four pediatricians at the Washington University Medical School. CDC is notified of the girls condition and animal deaths at Shenandoah Stables. (*Lancet Medical Journal, "Long Term Effects of Dioxin Exposure", April 2, 1977*)

1972

Judy Piatt files suit in Lincoln County court.

1972

November 20, Russell Bliss identifies the City of Times Beach along with the property of Grover Callahan, Houlihan Nursery, the Ellisville Athletic Club, the "Christian Church", Shenandoah Stables and the Mid American Arena as sites he had sprayed. (*Deposition of Russell Bliss pg. 14, 16, 17; 11/20/72*)

1973

Bliss is contacted by Dr. Kohler of the Center for Disease Control in Atlanta. Dr. Kohler takes a blood sample from Bliss along with samples from the Bliss truck lot. Bliss "showed him my books and let him look at everything." (*Deposition of Russell Bliss pg. 33, 34, 35; 4/11/75*)

1973

First known reference to the United States Environmental Protection Agency (EPA) involved in the Shenandoah Stable incident. Chief W.L. Banks of the EPA "also on the problem". (*Letter from Arthur A. Case, Chief of Toxicology, School of Veterinary Medicine, University of Missouri Columbia, to the CDC, 10/19/73*)

1973

October 19, Arthur A. Case, Chief of Toxicology Department of Veterinary Medicine, University of Missouri Columbia provides animal tissue, soil and Bliss tank oil samples to Chief of Special Pathogens unit of the CDC. (*Memo from Dr. Case to Dr. Feldman Chief Special Pathogen Section of CDC 10/19/73*)

November 8, CDC receives samples from the Shenandoah Stables. (*Internal memo of the CDC by John Liddle 1/22/75*)

1974

July 30, CDC identifies contaminant in Missouri waste oil as 2,3,7,8 tetrachlorodibenzo-dioxin. "Probably the most toxic synthetic compound know to man. Dr. Kimbrough sent memo to Chief of Bacterial Division CDC.

(*The Lancet Medical Journal 4/2/77; The Deposition of Dr. Carter, pg.38, 2/28/75; Science Magazine 1974*)

1974

CDC Researcher Dr. Kimbrough states that "The chemical also has a wide range of toxicity in man, including hepatic, renal, and neurological damage and even death." (*Lancet Medical Journal, 4/2/77*)

August 9, CDC takes samples from the following sites. Shenandoah, Bubbling Springs Ranch, Timberline Arena, Mid American Arena, Bliss waste oil tanks off of Lindbergh Blvd., the Minker-Stout residences. (*Internal memo of the CDC to William Barthel, Chief of the Toxicological Branch from the Environmental Hazards Activity, Cancer and Birth Defects Division, Epidemiology, 8/20/74*)

August 31, Missouri Division of Health Veterinarian, Dr. Phillips meets in Missouri with Dr. Coleman Carter of the CDC to inspect Missouri sites. (*Deposition of Dr. Carter, pg. 41, 2/28/75*)

1975

Dr. Carter of the CDC states before attorneys for Syntex Agribusiness (doing business as Hoffman-Taff), NEPACCO, IPC, and Dr. Mathew Zack of the Missouri Division of Health that the contamination was a "Great concern to us because it implied that there was a great deal of public health hazard if this compound was spread over a large area where people would be exposed. Dr. Carter also stated that the substance would be toxic with contact to skin and that it had a "slow" decomposition rate. (*Deposition of Dr. Carter, pg.39, 1975*)

1975

Delbert Eskew, former employee of Russell Bliss states that he had "sprayed half of Hall Street." (*Deposition of Delbert Eskew 1975*)

1975

Evidence that the EPA was aware of the Dioxin in the Missouri waste oil appears in a document from inside the EPA. (*Environmental Protection Agency 1975b*) This document is mentioned in *Dioxins: Volume 1, Sources, Exposure, Transport, and Control 1980*. "The most notable incident of non-occupational exposure to dioxin contaminated wastes of this type involved the spraying of waste oils containing TCDDs on horse arenas and a private road in east central Missouri in 1971."

1975

Missouri Division of Health Official Dr. Phillips along with CDC officials identifies through a toxicological search dioxin as the contaminant in the sprayed oil residue. (*Carter, C.D., Kimbrough, R.D., Liddle, J.A., Zack, M. P.E. Science 1975*)

March 3, CDC issues report urging ^{EXCAVATION} evacuation and removal of dioxin contaminated soil at Missouri sites to the EPA and State Officials. (*New York Times, 1/18/83*)

April 11, Russell Bliss identifies Bubbling Springs Ranch in Fenton, MO and Timberline Stables as further sites he had sprayed (*Deposition Bliss, pg. 31, 32, 4/11/75*)

1982

Citizens of Times Beach Missouri are notified that their city has been contaminated with high levels of dioxin that was in waste oil

sprayed by Russell Bliss.

1983

January 18, EPA and State officials refuse to identify all of the 100 suspected sites. Missouri Director of the DNR states "why look for more problems?" (*New York Times 1983*)

1983

Teamsters form a Task Force to attempt to determine if any sites on Hall Street were contaminated.

1990

St. Louis County residents vote down proposed Times Beach incinerator in a referendum ballot.

1990

August, a report by the Committee on Government Operations, *The Agent Orange Coverup: A Case of Flawed Science and Political Manipulation*, was submitted to Congress. According to the report's executive summary, "The Centers for Disease Control study was controlled and obstructed by the White House primarily through its Agent Orange Working Group and the Office of Management and Budget because the Reagan administration had adopted a legal strategy of refusing liability in military and civilian cases of contamination involving toxic chemicals and nuclear radiation."

The CDC will be responsible for the dioxin blood level tests run on residents near the Times Beach incinerator.

1992

September 22, Director of the EPA Office of Solid Waste gives "instruction of EPA regional waste management division directors on how to evade the requirements of the law." It instructs them on how to "issue permits to operate hazardous waste incinerators which do not meet EPA minimum performance standards and places the public health in jeopardy."

The memo also confirms that the agency possessed scientific information as early as 1984 showing that hazardous waste incinerators cannot destroy some of the most dangerous wastes.

(EPA memo to Inspector General, John Martin; subject: EPA Office Director giving instructions on violating laws.)

1995

May 2, Dr. Morris Cranmer, a researcher with the Arkansas Department of Health testifies to the St. Louis Dioxin Monitoring Committee that blood levels of dioxin in residents near the Vertac dioxin incinerator decreased during its burn. Dr. Cranmer was convicted in 1988 on two felony counts of fraud and bilking the U.S. Government out of \$9.5 million by diverting money for a state

laboratory to personal real estate. Dr. Cranmer's study was funded through the Agency for Toxic Substance and Disease Registry.(ATSDR)

May 18, Greenpeace Chemist Pat Costner files a Freedom of Information Act requesting Cranmers' raw data. (*ibid*)

June 6, Dr. Cranmer reverses his decision and finds that blood levels of 2,3,7,8-TCDD increased in residents near the Vertac incinerator in Arkansas.(*ibid*)

1994

August 8, letter to test results (cc: Bob Feilds of the Nationsway Terminal on Hall Street yielding results up to 15 parts per billion is sent from the U.S. EPA by Mark J. Thomas to Mr. Justin Williamson III of Jet Properties on 5911 Haul Street. (Riverfront Times, Oct 11-17, 1995)

1995

September 13, Bob Feilds, Regional Director of the EPA informs the Riverfront Times that all tests of suspected sites during 1994, including the Nationsway, yielded results of less than one part per billion or non-detect levels. (*ibid*)

October 10, Teamsters local 600 is informed of contamination. Risk Manager of Nationsway Corporate Headquarters denies any knowledge of contamination. (*ibid*)

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