EPA Chief OKs dumping of fluoride-contaminated gypsum

A tentative federal plan to let four Louisiana fertilizer companies dump waste gypsum into the Mississippi River has environmentalists and officials worried.

The fertilizer factories—Beker Phosphate, Agrico, Freeport Chemical and Allied Chemical—all own gypsum piles which were built in former swamps about 30 miles north of New Orleans. The low-level radioactive waste piles now are sinking into the muddy soils next to the Mississippi.

In one case, the sinking has caused upheaval of ground under a next-door Southern Pacific railroad yard. In other cases, sides of gypsum stacks have "sloughed off" because soils are not strong enough to support piles much taller than 30 feet, according to a U.S. Environmental Protection Agency official in Washington.

To find firmer land along the lower Mississippi, the companies would have to travel 30 miles inland, a prohibitively expensive alternative, according to EPA. The only other option, extending stacks farther into the wetlands, also proved unacceptable.

Because the companies "have no intention of shutting these plants," the EPA staff has recommended dumping gypsum into the Mississippi—as was done in the past.

"That's abominable . . . So much happens when you dump material with (acidity) like that into a river, all sorts of weird chemical reactions," said Thomas W. Reese, counsel for ManaSota-88. The local ecology group has been a vocal opponent of Gardinier Inc's proposal to build a new gypsum pile near Progress Village School in Hillsborough County.

Because Gardinier is situated on Tampa Bay at the Mouth of the Alafia River, Reese's group was concerned the company might try dumping its gypsum should plans for the new pile be rejected by the Hillsborough County Commission. Gypsum is a byproduct of fertilizer production containing elevated levels of fluorides, radiation and acidic materials. Those impurities are found naturally in phosphate rock.

Mike Lloyd, a spokesman of the Florida Institute of Phosphate Research in Bartow, said gypsum was disposed in oceans and rivers routinely in the past. Lloyd said if properly handled, "with proper dilution, gypsum can be disposed of in open waters, although it is critical to control the fluorine going into the ocean or you may have trouble with marine life."

Tampa Tribune, May 22, 1984

A decision by William Ruckelshaus, the "Mr. Clean" whom President Reagan appointed to direct and restore public confidence in the Environmental Protection Agency, has sent shock waves to this area. And it may seriously diminish public confidence in that agency.

Ruckelshaus approved a staff recommendation that four phosphate plants north of New Orleans should be allowed to dump their gypsum into the Mississippi River.

The gypsum in question is the waste product of the chemical processing of phosphate fertilizers. It is a familiar substance, and a worrisome point of contention, in this area of Florida. It is not healthy.

There is nothing to commend the present industry practice of just stacking it up and leaving it.

But dumping it into public waters certainly is not a suitable substitute.

Sarasota Herald-Tribune Editorial, July, 1984

By allowing the dumping of gypsum piles into the Mississippi River, Ruckelshaus has produced a situation where fluoride will be present at levels far exceeding the current Maximum Contaminant Level (MCL). In Louisiana, the current MCL for fluoride is about 1.5 ppm. Fluoride pollution of the Mississippi River by dumping gypsum could easily raise fluoride levels to 5 ppm (in some areas of Florida, levels of 27 ppm are not uncommon *(American Mineralogist.* Vol. 67, pp. 1258-1264 (1982). Mississippi River water is used as a drinking water source in New Orleans.

Against this backdrop, citizens concerned about fluoride pollution are presenting compelling evidence to Ruckelhaus's advisory committee that fluoride MCL's should be reduced to less than ½ ppm.

Is it impossible for Ruckelshaus to lower the MCL for fluoride when his own acts are causing the current MCL's to be exceeded? Only time will tell.

Illinois Supreme Court bungles

(Continued from page 1)

Within two weeks after the decision and in the face of findings by a circuit court judge of serious danger to the public health, Illinois Supreme Court Justice Ryan nullified Judge Niemann's decision without even looking at the evidence. Two years later, the Illinois Supreme Court reversed Judge Niemann's decision.

After hearing of the decision Dr. Yiamouyiannis pointed out: "I wasn't at all surprised at the recent reversal of Judge Niemann's decision by the Illinois Supreme Court. According to our figures (regarding the increased mortality caused by fluoridation), by their previous stay of Judge Niemann's ruling, the Illinois Supreme Court has already been responsible for more deaths than the total number of homicides in the State of Illinois for the last two years. What surprised me was that the Supreme Court was so outrageous in its blatant disregard of the Judge's informed conclusions as well as the facts presented in this case."

CHA cooperated in filing a brief for rehearing. In part it pointed out that statements made by the Illinois Supreme Court are simply not borne out but rather contradicted by the circuit court and the court record.

The Illinois Supreme Court stated: "We construe the circuit court's comment to mean that plaintiffs have shown, not that the risk was so great that fluoridation was unreasonable, but that the question was shown to be debatable."

In fact, the circuit court expressly said:

"The legislation that exposes the public to the risk, uncertain in its scope, of unhealthy side effects of artificial fluoridation of the public water supply is **unreasonable** and a violation of the due process clause of the Illinois Constitution of 1970." (emphasis added)

The Illinois Supreme Court stated: "In cross-examination it was admitted that neither Dr. Burk nor Dr. Yiamouyiannis had any formal training in the fields of epidemiology or statistics;..."

During direct testimony, Dr. Burk was asked:

Q. "In summary form, what is your background in statistics?"

A. "Well, I took my first college graduate course in it in 1924. And wrote my first paper involving it in 1926. And have written many papers since then involving the use of statistics."

During cross-examination, Dr. Burk was asked:

Q. "Sir, what formal academic training and education have you had specifically related to statistics?"

A. "I took my first course in it in Graduate School fifty-six years ago."

During cross examination, Dr. Yiamouyiannis was asked:

Q. "Would you describe for me your academic, educational background with regard to the course work you have in statistics?"

A. "Surely. Calculus, differential equations, advanced calculus, complex variables, probability, statistics, computer sciences, and one course in biochemical techniques."

The Illinois Supreme Court stated: "In cross-examination it was admitted that...this epidemiological study (by Drs. Burk and Yiamouyiannis showing a link between fluoridation and cancer in 1975) was their first."

During cross-examination, Dr. Burk was asked:

Q. "When did you first publish a paper in epidemiology?"

A. " 'The Epidemiology of Plants' " which, as I explained this morning, (was) about 1927."

On cross-examination, Dr. Yiamouyiannis was asked:

Q. "Sir, you first began statistical, sociological, demographic, epidemiological studies of fluoridated versus nonfluoridated cities in 1975, didn't you?"

A. "I first did studies on the relationship between fluoridation and cancer in 1974."

Q. "Had you performed any studies of an in quote 'epidemiological or demographic nature'

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