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# Clean Air Coalition of Western New York hold Tonawanda Coke accountable for air pollution, 2005-2009

- [local community or neighborhood-level campaign](#) [1]

## Timing

2005

2009

## Location and Goals

Country:

United States

Location City/State/Province:

Tonadanda, New York

Location Description:

Greater Buffalo, New York area

[View Location on Map](#)

Goals:

To compel regulators to hold Tonawanda Coke Corporation accountable for decades of illegal pollution and to force plant officials to improve their operation protocols.

## Methods

Methods in 1st segment:

- 002. Letters of opposition or support>wrote letters to New York State Department of Environmental Conservation to share self-collected air quality data
- Other...>"Citizen Science": When regulators informed residents that area air quality was acceptable, Tonawanda residents collected their own air samples and conducted their own quality testing

Methods in 2nd segment:

- 002. Letters of opposition or support>wrote letters to New York State Department of Environmental Conservation to share self-collected air quality data
- Other...>"Citizen Science": When regulators informed residents that area air quality was acceptable, Tonawanda residents collected their own air samples and conducted their own quality testing

Methods in 3rd segment:

- 002. Letters of opposition or support>wrote letters to New York State Department of Environmental Conservation to share self-collected air quality data

Methods in 4th segment:

- 047. Assemblies of protest or support>organized community meetings regarding air quality results

Methods in 5th segment:

- 002. Letters of opposition or support>Former Tonawanda Coke employee blew whistle on illegal practices in letter to regulators
- 047. Assemblies of protest or support>community meetings regarding pollution data and organizing in opposition to Tonawanda Coke

Methods in 6th segment:

- 001. Public speeches>speeches outside of Tonawanda Coke plant
- 005. Declarations of indictment and intention>CACWNY stated their intent to canvas locally, meet with Tonawanda Coke officials
- 016. Picketing>Rally outside of Tonawanda Coke plant
- 048. Protest meetings>when J.D. Crane refused invitations to attend public town-hall style meetings, kept empty chair onstage

Additional methods (Timing Unknown):

- 008. Banners, posters, and displayed communications>photo campaign

Segment Length:

10 Months

## **Classifications**

Classification:

Defense

Cluster:

Environment

Human Rights

Group characterization:

- industrial workers
- residents

## **Leaders, partners, allies, elites**

Leaders:

Clean Air Coalition of Western New York

Partners:

Not known.

External allies:

Lois Gibbs

Involvement of social elites:

Senator Charles Schumer, Senator Kirsten Gillibrand, Representative Louise Slaughter, Erie County Legislator Michele Iannello, Assemblyman Sam Hoyt

## **Joining/exiting order of social groups**

Groups in 1st Segment:

- Clean Air Coalition of Western New York

Groups in 2nd Segment:

Groups in 3rd Segment:

Groups in 4th Segment:

Groups in 5th Segment:

- Lois Gibbs

Groups in 6th Segment:

- Assemblyman Sam Hoyt
- Erie County Legislator Michele Iannello
- Erin Heaney
- Representative Louise Slaughter
- Senator Charles Schumer
- Senator Kirsten Gillibrand

Segment Length:

10 Months

## **Opponent, Opponent Responses, and Violence**

Opponents:

Tonawanda Coke Corporation and its owner, J.D. Crane

Nonviolent responses of opponent:

Not known

Campaigner violence:

Not known

Repressive Violence:

None

## **Success Outcome**

Success in achieving specific demands/goals:

6 points out of 6 points

Survival:

1 point out of 1 points

Growth:

3 points out of 3 points

Total points:

10 out of 10 points

Notes on outcomes:

Coalition expanded from 5 members to 200

By the start of the 21<sup>st</sup> century, there were 53 active industrial plants in the area around Tonawanda, New York. Residents of the area had complained about air quality problems for decades, but regulators failed to intervene to ensure plants complied with federal law. Many people living in the area reported severe and chronic health problems, such as fibromyalgia, asthma, and cancers—including lung cancers in non-smokers.

In 2005, community members discussing their health problems wondered whether air pollution from local industry could be causing their sicknesses. A group of concerned residents, including Jackie James-Creedon, used homemade bucket set-ups to monitor local air quality. They discovered elevated concentrations of benzene and formaldehyde—two industrial by-products known to cause cancer—and took action based on their findings. They founded the Clean Air Coalition of Western New York, and contacted the New York State Department of Environmental Conservation (DEC) to share their data.

The DEC was slow to commission a government-funded scientific study of the conditions in Tonawanda. Monitoring for the Tonawanda Community Air Quality Study finally began in July 2007 and concluded one year later in July of 2008. The results of this government study were reported to local residents through three informational sessions with representatives of the DEC, the first of which was held in March 2008.

In the summer of 2008, Rob Snyder (an ex-employer of Tonawanda Coke Corporation) made an anonymous report to the DEC and the federal Environmental Protection Agency (EPA) about conditions he had observed at his former job in the coal processing plant. Reporting anonymously out of a fear of legal repercussions, Snyder outlined a number of illegal and unethical activities he had seen and participated in at the plant, including the plant's habit of performing dirtier processing at night when people would be unable to see the resulting black smoke.

In November 2008, DEC representatives held a second informational session to present the data from the yearlong air quality study. A few days later, on 21 November, members of Clean Air Coalition of Western New York held a news conference to announce their desire to discuss the findings and invited Tonawanda Coke officials to a town-hall style meeting with residents.

On 6 January 2009, the Tonawanda Common Council adopted a resolution to urge local industry to cut their benzene emissions. Though this resolution was only a non-binding request for companies to abide by federal law, the council specifically singled out Tonawanda Coke.

Early in 2009, the DEC and EPA responded to Rob Snyder's reports of illegal operational procedures at the Tonawanda Coke plant. They considered the lack of proper safety controls, the improper use of designated emergency-only vents to release massive quantities of benzene into the atmosphere and the absence of basic filtering and safety equipment.

On 20 February 2009, the Clean Air Coalition of Western New York held a news conference and community meeting with Lois Gibbs, the executive director of the Center for Health, Environment, and Justice and a prominent activist known for her work on the "Love Canal" environmental disaster. Gibbs advised the group on how to proceed with their activism against the Tonawanda Coke Corporation. At the news conference, Jackie James-Creedon emphasized the group's desire to speak with Tonawanda Coke Corporation's owner, J.D. Crane. James-Creedon also announced that the Clean Air Coalition of Western New York would be launching a door-to-door canvassing effort in April to raise awareness of the crisis and to urge action by legislators and regulators at both the state and federal level.

Public regulators made a surprise visit to the Tonawanda Coke Corporation plant in April 2009 and documented many violations of the federal Clean Air Act. On 19 May, the Coalition held a town hall meeting for residents to

discuss Tonawanda Coke's role in local air pollution. Around 36 local residents attended, but J.D. Crane did not. This was the third meeting invitation he had refused. The Coalition kept his empty chair onstage to highlight his absence.

The next month, the Coalition hired Erin Heaney as its executive director. Heaney, experienced in human rights organizing and activism, helped ramp up the group's direct action campaign.

Representatives from the DEC held a third information session on 12 June 2009, which 200 people attended—the largest attendance yet. Speakers reported that local levels of benzene were 75 times higher than the legal limit in the state of New York and singled out the Tonawanda Coke plant as responsible.

On 22 June 2009, United States Senator Charles E. Schumer sent a letter to Tonawanda Coke Corporation owner J.D. Crane, citing the results of the air quality study and urging him to make changes immediately to comply with federal law. Crane responded two months later, calling the Coalition's complaints as "a bun with no burger." Crane dismissed the atmospheric benzene concentrations as the result of automobile traffic and denied the need for a benzene control plan or for any alteration in plant operating procedure.

Harnessing public outrage about Crane's letter and refusal to meet, 75 members of the Clean Air Coalition of Western New York held a rally near the Tonawanda Coke plant on 7 October 2009. Jackie James-Creedon asserted that since Crane had refused the group's invitations, they were bringing the meeting to him. The rally included picketing and a "bucket brigade" of residents holding up the buckets they had used to conduct air sampling since 2005. The *Buffalo News* featured the rally on its front page on 11 October. According to later court testimony by federal Environmental Protection Agency (EPA) officials, this news coverage was instrumental in piquing the interest of regulators and mobilizing a full-scale investigation.

On 14 October 2009, Senator Schuman sent a second letter to J.D. Crane, demanding that he meet in person with members of the local community immediately regarding the local air quality. Crane did not meet with residents. Senator Kirsten Gillibrand and Representative Louise Slaughter joined Senator Charles Schumer in urging EPA administrator Lisa Jackson to take action against Tonawanda Coke.

At a press conference on 17 October, Erie County Legislator Michele Iannello, Assemblyman Sam Hoyt, and local residents demanded that regulators hold the corporation accountable and revealed that recent further testing had confirmed that the high levels of benzene pollution were not attributable to automobile testing, as J.D. Crane had argued.

On 30 October, J.D. Crane published an op-ed piece in *The Buffalo News*, claiming that the newspaper's accounts constituted irresponsible and inflammatory reporting and that Tonawanda Coke Corporation was in full compliance with all federal regulations. He maintained that motor vehicles were the primary cause of the high local concentrations of benzene, in spite of the recent release of evidence to the contrary. That same day, the New York regional director of the EPA's division of enforcement and compliance wrote to Tonawanda Coke, noting 26 elements of the plant's protocols that did not match mandatory government's standards. The letter requested that the company respond with outlines for new testing protocols within 30 days. The company did not meet this deadline and objected to the accusation.

On 18 December, federal EPA agents raided the Tonawanda Coke facility, demanding to see the company officials who had failed to respond adequately to the EPA's 30 October letter. The agents seized company records and collected samples within the plant and the surrounding area.

Tonawanda Coke ultimately faced 19 charges of violating the federal Clean Air Act. The illegal release of

benzene was prominent among these charges, as were violations of laws regarding the handling, disposal, and documentation of toxic waste. Charges were also leveled against Mark Kamholz, who had overseen environmental compliance and policy at the plant and who was found guilty of obstruction of justice and Clean Air Act violations. Following a month-long trial, the company was found guilty of 14 of the 19 charges.

The Clean Air Coalition of Western New York continues to be active through soil testing and educating other communities about how to employ the “bucket brigade” testing strategy.

## Research Notes

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