



Citizens League for Environmental Action Now  
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**Texas leaders call for the U.S. Army to stop shipping toxic waste to the state**

*Environmental Group continues campaign*

**Austin, Texas** – Twenty-eight Texas legislators are calling for a ban on shipments of VX hydrolysate (VXH), a waste product of the deadly VX nerve gas, to Port Arthur, Texas. Twenty-six members of the House and two state senators have signed a letter addressed to the Texas Commission on Environmental Quality, the Environmental Protection Agency’s Office of Environmental Justice, the United States Department of Transportation and Texas Governor Rick Perry calling on them to keep this potentially hazardous waste from being incinerated in Port Arthur. This effort, led by Citizens League for Environmental Action Now (CLEAN) in Houston, Texas, has also garnered the support of more than a dozen environmental and public advocacy organizations including Environmental Defense, Texas Campaign for the Environment, Public Citizen, Environment Texas and Friends of the Earth representing hundreds of thousands of members.

A news conference is scheduled for:

**When:** Thursday, August 23<sup>rd</sup> at 11:00 AM

**Where:** Speakers Committee Room, State Capital, Austin, 1400 Congress Ave. (78701)

**Who:** Craig Williams, Director of Chemical Weapons Working Group; Hilton Kelley, Director of Community In-Power Development Association; Dr. Neil Carman, Clean Air Director at the Lone Store chapter of the Sierra Club; Geoffrey Castro, Executive Director of CLEAN; and Lon Burnam, state Representative, will be available for interviews.

**Background:**

On May 8, 2007, organizations including Community In-Power Development Association, the Chemical Weapons Working Group and the Sierra Club as well as several individual citizens, filed suit against the Army to stop shipments of VXH from the Army's Newport, Indiana chemical weapons disposal facility to the Veolia waste management facility in Port Arthur, Texas. On August 3, Indiana federal judge Larry J. McKinney denied their motion for preliminary injunction. The case is being appealed.

During the court proceedings, as part of his defense strategy, Veolia’s attorney, Peter Racher stated to the judge, “No public official has come to you and asked for you to stop this.” “Well,” says Geoffrey Castro, CLEAN’s executive director, “as is evidenced by those who have endorsed our letter, there is clearly support for the ban from public officials.

Moreover, many of the concerns raised in the case remain valid. Of perhaps greatest importance, is the legality of the shipment itself. According to Craig Williams, director of the Chemical Weapons Working Group, “The shipments violate federal law barring interstate transportation of chemical weapons as defined in the Chemical Weapons Treaty.” Under the treaty, the US is required to destroy chemical weapons in its arsenal. The destruction of a chemical weapon, as defined by the treaty, is

accomplished once its toxic chemicals and their precursors have been eradicated. In its efforts to destroy VX nerve gas, the Army has converted it to a less lethal form, known as VXH. But VXH still contains VX agent along with three VX precursors: MPA, EMPA and thiolimine, and is therefore technically a chemical weapon. A federal statute known as Public Law 103-337 states that it is illegal to transport chemical weapons across state lines. In the recent court proceedings, two representatives from the U.S. Army, Colonel Barber and Jeff Brubaker, admitted, under oath, that VX could only be considered destroyed *after* it was incinerated in the Veolia facility in Port Arthur.

Texas is not the first state that the Army has tried to pawn off its VXH waste to. It first tried to ship this toxic substance to Dayton, Ohio and later a treatment plant in New Jersey on the Delaware River. Citizens and government leaders in both communities, including the governors of New Jersey and Delaware, vocally opposed the shipment and disposal methods of the toxic waste. The decision to ship the waste to other states was done despite having developed a system for safe, non-emissive treatment on-site at the Army's facility in Indiana. And when the General Accountability Office (GAO) looked into the matter it determined that there was insufficient justification for the Army to pursue off-site hydrolysate destruction. State Representative Lon Burnam declares, "As leaders of the state of Texas, it is incumbent upon us to act in the best interests of our citizens and environment. If elected officials and citizens in Ohio, Delaware and New Jersey rejected this toxic waste, why should we be willing to accept it ourselves?"

At least 375,000 gallons of the 2 million gallons of VXH has been transported to Port Arthur, which began in the dead of night on April 16<sup>th</sup> 2007. The Army did not make the shipments known to the community. We believe that the Army has inadequately assessed the potential risks of both the shipping and incineration of this waste. Their transportation risk estimates for example, do not consider any potential release of the toxics as a result of a terrorist attack.

There are also concerns regarding the Army's choice of Veolia Environmental Services as the company entrusted to incinerate the waste. The facility's location in Port Arthur, a predominantly poor, African American community brings up questions of environmental racism, whereby companies and government agencies site - whether purposefully or unintentionally - polluting industries in low-income, minority communities. Hilton Kelley, director and founder of Community In-power and Development Association Inc. (CIDA), says South East Texas should not be made the dumping ground for America's toxic waste. "In Port Arthur, Texas," Kelley reveals, "we receive more toxic waste to incinerate than any other city and we have the cancer and asthma victims to prove it. Our kids have a basic human right to grow up in a clean safe environment."

Dr. Michael Sommer II, a forensic environmental chemist and board member of CLEAN, has serious doubts as to whether the facility can completely neutralize the waste. According to Sommer, "the proposed analytical test methods the Army developed to assure complete neutralization of the VX are wholly inadequate to ensure protection of public health and the environment." What's more, the Veolia plant in Port Arthur has no monitors capable of determining if these materials have been completely combusted or are instead being emitted from their smokestacks into the Port Arthur community. No trial burns are even being conducted to determine Veolia's effectiveness at burning the substance. "Isn't it enough," asks CIDA's Kelley, "that we have to put up with tons of dangerous gases and hydrogen sulfide dumped into our air daily from the refineries and chemical plants? We are not expendable and we deserve to be treated better in America. Stop the dumping of VX hydrolysate in our community."

**CLEAN's Mission:** CLEAN's emphasis is on public education and environmental data collection. Its goals are to educate and encourage a knowledgeable public by providing easily available and accessible information to facilitate collaboration among civic agencies and health and related non-profit organizations, and, to improve environmental quality.

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