
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

Hirschler Olivier (Concerned Citizen)
Oakland, California

ARIZONA

Don't Waste Arizona
Phoenix, Arizona

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

ARKANSAS

Save the Ozarks
Eureka Springs, Arkansas

Our Children's Earth Foundation
San Francisco, California

CALIFORNIA

AZUL
San Francisco, California

Pesticide Action Network North America
Oakland, California

California Communities Against Toxics
Rosamond, California

Tamalpais NatureWorks
San Rafael, California

Center for Public Environmental Oversight
Mountain View, California

West Oakland Environmental Indicators
Project (WOEIP)
Oakland, California

Center for Race Poverty and the
Environment
Oakland, California

COLORADO

Information Network for Responsible Mining
Norwood, Colorado

Earth Circle
San Diego, California

San Juan Citizens Alliance
Durango, Colorado

GAIA
Berkeley, California

Tallahassee Area Community, Inc.
Canon City, Colorado

Global Community Monitor
El Cerrito, California

CONNECTICUT

Green Science Policy Institute
Berkeley, California

Connecticut Coalition for Environmental
Justice
Hartford, Connecticut

Greenaction for Health and Environmental
Justice
San Francisco, California

DISTRICT OF COLUMBIA

Klamath Riverkeeper
Somas Bar, California

Center for Biological Diversity
Washington, D.C.

Lilyana Morejon (Concerned Citizen)
Burbank, California

Energy Justice Network
Washington, D.C.

Hirschler Olivier (Concerned Citizen)
Oakland, California

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

**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

Jacob 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 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. McCabe (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