

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 Racem 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 Center * 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 * 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 Concernce 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

Cahaba Riverkeeper
Birmingham, Alabama

Lowdnes Citizens United for Action
Lowdnes County, Alabama

ALASKA

Teresa Lima (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 Racem 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
Somas 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, DC

Greenpeace
Washington, DC

Sierra Club

DELAWARE

NAACP, Wilmington Branch
Wilmington, Delaware

FLORIDA

Apalachicola Riverkeeper
Apalachicola, Florida

Farmworker Association of Florida
Apopka, Florida

Indian Riverkeepr
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

Chicago Chapter Physicians for Social
Responsibility
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

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
Chapter
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 Center
Boston, Massachusetts

Partnership for Policy Integrity
Western, 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

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

Environmental Integrity Project
Pittsburgh, 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 Tintle (Impacted Citizen)
Philadelphia, Pennsylvania

Peach Bottom Concernce 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