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Tola Brennan

Cuny Graduate School of Journalism

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How A New York Native American Community Was Polluted For Decades, Until They Fought Back

By Tola Brennan

When General Motors came to the North Country, it was greeted as a savior, bringing much needed jobs to economically depressed upstate New York.

What happened was one of the worst cases of industrial pollution in the country. The Massena, NY, factory would join Love Canal as one of the most contaminated places in the country.

The factory did bring hundreds of jobs for decades, making Chevrolet parts from 1960 onwards. It also relied on a chemical that, scientists later learned, was highly toxic. To make matters worse, GM repeatedly mishandled and delayed the cleanup.

Especially hard hit was the factory's next-door neighbor. Tucked along the St. Lawrence river, bordering the GM plant, is the Saint Regis Mohawk Reservation. Children played in toxic refuse discarded by the factory. An elementary school sits less than a mile downwind. The chemical leached into the reservation's water supply. Starting in the early 80s, and moving incrementally to the present day, scientists would document the lifelong harm to their health, including thyroid disorders, decreased cognitive functioning and birth defects.

To make matters worse, as GM fought and delayed any cleanup, Mohawk felt they got little consideration in federal government actions to push GM into cleaning up the site. And now the federal government may face a larger bill for GM's actions; as part of the auto giant's bailout in the wake of the 2008 recession, it peeled off contaminated factories into a separate corporation. The deal removed any further cleanup costs for GM, with taxpayers footing the bill.

The Seaway

Like many things in the State of New York, this story begins with the famous and controversial city planner Robert Moses.

Along with modernizing New York City, the development titan masterminded huge industrial projects in the rest of the state, including locks that improved navigation along the St. Lawrence River that allowed a flood of global trade. Huge ships would ferry goods in and out of America's

heartland.

Along with the St. Lawrence seaway, Moses oversaw a new, expansive power dam that straddled the St. Lawrence river, part of the US border with Canada.

The dam was built just outside of the town of Massena, NY, and the town saw rapid growth.

First there were the temporary construction workers, those from all over the country who stayed in the town. Then the promise of cheap power and easy access to a major transportation waterway lured industry.

General Motors announced plans in 1957 to establish a new foundry to make Chevrolet car parts, and promised to bring in millions of dollars that would be spent annually through payrolls, services and supplies. Reynolds Metals announced the same day a proposed aluminum plant.

The plants would be next to each other, and molten aluminum would be hauled quickly from Reynolds to the neighboring GM factory, and poured into molds for car parts. The Reynolds plant would employ around 1,000 workers, the Chevrolet plant roughly 700..

At a 1957 groundbreaking ceremony, New York Gov. W. Averell Harriman said the region was entering “a period of economic expansion on a scale never before contemplated.”

Some locals objected. A few raised concerns that an estimated quarter of the new dam’s power would go to the factories, and not benefit nearby homeowners as much. Mohawk leaders objected to an island that was part of their reservation land in the river being used for construction.

By spring 1960, the GM Massena plant sent off its first shipment, parts mostly for the Chevrolet Corvair. The parts were sent to production plants in Tonawanda, NY; Toledo and Cleveland, Ohio; and Flint, Michigan.

Little noticed was a chemical used for working the hydraulics in the GM factory’s machinery -- PCBs.

And a stone’s throw away, just east of the plant, lived the Mohawk on Raquette Point..

The Mohawk

The Mohawk, when the colonialists arrived, lived in the Mohawk Valley and along the Hudson Valley cultivating corn, beans and squash, supplemented by hunting and fishing. Early Dutch visitors described the region as an abundant paradise.

Christianized Mohawk had been ferried to St. Regis to create “a more malleable, converted population” writes anthropologist Jacqueline Goodman-Draper. Soon after the Revolutionary War, a six mile square tract for the St. Regis Mohawk along the St. Lawrence was set aside. Mohawk objected then calling the treaty illegitimate, and battles over land claims continue to the present.

By 1960, almost 1,800 Mohawk lived at the reservation. Some would get jobs working at the GM factory.

The Chemical

Polychlorinated biphenyls, or PCBs, were first synthesized in 1881 as a durable industrial miracle chemical. By the 1930s, they were manufactured around the world, embraced at a time when the wonders of chemistry were sold as part of achievements in manufacturing. The chemical giant Monsanto was its leading producer, and one of its engineer called PCBs as “perfect as any industrial chemical can be.”

Yet early on, there were signs of danger. A 1937 study suggested a link between PCBs and liver disease. In 1956, Monsanto began giving its workers protective gear and clothing while simultaneously expressing skepticism about any ill effects, a position it maintained for decades.

Swedish researcher Dr. Soren Jensen found Sweden’s shores were contaminated with PCBs, and even discovered traces in hair samples from his wife and children. The highest amounts were in his nursing infant daughter. “I didn’t have the faintest idea where such compounds were used in the society,” he later wrote. He soon learned how prevalent they were in manufacturing. He documented how PCBs accumulate along the food chain, eventually in human fat tissue.

In 1968, around 1,300 residents of Kyushu, Japan became sick after consuming PCB contaminated rice oil. Symptoms included respiratory ailments and failing vision. The incident brought PCBs global attention. Monsanto, with deep financial stakes in the chemical compound, maintained ill effects were exaggerations and the result of misuse.

The Superfund

Concerns about PCBs continued to rise In the 1970s, part of a growing awareness that many industrial chemicals posed grave dangers to the environment and humans. The US Environmental Protection Agency was created early in the decade.

Congress passed the wide-ranging Toxic Substances Control Act of 1976. That included banning PCBs within three years.

In January 1977, state environmental officials found near the dam by Massena that smallmouth bass with three times the federal limit PCBs. The state began considering a fishing ban along the river.

By 1980, the US started its Superfund program designed to clean up massive industrial waste left from current and former factories. Perhaps the most infamous at the time was Love Canal, a chemical dump also in upstate New York. A town was evacuated.

The EPA soon found the GM plant in Massena was a massive problem.

The Superfund law included a tax on chemical industries. Previous owners could be held responsible for cleanups. If no one could be identified as at fault, proceeds from the collected taxes --the Superfund -- would be used. The EPA could also seek fines and other sanctions.

In 1983, the EPA added the Massena GM factory to the Superfund site list, one of more than 130 of the worst contaminated sites in the country.

Even among Superfund sites, the Massena factory was considered among the worst of the worst. An EPA official would rank it among the top five in the country, in the same league as Love Canal.

GM worked to block the proposed listing. Julius Hollis, GM general counsel sent a letter to EPA questioning the legality of the proposal. GM's tactics stalled any cleanup for at least two years. Little got done.

On September 28, 1983, EPA sued GM for illegally using and improperly storing PCBs. That included illegally disposing of more than 1,7 million kilos of sludge contaminated with PCBs, and that GM had not disclosed the dumping and chemical storage on required annual federal reports. The agency first sought penalties totalling \$507,000 -- \$1.2 million in today's dollars -- and settled several years later for about a fifth of that.

DOCUMENTCLOUD:

<https://www.documentcloud.org/documents/3295674-EPA-TSCA-1983.html>

It would be the first of several times when the federal agency would sanction GM for wrongdoing in cleanup at the site.

The Mohawk Respond

James Ransom, now part of the Mohawk Council of Akwesasne's Environment Division on Cornwall Island, was in his early 20s when he first learned there might be contamination at the GM plant.

"I didn't have a clue what PCBs were and I couldn't even spell polychlorinated biphenyls," Ransom recalled.

He keeps original press clipping in a binder, yellowed with age. The first article comes from December 1981. The photocopy has a post-it note on the lower right that reads simply "how it all started." It was published in the Watertown Daily Times, with the headline, "Central Foundry's Neighbors Wary of PCB Contamination."

GM said it was planning to enclose the contaminated area, and hoped for state and federal approval. Mohawk quoted in the story they had doubts and wanted more information.

Ransom would soon join their ranks.

He was not alone.

Larry Thompson grew up on the reservation on Raquette Point, in a home built by his great-great grandfather, just over the edge of the GM property. He was born five years before the GM plant opened.

And he recalled what he believes were warning signs. "It started when we got these sores on our hands and our ears," he said. They were itchy and as big as a dime with hundreds of little bubbles. The doctor said it was poison ivy.

Many years later he would come to realize it was one of the first signs of PCB exposure.

In the early 1980s, he and his wife, Dana, started to get very worried.

"All these people would show up at the house," Dana said. "They'd have briefcases and said, 'We're here doing an investigation.'" One asked about her garden, where she grew white corn. She recalled they told her not to eat it. Same with the tomatoes.

"The majority of our people didn't realize the enormity of what was at hand," said Dana.

Ward Stone remembers when he was a wildlife pathologist for the New York State Department of Environmental Conservation, and Katsi Cook, a traditional Mohawk midwife, walked into his

office. She had noticed an unusual number of birth defects in the early 1980s, and felt that Stone would be the right person so investigate.

Cook asked that Stone come out to St. Regis and see what he might learn. Stone gathered a team of Mohawk college students and set about his work through the summer of 1985.

In August, Stone announced his results at the press conference at the St. Regis Mohawk Community Building. PCB levels were high. Animals like a local snapping turtle was found with alarming amounts of PCBs in its fat. A shrew had the highest levels of PCBs in the state.

Soon the Mohawks would question the Superfund cleanup.

Remedial Investigation

The EPA was finding PCBs contaminating the ground and water wells at the plant. PCBs were contaminating the water wells for the St. Regis reservation.

The EPA, using these findings, ordered GM to take action. The company would monitor pollution levels. It would come up with a plan to clean the site. It would have to take action, and file monthly reports on progress.

North Country Betrayed

On August 6, 1986, GM announced it would wind down operations. During the next two years, the number of workers would plummet from 1,329 down to 100.

Sen. Daniel Patrick Moynihan (D-NY) rebuked GM. "I was present when the Governor called the head of GM and said we will give you the cheapest electrical power on earth if you will come to the North Country" and "produce real jobs over a long, long period of time."

"This is a question of corporate integrity," the senator said. "Now GM walks away with its profits, leaving the North Country behind and the state looking as if it were conned."

Feeling excluded from the cleanup process, Mohawk looked for help, eventually getting a Cornell professor, Dr. Stephen Penningroth to do a full report. Published in mid-1988, Penningroth blasted GM's investigation calling it "a failure of elementary scientific procedure."

His report charged that GM's contractor had taken just one sample per acre when there should have been at least a thousand, and even worse said Penningroth, massive amounts of

contaminants had travelled dozens of feet down and the investigation rarely bored more than a few feet. Without complete and accurate data, a thorough cleanup was impossible, he said.

DOCUMENTCLOUD:

<https://www.documentcloud.org/documents/3295678-R02-429112-Copy.html>

Two months later, state environmental officials asked the federal government for clean up help.

Stone and Mohawk leaders called for two additional areas to be added to the Superfund cleanup. A GM spokesman said the land was not polluted enough to be considered hazardous waste site.

The Mohawk began to look for other ways to pressure the EPA. The tribe began to assert that, since Indian nations are viewed by the federal government as sovereign, they can formulate environmental standards. The moves began to lead to a more thorough cleanup on reservation land. But all was not well.

A January 1988 article in the Los Angeles Times described the devastation at St. Regis. "Instead of cattle, fish and game, people are eating macaroni, potatoes and bread," Henry Lickers, a Mohawk environmentalist told the paper. The economy was shifting to gambling at a new casino, and smuggling goods like cigarettes across the Canadian border.

In this midst of all this, EPA was taking public comment in preparation for the next round of orders on how GM would cleanup the site.

DOCUMENT CLOUD:

<https://www.documentcloud.org/documents/3295675-R02-204819-Public-Meeting-April-25-1990.html>

On March 21, 1990 -- eight years after GM site was put on the Superfund list -- EPA proposed a \$138 million plan which would clean up the worst of the contamination at GM and initially focus on dredging, according to news accounts at the time. GM favored a scaled-down cleanup.

Ken Jock, the director of the Mohawk Environmental Division, felt the decision wasn't ideal but said "we got as good a cleanup as we could out of this process."

Within a year, GM faced \$14.1 million in fines for burying PCB-tainted sludge in New York, Ohio and Alabama. Two landfill operators faced additional fines. GM had been taking soil heavily saturated with PCBs and improperly mixing it with sand and limestone for burial.

On March 31, 1992, EPA issued orders that compelled GM to begin implementing the cleanup. GM was required to dredge and excavate sediment and soil with high PCB levels in the St. Lawrence and another nearby river. GM would have to prevent water from running off the site

and into the reservation, and it would have to treat groundwater. The EPA would review GM's work and call for any needed changes.

Soon the Mohawk became concerned when new regulations let GM keep high PCB concentrations in the sediments dredged up and then slated to be left on the site. After a campaign of letter writing, and even some protests, the EPA returned to the earlier, more stringent, standards.

Disturbing Effects, Compromise. Delays

In the late 1980s, Dr. David Carpenter, a prominent researcher at the New York Department of Health, began examining the health effects of PCB exposure on the Mohawk. His work revealed disturbing findings. The greater amount of PCBs in women, the less likely they can conceive babies. There is thyroid damage, and PCB exposure leads to IQ loss. In his words, this decreased potential, a "dumbing down" is the most insidious and the hardest to recover from, especially for a small, vulnerable culture struggling to maintain its traditions.

DOCUMENTCLOUD: <https://www.documentcloud.org/documents/3295673-414-Gallo.html>

Anne Kelly was fairly new at the EPA when she got assigned to oversee the cleanup. She decided to find common ground, to focus on the parts of the site that everyone could agree upon. Move some sediments, move a stockpile, start working on the groundwater.

"There were a few things that EPA, GM and the tribe agreed to," said Kelly. "So well then let's just do those."

By August 1998, Kelly approved an amended plan. More of the contaminated soil would be treated away from the factory site and the reservation. Trainloads would soon be hauling the tainted soil elsewhere.

Still, progress was slow. In March 2001, New York State Attorney General Eliot Spitzer threatened to sue General Motors for delaying cleanup.

In a letter to the company, Spitzer wrote that "General Motors has been on notice since at least 1980 that PCBs were being released into the St. Lawrence River and onto the St. Regis Mohawk Reservation from its two hazardous waste dumps. The company has also known for the past 15 years that the landfills may endanger public health and the environment. Despite this knowledge, General Motors has failed to control the release of these toxins from its property."

The federal government was also frustrated. In April 2001, the EPA sued GM for \$1.2 million in unpaid costs. In September 2005, EPA settled with GM agreeing to pay \$900,000.

A crucial disagreement remains: What to do with contaminated soil on the site? GM wanted to keep much of it in landfill on the factory site, with promises that the hazards would be contained. The Mohawk wanted the tainted dirt moved elsewhere.

As negotiations progressed, Kelly said that as part of seeking common ground, talks about the landfill did not go forward smoothly. "Let's just not talk about the landfill because this is a huge site and if we have to solve the landfill..." Kelly trailed off, remembering the challenges. She paused for a moment and added, "We still haven't solved it."

As it currently stands, the debate is largely between Anne Kelly representing the EPA and Ken Jock along with Craig Arquette, representing the Mohawk.

Kelly is firm about the EPA's stance that they don't remove landfills. She's convinced the landfill is state-of-the-art and effective. Jock and Arquette disagree. Kelly says that no water will enter into the area of contamination and therefore no PCBs will escape, and if by mistake there is spillage, then well monitoring will raise alerts. Water tainted with PCBs will be sucked out.

Jock and Arquette believe that is impossible. Jock said the landfill is not lined below, so groundwater will continue to leach PCBs. They continue to take their own water samples and keep finding PCBs.

Kelly said she wants to work with the tribe, but believes EPA regulations mean there are limits on what can be done, and there will continue to be disagreement.

A Separate Trust

While the cleanup was slow, by the time of the recession of 2008, GM was in financial trouble. The incoming Obama administration bailed out the US auto industry. GM sought court protection from creditors in bankruptcy court. As the auto giant emerged from bankruptcy, one little-noticed part of the bailout was the creation of a separate corporation that would now own GM's polluted lands -- including the Massena site.

In the middle of 2009, as bankruptcy proceedings were ending, GM sent the EPA a report documenting significant PCB contamination. In December, the EPA inspected tunnels underneath the main GM production area revealed further contamination.

DOCUMENTCLOUD: <https://www.documentcloud.org/documents/3295677-EPA-2010-08.html>

On October 19, 2010, the federal government and GM reached a settlement. GM would no longer be responsible for factory sites like the Massena facility. Instead, these properties would be put into a separate corporate entity, known as the RACER Trust. That trust would get about half a billion for cleanup.

Some Mohawk think it's time to leave, especially the younger generation. Others feel this is their home, the place they come back to and are determined to keep it.

While the story to many is one of defeat, James Ransom doesn't see it that way. He sees the lessons the Mohawk have learned as providing an inspiration to other tribes fighting similar battles.

He highlights that the Mohawk have been able to secure around half a billion in cleanup payments since the beginning of their struggle. To him, that's victory. Imperfect but still meaningful for the tribe.

Under RACER Trust and with Kelly's input, the project has moved along more quickly than before. Now almost all the major work is done with the final more cosmetic work is anticipated to be completed sometimes this year.

RACER's mandate is to resell cleaned up sites, and already local officials have been busy producing videos highlighting the appeal of the property: cheap power, waterways, nearby train tracks and a highly trained labor force.