

NJDEP Violating Own Laws on Arsenic and Radium



In 1942, the federal government established the first drinking water standard for arsenic at 50 ppb (parts per billion). Almost 60 years later that same standard is still in effect despite three separate Congressional mandates to update it.

There is now more pressure than ever to tighten the standard after a 1999 National Academy of Sciences study reported that if the maximum level of arsenic was in a person's drinking water for their lifetime (70 years), the existing 50 ppb standard could "easily result in a combined cancer risk on the order of 1 in 100".

In June 2000, NJ seemed to be leading the way toward adopting a more stringent standard when NJ Department of Environmental Protection (NJDEP) Commissioner Robert Shinn stated, "Until the EPA sets the new standard, NJ will recommend that public water systems and private well owners take action to reduce exposure when arsenic levels exceed 5 ppb." Unfortunately, Commissioner Shinn has changed his tune after the EPA put a hold on a federal 10 ppb arsenic standard. In March 2001 he stated that, "We are comfortable with the lower 10 ppb standard for NJ."

Regardless of whether the state or federal standard is set at 5 or 10 ppb, NJ will still be in violation of its own laws. The 1984 NJ Safe Drinking Water Act requires the NJDEP to set a standard which results in a 1 in 1 million cancer risk, providing "medical, scientific, and technological feasibility." The USEPA has confirmed that a standard of 3 ppb is technically feasible.

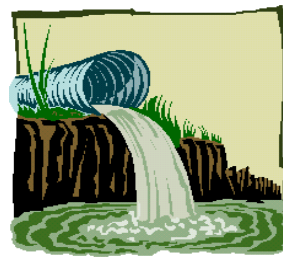
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One Small Step for Clean Water

In April, Acting Governor DiFrancesco adopted one strengthening "septic" provision of the controversial watershed regulations and maintained status quo on the remaining provisions for another year. This gives NJEF an opportunity to leverage political power during this hotly contested election season and then with the new governor. Our goal is to minimally prevent any backsliding of current water laws and optimally secure more water protective and restorative policies in the future. The new provision requires environmental reviews for septic systems in new developments with 6 or more homes. Previously, the reviews were only required when constructing more than 50 homes. This success was possible thanks to our coalition efforts and the thousands of letters written by members.

Sprawl Contaminates Water Supplies, Impacts Public Health

US Environmental Protection Agency data (1997-1999) shows New Jersey's watersheds are the worst in the country for water quality and are getting worse (www.epa.gov/iwi/). The NJ Department of Environmental Protection (NJDEP)'s 2000 water quality report just found a 30% increase in the number of unhealthy coastal streams, with sprawl as the leading culprit. During May, the Passaic River was essentially 100% treated sewage discharge.



The EPA cites sewage treatment and non-point source (sprawl related runoff) pollution as primary contributors to drinking water contamination. Through no fault of their own, water utilities are forced to use more and more chlorine to disinfect. In the process, chlorine and organic matter from sewage and runoff form "disinfectant by-products" (DBP's)

including trihalomethane (THM) and haloacetic acid (HAA). Increasing and disturbing levels of these contaminants have been found in the drinking water of 3 million people from 12 counties in NJ.

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Private Well Testing Bill Becomes Law

On March 23, 2001, Acting Governor Donald DiFrancesco signed into law legislation requiring the testing of private wells. This is the first law that affords citizens on private wells similar protections to those on public water supplies. Private wells have to be tested for bacteria, nitrates, iron, manganese, acidity and volatile organic chemicals.

Anyone selling or leasing a home would have to test the water in a well and disclose that information to the buyer/renter. The owner of a rental unit will have to retest its wells every five years. The law also increases groundwater monitoring and cleanup. \$1 million was appropriated to build a groundwater contamination database allowing the NJ Department of Environmental Protection to be much more proactive in identifying and addressing groundwater concerns. NJEF successfully campaigned for the creation of a zero interest loan fund for well testing and cleanup for qualified landowners in need of financial assistance.

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(732) 280-0371 fax

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Trenton, NJ 08628
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(609) 530-1508 fax

South Jersey Office
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Marlton, NJ 08053
(856) 767-1110
(856) 768-6662 fax

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39 Lackawanna Pl. #10
Bloomfield, NJ 07003
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WEST NILE and PESTICIDE AVOIDANCE...WHAT YOU CAN DO

As nighttime temperatures rise above 50 degrees, mosquitoes are breeding, and the return of the West Nile Virus is likely. While the public is concerned about West Nile Virus, we should also be concerned about the possibility of exposure to pesticides like malathion and resmethrin used for adult mosquito control. Spraying pesticides for adult mosquito control is the least effective method, but is sometimes employed as a last resort. This type of spraying (using resmethrin, or Scourge) increased last year in Bergen, Middlesex, and Monmouth County due to evidence of West Nile Virus in dead crows and some infected mosquitoes. Statewide, mosquito pesticide use in 2000 was 86,000 pounds active ingredient; up from 63,000 pounds the in 1999, according to the NJ DEP statistics.

This season, county mosquito agencies will be surveying for mosquitoes and testing them for virus. Dead birds will be tested by the NJ Dept. of Health and Senior Services, then decisions will be made about whether a public health threat exists at the county level. If it is determined that adulticide is necessary, the NJ Environmental Federation is urging counties to do:

- spot treatment using the least toxic pesticide available.
- direct advance notification to affected residents, with hazard information about the pesticide, emergency numbers to report exposure incidents/get medical attention, and precautions to take to avoid exposure
- no spraying of malathion until the Environmental Protection Agency completes its review of the pesticide's potential cancer effects
- no aerial spraying of adulticides

Malathion and resmethrin are on EPA's priority list for testing as potential endocrine disruptors. Children, pregnant women, people with chemical sensitivities or asthma are particularly at risk from pesticide exposure. The non-target effects of pesticides, like malathion and resmethrin, on beneficial insects and aquatic organisms are also of concern. So is the fact that malathion has



shown up in NJ's rivers in 1 out of 10 samples. Mosquito control experts agree that **eliminating breeding** sites and controlling the larval stage is the most effective strategy. Favorite mosquito breeding places include birdbaths, ponds, swimming pool covers, rain gutters, old tires, flower pots, buckets, barrels, even your pet's outdoor water dish. Frequently change and/or empty the water from these and other objects in effect disrupting the breeding process.

Prevention of mosquito breeding by removing standing water is the single most important step people can take to reduce mosquito populations, and thus avoid the need for pesticide spraying. **Taking personal precautions** such as avoiding the outdoors during dawn and dusk hours or wearing long sleeves and pants is a common sense approach to reducing the chance of mosquito bites. If you do use insect repellants, be very careful about following label directions, do not apply directly to children's skin, and use a natural herbal product or one with less than 10% DEET.

Take Action: Write to your local Mosquito County Commission

(look in the blue pages of your phone book)

Tell them:

- To support an Integrated Pest Management approach to mosquito control;
- To notify people of the proposed application, the precautions to take, and the potential adverse effects of the pesticide if exposed;
- If pesticides are determined to be necessary, use fogging of neighborhoods and parks for adult mosquitoes only as a last resort using the least toxic pesticide.

(NO MALATHION!)

You have the right to know about mosquito spraying in your town!

To get on the pre-notification list, and/or to request your property to be a "No Spray" area, write a simple letter to your county mosquito agency. It will only take a few minutes and a stamp!

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As if that were not troublesome enough, the Drinking Water Quality Institute (DWQI—the state’s advisory board on drinking water standards) recently held a public meeting on setting standards for alpha radiation (radium isotopes 224/226/228). DWQI recommended keeping the current standard of 15 pCi/l (picoCurie/liter). This would result in a 1 in 5,000 cancer risk, again violating NJ law. On a positive note, the institute is recommending that all water samples be tested for radiation within a 48-hour window because radium 224 decays away in a very short period of time. NJEF will continue to fight, including suing, to insure NJDEP complies with NJ drinking water law, by setting standards that are based on health.

Clean Water continued from pg 1

The USEPA has linked THM and HAA to increased risks of liver and bladder cancer, birth defects, miscarriages, and other liver and kidney problems. In fact, the Center for Disease Control did a study of residents from 75 NJ towns in 4 counties helping to identify this link. Last year, two elementary schools in North Haledon, NJ were forced to shut off their water fountains due to high THM levels. Parents were advised to send their children to school with bottled water.

The USEPA has already adopted stricter standards for THM (80 parts per billion, ppb - down from 100 ppb) and HAA (60 ppb - previously unregulated) that go into effect in December 2001. In the mean time, the concentration of disinfectant by products can

be lowered by placing tap water in refrigerator for several hours in an uncovered container before drinking to allow the contaminants to dissipate. New Jersey law requires even further tightening of the standards, but stricter standards will never be met so long as sprawl and its corresponding pollution goes unchecked. To that end , NJEF in coordination with *Defend NJ's Waters* proposes the following aggressive agenda to:

- Force sewer plants to reduce water pollution—Apply comprehensive environmental review to existing as well as future non-point (sprawl) sources of pollution;
- Strengthen protections for drinking water supplies and other key waters— Provide these waters with the same level of protection the state affords only to trout streams;
- Combat sprawl and promote urban revitalization— Bar new or expanded wastewater treatment systems in NJ’s environmentally sensitive areas and drinking water resources;
- Clean up the state’s most polluted waterways—Set water quality based standards on dischargers and implement clean-up plans within five years;
- Ensure adequate water supply—Review the adequacy of the local water supply for all developments in areas with low water supply. Current policies fail to adequately address recharging local waterways and aquifers.



NJEF BOARD OF DIRECTORS 2001 ELECTIONS

All individual members of NJEF are eligible to vote for the “Individual Member” delegates of the Board of Directors as well as the and Executive Committee. All nominations are for two year terms (2001-2003). **Return a completed ballot by July 30, 2001 to:** NJEF, 1002 Ocean Avenue, Belmar, NJ 07719, Attention: Elections. or fax to (732) 280-0371. Note: * indicates renominated.

Executive Committee of the NJEF Board(Check up to 5 nominees)

- _____ **Sharon Finlayson, Chair*** - Founding member and leader of South Jersey Work on Waste and Stop Incineration Now. Served on the NJDEP Mercury Emission Standard Setting Task force. Currently on Camden County Solid Waste Advisory Council, Watershed #18 and #19 Committees and formerly active in the Delaware Riverkeeper volunteer network. She is also chair of NJEF’s Vote Environment Committee.
- _____ **Sue Marks, Vice Chair*** - Founding member and leader of Citizens Against Trash to Steam (CATS), former member of Camden County Solid Waste Advisory Committee and Camden county Environmental Commission. Currently, active in local battles, like the Saint Lawrence Cement plant in Camden. She is vice chair of the NJEF Vote Environment Committee.
- _____ **John Hall, Treasurer*** - Currently shop steward and union member for over 30 years, formerly Chemical workers Association, now PACE. Continues to be very active in community and worker right to know campaigns and coalitions. Former board member of Philadelphia Occupational Safety and Health Committee. Elected to Boro Council of Woodstown.
- _____ **Jane Nogaki, Secretary*** - Long time activist on pesticide and right to know issues. Represents NJEF on various NJDEP task forces and the USEPA Children Health Protection Advisory Committee. Currently, co-chair of the Right to Know and Act Coalition and President of NJ Work Environment Council. Member of NJEF’s Vote Environment Committee (VEC).
- _____ **David Tykulsker, At Large*** - An attorney in Montclair. Represents local environmental groups and workers. Currently serves as the NJEF representative on the national Clean Water Action Board which NJEF is a state chapter. Active on the Right to Know and Act Coalition and general council for the NJ Work Environment Council. Member of NJEF’s VEC.

“Individual Member” delegates (check up to 4 nominees).

- _____ **Valorie Caffee*** - director of Organizing of the NJ Work Environment Council, Chief Steward of PACE Local 8-149. Member of NJDEP Environmental Equity Task force. Lifelong social change activist for women’s rights, racial justice, environmental and labor issues.
- _____ **Ben Forest*** - Former President and current board member of Monmouth County Friends of Clearwater and treasurer of Clean Ocean Action. Local activist on a variety of election campaigns and issues. Long time journalist with weekly newspapers. Member of NJEF’s VEC.
- _____ **Sue Marks** - See description above.
- _____ **David Tykulsker*** - See description above.

NJEF organizational members will receive separate ballots to elect organizational regional delegates nominees. Nominees include: Karen Anderson (At Large Delegate), Nelson Carrasquillo (Community Group Delegate*), Sharon Finlayson (Community Group Delegate), Tom Fote (At Large Delegate), John Hall (Labor Delegate), Jane Nogaki (South Jersey Delegate), Elyse Pivnick (Central Jersey Delegate), John Seiler, (Labor Delegate*), and Mara Silgailis (North Jersey Delegate*).

Drinking Water Right-to-Know Reports are Coming!

With summer rapidly approaching, people should be watching their mailboxes with eager anticipation. The July 1 deadline is nearing for distribution of water company right-to-know reports, also known as water quality or consumer confidence reports. These reports, mandated by the 1996 amendments to the federal Safe Drinking Water Act, are designed to give consumers information about contaminants in their drinking water.

These reports can sometimes be difficult to understand. Several components of the reports should be closely inspected. The report should provide information about the source of your drinking water, what contaminants are present, the range and highest detected level of each contaminant, and what is the maximum contaminant level (MCL) or federal standard. Water utilities can tell you that their water meets all federal and state guidelines; but they can not make an unqualified assurance of safety. In fact, the water utilities are required to provide health warnings for children, elderly, pregnant, nursing, and childbearing women, cancer, transplant, dialysis, HIV/AIDS patients, and others with immune suppressing ailments/treatments etc. Anyone who would like assistance in interpreting their report is encouraged to contact either our North Jersey or our State office.



When you Wish Upon a Star...

NJEF would like to thank all members who helped our office with donations of furniture and computers. Electronic equipment and office furniture are always welcome. Please contact our state office for details on donations.



Action Alert:

Say "No" To Arsenic In Our Water

The Bush administration, giving in to pressure from the mining and wood preservative industries as well as some water utilities, has decided to roll back new protections against arsenic in our drinking water. Please write the President and the EPA Administrator, using the ideas in the sample letter below as a model.

Dear: _____

I urge you to protect the health of citizens in the U.S. by protecting our drinking water.

- Don't weaken the 10 parts per billion regulation for arsenic in drinking water.
- 25 years of science and debate show we CAN afford clean and safe drinking water.

Address letters to:

President George W. Bush
The White House
1600 Pennsylvania Ave. NW
Washington DC 20500

Administrator Christie Whitman
Environmental Protection Agency
1200 Pennsylvania Ave. NW
Washington DC 20460

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