

Air Alliance Houston \* Alliance of Nurses for Healthy Environments \* American Environmental Health Studies Project \* American Nurses Association \* Apalachicola Riverkeeper \* Appalachian Voices \* AZUL \* B.E. Cause \* Black Warrior Riverkeeper \* Cahaba Riverkeeper \* California Communities Against Toxics \* Cape Fear Riverkeeper \* CARE Logansport \* Catawba Riverkeeper \* Catskill Mountainkeeper \* Cayuga Lake Watershed Network \* Center for Biological Diversity \* Center for Media and Democracy \* Center for Public Environmental Oversight \* Center for Race Poverty and the Environment \* Center for Sustainable Communities \* Chicago Chapter Physicians for Social Responsibility \* Childhood Lead Action Project \* Citizens Against Ruining the Environment (CARE) \* Citizens for Pennsylvania's Future (PennFuture) \* Clean Air Council \* Clean and Healthy Indiana \* Clean and Healthy New York \* Clean Water Action \* Clean Water for North Carolina \* Coalition of Black Trade Unionists, Community Action and Response Against Toxics Team/ New Jersey Environmental Justice Alliance \* Coming Clean \* Comite Dialogo Ambiental, Inc. \* Community In-power & Development Association \* Concerned Citizens of Giles County \* Concerned Citizens Ohio \* Concerned Residents of Portland, NY + People Like Us \* Connecticut Coalition for Environmental Justice \* Conservation Law Foundation \* Diesel Health Project \* Don't Waste Arizona \* Downwinders at Risk \* Durham CLEAR \* Earth Circle \* Earthworks \* Empire State Consumer Product, Inc. \* Energy Justice Network \* Environmental Foundation \* Environmental Integrity Project \* Farmworker Association of Florida \* Flint Riverkeeper \* French Broad Riverkeeper \* GAIA \* Garrettsville Board of Public Affairs \* Georgia Interfaith Power & Light \* Global Community Monitor \* Greater Gambrells Improvement Association \* Green Door Initiative \* Green Science Policy Institute \* Greenaction for Health and Environmental Justice \* GreenLaw \* Greenpeace \* Greenwich Citizens Committee \* Group Against Smog and Pollution \* Gulf Islands Conservancy, Inc. \* Gulf Restoration Network \* Heal Utah \* Healing Our Waters-Great Lakes Coalition \* Houston Peace and Justice Center \* Hudson Riverkeeper \* Idaho Conservation League \* Illinois Environmental Council \* Indian Riverkeeper \* Information Network for Responsible Mining \* Institute for Health and the Environment, University at Albany \* Iowa Environmental Council \* Ironbound Community Corp \* Jacobs Creek Watershed Association \* Jesus People Against Pollution \* Ka Wai Ola O Waianae \* Kent Environmental Rights Group \* Kentucky Environmental Foundation \* Klamath Riverkeeper \* Labadie Environmental Organization (LEO) \* Labor Network for Sustainability \* Los Jardines Institute \* Louisiana Bucket Brigade \* Lowdnes Citizens United for Action \* Mahoning Soil and Water Conservation District \* Market Air Quality Campaign \* Maryland Commission on Environmental Justice and Sustainable Communities \* Matanzas Riverkeeper \* Maurice & Jane Sugar Law Center for Economic & Social Justice \* Missouri Coalition for the Environment \* Missourians Organizing for Reform and Empowerment \* Montana Environmental Information Center \* Montanans Against Toxic Burning \* NAACP, Wilmington Branch \* National Committee for the New River \* Natural Resources Council of Maine \* Neighbors Against the Burner \* Neuse Riverkeeper \* New Jersey Environmental Justice Alliance \* NRDC (So Cal office) \* Ohio Valley Environmental Coalition (OVEC) \* Oregon Physicians for Responsibility \* Our Children's Earth Foundation \* Partnership for Policy Integrity \* Patuxent Riverkeeper \* Peach Bottom Concerned Citizens Group \* Pennsylvania Forest Coalition \* People Concerned About Chemical Safety \* People for Community Recovery \* People's Oil and Gas Collective \* Pesticide Action Network North America \* Physicians for Social Responsibility \* Physicians for Social Responsibility, Florida \* Physicians for Social Responsibility, Maine Chapter \* Progressive Congress \* Protect All Children's Environment \* Respiratory Health Association of Metropolitan Chicago \* River des Peres Watershed Coalition \* San Juan Citizens Alliance \* Save Our Rivers \* Save the Ozarks \* Sierra Club \* Sierra Club, New Jersey \* South Carolina Coastal Conservation League, North Coast Office \* South Dakota Chapter of the Sierra Club \* Southwest Workers Union and Committee for Environmental Justice Action \* St. Johns Riverkeeper \* Stafford Citizens for Open Government \* T.E.J.A.S. (Texas Environmental Justice Advocacy Services) \* Tallahassee Area Community, Inc. \* Tamalpais NatureWorks \* Tennessee Clean Water Network \* The Lawyers Committee for Civil Rights Under the Law \* Toxics Action Center \* Transition Asheville \* Tribal Environmental Policy Center \* University of Michigan \* University of Montana \* Voces Verdes \* Wabash Riverkeeper \* Waterkeeper \* Waterkeeper \* Waterkeeper \* Waterkeeper Alliance \* We ACT for Environmental Justice \* Wellman Water Consulting \* West End Revitalization Association - WERA \* West Michigan Environmental Action Council \* West Oakland Environmental Indicators Project (WOEIP) \* West Virginia Citizen Action Group \* Western North Carolina Alliance \* Women's Voices for the Earth \* Woonasquatucket River Watershed Council \* World Temperate Rainforest Network

June 26, 2014

President Barack Obama  
The White House  
1600 Pennsylvania Avenue NW  
Washington, DC 20500

**RE: Protect Communities from Hazardous Waste Recycling; Strengthen the Definition of Solid Waste (DSW)**

Dear President Obama:

The undersigned 195 public interest organizations and individuals from 50 states, the District of Columbia and the Commonwealth of Puerto Rico, write to express our united support for a final Definition of Solid Waste (DSW) rule that protects our health, environment and livelihood from hazardous waste released from recycling operations. On March 15, 2014, the Office of Management and Budget (OMB) finally began its regulatory review of the U.S. Environmental Protection Agency's (EPA) DSW rule. We respectfully urge the administration to abide by the 90-day limit for review of this rule under Executive Order 12866 and to publish a final DSW rule by July 11, 2014.

It is well past time. While we highly commend your reconsideration of the 2008 DSW Rule that deregulated hazardous waste recycling and firmly support EPA's historic environmental justice analysis, your delay in issuing a final rule is exacting a high toll on our communities. It has been nearly four years since publication of a proposed rule, and the EPA is in gross violation of a settlement agreement that required a final rule on December 31, 2012.

The undersigned individuals and organizations are committed to serving environmental justice and protecting human health and the environment. We therefore view with great alarm the continuing lack of adequate regulation of hazardous waste facilities in our communities. Recycling of hazardous waste has been a problem for decades and such "recycling" in North Carolina in the early 1980s launched the environmental justice movement when PCB-contaminated soil was dumped in a rural, predominantly African-American county.

Serious toxic waste problems persist today. Since 1982, hazardous waste recycling has polluted more than 200 sites, including many on the Superfund National Priority List, which identifies the worst toxic waste sites in the nation. Hazardous wastes released at these sites include solvents, such as benzene, toluene, TCE and perchlorate that cause cancer, birth defects, lupus and immune disorders; and metals such as lead, hexavalent chromium, mercury and arsenic, which are potent neurotoxins and carcinogens. EPA found that the majority of the contamination occurred when recycling operations were exempted from compliance with safeguards under the Resource Conservation and Recovery Act (RCRA).

The final DSW rule must reinstate these essential safeguards. There is an urgent need to close this gap for the health of the nation and particularly for environmental justice communities. The rule impacts management of 1.8 million tons of hazardous waste, predominantly in communities of color and in low-income communities. In 2011, EPA found that facilities operating under the 2008 DSW exemptions in Iowa, New Jersey and Pennsylvania are located in communities with a higher percentage of people of color than state averages. Since EPA's 2011 analysis, hazardous waste facilities in four additional states and territories have adopted the exemption, thereby enlarging its potential to impact vulnerable communities. In fact, in Iowa, Illinois, Idaho and Puerto Rico, almost every hazardous waste recycling facility operating under the regulatory exemption is located in a community of color and/or low-income community.

In February 2013, we wrote the EPA Administrator and Deputy Director of the Office of Management and Budget asking for immediate action to finalize the DSW rule. We received no response to our letter, and no action was taken.

In this letter, we respectfully reiterate that further delay is unacceptable while fires rage at scrap metal facilities in environmental justice communities, and toxic releases to air and water poison fence-line neighborhoods at recycling operations. Please ensure that this important rule receives the priority it deserves so that the safety of the nation's most vulnerable communities can be ensured now and for future generations.

In addition, EPA must ensure that the final DSW rule does not violate RCRA's fundamental mandate to prevent the release of hazardous materials into the environment. Accordingly, EPA must:

(1) Strengthen the standards defining "containment" to prevent releases of hazardous waste during storage and recycling. Generators that reclaim hazardous waste should meet the same design, operating, inspection, and closure standards (including air emission standards) for containers, tanks, containment buildings, and drip pads as they would under the hazardous waste regulations set forth in 40 C.F.R. Part 264.

(2) Minimize the risk of releases and abandonment by limiting the maximum volume of hazardous materials accumulated onsite by generators prior to reclamation and requiring contracts with legitimate recyclers as part of the generator's reclamation plan;

(3) Amend the definition of "release" to ensure that those handling hazardous materials cannot take advantage of the RCRA exemption after hazardous secondary materials have been allowed to escape into the environment;

(4) Remove the exemption for "tolling contractors" whereby unlimited amounts of hazardous waste can be transferred for recycling to third parties without essential protections applicable to transport, storage, handling, and financial assurance;

(5) Eliminate land-based storage (including waste piles and ponds) of hazardous wastes prior to recycling;

(6) Require clear documentation sufficient to demonstrate that recyclers have met all four legitimacy requirements to ensure that they are not sham recyclers; and

(7) Impose requirements for notification, containment, recordkeeping, and legitimacy to the entire list of 32 categories of hazardous wastes that were excluded from full RCRA controls between 1985 and 2008.

We ask that the final DSW rule be strengthened accordingly and finalized according to the deadlines set forth in Executive Order 12866, and in any event, no later than July 11, 2014.

Respectfully,

**ALABAMA**

Black Warrior Riverkeeper  
Birmingham, Alabama

Lowdnes Citizens United for Action  
Lowdnes County, Alabama

Cahaba Riverkeeper  
Birmingham, Alabama

## **ALASKA**

Teresa DeLima (Impacted Citizen)  
Fairbanks, Alaska

## **ARIZONA**

Don't Waste Arizona  
Phoenix, Arizona

## **ARKANSAS**

Save the Ozarks  
Eureka Springs, Arkansas

## **CALIFORNIA**

AZUL  
San Francisco, California

California Communities Against Toxics  
Rosamond, California

Center for Public Environmental Oversight  
Mountain View, California

Center for Race Poverty and the  
Environment  
Oakland, California

Earth Circle  
San Diego, California

GAIA  
Berkeley, California

Global Community Monitor  
El Cerrito, California

Green Science Policy Institute  
Berkeley, California

Greenaction for Health and Environmental  
Justice  
San Francisco, California

Klamath Riverkeeper  
Somers Bar, California

Lilyana Morejon (Concerned Citizen)  
Burbank, California

Hirschler Olivier (Concerned Citizen)  
Oakland, California

Antoinette Stein, Ph.D (Concerned Citizen)  
Berkeley, California

NRDC  
Santa Monica, California

Our Children's Earth Foundation  
San Francisco, California

Pesticide Action Network North America  
Oakland, California

Tamalpais NatureWorks  
San Rafael, California

West Oakland Environmental Indicators  
Project (WOEIP)  
Oakland, California

## **COLORADO**

Information Network for Responsible Mining  
Norwood, Colorado

San Juan Citizens Alliance  
Durango, Colorado

Tallahassee Area Community, Inc.  
Canon City, Colorado

## **CONNECTICUT**

Connecticut Coalition for Environmental  
Justice  
Hartford, Connecticut

## **DISTRICT OF COLUMBIA**

Center for Biological Diversity  
Washington, D.C.

Energy Justice Network  
Washington, D.C.

Physicians for Social Responsibility  
Washington, D.C.

Progressive Congress  
Washington, D.C.

The Lawyers Committee for Civil Rights  
Under the Law  
Washington, D.C.

Voces Verdes  
Washington, D.C.

Clean Water Action  
Washington, D.C.

Environmental Integrity Project  
Washington, D.C.

Greenpeace  
Washington, D.C.

Sierra Club  
Washington, D.C.

## **DELAWARE**

NAACP, Wilmington Branch  
Wilmington, Delaware

## **FLORIDA**

Apalachicola Riverkeeper  
Apalachicola, Florida

Farmworker Association of Florida  
Apopka, Florida

Indian Riverkeeper  
Jensen Beach, Florida

Matanzas Riverkeeper  
St. Augustine, Florida

Physicians for Social Responsibility, Florida  
Tampa, Florida

St. Johns Riverkeeper  
Jacksonville, Florida

Waterkeeper  
Sarasota, Florida

Waterkeeper  
Miami, Florida

## **GEORGIA**

Center for Sustainable Communities  
Atlanta, Georgia

Flint Riverkeeper  
Albany, Georgia

Georgia Interfaith Power & Light  
Decatur, Georgia

GreenLaw  
Atlanta, Georgia

## **HAWAII**

Ka Wai Ola O Waianae  
Waianaie, Hawaii

## **IDAHO**

Idaho Conservation League  
Boise, Idaho

## **ILLINOIS**

Physicians for Social Responsibility,  
Chicago  
Chicago, Illinois

Citizens Against Ruining the Environment  
(CARE)  
Lockport, Illinois

Illinois Environmental Council  
Springfield, Illinois

Lorna Paisley (Impacted Citizen)  
East Dubuque, Illinois

People for Community Recovery  
Chicago, Illinois

Respiratory Health Association of  
Metropolitan Chicago  
Chicago, Illinois

## **INDIANA**

CARE Logansport  
Logansport, Indiana

Clean and Healthy Indiana  
Gary, Indiana

Norma Kreilein, MD (Concerned Citizen)  
Washington, Indiana

Save Our Rivers  
Boonville, Indiana

Wabash Riverkeeper  
Lafayette, Indiana

## **IOWA**

Iowa Environmental Council  
Ames, Iowa

Del Holland (Concerned Citizen)  
Iowa City, Iowa

Physicians for Social Responsibility, Iowa  
Oxford, IA

## **KANSAS**

Diesel Health Project  
Lawrence, Kansas

## **KENTUCKY**

Environmental Foundation  
Berea, Kentucky

Kentucky Environmental Foundation  
Berea, Kentucky

## **LOUISIANA**

Gulf Restoration Network  
New Orleans, Louisiana

Louisiana Bucket Brigade  
New Orleans, Louisiana

## **MAINE**

Natural Resources Council of Maine  
Augusta, Maine

Physicians for Social Responsibility, Maine  
Portland, Maine

## **MARYLAND**

Alliance of Nurses for Healthy Environments  
Mount Rainier, Maryland

American Nurses Association  
Silver Spring, Maryland

Greater Gambrills Improvement Association  
Odenton, Maryland

Labor Network for Sustainability  
Takoma Park, Maryland

Maryland Commission on Environmental  
Justice and Sustainable Communities  
Bowie, Maryland

Patuxent Riverkeeper  
Upper Malboro, Maryland

## **MASSACHUSETTS**

Conservation Law Foundation  
Boston, Massachusetts

Partnership for Policy Integrity  
Massachusetts

## **MICHIGAN**

Green Door Initiative  
Detroit, Michigan

Maurice & Jane Sugar Law Center for  
Economic & Social Justice  
Detroit, Michigan

University of Michigan  
Ann Arbor, Michigan

West Michigan Environmental Action  
Council  
Grand Rapids, Michigan

## **MINNESOTA**

Neighbors Against the Burner  
St. Paul, Minnesota

## **MISSISSIPPI**

Gulf Islands Conservancy, Inc.  
Biloxi, Mississippi  
Jesus People Against Pollution  
Columbia, Mississippi

Jeanne Lebow (Concerned Citizen)  
Gautier, Mississippi

Maxine Ramsay (Concerned Citizen)  
Ocean Springs, Mississippi

## **MISSOURI**

Labadie Environmental Organization (LEO)  
Labadie, Missouri

Missouri Coalition for the Environment  
St. Louis, Missouri

Missourians Organizing for Reform and  
Empowerment  
St. Louis, Missouri

River des Peres Watershed Coalition  
St. Louis, Missouri

## **MONTANA**

Earthworks  
Missoula, Montana

Montana Environmental Information Center  
Helena, Montana

Montanans Against Toxic Burning  
Bozeman, Montana

University of Montana  
Missoula, Montana

Women's Voices for the Earth  
Missoula, Montana

## **NEBRASKA**

Dick Boyd (Concerned Citizen)  
Lincoln, Nebraska

Ken Winston (Concerned Citizen)  
Omaha, Nebraska

## **NEVADA**

Christie Linert (Impacted Citizen)  
Las Vegas, Nevada

## **NEW HAMPSHIRE**

Toxics Action Center  
Concord, New Hampshire (all of New  
England)

## **NEW JERSEY**

Coalition of Black Trade Unionists,  
Community Action and Response Against  
Toxics Team/ New Jersey Environmental  
Justice Alliance  
Trenton, New Jersey

Ironbound Community Corp  
Newark, New Jersey

Marco Salerno (Concerned Citizen)  
Princeton, New Jersey

Dana Wisley (Concerned Citizen)  
Cherry Hill, New Jersey

New Jersey Environmental Justice Alliance  
Trenton, New Jersey

Sierra Club, New Jersey  
Trenton, New Jersey

## **NEW MEXICO**

Los Jardines Institute  
Albuquerque, New Mexico

Tribal Environmental Policy Center  
Rio Rancho, New Mexico

## **NEW YORK**

American Environmental Health Studies  
Project  
Binghamton, New York

Catskill Mountainkeeper  
Livingston Manor, New York

Cayuga Lake Watershed Network  
Aurora, New York

Clean and Healthy New York  
Albany, New York

Greenwich Citizens Committee  
Greenwich, New York

Hudson Riverkeeper  
Ossining, New York

Institute for Health and the Environment,  
University at Albany  
Rensselaer, New York

Hannah Stephanz (Concerned Citizen)  
Larchmont, New York

Waterkeeper  
Lake George, New York

Waterkeeper Alliance  
New York, New York

We ACT for Environmental Justice  
New York, New York

Concerned Residents of Portland, NY +  
People Like Us  
Mayville, New York

Empire State Consumer Product, Inc.  
Rochester, New York

## **NORTH CAROLINA**

Appalachian Voices  
Boone, North Carolina

Cape Fear Riverkeeper  
Wilmington, North Carolina

Catawba Riverkeeper  
Charlotte, North Carolina

Clean Water for North Carolina  
Asheville, North Carolina  
French Broad Riverkeeper  
Asheville, North Carolina

Warren County Environmental Educators  
and Activists  
Warrenton, North Carolina

Sarah Kellogg (Concerned Citizen)  
Boone, North Carolina

Joan Weld  
Currie, North Carolina

National Committee for the New River  
West Jefferson, North Carolina

Neuse Riverkeeper  
Raleigh, North Carolina

Protect All Children's Environment  
Marion, North Carolina

Transition Asheville  
Asheville, North Carolina

West End Revitalization Association -  
WERA  
Mebane, North Carolina

Western North Carolina Alliance  
Asheville, North Carolina

## **NORTH DAKOTA**

Laurel Jones (Concerned Citizen)  
Bowdon, North Dakota

## **OHIO**

Concerned Citizens Ohio  
Ravenna, Ohio



Garrettsville Board of Public Affairs  
Garrettsville, Ohio

Kent Environmental Rights Group  
Kent, Ohio

Mahoning Soil and Water Conservation  
District  
Youngstown, Ohio  
Carolyn Harding (Concerned Citizen)  
Bexley, Ohio

Rosemary Rudesal (Concerned Citizen)  
Kent, Ohio

Janine Tiffe (Impacted Citizen)  
Kent, Ohio

People's Oil and Gas Collective  
Concord, Ohio

B.E. Cause  
Bokoshe, Oklahoma

Durham CLEAR  
Whitby, Ontario

## **OREGON**

Ruth Duemler (Concerned Citizen)  
Eugene, Oregon

Sarah Johnson (Concerned Citizen)  
Eugene, Oregon

Maria Sause (Concerned Citizen)  
Newport, Oregon

Oregon Physicians for Responsibility  
Portland, Oregon

## **PENNSYLVANIA**

Citizens for Pennsylvania's Future  
(PennFuture)  
Harrisburg, Pennsylvania  
Clean Air Council  
Philadelphia, Pennsylvania

Group Against Smog and Pollution  
Pittsburgh, Pennsylvania

Jacobs Creek Watershed Association  
Scottsdale, Pennsylvania

Ashima Gandhi (Concerned Citizen)  
Philadelphia, Pennsylvania  
Sheila Hyland (Impacted Citizen)  
Chester, Pennsylvania

Hayley Tittle (Impacted Citizen)  
Philadelphia, Pennsylvania

Peach Bottom Concerned Citizens Group  
Delta, Pennsylvania

Pennsylvania Forest Coalition  
Boiling Spring, Pennsylvania

## **PUERTO RICO**

Comité Diálogo Ambiental, Inc.  
Salinas, Puerto Rico

## **RHODE ISLAND**

Childhood Lead Action Project  
Providence, Rhode Island

Woonasquatucket River Watershed Council  
Providence, Rhode Island

## **SOUTH CAROLINA**

Michael McClain (Concerned Citizen)  
Columbia, South Carolina

South Carolina Coastal Conservation  
League, North Coast Office  
Charleston, South Carolina

## **SOUTH DAKOTA**

South Dakota Chapter of the Sierra Club  
Rapid City, South Dakota

## **TENNESSEE**

Joe W. McCaleb (Concerned Citizen)  
Primm Springs, Tennessee

Tennessee Clean Water Network  
Knoxville, Tennessee

## **TEXAS**

Air Alliance Houston  
Houston, Texas

Community In-power & Development  
Association  
Port Arthur, Texas

Downwinders at Risk  
Dallas-Ft. Worth, Texas

Houston Peace and Justice Center  
Houston, Texas

Angela Briles (Concerned Citizen)  
Dallas, Texas

Dr. Robert Bullard (Concerned Citizen)  
Houston, Texas

Dr. Glenn Johnson (Concerned Citizen)  
Houston, Texas

Southwest Workers Union and Committee  
for Environmental Justice Action  
San Antonio, Texas

T.E.J.A.S. (Texas Environmental Justice  
Advocacy Services)  
Houston, Texas

## **UTAH**

Heal Utah  
Salt Lake City, Utah

Jessie Du Pre (Concerned Citizen)  
Salt Lake City, Utah

## **VERMONT**

Coming Clean  
Brattleboro, Vermont

## **VIRGINIA**

Concerned Citizens of Giles County  
Giles County, Virginia

Mary Jane Reyes (Concerned Citizen)  
Lorton, Virginia

David Sligh (Concerned Citizen)  
Charlottesville, Virginia

Shenandoah Riverkeeper  
Boyce, Virginia

Stafford Citizens for Open Government  
Fredericksburg, Virginia

## **WASHINGTON**

Market Air Quality Campaign  
Seattle, Washington

World Temperate Rainforest Network  
Olympia, Washington

## **WEST VIRGINIA**

Ohio Valley Environmental Coalition  
(OVEC)  
Huntington, West Virginia

People Concerned About Chemical Safety  
Charleston, West Virginia

West Virginia Citizen Action Group  
Charleston, West Virginia

## **WISCONSIN**

Center for Media and Democracy  
Madison, Wisconsin

Healing Our Waters-Great Lakes Coalition  
Madison, Wisconsin

## **WYOMING**

Wellman Water Consulting  
Lander, Wyoming

