

CLEAN WATER CURRENTS

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RESTORING THE CLEAN WATER ACT MUST TOP CONGRESS' AGENDA

The Clean Water Restoration Act, introduced in April by Senator Russell Feingold, (D-WI) and almost two dozen co-sponsors, would restore critical Clean Water Act protections lost during six years of the Bush Administration's "No Protection" Policy. Reversing these policies has been a top priority for Clean Water Action since late 2002 and it should be Congress' priority now.

Beginning in 1975, the Clean Water Act was interpreted to protect all of the waters of the United States. For decades, it was presumed that every body of water fit this description, and qualified for federal protections. Now, in the wake of confusing and ill-defined U.S. Supreme Court rulings (*Rapanos v. United States* and *SWANNC v. Army Corps of Engineers*), the opposite is true. Now, federal Clean Water Act enforcers must undergo a resource intensive analysis for every stream, creek, wash, wetland,

tributary and river before it can retain protections under the Clean Water Act.

Confusion over Clean Water Act protection has led to delays in permitting decisions, to the dismay of developers; and a lack of protection enforcement, to the dismay of environmentalists. Hundreds of pollution enforcement cases and development applications have been dropped entirely, and thousands more have been indefinitely delayed. The Clean Water Act is broken and must be fixed.

Restoring the authority of the Clean Water Act to protect water resources must top Congress' water agenda. Current policies threaten protections for sources of drinking water for more than 110 million Americans. Waterways at risk range from

most of a 53-mile stretch the Los Angeles River basin, declared exempt from Clean Water Act protection by the Corps of Engineers, to Avondale Creek in Birmingham, Alabama, a continuously flowing stream that flows into residential neighborhoods, a lake and eventually a large river.

There is wide support for Congressional action to fix the Clean Water Act and restore the protections that were in place just six short years ago. Earlier this year, more than 160 scientists sent a letter to President Obama urging him to support the Clean Water Restoration Act, which would clarify in law the connection between waterways—connections well understood by scientists. Committee action in the U.S. Senate is expected in May.

For more information on the need for Congress to act now on the Clean Water Restoration Act, check out **For California Woman, Protecting A River Can Cost You A Job** in this edition of *Currents*, and visit us online at www.cleanwateraction.org/restorationact

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Clean Water Action is a national citizens' organization working for clean, safe and affordable water, prevention of health-threatening pollution, creation of environmentally-safe jobs and businesses, and empowerment of people to make democracy work. Clean Water Action organizes strong grassroots groups, coalitions and campaigns to protect our environment, health, economic well-being and community quality of life.

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Union printed: Worker safety and a clean environment go hand in hand



From the President
John DeCock

THE LONG VIEW

One of the most pernicious influences in American society is the quest for the Quarterly Bottom Line. It encourages instant gratification at the expense of enlightened self interest, ignoring the greater good. This irrational outgrowth of corporate culture isn't even in the best interest of corporate profits. Thoughtful planning is sacrificed for short term profit four times a year to make shareholders happy and keep executives in their jobs. It doesn't work, yet it is the guiding principle of corporate behavior in this era.

Quarterly Bottom Line thinking has infiltrated our government and marketplace in ways that work against our long term interests. We burn fossil fuels as if there is an infinite supply and no adverse consequences. We allow toxins, sewage and drugs into our water as though some invisible force will remove all the bad stuff and what comes out of our tap will be okay. We don't hold polluters accountable or require sustainable practices and products because our health and environment aren't counted in the bottom line. We fail to invest in systems, policies and infrastructure that will ensure a healthy environment and strong economy for the long term. Many people think that way.

Fortunately, members of Clean Water Action know better.

Clean Water Action is taking advantage of the historic opportunities we see before us. We have helped to build pro-environment majorities in many state legislatures and Congress. We have a chance, in fact a mandate, to address complex, long term problems with sustainable solutions. As we start the summer, the U.S. House is taking a first big step to address Global Warming and invest in a clean energy future.

That's just the beginning.

Big changes are on the horizon in environmental public policy—changes for which Clean Water Action has been working our entire history. Shifting to a new energy economy and protecting our waters from old and new threats cannot happen without a new and comprehensive approach. We have to look at choices we make in our everyday lives and how we impact natural resources. Any environmental issue you care about: just add water. Water is the fundamental element which connects the natural world, our health and all the things we care about.

We take the long view to protect water and are promoting a 21st century approach to water use and management. We have a decades-long commitment to protecting our communities and ecosystems from toxics, outmoded water systems, water borne diseases, poor water use and management practices and a range of other issues that demonstrate the connection between water and every aspect of our lives and our world.

Clean Water Action empowers people to make democracy work. We work for solutions that protect health and natural resources. Where big, bold initiatives and decisions are required; our people power makes it happen. People power and a long, persistent approach. That is what we do. Constant pressure applied constantly. It's the way diamonds and good environmental policy are made.

MAKE EVERY DAY EARTH DAY!

Take advantage of one of the easiest and most convenient ways to support Clean Water! You can make a gift to Clean Water Fund by payroll contribution through **EarthShare's** workplace giving program at numerous private companies, many state and municipal government organizations, and in the Combined Federal Campaign (CFC), by selecting CFC # 10636 on your pledge form.

Clean Water Fund is a member of EarthShare, a nationwide federation of the country's most respected environmental and conservation charities. For more information about how you and your workplace can support Clean Water Fund, please call (800) 70-WATER x169.



HOW SAFE IS YOUR BATH TUB?



Bubble baths should be clean, safe and fun. But *No More Toxic Tub*—a report published in March 2009 by the Campaign for Safe Cosmetics in partnership with Clean Water Action and other organizations—found hazardous ingredients in numerous bath products marketed to babies and children. The report lists 38 products contaminated with formaldehyde, 1,4-dioxane or both, although neither contaminant appears on product labels. Both chemicals are linked with cancer but neither toxin is federally regulated in the United States.

The European Union and Canada prohibit 1,4-dioxane use *at any level* in cosmetics, while Sweden and Japan have banned the use of formaldehyde in cosmetics and toiletries. Canada and the European Union also closely regulate the chemical. In the U.S., the FDA has done nothing.

The *Toxic Tub* report found that 67% of tested products contained 1,4-dioxane. 82% contained formaldehyde. 61% contained both toxins. Even trace amounts of these chemicals can present health risks for babies and may contribute to serious health problems and disease.

“Many people are shocked,” says Clean Water Action’s Mia Davis, who coordinates the national Campaign for Safe Cosmetics. “We shouldn’t have to be chemists to pick safe products for our children.”

Baby products are often marketed as gentle and safe—terms not typically associated with cancer-causing chemicals. The list of contaminated products includes trusted names like Johnson


& Johnson, Sesame Street Bubble Bath and Gerber’s Grins & Giggles Milk & Honey Body Wash.

To spread the word about dangerous chemicals in baby products and other cosmetics, Clean Water Action offices around the country have hosted a series of successful outreach events, inviting members and non-members to ask questions, read literature and learn about products ranging from safe to dangerous.

“It’s not just babies, it’s everyone,” explains Sarah Holzgraf, campaign organizer for Clean Water Action’s New Hampshire office. “People see a product on the table and think: ‘I use that! Why is it there? What’s wrong with it?’” Holzgraf explains that people are surprised and upset to learn the cosmetics industry is self-regulated. “They think the government is protecting us.”

Clean Water Action New Hampshire is also working with the Campaign for Safe Cosmetics to collect petition signatures to deliver to public officials, urging them to support more effective regulations of chemicals in personal care products. New Hampshire members can sign the petition at: www.cleanwateraction.org/takeaction/nh

To learn more about Clean Water Action’s work for Healthy, Safer Families and Communities, visit www.cleanwateraction.org.

 *The trouble with these chemicals doesn’t end in the bath tub. “They are getting back into our waterways,” says Davis, who explains that these are just two of the many chemicals and toxins we are washing down our drains. Our cosmetics, household cleaners, pesticides and prescription drugs all eventually find their way through our plumbing and into the environment. This chemical cocktail can wreck havoc on ecosystems, wildlife and community water supplies. Some of these chemicals have been linked to damaged aquatic ecosystems, where frogs are sprouting six pairs of legs and male fishes are developing female reproductive organs.*

Bathe without chemicals: get informed and read labels

Neither formaldehyde or 1,4-dioxane are intentionally added to baby bath products, which means they do not appear on the ingredients list. Instead, the chemicals are contaminants that combine and degrade during the manufacturing process or in the bottle. Reduce your risk of exposure by reading labels and avoiding any products with the following ingredients.

Formaldehyde may be found in products containing:

- quaternium-15
- diazolidinyl urea
- DMDM hydantoin
- imidazolidinyl urea

1,4-dioxane may be found in products containing:

- PEG-100 stearate
- sodium laureth sulfate
- polyethylene
- cetareth-20

Formaldehyde and 1,4-dioxane are not the only potentially dangerous chemicals in our bath products, and there is no comprehensive list of safe options. You can reduce your exposure:

- Choose products with fewer ingredients.
- Avoid products that use synthetic fragrance or dyes.
- Use fewer products overall.
- Read labels and avoid the ingredients listed above.
- Research your favorite products at www.cosmeticsdatabase.com
- Contact your elected officials to support regulation of the cosmetics industry.
- Share concerns, fears and frustrations with manufacturers.
- Read the report at www.safecosmetics.org/toxictub

FOR CALIFORNIA WOMAN, PROTECTING A RIVER CAN COST YOU A JOB

Heather Wylie traded her job for a river. And she'd do it all over again.

In 2008, Wylie joined a handful of protestors for a kayak trip down the Los Angeles River, earning the wrath of her employers and the attention of a nation. Why? At the time, Wylie was a biologist with the U.S. Army Corps of Engineers. The agency had just designated the LA River "non-navigable"—putting the watershed at risk and setting a dangerous precedent. Wylie and her compatriots set out to prove the Army Corps wrong. If they could make the journey, the LA River must be navigable—a critical first step in retaining Clean Water Act safeguards.

Wylie's passion for water began in college, working as a canvasser with Clean Water Action. "That was really fun," she remembers. After college, Wylie worked with the Army Corps. Her enthusiasm for environmental protection matured into opposition of the Army Corps' policies. By 2008, she was frustrated enough to grab a paddle to prove her point.

The trip succeeded—triggering events involving the Army Corps of Engineers, the EPA, Congress, Public Employees for Environmental Responsibility and other organizations and individuals. By the end of the summer, the EPA had wrested jurisdiction of the LA River system from the Army Corps. In December, Wylie lost her job.



Some people say Wylie lost her job over a kayak trip. That's not true. She'd probably be working for the Army Corps now if she'd chosen a different river. Wylie lost her job over a word: navigable.

Why the fuss over a single word? Navigable, according to current interpretation, is the only word that matters when protecting America's waters. Only waterways deemed navigable qualify for federal oversight and protection under the Clean Water Act. Wylie proved the Army Corps wrong. She lost her job.

Despite its importance, no clear guidelines define navigable as it applies to the Clean Water Act. The law itself broadly defined "navigable" as "the waters of the United States," regardless if water had, or could, be navigated. For decades, it was presumed every body of water fit this description and qualified for federal protections. In the wake of confusing, ill-defined U.S. Supreme Court rulings, the opposite is true. Now, federal Clean Water Act enforcers must undergo a resource intensive analysis for every stream, creek, wash, wetland, tributary and river before it can retain protections.

The result of this confusion has been a sudden halt to the permitting process, uniting environmentalists and developers in frustration. Hundreds of pollution enforcement cases and development applications have been dropped with thousands more indefinitely delayed. It's hard to find anyone who believes the Clean Water Act's regulatory process is working.

Thanks for Wylie's personal sacrifice, the EPA is reviewing the LA river system. Wylie is hopeful it will soon be designated "navigable."

But this story extends beyond LA. This is about our lakes, rivers, and streams, and how we choose to protect them.

We need a water protection process that makes sense. The Clean Water Act is now broken. 59% of our nation's waterways, including drinking water resources for 110 million Americans, may no longer be protected. It's time to pass the Clean Water Restoration Act and restore the original intent of the Clean Water Act.

Wylie doesn't regret her lost Army Corps job. She insists she'll grab that paddle again if needed. But we cannot protect our water resources by floating a kayaker down every river. We need to revive clean water protections in our nation. "Our nation's waters will continue to be in a state of crisis until the Clean Water Restoration Act is passed," says Wylie. Once again, she's right.

WHAT YOU WON'T SEE IN THOSE 'CLEAN COAL' ADS: DIRTY AIR, A WALL OF SLUDGE, POISONED RIVERS

Surely you've seen the ads scattered around the internet and splashed across our newspapers and magazines. Commercials interrupt our favorite television shows and invade our local radio station's airspace. They are everywhere. But that doesn't make them true.

No PR campaign, no matter how well executed, can make coal clean.

When the Kingston Fossil Plan dam failed on December 22, 2008, decades of

hazardous coal ash and sludge were released along the Emory River in Tennessee. An estimated 1.1 billion gallons of contaminated water oozed downstream. No one knows what the long term impacts might be.

Already, water samples collected by Appalachian Voices have revealed arsenic present at 30 to 300 times the allowable limits and lead present at 2 to 21 times the legal limit for drinking water.

Contaminated drinking water, destroyed mountains and ruined ecosystems are just some of the taxes coal collects—from mines to power plants, the process of wresting energy from coal is dirty and unhealthy for our waters, our communities and our bodies.

To find out more about coal power and its impact on water, visit us online at: <http://www.cleanwateraction.org/currents/spring2009>