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Environmental Justice and Grassroots Environmentalism  
in the San Francisco Bay Area

Ted Smith

PIONEER ACTIVIST FOR ENVIRONMENTAL JUSTICE IN SILICON VALLEY, 1967-2000

With an Introduction by  
Luke W. Cole

Interviews Conducted by  
Carl Wilmsen  
in 2000

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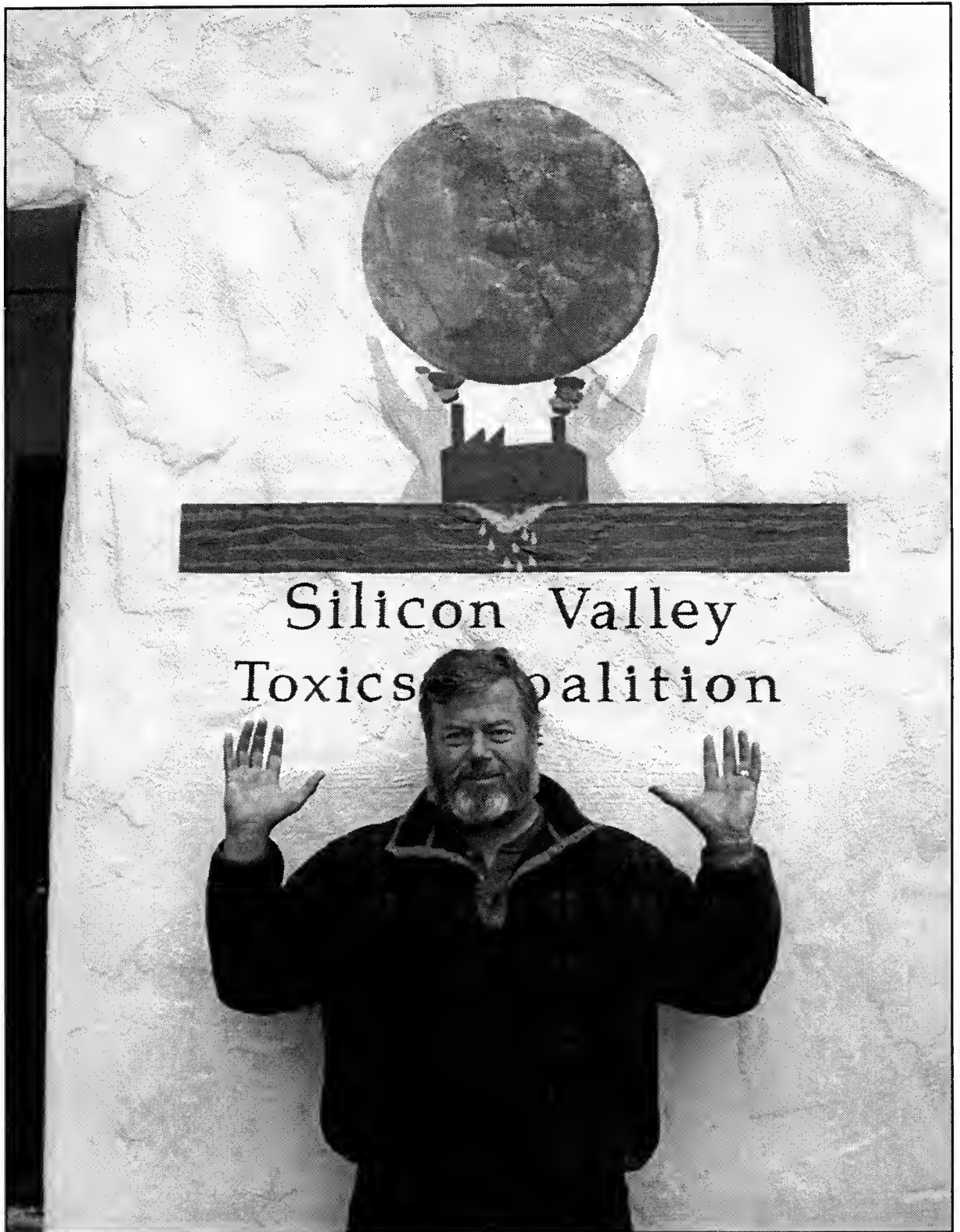
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## INTRODUCTION by Luke W. Cole

The San Francisco Bay Area is blessed in many ways: stunning natural beauty, a global center of finance and high technology, a locale of unparalleled intellectual achievement and educational resources, one of the most diverse and polyglot metropolitan areas in the world. These riches have come at a price, however. A significant despoilation of the environment, coupled with racial segregation and a tremendous stratification of income, mean that not all Bay Area residents share in its bounty. Hundreds of toxic sites, ancient polluting power plants, mammoth oil refineries, lead-contaminated housing, poisoned workers—all of these environmental ills are the costs of our wealth. Santa Clara County, the home of Silicon Valley and its glittering high-tech promise, also hosts more Superfund toxic clean-up sites than any other county in the United States. Bayview-Hunter's Point in San Francisco has some of the highest rates of breast cancer in the world.

Fortunately, the San Francisco Bay Area also has the highest density, per capita, of environmental justice activists in the United States. The many tributaries that feed the national Environmental Justice Movement are or have been present here, as well—the labor movement, the Civil Rights Movement, the farmworker struggle, the anti-toxics movement. Indeed, some of these tributaries have their headwaters here. American Indians occupied Alcatraz from November 1969 to June 1971, and some of the leaders of that occupation were central players in the American Indian Movement; today's national Indigenous Environmental Network grew out of those earlier struggles. The Asian Pacific Environmental Network, a national network catalyzed by Bay Area Asian Americans, was born and still lives in Oakland. The legal piece to the environmental justice movement had an early spark in the 1969 suit on behalf of six migrant farmworkers that ultimately banned the deadly pesticide DDT, a suit brought by Ralph Santiago Abascal of San Francisco-based California Rural Legal Assistance. The list of the Bay Area's contributions to the environmental justice movement is long and varied.

It is thus fitting that some of its leaders' stories are gathered here. The five leaders whose oral histories make up this collection are giants in the Bay Area movement, and many are leaders of national stature.

Carl Anthony is a visionary, a man whose many hats have included academic, architect, urban planner, planning commission chair, military base conversion director, mediator, convener, author, editor and now funder. Beyond Carl's alacrity in almost every situation, beyond his path-breaking work on urban environmentalism, even beyond his institutional legacy in the many groups he has formed, focused, fueled and furthered, is his wonderful ability to bring people together. Whether it was warring parties in West Berkeley, who made peace and brought sustainable development to that oft-neglected neighborhood, or competitors for resources at newly-closed military bases, Carl has brought people together to talk and to discover their common ground and—more often than not—further the common good. Sometimes, Carl's bringing people together for a conversation across divides—be it ideology, class, race, education or experience—can be the achievement in and of itself, so even those dialogues which in retrospect may seem ephemeral, like Urban Habitat's long colloquy with Earth Island, leave everyone involved enriched. Carl's oral history here is another of his gifts to the Bay Area, and its readers will be similarly enriched.

Henry Clark could be called a professor of social change, so deep are his roots and so broad is his experience in its movements. One of the few environmental justice activists who is also Ph.D., Henry is an instantly recognizable figure at Bay Area political events in his trademark tiny gold glasses. An indefatigable activist who has operated out of a storefront office on McDonald Avenue in

Richmond for more than 15 years, Henry walks the walk. While others talk of “working with the community,” Henry *is* “the community”—a lifelong Richmond resident, still there and still fighting. His resourcefulness in working with residents of Richmond—an extremely economically depressed African American town facing more than its share of environmental and social challenges—in fighting some of the largest polluters in the world, and winning, is instructive. His persistence in the face of adversity, his seemingly Sisyphean struggle, has brought concrete change to the lives of Richmond residents and has been an example to activists across the U.S. In one small anecdote that demonstrates Henry’s effectiveness, in the early 1990s the chairman of Chevron, at that time the largest oil company in the United States, told stockholders at an annual meeting that Chevron had two political problems: its investments in South Africa, and the West County Toxics Coalition.

Pam Tau Lee has been instrumental in focusing the Movement on the concerns of workers, particularly workers of color, in dangerous occupations, helping make workplace safety an environmental justice issue. Her trainings through the Labor Occupational Health Program have reached thousands of workers and educators. Pam has also been a key player in many of the institutions that have shaped the national Environmental Justice Movement. Her involvement with the National Toxics Campaign helped that organization undertake an agonizing self-assessment of racial and class privilege, one which the group could not ultimately survive. She was there at the beginning of the U.S. Environmental Protection Agency’s National Environmental Justice Advisory Council (NEJAC), one of the first appointees to that body, and one who helped steer its initial course. She is a founding board member of the Asian Pacific Environmental Network. She is a catalyst for change, with national influence.

Ted Smith has achieved an enviable status as an activist: his organization is celebrating its twentieth birthday this year, and some of his best ideas have been codified as federal law. Ideas that percolated up from the work of the Silicon Valley Toxics Coalition—like hazardous materials and underground storage tank ordinances, the Toxics Release Inventory and community right-to-know—are now accepted parts of our regulatory framework. Ted had the prescience and fortuity to take on the high-tech industry from the start, and has long been a sage prophet of the computer industry’s environmental excesses. While his policy work is perhaps most far-reaching in its impact, his coalition and network building is as important and makes the policy work happen. Ted’s role as a cagey political strategist is well captured in this oral history, and is a handbook for those who follow.

Ahmadia Thomas is the volunteer’s volunteer. From the Girl Reserves as a young adult, to the VISTA program in the 1960s, to welfare rights organizing in the 1970s, to the Citizens Action League and ACORN in the 1980s, to the West County Toxics Coalition and the Gray Panthers in the 1990s, Mrs. Thomas has had volunteering for community service and social change as her life’s vocation. Her commitment, demonstrated on the ground and in the office in nearly fifty years of movement work of one form or another, is remarkable.

Indeed, a common thread in each of their stories is that of commitment to social justice. It is also instructive that none of these activists emerged out of the environmental movement. They all came to environmental justice work from the justice side: out of civil rights and poverty law work (Smith), welfare rights organizing (Thomas), labor (Lee) or work against the Vietnam War and apartheid (Clark). All of them are “lifers,” however—among the few who have devoted their careers to ending injustice. Their example is our inspiration, and our challenge.

The story of the Bay Area is one of migration, and the activists’ stories collected here are no exception. Henry Clark and Pam Tau Lee were both born here, but to parents who arrived from elsewhere. Henry’s parents came from the southern U.S., and Pam’s from Fresno. Interestingly, Pennsylvania gave us both Carl Anthony and Ahmadia Thomas, while New York yielded Ted Smith. The magnet for talent that is the Bay Area is demonstrated here; I leave for other students of social

movements to distill the particular things in the Bay Area that make it such a fertile ground.

I have been fortunate to know and work with these talented activists. Henry and Mrs. Thomas and I have walked the picket line at Chevron's gates, and I have represented the West County Toxics Coalition in court. Pam and I both served on U.S. EPA's National Environmental Justice Advisory Council. Ted and I have been panelists together at conferences. Carl and I have had a fruitful collaboration for more than a decade, publishing the *Race, Poverty & the Environment* journal; I was one of the original board members of the Urban Habitat Project. The Bay Area environmental justice community is large, but it is also small enough that we know each other and work with each other, and I am privileged to have had these five as my teachers and to call them my friends.

This impressive collection of oral histories is hopefully merely a prelude to a larger effort to gather the lives and lessons of Bay Area environmental justice leaders. The oral historian's work is set, with activist journalist Elizabeth "Betita" Martinez, Indigenous Women's Network founder Nilak Butler, occupational safety and health pioneer Mandy Hawes, PODER leader Antonio Diaz, long-time Center for Third World Organizing director Francis Calpotura, brilliant legal strategist Richard Toshiyuki Drury of Communities for a Better Environment, Chinatown defender Gordon Mar, Greenaction founder and perennial rabble-rouser Bradley Angel, and Hunter's Point stalwart Olin Webb among the dozens of potential interviewees. We look forward to reading their stories, here, too.

Luke W. Cole  
San Francisco, November 2002





## INTERVIEW HISTORY by Carl Wilmsen

Robert Bullard's writings on environmental justice piqued my interest immediately when I first became acquainted with them in the mid-1990s. At that time I was researching the conflict over the use and management of a sustained yield unit on the Carson National Forest in northern New Mexico for my dissertation in geography. The parallels between communities of color around the United States which bear a disproportionate risk of exposure to hazardous substances and the Hispano communities adjacent to the sustained yield unit which have not shared equally in the benefits of the unit's management struck me as resulting from the same broad political, economic, and social processes. As it happened, Carl Anthony's career touched on the sustained yield unit as the conflict there spread to the board room of Earth Island Institute. At issue were conflicting advertisements taken out in national newspapers by separate members of the Earth Island organization. One advertisement supported the efforts of Hispano community members in New Mexico to pursue land-based livelihoods that included logging, and the other advertisement endorsed a hard-line "zero-cut" approach to management of the nation's national forests. Efforts to reconcile this contradiction ultimately led to Mr. Anthony and his Urban Habitat Program separating from Earth Island Institute.

While I knew that these events had occurred, it was not until the late 1990s that I actually met Carl Anthony. After completing my dissertation in New Mexico I began working at ROHO conducting oral histories in the environment and natural resources project area. My initial work focused on leaders of mainstream environmental groups, particularly the Sierra Club. Yet, the work of mainstream environmental groups and environmental justice (EJ) organizations diverges in many significant ways. As a result, although mainstream and EJ groups occasionally work together on specific projects, they often have difficulty forging lasting coalitions. Wanting to understand the foundations of these differences, I began exploring ways to develop an oral history project on EJ leaders in the San Francisco Bay Area. At the same time, I could not help but notice that the ROHO environmental collection did not include oral histories of EJ leaders, nor of many other environmental leaders outside of the mainstream environmental movement. The oral histories in this series thus are the result of an effort to diversify ROHO's collection, as well as to collect the stories and insights of people with unique and important perspectives on the environment and the human relationship to it.

I began the project by contacting Carl Anthony. With his many connections and broad experience in the Environmental Justice Movement, he seemed like a natural person with whom to start. He agreed immediately to participate, and also provided me with the names of several other EJ leaders to consider interviewing. Despite his very busy schedule, Mr. Anthony set aside three consecutive Thursday afternoons in July and August of 1999 to meet with me. We met in his office at the Urban Habitat Program in the Presidio in San Francisco and conducted interviews of about two hours each.

Henry Clark was next. After agreeing to be interviewed, Dr. Clark graciously gave me access to the files of newspaper clippings he has kept over the years of stories about the West County Toxics Coalition's activities. In addition to providing me with my major source of information on

the coalition prior to the interview, researching these files resulted in another fortuitous occurrence. While conducting research in these files at the coalition's office on McDonald Avenue in Richmond, I happened to meet Ms. Ahmadia Thomas. I gathered very quickly from our casual conversations that Ms. Thomas had been involved in social justice activism for many, many years, and that she too would be an important person to include in this oral history project. Thus, after conducting three two-hour interviews with Dr. Clark at the coalition's office during December of 1999, I returned a fourth time to interview Ms. Thomas.

Following these interviews I began research on the Silicon Valley Toxics Coalition in preparation for interviewing Ted Smith. The SVTC has extensive files on all of its activities and Mr. Smith and the SVTC staff were very gracious and helpful in providing me access to them. One day in April, 2000, I made the two-hour BART and bus trip to San Jose to spend the day going through these files. I subsequently made four additional trips during which I would spend the morning reading through the files in a meeting room and would spend about two hours in the afternoon interviewing Mr. Smith in his office.

The final interview was with Pam Tau Lee. Since Ms. Lee works on the UC Berkeley campus, my commute consisted of a five minute walk from The Bancroft Library to the Labor Occupational Health program's offices on Fulton street. We conducted four interviews in her office, or in a small meeting room across the hall, during June, July, and August of 2000. Like the interviews with Mr. Anthony, Dr. Clark, Ms. Thomas, and Mr. Smith, we were undisturbed for the duration except for occasional telephone calls and short interruptions to attend to office business.

On August 1, 2000, I left ROHO for a position as coordinator of the Community Forestry Research Fellowship program in the College of Natural Resources at UC Berkeley. Assuming this position brought new responsibilities, and thus required that I complete the editing and processing of the oral histories of these EJ leaders in my spare time. This slowed down completion of the project considerably. Nevertheless, I worked on them as my time permitted, and finally, more than two years after conducting the last interview with Ms. Lee, the transcripts are now ready for deposit in the archives.

Like all transcripts of interviews conducted by ROHO, these are the product of the efforts of several individuals. The interview tapes were transcribed by ROHO staff, after which I edited them to assure that the meanings of the spoken words were not lost in their translation to written text. Despite their busy schedules, Mr. Anthony, Dr. Clark, Ms. Thomas, Mr. Smith, and Ms. Lee then further edited the transcripts to make sure that I had not mangled their intended meaning as well as to clarify or add more detail to any topics they felt were in need of such adjustment.

The resulting texts tell the stories of five remarkable individuals and how the paths they chose to follow in life have led them to careers in the Environmental Justice Movement. They tell of how these individuals have worked to overcome challenges, of how they have built networks of relationships in pursuit of a more just society, and how they have worked for precedent-setting policies and practices that have helped alleviate the environmental and social impacts of industrial processes. Above all, the transcripts bespeak the unwavering commitment of these individuals to social justice and to making the world a better place for all of humanity.

The Regional Oral History Office was established in 1954 to augment through tape-recorded memoirs the Library's materials on the history of California and the West. Copies of all interviews are available for research use in The Bancroft Library and in the UCLA Department of Special Collections. The office is under the direction of Richard Cándida Smith, Director, and the administrative direction of Charles B. Faulhaber, James D. Hart Director of The Bancroft Library, University of California, Berkeley.

Carl Wilmsen  
Interviewer/Editor

Albany, California  
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## INTERVIEW WITH TED SMITH

## I THE MAKING OF AN ACTIVIST

[Interview 1: April 25, 2000] ##<sup>1</sup>

Growing up with an Interest in Sports and Some Awareness of Social Issues

Wilmsen: Today is April 25th, 2000, and this is the first interview with Ted Smith. I want to start at the very beginning, so my first question is where and when were you born?

Smith: I was born July 15th, 1945, in Ellis Hospital in Schenectady, New York.

Wilmsen: Is that where you grew up, in Schenectady?

Smith: I grew up there for a while. I'm actually from a G.E. family, so we--

Wilmsen: General Electric.

Smith: General Electric. We lived in Schenectady, then we moved to Richland, Washington. My dad worked at Hanford Atomic Power Plant. Then we moved back to Schenectady, where he worked at Knolls Atomic Power Lab, and then we moved down to suburban New York, where he went to work for G.E. headquarters in New York City. So I ended up going to high school in Rye, New York.

Wilmsen: In Rye, New York?

Smith: Yes. That's a little suburb about twenty-five miles outside New York.

Wilmsen: Okay. And what did your mother do?

Smith: My mother was kind of a traditional housewife. Both my folks grew up in the Middle West, so I've always considered myself to be partly Middle Western. She was from Iowa and Wisconsin, and my dad was from a small town in Illinois. He actually went to the

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<sup>1</sup>## This symbol indicates that a tape or tape segment has begun or ended. A guide to the tapes follows the transcript.

same high school as Ronald Reagan. My parents met at a small college in Wisconsin called Beloit and ended up getting married and raising their family on the East Coast. My mom was always a bit more of a social activist than he. She was involved in the League of Women Voters and the YWCA--worked with handicapped groups and things like that and actually traveled to Europe in the summer of 1939, just as the war was about to break out, to a World Youth Convention that the Y had been associated with. So thinking back on things, I think some of her experiences and sensibilities were passed on. But she never worked for wages outside the house.

Wilmsen: What were some of the most important influences on you when you were growing up?

Smith: Well, in some ways I look back on it and think that I had kind of the all-American boy upbringing in that I was always very sociable, I was always very athletic. I was the kind of kid that could move to a neighborhood, as we did several times, and fit in pretty quickly because I could get out there and play kickball or softball or football with the neighborhood kids, and I'd fit in quickly.

I think that the moving around part was important to get me to realize that there was a big country and a big world. Some of my earlier relatives had also kind of traveled and seen the world, both on my mother's side and my father's side. I think that probably had some pretty important effects on my foundation.

Another thing that's important is that my dad's mother was an Irish Catholic whose pretty close relatives came from Ireland, and that was a pretty important part of his upbringing, but my folks got married in the Unitarian church because my mother was a Methodist and didn't want to marry a Catholic, and so I was actually raised as a Unitarian. I think again, in looking back on it, that probably was pretty important in terms of my outlook on social justice issues. I didn't realize it at the time, but I think it probably was.

I had a musical talent that came down through my father's mother, and so I was always active in both sports as well as music.

Wilmsen: What did you play?

Smith: Oh, I played the piano, I played the baritone horn in the marching band, and I sang in the glee club, and I sang in performances--musicals and things like that we did in high school. And I was president of the student body and things like that, so I was a pretty active [laughs]--I look back on it, and I don't know how I did all that stuff. I used to walk two miles to school and do all those things and still--I was never a great student, but I was always a pretty good student.

Rye itself is a pretty upper-class community. There's not a lot of poverty there. There's not a lot of racial diversity there. There was a fair amount of ethnic diversity as opposed to racial diversity. There was a constant back and forth between the Italians and the Irish and the Jewish kids. That was kind of the universe that I grew up in and went to high school in.



It wasn't until I got to college that I began to realize there was a lot more diversity in the world. And even there--I started college in 1963. There were two black kids in my class. This was a small school. It was Wesleyan University in Middletown, Connecticut. There were 305 students in my entering freshman class. Two of them were black. I don't think there were any of them that were Latinos, but there might have been one or two from other countries. So it was, again, a pretty homogenous group.

It was my junior year when the college made a decision to try to diversify the incoming freshman class. That year I think there was something like twenty black kids that came in, so it was a big deal for a small university like that. Actually, I wanted to go to a small school that was intimate, that was personal but where I could also play football. I didn't mention that, but that was very important to me. If I had to give you a self-image at the time I was eighteen years old, I would say that I'm involved in a lot of things, but my real passion is sports. If it hadn't been for the fact that I hurt my knee playing football in college, I probably would have ended up on a very different track because it was after I hurt my knee and couldn't play football anymore that I began looking around to see what else was going on in the world.

It was at that point I discovered that there was a tutoring program that got Wesleyan students involved with tutoring kids in the neighboring community that needed help in school. So I did that, and learned about a new part of the world that I didn't know about. I started paying attention to what was going on in Southeast Asia--at that time a kind of infant antiwar movement was starting to take hold on the campus.

I went to a seminar one time with a guy named Al Lowenstein who came to campus and was talking about a situation involving a group in Rochester, New York, called FIGHT. They were involved in an issue with Kodak. It was a social justice and workers' rights issue. I ended up going to the Kodak board of directors meeting in New Jersey to hear Saul Alinsky, so I began to get introduced to some of that kind of stuff.

Martin Luther King came to Wesleyan on several occasions. We had a religion faculty that got very much involved in the early civil rights movement, and so I got exposed to people like King and [Ralph David] Abernathy, who came up several times. I started taking classes on sociology and religion. I got involved in a variety of academic endeavors that taught me about the current civil rights movement as well as previous generations, going back to slavery.

### **A Life-Transforming Decision: Volunteering for VISTA in Washington, D.C., 1967**

Smith: So it was that combination of things that happened after I decided I was no longer a jock and needed to find a new life. But it really wasn't until I finished up in college and had to decide what else to do that my life really turned around, and that was 1967. I almost went to law school. I had a scholarship offered to the University of Chicago Law School and

thought pretty seriously about doing that. I also had an offer of a Fulbright to go to France and to teach Algerian kids who were recent immigrants to France.

I almost did both of those things but decided not to because of the fact that I was afraid that if I did either of those things I would have gotten drafted, which is what was going on at the time, and I didn't want that to happen. I thought that if I went into VISTA that that would provide a little bit more of a shield against the draft. It turned out that that wasn't really the case, but that's what I thought at the time. But it was that decision to join VISTA that was, I think, probably the most life-transforming thing that happened to me other than getting married and raising a family.

I ended up being assigned to work with the Head Start Program in Washington, D.C., and ended up in a house with several other VISTA's living at Ninth and S, Northwest, in downtown Washington, which was kind of like ground zero for a whole number of issues that were all coming to a head in the late sixties in Washington. We got involved with people who were working on the Poor People's Campaign. We got involved in the peace movement. We got involved in a whole series of local Washington political things. Marion Barry was a local organizer in the neighborhood I was living in at the time. Stokely Carmichael was a local organizer in that same neighborhood. I mean, it was an incredible, vital place to be. But it also turned out to be a very upsetting and in fact dangerous place at times because in April of '68 Martin Luther King was killed, and Washington burned. Right around the neighborhood--Seventh and 14th Streets were the main commercial streets that burned, and we were right in between them.

Bobby [Robert F.] Kennedy was killed in June of '68. Again the city went up in flames. Many, many times while I was there there were urban rebellions, and our neighbors who we made friends with had to hide us and protect us. We were the only white folks living in the area anywhere around where we were. To me it was just such a radical change from what I'd been used to: living in small towns, going to a small college and, you know, having just an emerging intellectual sense of what was going on in terms of the injustice around me but not being part of it until I got there.

So I look back on that experience as what was the turning point for me. It was through that that I decided that I wanted to spend the rest of my life working in one way or another on issues related to social justice. It was from the sense of real frustration, and basically impotence I think, that I decided that going to law school would make sense, in order to try to develop a tool because I thought of it at the time as kind of weapon to help be a better fighter for justice.

Wilmsen: Were you interested in the environment?

Smith: No, no, that wasn't on my horizon. I don't think I'd heard of the environment. And you think back on it, it's the mid-to late sixties, and Rachel Carson had written her book. Earth Day didn't happen 'til 1970. Love Canal didn't happen 'til after that. I mean, there were things out there people were paying attention [to], but I wasn't. No, I was much more kind of into civil rights and peace. Those were the things that grabbed my attention.

Wilmsen: Now, did you work closely with Stokely Carmichael at all?

Smith: No, no. We happened to be in the same neighborhood and I would see him, but no. I was some young white kid who was temporarily living in his world. I was just a naive and ignorant kid who happened to be there. As a matter of fact, I had some very interesting interactions with some of the much more sophisticated black organizers that were in the neighborhood. There was a guy in particular named Herman Kitchens, who had been a SNCC [Student Nonviolent Coordinating Committee] organizer in the South, who was in the same neighborhood. At first he couldn't stand the fact that I was there. He said, "You have no business being here. Go back to your own place. If you want to go help people, go help people of your own kind. You don't have value down here." He was very direct like that. He wasn't threatening or nasty, he was just being very direct. I said, "Well, this is where my job is now." Eventually we got to the point where we developed some mutual respect for each other, but I always took his message pretty strongly, that if you want to work for peace and justice, do it in a community where you have some roots; do it in a community where you can actually relate to people and make a difference, and don't bring your white man's burden into a neighborhood where you don't belong. That was kind of the message of SNCC all the way along. That was the message of Stokely Carmichael and a number of other people like that.

I had done a paper in my senior year at college on black power, and so I, again, had some intellectual awareness of some of this stuff but didn't really have any idea of what it was all about.

### Watching the City Burn after the King Assassination, April, 1968

Smith: The night--April 4th, 1968--the night that King was killed, I was on my way to a community meeting that we had previously had scheduled with Head Start parents up in the Adams-Morgan neighborhood of Washington, which is up a little bit on a hill. On the way there, I went past the corner of 14th and U, which is a major intersection, and it was very near where Stokely Carmichael and others--that was their main hangout. And they were all out in the streets. I was listening to the radio. I had just heard what had happened, and I saw this crowd kind of converging at 14th and U, and I was really shaken up.

I got to this meeting, and there were maybe fifteen or twenty other people there, and it was, as I say, a little bit on a hill. We could look out. We could actually see the Washington Monument from there. We could see the city starting to burn as we were sitting in this meeting.

[tape interruption for telephone call]

Wilmsen: You were saying?

Smith: So we were sitting up here--and this is one of these images that's just burned into my mind; I think about it frequently. We're here. Everybody is devastated. We can't believe the news. The meeting obviously doesn't take place, and we were just--you know, what has gone wrong with the world? And we're looking out over the expanse of downtown Washington as the fires just started burning. We could see them. And the whole city looks like it's on fire. That is, I think, my most powerful image of that whole experience.

### **Reflections on Race and the Environmental Movement**

Wilmsen: Now, it's interesting that you mentioned that kind of approach of SNCC to keeping white people out of the civil rights movement, because when I interviewed Carl Anthony, he said the same thing. I was asking him about the divisions between the environmental justice movement and the so-called mainstream environmental movement, and he said, "Well, the black activists have to shoulder some responsibility for that as well because of that legacy of SNCC." His point was that then white activists said, "Well, they don't want us, so we'll go do our own thing," and that has kind of contributed to--

Smith: Yes, yes, I think there are some pretty mixed messages about the whole thing, and it's something that continues to be a pretty important, almost ongoing daily struggle that I deal with, until today and probably for the rest of my life. I think I took to heart that message from Herman Kitchens, which was "Go work in your own neighborhood." I consider working in the environmental movement to be that. That's my neighborhood. It's what I think of it.

On the other hand, I have been pretty--I'm trying to figure out if I should use a euphemism or not [laughs]. Probably not. I should probably be candid. I've been pretty upset with a lot of the mainstream environmental movement for the reasons that they really are too often elitist. They really do too often care more about trees and birds than they do about people. The critique coming out of the environmental justice movement I largely share, and that's one of the reasons that I have been attracted to the environmental justice movement and am trying to be part of it.

On the other hand, there is a pretty strong underlying thread consistent with what I think Carl is saying. [interruption for telephone call]. No, the critique that came out of the letter that was organized by the environmental justice networks, to the big environmental groups was an enormously important historical event I think. And it was saying not only are you getting mixed up about what's important in terms of your priorities, you're elitist and you're essentially racist in that you don't have people of color in leadership positions, you don't have people of color on your horizon basically. I think that was all true.

It's also true, though, that the civil rights movement, the part of it that began to emerge as the environmental justice movement, did have a pretty strong streak, in my opinion, of what was referred to as nationalism, which was that people of color need to determine

their own destiny, that they need to be in charge of their own political lives and their own political organizations, and they didn't want white people coming in and mucking it up. So there is a contradiction there. And I think it's just one of those things that we have to learn to live with and do the best we can with.

Are you familiar with the letter that I mentioned?

Wilmsen: Yes, from the Southwest Organizing Project [SWOP], yes.

Smith: By the way, just another little historical thing: One of the other people that was in Washington for the Poor People's Campaign in 1968 with the [Reies Lopez] Tijerina group from New Mexico—was Richard Moore. Richard was one of the key founders of SWOP and then SNEEJ [Southwest Network for Economic and Environmental Justice] and someone who I ran into really for the first time at a meeting that Lois Gibbs put together many years ago, and at that point we discovered that we had both been there for the Poor People's Campaign, and ended up working pretty closely together in the late eighties, early nineties. That was kind of one of the things that went full circle.

Wilmsen: If we can come back to that later.

Smith: Yes.

Wilmsen: Then after you were a VISTA volunteer, you did decide to go to law school?

Smith: Yes, I got so frustrated I decided to go to law school.

### Training VISTA Volunteers in Welfare Rights

Wilmsen: How long were you a VISTA volunteer?

Smith: I was there for about two years, a little more than a year as an actual volunteer and then I was actually a VISTA trainer for a while. Actually, there was an important lesson I learned as a trainer. I was training other VISTAs for assignment elsewhere. There was a VISTA training center based at the University of Maryland that did its work in Washington, and there was a six-week training program. We were training a group that was connected with welfare rights [National Welfare Rights Organization], which is the group that George Wiley had founded. As a training exercise, we organized people from several different neighborhoods in Washington to actually come down and occupy a welfare office and to demand that a provision of the law be implemented which provided that they be given furniture for their homes. There was a section in the welfare law at the time that said if you met certain conditions, then you were entitled to get some—I think it was furniture.

With a message like that, "Come down and get your furniture," people came down to the welfare office, and they sat in, and it was a tremendously successful action until the point that the top VISTA trainer said, "Okay, it's time to go home now." And people said, "What do you mean go home? We haven't gotten our furniture yet." And there was a standoff. The people said, "Hell no, we ain't goin' home." And the guy who was in charge said, "You gotta go home. This is going to get too hot. We're right here in the caldron of Washington. We're in the center of all this stuff, where Congress is. We're under a microscope. And if the news media picks up on this thing--the VISTA volunteers are organizing people to come down and sit in the welfare offices--we'd jeopardize the whole funding for the program and there'd be congressional backlash," and blah-blah-blah--the real politik. And all these activists saying, "Bullshit. We're here. We're here because the law says we're entitled to this stuff, and we're just here to enforce our rights."

Actually, people finally ended up going home, but it was another important lesson in terms of real politik.

Wilmsen: Did they get their furniture?

Smith: They didn't get their furniture. But it was a very different kind of experience. We were working with Head Start parents to try to get them more involved in the actual operation of the Head Start centers and to get more involved in the education of kids. That was a lot tamer kind of an experience than working with welfare rights people.

### Moving to California and Going to Stanford Law School, 1969

Smith: I came to California in the spring of '69. Actually, it was the middle of April because one of the first things I did was I came down--I moved to San Francisco, and I came down to Stanford, where my younger brother was a student, and I went to try to go find him. At the house where he was living, his roommates told me that he wasn't there, that *he* was involved in a sit-in. So I went over to the campus, and I found him over at the Applied Electronics Lab [AEL], where the Stanford students had just done a sit-in because they had discovered that the AEL was involved in doing military research, and that was the first major action at Stanford in the antiwar movement.

The sit-in had been going on for several days, so here were all these grungy college kids sitting around in this fancy electronics lab, so that's where I found my brother on his birthday. So that was my first exposure, really, to kind of the campus activism after having been in Washington for a couple of years.

But I ended up working for the American Friends Service Committee that summer, and another kind of lesson in real politik: We were working to lobby on a school lunch bill that George Moscone was sponsoring when George Miller was his AA, and we actually travelled up and down the state, talking to people that the American Friends Service

Committee put us in touch with --these are Quaker activists up in northern California--to get them to lobby their local legislator to support a school lunch bill.

It was the first time California tried to pass a school lunch law. Talk about motherhood and apple pie. This was the kind of thing where--I don't know--were you here in that time at all?

Wilmsen: [shakes head, no]

Smith: There were people in the California legislature that were card-carrying members of the John Birch Society. There was a guy named H. L. Richardson. There was a guy named John Schmitz. These were about as neanderthal as you can get.

We actually met and sat down and talked with them in their offices, and after having talked to some of their constituents who contacted them, they both said: "You know, this seems like a good idea. I think it's true: if you're too hungry, you can't learn, and we don't want poor kids not being able to learn. Sure, we'll support this bill." We got tremendous support for the thing. [Then Governor Ronald] Reagan vetoed it. [laughter]

Okay, the system doesn't work. [laughter] Another life lesson. And then they couldn't get enough votes to overturn the veto. But I got a chance to meet George Moscone and George Miller. And John Vasconcellos was a freshman assemblyman at the time, so it was a very good way of kind of getting introduced to California politics.

And then I went to law school and fried my brains out for three years. It was probably the worst experience I've ever had because I was just all full of this newfound vitality and really burning rage is what I was full of, and I just could not bring myself to listen to pedantic law school professors treating law students as they do, and so I was not a very happy camper for most of that time frame. I was a lousy law student.

Met a few other people who were like minded, and we formed a chapter of the National Lawyers Guild there. One of the first things we did was get involved with other law students from around the Bay Area to take on the Bar Association's loyalty oath. We thought that was an invasion of people's privacy and personal views, and so we actually did some organizing activity around that.

But I was looking for other law students who had a similar social activist point of view. There were a few around, at least to keep a small group going. Stanford Law School was not a hotbed of radicalism, to put it mildly. It's where they were training people to work in the law firms that were going to run the world. That's pretty much the way they thought of themselves.

In retrospect it's just a complete fluke I ended up there. I wanted to come to California. I had been to California a couple of times and liked it. '67 was the summer of love, and I wanted to come to California and have flowers in my hair and be a radical activist, and that was kind of what I wanted to do. I applied to UC Berkeley Law School, Boalt, and

for a reason I'll never understand, I didn't get in there and I got into Stanford. If I had gotten into Boalt, I would have gone there.

So it was not a happy time in a lot of ways, but I did find that there were enough other people there that were involved in mostly the antiwar movement, and at that point--late sixties, early seventies--that's when things really were heating up. It was during the time of Kent State and the Cambodian invasion and student strikes and candlelight vigils, and the campus was in turmoil.

So I went from one kind of turmoil into another. As I say, I was never much of a student, but I developed a much sharper critique of what was at the time called monopoly capitalism and imperialism, and developed an anti-imperialist critique of the war, of the role of the multinational corporations--I'm not even sure we called them that back then; I don't think we did--but it was the perspective that there were military interests that were trying to control and dominate the world over resource allocation and oil and other kinds of things.

And it was during that time that Earth Day 1970 occurred. I remember talking to some of my friends, saying, "Earth Day? What the hell is this thing all about? Is this a bunch of tree huggers or what?" We were actually pretty skeptical about the whole thing. But then we began to realize that talking about the Earth, talking about the environment from kind of a macro-perspective is actually potentially a very good holistic organizing device or systems approach.

It had been in '69 that the first moon walk had taken place, and we got the pictures back from the satellite of what people started calling the blue pizza. I wrote about that in our newsletter I just gave you. But that image of the Earth I think was a transforming image because all of a sudden it was, like, here's this little thing floating in space. We'd never seen that before. We'd never imagined that before. And all of a sudden everything was real small, and all of a sudden everything was connected.

I think it was that process along with the realization that people actually did care about protecting the environment and that if there could be a social justice perspective brought into the environmental movement, it could make a difference.

##

Smith: At least I began to think about it more. I mean, I grew up with a family that loved to camp, that loved the outdoors. We went up into the Adirondacks a lot and Lake George, and when we lived in Washington we went out and enjoyed the desert and the mountains, the lakes and rivers. In terms of appreciation for nature and the outdoors, I always had a lot of that. But I never saw the environment as a political issue until that early stirrings that occurred around Earth Day 1970.

And again, as I say, I was largely skeptical. We thought this was kind of an effort to co-opt the peace movement. We thought it was an effort to co-opt May Day, which was of course May first. And some of those kinds of discussions. But nevertheless, it got me



thinking about it, not enough to really do very much about it, but it was the first kind of awareness.

As I say, I didn't like it at Stanford much at all, so I tried to get away as quickly as possible. I actually moved to San Jose after my second year and got permission--there was one very, very wonderful guy on the faculty there named Tony Amsterdam, who taught criminal law and who is the most brilliant, visionary lawyer I ever ran into, who did all the death penalty litigation and got the Supreme Court at one point to basically cut off the death penalty.

He allowed me to do a whole semester in San Jose in what they called an extern program. Rather than intern, it's an extern, where you do your work away from campus. You don't go to any classes. You get a whole semester's worth of credit by working on a particular project. The project that I designed was to work with a community group here in San Jose called the Black Berets, which was similar to the Brown Berets but in San Jose they called them Black Berets. It was kind of a street-savvy Chicano group.

We designed this project called the People's Legal Defense Office, and we actually opened up an office at 24th and Santa Clara, which is one of the major downtown intersections, to try to help people who were abused by police misconduct. So people who got beat up by the cops, we would help them document their cases, help them get lawyers and help them fight back. So that's what I did for almost a year, and I got a full semester's worth of credit for it, then wrote it up for this paper. So it was like practical, real-life experience, and I got to bring together some of the stuff that I was actually interested in. And it got me away from having to go to law school. I had to go to law school in my second semester of my third year, but I didn't show up a lot. I got through barely by the skin of my teeth.

The other thing that I did, though, was I had taken a labor law course and thought that I was interested in maybe a little bit of criminal law and maybe a little labor law. But I was thinking I wanted to develop some kind of skills that can be useful to people who are struggling in some kind of movements for social change.

Through the labor law experience, I began to learn that there were a whole series of canneries in the South Bay, and that was actually the main industry here. It was right at the cusp of the transfer from the Valley of Heart's Delight into Silicon Valley. We used to have, oh, more than a dozen canneries here with thousands of seasonal workers, mostly Chicanos and Chicanas, working in this work force. This used to be the fruit basket of the world.

So I got to know some of the people who were organizing within the cannery workers. The cannery workers at the time actually had a union. It was the Teamsters Union, which was a company union. Over the years there had been a development of quite militant labor organizing that ultimately was unsuccessful when the company decided to recognize the Teamsters as a way of cutting off the militancy, so that was the union.

It wasn't doing a very good job representing the vast majority of its workers, who were seasonal, who were Chicano, Mexicano--again, significant numbers of women in the summer season. And this was all a bunch of Italian guys who were running the union. So it was very fertile organizing ground, and we worked with the Chicano Cannery Workers Committee and actually started running people in the elections and representing them. This is how I got my start, really, in the legal field: doing that stuff.

So again, nothing to do with the environment. It got into some health and safety issues. It got into some of the issues of linking up what was going on in the cities with what was going on in the fields with the farmworkers, and for a while there was actually a pretty overt strategy of linking what was going on in the canneries with the fields because the Teamsters were challenging the farmworkers out in the fields, if you remember that.

Wilmsen: Right.

**Practicing Law: Police Abuse, Workers' Rights, and Becoming Aware of Occupational Health and Safety Issues**

Smith: There were some pretty nasty things going on out there. For the first, oh, several years--I set up a law office as soon as I passed the bar with one other person who I had gotten to know who was also a brand-new lawyer, and one other person who had actually worked as a paraprofessional in a law commune in Palo Alto. The three of us started this law firm. We didn't know anything about what we were doing. We just didn't want to do it any other way. We wanted to do it our own way, so we set up a little office, a streetfront office, and started practicing law.

And working with, again, people who had been beaten up by the cops or mistreated by the police, and then working with cannery workers were two of the key things we were doing. Of course, we also had to do drunk drivings and divorces in order to make enough money to survive, so that part of it was not terribly fun.

It was during that time that I met my future wife because she was a legal services attorney who was by law prohibited from doing work with cannery workers but also was interested in doing that and was contacted by some cannery workers who wanted to file a big discrimination claim and job discrimination claim. She came to a meeting that I was at, one lunch, and said, "I'm looking for a lawyer who can help, get involved with this case. I can't do it because Legal Services won't let me. I'll be willing to help informally, but I need somebody to actually go to court on this thing."

So I raised my hand, and we started working on this case, which was called the Basic Vegetables case. It was for workers in Vacaville and King City, who were working for this company and just being treated horribly. It was both a case having to do with race and gender discrimination, and also working conditions --dirty, unhealthy work. And over

the next couple of years we were actually able to win a case for them at the Ninth Circuit Court of Appeals, and were able to bring some significant improvement to their lives.

And this still had nothing to do with environmental stuff. This is now getting into mid-to late seventies. It was at that point that Mandy [Amanda Hawes], my wife, began to start realizing that this new industry that we saw growing up around us, the high-tech industry, the electronics industry, was actually a chemical-handling industry. The way that she learned about that was that she started getting some clients herself, in her own legal practice that were getting sick on the job and were pretty sure it was connected to the chemical exposure.

I wasn't that interested in it because I didn't see how that related to making social change. There was a few people getting sick and it was too bad, but how was that going to change the world? She kept on talking to me about how this was horrible, what was happening to people, and that nobody understood what was happening. She and some friends actually then formed an organization that originally was called PHASE, the Project on Health and Safety in Electronics. They actually got a little bit of money from the federal government during the Jimmy Carter years, through an OSHA [Occupational Safety and Health Administration] grant program called New Directions, and they were able to hire some industrial hygienists and some other technical people and actually were able to document both the chemical handling patterns of the industry but also increasingly were contacted by workers who were getting sick on the job and increasingly began to get a little bit of notice about what was happening.

It was around that time that Lois Gibbs started speaking out on Love Canal, and I began paying attention to that. It was around that same time that people started talking about this concept of the public right to know and worker right to know. The worker right to know had actually began as part of OSHA in the 1970's. For the first time OSHA established this principle that people who were exposed to toxic substances actually had a right to know about what was happening to them. And then people started thinking about that from the standpoint of augmenting that with a community right to know.



## II EARLY DAYS AT THE SILICON VALLEY TOXICS COALITION, 1982-1986

### Starting the Silicon Valley Toxics Coalition, and Developing a Hazardous Materials Model Ordinance, 1982

Smith: So all this stuff is going on around me. I'm continuing to practice in a small law office and not feeling terribly fulfilled or satisfied. What we were finding is that increasingly as we got into bigger and bigger fights, the law firms got bigger and bigger and more well financed and lots and lots of lawyers. They were beginning to use what was beginning to be known as computer technology, and we were using our little [IBM] Selectrics [typewriters]. We would spend all night typing briefs, and they would push a button and spit out a hundred pages of interrogatories. The technological warfare involved in the practice of law became pretty unbalanced.

So I was trying to figure out something new to do, and Mandy kept talking about the occupational health stuff. I kept thinking, still, that's not going to really create--oh, what's the word?--a center of gravity that's really going to help change the direction of things, which is I think what I was trying to find, because people found it too easy to write off worker health issues as somebody's else's problems, and it didn't affect people personally.

It was at that point when there was a little story in the newspaper that ground water contamination had been discovered in South San Jose. That was the Fairchild leak. And a light bulb started going off in my head, that whereas I still thought that people didn't care that much about toxic exposure to somebody else, if people could see that there was drinking water pollution, all of sudden, overnight, it could become: "Oh, my God. This could be me."

And that was the connection and the light bulb that I saw, that the same concerns that Mandy had been talking about could now become concerns that could actually have a mass base behind them. They could then provide enough momentum to actually change things. There was a woman in the South San Jose neighborhood called Los Paseos named Lorraine Ross, who had just given birth to a daughter with a heart defect, and she began to speak out about this, and she began to go door to door talking to her neighbors. She got in touch and said that she wanted some help in trying to figure out what to do about all this.

We started having some meetings, and we began to realize two different things. One is that there was a potential to get some local legislation together that would have potentially a major impact, and it was around that set of issues that I saw the need to develop a community-based organization, and that's what ended up turning into the Silicon Valley Toxics Coalition.

At the same time, Mandy began to work with Lorraine and some of the other neighbors to develop some legal strategies for how to deal with the terrible health problems people were running into. Pretty soon there were several hundred people who kind of came out of the woodwork, all in that same neighborhood, that all had a range of problems but mostly people with reproductive health problems and people with cancers.

Because of the fact that I had been involved in a series of activities with the activist community in San Jose, I knew a lot of people, and we were able to put together a pretty broad-based coalition fairly quickly to respond to this thing. It had at its core from the very beginning a pretty strong labor base and had a pretty strong public health base. And so from the beginning we wanted to link labor, public health, environment, and neighborhood groups as part of this coalition.

We were surprisingly successful in some ways in being able to do that. We were able to unite around this idea of trying to get some local legislation together. The fire fighters were actually a key part of that, and I got to know them through--I actually taught labor studies at San Jose City College at one point. I have taught both environmental studies and labor studies, and have always felt that--well, not always, but once I began to think about the environmental stuff, to see these things as connected and to realize that from both a philosophical and holistic point of view, it makes sense to try to link labor and environment. But also from a political or practical standpoint, if you can bridge the labor-environment divide, you have a lot better chance of accomplishing what you want to try to accomplish than if it gets pretty divided. So that was kind of from the outset the strategic thinking behind it. We were actually able to engage in a fairly lengthy and fairly complicated process of developing this local hazardous materials model ordinance.

I think it actually ended up going a lot further and a lot faster than most people thought it ever could because it did turn into an actual ordinance that had a right-to-know provision which at the time was pretty cutting edge. It had provisions for disclosure of basically all the chemicals that people were being exposed to in their neighborhoods and what the toxic chemical storage was at the companies. It had much more stringent regulations on the storage requirements in terms of double containment and things like that, and much more stringent requirements on monitoring.

It became an ordinance that was adopted all throughout the county. That was in '83. In '84 it got taken to the state legislature by Byron Sher, who was an assemblyman at the time, and adopted into state law, and then two years later became an important part of the amendments to the Federal Resource Conservation and Recovery Act (RARA). So it was kind of a nice, textbook example of an initiative taking root at the local level and building its way up through the state and national legislative machine.

Wilmsen: Now, that was something fire fighters had--

Smith: The fire fighters were very involved in that, yes, because the fire fighters were the first responders. They were the ones that had the most at risk with the mishandling of chemicals. At the time, they would get called in very, very frequently when there would be a chemical accident and a chemical fire or something like that.

There was a guy who was one of our initial board members, Jerry Floyd, who had a very compelling story. He was up on a roof one time in a semiconductor plant when a fire was engaged in the plant, and his job was to cut through the roof with a power saw as part of the fire suppression technique. He said he came this close [demonstrates] to cutting through a toxic gas line and somehow miraculously didn't do it, but lived to tell about it. He said, "If I had gone another couple of inches, I would have been dead and everybody would have been dead around there." He took that to heart, and he was a very effective advocate in that whole thing, as were a number of the other fire fighters. They all had stories like that.

Not all of them supported our whole, full right-to-know agenda; some of them actually said publicly that they were afraid that if the chemical information were made public to everybody, that the companies would start lying about it, and that way the fire fighters wouldn't get accurate information, whereas if it were secret, except to them, then they would get accurate information. So that was kind of the poles of that debate. But we were able to prevail on that one.

Wilmsen: How did you convince them?

Smith: Some of them we never did, but they got marginalized. Some of them began to realize that we needed a consensus, a broader perspective on this if we were really going to prevail and that they needed us just as we needed them, so actually we were able to work that out.

We did build in a few protections, like, we came up with this really bizarre way of dealing with trade secrets. That's always one of the things this industry is famous about. They say, "Oh, we won't tell you that because that's a trade secret. We can't tell you that because that will interfere with our competitive business advantage." So we said, "Okay, if there are legitimate trade secrets of the composition of some of your chemical formulas, you still have to let the fire fighters know that because if they need to come in and suppress a fire, they have to know what it is they're doing because water will work on certain things and it will make certain things worse. So you have to let them know, even if you can legitimately keep this secret from the public. So if you want to claim a trade secret, you first of all have to notify everybody that you're making such a claim, and then you have to put the formula for the trade secret in a little lock box at your plant gates and give the key to the fire department so if they come and there's a fire, they can go into their little lock box and get the secret." [laughter]

This is the kind of stuff you get into. But anyway--

Wilmsen: Did anyone actually do that?

Smith: I don't think that's ever happened. Very few companies ever claimed trade secrets. It was more just an excuse, I think. But we finally worked it through.

By that time I had cut back substantially on my legal practice. My colleagues were nice enough to cover for me, and I went to half time, and eventually we were able to start raising a little bit of money, and I was able to quit practicing law and work on this stuff full time.

Wilmsen: You mentioned PHASE that your wife started?

Smith: Yes. That still is going. It's now called the Santa Clara Center for Occupational Safety and Health [SCCOSH]. That's a twenty-year-old organization now. That's our sister organization. We actually were a project of SCCOSH when we first started out, and then in the mid-eighties we got to the point where we had enough of our own agenda that we spun off and became our own 501(c)(3). But originally it was conceived that this was kind of the community outreach branch of SCCOSH, as a way of opening up these community health issues as opposed to the occupational health issues.

Wilmsen: Oh, I see. Okay.

Smith: So that's always been kind of the division of labor: they focus on the workplace; we focus on the neighborhoods. That's a rough division. Sometimes they do community stuff; sometimes we do worker stuff.

### **Family Irony: Father's Work in Nuclear Power**

Wilmsen: Okay. You mentioned that your dad worked for G.E. in the nuclear power industry. I'm just kind of curious how that has--how shall I say this?--what are the implications there of you going into this toxics coalition?

Smith: I think about that fairly often. I don't think there was much of a conscious process at work. But I think, looking back on it, it was probably in operation at some level. I was quite young when we lived in Richland. I was in first and second grades, so I was six, seven years old. But I remember people talking about "The Area," which is what they called Hanford. I remember people's parents saying, "We're not allowed to talk about what we do at work." I remember the name of the high school was the Richland Bombers. So you grew up in this culture.

It was a company town. It was a federal town, Richland was. There were four kinds of houses. There were A, B, C, D houses. We lived in a B house, or whatever the hell it was, I don't remember what it was. It was a whole culture that was plopped down in the middle of the desert out there. Not then, but many years later I became aware of what was



going on because I began to become aware. I started thinking about the implications of my dad working in that kind of an environment, and we had some pretty significant differences and challenges about that as I began to get more outspoken in my views.

I also began to pay more attention to the human health concerns associated with radioactivity and began to read about some of the impacts on the down-winders. I began to read about--there was an experiment they did in that area in the late forties, early fifties, they called the Green Run. It's where they deliberately released radioactivity from Hanford to see what kind of patterns they could pick up. It was part of this whole Cold War mentality. It was somehow an experiment that was designed to see if the Russians could figure out what was going on based on releases of radioactivity.

The way they did it was to deliberately release radioactivity. It was like they had to destroy the country in order to save it. It was one of those kind of things. So they're now doing testing on the people who lived there in that era to see, particularly if people are coming down with higher than expected rates of thyroid problems and so on--part of that study.

So it's both concerns over my own health and the health of other people that were there, but also more on the general concerns of what the hell was G.E. doing running this kind of facility? I for many years thought that that was not a very good thing to be doing. So I live on a daily basis with the irony that I grew up in a family that was involved in that.

### **Initial Funding for SVTC, and Organizing for the Hazardous Materials Model Ordinance, 1982**

Wilmsen: Now, how did you initially fund the Silicon Valley Toxics Coalition?

Smith: Originally it was that I was getting paid by my law office and I was able to go attend meetings on a part-time basis and just do that. They were pretty nice to me to let me, and to give me quite a bit of latitude to do that. But it got to the point where I just wasn't pulling my weight, my fair share, and I had to figure out a way of supplementing my income if I wanted to continue doing this, and I did.

So somehow--I don't remember how--I learned about a foundation that was beginning to fund people to work on environmental issues in the Bay Area. It was a Bay Area foundation. We went to them, and I think originally they gave us \$5,000 or something like that. It was enough money to be able to have me cut back formally to part-time in the law office and get enough income to be able to do this.

And then from there we began to realize that there was some other funding available in the foundation world to help fund small, community-based environmental groups.

Eventually over the next couple of years we were able to raise enough money so that I could quit practicing law and just go full time doing this.

Wilmsen: What was that first foundation called?

Smith: I'm trying to remember what it was. [Pause] I'll think of it. I can't think of it at the moment. It was a family foundation with funding that came from one of the--it's either a supermarket chain or a drugstore chain; I've forgotten. I'll think of who it was. They're based up in the East Bay. There was a really nice, young program officer who thought this was really neat stuff and was funding a variety of environmental groups in the Bay Area. It was the Skaggs foundation.

Wilmsen: Now, getting back to the hazardous materials model ordinance, how did you go about convincing local governments to adopt that?

Smith: We did a very extensive organizing campaign. It was probably some of the most sophisticated and concerted organizing I'd been involved in. We got involved with a process that included city officials, fire fighters--there weren't really any city environmental offices at the time; it was before that even came into play. But there were people there who were concerned about water pollution, so there were people from the Regional Water Quality Control Board, the Santa Clara Valley Water District, and there were some representatives of some of the companies that were involved in it.

There was general acknowledgement that this was real big problem and that something had to be done about it. It wasn't just the Fairchild case, it turned out. Right about the same time it was discovered that IBM had a very similar problem, and they were right next to Fairchild, and so basically they were both polluting the same ground water basin.

The Regional Water Board sent around a survey to all the major industrial companies in the whole South Bay and asked them, "Are you storing chemicals underground? And if so, do you have any monitoring in effect to see if your tanks are leaking?" They got responses that there were hundreds of companies that were storing chemicals underground, and for each of them they then required that they go out and monitor, because none of them were monitoring for ground water contamination. They ordered them to go out and actually drill some wells and to see if the ground water underneath their storage tanks was polluted. Eighty-five percent of them turned out they had leaks. So it was *massive*. This all came out over the course of about two years, '81 to '83, and almost every week there was some new revelation of some company that had done the testing and found out that yes, they, too, had ground water contamination.

At the time, the media was following this very closely. There was particularly a reporter named Susan Yokum for the *San Jose Mercury News* that had broken this original story and really followed up on it. So the awareness was there, the concern was there, and the local officials were feeling a significant amount of pressure to do something.

This ordinance development process was the way that we worked. We would have people attend each of the many, many sessions to talk about actually developing a legal language. Then there started to be a series of public hearings around the county. Each of the cities had its own public hearings. The idea was to try to have a model that would be the same in every city because everybody was aware that if one city passed something and another didn't, there would be this imbalance created and there would be a pollution haven created, and companies would go to the pollution haven, and nobody wanted to see that happen.

So the push for uniformity was very strong. And then we did turn-out at all the city council hearings. We were able to turn out hundreds of people from various constituent organizations that were part of our effort, and through sending out notices, phone calling people, going through informal networks. In meeting after meeting, we turned out hundreds and hundreds of people, and that really got the attention of the city councils as well as the news media.

It became one of these snowball kind of things. It was because of both the participation and the language development itself and then the actual passage and implementation through the strategy of public participation that we were able to get it done.

We did that same approach later with respect to the toxic gases. The original model ordinance applied only to liquids and solids; it didn't deal with the really extremely dangerous gases that were being used, such as arsine, phosphine and silane. Everybody agreed that those were too complicated to deal with, but there was a real rush to get the other stuff done. The gases, it was decided, were more complicated. We put them off; we did that later, in the eighties. That was a much more contentious set of negotiations, but that ended up also eventually in a new toxic gas model ordinance.

### **Addressing the Problem of Leaking Underground Storage Tanks ##**

Wilmsen: So after working on the hazardous materials ordinance, then it looks to me like you went into more kind of getting some legislation passed on leaking underground storage tanks in Sacramento?

Smith: Yes. There was A.B. 1362, which was Byron Sher's bill, and we spent a year working on that. Again, that was pretty instructive. That was the first time I'd been back to work in Sacramento since 1969, when Reagan vetoed that school lunch bill. I stayed away thirteen years or something.

There was a huge amount of effort involved in that, but eventually the legislature did pass it, and it became state law. There had been another little interesting wrinkle in the original hazardous materials law here, locally. For some reason that I can't quite remember, the storage of petroleum products was separated out from the storage of

solvents, and in round one we dealt with solvents; round two we came back to deal with gasoline storage. The oil companies just were beside themselves because this was the first effort in the country to create a set of storage requirements and monitoring requirements for fuel tanks.

It turned out that there were something like a hundred thousand fuel leaks around the country at the time that the oil companies knew about but nobody else did. They knew they were sitting on a huge time bomb, and they didn't want anybody to try to regulate them, much less some local government thing. But we were actually able to get that passed here locally.

That got beat up a little bit in Sacramento. We found out that the oil companies had a tremendous hold on the California legislature. There was one hearing of the Senate Finance Committee in 1984 where the oil companies had been insisting that we compromise, and we said, "No, we're not going to compromise. We want to do just what we did in Silicon Valley." They said, "Okay." We walked into the Senate Finance Committee, which was being chaired by Senator Alquist at the time, who was the dean of the Senate, from San Jose. He was kind of a good old boy.

Before they took any testimony, they said, "Does anybody have a motion?" And one of the members of the committee said, "I move that we approve this set of amendments," and he threw a stack of amendments on the table about this thick [demonstrates]. It was ninety-seven or a hundred and six amendments, something like that, completely changing the whole bill. Before anybody could even say anything, somebody else said, "I second that motion." And Alquist called a vote, and they approved this whole set of amendments that completely gutted the bill. [laughter]

Wilmsen: Oh, man!

Smith: It was pretty funny. Afterwards we were outraged, and I said to the media: "If the oil companies don't own the Senate Finance Committee, they sure have a long-term lease." [laughter] So at that point the oil companies say, "Now do you want to talk?" So we said, "Okay, we'll talk to you now." [laughter] Still, we ended up getting through something that wasn't quite what we wanted, but it was a lot stronger than anybody thought we were going to get.

By the time we got to Washington, the oil companies were completely successful in cutting out any reference to fuel tanks. So if you look at the federal legislation on leaking underground storage tanks, petroleum products are excluded from that. This was another important political lesson for me, that you can do a lot better when you're closer to home legislatively; the further away from home you get, the more it's somebody else's playing field—meaning the big lobbyists. That's not our playing field, we can't walk across the street, as I can here in San Jose, and talk to a local legislator. They live up there. They work full time on the legislative process. And people coming up to Sacramento who don't know that scene and aren't part of that scene are at a real disadvantage. And it's worse when you get to Washington because it's even more remote. It just confirms with me the

need to build strong, local grass-roots organizations to be able to develop local solutions to problems and then try to move those up through the ladder, the chain.

When you talk about the big green Washington groups, they're based in Washington; their focus is on Washington and federal legislation. They were tremendously successful in particularly the early seventies with the Clean Water Act and the Clean Air Act and the federal OSHA Act and all that kind of stuff, but increasingly they have not been nearly as effective as they had been, and I think appropriately so. The real cauldron, the proving ground of democracy really is in the local communities, and that's the way it should be. It's just that we've hit some hard times in the last twenty years, having conservative governments in place up and down the ladder more so in the national and state level than locally.

Wilmsen: What did that legislation do? The A.B. 1362?

Smith: It established pretty stringent double containment requirements for storage of underground chemicals. It required pretty strict monitoring. The right-to-know provisions were not actually part of that bill, but they were moved separately, and we ended up with some of the strongest right-to-know language in California. It was pretty much, with a few wrinkles, the model of what had been done here locally. It has been enormously successful. I think most people would acknowledge that, that the crisis of ground water contamination from leaking underground storage tanks has been pretty well stopped--not entirely, but pretty significantly, and it's because of all that work.

Wilmsen: That was in 1984.

Smith: '84. '86 was when the federal legislation was passed, so it was two years later.

Wilmsen: And when were the oil--you said the oil was separate.

Smith: That was in the federal legislation in '86. The oil companies were successful in separating it.

Wilmsen: Okay, so it wasn't that much later.

Smith: No. One of the other things that was happening during that same period of time in 1984 was as more and more of these leak sites were detected, we began a new campaign which was to try to get the EPA [Environmental Protection Administration] Superfund program involved in Silicon Valley. We had a pretty major organizing campaign in the spring and summer of 1984, when we mobilized many, many people, who went out to neighborhoods that were in the middle of these spill zones, and went door to door and notified people that there were contamination sites in their neighborhood, and the government was not doing very much to notify them (which they weren't), and they weren't doing very much to insist that the companies that had caused the problems get to it and start cleaning them up.

Our strategy was to persuade this EPA Superfund program to actually step in and start cracking some whips to get the cleanup moving. We actually, again, had a series of

community meetings up and down the valley. We had a petition campaign. Thousands of people signed petitions. I actually got to go to a meeting in Washington with Bill [William] Ruckelshaus, who at the time was head of EPA, and to hand him a stack of petitions and said, "You guys need to do something. This is a crisis that has gotten out of hand."

There were several other people from other parts of the country who were there at the same time. This was the early parts of the organizing for the National Toxics Campaign, and so there were maybe a dozen people from around the country, all with similar kinds of stories about how the ground water pollution and other kinds of pollution were out of control, and the EPA had to step up the efforts.

Quite again to everybody's amazement they actually did respond to that. I remember real well the announcement that EPA had listed--initially it was nineteen of the sites in Silicon Valley on the Superfund list, which was just shocking to most people. It actually caused headlines in many parts of the world because high-tech manufacturing was being promoted as a clean industry and was thought of by most people as the industry of the twenty-first century, and what was so great about it was that it was making marvelous products and making unbelievable technology available and it was a clean industry.

And so the fact that all these sites were listed on the most-toxic-sites list in the country was--what we thought was that it accomplished a strategic goal of kind of labeling this industry as a toxic industry and alerting people that with the rapid growth that was going on that people ought to start paying attention to some of the dark side of the industry. In that sense it was quite successful that we were able to do that.

Later they added more sites, so there's now I think twenty-nine sites, which is, again, more than any other place in the country. It's an acknowledgement that kind of the history of this type of development has been fraught with significant environmental issues and problems. We find that pattern repeating itself now at other places around the world, not necessarily with leaking underground tanks but sometimes with other kinds of problems. But in my mind it's all related to the fact that it really is a toxic industry and it's expanding so rapidly that they never have time to think about the downside or the unintended consequences.

That's what was true in the early eighties, and that continues to be true. They're so focused on the time to market and the short-term return on investment, the just-in-time manufacturing schedules--it's such a competitive industry globally now, that they just simply don't, most of the time, have the time to think about some of these things.

### **Disillusionment with Lobbying and the Legislative Process**

Wilmsen: I'm curious that then, in 1984, you acquired 501(c)(3) status.

Smith: I think it was '85. Maybe it was '84.

Wilmsen: '84 or '85. So I'm curious how that impacted the kinds of things that you did because that would seem to me to kind of curtail the kind of lobbying you did in Sacramento.

Smith: Yes. Actually, I was probably in Sacramento more in 1984 than I ever had been and have been since. I'm sure I was there more than I ever had been. I'm pretty sure I was there more in that year than all the other times since then. I went back for various things but never worked on a bill nearly that significant. I never actually had connected that to the 501(c)(3) status however. I mean, that experience was a little like the school lunch experience: it was a very souring experience for me, even though it ended up being a pretty good result.

I saw what the lobbying situation was like, and it was horrible. And it just took such a huge investment of time and mobilization and just such enormous resources that it's not something that you want to have to go through very often. You can't go through—you can't devote that kind of resources to things. And it's gotten worse since then. The lobbying powers have gotten stronger, and the grass-roots powers have gotten weaker, in my opinion. Increasingly, my own perspective is that it makes sense to work at the local level and only if you can then build on something do you even think about going to Sacramento.

This workshop that we're working on this Friday is bringing together people from throughout California to start thinking about a statewide strategy for developing much more stringent approaches to life cycle responsibility for computer manufacturers. But we're not talking about developing a Sacramento strategy; we're talking about developing local strategies that can get adopted by the city councils in San Jose and San Francisco and Oakland and Los Angeles and San Diego and around the state, thinking that if we can build enough grass-roots pressure at the local level, then eventually we can get something moved through Sacramento.

But the imbalance of forces right now I think is so strong that if we tried to start in Sacramento we'd just get creamed by the electronics lobbyists up there. So it's a perspective that I think is shared fairly widely amongst environmental justice groups, amongst activist groups of all kinds that Sacramento is just not a very favorable playing ground. Partly it's because we've had Republican governors now for sixteen years, so even if you get something through the legislature, it would get vetoed. And the legislature itself hasn't been very strong on a lot of these kinds of issues.

Maybe if that continues to change more favorably, people will rethink this. That's largely been the political landscape since 1984.

Wilmsen: Yes, that's one thing I wanted to ask you, too, is how having conservative administrations at the state and national levels has affected your work.

Smith: It's meant that we haven't paid much attention and haven't focused as much energy on lobbying in either state or national campaigns. It hasn't made sense.

I mean, the side benefit of that is that I think there are much more vibrant local organizations now all around the country. That's really the strength of the grass-roots environmental justice movement. That's been a really good thing. It's probably a lot better that people have been focusing their energy on local issues and local struggles rather than spending all their time running to the state or the national legislature.

### **Expanding Community Involvement in Cleaning Up Toxic Sites**

Wilmsen: Yes. So on the ground water campaign, you were also saying that there was pretty slow movement on the cleanup of the Fairchild site.

Smith: We learned, as did everybody, that it's a lot easier to pollute ground water than it is to clean it up. A leak of a few gallons or a few hundred gallons or a few thousand gallons can happen over a relatively short period of time. Trying to find that pollution and remove it from this vast underground water basin is a very, very difficult, very time-consuming, and very expensive proposition, even when you're trying your best to do it right.

It took a while even to get to that point. We spent many years focusing on the government to try to get the government to make sure that the companies instituted appropriate cleanup strategies. And so for, oh, probably almost ten years that was a significant part of our work: attending hearings, writing critiques of what was going on, organizing community meetings.

One of the good things about the Superfund program is that there was a built-in community involvement portion of it so that any time a site was listed on the Superfund list, they had to hold a series of community meetings for the purpose of enabling--well, first of all, notifying people what was going on and then inviting people to participate in developing ground water cleanup strategies. So it was a pretty good citizen participation model, and we took full advantage of that.

Again, we would organize door to door in the neighborhoods that were affected: letting people know there were upcoming hearings, getting turnout, oftentimes several hundred people at the hearings to express their concern, to let the government know that people took this seriously; it was a real matter of community health; they expected their government to do the right thing. By that what we meant was to exercise their authority to issue stringent cleanup orders to the companies and to make sure that the companies implemented those orders and spent the amount of money necessary to actually carry them out.

Partly it had to do with the timetable so it wouldn't stretch out forever; partly it had to do with what kind of technology was going to be used to actually conduct the cleanup. There's a variety of ways you can do it. Some are clearly more effective than others; some are clearly more expensive than others. So in each case there was a site-by-site analysis



of what would make sense. The more that people in the neighborhoods would express their concerns, the more likely it was to get a decent remedy. In some of the cases, there were many, many community meetings that people would attend to express their concerns.

We actually got our first technical assistance grant from EPA, probably around 1990, either just before or just after. It was a program that was actually part of the Superfund program. I mentioned that I went to Washington to bring petitions to Bill Ruckelshaus. This was part of a thing that became what was called the Superdrive for Superfund, which was organized by this emerging national network called the National Toxics Campaign, where grass-roots people from around the country came to Washington and were able to get these amendments to Superfund law passed.

Among them was the federal Right-to-Know law, which is a pretty significant thing, which is called the Toxic Release Inventory. And another thing that was there was this technical assistance program, which meant that EPA for the first time was making funding available to local groups to hire their own experts to help them with the technical issues around Superfund cleanup sites.

So we got one of those grants, and we were able to be a lot more effective. First of all, we got one for the IBM cleanup; then we got another one for the Moffett Field cleanup, which was a pretty important thing. It gave us a lot more capacity to participate in what were otherwise fairly complicated issues. It wasn't just turning out lots of people and saying, "Do a better job." It was "Do a better job, and here's what we think you ought to do." It gave us the ability to be much more concrete and much more focused.

Our experience was that when people were notified about what was going on and given an opportunity to participate, they jumped at it, that this was pretty important stuff in a lot of these neighborhoods. That was, as I say, a pretty important part of our program for most of the 1980s, and it carried over a little into the 1990s. We're actually still finishing up a little bit of work on the Moffett Field site, which was probably the most difficult one in the area.

Wilmsen: When you got those grants, you'd use that to hire consultants?

Smith: Yes. We would contract with a consulting firm, and they would oftentimes pull in additional people if they needed a special kind of expertise. Some of the stuff is definitely complex. But it has been an interesting program because it really was designed to increase the capacity of local organizations to participate in oversight of some pretty important environmental policy issues. It's a pretty fundamental principle of the environmental justice movement that people who are affected need to and deserve the opportunity and the right to get involved in the decisions that affect their lives. This is a way of carrying that out.

Wilmsen: How did the companies respond to the reports of the consultants?

Smith: Oh, they, as you might expect, weren't very happy to have somebody else doing oversight on them and breathing down their neck. They thought the government was bad enough, but informed and outraged community residents were not their idea of what they wanted to deal with on a day-by-day basis. It actually, I think, was quite effective in terms of helping to move these things along.

For instance, originally there was a series of three major companies that all had pollution problems just across the freeway from Moffett Field, up in Mountain View. Originally they were known as the Mountain View Five, and then it became known as the MEW site. MEW stood for Middlefield, Ellis and Whisman, which are the names of the streets that bounded this one big industrial park unit. Intel and Fairchild and Raytheon were all named Superfund sites in that one area. They had just a horrible mess.

The original community meeting on that site was sometime in the mid-eighties. We did good turnout work; there were quite a few people that came out for that meeting. EPA's initial estimate was it was going to take three hundred years to clean up that site! So we began realizing that the country hadn't been in existence for three hundred years. That was the kind of time frame we began realizing it was. So in a very short period of time this high-tech revolution had caused a problem that was going to take longer to clean up than the country had been in existence.

People said, "There's something wrong with this picture." And so we took the position that that's ridiculous, that's not acceptable, that EPA had to do something better than that. They had to beef up their own participation in this thing, their own monitoring to shorten the timetable and actually get that whole property back into shape and to protect that neighborhood. They eventually were able to reduce that time frame down to about thirty years.

But still, that's the kind of time frame that most of these sites are on right now for cleanup. It's enormously time consuming. And it's enormously expensive. One of the main lessons from all this, which has really permeated the major corporate decision makers and their board members, has been that it's a lot cheaper ultimately to prevent pollution than it is to clean it up. It wasn't until they had to pay hundreds of millions of dollars both to clean up the ground water and also they had to pay huge amounts of money to settle some of these lawsuits, that at that point the economic consequences began to take hold.

The bean counters who were focused on the bottom line began to say, "Hey, this is crazy. It's costing us way too much money to clean up the mistakes that we made in the past. Let's figure out how not to make those mistakes in the future," which is, of course, the message that we wanted to get across. We used to say that part of our job was to increase the cost of doing business badly, so it would be visible, and then they'd say, "Oh, let's not do that anymore." To some extent that's something that has been relatively successful.

**Dilution is Not the Solution to Pollution**

Wilmsen: I was reading in some of that material I was going over today about the actual cleanup. They spray the water into a pipe so that then the TCE and all the other things evaporate out? But then it just--

Smith: Goes into the air.

Wilmsen: --goes into the air.

Smith: It's transferring the pollution from the water to the air, yes. That's one of the ironies. That's one of the cleanup technologies. A much better one, although it's more costly, is to run it through a carbon filter, and that way the pollution actually gets captured in the carbon filter and then they can take it away, dispose of it, an environmentally more proper way of doing it. But yes, at a lot of these sites--they call it aeration. There's actually a wonderful site that we oftentimes take people to just a kind of show them how this whole thing has come about.

The thing that's so ironic about it is that the site is now one of the main campuses of Netscape. It used to be--this area known as MEW, where all these old semiconductor plants were. It's where the first Fairchild was, the original semiconductor company, the grandfather of all the semiconductor industry, the grandfather--chip heaven. That whole area now is highly contaminated, but the soil has been cleaned up. They've torn down all the old semiconductor companies, and they've built on top of it--just like a phoenix rising out of the ashes of the old--they've built this new industry, which is the internet industry.

So Netscape has one of its headquarters buildings right on top of the Superfund cleanup, and it has a thing coming out of the ground. It looks like a huge statue. They've actually painted it so it looks like it's part of their landscape. And it's actually a tower, an aeration tower. It's where the ground water is being pumped and sprayed out. It's right there in the middle of their new campus. Most people that work there don't understand what the hell it is. They think it's a sculpture. But it's actually an aeration tower. You see those all around the area.

Wilmsen: I'm going to have to display my ignorance here, but it seems to me like--

Smith: It's not very good idea.

Wilmsen: Yes! Because wouldn't it just blow somewhere else and then come down in the rain and contaminate an aquifer somewhere else?

Smith: It is the strategy of dispersion. It's not cleanup; it's just reallocating the pollution. We used to have a slogan that dilution is not the solution to pollution. And that's what that is. It's just diluting it. Likewise--and this is just an anomaly of the way the law works--it's legal to do that, and so they do it; and it's cheaper. If they can get away with it, if they can get a government agency to allow them to do it, they'll do it.

It's likewise when companies are discharging waste water into their sewer system and then going out through the sewage treatment plant into the Bay. The sewage treatment plant historically has regulated companies based on the concentration of pollutants in their waste water effluent. Well, you can deal with that. In order to meet that standard, you can do two things: You can reduce the amount of pollutant, or you can increase the amount of water; i.e., dilute the pollution, and that's typically what companies would do. They would put in enormous amounts of water to dilute down their toxic materials so they could get below this standard that was set, and that would solve it. The same amount of pollutants ended up in the Bay; it's just that it was legal.

And the air district, in their wisdom, has refused to do an area-wide assessment of air pollution risk assessment. They do it site by site. All they do is just take a look at a particular site and say, "If you meet a certain standard in your air emissions coming out of this one stack, then we'll give you permits to do that." They've never once, to my knowledge, looked at all the different air pollution sites that are in one neighborhood, based on the ground water cleanup, and issued an area-wide permit, or done an area-wide assessment where they might get a different answer.

That's what's going on.

Wilmsen: So are you working on anything to change that?

Smith: Well, a lot of cases we have fought, and sometimes successfully, to get them to use the carbon method of treatment rather than the air stripping, because it is so much more effective. We've been able to get that done in quite a few places here, and we've also been able to help other groups in other parts of the country to get that kind of technological solution to things. But we don't always win because, as I say, it is a lot more expensive. Sometimes a company has been able to get past the regulatory agencies using the air stripping.

But I do love to take the bus tours up to the Netscape and show them this thing that looks like a sculpture--it's painted this kind of beige to fit into the color scheme of the rest of the buildings there on their nice little campus--to tell them the story about what that thing is and how it got there.

Wilmsen: [laughs] It is a good story.

Now, tell me about getting the regional water quality control board to adopt tough new guidelines on the spreading of ground water contamination.

Smith: The regional water board was the first agency that institutionally began to realize the significance of what was going on here. To their credit, they stepped in when they really had no mandate to do so and when they really didn't have the resources and no budget to do so. They just saw there was a crisis, and they said, "We're responsible institutionally for trying to address this, and we better figure out how to do it." And they mobilized their resources and were quite effective initially in drawing attention to the fact that we had a really serious problem here.

If it hadn't been for their role, I think things would have turned out very differently, much worse. But they soon realized that things were a lot more serious than they knew.

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Smith: They began to realize that the problems were way more serious than what their budget allowed them to do. They began trying to get budget augmentations through the legislative process in Sacramento. We spent countless hours here locally, through any number of processes, kind of collaborative processes, trying to figure out how to get appropriate and sufficient resources to do the kind of oversight and monitoring that was necessary.

It turned out that it wasn't just the twenty-nine sites on the Superfund list; there are over a hundred and fifty ground water contamination sites, just from leaking solvent tanks, and there are hundreds of additional sites from leaking fuel tanks. So it's a huge job, and nobody had the resources to do the appropriate monitoring.

What we did was to work on specific sites where we thought there was a particular need for increased oversight monitoring by the government agencies. Sometimes we would try to get them additional resources, but oftentimes it was just trying to help get their attention focused on particularly bad situations. We would get various kinds of research help in identifying particularly bad hot spots. We'd go to public hearings and show that maybe there was a drinking water well nearby that was a potential problem or that the combination of chemicals that were involved were combining and making a bad situation worse or trying to get more monitoring to be able to define the scope of the plume better.

What you have to do in basically every one of these cases is first of all try to figure out how serious the contamination is, how far the chemicals have spread, and then design a strategy for stopping the spread and then reducing the plume. When you can't see any of this stuff, it makes it very difficult. You have to do the whole thing by drilling monitoring wells, and it's kind of hit or miss. You have to sort of guess where the contaminants are flowing to based on what you know of the underground hydrogeology.

Then you have to do a huge amount of testing with these test wells and figure out pretty much what the underground picture looks like, and then you have to design a strategy for developing extraction wells. The way they clean up a ground water site is by pumping huge amounts of water out of the ground water basin and then either running it through carbon or air stripping and removing the chemicals from it. But you have to first of all do this extensive investigation to try to figure out where it's moving, how fast it's moving, what the concentrations are, and then develop your strategy for cleanup to go along with that.

In some cases the chemicals are of such a nature that they don't know how to clean it up. There was a case at Westinghouse, which had a huge PCB problem. EPA came to the conclusion that nobody knew how to clean it up. And so they actually walked away from

it and said, "If we ever figure out how to do it, we'll come back. Other than that, we don't know what to do."

So a lot of our effort was trying to figure out how to point resources at particularly difficult spots. I mean, it's almost a triage type situation. You can't do everything all at once; you have to set priorities. So we used our limited resources to try to help direct the limited resources to be most effective.

### **The National Toxics Campaign**

Wilmsen: You mentioned the National Toxics Campaign. How was the SVTC involved in that?

Smith: We began as one of the local affiliates. It was originally a fairly loose structure, combining a whole bunch of local grass-roots groups around the country to focus initially on the Superfund campaign. That was such a successful campaign that people wanted to continue working together on other issues. We got more and more involved in it. I personally spent several years of fairly significant involvement. We worked on, oh, our effort here during Earth Day in 1989, we worked with a number of other affiliates of the NTC around the country and did fairly significant organizing efforts to try to encourage the phase-out of the CFCs [chlorofluorocarbons] in the Save the Ozone Layer campaign.

I got involved in the Military Toxics Project through that. We worked in Moffett Field. There were a number of other groups around the country that were working at other military bases. We worked on environmental health and justice issues through the NTC. There was an environmental justice project that did training for environmental justice groups around the country. We were able to sponsor a lot of those training programs.

Wilmsen: What kind of training?

Smith: Organizer training, technical training, everything from how to build turnout for a community event to how chemicals affect human health to how to do organizational development, how to develop a fund-raising plan. It was kind of full organizing and technical support. And it was a way of trying to help build capacity for a number of environmental justice groups around the country.

There were a number of very skilled and effective environmental justice leaders who were part of NTC for a while. It was, I think, an important development. A lot of the people who had been involved in some of the most important EJ networks, including some of the people who had been involved in that initial letter to the other environmental organizations, got involved in NTC. So that was a pretty important coming together of a lot of different people.

**The Campaign for Proposition 65, 1986**

Wilmsen: Tell me about Proposition 65.

Smith: Well, that was kind of the high point of the grass-roots environmental movement in California being successful with an initiative. It was in the mid-eighties that people came together to support this initiative. What it tried to do was to essentially address what people were beginning to realize was a real imbalance and, [pause] well, a gap—it's not even a gap; it was the wrong way to approach dealing with chemical risks because up until that point, almost all the laws took the point of view that if you're exposed to a toxic chemical that might have an impact on your health, the burden of proof of establishing that causation rests with you. You had to be able to prove in a legal sense that exposure to a particular chemical caused a certain health effect, which is an extraordinarily difficult thing to do even today, and will be for a long time, given the fact that the science is so imprecise.

What Prop. 65 did was to try to institutionalize what is now thought of as the precautionary principle, which says kind of the opposite, which is that if there is the potential that exposure to a toxic substance can cause a health or environmental problem, then the burden is on the entity that is causing that exposure to do something about it, unless they can show that it's really not a problem. So it completely switches the whole thing around.

And that was what was the beauty of Prop. 65, and that's what it tried to do. There were lots of debates inside the campaign about how well it actually did that, but the essence of the message was that we need to radically transform the way we deal with and address the problems of toxic exposure. It was a major kind of divide in state politics because there had never been anything quite of that nature that had gone on the ballot, at least from the environmental point of view.

There was a very good statewide coalition that came together to support it, and there was a great grass-roots campaign up and down the state. Arrayed on the other side were all of the chemical companies, all the oil companies, all the high-tech companies, all the pesticide companies, all the farm bureaus and others that saw this as a threat to their business. It was kind of a classic David and Goliath fight, so we all had a good time with that.

There were a couple of things that happened during that campaign that were pretty important. One was that there was a Hollywood Prop. 65 caravan that traveled the state during the height of the campaign that Jane Fonda put together. At the time, Jane Fonda was married to Tom Hayden, and Tom Hayden was in the California legislature and was one of the people that was involved with this whole thing. So Jane got a group together of, oh, about two dozen Hollywood stars, including some very well-known people, including some people that were young and upcoming, and they got on a bus.

They traveled from San Diego to the north coast, stopping in each community and meeting people who had been exposed to toxic chemicals who had had health problems, families that had suffered, and doing special events and press conferences. It just lit up the media up and down the state, all about this whole issue. It was the best free publicity that anyone could possibly--and in the meantime the companies were all raising millions of dollars trying to defeat this thing. It's one of the few times when the millions of dollars against a people's campaign and initiative didn't work, and it was partly because there was so much free media about that whole thing with this Hollywood campaign stuff.

Another thing that was very cool was that--

Wilmsen: How did Jane Fonda get involved? Do you know?

Smith: I'm not sure. I think it was because she was married to Tom, and Tom was involved in the campaign, and she decided that this was something that she could do. She was very active in Hollywood circles and knew all these people and was able to somehow round up a whole bunch of people that thought this was a good way to use their celebrity.

We did an event over at Santa Clara University. Had a huge turnout. There were a lot of people who had been part of the Fairchild situation that came. I introduced them, and we did press conferences.

The other thing that happened was that Greenpeace organized a really neat action one night. The opposition message started springing up on billboards all around the state. They had done their polling, and they quickly concluded that if this were perceived by the voters as the polluters being the bad guys and the community health people as the good guys, they were going to lose. So they had to redefine the message, and their message became: "Vote No on Prop. 65. It has too many exemptions and loopholes in it."

Wilmsen: Ah!

Smith: So their message was that it isn't tough enough. [laughter] So these billboards were all over the state and it was all over the airwaves. And one night, all over the state these billboards got--what's the appropriate word?--they got changed. There were these huge banners that got pasted onto them all over the state that had the big Chevron logo on it that said: "Brought to you by Chevron, a major California polluter."

Wilmsen: [laughs]

Smith: And then the media were notified, and they were out there early in the morning before they tore them down. So overnight, again, a million-dollar advertising campaign was just destroyed. [laughter] There were, like, lots of little guerilla tactics like that that were kind of fun. Prop. 65 ended up passing by a significant majority. I don't remember what it was.

Oh, we did actually quite a few cool things. We started following the money, and the high-tech industry just completely freaked out. They completely overreacted. They



would have been so much smarter if they had put themselves out in front of this thing and said, "We're a green industry. We think this is a great idea. It won't affect us at all," or something like that. But they really--some of them--thought this was going to shut them down, and so they put millions of dollars into trying to defeat it. So we just collected all that information--financial campaign reports--and just started broadcasting that, that they're trying to buy an election. They didn't like that at all.

And then that year Ed Zschau was running for the U.S. Senate. He was a high-tech guy who had been a CEO of one of the local companies here. He was kind of a golden boy of the high-tech industry. He was going to be their first successful Senate candidate. And we started pointing out that his industry was a dirty industry, it was a toxic industry, and they were spending millions of dollars trying to defeat this environmental initiative.

And he got caught in that. He was running against Alan Cranston, who became a champion of Prop. 65, and that was one of the things that helped Cranston win the election. So it was at a time when even though most of the grass-roots activists weren't involved really in traditional, straight-ahead kind of lobbying or political activity, there was spill-over into some of these campaigns. Some of the candidates would latch onto the environmental campaigns and kind of wrap themselves in a green mantle and say, "I'm the environmental candidate." That worked against Ed Zschau that year.

Wilmsen: Where did the idea for Prop. 65 come from to begin with?

Smith: One of the key authors of it was a guy named David Rowe, who worked for Environmental Defense Fund. But there were a number of others who got involved, seeing that it could be an important kind of lightning rod campaign. There were people from the Sierra Club, there were people from, oh, some of the other big environmental groups, and there were some legislative people, like Hayden, that got involved, too. And then there were more activist groups, like Greenpeace and others--the National Toxics Campaign.

It got to the point where there was a statewide steering committee that had kind of a mix of the more established environmental groups, some of the grass-roots groups, and then some of the politicians.



### III FOCUSING ON CLEAN UP, 1986-1992

[Interview 2: May 4, 2000] ##

#### Reauthorizing the Superfund Act through the National Toxics Campaign, 1986

Wilmsen: Today is May 4th, 2000, and this is the second interview with Ted Smith.

Last time you mentioned that you had worked for years with the feds on cleanups, trying to get the federal government to focus on appropriate levels of cleanup, and you talked a little bit about getting your first technical assistance grant from the EPA to monitor cleanup of--

Smith: The IBM site, yes.

Wilmsen: --the IBM site. You talked a little bit about that, but I have one more question, which is how did that experience of hiring consultants to come in and monitor differ from having the federal government do it, in terms of its effectiveness and that sort of thing?

Smith: Let me go back a minute--I don't remember now if I explained to you how that whole program came about. It was an amendment to the Superfund Reauthorization Act of 1986, I think it was. They call it the SARA, the Superfund Amendments and Reauthorization Act. The main thing that happened in that law was to re-fund the Superfund cleanup program, but there were these additional provisions, one of which was the Toxics Release Inventory which was passed for the first time, which established the right of people to get access to information about toxic release emissions.

But the other piece of it was to establish this technical assistance grants program. All of this came about due to some very important grass-roots organizing that went on all around the country in the early to mid-eighties and which culminated in the passage of this law, so it was a pretty good success story of grass-roots action leading to some legislation that actually had some real benefits to people, because it wasn't just the money for cleanup, it was access to information under the public Right-to-Know [Act], and it was also access to technical expertise with the technical assistance program.

Wilmsen: Were you involved in the grass-roots activism to get those amendments passed?

Smith: Oh, yes. We were the ones active here. We did a number of campaigns. Partly we circulated petitions, got thousands of people to sign petitions. We participated in a thing called the Superdrive for Superfund, which was a pretty neat tactic where there were actually four trucks that set out from different parts of the country and went from community to community that had Superfund contamination sites, organizing events--media events, public speaking events--and picking up mementos from each of the communities, in theory picking up samples of hazardous waste, although we decided we didn't really want to be carrying hazardous waste in these trucks, so it was kind of surrogates for hazardous waste. We gave them some bottles of contaminated water that they could bring with them.

We went over and did a big media event in front of Ed Zschau's office, who was the local congressman at the time, and had people come out and talk about what it was like living with toxics in their neighborhood.

Wilmsen: That was John O'Connor's, wasn't it?

Smith: Yes. That was the early beginnings of the National Toxics Campaign.

Wilmsen: Just kind of an aside, but did you happen to meet the people in Richmond who went on to form the West County Toxics Coalition?

Smith: Yes, Henry Clark and all those guys, yes.

Wilmsen: Okay, because when I interviewed Henry he talked about how that was kind of what got them started, that whole national campaign.

Smith: A lot of people got started through that process. The Superdrive for Superfund was actually a pretty important, I think, event in the grass-roots environmental organizing strategy. It was something that brought together huge numbers of people around a common strategy. And it was, I think, probably in a lot of ways the most successful national strategy with a legislative focus of anything that has happened. I don't know the numbers, but there were many, many different groups all around the country that all saw that as a useful tactic because of the tactics themselves, but also because the strategy of trying to get all these various things as part of this whole legislative package was very well thought through and was quite ambitious. It was quite remarkable in a way. Nothing like that had ever been done before, and a lot of people were kind of skeptical or cynical that it could be successful, but there was enough grass-roots organizing that went into it that it was eventually.

Wilmsen: Do you know about the origins of that whole campaign?

Smith: It pretty much was a campaign that was developed between the National Toxics Campaign--Citizens Action was involved in it. Some of the Washington environmental groups. I know Sierra Club was involved, and I think a couple of the other Washington groups. I don't remember which ones right now. But it was not an inside-the-Beltway strategy, which made it different. It wasn't just the Washington environmental groups

going to lobby on Capitol Hill because everybody understood that was not going to be able to get this kind of result. You had to put a human face on it. You had to mobilize people in each of the key districts.

I remember there was one time when--this must have been sometime in the mid-eighties when Bob [Senator Robert] Dole was running for office. When would that have been? He must have been in an early presidential primary in the mid-eighties, and he was up in New Hampshire. There was a very active local group in New Hampshire, and they tracked him down at some hotel--because he was bottling up the legislation in his role as the head of some Senate committee or something, whatever it was--but he was the key guy who was the bottleneck.

And they tracked him down with television cameras running. Said to him, "When are you going to let this legislation come to a vote?" And since he was campaigning and since the media was right there, he made a commitment and then he had to do it. That actually was a very useful tactic.

There were a lot of little things like that that were all kind of loosely coordinated and made a significant impact. And then a whole bunch of us showed up in Washington for a lobby day, when all the trucks arrived at the same time. There was an unbelievable amount of national media on it. I'd never seen so much. They set up a thing both outside the capitol and then inside one of the conference rooms, and there were dozens of TV cameras there because it was kind of a made-for-television kind of an event.

You had people from all these different communities talking about their own contamination situations. My message was kind of the same old song: high-tech pollution is killing people. It's not just a clean industry, and here's what's happening, and here's all the different ground water contamination and the occupational health problems, et cetera. And then, of course, to most people there, that was still new information.

Wilmsen: Yes.

### Technical Assistance Grants: Their Importance, and Difficulties with EPA's Program

Smith: But the other part of this was that the technical assistance program was not something that was initiated by EPA, so they didn't feel ownership. They didn't embrace it. It was forced on them, so they were not terribly enthusiastic about implementing it. We ended up being the first group in the country to get one of these grants for the IBM one. It was like pulling teeth. I've never been involved in anything--I hadn't been up until that point--where a law had been passed, you thought there were going to be some benefits from the law, but you had to extract those benefits. It took, I think, two more trips back to Washington just to get the program--I mean, we applied for the grant, and we were awarded the grant, and then they still didn't fund it, and they still didn't pursue it. And

IBM went to them and said, "We don't think that this is appropriate," and they started to back off, and I had to go back and rattle a bunch of cages. But eventually it did come through.

Wilmsen: Was that one of those things like the Land and Water Conservation Fund, where Congress has said there's money there but then Congress has to allocate money?

Smith: It wasn't that the money wasn't allocated; administratively EPA didn't set up a mechanism to deal with it, so it was like an orphan program. And then when they started getting push-back from the companies, it was easy for them to say, "Well, we don't really have a way to implement it." You had to really shake things up just to try to enforce a right that was supposed to be there.

So every step of the way we were carving out a new road, so it took a huge amount of time just to get the thing actually up and running. But once we got the program authorized and funded, it actually did make a significant difference because we for the first time had very savvy and knowledgeable technical experts on our side that were able to go through reports that were sometimes six inches thick of documents, oftentimes so.

First of all, it took a huge amount of time just to read it, but even if you read it, if you weren't an expert it wouldn't make any sense to you. We were able to much better understand the technology of the cleanup systems. We were able to much better understand the extent of the spread of the contamination. We were able to understand better some of the tactics involved in approaching cleanup in Choice A or Choice B. Oftentimes you get to the situation where there's a couple of different options of how you have to deal with something, and if you don't understand the implications of the different options, it's hard to weigh in on it.

This made it possible to do that a lot more effectively. We worked with a guy who was kind of a general environmental engineer; then we had a specific other consultant who actually was a professor of hydrogeology at San Jose State, who was an expert in how ground water moves and how pollutants move through ground water. It was fairly complicated stuff.

Wilmsen: What were their names?

Smith: Peter Strauss was the general consultant, and June Oberdorfer was the hydrogeologist at San Jose State. And these are people that were not only good technical experts but were people that understood better than most people how to work with communities, and so they would make presentations and help make reports to community groups and things like that. It was a way of demystifying what was going on, plus getting information to people so that they could actually be more meaningful participants in any kind of process.

We always had kind of a dual focus. One was getting information to people as a way of mobilizing people to show concern, but then the second part of it is to try to then focus some of that concern on some of the decision-making processes that are taking place. One of the good things about the Superfund law was that it actually did build into the law the

mechanisms that required community participation in decision making. And just in concept that was a really important thing. The way it got implemented a lot of times was not terribly effective, but at least the rights were there, and if you could mobilize in any particular community, you could work to enforce those rights, and sometimes it actually did work.

One other perspective on this is that by the time this whole program got implemented, it took so long to get the program actually implemented that by the time it started to kick in, a lot of the important decisions had already been made. So that was another lesson learned under this whole thing, is that technical assistance is important, but it's important within a time context. If you miss some important decisions, it's hard to go back on some of that stuff.

Wilmsen: You mean important decisions by the government?

Smith: Yes.

Wilmsen: On the cleanup?

Smith: Yes, yes. And in each step of the way there were lots of important fights. We went through a really significant challenge to the cleanup order before we were able to get a technical assistance grant. It had to do with how extensive was IBM's responsibility to follow that plume off-site. See, that was a plume that went anywhere between three and five miles off-site, depending on how you defined it. So it was a huge, huge issue.

IBM wanted to cut off their responsibility for chasing it at a certain geographical place, saying, "After this place we shouldn't have to spend any money because by that time it's so dilute and it's so far away from us there's not much we can do about it." We were arguing that they should be required to chase it as far as they could and continue to clean it up, and try to stop it from spreading any further. And we actually had a whole series of public hearings just on that set of issues, and we actually ended up losing at the Regional Water Board level and then had to appeal to the state Water Board level, where we were able to get some partial relief. But we had to do all that just kind of seat of the pants, using what expertise we could find for free, without the benefit of real technical assistance.

So that's just an example of how we realized that we needed good--and timely--technical assistance.

Wilmsen: You do feel that the cleanup was more effective than doing it--

Smith: Again, it certainly helped us to focus where we should put our attention on things, and I think it did have some impact, yes.

### **The Cleanup of Moffett Field: A Political and Technical Challenge**

Wilmsen: I wanted to talk about the cleanup of Moffett Field also, which I guess started shortly after that, in 1991 or something?

Smith: Yes. Moffett had been another really serious--IBM and Moffett were the two most serious ones in the county, we thought. Moffett wasn't just Moffett; it was a series of private Superfund sites just across Highway 101, what they called the MEW sites, just based on the names of the streets. It was Middlefield-Ellis-Whisman. There were three separate Superfund sites from private companies inside that boundary. Originally it was five--they used to call it the Mountain View Five--and then it became three, but there's a whole bunch of companies in there. There was Intel, there was Raytheon, there was Fairchild, National Semiconductor, a whole bunch of--

Wilmsen: Was Westinghouse one of those?

Smith: No, Westinghouse was separate from that. This was up in Mountain View, and Westinghouse was in Sunnyvale. But for years the companies all were arguing with each other over who should pay what share, and so they stalled for a long time doing anything until they could figure out who had to pay for what. And then Moffett stalled for even longer, saying, "We think that a lot of the problem is being caused by the private companies, and we don't want to have to pay for their cleanup."

So among other things we had to try to unblock the logjam by just raising as high a voice as we could to say, "Let's not worry at the front end about who has to pay for this thing. Let's get the cleanup going, and then we can worry about who has to pay what share of it later." Eventually we were able to prevail on that, but it took a long time.

The other thing that happened that was pretty interesting was that, again, for years Moffett was really the most recalcitrant of any of the entities there. We did a big community forum one time with--I don't remember what year this was; it's probably in one of our newsletters--but Anna Eshoo, who was the new congressperson at the time for that area, agreed to come out and moderate this panel. We invited the navy, and we invited the private companies, and we went door to door in the whole neighborhood around there, and we filled up a pretty significant auditorium full of people.

The main focus was what's going on with the cleanup and what do we need to do to get this thing off the ground? Anna was pretty helpful, and the residents were very, very concerned about it, so it was in that sense almost easy kind of organizing. You just let a lot of people know: Here's what's going on, and the thing you can do is come to this forum and let your voices be heard. People actually showed up in significant numbers.

It was shortly after that, as I recall, that there was a change in command at Moffett Field, and a guy name Tim Quigley came in as the new base commander. I saw that at least in the military context how important a base commander can be. He was a good guy, and he actually cared about this stuff. One of the first things he did was to invite me to



come out and tour the base with him and show him what the problems were, which was an, I thought, pretty amazing change of perspective. Up until that point, the base commanders there had acted like it was a non-issue. There was no problem, and why are you bothering me?

But Tim was very helpful, and we maintain contact. He's retired now and doing some other stuff, but in a chain of command operation, if you have somebody at the top of the chain who actually says, "We've got to do something," sometimes that actually happens.

And eventually Moffett did start moving forward. We got another technical assistance grant for both Moffett and MEW. It was a pretty sizeable one because there were so many sites altogether. I think we actually had some pretty significant impact there, partly helping to break the logjam at the jurisdictional level or at the financial responsibility level, but also there were enormous technical issues there because there were so many parties, all of which had different kinds of contamination, all of which had merged, all of which was headed toward the Bay, some of which had gotten down as low as five hundred feet.

So both politically and technically it was an enormously challenging situation. It's still ongoing, but it's in a lot better shape now than it was, and I think that that's significantly because of the work that we did and our consultants did. I think that the federal agencies and the state agencies really for the first time began to realize the value of this kind of a program because they oftentimes were working separately from each other. There's a bunch of different agencies involved. And also they went through significant staff turnover. So remarkably enough, we were actually the consistent player in the whole thing over a stretch of years, and so we almost became the institutional history of the whole thing.

The other thing that's actually quite remarkable is that the laws that apply to military cleanups are a little bit different than for the civilian ones, and the public participation requirements for the military sites are actually better than they are for the civilian sites, and so there were actually public presentations on a pretty frequent basis, where the navy and its consultants had to come forward in a public situation and present their status of cleanup.

There was a whole technical review committee which we were part of, but it included all kinds of government people, industry people, and others who were concerned about this stuff, who had a chance to actually ask questions and make comments to the technical people working for the navy. And oftentimes that led to a change of course, or they would accept some of the suggestions that were made. So it was actually quite a good process.

In addition to that, we set up what we called a community advisory board, which was made up of community activists and residents in Mountain View and Sunnyvale. We would meet with them with our technical consultants to go over what the reports were showing, and then they would help us to decide which areas to focus on or which tactics

to pursue, and we would then bring them back into the overall committee or take it to the EPA or whatever the appropriate parties were.

So, again, I think that was actually a pretty good process, a pretty good structure and strategy.

Wilmsen: How did you assemble your advisory committee?

Smith: Through our members that we knew in Sunnyvale and Mountain View, plus some other—we actually had on the committee a city councilperson in Sunnyvale and a retired city councilman in Mountain View. We had some other people with some technical expertise, and we had some people that were just concerned residents, so it was kind of a mix of people, and it was a pretty good group, a good process.

Wilmsen: Just briefly, what technique did they finally use to clean it up?

Smith: Well, it wasn't one technique because there were so many different problems. We had to look at what to do about old landfills that were leaching down to the groundwater near the Bay. We had to look at the movement of the plume and where to place the extraction wells. We had to look at what to do about—see, the other thing that's going on at this time was that Moffett Field was transferring from the navy over to NASA. The navy actually shut down and moved away, but they had this federal airfield there, which was important for other agencies, and so NASA took it over to run it.

And in the transfer there were some fairly serious issues that came up. It turns out they have buried fuel tanks there for the military aircraft. I think there's something like a hundred thousand gallons. I mean, just enormous fuel tanks. And there was leakage going on around there. We wanted to just yank them out and shut them down. They said, "No, that'll shut down the airfield." So we had to negotiate better monitoring and better cleanup there and better prevention in the future and that kind of stuff.

And there had been a dry cleaning plant on the base for the base officers, and that had leached PCE or perchloroethylene down to the groundwater, and so that was a separate cleanup operation. So that whole range of things.

And then they had to look at bioremediation of the soil and, God—I mean, a ton of other things. Poor old Peter Strauss (our consultant) had to read through thousands of pages of stuff, trying to figure out what to do with it.

Wilmsen: I could be wrong about this, but it seems like kind of that whole technical field of cleanup was fairly new at that point.

Smith: Yes, it was.

Wilmsen: So were there, like, new advances and techniques that came out of all of this?

Smith: A lot of things were kind of at the experimental stage. They were testing things out. There was actually several pilot programs that were being conducted out at Moffett Field because you're right, there wasn't a huge body of information on how to do it the right way, so they were trying to figure out what might make sense better than other things.

They were actually conducting experiments in some of the aquifers there where they would inject some pollutants under very controlled conditions, in a shallow aquifer, and they then would inject some microorganisms. The purpose was to see if the microorganisms would eat the pollutants and digest it as harmless byproducts. It was a biotech kind of an approach to fixing the pollution.

They actually found that that approach could work but that it wasn't working very efficiently or very quickly. They then tried to figure out ways of tweaking it to get the bugs to eat more crap and do it faster. They ended up feeling that it was theoretically possible, but it didn't work very well in practice. Then we had to watch out to make sure that they didn't create some superbug that went on to destroy other things, so we got into some of those esoteric things.

But you're right, even the discussions around what to do with the landfill--whether to excavate the whole thing, whether to just put a cap on it, whether to try to treat in-place some of the contaminants that were there--there were no clear answers oftentimes on what was really the best way to do it. Certainly the navy was always concerned about what was the cheapest way to do it. So there was a lot of arguing back and forth.

Wilmsen: I can imagine.

Smith: And of course, in a way, it gets to be a battle of experts. The navy has their hired experts, and everybody else has their hired experts, and they get in there--the only thing that was good about it was, as I said, there was enough public process and public participation that you got a variety of points of views. It wasn't that the navy had to listen to the technical review committee, but with the federal agencies and the state agencies that were in charge of oversight there--and they seemed to be pretty receptive to the work that we did, and appreciative of it. They would oftentimes adopt our point of view and then force the navy to do that. Not always, but sometimes.

### **Inadequate Cleanup Efforts by Fairchild and IBM**

Wilmsen: Now, then, in 1988 the Fairchild and IBM were found to be pumping and dumping rather than cleaning up as they were supposed to do.

Smith: Right.

Wilmsen: So what did you do about that?

Smith: We actually got a tip from an anonymous source at the Regional Water Board that this was going on. This is one of the things that happens sometimes when you have a community-based organization that starts working with some government agency. The government agency sometimes--there are people in there that find that they can't do what they think they need to do, and so they can leak information out to a community group that can actually do something with it.

So we got this tip that as part of the cleanup operation they were actually spreading the pollutants further downstream. So we took that information and did some more of our own research on it and documented what was actually happening. We then took that out to some of the public agencies and public forums and to the media, and got them to redesign the way they were doing their cleanup.

What they were simply doing was pumping the water out of the ground-water basin and then just putting it back into the streams, and they called that cleanup. Of course, the contaminants were still in there. What they found was that the contaminated ground water would go down the stream for a while and then seep back down through the stream bed, back down to the ground-water basin. So it was like they were taking it from one place, moving it over here, and shifting it right back down into the same aquifer, just a little bit further downstream.

So it was a pretty dysfunctional kind of cleanup. It was fulfilling their order technically for a while, until this came to light, and then they were ordered to change the way they were doing the cleanup. And I think I may have mentioned this a little bit last time, that there are two basic ways that you can try to clean solvents out of groundwater. One is through aeration, and the other is through carbon filtration. Well, they were taking the aeration approach, the cheapest approach, but they weren't even running it through an air filter, they were just pumping it and dumping it.

So it was the worst of the options, and somehow they had been allowed to get away with it until we blew the whistle on them.

Wilmsen: What kind of monitoring can you do now? I mean, how can you be sure that those companies are cleaning up?

Smith: Well, we're not. I mean, when we were putting a lot more energy and effort into this during some of the early days, when we were trying to get the system up and running, I think that there was certainly a lot more attention being paid, and I think there was probably more scrutiny coming from the government agencies. I mean, they were at that point worried not only about making sure that the companies were fulfilling the requirements of the orders, but they were also concerned that if they slipped up, that they would have us on their back. So it was both the actual community pressure that we were exerting and also the concern that there might be additional community pressure if they don't do a good job on things, that I think actually had some impact on them.

And it was both our ability to turn out people at the agency hearings but also our ability to get media focus on things that really, I think, kept them on their toes a lot more than they otherwise would have been.

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Smith: We haven't been putting that degree of scrutiny into it for some time now because it got to the point where most of the companies were placed under a cleanup order of one sort or another, and we at this point simply monitor periodically the reports that come in.

One of the things that happens in these cleanup orders is the companies are required to report periodically to the Regional Water Board with test results and what they're finding in the ground water--which wells they're monitoring, what are the materials they're finding, what are the levels and concentrations. So it's a lot more of a routine.

We used to be concerned about whether people were going to be cheating on their test results, and we would demand that there be split samples, and they'd send one sample to one lab and one to another to try to make sure that the whole system was not being corrupted. We haven't done that in a while. I don't know if it's going on or not. I think a lot of this became somewhat more of a routine, particularly after the companies began to realize that they were not going to be able to kind of walk away from any of this or to downplay it; they were going to have to come to grips with it. I think eventually most of them just decided that they had to bite the bullet and went ahead with it.

But whether or not the level of scrutiny is there now as there was, I think probably not. But I'm not aware that there are any major slip-ups going on.

Wilmsen: How were you able to get the media to focus on this?

Smith: Well, the media were very involved from the beginning because of the Fairchild groundwater contamination site. There was a reporter for the *San Jose Mercury* named Susan Yokum who was kind of a cub reporter when this whole thing started and was really diligent and really put her whole heart and soul into following the story as it developed. It kind of became her story. The *Mercury* ended up doing a special supplement that they called--what was it called?--I forget the name of it, but it was a fairly major supplement that was a series of stories that she and another guy named Michael Malone put together. So that was helpful.

And it also became a television story as more and more of the residents were willing to come forward and talk about what was going on with their families. So it became a human interest story, and it was something that--basically the TV stations discovered they could sell news on it because people were concerned about this. Mothers and children made a pretty effective, ongoing story.

And then we would do major public events, and there would be significant numbers of people that would turn out, whether it was for a city council meeting or whether it was for a Regional Water Board hearing or just a community public hearing. Oftentimes

television would come out and cover those events. It got to the point where we were pretty frequently able to get the stories out into the community.

At first it was kind of a newspaper story. It became more of a television story after a while. We learned a fair amount about how the press operates. Sometimes it's kind of through pack instinct, and other times there are clear media leaders that others follow. We began to realize that that was a tremendously powerful tool, particularly when our interest was in mobilizing community concern, when it was in trying to impress on the local politicians that there were serious problems that they had to come to grips with, when we were trying to impress upon the companies that this stuff wasn't going to go away and that they were going to have to take responsibility for it.

Fairly dense media coverage was a really important role then. Eventually, like with all things, the fad kind of died away, but there are still people around who remember that stuff pretty well, and so when a new issue comes up, there's still some fairly significant interest in covering things like that. But it's like with anything else, too, that there's a lot of new people who are new to Channel 11 television, are new to the print media, and for them it's a brand-new story.

#### **Working with Local Government on the Safe Water Council and Being Highlighted in the Media**

Wilmsen: Then you were also involved with the Safe Water Council? Was that a county government--

Smith: It was a coalition of city and county governments, trying to also work with some of the regional government agencies. It was put together when they realized that there was a political crisis as well as a health crisis and that the various government agencies weren't working with each other very well. So this was an effort to both coordinate and also come up with policy initiatives that could then be taken up to Sacramento and passed as statewide legislative initiatives. That went on for, oh, probably two or three years. Susie Wilson, I remember, convened that. She was initially a city council member for San Jose and later became one of the key people in the county Board of Supervisors.

And this was pretty shocking to the politicians, too. They were as surprised as anybody. They didn't understand very much at all about the toxic chemical nature of the manufacturing processes here, and they didn't understand very well the relationship between chemical exposure and health effects. And so it was a pretty important learning exercise for a lot of them, too.

Wilmsen: Yes, so the industry was pretty successful for a long time in convincing people that it was a clean industry.

Smith: They got zoning as light industry. There's really a pattern here of residential neighborhoods and semiconductor plants right next to each other, and that was because they sold it as clean industry, and the planning commissioners didn't know any different, so it sounds good. They don't do that much anymore, but they did it a lot here.

Wilmsen: How did you find it, working with the city and county governments on the Safe Water Council?

Smith: We began to realize they were some of our most important allies. If there is a situation that requires or needs a governmental solution, that's the level of government I prefer to work with. They're close by, they're accessible, they have to see their constituents every day, and a lot of times they're people that are really in it because they want to be public servants and want to do a good job. If you can get their attention, they're interested in trying to find solutions to things.

They still always have one eye on what they consider to be their important constituents, some of the big companies, both for job purposes, also sometimes for campaign contribution purposes. They've all been reluctant to go out of their way to do anything to upset or offend some of the big companies here. But it got to the point with a lot of them that they realized they had to do that. If the companies didn't like it, that was too bad because they had to represent their own constituents.

It became a big issue--I mean, Susie Wilson is a good example. Her husband worked for IBM for, I think, his entire career. But Susie took the position that "We have kids getting sick. We can't allow this to happen. This isn't right. We've got to do what we can do." She was a charming politician. She was from Texas, and she had a Texas way about her that she could say to the corporate executives, "Now, come on, you know you've got to do the right thing. You've got to be good boys," you know, almost like that. She could get away with stuff like that.

Wilmsen: That's funny.

Now, in 1987 the *San Jose Mercury News* named you among the one hundred most powerful people in Silicon Valley.

Smith: Yes. What a shock that was. [Laughter] One Sunday morning I picked up the paper, and I went, "Whoa!"

Wilmsen: Where do you think that came from?

Smith: The guy that did that was Mike Malone. He was actually the co-author with Susan Yokum of this whole series that they reprinted, and he became kind of a, oh, media gadfly, a media guru. He wrote a series of books about the development of Silicon Valley. I think he felt that there needed to be some recognition in his list of people who were kind of trying to change things from the bottom up. I think he selected three people, as I remember, as kind of the community representatives in a list of otherwise business and industry and government people.

I think he realized that we had been able to really touch a nerve and tap into a pretty important set of concerns and to mobilize people in such a way that we were able actually to make some pretty significant changes. I think that's what he was getting at. I never talked to him about, "How did you come up with your list, and why were certain people there and others not?" And there have been a number of other lists like that that had been quite different, but that was kind of funny that he did that.

### **The Ban Toxics Not Workers Campaign**

Wilmsen: Yes. Okay. Tell me about the Ban Toxics Not Workers campaign.

Smith: That came about as a result of a health study that was done actually back in Massachusetts, at the DEC plant, Digital Equipment Corporation plant in Hudson, Massachusetts. The University of Massachusetts worked with the company--DEC at the time was making chips at that plant. They did a health study of the women workers in fabrication, and they were measuring incidences of miscarriages, of women working around certain chemicals compared to ones who were not. It was the first epidemiological study of its kind that was looking at that.

They concluded and published their results, which showed that there was a higher than expected incidence of miscarriage amongst the women in the exposed population. That caused some fairly heavy ripples within the industry. I mean, we had been trying to address some of these issues for some time, but this was the first time that a company-sponsored health study actually confirmed that there was a problem.

As a result of that study, some of the companies took the position that they should not let women of childbearing age work around toxic chemicals, and it became a debate on, essentially, protective laws. There had been a series of those debates around the country for many years. The one side of the debate is that if there is work that can be particularly harmful to a certain class or category of people, that there ought to be protective laws to protect that class or category of people.

The other side of that debate is that if those protective laws end up with a discriminatory impact, then those are going to run afoul of the discrimination laws, and so you get two different values involved, and they get resolved in different kinds of ways. Early on, before I got involved with the Toxics Coalition, I actually represented a group of women who worked in Safeway stores, who filed a gender discrimination case against Safeway based on the fact that they were never allowed to become managers.

And the reason, it turned out, that they had never been allowed to become store managers was that Safeway had a rule, as did all the other stores, that you had to go through all the different departments in the store to get experience before you could become a store manager, including working in the produce department. Working in the produce department required that you lift fairly heavy boxes of produce. Since there were



protective laws on the books that prohibited women from lifting over a certain number of pounds, they could never be a produce manager, so therefore they could never be a store manager. So it was a direct clash of these two different interests.

We were able to eventually get Safeway to change those policies. It is not right to say that all women cannot lift heavy weights. Some can, some can't. But to have a rule like that, and particularly to use that rule as a way of discriminating, prohibiting people from getting advancement, was just wrong. And eventually they agreed to that.

It's a similar thing here, where you get a clash of values. On the one hand, you want to do what you can to protect women of childbearing age who are trying to get pregnant or who are pregnant from being associated with chemicals that can cause a serious problem, which can result in either a miscarriage or a birth defect.

On the other hand, if these are the jobs that are available and somebody needs to earn a living and isn't going to have children, then a strict prohibition works as an unfairness also. Well, this is an issue that became a huge deal in many different ways. It played itself out in many different ways.

But anyway, AT&T took the position that--let me just see if I can get this right. I'm trying to remember actually some of the headlines that were on these stories. Pregnant Workers Can't Work in Clean Rooms. I think that's what they said. If you are pregnant, you can't work in a clean room. I think some companies took that position. Others said, for the first few months of pregnancy you never know if you're pregnant anyway, and it's during the first trimester that the greatest danger arises. So to wait till somebody knows they're pregnant and then transfer them doesn't make sense because there's still some potential risk there.

There were some people within the women's movement who felt that this was an issue of job discrimination and that women had an equal right to be exposed to toxic chemicals as men did! And certain chemicals can have an effect on the reproductive systems of both men and women, and so why pick on women? I mean, it led to some very interesting and difficult kinds of issues.

By this time we were working with groups in Massachusetts, with groups in other states, and with some of the national environmental and labor groups, and our position as a coalition was, ban the toxics, not the workers. So the way to solve the problem is to get rid of the toxic chemicals, not to get rid of the workers. A nice, simple slogan. But basically that's the position that we continue to think makes sense. You need to provide a safe workplace. That's the legal duty. That's the responsible, moral position to take. And it's up to the employer to provide a safe workplace, and that's their legal duty, and that's their moral responsibility. That continues to play itself out in different ways.

Then one of the other issues was if somebody requests a transfer. Say somebody decides: "Okay, I'm going to try to get pregnant now, so as a precautionary measure I want to be able to switch to a job where I don't have to work around chemicals." Does the company then make a commitment that they will allow an automatic transfer to somebody

in that position? Well, some of the companies said they would, some said they wouldn't, some said, "Well, we'll try, but we won't guarantee it." So it became a whole other set of issues.

This all came about beginning with that Digital Equipment study at the Hudson plant. It was that study that led to our formation of what became the Campaign to End the Miscarriage of Justice and which led to the call to phase out the classes of chemicals that were reproductive toxins or suspected reproductive toxins, including the ethylene-based glycol ethers.

But I remember one of the things that was pretty, I thought, important in those early days was that there was a guy named Morty Bahr, who was the president of the Communication Workers of America, the international union that represents all of the telephone company workers and actually some high-tech electronics workers. And he took a personal interest in this, and concern. He issued some press releases that actually got some significant attention, saying that these companies should not be allowed to expose people to toxic chemicals, and they also shouldn't be allowed to exclude women from the workplace, and that they had to clean up the workplace first. And so we thought that was a pretty interesting and important initiative.

We had seen from the early days that it was important to try to get the attention of organized labor to some of these issues because we thought we needed allies and that most of the unions took basically a defeatist attitude, that the industry was too strong. The few cases of organizing drives had gotten crushed, and so they kind of took a hands-off position. At least CWA was willing to do some things to help support some of these campaigns.

Wilmsen: Looking through the materials I've been going through on my visits here, it looks like you've gotten actually a lot of support from labor: people on your advisory boards and--

Smith: Yes, from local labor leaders. But they're not the ones that have the resources to actually do organizing campaigns. We've gotten political support, but not really organizing support. That really has to come from the higher-up levels of the union movement.

Now, our labor council I think has always been a very progressive force since early on. It was because of the fact that I had been involved in practicing labor law, kind of a grass-roots approach to labor law, that I knew a lot of people at the labor council here and one of the reasons that they were supportive early on.

But when it comes to a question of trying to run an organizing campaign at a large employer, you need huge amounts of resources because the company is fighting like crazy, and they'll bring in union-busting firms, and they'll stretch it out for years and cost you huge amounts of money. And so any local union can't begin to support that kind of an organizing campaign, and so it requires the full support of the national unions, and they just haven't been willing to do that.

There have been a few little incidences, of efforts, but nothing of any significance.

Wilmsen: Is that because of the old jobs versus environment issue?

Smith: It's not really that. I think it's more of a resource, pragmatic approach to things. The union movement has been defensive for so many years that they haven't been doing much organizing at all, and now that they're changing and doing organizing, frankly, they're looking for situations where they can organize large numbers of people relatively easily, relatively quickly so they can get the dues money to continue fueling their organizing efforts. And they see that the electronics industry is, I think, too tough a nut for them to challenge at this point, just because the industry is so strong.

When the early efforts were happening, the industry just kind of closed rank through their trade associations and made kind of a pact that they would never allow a union into Silicon Valley, and they were successful in that. It's been an effective strategy. But the situation is beginning to change.

Wilmsen: Okay. I wanted to ask you about—you mentioned a little bit about working under conservative administrations but then specifically under the Bush administration with Manuel Lujan as the secretary of the Interior. I don't know whether that would have applied to you—

Smith: We didn't deal with him very much, actually.

Wilmsen: But he made some attempts to really restrict the activities of nonprofits. Did that have any impact on you?

Smith: I remember a little bit that we got involved. We were not certainly in any leadership position on that. The nonprofit community had a pretty good network going of alerting people to some of these efforts, and we participated in some of the fight-back, but it was never a major part of our work.

### **Arsenic Valley: Dealing with the Semiconductor Industry's Dependence on Toxic Gases**

Wilmsen: Okay. I wanted to ask you also about negotiating the model toxic gas ordinance. We talked last time about the hazardous materials one, and you mentioned this one briefly and said that it was a lot more contentious.

Smith: Yes, I think for two reasons. One, on the hazardous materials ordinance, there was really a crisis mentality. There was such an outcry over the ground water contamination and there were visible people that were sick and dying, and there were many, many examples of how the system wasn't working and how the environmental problems were very severe.

And the industry took the position that they wanted to cut their losses and appear to be cooperative, appear to be responsible, and to acknowledge that they'd made mistakes but

they weren't going to do it again, and they were going to do the right thing in the future. That was the approach that they took, and they were pretty successful in doing that.

On the toxic gas ordinance it was different because that was much more a preventive effort. It was designed to prevent a serious gas accident. We started on this, really, after the Bhopal [India] accident, which was December of '84. It was always seen as a follow-on to the hazardous materials ordinance, which was passed in '83, but it didn't really go anywhere until after the Bhopal accident.

At that point we decided we've got to crank this thing up, because we knew that there were significant quantities of arsine and phosphine and diborane, as well as silane, all sitting all throughout this whole county in all these facilities, and that the public didn't know about it, and that the local politicians didn't know about it.

Oh, early on Joe La Dou had written an article. Actually, in 1984 he had written an article in the *Technology Review*, the MIT alumni journal, where he explained that a single arsine or phosphine accident with just one cylinder releasing its contents would cause such a public health emergency that all of the emergency rooms in the whole Bay Area wouldn't be able to accommodate the victims of such an accident. That's a pretty dramatic statement. We started looking into that and realized that it was true, that these gases are so toxic that a small accident could cause just total havoc. We started looking at evacuation routes and realized you can't evacuate people in a gas accident like this.

It turned out there was a Republican assemblyman at the time, named Ernie Konyu, who was kind of a kook in a lot of ways, but he got involved in this thing and said, "Look, one accident is too much. We cannot afford a single accident. We get one accident here, they're going to shut down the whole industry." And again, this is in a climate where thousands of people had been killed and damaged in India. And so it was on people's minds that a major industrial accident would be a disaster.

So we weren't able to get much going on this. The industry's position was, "It's not a problem. We've got it covered. We've never had the accident; that means it will never happen, and you're just being hysterical."

There was then a situation that actually occurred in New Jersey, where somebody in a gas manufacturing facility was killed when one of these cylinders blew up. It turned out to be a fairly minor accident; it could have been a lot worse. The company where this happened was a major supplier of gases to all of Silicon Valley. They thought it was a serious enough thing that they did basically a recall on all the gas cylinders they had out at the time because they thought that this situation could replicate itself.

They didn't know what to do with the recall because it had never happened before. What they ended up doing was taking these cylinders out to the mud flats and blowing them up, if you can believe that.

Wilmsen: Out here in the Bay?

Smith: Yes. It was a completely nutty thing to do, but that's what they did. That got leaked out to the media. The media started going, "What the hell's going on here?" I don't remember the sequence, but around that time we worked with a group over at San Jose State, in the meteorology department, and gave them the data that we'd gotten through the local Right-to-Know Law, so we were able to tell, within certain ranges, which gases were being stored where and in what quantities.

And we asked them to do some air models and show what would happen if there were gas accidents at these different facilities. They used some basic EPA air monitoring models or air dispersion models, and they showed what would happen at each of these facilities if there were gas accidents. They drew circles around the neighborhoods of how far the gas would have to disperse before it would get diluted down to a safe level.

It turned out that a lot of the circles were enormous. Some were over twenty kilometers wide.

Wilmsen: Oh, wow.

Smith: We did a press conference, releasing this report, and all hell broke loose. The City Managers Association said, "What the hell's going on here? How come nobody ever told us? Why are you letting this happen? What are you doing about it?" At the same time, people up in Mountain View, right near the MEW site, started to become aware that there was a toxic gas facility right in that same neighborhood, right on the same site, that was a major gas distributor, and they had large quantities of arsine being trucked out to all the different places from that site.

That hit the paper, and as soon as that hit the paper, the CEO of that company said, "What's going on here? This is nuts. We've got to get rid of all this stuff." And so they moved it all someplace else. But there was kind of a snowball effect. Eventually the City Managers Association decided that they had to do something about this, and they convened a task force, and they invited us to participate in the task force with some of the industry people. The express goal was to develop a model ordinance to deal with the toxic gas situation. So that kind of broke the logjam.

The other thing that was really cool about that is we were able to work with not only the fire fighters, who we'd worked with quite a bit before, and really appreciated our support, but we also found a woman who had recently retired from Hewlett-Packard, who had been managing their toxic gas operations in Palo Alto, so she knew a lot about it. She knew more than most anybody else, and she went to work with us as a consultant because she saw what was going on.

Wilmsen: What was her name?

Smith: Her name was Carolyn Scott. And so it was through that series of efforts that eventually we came up with the ordinance.

The other thing that was going on was--and we didn't understand this at the time--a lot of the companies were making plans to cut back or shut down their production in Silicon Valley as they were moving on to other areas, and they did not want to retrofit these plants that they were about to shut down. And since they didn't want to tell anybody they were going to shut their plants down, they just took the position that "We don't want to retrofit." And the city managers said, "That's not a good enough reason."

And so part of this law was requiring companies to spend significant amounts of money to retrofit their plants to install better safety equipment. I don't think this actually accelerated the exodus from the Valley, but some people argue that it did.

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Wilmsen: Just out of curiosity, what do they use those gases for?

Smith: They're called dopant gases, d-o-p-a-n-t. What that means is that they are used to "dope" the wafers in order to give them electrical conducting properties. That's the terminology they use. They apply them with a technology that is called ion implantation. They actually take these gases and, on an atom-by-atom level, implant them into these tiny microcircuits. It's an unbelievably sophisticated technology that does that.

You see, silicon doesn't conduct electricity. You need to have some kind of metal in it in order to actually conduct electricity through them. Arsenic is one of the metals that they use to do that; phosphorous is another one; boron is another. These are all called metal hydrides. They're all found in one part of the periodic table. They discovered this is what works, and they found that the most efficient way of actually applying these things to the surface of the chips is through this ion implantation, which uses gaseous forms of these elements. They can do it in a liquid form or a solid form, but this is, they feel, the most efficient way of doing it.

Most people, again--I mean, you could call this the arsenic industry rather than the silicon industry. Arsenic is just as important an element of the chips as is silicon, but it wouldn't sound as good.

Wilmsen: Yes! Arsenic Valley! [laughs]

Smith: There's another kind of what they call substrate other than silicon that's used for some applications, which is called gallium arsenide, which is actually a combination of gallium and arsenic, and they combine it together, and they use that instead of silicon sometimes. It's used for higher-end applications, but it's more expensive. Sometimes the military uses it because it gives you higher reliability, but it is more expensive.

Wilmsen: This doesn't sound like something that they can find a ready substitute for.

Smith: They don't know how to make chips without arsenic. I mean, long term, people say, "Yeah, that's pretty important," but no one knows how to do it now. And that's true for solar cells, too. That's part of the problem with the photovoltaic industry is that it's a very

similar technology. It would be nice if we could be using photovoltaics to generate electricity, but it's not only expensive, it also uses this semiconductor technology.

Wilmsen: Okay. In--

Smith: Let me just say one other thing that was different about the gas ordinance also, now that I think about it. The hazardous materials ordinance was developed here and then adopted statewide and then adopted nationally. That never happened with the gas ordinance. It was that much more controversial. It was adopted here, and that was it. There are only a few other communities in the country or in the world that have actually adopted this thing.

On the other hand, the fire code has been amended to incorporate some of the elements of it, so it has been dispersed through fire code amendments all around the country. But it didn't go the ordinance route, the way that had been done with the other one.

Wilmsen: I see. Do you think that contributes to the exodus overseas?

Smith: It's hard to say how much that by itself might be a factor. It's clear that a lot of companies are looking for kind of pollution havens, areas where they won't get hassled about environmental issues, where they won't be required to do some of the things, where the communities are not as aware and demanding as they are here.

### Exposing CFC Emissions Under the Public Right-to-Know Law

Wilmsen: I want to come back to that, actually, when we talk about your more recent efforts in the international stuff.

Then in 1988 you issued a U.S. Right-to-Know report? What was involved there?

Smith: Well, we actually did two things. One is that we first published kind of a citizens' guide to how to use the new public Right-to-Know law, which was this section of the Superfund Reauthorization Act, the Title III, the TRI law. So we published a citizens' guide on what that was all about and how communities could use it.

And then we actually did the first public report in the country of compiling the release information for the companies in Silicon Valley, and we got--we actually kind of lucked into it. Somebody else actually got all the reports and gave them to us, and so we just went through them and compiled them and actually made up a little database. I remember I did this myself one weekend. I had boxes of documents, and I did it on my old Osborne computer, with an old database called D-Base II, and I just sat there and typed in the names of the companies, the names of the chemicals, and the quantities of releases, and then just did some summary tables and showed that there were millions of pounds of toxic chemicals being released in the environment here by big high-tech companies.

And then we wrote that up in the report and published that and did a press conference and released it. Again, it was a little bit like the toxic gas report. It sent shock waves. Again, this was headlines all around the country and in some places all around the world, because it was the first time that information had been made public, and people were truly shocked that some of these "clean" industries were releasing millions of pounds of toxic chemicals into the environment. And it was all "legal."

One of the most dramatic discoveries was that IBM was reporting over a million and a half pounds of CFC [chlorofluorocarbon] discharges just from their one plant in San Jose, and this was at a time when the Montreal Protocol had already been signed. It was an international treaty designed to phase out the use of CFCs, and here they were reporting publicly they were discharging a million and a half pounds per year from one facility.

But there were many other pretty shocking things about the amounts of acid being discharged, the amount of other kinds of solvents: TCA, trichloroethane, which was a major solvent, also an ozone-depleting chemical used in huge quantities; glycol ethers, the reproductive toxins, being discharged in huge quantities.

One of the other interesting things that happened on that was when we added up all the numbers of all the different chemicals together, we then ranked the companies and published a Dirty Dozen list. The company that came out at the top of the list was Advanced Micro Devices, another major chip maker, the principal rival of Intel. They got so upset at us, they took out a full-page ad in the newspaper and accused us of, quote, "polluting the truth." It was a very clever ad.

Again, it was one of these things: I woke up one morning, I open up the paper, and here's this full-page ad staring me in the face, and accusing me of polluting the truth by publishing information that they had filed with the government. They did a press conference the next day and invited the media out and called us a bunch of lousy names and said we were irresponsible, blah-blah-blah.

It kind of put us on the defensive for quite a while because that was a fairly heavy assault. We were able to get a letter from EPA saying no, in fact the information that we published was accurate--it was simply what AMD had reported to the government under this law, and we simply took what AMD reported to the government and reproduced it and published it back. There was nothing dishonest or untruthful or wrong about that. So it helped counterbalance it a little bit, but it was just one of the things that happened as this new law came into play. This kind of story repeated itself all over the country as communities became aware that they were being inundated with millions of pounds of toxic chemicals.

Within a few years, it actually became a quite effective law because it got so much publicity, and we got so many people upset that the companies decided that they'd better change the way they were doing business and stop putting so many pollutants out in the environment. They've been able to do that in quite a few ways.



Wilmsen: You mentioned the Montreal Protocol. How did that affect the work of the Silicon Valley Toxics Coalition?

Smith: Well, actually it was as a result of looking at all the pollution releases under the Right-to-Know law that we began to realize that the electronics industry was one of the biggest dischargers of ozone-destroying chemicals of any industry in the country. Again, that was pretty shocking. That was shocking to us as well as everybody else. We didn't know that. And again, millions of pounds of CFCs and TCA and other ozone-depleting chemicals were being discharged by the industry here.

Our first report was in '88. By the time '89 arrived, we decided that we were going to do some kind of major event for Earth Day, focusing on ozone depletion and CFCs. And so we did two things. We did a survey of all the major companies that, based on their TRI reports, were discharging CFCs, and we asked them if they had some goals and timelines for completing phasing out the use of CFCs and if so, what was their timetable for doing that. We actually got quite a few responses back, and then we compiled all that and published it.

But the other thing we did was to organize a major rally at IBM in April of '89, and we worked with a number of other groups to do that. We put a significant amount of effort into doing turnout for that because we wanted to get a major focus on it. We did it in a park right outside the plant gates of one of the IBM buildings, and we were able to bring in Ralph Nader to kind of be the headliner for that whole thing.

We turned out a couple thousand people and got a pretty good focus on it. We presented IBM with a draft of what we called a good neighbor agreement, which is a tactic people were using at the time, that was written up in a way where they would agree to set goals and timetables to phase out the use of CFCs. They refused to sign it. That of course got additional focus on, "Why won't you sign this thing? It sounds reasonable."

Their position was, "Well, we don't know how to make our products if we don't use this stuff. It's not as easy as it sounds. It might shut us down. It's technically impossible. It would cost too much." All those kinds of arguments. But they got a tremendous amount of attention focused on them because of that action. It was followed up a little while after that with a cover story in *USA Today* on how the high-tech industries are destroying the ozone layer. That was the main headline that stretched across *USA Today*.

Shortly after that, IBM made a corporate decision that they would completely phase out the use of all CFCs within four years, I think it was. I think it was by 1993, and this was in '89. And shortly after that, they disclosed what their solution was, and it was soap and water! So it was like one of these totally bizarre but wonderful stories, where they'd gone from a position of saying, "It's impossible; we can't do it; it'll shut us down" to saying, "Oh, yeah, we can do it. It's a simple, old-fashioned solution. We're going to save money and it's going to do a better job cleaning the products anyway."

Wilmsen: It makes you wonder why they didn't use soap and water to begin with.

Smith: All the way along, yes. Because they got sold a bill of goods by the chemical industry. I think that's part of what's been going on here. You have this relationship between the chemical industry and the high-tech industry. They're not the same industry; they're two different industries. They're pretty close in some areas, but they are two different industries, and the section of the chemical industry that produces high-purity electronic chemicals has a tremendous amount of chemical expertise that is often not present in the high-tech industry. And so the high-tech people will say, "We need a product that will accomplish certain things. Can you tell us what to use?" And the chemical industry says, "Oh, yeah, we've got just the right product for you." In this case it was DuPont that was the principal distributor of the CFC products, and they said, "Oh, yeah, this stuff is great." IBM said, "Okay, fine."

Wilmsen: Now, with the whole issue with the use of water, has the use of soap and water increased their consumption of water?

Smith: Yes, yes, exactly. That's one of the reasons why the volume of water is so high is because they're using large amounts of water now for cleaning purposes. So it's like with anything else: there's never a perfect solution for anything. But it's actually easier to deal with using high volumes of water than it is with having to get rid of high volumes of waste chemicals.

Wilmsen: Yes, yes.

Smith: Our headline at the time was, "High-Tech Companies Use the Air as Their Private Sewer." See, they used to discharge more of their waste chemicals into the waste-water systems. That began to get regulated by the government, so they began to shift it out of the waste-water and into the air stream and discharged it into the air. So they really were using the air as their sewer. The air pollution controls had never been as stringent as they were at the water end. It was actually the TRI data that led to significant reductions in the air discharges, not through a regulatory program, but just through kind of public humiliation. So that was another way of achieving the same result, but it was pretty effective in a lot of ways.

It got to the point where the Silicon Valley Manufacturing Group started publishing their own chemical release reports annually just before EPA would come up with their latest data. They would jump the gun so they could shift the focus back to their turf, and they would report what dramatic reductions they were making. So they decided, "If you can't beat 'em, we'll join 'em, but we'll do it with our spin on it, do it with our data that nobody else can second guess." So it was an interesting dynamic.

### Legal Maneuvering By IBM and Hewlett-Packard

Wilmsen: Getting back to the cleanup of IBM and Hewlett-Packard, I guess—I don't think we talked about Hewlett-Packard.

Smith: No, not much.

Wilmsen: But in 1989 the saga continued, and EPA delisted those sites.

Smith: Yes.

Wilmsen: What's the story there?

Smith: They had resisted strenuously ever being put on the Superfund list. Once they got put on anyway, they continued to resist, and they did some fairly significant lobbying at EPA, and they got EPA to come up with a new rule, which said that if you had had a--let me see if I can get this right; this is a wonderful little example of how the system sometimes works--I think the way the rule went was if you had a Part A permit for RCRA [pronounced RIK-ruh], which is the Resource Conservation and Recovery Act, for dealing with your hazardous wastes, before a certain date, then your cleanup would be handled under RCRA rather than under Superfund. So it was an entirely bureaucratic approach that they took, but the result of that new approach meant that IBM and H-P, and I think maybe there was one other company, would be delisted from the Superfund list and handled under this other law, this RCRA law. It had nothing to do with whether the site was actually a serious site; it had nothing to do with progress on cleanup. It was a purely administrative and bureaucratic interpretation.

It was pretty transparent to us that this was done in response to the complaints of those companies because they didn't like the bad publicity of being a Superfund site, but rather than say, "We're going to take you off because you're squawking," they decided to come up with this interpretation in order to get the result that they wanted. We squawked loud and hard about that, as did some other groups because this happened to a few other places around the country, but not very many. It was a very, very obscure, very narrow--it's almost like a tax code interpretation, but it was under environmental laws.

One of the things that happened as a result of that was IBM said, "Okay, we're no longer a Superfund site, and so SVTC shouldn't have a technical assistance grant under the Superfund program to hire consultants to oversee our cleanup." And so they tried to get us delisted from the grant thing. I had to go back to Washington and fight with them about all that. This was--was it '89, that you said, this was?

Wilmsen: Yes.

Smith: It was a Republican administration, and the people at EPA were not very friendly. I remember being up in the EPA administrator's offices there, and they were kind of gun-shy. And they were a little bit embarrassed about it. But they did say, "Okay, we're not going to take away your technical assistance grant." Because I said, "If you take away our technical assistance grant, I'm going to go ballistic. I'm going to have all the media in the world right here in your office, asking you why you do this." He said, "No, don't do that!" So we kept our grant. We were able to follow through on that.

They never did get put back on the list, but we continued to talk about them as one of the Superfund sites because of the fact that they qualified to be on the Superfund list based on a pretty comprehensive and thorough formula that EPA came up with: if you had certain kinds of contaminants and if they were in a certain concentration and if they were within a proximity to a certain amount of population--things like that, pretty objective kind of criteria. If you met all those criteria, then you made it onto the Superfund list. They gave everybody a weighted score, and either you were or you weren't.

Well, nothing happened to affect that, so we continued to say that they qualified for the Superfund list. As a practical matter, it didn't make much difference anyway because EPA was never all that involved in the oversight of a lot of these cleanups anyway. It's always been the state agency, the Regional Water Board, and they were operating under both the Superfund and the RCRA law, so it was really more of a--well, a bit of a tempest in a teapot, more symbolic than it was real.

Wilmsen: But it could have cost you the grant.

### The Language Of Ground Water Cleanup

Smith: Yes, it almost did. That's the thing that we were pretty concerned about. I think that's what IBM clearly wanted to do because they were pretty unhappy when we were able to maintain that grant. They didn't want to cooperate at all.

Wilmsen: But then, skipping ahead about seven years, in '96 the state Water Resources Board modified their standards to say that they didn't have to treat ground water that was not likely to be used as a drinking water source.

Smith: They redefined drinking water source, yes. And that was a pretty important--again, it was one of these things that sounds like on the surface a very technical, narrow kind of decision that most people would never understand. Up until that point, they had taken the position that if you pollute ground water, all ground water is a potential drinking water source. Not all ground water is drinking water; that's clear. But it's a potential source because--and remember--I don't know if you've been through this, but the aquifers are kind of in layers, and there's an upper level they call the A level aquifer, and then another one the B and then the C and the D and sometimes they go down even deeper.

And in certain parts of the region here, the shallow aquifers are drinking water aquifers because the quality of water there is so good. That's true in south San Jose, in the area around Fairchild, which is one of the reasons why that was so dangerous because you only go a few feet underground and you hit drinking water, whereas up in the northern part of the county, up by the Bay, the drinking water aquifers are five hundred feet deep.

Nevertheless, it seemed to us to make sense, as a matter of prudence and precaution, to treat all ground water as sources of drinking water because we know that there is

communication between the aquifers and we know that gravity works, and so the water in the upper layers will eventually get down into the lower layers, and that if you have contaminants in the upper layers, they're eventually going to get down into the lower layers.

But the companies put some significant pressure on the state agencies because they were mostly cleaning up the A and the B aquifers, which is where most of the contaminants were. That was costing them a lot of money. So they came up with this theory that, "Oh, these upper aquifers aren't that important." And they developed a strategy which we call their aquifer abandonment strategy, which was designed to say, "Don't worry about it unless it's actually in a drinking water aquifer." That became a pretty serious issue, pretty difficult.

Wilmsen: Does that bring up issues of intergenerational equity?

Smith: Yes, yes, exactly. The problems now are pretty significant, but if we don't deal with them now, it's going to continue to repeat the cycle into the future, into future generations. One of the key components of environmental justice is that we cannot allow behavior today to continue to come back and haunt future generations. It's pretty simple. It's a seventh generation concept. It's exactly what's going on here.

When EPA had their first public hearing on cleanup at the MEW site in Mountain View--and that was fairly early on; that was in the mid-eighties, I would guess, at some point like that--they came in with an estimate that it was going to take three hundred years to clean up that site.

Wilmsen: Yes, you mentioned that.

Smith: It was just shocking. I began to calculate: three hundred years. The country isn't three hundred years old. George Washington was president within the last three hundred years, and they're talking three hundred years in the future we're still going to be cleaning up this sucker. I mean, it really did evoke some kind of resonance with some of the nuclear waste issues. I mean, three hundred years is not three million years, but it's still a long time.

Wilmsen: Yes. And then that kind of casts a pall over the industry's argument that eventually things will evaporate out of the ground water anyway.

Smith: Yes, yes. I mean, they had all this great rhetoric. They have some brilliant PR people. You have to hand it to them. Whoever came up with the slogan "clean industry," I imagine that they retired wealthy, whoever it was. But for that phenomenon you just described, they call it "natural attenuation." That sounds pretty nice. What a euphemism!

Wilmsen: Yes.

Smith: It's like using the term "ozone depletion" rather than "ozone destruction." I mean, the vocabulary becomes pretty damn important, where you communicate ideas. Well, "natural attenuation" sounds like, "Oh, if you just leave it alone, naturally it's going to

solve itself." There has been a huge amount of money and research that has gone into trying to prove that as a concept, as a theory.

Then, of course, what our rhetoric is around that same issue is that dilution is not a solution to pollution. So natural attenuation on the one side, dilution on the other--it's really the same thing, and it's a pretty basic, fundamental difference in how we approach this stuff.

On the other hand, we began to realize--and this is where some of our technical expertise really was important--particularly up around the Moffett area, where you had combinations of chlorinated solvents and fuel spills all commingling. It became apparent that they were detecting significant hits of vinyl chloride in the ground-water basin, which was quite a concern to the people for two reasons. One, vinyl chloride is the most toxic of all the chlorinated compounds. I'll come back to it in a second.

But the other thing was that nobody uses vinyl chloride, which meant that it was a breakdown product of something else. And they began to realize that in all these chlorinated compounds--the perchlorethylene (that means four chlorines), trichlorethylene (that means three chlorines), dichlorethylene (it's two chlorines), and vinyl chloride is one chlorine in the molecular structure--the fewer of the chlorines that you get in that bond, it seems like the more toxic it is.

So they began to realize that what was happening was that the perchloroethylenes and the trichloroethylenes were breaking down into the dichloroethylenes and the vinyl chlorides. Something was making that happen. They began to realize that part of what was going on was that the interaction with the petroleum byproducts was actually accelerating that reaction.

So the fact that the stuff was merging underground meant that that reaction was being speeded up, and that's a very dangerous thing because it means that over time you're not getting naturally better, you're getting naturally worse. So it was a countervailing set of data. And so we started getting that information up to the Regional Water Board. It's a debate that's still going on.

But it was one of the better arguing points that we came up with about how to deal with this natural attenuation argument, because you can go to a lot of these agency oversight kinds of bodies, and on the one hand they have the industry people there, saying, "Hundreds of millions of dollars; it's going to bankrupt us; it's not important; there's not a shred of evidence that this stuff causes any kind of a problem, and besides, if you let it go, over time it's going to solve itself." That's the argument.

Ours is, "Yeah, but be concerned about the seventh generation." They go, "Huh?" So you need to be able to figure out the best arguments you can bring with you and try to get them to pay attention.

Wilmsen: Now, with natural attenuation, isn't there also a danger of those gases accumulating--

Smith: Speeding up.

Wilmsen: --into people's houses?

Smith: That was another thing that we discovered. Again, somebody got us a piece of research that showed that in some other part of the country, they began to get concerned about it and they actually started testing people's homes for soil gas coming up through the soil, from the ground water, and seeping up. Because unlike water, which is heavy and which goes down, the gases are light and go up. And they actually found in a situation where there was trichlorethylene—I think that's what it was—in the ground water, they were measuring the vapors in people's homes.

Wilmsen: Where was that?

Smith: I want to say Massachusetts, but I'm not sure if that's where it was. It was, I think, someplace back East, and I think it might have been there. Anyway, we got a hold of the research, and we started getting that around to people here. We called on the health department to start doing some monitoring in the neighborhood, particularly in Sunnyvale, around the Advanced Micro Devices site, which was a very heavily polluted site, which had a very low-income neighborhood directly across the street from the plant. This was one of these areas where AMD got permission to put a huge facility into an existing neighborhood based on the fact that it was so-called "light industry." That whole area now is a Superfund site.

Anyway, at first nobody was interested in wanting to pursue that. They thought it was preposterous or wasn't worth it, didn't want to open up the whole can of worms. But eventually they did. They came out and they did some fairly significant monitoring in some of the people's basements and in their homes and in the school that was right there, and they did find some low levels of TCE, which they couldn't be sure about the source, but they thought it was probably true that it was seeping up from the underground water contamination.

It was at such low levels that they decided it wasn't worth closing down the school or destroying the homes, and so they said, "Well, we'll notify people about this, but we're not going to do anything else about it."

Wilmsen: Could they put in some diverters like they do for radon? Aeration? Anything?

Smith: They didn't think that there was a way to do that that could be effective, and it was something that we were unable to get enough information about, and so I don't think that's ever been done.

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Wilmsen: So what happened with that Water Resources Control Board rule on the drinking water source? Were you able to get that changed back?

Smith: There have been some minor modifications to it. I actually don't know the current status of it. I kind of lost track on that, and I don't know what the current status is. I know it became a major issue nationally. I think that there's been some backing off from that, but I'm not entirely sure. If you want to know that, we can check in with Peter. He's been following that, and I think he would have it at his fingertips, what the actual current status is.

Wilmsen: Okay. So that means, then, the cleanup on those sites is not going on.

Smith: Some of it has been stalled, yes. And some of the companies have actually gotten some regulatory relief, basically, to back off from some of the cleanup that they were doing.

### **The Challenge of Cross-cultural Organizing**

Wilmsen: Now, how has the SVTC responded to the finding that cleanups actually occur faster in white areas than minority areas?

Smith: Well, a couple of ways. One is that one of the things that we've tried to do is to target some of our organizing in communities of color, because they have been heavily impacted and because we thought that that was something that needed to be brought out, and information had to be gotten in to some of the communities; otherwise, they wouldn't have found out about this stuff.

We've developed some outreach capacity in other languages. We've done stuff in Spanish, we've done a little bit in Vietnamese, we've done a little bit in Tagalog. We've held some house meetings and community meetings in other languages. We have--oh, among other things, we've plotted out the extent of the contamination sites in the Valley and have matched that with some demographic information. We've actually made up some maps that show the most heavily impacted areas are often--not always, but oftentimes areas with the lowest income populations and the highest percentage of people of color.

We've done that in a number of ways. We've done it by race and ethnicity; we've done it by children living in poverty; we've done it by household income. Similar patterns emerged with most of those screens. We have worked with other community groups that have been focused on particularly different kinds of diverse populations, so we've worked a lot with some of the Mexican-American organizing committees, some of the particular Asian-language communities, and have also spent a fair amount of time trying to get official documents translated into languages that are people's first languages, and have worked a fair amount with some of the ethnic media, foreign-language media, to try to get information out in ways that people can understand, grasp. So there's been that series of attempts.



We have a very diverse community in Silicon Valley. The percentage of the white population now is down close to 50 percent, and the percentage of the Mexican-American, Latino, Spanish-speaking population is somewhere around 25 percent. Then there's another 25 percent: a small African-American population and a much larger, although very diverse, Asian population. So trying to figure out how to do communication that's culturally appropriate and effective is a pretty big challenge.

My kids have been in the public schools here where they say there are sixty-eight different languages being spoken. So it's a pretty significant challenge. Actually, we just had a meeting earlier today, trying to figure out how you do better targeted communication strategy when you're dealing with all these different languages. We're still trying to figure it out. I think a lot of people are.

Wilmsen: Yes. How have you found organizing in all those different communities?

Smith: Well, it's a challenge, particularly in communities where you have diverse populations all in one community. If you're working in a neighborhood that is predominantly Mexican-American and you're working with good Mexican-American organizers, that can be pretty effective; but if you're working in a community that has a mix of people all from immigrant populations largely, or a mix of immigrants and non-immigrants and people whose first languages are many different things, it's a challenge, just like it is in anything else. Oftentimes in communities, neighbors won't be able to communicate with each other. Then the sense of community is pretty remote.

I mean, that's a problem all throughout Silicon Valley. The sense of community here is pretty weak in most areas. It's not just a question of culture and language; it's a question of transiency. People don't have roots here; most people don't. So trying to develop a sense of community is a challenge in and of itself. Trying, then, to do community-based organizing in neighborhoods like that is challenging.

On the other hand, we've done quite a bit of it, and what we've found is that when you can use language that's accessible and when you can communicate--and by that I mean the words and then in the language that's appropriate--it's not just a question of doing things in the right dialect or in the right spoken or written language; it's using the words in those languages that are appropriate. And there's all kinds of debate oftentimes about what's the right way of saying in Spanish, "ground water cleanup," or what's the right way of saying in Tagalog, "reproductive hazards." These are not easy answers a lot of times.

There's an awful lot of technical jargon that we deal with. Just in some of the stuff I've just been going over with you. Some of that stuff gets enormously complicated, and you almost have to be a scientific specialist to understand it. Part of our job is learning how to translate technical information into more accessible language, and then to be able to translate--it's a double translation: you have to translate technical information into common language, and then you have to translate the common language into the appropriate language.

Again, we're clearly in a learning curve with that. But I can think of a number of community meetings where there have been people from all kinds of different ethnic communities that have come out because we were somehow able to communicate the fact that there were some health hazards in the neighborhood and that it could have an impact on their families and particularly the kids. And if you can get that message across to people in whatever language it is, then people are going to be concerned about what's going on and what they can do about it.

Two of the key lessons I think we've learned is that drinking water is almost sacred, that it's such an important basic need in life that people feel almost a mystical relationship with it. It's that important. And the other thing is that people will do anything they can to protect their kids. Pretty basic life instincts. When those two things merge, it creates very powerful sets of dynamics. People will do lots of things to try to protect their children and to have a safe drinking water source.

It's been a challenge to encourage people once they understand what's going on to then speak out in ways that they feel comfortable doing. Again, this is different in different communities. Some communities are quite vocal in speaking out to government authorities; other communities are not. Particularly if people are concerned about their immigration status, it gets extraordinarily difficult to organize people to speak up on their own behalf. Sometimes they need other people to do that.

Sometimes people are so passionate, they do speak out. That's partly a function of language, partly a function of culture. But there have been many, many community meetings where people from a pretty wide variety of cultural backgrounds have come forward and expressed their concerns and said to somebody or another--whether it's a city council meeting or an EPA community hearing or whatever--that they're concerned about their health and the health of their kids, and they want the government to do their job. It's been a pretty effective message.

But there are typical kinds of conflicts you run into, too, where many times in different communities there have been dividing lines, not so much based on race or ethnicity, although you run into that sometimes, and not so much based on jobs versus the environment, which you also run into, but more based on people who are primarily concerned about the health of their families on one side, and people who are concerned about their property values on the other side.

The people concerned about the health of the families want to make as much noise as possible to get the attention of the people who can address those issues. They understand in a gut sense that if you do speak up, you're more likely to get attention than if you don't. On the other hand, the people who are concerned about the property values don't want anybody to know about this stuff because they're afraid it's going to lower the value of their houses. Particularly if they now want to move out of the neighborhood, they want to not lose money on their house. So it's a pretty fundamental kind of a divide. There have gotten to be some fairly intense differences in some of the neighborhoods.

Actually, I suppose if I had to generalize--I don't know if this is--it's certainly not always true, but it's probably been more the immigrant communities, the people of color, people who have been through some pretty rough times that are more traditionally, more typically concerned about the health of their families. Oftentimes it's more the thirty-somethings, oftentimes the white families that are more concerned about the property values. It would be interesting to think about that some more to see how generally true that is, but it's certainly somewhat the case.

### **Prelude to the Campaign for Responsible Technology**

Wilmsen: Do you want to keep going?

Smith: I've got to get ready for another thing coming up soon, so if we can wrap up, it would be good now.

Wilmsen: Okay. Why don't we stop there, then?

Smith: Okay.

Wilmsen: So we can start with that next time.

Smith: Let me just say one wrap-up thing that I thought about when we were talking about the gases. It might be a good lead into that. It was again, I think, in the mid- to late eighties that we began to really see the escalation of companies moving out and establishing new manufacturing facilities elsewhere. Some people began to say, "You're driving companies away," and some people began to say, "You've got to tone down what you're doing because the stringent rules that you're establishing here are unreasonable, and the companies are going to run off to these kind of pollution havens."

Whether or not that's true--and I never really believed it was entirely true--it made us realize that this was a concern, and it meant that if we really wanted to be successful in what we were trying to do, we had to make linkages elsewhere. We needed to link up with community groups in all the communities where the companies were moving to, A) to alert them that there were problems that came along with this industry that they probably weren't hearing about, but also from the standpoint of being able to say, "We've been able to develop some pretty stringent rules here that we think make sense, and you ought to know about this because they're going to be targeting you because of your, by comparison, relatively less stringent environmental rules and regulations."

So we thought it was in our own self-interest to try to maintain high standards everywhere, or develop high standards everywhere, so that it wouldn't be an uneven playing field. But also, at the same time, we felt responsible to get information out to other communities that were about to undergo this kind of development. So it was really

that understanding and that perception that led us to start building this Campaign for Responsible Technology.

Wilmsen: Okay.

#### IV REGIONAL, NATIONAL, AND LOCAL CAMPAIGNS, 1990-1992

[Interview 3: May 15, 2000] ##

##### Origins of the Campaign for Responsible Technology

Wilmsen: Today is May 15th, 2000, and this is the third interview with Ted Smith.

Okay. Last time you just gave a little, short preamble to the Campaign for Responsible Technology, talking about how some people were concerned that the kind of regulations you were getting put in place were driving jobs elsewhere, so you felt that you needed to kind of work with communities in other areas to kind of let them know: "Hey, before you let these industries into your community, there are things you ought to know."

Smith: Right.

Wilmsen: So I was wondering if you could talk a little bit more about the origins of that Campaign for Responsible Technology: what it is, what it does, and what you've done--all that kind of stuff.

Smith: There was a precursor to CRT, the Campaign for Responsible Technology, which we called Integrated Circuit. We liked these kinds of analogies (or word puns) that played off some of the vocabulary from the electronics industry. Integrated Circuit actually came together in 1985. It was the first effort to pull people together who were involved in the electronics industry environmental and health issues in different parts of the country.

We had a meeting up here at a Catholic retreat center called Mount Alverno. Maybe I should go back and try to find the date on that because I don't remember it. But we had people come in from several different states: Massachusetts, North Carolina, Texas, Arizona, New Mexico--actually, not Arizona; New Mexico, and then different parts of California, but primarily here in Silicon Valley. It was the first time really that people had gotten together nationally to start talking about the expansion of the industry and what some of the environmental health issues were in that respect.

That really did serve as kind of the precursor to what became CRT because it started some discussions, it started some relationships. Already at that point there had been some

fairly serious incidents in Massachusetts and New Mexico, [pause] at least those places. I remember the woman who came from New Mexico was involved in a situation where a whole series of workers at a GTE plant had gotten sick from exposure on the job. It was one of the most serious occupational health issues that had happened to date.

Wilmsen: Who was that who came?

Smith: You know, I can't remember her name right now. Just let me make a note. I can go back and find all this stuff.

Wilmsen: Someone from the Southwest Organizing Project?

Smith: No, it wasn't. It was before we even knew the Southwest Organizing Project people. Let me just make a note. [Pause as he does so] [It was Josephine Rohr.]<sup>1</sup> Okay. But it confirmed that the industry was spreading out, that some of the same problems were beginning to appear elsewhere, and it also confirmed our gut sense that there was a need for developing a network of some kind. And it kind of limped along. We didn't have any money to work on it. But with a little bit of volunteer effort we were able to establish some degree of communication between people and to start getting word out to other people that there was a small group of us that was concerned about some of those issues.

I think that the next--no, let me just think here. Actually, the Digital Equipment study, which was the first of the miscarriage studies, was published in 1986, and I'm pretty sure that Integrated Circuit was the mechanism that we had at the time for communicating with each other about that, for getting that information around to people. That was a fairly significant finding and a milestone because it was the first time anybody had ever even looked at any of these issues, particularly with respect to the work force.

Yes, there had been one--I need to go back and try to remember, but I think I had mentioned earlier that we actually had grown out of a local COSH group here, the SCCOSH [Santa Clara Center for Occupational Safety and Health] group. SCCOSH was part of a national network of COSH groups which had been in existence for some time before this, going back into the seventies.

Wilmsen: COSH is C-O--

Smith: C-O-S-H. That stands for the Committees on Occupational Safety and Health. There was a Mass-COSH and there was an N-COSH in North Carolina, and it was people from Mass-COSH and N-COSH that came out to the Integrated Circuit meeting. At one point we met somebody from a Tex-COSH in Texas. So there were a series of these COSH groups around whose focus was primarily on occupational health. In those areas where there was high-tech development going on, there were people who were interested and concerned about some of these issues.

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<sup>1</sup>Added during editing of the transcript.

Also through the COSH groups there were some connections to some of the unions in the U.S. Also one of the guys who we worked with from Massachusetts was a guy named Rand Wilson, who later became the coordinator for CRT. He had actually been an organizer for CWA (Communications Workers of America). I think largely through his efforts CWA got involved in this early situation regarding the DEC [Digital Equipment Corporation] study. CWA at that time actually had some unions in some of the semiconductor plants. There were only two unions that had any efforts going at any of the semiconductor plants, and they did, as did IBEW [International Brotherhood of Electrical Workers]. So they had a little bit of a connection to the issues structurally, or organizationally.

I remember that there was a press conference in Florida, at an AFL-CIO meeting, that Meta Mendel-Reyes, who was the organizer here for the SCCOSH group, went down to. Again, that would have been fairly early on, probably mid- to late eighties, and I think we've probably written that up somewhere in one of our newsletters. But, again, that was kind of a break-through on getting some national coverage and national exposure to some of those issues, and was an early effort at trying to do some national outreach.

#### **Campaign to Allocate 10 Percent of SEMATECH's Funding to Environmental Research and Development, 1991**

Smith: But the next main thing I remember is our trying to not only encourage additional epidemiological studies but also beginning to realize that the issues were becoming national in scope, and we needed to have some kind of a national response. We started thinking about this campaign around SEMATECH. That was really the initial campaign that really formed CRT.

We had known a little bit about SEMATECH, which was the semiconductor research consortium. It was originally formed as a consortium between the largest U.S.-based semiconductor companies and the U.S. government, through the Defense Department, through its Advanced Research Project Agency, or DARPA. And DARPA was putting in \$200 million a year into the SEMATECH research project, matched by \$200 million from the big U.S. companies.

Their express goal was to develop the next series of technology in order to catch up to the Japanese. It was phrased in a national defense, national security framework in order to get the money from DARPA. It was really one of the early national industrial policy initiatives, and it was quite hotly debated by those who saw the strategic interest in doing that on the one side, and on the other side, people who were against any kind of industrial policy, saying this was picking winners and it was bad policy for the government to get mixed up with business.

We saw it as an opportunity to raise some of these issues about environmental health and safety and to be able to make the argument that if the government was going to be

subsidizing a private initiative, that it ought to at least have more of an explicit public benefit and that public benefit ought to be defined in terms of allocating ten percent of the budget to develop more environmentally friendly semiconductor manufacturing technologies.

We actually got quite a few people around the country to get involved in that campaign. A lot of people saw this as important not only for the electronics industry, but as a model of leveraging government research money to work with private industry to develop safer technologies. So it wasn't just people who were concerned about the growth of the high-tech industry; it was others who saw this as a good policy direction.

We had a series of meetings with SEMATECH. It started out, again, in the late eighties at some point. We had an initial meeting in Austin, and we had an agreement to meet with Robert Noyce, who at the time was their chief executive. That was a pretty important breakthrough because Noyce was one of the top two or three people in the country who were the real leaders in the semiconductor technology. He had been one of the founders of Intel and was known as a visionary guy.

The fact that he had agreed to meet with us we thought was a good sign. We thought he was taking these issues seriously, didn't just blow us off. And I think we organized over twenty people to come into Austin from all over the country. They were pretty key people in the environmental movement, the union movement, the public health movement, and people who had been leaders within Computer Professionals for Social Responsibility, which was another one of our allies in this whole thing.

Wilmsen: This meeting was the first meeting you had with people?

Smith: No.

Wilmsen: Or did you meet with people in Congress to--

Smith: Before we went to Congress. We had actually had an earlier meeting in Texas, where I think we decided that we wanted to come back and meet with SEMATECH--I think that's what it was--with a key group of activists. Again, I don't have my dates very straight, and I can maybe go back and try to find a chronology, but I remember there was an initial meeting in Austin, followed by the meeting with SEMATECH.

What I remember about the meeting with SEMATECH was that the day before the meeting, Robert Noyce died, and so it was this major shock. We were all ready to have the meeting, and they called off the meeting because just literally, the night before, he died of a heart attack. So we had to reorganize the whole thing for some months later. Then we came back, and then we did have a fairly extensive, day-long thing, as I remember.

We presented, again, our vision of what we thought ought to happen. They gave us a tour of the plant. It was actually a fairly cordial kind of a meeting. But their attitude was that this wasn't really necessary, that they had things under control, and the issues that we



were raising were of a more historical nature than they were of any kind of current thing, and it wasn't appropriate to mix environmental policy with technology policy, et cetera, et cetera, et cetera. So it was a nice kind of brush-off.

### **Taking the Campaign to Congress**

Smith: So it was at that point that we decided that we needed to develop this congressional strategy.

Wilmsen: Who were some of the environmental national--

Smith: Who were some of the people?

Wilmsen: Yes. Or the groups, if you don't remember the people.

Smith: There was Clean Water Action, there was Sierra Club, there was National Toxics Campaign. Of the nationals, that's what I remember. There were some local groups in Austin that were fairly key. There was the Texas Center for Policy Studies, there was a newly emerging environmental justice group there called PODER. This was actually one of the ways that PODER helped get started, was around this campaign, because we recognized that this wasn't just an issue of developing national industrial environmental policy; it was also an issue of what was going on in the east Austin community of Montopolis, which is where SEMATECH was located.

That was kind of the other side of Austin. It was the community that has the highest percentage of Chicanos in town; it was the community that had the lowest income people; it was the community that didn't have its own library; it was the community that always got dumped on for everything. That's where they ended up putting SEMATECH. It's where a number of the other high-tech companies had moved into. We found some people who had been active in that community, who began to get involved with our coalition. That actually became an important piece of it.

Others who were there: Oh, there was a guy that came in who--he may have still been at the Office of Technology Assessment. There was a guy who had been with EPA and was now with his own consulting--a couple of people who were in consulting firms. Maybe I should go back and find some of the materials from that because it was really a pretty remarkable group that came together. (I can provide info from that time as exhibits, if that would be useful.)

There were some people who were union activists, too. There was Rand Wilson, who I think I mentioned, from CWA. There was a guy named Peter Cervantes-Gautschi, who had actually started with our local labor council and had been very key in developing Silicon Valley Toxics Coalition, who by that time had moved on to someplace else; I'm not quite sure where he was at the time. I remember he was involved in that.

I think--well, I'll go back and find who the others were. Gary Chapman, who had been a key leader in the Computer Professionals for Social Responsibility, was there, as was Lenny Siegel, who was another key person there. Actually, there was a guy named David Matusow, who was another CPSR guy who came in from Arizona. It was the first time we met him. He continues to be a key person in Arizona on some of this stuff. There were others in Austin that began to get involved. SEMATECH was both a local issue in Austin, as well as a national and international research center, so we tried to link all those things together.

We wrote a paper--let's see, it was Rand and Lenny and I, I think--that was published in the CPSR newsletter on the strategic importance of SEMATECH and its potential environmental mission. We used that paper as kind of an organizing strategy or mission statement. We began to get quite a few people to start paying attention to this.

And then we began to realize that politically the key part of the strategy was the fact that Ron Dellums was the head of the House Armed Services Committee, and since the funding for SEMATECH came through his committee, since it was Defense Department, we began to talk with his staff people here in the Bay Area. We had a meeting with a guy named Lee Halterman, who at the time was his key staff person on this, and Lee thought this was a good idea and helped us figure out how to work our way through the congressional bureaucracy. I remember one time there was some other environmental justice meeting in Oakland, and a group of us took that opportunity to go over and have a meeting with him, and he got pretty excited about that.

I'm forgetting a number of things, but basically we got the okay from Dellums' office to move forward on this. I was actually able to go to Washington and met with his key legislative consultant on his committee, and she wrote up some language. And it was so surprising to us that we got as far as we did that we weren't really prepared for some of the really important aspects of this, like when she said, "Okay, we can put in the language about the budget. We can earmark the budget. But what do you want in terms of ongoing oversight? You're going to need something like that."

We hadn't thought about that very much, so we just crafted some language on the spot that said that SEMATECH would have to meet periodically with appropriate, concerned people or something like that. It was very weak language and very kind of amorphous and the kind of thing that anybody who wanted to comply by basically not complying wouldn't have a hard time doing.

So that's the language that got stuck into the bill. It went through conference, and it was able to pass--again, quite to everybody's amazement. We actually had been able to get some quite good national publicity about this also. After our first real meeting at SEMATECH, we held a press conference right outside the plant and got very good coverage locally and some national coverage, so the message began to seep out.

I remember quite soon after this happened, we got a videotape mailed to us anonymously, but it was obviously from some employee at SEMATECH, and the videotape was a tape of a staff meeting, where the new CEO of SEMATECH was

explaining to the employees there that something had happened that they had not anticipated.

Have I gone through this with you? I'm trying to remember.

Wilmsen: No.

Smith: No. Okay. He was actually quite embarrassed. He said, "While we had our minds working on the Senate side, this other thing came out of the House side and kind of took us unawares. This group was able to get through conference committees some legislation which earmarks 10 percent of our budget to do environmental things." He said, "We don't think you need to be too alarmed. We think we can handle this. We can take care of it. But the thing that you need to understand that we found kind of perplexing is that this is not just an environmental group; this is a group that includes environmentalists, but it also includes labor people, it includes computer professionals, it includes environmental justice people, so we're not quite sure how to deal with them." And we thought that was a really good kind of statement because that's exactly the kind of group that we wanted to be. It was kind of a horse of a different color!

So it was nice that we got that kind of affirmation that our strategy had been successful in that it had some impact there. And in fact right now we're going through a process where we want to do a ten-year evaluation of the success of that campaign, to actually look at what has come out of it and to do some assessment of what changes and what difference it actually made. And some of it is pretty clear that it's been significant; other parts of it, it's not so clear whether it's really made much of a difference. There's always a continuing problem with getting information. Again because it's DoD [Department of Defense] money, it has a high level of secrecy and nondisclosure about it. Because it's dealing with the semiconductor industry, which has similar aversion to public disclosure it's been very difficult getting good information. That's why the language that we have in the actual legislation is not very helpful; it's pretty weak language.

We had one consultation meeting with them after the thing went through, and we brought, oh, fifteen or twenty people to Austin to have kind of a major workshop with SEMATECH to evaluate where it was. We brought in with us a series of proposals of what we wanted them to do, and we had a discussion of what they had on their agenda and what we had on ours, to see where they matched. But I think that was the only time we actually ever did that.

Wilmsen: Did you have much of a fight on the Senate side, then?

Smith: No, we never did anything on the Senate side. What happened was they passed it on the House side. The Senate had something else. They went to conference. Our whole piece of the legislation was maybe two or three paragraphs long; it was a little rider. In the defense bill, which has I don't know how much--hundreds of billions of dollars, probably--this was a little tiny flea on the hair.

There's some horse trading, and since it was Dellums' proposal and since Dellums was a key guy and he was in the conference committee, he said, "I want this," and so the other people in the Senate said, "Okay." One of the key guys on the Senate side was a guy from New Mexico, who was a champion for the electronics industry. We were a little concerned that he would put up a fight, but he apparently didn't.

Wilmsen: Was that Pete Domenici?

Smith: No, it wasn't Domenici. He was a Democrat, actually, and I can't say his name right now.

Wilmsen: Oh, [Jeff] Bingaman.

Smith: Bingaman, yes. He was the key point person. Actually, SWOP had had some--SWOP [Southwest Organizing Project] or SNEEJ [Southwest Network for Environmental and Economic Justice], I forget which--had actually had a meeting or two with him on this, and he had not been very friendly. So we were a little concerned that he would put up some resistance, but I think he probably just didn't want to pick a fight with Dellums. I'm sure there were lots of other things that were more important to him.

### Following Up with SEMATECH

Wilmsen: So then you met with SEMATECH again to compare--

Smith: Kind of where we were.

Wilmsen: What was the outcome of that assessment?

Smith: It was a little bit interesting. They took it fairly seriously. They gave us a couple of hours to present our perspective on things, and we spent quite a bit of time amongst ourselves developing a series of proposals that we wanted to bring to them. Maybe I should dig those out, too. Should I? I actually think they were quite well thought through. It ranged on everything from, oh, not exporting hazardous waste to the third world, kind of at the global level, to working with the local community in Montopolis, where they were located. So it was everything from the global to the local, and it ranged from environmental issues to health issues to worker rights issues, human rights issues. So it was a fairly comprehensive set of proposals.

We had a number of people there for that presentation from SNEEJ. By that time this was a full-blown collaboration between CRT and SNEEJ. Let me get to that. Eventually at some point--and this is probably in the early nineties--we decided to form a formal collaboration with the Southwest Network, and we called that the Electronics Industry Good Neighbor Campaign. It was through that campaign that we did the follow-up on the SEMATECH, and we did several other projects, which also included the book, *Sacred*

*Waters*<sup>1</sup>, later on. But the way that we initiated that campaign was through the SEMATECH campaign.

That meeting was simply an exchange of information. They did set up a little bit of a show for us, to show us what projects they were working on already, and they were working on some things. But there was nothing--actually, there were a few commitments that came out of there. Interestingly enough, the ones that they actually took the most seriously were the ones dealing with the local community issues. I think they felt the most threatened by that. They felt most vulnerable on that.

By that time Susana Almanza was the key staff person with PODER. They met with PODER several times. PODER had fairly direct and straightforward concerns, one of which was that here all this fancy technology is in their community, and they don't even have a library. Actually, SEMATECH was able to help fund a community library, so that was a concrete, tangible thing that happened.

There were other kinds of resource questions. They had training of neighborhood people because the people that worked at SEMATECH did not live in the neighborhood. The people that lived in the neighborhood weren't so-called "qualified"; they didn't have the training to do it. So they were able to get some training commitments from them. And there were a couple of other things like that that were issues of significant community concern.

I think SEMATECH was quite, and rightfully so, concerned about the community issues because they knew that that could probably cause them more trouble locally than any of this other stuff, which was a little bit more esoteric when it came to things like city council permitting, and PODER was beginning to get more and more involved in permitting issues in the Montopolis neighborhood.

In fact, one of their other really major campaigns was to try to--in addition to everything else there, they had these huge fuel tanks, these 100,000-gallon fuel tanks that the gasoline companies use as storage. Trucks would come and refuel and take it out to the gas stations. There were many of those right in this same neighborhood, and they were all leaking and causing a serious amount of contamination.

So they developed a very successful campaign to shut them all down, and they actually did. So the electronics companies were looking at this and a campaign developing right in their neighborhood, saying, "We don't need this ourselves. We better be nice to these people." So they were able to leverage a little bit of resources that way.

Wilmsen: Now this 10 percent of the budget: that was about \$10 million?

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<sup>1</sup>*Sacred Waters: Life-Blood of Mother Earth, Four Case Studies of High-Tech Water Resource Exploitation and Corporate Welfare in the Southwest.* (Southwest Network for Environmental and Economic Justice and the Campaign for Responsible Technology, 1997).

Smith: \$20 million, because it was \$200 million--I think that's what it was. Maybe it was a hundred apiece. I think it was two hundred.

Wilmsen: So the legislation said that SEMATECH still got the money, but they were responsible for using it--

Smith: Yes. It said that you had to spend 10 percent of your budget--and actually they had to match the federal share with the private share, so it actually was 10 percent of the overall budget. Maybe that's what it was. Maybe it was a hundred apiece for a total budget of \$200 million.

Wilmsen: Oh, I see.

Smith: This meant \$20 million being allocated to an environmental research program. But of course, again, one of the problems was that there was never any way of really tracking or auditing that. We asked DARPA, which was the contract management agency at the federal government level, to make sure that they were doing that. They were completely inaccessible to us, so we never saw any reports or how they did their expenditures or anything like this. They did start talking a lot more about environmental projects, and in fact they started doing more of them.

Oh, they did an early pilot on developing alternatives to CFCs. Our thought was that they would be an R&D facility themselves at the SEMATECH facility; they could pilot some of these alternative technologies, and once they got to the point where they could prove that it worked, they could then transfer that technology to the member companies. That was the idea all the way along, for all the technology transfer. We just saw it as an add-on, you could do that for the environmental stuff, too.

They piloted an acid recycling machine there. They piloted water reduction and water re-use kinds of pilots there. They've done other alternative kinds of chemical usage to try to find less toxic chemicals. So they've done a variety of things like that. And they do publish some of their findings. It's just that there's still way too much secrecy around it. To really get in-depth, detailed information is still very difficult.

They also partnered with a number of leading universities around the country to help develop additional environmental R&D. They have a project now called the Environmentally Benign Manufacturing Consortium or something like that. They have people working at Stanford and I'm pretty sure at UC Berkeley and at University of Arizona and one other university. There are four universities, and they're working together on varying aspects of this. So there has been some follow-through and some, I think, significant benefit.

We've actually worked a little bit with one of the guys at Stanford on water reduction issues here, on some of our current water programs.

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- Smith: In retrospect it was a pretty remarkable thing. It was largely successful both in terms of our political strategy and our implementation of that strategy, and then it was important also for our network building, and it also I think has resulted in some fairly significant environmental improvements as a result of all that. So again, we're doing a much more thorough evaluation now, but my sense is that it was a pretty important initiative.
- Wilmsen: Is that where the idea came from to use soap and water for washing the chips?
- Smith: That was one of the places, yes. Some of the companies were doing their own individual research, and they would sometimes share some of it through SEMATECH, and some of it they would do on their own.
- Wilmsen: Can you talk a little bit about your current effort to evaluate how it has worked out, with what you've found?
- Smith: Well, one of the other things that came out of all of this is that the Semiconductor Industry Association has put together what they call a road map, and the road map is largely designed for technology development. It's designed to project out two, three, five, eight, ten years--at different milepost--for a whole series of technological developments, what they see as the necessary and important goals that they want to get to.

They include any number of types of technology involved in semiconductor manufacturing: everything from some of the processes--the photo-resist in terms of lithography--to some of the packaging issues, to some of the connect issues, to some of the assembly issues. So they break it down into the various aspects of manufacturing technology, and they project out where they think they want to be in the next few years.

Well, in addition to that, they now have some sections in there dealing with environmental health and safety issues, and they, in fairly specific terms, set some goals for where they want to be in reducing water usage and reducing energy usage and reducing chemical usage and in substituting for less toxic chemicals. They have some assessment of not only what they think the goals ought to be, but some analysis of what they think they need to do in order to get from here to there, what are some of the obstacles and some of the barriers. It's actually a pretty good document.

What we're in the process of doing is working now with several other groups to do an evaluation both of how sufficient we think the goals are that they've set, but also trying to get information about how well they're doing in meeting those goals. That's going to be the tricky part because it's quite difficult to get specific information from any of these companies. It's even difficult, a lot of times, to get company-wide data. One of the other issues that we work a lot on is trying to refine the public right to know about getting access to this kind of information.

On that project we're now working with several partners, including John Rosenblum, who is our consultant on a lot of our water stuff. He's a former engineer who has worked inside several of these big companies. He's a Ph.D. out of Stanford, civil engineering

department, and he has his own consulting company now. He'll be working with us, doing water evaluation.

We're working with some people at Rocky Mountain Institute, who will help us with the energy evaluation, and some people at the Toxic Use Reduction Institute in Massachusetts, who will help us with the toxic chemical evaluation. So it's a pretty good team, and we're looking forward to moving ahead with that. It's also pretty preliminary at this point, but that's the direction we're going in.

Wilmsen: How do you go about getting the information?

Smith: Well, one of our other partners is an organization called Calvert Fund, I think it is.

Wilmsen: Oh, that socially responsible investing thing?

Smith: Yes. Their director of environmental research is a key partner of ours in this, and they are going to start asking the companies, as part of their environmental screens, "Tell us how you are doing in terms of meeting these goals." We found in the past that working with them and others like them can be quite helpful in terms of getting access to information that we have a hard time getting ourselves. If they start saying, if others start saying that this kind of information is important in terms of helping them make their investment decisions, that can put a whole new perspective on things. We're not sure that that's going to be enough, but that's where we're headed with it.

We've worked with a lot of church groups. We've worked with a group called the Interfaith Center for Corporate Responsibility, which is based in New York, which is a whole coalition of church and other SRI [Socially Responsible Investment] firms all around the country. We've worked with them on two or three different resolutions now, and this could become another one like that.

One additional thing is that a few years ago we began realizing that we need to move this to a new level. The work that we had done around SEMATECH was all focused on kind of national policy development, but we began to realize that the next level of development was underway and that a lot of the companies were now moving out of the country and to other countries. So we realized that if we want to really stay consistent and keep this up that CRT needed to evolve into ICRT, and that's what happened over the last few years.

There have been a number of international conferences and forums where either I or other people in CRT have established some relationships with other groups similar to our own in other countries. We have now transformed CRT into International Campaign for Responsible Technology and have worked on a variety of issues, ranging from the cancer cluster at National Semiconductor in Scotland, to the development of the Clean Computer Campaign, where we're working with a number of NGOs [non-governmental organizations] around Europe who are promoting the WEEE directive in the EC, the WEEE directive being Waste from Electronic and Electrical Equipment. It's the directive



that will establish producer responsibility as a new framework for establishing life-cycle legal responsibility for major producers and their products.

We've also worked with a number of NGOs in Asia who have been trying to address the rapid growth of electronics manufacturing there, ranging from, again, the same kinds of issues: ground water contamination, occupational health, air emissions and fires and explosions and that kind of stuff. It's been another interesting and exciting expansion.

Wilmsen: How do you find the places overseas that you're going to work with?

Smith: You mean literally how do we locate them?

Wilmsen: Yes. How do you decide where--

Smith: Part of it's word of mouth, part of it's informal networks that already exist, and certainly a significant part of it is through the internet. We've now done several campaigns where we have either gotten information out to people and/or, usually connected with some kind of action component--oh, I just saw one today. This is something that I was circulating last week. This is a letter to the European Commission that we circulated on the internet, and we started putting on pages of people's names who signed onto it. This is in support of this WEEE directive.

There's another letter that we've sent to Vice President [Albert] Gore, asking him to step in and get the U.S. trade representative to back off from their lobbying against this WEEE directive. We're actually having a meeting this Wednesday with the U.S. trade representative and the U.S. EPA on exactly that set of issues. It's a meeting that we've been trying to get together now for quite some time. It's actually going to happen this Wednesday.

It's a way to both try to defend the policy that is coming out of Europe, but it's also a way of trying to address the jurisdictional rivalry between the trade representative and EPA. In terms of international policy, you would think that if it has to do with the environment, the U.S. EPA ought to be the lead agency, ought to be on the cutting edge of establishing U.S. policy, but unfortunately, on this, as in many other instances, it's actually the trade representative that is the one that's making the policy. There's interjurisdictional rivalries between the different agencies in the U.S. government. EPA is like a very small potato compared to the U.S. trade representative. So we're going to see if we can shake that up a little bit.

### **The Intel Plant in New Mexico: The Catalyst for Working with SNEEJ**

Wilmsen: You mentioned that you've worked pretty closely with SNEEJ on this. Can you tell me a little bit about how you got involved with SNEEJ, how that relationship developed?

Smith: It evolved over time. Actually, I first met Richard Moore, who is their coordinator, at a meeting called by Lois Gibbs, who was the key person at Love Canal, who started an organization called Citizens' Clearinghouse for Hazardous Wastes. They had a fifth anniversary of CCHW in Washington or right outside of Washington some years ago, and I was there and Richard was there and we met. We'd known of each other's work, but really hadn't connected.

And we started some discussions, communication back and forth. And at that point, it was clear that the electronics industry was targeting New Mexico for significant development, so we began to feed information back and forth about what was going on there. I know that we met again through the SEMATECH campaign. That may have been the next big issue that we got involved in.

I remember Mike Guerrero came to one of the first meetings that we had in Austin. Actually, Jeanne Gauna also came to one of those early meetings. Jeanne is the director of SWOP [Southwest Organizing Project], and Mike was their lead organizer for SWOP. SWOP was the original group in New Mexico, the original environmental justice group, that was started by Richard and Jeanne. After a few years, they divided into two, where SWOP continued to be the local group and SNE EJ evolved with Richard to become a regional and then national group.

They kind of divided up the responsibilities between the local work with SWOP and the regional work with SNE EJ. They began to show more and more interest in some of the high-tech issues. They were well aware of this situation with [GTE Lenkert] and the serious occupational health problems there. They began to work on some of the water issues.

I think what really turned things around there was when Intel decided they wanted to build their new Rio Rancho plant right outside of Albuquerque. Again, that was probably late eighties, early nineties, somewhere in there. I remember that Intel made a really big deal out of this new plant. It was going to be their largest, most important plant in the world. They went to I think six different communities and established basically a bidding war for the plant. They picked San Jose and Austin and Albuquerque and Phoenix and I think one or two other places and said, "We're going to do a thorough investigation of where we get the best deal, and that's where we're going to put this new plant." And that plant was promising, I think, three thousand new jobs. So it was a pretty big deal for economic development reasons.

We learned later that they had actually developed a thing they called ideal incentive matrix, and the ideal incentive matrix was basically a shopping list of over a hundred different items on it in all kinds of different categories, everything from moving allowances to infrastructure subsidies to relaxation of environmental rules and regulations. They took that shopping list around to each of these communities and said, "Fill it out and tell us what you'll give us, and then we'll pick a winner."

And that's the way they did it. It was very systematic. They ended up getting the best deal from the state of New Mexico and the county that they went into. They ended up

with what amounted to an \$8 billion corporate subsidy! That far outstripped anybody else. New Mexico unfortunately gave away too much of the store. But they were the "winner," and Intel decided to go in there.

It was at that point, I think, that SWOP and SNEEJ began to get much more serious about the impacts on their state because they saw that they were being targeted. And they saw this through the prism of environmental justice, where this was the low-income haven of the country. In fact, what we've learned is that in a lot of ways that is very true that the wage base in New Mexico is right down there with Alabama and Mississippi and the low-wage work force and the unemployed rates are very, very high, the total standard of living and average income and everything else there economically was right down near the bottom of the whole country.

So it really did become a magnet for a lot of the high-tech development that went on. As things began to evolve, there were a whole series of issues. They worked with some of the neighbors in the surrounding communities where the plant was actually going to be located. For a while they tried to resist the onslaught completely, tried to get the permits stopped, but it was way too powerful for that. They then tried to minimize some of the community impacts of water usage, of air pollution.

They had an economic initiative that would try to get jobs for local people because Intel had promised that there would be jobs, and in fact they imported most of the work force, and so they got job training on their agenda. So it was, again, a fairly comprehensive approach that they took to both environmental and economic justice issues.

At one point, once Intel got the plant up and running, it was causing horrible air pollution for the surrounding community, and they got up in arms and got Intel to change the process and put on better scrubbers or something, but it was a fairly significant issue.

And there was a whole series of community hearings, again with people who were upset about everything from the water issues to the pollution issues. It turned out that this was going to be the single largest water hog of any electronics plant in the country. Of course, New Mexico is a desert, and they already had all of their water rights already appropriated, over-appropriated, so this became a fairly major political fight over trying to preserve the water.

And there were problems with aquifers lowering; there were problems with Intel going out there and buying up the water rights of some of the local farmers who had been engaged in what's called acequia farming for centuries. They ended up having some pretty extensive hearings with the state water engineer and the state environmental agency. Intel thought they were going to be able to get everything they wanted, and they weren't because the whole state was up in arms about this. They got basically put on a ration, which was less than what they had wanted, so that's still causing ongoing ripples there.

Another main thing was they gave away almost the entire tax base as part of an incentive to get them to come there. One of the subsidies was to say they won't have any property tax for, I think, thirty years; it was a thirty-year tax holiday. And since Intel had to import a lot of their workers--they brought in thousands of other people to work there who all had to live someplace and all had a lot of kids to send to school. So the schools became enormously overcrowded.

It ended up there was a front-page story in the *Wall Street Journal* somewhat after that which described having fifty kids in a classroom in this new high-tech mecca, and how untenable that was. Of course, there was no tax base to raise any money to build new schools because they had given away the tax base. So finally Intel got so embarrassed they actually put up some significant amount of money and built a new high school in that community.

But it was, I think, a whole series of lessons of how extensive are the impacts of high-tech development in a community like that. That was what we ended up documenting with SNEEJ, as part of this collaboration. We were meeting throughout this whole period of time with SWOP, with SNEEJ, with a group in Phoenix called Tonatierra, and the group in Austin called PODER. We were working to document the trends of high-tech development, look at the aspects that weren't getting much attention, and trying to figure out what are the significant community and health and worker aspects of this kind of development.

And then we realized that we wanted to document all of that in a publication, and so that was the genesis of deciding that we wanted to write the book that became *Sacred Waters*. On that, we were able to, through community-based research in those four communities, identify what we thought were some of the major impacts. We trained community people to do research at the hall of records and to do research at the regional water bodies and at the air districts and at the city halls--anyplace we could go to get public documents to try to understand better what was going on and then to put that all into one report, which we then published.

We decided that we wanted to not only put it in a book but we wanted people to know about the book, so we did a series of conferences and workshops and press conferences in each of the four communities when we published the book and actually got some pretty good media coverage and some pretty good feedback. We were able to get it out fairly widely in each of the four communities.

Wilmsen: How did you find the community people to train to do the research?

Smith: In each case there were people that we had either been working with already or people who lived in nearby communities, and when we told them that we were interested in working on this said that they wanted to help out on it. In some cases it involved people who also worked inside the industry, although that was usually a bit more difficult because they were harder to find. It was hard to find people that were willing to jeopardize, or think that they might be jeopardizing their job by working on this.

But it, I think, today continues to be one of the best community-based research projects like that, focusing on environmental justice issues that I'm aware of. I feel pretty good about it.

### **Good Neighbor Agreements, and Advocating Greater Local Involvement in Decision Making**

Wilmsen: So back to SEMATECH. What led CRT and the Electronics Industry Good Neighbor Campaign [EIGNC] to demand more worker and community participation in decision making in about 1993?

Smith: That was based on the underlying environmental justice analysis that we brought to it. We saw that there was an enormous set of problems, and we saw that they weren't being adequately addressed, and we thought that the way structurally to change that, to bring about more community- and worker-friendly policies was by insisting that the people affected by these policies be involved in the decision making themselves.

It was not a very complicated analysis to put forward that kind of a demand. It was basically the same kind of thing that people had been talking about in the environmental justice movement for quite some time. If you can identify the fact that there are problems and that the people who were the subject of those problems are largely unrepresented or under-represented in decision making, what you need to do is to open up the decision-making process itself to involve the people who were taking the brunt of it.

Wilmsen: Yes. And how did SEMATECH respond?

Smith: Fairly defensively. One of the things that SEMATECH and the semiconductor industry in general had always done, going back to the early days, was to try to paint us as a front for union organizing, and they were fairly direct in their statements and their attitudes and their beliefs. I think they actually believed that, or at least they believed enough to be able to put that out front a lot.

They then developed a kind of tier two defense, which was, "Oh, this was really a front for environmental justice organizing." So it was always that they had a framework for assessing and then rejecting the ideas that we were trying to raise, by pigeonholing it and then saying, "Oh, it's just them," and dismiss it that way.

They were particularly concerned, I think, about how our message might actually have some impact with their work force. I think that's always been what their real concern has been. They like to keep their own work force kind of captive in a traditional kind of a sense: they want the information flow getting to them to be from the corporate headquarters, and they don't want there to be a competing message, an outside message, because they don't want people to start raising some of those issues inside. And they've always prided themselves on a kind of a paternalistic management style, where

everybody's part of one big happy family, and it's only outsiders that try to cause trouble by bringing in other kinds of issues.

Wilmsen: A classic maneuver.

Smith: So I think that that was certainly the framework. And when we would be down there in Austin with our meetings we would have a pretty interesting group of people there, and it was a very different culture than that of the people that were working inside of these plants at the management level. But I think we were more reflective of the kind of people that actually worked in some of the jobs than most of the groups they'd ever dealt with before. I think that made them nervous.

I think that the import of the guy's statement on the videotape that we got from SEMATECH was, "We don't know how to deal with these guys; they're coming at us from all these different directions, and that makes us uncomfortable." I think that's true.

Wilmsen: Yes. Okay. Tell me about starting the Electronics Industry Good Neighbor Campaign.

Smith: That grew out of this evolving relationship with SNEEJ. We began to realize that we had more and more common interests and that we wanted to do more work together, and we needed a vehicle to do it with. And, again, over time that evolved into, as we call it, the EIGNC, the Electronics Industry Good Neighbor Campaign. We wanted to have a structure that reflected our values and reflected our strategy, and so we needed a structure that would give equal voice to all the participants, and we needed to develop a decision-making process ourselves that was collaborative, that was based on having equality of bargaining power, and that everything from the long-term goals to the way that we administered and funded the collaboration would be subject to mutual agreement and mutual decision making.

We started from that framework. It took a while to kind of work out the details of how we would go about that. But it became a formal collaboration between the two networks: SNEEJ, on the one hand, CRT, on the other. And then the core constituency was the four local groups that were involved: SVTC, SWOP, PODER, and Tonatierra. And then CRT also brought into the mix some of the people from other parts of the country who were more technical support people, some of the same people that had been involved in the early SEMATECH campaign.

So it was a good combination of grass-roots activists who were place-based in the four communities, plus some additional technical experts who provided feedback and assistance where we needed it. We were able to raise some joint money to fund the campaign, and for about maybe five years we actually had that as an ongoing collaboration. We would meet periodically. I think we got to the point where we met maybe quarterly. We would have meetings in each of the different communities, and we would usually tie in some local organizing event with the collaboration meetings.

I know that when the collaboration would meet here--we had a community forum over at St. Patrick's Church one evening. Another time we had a forum over at Justice for

Janitors. In each of the other communities, when we would be there, we would do some kind of, sometimes small, sometimes fairly major, community events to kind of project the collaboration issues that we were working on. Oftentimes we would tie that in with doing media events also. It was a way of connecting our work to the local communities within which we were working.

Actually, another one that we did here: we had an environmental health and justice fair out in Alviso. That was timed to correspond with a collaboration meeting here. It was actually when we did the release of the *Sacred Waters* book. At the time, we had a key staff person named Carlos Plazola who helped to pull all this together.

In each of the local events, each of the groups put a fair amount of time and effort into it. It was kind of a nice way of not only working together on common issues but also to highlight and promote high-tech issues within each of the communities. We were pretty systematic about identifying what we saw as some of the key issues to work on. We did a fair amount of work on what we saw as the emerging trends within the various high-tech communities.

It was a very good process, where somebody from Phoenix would say, "Oh, this is something that is going on here, and something we're trying to figure out how to do," and then somebody from one of the other communities would say, "Oh, yeah, we're seeing the same kind of thing." So it was a process where the people themselves who were involved on the ground in the issues would discuss some of the issues with others and find commonalities. And when we found something that we thought was pretty common to each of the communities, we would sometimes try to build some program around those issue areas.

Wilmsen: Were you trying to actually negotiate good neighbor agreements with companies, or was it more--?

Smith: We thought for a while that we were, but we ended up deciding that that wasn't really the model. That's where the name came from originally. There was an effort early on to negotiate a good neighbor agreement with Intel in New Mexico, but it kind of got undermined because Intel basically wouldn't deal initially with SWOP at all, and they started a series of meetings with a group that was--a pretty unsophisticated local group.

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Smith: Intel actually negotiated a good neighbor agreement with a group called--oh, what did they call it?--Concerned Citizens of Corrales or something like that, which was a pretty modest good neighbor agreement. It didn't really address a lot of the issues that we were trying to raise, and so Intel actually used that to their own advantage and said, "We have a good neighbor agreement with a local community group."

We began to realize that an employer could do that, could kind of pick its own community group and negotiate a low-end good neighbor agreement. It's a little bit like some of the concerns that came out of the chemical industry's--what do they call their--oh,

I'm getting tired; I can't say the name. They have set up a whole series of community panels around the country where there are chemical plants, and have kind of developed this model, which on the surface of it looks like it's a community involvement model, but it's one that they pretty much control the process over.

So we began to see some of those kinds of concerns.

Wilmsen: Do you think it's because Corrales is kind of a wealthy community?

Smith: Well, it was partly that, it was partly that they were also somewhat unsophisticated, and it was partly that they were largely a white community, and I know the people in SWOP felt that they were kind of disrespected. They had been the ones that had been involved for a long time, working with some of these issues.

Wilmsen: You mean people in SWOP themselves felt that they--

Smith: Yes, disrespected by the people in Corrales. I think it was both race and class. But it was an interesting set of issues. And it was through that experience that--we kind of hung onto the name because that was what we had developed some name recognition around, but we didn't really, after that, do very much about trying to actually negotiate good neighbor agreements.

The other thing was that we found there was just such an imbalance of power, particularly with a company like Intel, that we weren't able to do very much. There was actually more that was able to be done in some other communities later, with community groups that weren't even part of the collaboration but had more of a community base and more of a favorable power balance in their own communities.

Wilmsen: What gives a community a more favorable power balance?

Smith: Well, I'm thinking of the situation in Eugene, Oregon, which is an environmental hotbed and where Hyundai, a big Korean semiconductor company, decided they wanted to put in a big plant. They had a lot of political juice behind them and a lot of subsidies to help them put in this new, big plant. And they completely screwed up the way they did it. They ended up siting it right next to a wetland in Eugene. They didn't realize that Eugene had a long history of environmental activism, and the people there, when they learned about this, started getting very well organized.

Actually, they brought me and Amy Dean, who's the head of our South Bay Central Labor Council, up to a community forum there several years ago, to talk to them about what they needed to be concerned about as they were moving into this new realm of high-tech development. They put up a hell of a fight. They tried to stop the plant, and they almost succeeded on that. They only built part of the plant; they didn't finish it.

They were able to win some pretty significant concessions from the city council in terms of additional environmental protections, in terms of environmental reporting, and things like that. They tried to negotiate a good neighbor agreement there. They didn't



succeed in it, but they were able to get a number of the provisions basically through the city council because they were in a position where they were able to elect city council people. It became a very major issue both in Eugene and, later, statewide in Oregon.

I guess that's what I mean that in some communities, particularly where there's a very high level of awareness, you can sometimes do those things.

One of the things that did happen in New Mexico was that there was a high-level official--I think he was the president of the Senate, maybe the state Senate--who was a high ranking Chicano politician who had worked with SWOP and SNEEJ in the past, and who--

Wilmsen: Manny Aragon?

Smith: Yes, yes.

Wilmsen: I used to live in New Mexico.

Smith: Oh, really?

Wilmsen: That's why I know all these things. [laughs]

Smith: Yes, yes, he was the guy. And they got him to step in and act as a broker at some point, and that got Intel's attention. But it was more often that they were dealing with guys like Bingaman and the other guy--

Wilmsen: Domenici.

Smith: Domenici, and then the governors have never been very friendly on any--I mean, they're all pro-development.

Wilmsen: Yes.

Smith: So it was not a very favorable political climate for them to be working, from the standpoint of actually being able to work the political system to get what they wanted.

There were more opportunities in Austin. Austin is a much different city. There were quite a few people in Austin that got involved in these issues one way or another. One of them actually did become elected to the city council, Brigid Shea, who had been active in Clean Water Action in Austin and actually had been the head of the local group there called Save Our Springs. Development was threatening Barton Springs, which is the main kind of oasis in the whole city there. Brigid had been very key in working with us on some of these issues.

Mary Kelly from the Texas Center for Policy Studies had--actually, Susana Almanza had worked with Mary at the Texas Center before she branched out and formed PODER. Susana had been a staff person for the collaboration for a couple of years also, so there

was another connection there between the local activists and somebody working region-wide.

On the other hand, the other extreme was Phoenix, where there was the weakest community presence in a hostile political structure that was basically untouchable. We had the most difficult time getting anything accomplished there. I remember one time we got a meeting with the one Chicano in the county board of supervisors, I think it was, and that was a highly unusual thing that didn't happen very often. But trying to move any policy through local government in Phoenix was almost impossible.

At the same time, there was all kinds of other really important stuff going on there with Motorola. That was Motorola's headquarters of the semiconductor operation. They were building new facilities rampantly. Intel was also putting in another huge new chip plant there, in Chandler, which is a suburban Phoenix operation. So there was a tremendous amount of activity there. There was a number of other groups that were involved and concerned about some of these things, but trying to move any of these issues politically in a way that had much chance of success was very, very difficult.

Wilmsen: What were some of the key issues you worked on in the Good Neighbor Campaign?

Smith: Well, a lot of it ended up being water issues, both water pollution as well as overuse of water. That was why we decided to focus on the *Sacred Waters* as kind of the main organizing thing because we thought that was the one issue that tied everything together the best, where we were able to get some information.

Two other issues that people were very concerned about and we found common to all the areas were the worker health issues and the corporate subsidies. And so we did quite a bit of work on those issues. We also did quite a bit of work on looking at the demographics of the work force as well as the communities. We developed an environmental justice analysis of both the workers and communities in each of those areas and found pretty much similar things: that the work force broke down pretty much along classic lines, where the top management was white males and to some degree Asian males, and the lowest rung of the work force, the assembly workers and the ones that did the hardest and most dangerous work were almost--well, certainly very predominantly women and predominantly women of color and immigrant women.

And that was true in each of the four communities. The mix was a little bit different, depending on where you were. There were more Asians in the San Jose work force than there were in the others, but that was something you saw growing, becoming much more of a kind of predominant pattern.

And we worked to both highlight those issues in each of the communities and also to develop community-based strategies, and each of the communities would do different things around those issues. There were efforts to do kind of anti-subsidy work in several of the communities, with varying degrees of success. There were efforts to focus on clean-up of groundwater pollution sites in each of the areas. There were campaigns to get better training for the people in the area so they could get good jobs. There were

significant amounts of organizing done around getting better health and safety training for the workers to try to reduce exposure. There were, in some communities, efforts to reduce the air pollution in the neighborhoods.

So there was kind of a variety of actions that we all took. But the most developed was the water issues.

**The Federal Government, and National Environmental Justice Organizing Efforts in the Early 1990s**

Wilmsen: Okay. I want you to talk a little bit about some of the national context of the 1990s. I wanted to ask you about the first People of Color Environmental Leadership Summit in 1991. Did you attend that?

Smith: No, I wasn't at that.

Wilmsen: Oh.

Smith: I mean, I was certainly aware of it, but it was primarily geared to people of color, and I wasn't part of it.

Wilmsen: Oh, okay. Then I wanted to get an idea of how the change from the kind of Reagan-Bush years to the Clinton administration affected the Silicon Valley Toxics Coalition's activities, if at all.

Smith: Well, [sighs and pauses] there were some tangible changes. I'm not sure--the way you put it, I'm not exactly sure what they were, actually. The people in the positions of power within U.S. EPA were certainly different. The approach and the outreach to us was certainly much more significant. And there were some policy-level improvements, although those are actually more difficult to identify, partly because they were working with a new Republican Congress. I mean, some of the Republicans have had control of Congress now for an awful long time.

The names and the faces of the political appointees change, because that's something you do through the executive branch. At the legislative level there has not been any major legislative development or significant changes, in my opinion, with maybe some minor exceptions, since the passage of the Superfund Reauthorization Act in 1986. That was done in the heart of the Reagan administration, and it was because of--I think we did talk about this--some of the activities of the National Toxics Campaign and the way that that whole campaign was really organized.

Wilmsen: Yes.

Smith: But there haven't been really any follow-on campaigns that have had nearly the kind of impact that that has. There's been a fair amount of ongoing organizing around right-to-know issues, and there's been a long-time effort to try to get EPA to expand the federal right to know under the TRI law. Just this week, actually, in the last week one of the results of that came through, where the Toxics Release Inventory reporting now for the first time includes mining and energy production, which are two sectors that have never been included in the industry sectors reporting. So the news is that the amount of toxics is now triple what it was two weeks ago because now for the first time we're reporting the stuff which had never been reported before.

But the people that I've worked with nationally on those policy issues have been also trying to achieve reporting on toxic chemical usage as opposed to just releases because the usage is so much higher. We thought that was a much better way of getting a national database on the actual impact of chemical production, by looking at the usage data. We've been unsuccessful in doing that. EPA just won't move off of that.

The industry has threatened to have Congress cause trouble if they really push it, and so EPA hasn't done that. There have been a number of situations like that, where EPA has not taken a very aggressive or proactive stance because they are gun-shy of Congress. They've gotten beaten up by Congress any number of times, and they have gotten their funding cut, and they've gotten their hands slapped a number of times.

It's even been worse for OSHA. OSHA's gotten almost destroyed, almost knocked out of existence by Congress. Where a regional administrator or where a top-level program person can do something on their own, without needing congressional authorization or approval, there has been some movement, but not a whole lot.

The major kind of flagship areas that EPA has done under Clinton have been the Common Sense Initiative and Project XL--or at least the ones that have had some impact on the electronics sector. I've been involved heavily in both of those areas. There's also a Design for the Environment program that EPA has now that is new and that has had a couple of pretty good programs focusing on the electronics sector. And of course there was the Environmental Justice Executive Order for the first time.

So I guess those are some concrete changes. I would say that their results have been mixed at best, that the Clinton administration has combined doing some policy initiatives with some deregulation initiatives, and so they kind of link those together, and they've put out the message to industry that "if you will participate in these programs, you might get some regulatory relief through it," and they've put out the word to the NGOs that "if you work with us, you might be able to get some improvement in environmental reporting or environmental performance." I can talk ad nauseam about all that stuff. So I guess it is fair to say that under this administration I have personally spent more time working within those kinds of processes where EPA is a partner than I had in the previous regimes, where so often EPA was either not doing anything or were perceived as part of the opposition. It's just that it's ironic that in terms of any legislative victory, it actually came at a time when--you know, I'm pretty sure Reagan was President in '86. Does that seem right to you?

Wilmsen: Yes.

Smith: Yes. So it was in spite of rather than because of. And then you look back at Earth Day 1970 and all the legislation that happened then, and that was when Nixon was President.

Wilmsen: Yes. Interesting. But Democratic Congresses.

Smith: Yes.

Wilmsen: For whatever that's worth. What about President Clinton's executive order on environmental justice?

Smith: Let me go back and follow up on one thing. I don't remember now if we talked about this or not, either, but I'm actually looking at this book over here that we have. I don't know if you ever saw this?<sup>1</sup> This is something that came out of a federal advisory committee on environment justice that Richard Moore was quite involved in. I think he was actually the chair of the committee that oversaw this thing. But this was another advisory committee to EPA that he was working on while I was over working on the Common Sense Initiative.

This is trying to get EPA to develop a more open process for involving people, and environmental justice communities particularly, in decision making. It was an interesting exercise. But what it reminded me of was that there were two additional things that happened earlier in the 1990s following that summit [First People of Color Environmental Leadership Summit] that you mentioned. One was there was a letter—I don't remember if we talked about this, either; maybe we did—that went out from Richard and a number of the environmental justice organizers--

Wilmsen: We did mention it.

Smith: --that went out to all the different environmental groups. And that actually led to kind of a negotiated opening up of the National Toxics Campaign for a number of the environmental justice leaders to participate in that, including Richard and Anthony Thigpen and a number of other people. That was a pretty significant development because for a while there it looked like there was a chance for an existing national network to become a fairly influential environmental justice network, as a merger and consolidation and kind of retooling.

It turned out that it didn't really work, and it ended up going off in several different directions, and it was kind of an experiment that I think a lot of us had some real expectations for that didn't really work out. So it ended up fairly disappointing.

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<sup>1</sup>*The Model Plan for Public Participation*. Developed by the Public Participation and Accountability Subcommittee of the National Environmental Justice Advisory Council. (U.S. EPA, 1996).

Wilmsen: Why didn't it work out?

Smith: I think the tensions that were brought about by the rapid evolution of the group, which led to essentially a power struggle between some of the old guard and some of the newer people. The old guard fought to hold onto their power. It got to the point where nobody could see a way out of kind of evolving into the next level that people wanted to see, and so it just kind of fell apart. There was quite a bit of analysis done afterwards, focused largely on kind of the main issues that fragment people: race, class, and gender. They were all involved in the problems.

But the other thing was that there was another very interesting environmental justice meeting that was sponsored by the National Institute of Environmental Health Sciences [NIEHS], which is a federal agency that does environmental health. There were some people within that agency that saw that there was an opportunity to help support the environmental justice movement, through this federal agency, to get more resources to the local community to work on environmental health issues.

There were several hundred people that showed up at this meeting. It was in Washington, again, in the early nineties, maybe '93, something like that. But it followed on the summit fairly quickly. The summit was still fairly fresh in people's minds, so it was probably '93, '94, something like that.

But it was another opportunity--it was a several-day-long meeting for people who had been very much involved in the environmental justice movement to come together to develop strategies and to particularly develop long-term funding strategies through this NIEHS program, to get money out to the communities. And that's been a fairly successful program, and a number of the EJ groups all around the country are now participating in that. So it's another kind of non-EPA-related federal initiative that's actually had some success.

### Cooperating with Other Groups on NAFTA and Globalization Issues

Wilmsen: Okay. And then there's NAFTA [North American Free Trade Agreement].

Smith: Yes.

Wilmsen: How has that affected the activities of the Silicon Valley Toxics Coalition?

Smith: We got fairly active in the campaign against NAFTA, again with our colleagues and allies in the labor movement, and the environmental justice movement. We all had a similar perspective on the NAFTA initiative, which we saw as a corporate agenda to open up the borders to capital but not to people, and as running the danger of kind of downward harmonization. Whether you were talking about wages or jobs or environmental protection, similar concerns were being voiced.

We were particularly concerned about what was going on right along the border with the Maquiladoras. That's something that we had been involved in for quite some time before NAFTA. My wife actually was one of the founding members of a group called Coalition for Justice in the Maquiladoras, which was a coalition of labor, and human rights, and environmental and occupational health people that saw the establishment of these hundreds of manufacturing facilities just south of the border as a threat to the labor rights, environmental rights, health rights that had been developed on this side of the border.

We saw the danger in that increasingly we were hearing arguments locally that "you can't do that" or "if you continue to push this, we'll just move away." And the more that the option of moving away--particularly as close to the border as we are here, the threats were very real. Whether it's threatening to move to Malaysia or threatening to move to Mexico, the impact is the same. Those arguments were used as a way of dampening the public demands for--whether it's better environmental protection or better worker protection or wages or whatever, it seemed to be that the dynamics were fairly similar.

A number of reports had come out, documenting what was going on along the border. I mean, all kinds of groups had been involved in that. The National Toxics Campaign had been involved. They developed a video showing people just dumping chemicals into these various ditches that people got their water supply from, and some pretty nasty things like that.

So it was a way of forging the coalition ties. It started before that, but emerged in a broader form during that campaign, and which continued to grow through the actions around WTO [World Trade Organization] and a number of the other international, globalization kinds of issues.

We've gotten more and more interested and concerned about these issues as we've seen the increasing growth of high-tech manufacturing not only in Mexico but increasingly in other parts of the third world. We have realized that we need to not only keep fighting to establish better conditions here, but then we have to try to defend that in the international context because if we fight for strong conditions here, and we can win some of those fights but all the manufacturing goes someplace else, it doesn't really matter.

So we saw it was very directly in our own self-interest to get involved in a lot of these issues, both from the standpoint of protecting our own gains but also from the standpoint of trying to make sure that there was a level playing field and other people didn't have to go through the same kind of problems that we'd seen here.

So it's partly self-interest and partly wanting to help groups in other parts of the world that were going through some of the kinds of issues.

Wilmsen: Are you working with groups in Mexico?

Smith: Some.

Wilmsen: You mentioned Scotland and a couple of other places.

Smith: Yes. There's groups in Tijuana. Mostly there are groups that are affiliated with groups that we work with in San Diego. We have close working relationships there. There's a group in San Diego called the Environmental Health Coalition, and actually they have worked very closely with a guy who has been a SNE EJ organizer, and SNE EJ has been building those cross-border links. So it's been mostly through those affiliations that--we've been trying to work with that.

Also the Texas Center for Policy Studies in Texas has been doing quite a bit of cross-border work there. There's another group in Arizona that we work with some that's been doing cross-border work there. So it's mostly been through the U.S. groups that are actually down there, right along the border, that are doing the work that we've been working with.

### **Bay Area Coalitions**

#### **CLEAN, Coalition for Effluent Action Now: Addressing Pollution in the South Bay**

Wilmsen: Now, I noticed reference to something--when I was looking through the newsletters--called the Coalition for Effluent Action Now.

Smith: CLEAN. CLEAN South Bay, yes.

Wilmsen: And what were the circumstances around starting that?

Smith: That was an effort by a number of Bay Area environmental groups to try to essentially develop strategies to protect the San Francisco Bay, particularly the southern portion of the Bay, which is environmentally probably the most at risk because it gets less flushing than up in the northern part of the Bay, where you get the Bay-delta influent coming through, coming into the Bay, out through the Golden Gate. You get a huge volume of water constantly rushing through there, which serves to clean out the pollutants as they are coming through there. Whereas down in the southern part of the Bay, in San Jose, it's more stagnant, so pollutants that get in there typically end up staying there more often than in other parts of the Bay. So the buildup in the food chain and the whole ecosystem is much more significant.

This was a coalition that came together and involved everybody from Communities for a Better Environment to Save the Bay to the Audubon Society to, oh, some other wetlands protection groups. But it was a fairly wide range of groups that came together. We actually decided to start filing some lawsuits, as a coalition, over violations of the Clean



Water Act. We were able to get the attention both of the Regional Water Quality Control Board and some of the major municipal dischargers to the South Bay.

And the way that the sewage agencies are set up here is that the City of San Jose owns and operates a huge sewage treatment plant out in Alviso, which is just north of San Jose, along with the City of Santa Clara and the City of Milpitas and some other, smaller jurisdictions. Sunnyvale has their own treatment plant, and Palo Alto has their own treatment plant.

We actually sued those treatment plants, alleging that they were violating the Clean Water Act by allowing the degradation of the Bay for two related but quite different reasons. One was the excessive amount of water coming through those treatment plants from the sewage discharge from the growing South Bay was converting the marshland away from a saltwater marsh into a freshwater marsh, which meant that the ecosystem was being radically changed, which was endangering already endangered species out there.

The other part of it was that the industrial discharge was putting far too many pollutants into the bay, in violation of the discharge permits that a number of the companies had here. We were able to fairly persuasively document that this was in fact going on, and the Regional Water Board and EPA basically agreed with our position. We ended up negotiating with the City of San Jose and the other South Bay cities to try to develop some common approaches that would help protect the Bay better.

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Smith: So we developed kind of a dual strategy of fighting in court on the one hand, and it went up and down both the administrative and judicial decision-making bodies; but on the other hand, we opened up a negotiating strategy with the cities, and we eventually were able to negotiate several provisions--[interruption for office business]. We were finally able to negotiate kind of a comprehensive settlement with the cities. It amounted to the cities' promising not to exceed 120 million gallons a day discharge to the Bay, which was the level that the scientists decided would be adequately protective of preserving the habitat of the South Bay.

We ended up eventually also negotiating a set of contingency plans if they would violate that, including up to a shut-down of the plant or the refusal to issue any more development fees, which is what really got the attention of the whole political establishment here because they're always so hellbent on development that anything that threatens their ability to expand at will gets their attention quickly. And the Chamber of Commerce and people like that got very much involved and concerned.

But we were able to negotiate that commitment and then a series of backup commitments if they violated that. We called it a contingency plan. We were also able to get the city to put up a significant amount of money to fund a new pollution prevention center that is developing local initiatives to try to prevent further pollution of the Bay.

And we were able to get the companies to develop their own internal processes to reduce substantially the amount of copper and nickel they were discharging into the Bay.

Wilmsen: How did you accomplish that?

Smith: With legal threats that they would have regulatory action taken against them if they didn't develop better pollution prevention, and they saw that it was in their own interest to develop their own ways of reducing the amount of pollution going into the Bay, rather than having some government agency come in here and tell them how to do it. It's like with so many other things: If you can figure out some way of A) getting people's attention and B) developing enough leverage to get them to try to do the right thing, then you can make some progress.

It seems like that's kind of a recurring theme through a lot of our work. You first of all have to identify what the problem is and make sure they understand that there's a problem there, rather than denial, which is so often the case. And then if there is enough outside pressure to cause them to decide that it's in their own interest to try to solve it, then they can come forward and oftentimes they can find pretty good solutions.

So that was in general what happened on it. There were lots and lots of other details: figuring out appropriate trigger mechanisms, and figuring out appropriate enforcement mechanisms, and trying to figure out how many parts per million of such and such was the right trigger level, and trying to figure out the right way of monitoring the actual flow coming through the treatment plant, and to try to really figure out what was actually going on in terms of conversion of the salt marsh.

But basically that was the outline of it. It was a coalition of environmental groups that were able, through both a strategy of litigation and negotiation, to bring about some fairly significant changes.

Wilmsen: That coalition hired scientists to do those kinds of studies?

Smith: Scientists and lawyers. And part of it was relying on studies that were already being undertaken by Fish and Game and other existing agencies that are out there that weren't being listened to. See, you have so many different jurisdictions. You've got federal, state, regional, local government agencies, and within each one of those you have different jurisdictions that have different responsibilities for different things.

Traditionally, the people in charge of Fish and Game, or Fish and Wildlife, depending on whether it's federal or state, have some of the best scientists and the most committed people because this is what their passion is, and what their lives are. But they don't get listened to very much by some of the local public agencies. The local public agencies are more inclined to listen to the developers than they are to some Fish and Game outfit. So sometimes it's just simply helping to magnify their voices into the decision-making process that you need to do.

But the Regional board—that's a regional state agency—has been in the forefront of funding some of the science on this also. They have actually been a fairly effective regulatory body in terms of pushing the cities and the industry to do the right thing. They, more than pretty much any other body around, have been the ones that have been the most helpful in terms of kind of forcing this kind of progress.

They haven't been afraid to use their regulatory power as much, and they haven't been as afraid to use their permitting power. They actually do have some fairly significant powers.

Wilmsen: Why do you think that is, that they haven't been afraid as much to use it?

Smith: Partly it's been their leadership that they've had there, and partly they've got a staff that's pretty committed. They have a pretty strong mission. I mean, their job is to enforce the Clean Water Act and to make sure that there is no degradation of the waters of the state, and to make sure that the waters remain fishable, swimmable, drinkable. So they're the agency that's really on the front lines of enforcing the standards of the Clean Water Act, and they take it pretty seriously.

It's also been a process that has been open to public participation. At times they actually have encouraged it; at times they have reluctantly allowed it. But they were the group that first agreed to come do a nighttime hearing in San Jose. They've been the group that has had any number of public hearings on a lot of these kinds of issues. It's been a focal point for a lot of our organizing. We sometimes turn out significant numbers of people to their hearings and turn out the media and turn out enough attention-getting mechanisms so that they have to take this stuff seriously.

### **California Network for a New Economy: Proposals for the Peace Dividend**

Wilmsen: Okay. Then there was another coalition or network, I guess: California Network for a New Economy?

Smith: Yes.

Wilmsen: That was formed by labor unions and environmental groups, inner-city organizations, religious activists?

Smith: That was a statewide effort in the early part of the 1990s, when California was going through a pretty significant economic downturn. This was really more to focus more on issues of economic justice. It was at a time when companies were moving out of state, or threatening to move out of state, where there was high levels of unemployment. It was at a time when there was a significant amount of defense downsizing going on and when people thought that there was going to be a peace dividend and that that peace dividend

might be able to fund greater environmental protection initiatives, might be able to fund clean-fuel vehicles, might be able to fund a whole variety of publicly-financed projects that could help bring about more of a social agenda.

So it was partly from a defensive standpoint of dealing with increasing unemployment, increasing economic distress and uncertainty and anxiety, but at the same time trying to figure out ways of tapping into the so-called peace dividend and looking at the opportunities connected with economic conversion to peacetime operations.

We had a local project here we called Project UPSIZE, which was a coalition of a lot of those same partners. That was specifically focused on looking at the defense industry here in Silicon Valley, particularly at FMC Corporation, which was making tanks. We were working with them for a while, trying to turn their manufacturing capacity into making electric vehicles, electric buses particularly. There was a pilot project that was supposed to work at the San Jose Airport to pilot electric buses.

We had less but somewhat developed programs looking at Westinghouse and Lockheed, which are the two other major defense contractors here. For a while we thought that particularly that electric bus project might be an effective way of saving jobs and getting environmental benefit. That's what we were really trying to look at, was ways of doing both job creation and environmental benefit creation.

But eventually the whole thing didn't pan out because FMC was deciding at the same time to completely transform itself. They did a merger with a company back east. They shut down most of their manufacturing here and moved most of it back east, so it kind of was a good idea that never really panned out.

Just as another kind of interesting insight, we got to know the guy who was the chief of technology at FMC, who turned out to be a very good guy. He was very enthusiastic about what we were trying to do and wanted to work with us. He also had another thing that he invented--he was an inventor--and it was a glass separation technology that he said could be very beneficial to help with glass recycling, which could be another big job creation.

Right now the big problem with glass recycling is that once you get mixed colored glass in your waste streams, it's very difficult to sort them out, and if you can't sort them, the only color you can get is kind of a brown, and most people don't want brown glass. So it's just a mechanical issue; The value of brown glass is basically not worth it to actually go through the process of recycling. Whereas if you can separate your glass out and you can get green glass or clear glass or other colors of glass, then you have a much more valuable waste stream.

So this device, which he explained to us at great length, was something that did that economically, which he wanted to work with us to actually pilot as a job creation thing, and as an aid to glass recycling. But it turned out that FMC was a co-owner of his patent, and they wouldn't let him commercialize this. It turned out that the reason they wouldn't let him commercialize it was because another division of FMC was in the business of

making one of the constituents that's used in glass bottles, and they decided the recycling operation would be in conflict with this other division and would undercut the other division from making money. So they would never let him commercialize this thing that he had developed and invented and patented.

So it's just another little insight into how the corporate world works. It was a big disappointment. We were really upset about it.

But there were groups in other parts of California that were trying to do similar kinds of things, and this California Network for a New Economy was an early effort to try to network those things together.

Wilmsen: Before we go on to that, what was the guy's name?

Smith: It was Andy, Andy [pause]--

Wilmsen: Oh, well.

Smith: I can't remember, but it's something I can add onto my list of things to find out. I'm sure I can find that easily. This is in some of those boxes I was telling you are in the basement.

Actually, at one point FMC--the local management got pretty enthusiastic about this bus project. They had offered to rent an old facility that they had that was out of use, for the bus project, for a dollar a year, which was a great deal. That was a pretty good sign they were actually pretty seriously interested in it. But corporate pulled the plug on it. As I say, they decided that they were going to merge with--this was at the time when the whole defense industry was merging. That was their response to the end of the Cold War, was to merge everything together.

Wilmsen: Yes. Did you work with Carl Anthony on that?

Smith: A little bit, yes. We actually had a big hearing down here, on this project, at one point with Norm [Norman Y.] Mineta, who was our congressman chairing it. We had testimony from a lot of people, and Carl came down and testified about some of his work. That was kind of a high point. We actually had a vice president from Lockheed show up and a top official from FMC and Westinghouse and a whole bunch of community representatives, a bunch of labor people, the local officials; but it was like trying to turn around an elephant with a teaspoon or something. The elephant wasn't listening.

### **The Strange Case of EDGE**

Wilmsen: Now, I also encountered something about EDGE meeting in San Jose?

Smith: That's right. There was a meeting--

Wilmsen: What does EDGE stand for?

Smith: It was an acronym that wasn't really an acronym. In other words, there were words in the title that didn't quite spell edge but that was close and so they called it that. Let's see if I can remember what that was. Because Carl was involved in that. [pause] Well, I can't quite say it. But it was Urban Habitat, and it was Latino Issues Forum, and a few other groups that pulled this thing together. It was an effort to look at some of the environmental justice and environmental issues in the South Bay.

The thing that was a little peculiar about it was that it was organized by all the people from the North Bay. [laughter]

Smith: I actually never did--if I ever did--I don't think I ever actually understood how it was and why it was they put this thing together, but they put it together without really consulting anybody in the South Bay until they were fairly far along in their planning. One of our board members, who was a key Chicana activist and worked as a reporter for one of the bilingual papers in the South Bay, learned about this thing and kind of hit the roof and said, "What the hell is going on here? You guys are organizing an event in our community and aren't even involving anybody from the South Bay."

So I remember we had kind of a high-level meeting to talk about what was going on and what we could do about it. They ended up building in a little bit of participation from some of us in the South Bay. But it was a peculiar kind of a thing. It was a one-shot deal, as far as I know. Nothing else ever came of it. My feeling was that there were people involved in it and maybe some funders involved in it, too, that wanted to raise some of these issues in the South Bay but thought that those of us who were already active in some of those issues here were a little bit too hot to handle for some of the people they were concerned about working with. I'm not even sure if that's really an accurate perception or not, but that's what it seemed like at the time.

They actually brought in some fairly interesting speakers, panelists, and there were some interesting workshops, but as far as I know, nothing ever came out of it. And I don't think EDGE as a group stayed around very long. I think it kind of morphed into something else and I don't know what it is at this point.

There was a guy who had worked with Urban Habitat, I think, on that conference, whose name I see periodically now elsewhere, but--it's getting late in the day--I can't remember his name or the name of the organization that he works with.

Wilmsen: Shall we do one more thing and then call it a night?

Smith: Yes, let's do that.

### No Way to Clean Up PCBs at Westinghouse

Wilmsen: The Westinghouse campaign? How did that come about, and what did that entail?

Smith: Well, there were three key issues there, as far as I remember. They all kind of came together. Westinghouse was an old defense contractor that had been in that neighborhood for many, many years, going back before World War II. It was not a high-tech plant; it was a traditional defense plant. It was surrounded by a low-income residential neighborhood, where there were some people who were quite concerned about the air pollution and water pollution, and it was also a Superfund site. They had PCBs that had either leaked or been dumped on the property to some significant degree and had created a pollution problem that was so extreme that EPA eventually ended up throwing up its hands and saying that they didn't know what to do to clean it up.

But it was also one of the few facilities in the county that had a union, because it was an old defense plant. Traditionally they have always had unions. And there were some people active in that union that were concerned about the overall impact on the community surrounding it and were also concerned about occupational health issues. So there was actually kind of a labor-neighbor alliance formed in that neighborhood that was one of the best that I've ever seen happen here.

So it was a combination of all those factors that led to some quite good organizing--again, both within the neighborhood and in the plant itself. One of the main areas of focus was the Superfund cleanup, and because the Superfund process, again, required that there be a formal community participation plan, there were several opportunities for community meetings, for people to organize around it.

There was a pretty significant amount of effort and some quite good community meetings that involved people from the plant as well as from the neighborhood, in trying to get the company to do a more comprehensive cleanup plan than they had wanted to.

As it turned out, EPA took the position that there really was no existing technology that they were aware of to clean up the PCB contamination. It had been there for quite a long time. There were pockets, they thought, underground in some fairly significant concentrations but which were not accessible through any existing technology, and there were also other pockets that had kind of pulled up under the facility itself. And they said the only way they could get to some of those was by taking down the facility, and they weren't about to do that.

And so it was a situation where there was probably more extensive cooperative organizing between the work force and the neighborhood than almost any other situation, but in the end the result was actually one of the most disappointing because the EPA simply ended up taking the position that there's no existing technology that we're aware of that we could use to clean this thing up and so we'll monitor it, but we're not going to do anything more.

As far as I know that's the way it stands today.

Wilmsen: So they never cleaned it up?

Smith: No.

Wilmsen: Huh.

Smith: And it's in this old industrial area of downtown Sunnyvale, surrounded by this low-income neighborhood that's still there. And the plant itself is kind of a relic. I don't know that they're even doing much manufacturing there. That was one of these ones that got substantially cut back during the defense conversion days. At times they were talking about doing electric buses there also. In fact, a Westinghouse plant in another part of the country ended up building some electric buses, but they just let this one kind of flounder around.

Wilmsen: Are people in the neighborhood okay, health-wise?

Smith: There haven't been people coming forward in any significant numbers that I'm aware of with health problems, but there is certainly a pretty high level of concern. I think what happened there, they actually had at times used their PCB waste as weed killers, and they had actually intentionally mixed these things up with other things and gone out and spread them all over the lawn, around the perimeter of the property, right next to these residential neighborhoods to suppress the weeds. They thought they could kill two birds with one stone: You get rid of your weeds, and you get rid of your toxic waste at the same time.

The fact that they never got penalized for that at all is pretty amazing.

Wilmsen: Yes, that is amazing.

### **Speeding Up the Phaseout of CFCs in Computer Manufacturing, 1990-1992**

[Interview 4: May 30, 2000] ##

Wilmsen: Today is May 30, 2000 and this is the fourth interview with Ted Smith. We just decided that we were going to start with the Montreal Protocol. What all did the SVTC do around that, what kind of work?

Smith: We actually did quite a bit of work leading up to Earth Day 1989 in a fairly broad coalition of groups around the Bay Area, but also in coalition with groups in other parts of the country that were working in a coordinated way through the National Toxics Campaign to focus on CFCs and the ozone layer destruction. So we were one of several sites in the country that really focused on CFCs in April of 1989.



In the Bay Area we helped to put together a coalition that included Greenpeace and a number of the other Bay Area groups, particularly Communities for a Better Environment [CBE], which at the time was Citizens for a Better Environment. It included, oh, Clean Water Action--and I think maybe the Sierra Club was involved in it--the Toxics Coordinating Project, which was the Statewide Toxics group that we had at the time, and several other local groups that all came together, including several student groups.

And I know that we spent quite a few months really planning for that event, because we thought it was a way, leading up to the major Earth Day, 1990, to try to put the ozone layer on the agenda. A lot of the groups that were working on Earth Day 1990 weren't really on the front lines in the CFC ozone battles.

One of the things that really led into this was that in 1988 we had done the TRI report. We were the first group in the country to actually get the data which was then available under the 1986 amendments to the CERCLA law, the Superfund. Those amendments created for the first time the TRI data, the Toxics Release Inventory, which was the federal right-to-know program about chemicals actually released by facilities throughout the whole country. It was through that that, I think it was August in '88, we released this report showing that the companies in Silicon Valley were releasing millions of pounds of toxic chemicals into the environment. At the top of the list was IBM, with over a million and a half pounds of CFC discharges. That was really quite a shocking discovery, for us and everybody else in the area. It really got us thinking more and more about CFCs and the electronics industry.

Up until that point we were, I think, really only vaguely aware of the fact that the solvent of choice had kind of evolved into CFCs. Originally the solvents of choice were some of the other chlorinated solvents, TCE [trichloroethylene] and then TCA [trichloroethane], but as more and more questions arose around the health impacts of those chemicals, the industry began switching over to the CFCs. They are very good solvents and they met the technical needs, but it was always a mystery why the electronics industry, almost en masse, switched over to CFCs after the evidence was already in about the severe ozone-destroying nature of those kinds of chemicals. The CFCs were banned in aerosol cans in the 1970s, as I remember, and it was in the eighties that the electronics industry switched over to the CFCs. So somebody was asleep at the switch again, it seems like in kind of the same way that they were asleep at the switch in storing their chemicals underground.

In any event, we began planning for this major rally. We decided that we would target IBM. We decided that we would have the rally in a park right next to their plant gates. We did a significant amount of organizing work to both prepare materials for public education purposes, and also to do organizing for turnout because we knew that if we could turn out a significant number of people and if we could do a significant buildup to the event, that it would get the kind of attention that we knew we needed if we wanted to really try to change policies. And of course that was the purpose of it, was to try to get IBM to sign what we called a good neighbor agreement, that would put them on record agreeing to phase out CFCs by a certain date. We didn't take a position, you know, "Stop today," but it was at least trying to get them on a corporate policy level to acknowledge

that what they were doing was really very destructive and agreeing to take some pretty responsible steps to deal with it.

One of the key things that happened was that we were able to get Ralph Nader to agree to come out and be kind of our keynoter at the event. We were able to get some other pretty high-profile musicians and Hollywood people to agree to come to it. Again, the National Toxics Campaign was helpful in doing this. They supported several of the events. They were also working with Jeremy Rifkin and I forget the name of his organization, but they were the ones that were doing similar kind of work in New York.

We were actually able to turn out, oh, several thousand people, which was, again, I think pretty surprising. That kind of a turnout for an environmental event in San Jose had never happened before. It was really the fact that it was such a large coalition of people working on this, all of whom were really focused on the fact that the ozone layer was rapidly being disintegrated, and also by the fact that it had become pretty big news that the electronics industry was the major culprit.

There had been a series of articles that helped build up to this week. We did a series of reports; I know CBE did a pretty significant report. We also did a letter campaign where we wrote letters to the various companies and asked them if they had a corporate policy. First of all, we asked if they still used CFCs, and then we asked them, if so, do they have a corporate phase-out plan, because by this time the Montreal Protocol was already in effect and so there wasn't really any question of whether companies were going to be able to continue using CFCs. It was simply, at that point, a question of how quickly could they engineer a solution so that they could stop using them as quickly as possible, because we all knew that the CFCs that were being discharged today were going to have an impact for thirty years. I mean, there's pretty powerful evidence, and some of the companies actually started coming forward and saying, "Okay, we're going to switch."

There were some very outspoken people within the electronics industry, and I remember particularly a guy named David Chitick who was a vice president for environmental affairs at AT&T, who, at a conference that I attended, made the statement, "If we don't act, and act dramatically and promptly, someday soon we're going to make a phone call and we're going to reach out and try to touch someone and there won't be anybody there." Now this is AT&T speaking. And their advertising campaign at the time was "Reach out and touch someone," so he was kind of making a point on himself. And I just thought that was a very powerful thing to be able to do.

At the same time, IBM was not one of the companies that was stepping forward and saying, "Okay, we recognize that we are responsible for a significant portion of this and we're going to change our solvents." So in April--whenever it was, twenty-something--in 1989, we packed this park and then had speeches from Ralph Nader and other people. There were a whole bunch of community groups that had booths there. We had tried to approach IBM with a good neighbor agreement, asking them to sign it, and they had basically shut us out saying they were not prepared at a corporate level to make any decisions or any comments at that time. We then all marched up to the plant gates and people tied ribbons to the plant gates with messages to IBM.

The impact of all that was to, not only locally, but to a significant degree, nationally, get additional messages out to people that IBM was the largest CFC discharger, that the CFCs are destroying the ozone layer, and that they'd been asked and refused to sign a good neighbor agreement. It significantly escalated the pressure on them to do something.

One of the most important things that happened as a result of that was that shortly--within a couple months--after that I think it was *USA Today* came out with a front page story about how the electronics industry was destroying the ozone layer. That was, you know, a major media event, and of course got the people in the New York headquarters of IBM just in a tizzy, saying, "What the hell is going on? How come we're getting beat up on this thing? Why don't we do something about it?" And within a short time after that, I think it was by the fall of '89 they had developed a formal international, global IBM policy that they would phase out CFCs. They already had a development underway, engineering development, to basically switch over to soap and water, and they announced that they would be completely CFC free by 1993. So it was about three and half years down the road.

At that point, and particularly when people learned that they were talking about using soap and water--you know, the people were very pleased that they had responded, but there was also a pretty heavy hand wringing--no, that's not the right word --I mean, one of the things that Nader had said when he was here was, "What happens in a situation like this, no matter who it is, no matter what the issue is, is that the first thing a major corporation will do is denial: 'It's not us, it's not a problem, it's being exaggerated.' Then they'll move into, 'Well, maybe it's us, but it's other people, too.' Then they'll move into, 'But if you make us change the way we do business, it'll shut us down, it'll put us out of business, it's technologically infeasible. Even if it's not technologically infeasible, it's so expensive that we'll go bankrupt.' This whole series of arguments that you get..." and he had a whole litany of them and it was actually quite funny the way he put it. But it was like the traditional typical corporate defense whenever some big issue comes up, of moving from total denial to eventually coming around and saying, "Oh, yes, that's why we wanted to be the leader on this thing, because we believed it was important." [laughter]

So this was a classic case study in how that happened. From April of 1989 until I think it was October of '89 it was total denial and then one day, all of a sudden, it was, Oh, yes, IBM's going to be a leader in solving the ozone hole problem and has announced they're going to use soap and water. So it was not exactly technologically novel.

Actually, they ended up saying it saved them money as well as got them a cleaner product. So you're just going to have to scratch your head and wonder, you know, if they were able to do it in the fall of '89, leading up to the changes, why couldn't they have done it before that?

Anyway, we still look at that as one of our most successful coalition efforts. Our goal was to try to move up the timetable for all the big companies, and I think that really made

a significant difference. I think we probably saved a few years, because they all beat the Montreal Protocol deadlines by several years because of all of that.

## V CONNECTING THE LOCAL TO THE INTERNATIONAL FOR POLLUTION PREVENTION, 1992-1999

### Refocusing SVTC's Mission, 1995

Wilmsen: Well, now I want to kind of shift gears and talk more about the internal functionings of the Silicon Valley Toxics Coalition, because in 1995 there was a board meeting at which you discussed what kind of organizational structure SVTC should have to best achieve its mission?

Smith: Right. Well, it was probably a retreat that we had--No, I'm not sure what the date was on that. But I know that we did a significant strategic planning process that resulted in a retreat, which resulted in our redefining our mission and our programmatic areas.

Wilmsen: What was the reason for doing it at that time?

Smith: I think partly we felt that we were too scattered. We had gone through a series of evolutions of what we thought we were, or what we thought that our mission was, and what we thought our program ought to be. We had gotten kind of reactive, in the sense of reacting to people, to all kinds of issues that came in through the door, and consequently got spread really thin.

We've always been a fairly small organization, with relatively few staff, and began to realize that we were essentially trying to be all things to all people. There were too many things falling through the cracks and there were too many things that we weren't really able to spend the kind of time on that we thought we needed to, so we decided we needed to focus. And at the time we had been working on defense conversion, we'd been working on changing defense jobs into environmental jobs. We'd been working on some of the air pollution issues involving Kaiser Cement over in the western part of the county in Cupertino. Kaiser Cement has a huge cement plant that was talking about burning tires, and it would have created a lot more dioxin in the area, so there was a community group there that came to us and asked for help and we put a lot of time into that one. There were, oh, any number of other issues going on. There was asbestos contamination in Alviso. There was concern over some of the junk yards polluting some of the neighborhoods in town. Oh, a number of other things that people would basically come

and say, "Can you help us?" and then we'd say, "Sure," and we'd jump into it and put resources into it.

Sometimes things worked out well, but it meant that we also, I think, were kind of going through an identity crisis. There were things that we wanted to be able to do that we just didn't have the time to do. So we decided that we really needed to face some difficult decisions about what our niche was: what were our strengths as an organization that made us different somehow than other ones, and how could we redefine our programmatic areas to reflect what we thought it was that made us the group that we thought we were.

What we realized was that we were a funny kind of hybrid group. We were a local group, but we were increasingly doing statewide work through the Toxics Coordinating Project. We had been doing national work through the National Toxics Campaign. We had been doing national and international work through the Campaign for Responsible Technology, which at the time was becoming the International Campaign for Responsible Technology.

So we weren't like a more traditional environmental group that has, you know, chapters in different places whose focus is on trees or birds or water, and we weren't, certainly, a traditional labor group, although we had connections to the labor movement. We weren't a traditional health group, although we did work in health. There were both a variety of issues that we dealt with but also a variety of constituencies and geographies. So we really needed to decide whether we were going to be a local group and just work on all the local issues, or whether we were going to be a group that focused on the high technology industry, where it was expanding to. We'd been trying to do both and we decided we couldn't continue to do both those things.

So we came out of that with the vision that we would specialize as kind of the watch dog of the high-tech industry, wherever it was, meaning we would do local work, and continue--we were very clear on this. There were a lot of people on our board who saw the potential pitfall in becoming a global high-tech watchdog and losing our grass-roots base, losing our local focus. As one of them put it, you know, "We've got to watch out that we don't become a head without a body." And so we decided that we needed to continue and, in fact, expand some of our local work, but work that was related to high-tech hazards, high-tech growth pains, high-tech environmental and labor and development issues, locally as well as in other parts of the country as well as globally.

Once we came to that realization, we then decided that we needed to build programmatic areas and areas of focus, again, that could have impact locally as well as elsewhere. We decided that we wanted to do our local work both for the purpose of trying to improve and protect our local environment, but also from the standpoint of trying to do model programs or pilot programs that could then--if we could have success here, the theory was that that could then be exported to other areas where the industry was moving.

For instance, we have always worked on water issues and so we formalized a sustainable water program that works on closing the loop in terms of industrial water

discharge locally, as well as protecting the bay from discharges from high-tech industry and other pollutants. It was through that work that we actually helped to get started the Silicon Valley Pollution Prevention Center. We did that with a settlement of a lawsuit with the city to get them to fund the startup of the Pollution Prevention Center and that was back in that era, about '95.

Again, the idea was that if the companies could learn how to close the loop, how to develop more sustainable manufacturing practices here in Silicon Valley, that there was at least a better chance that they would export those practices to other parts of the world. There's always the danger that--you know, the double standard danger--they would do one thing here and do something else different elsewhere. But at least if they could be shown and learn that it's possible to develop more sustainable practices, and that they worked, and that they could still make a profit and still turn out their products, that they would then be more likely than not to use those same techniques elsewhere. So that's the water project.

We have a health project that continues our work and focus on the health impacts from high-tech manufacturing both inside the workplace as well as in the communities. That's been helped significantly by the fact that we last year received our first major funding for that from the National Institute of Environmental Health Sciences. So that's been a program that's getting started, and again, focusing on the local issues, but developing information and methodologies that can be helpful elsewhere.

Then we have our Clean Computer Campaign which has been focusing on the kind of the "end of life" issue of obsolete products. That, again, has a local component that is working with people throughout the Bay Area as well as in other parts of California to try to develop policy initiatives to help deal with the whole reuse/recycling issues from used computers. We've done a lot of research and published some of those things.

But we're also working with people throughout the U.S. and in other parts of the world trying to defend the initiative coming out of Europe: the WEEE [Waste from Electrical and Electronic Equipment] directive.

So in each of those three areas, we see that there's a focus on high-tech at multiple geographical regions and that we serve both as kind of doing model development, but also giving technical assistance to groups in other parts of the country and other parts of the world. So that was the major change.

What that also means is that that's our self-defined expertise. It means that we don't do pesticides, we don't do tire-burning, we don't do asbestos, and when we get requests to help work on those kinds of things, we say that that's not our field of expertise and we try to refer people to other groups that do.

**Preventing Tire Burning at Kaiser Cement, 1996**

Wilmsen: Do you want to briefly talk about what happened with the Kaiser Cement, just kind of sum it up?

Smith: Yes.

Wilmsen: That was one of my things on the list for today.

Smith: Was it? Okay, it was actually a wonderful campaign. It's one of our most successful campaigns. It's kind of ironic that out of all that we decided that we weren't going to do campaigns like that again. But there were, you know, just some neighbors who lived right up near the cement plant that contacted us when they learned that Kaiser was planning on burning tires. They said, "We don't think this is a good idea. We're concerned about our health. Can you help us figure out a way of making sure they don't burn tires here?" So several of us went to some community meetings to learn more about what was going on, to meet some of the residents that live there.

They were a very sophisticated group that developed their own very efficient communication system, had their own research team with people who were pretty good researchers, and they started a public campaign working with local officials and the county government and the Air District to try to make sure that this tire-burning thing didn't happen.

Their concern was dioxin, which was, you know, a pretty important concern, because there was very good evidence that if you burn the materials used in tire manufacturing, that you create a whole host of incomplete combustion byproducts including dioxins.

There were a whole series of pretty major community meetings, and one of the things that we did that, again, really helped turn the tide on that one was that we got the Air District to agree to come down and hold a public hearing over at De Anza [Community] College. And the Air District had--in my memory--had never done a nighttime community meeting at the request of a community organization, but they did on this one.

And again, very good organizing. We had a door-to-door canvass at the time that had gone out and covered the entire neighborhood all throughout West Valley and had gotten information out to people, had done a lot of public education. We were able to pack this big room over at De Anza College for this hearing.

The district started out trying to control the meeting and basically trying to tell everybody, "Don't worry. We've looked at this. Our scientists have looked at these issues, and not to worry, it's okay." And pretty soon people started getting up and saying, "Wait a minute, we've done some of our own research and it's different from your own. Here's what we've shown."



We actually brought in a couple of our own experts, and had them talk to the people there and explain what was going on, and it turned into one of these events where the community people in the audience--most of the audience was made up of people who were living right near there. They basically told the Air District in no uncertain terms that they didn't want them issuing a permit. It required a permit, or they weren't going to go forward.

The same night Kaiser rented another room on the campus to have their own public meeting and tried to get people to go to their thing, but hardly anybody went to it.

Anyway, as a result the Air District finally did back down. The community got them to actually change their own risk analysis by just critiquing it and going over it in exhaustive form. It was another really good example of a community getting empowered by learning how the system works, getting a little bit of technical assistance on organizing tactics and media tactics and technical research kinds of tactics, and doing a really good job.

Kaiser finally did withdraw their whole proposal. I don't know whether it's gone away finally or not, but at this point it's off the boards. People in the neighborhood are feeling pretty good about it.

### **New Staff and New Fund-raising Strategies at SVTC**

Wilmsen: That's great. Now, out of this retreat in 1995, did that lead to any changes in terms of fund-raising strategies or new staff or anything like that?

Smith: Yes, we decided that we needed to get some more specialized staff. We decided that we needed to try to break through into some larger funders, both in terms of foundations as well as in terms of individual major donors. We'd been running on a budget that was, oh, maybe a couple hundred thousand dollars at the time, maybe a little bit more, but some of the money that we raised we would share with other groups, so the actual amount of money going to the core budget of the Toxics Coalition was still pretty thin.

And we decided that we needed to staff these programs that we had defined as what we wanted. We also realized that capacity-building and development was an area that we had kind of never given enough time or thought or energy or funding to. You know, we were a group of activists that liked to do activism and weren't very good at doing management. We kind of finally acknowledged that that was the case, and said that we needed to bring in some people who could really help us on both the management and the fund-raising end of things. Basically each of the programmatic areas had to develop a funding scheme of their own and to coordinate with the other ones, but each one really needed to develop a funding base and stand on its own. And we've, I think, done a reasonably good job in moving into that format so that each of the programs now has its own budget.

There are certainly resources that are shared, but there are also in each of these programmatic areas, in some ways, different sets of funders that support them, and so in a way it opens up more opportunities. On the other hand, it means that we have to be a lot more sophisticated in our targeting and the way that we think about presenting our different programs to different funders. I mean, somebody might like water and not really care much about health or clean computers and vice versa. Although some people like it all and they see the logic of what we're trying to do. Again, there's not very many groups around that I'm aware of that take what I call this vertical view toward its own self definition of an industry-wide perspective, and then particularly in a situation where there's such a global production chain.

I mean, once we say that we define our mission as focusing on high-tech development, that means we're looking at the--I mean, if you just think about what's inside a computer, there's a disk drive that probably is built in Malaysia or Singapore. There's a bunch of circuit boards that are built in any one of a number of countries in Asia or perhaps even down along the border of Mexico. There are chips that are made and assembled in several different parts of the world, and there are other kinds of components that are made or assembled in still other parts of the world. One computer has stuff in it that is either mined or manufactured or assembled in many, many different countries, just in one box, just one computer.

##

Smith: If you stake out your own mission as focusing on the impacts of all the stuff that goes into a computer, by definition your geography is huge, and the things that you are concerned about are really very tremendously varied: everything from cutting down rainforests in Malaysia to build new disk drive factories, to workers being poisoned in Taiwan, to occupational health physicians in Thailand being silenced for speaking out about occupational health issues, to the export of hazardous waste from Costa Rica when Intel puts a new plant in there, to the explosion in new semiconductor plants in Taiwan, to the working conditions along the Mexican border, to the subcontracting issues that get you into sweatshop types of issues the way you see with the garment workers. These are all now kind of on our plate of things that we are concerned about, are interested in, are researching, and are trying to provide useful information to other groups that are trying to figure out what's going on in this whole hectic development thing.

Wilmsen: For funding do you rely mostly on foundations?

Smith: We get about two-thirds of our funds from foundations. We're right now trying to break into some of the larger funding sources. We've typically been able to get funds from the more progressive foundations and haven't done very well in breaking into some of the more traditional foundations, so one of our strategic goals at this point is to try to get more multi-year grants in the \$100,000-a-year range. For us that's a lot of money. Typically we've been getting grants in the \$25,000 range. If we get \$50,000 we're lucky. So it means that we have to be seeking funds from many different foundations all at the same time, which means you've got to write different proposals. You have to do your reporting on all the different proposals, and it's pretty time-consuming.

Wilmsen: Why do you think you've have more difficulty getting into the traditional funding sources?

Smith: Well, partly it's that we do things a little bit differently. You know, we're not just a traditional environmental group. Ironically, we're caught in a bit of a no-man's land. There are a number of foundations in San Francisco that fund environmental work, but they don't consider Santa Clara County to be part of the Bay Area and they fund in the Bay Area.

Wilmsen: Oh.

Smith: The two main foundations in Santa Clara County that have environmental programs that are large ones, are the Hewlett Foundation and the Packard Foundation. And with them, the work that we do is a little bit too close to home for them and so they don't think it would be appropriate to fund us. We go to the East Coast and they say, "Well, why don't you get funding on the West Coast?" I mean, there's just like kind of ping-pong stuff going on. But I think we're continuing to make progress, and I think as our work becomes better known in other parts of the country, we're getting more and more support.

We're also getting more support from the socially responsible investment community, which has been helpful. There's a number of socially responsible investment funds out there that have been working with us now, and sharing research or sharing targeting or working together on shareholder resolutions and things like that. And through them we've been meeting some additional large donors.

We also get some government grants. We're finishing up an EPA technical assistance grant for our Superfund work. We have this large grant from the National Institute for Environmental and Health Sciences. We get some funding from the City of San Jose to do some of our water program work.

So as I say, it's about two-thirds foundation, maybe 10-15 percent government, and the rest is from donors, private donors. Again, part of our long-term strategic plan is to change that mix so that we are a lot less dependent on foundations and we have built up our major donor base significantly. But we have a ways to go with that.

### **The Sustainable Water Program**

Wilmsen: Okay. Let's talk about those three model programs you mentioned. The Sustainable Water Program, I guess we can start with that one. Tell me what that's all about.

Smith: Well, that kind of has grown out of the work we've done ever since we started. We started with a focus on ground water contamination, and ground water and drinking water continue to be major parts of our concern and our focus for our programmatic work. All of our Superfund work has been water related. The technical assistance grants that we've

had from EPA have been specifically for the purpose of trying to improve and speed up the cleanup of the ground water basin here in the valley. But in addition to that, we've done work with our Clean South Bay Coalition and that's been more focused on the discharge of metals into the South San Francisco Bay.

Then I guess the other really key thing was that in conjunction with the Southwest Network for Environmental and Economic Justice we published this booklet called *Sacred Waters*, where we documented the impact of high-tech development in four communities throughout the Southwest including San Jose [California] and Albuquerque [New Mexico] and Austin, Texas, and Phoenix, Arizona. Working with community groups, environmental justice groups in each of those communities, we did I think a remarkably good and thorough job in documenting the impacts, both in terms of water pollution and also in terms of water supply of this kind of high-tech development.

It ended up concluding that high-tech pollution of the ground water and the high-tech demand for ever increasing water resources was one of the most important parts of the footprint of high-tech development, because we found the same patterns everywhere we looked. So it was based on kind of those historical developments that we decided that we wanted to have a key ongoing sustainable water program and we would focus on, again, a few aspects in depth.

One of the main things that we worked on is work to help the companies close the loop on their waste water. Most high-tech manufacturing, large manufacturing, uses huge amounts of water and consequently has a huge waste water discharge--hundreds of thousands of gallons a day if not millions of gallons of water a day. And that's happening here in Silicon Valley in spite of the fact that there are serious restrictions on the amount of water and the kinds of water that can be discharged from the sewage stream plant here into the Bay because of the concern over the rates of damage in the ecology of the South Bay. So there's compelling reason and rationale that we want to try to close the loop.

There's also an additional rationale, which is I think increasingly important, which is we don't have enough water here in the South Bay to sustain the kind of development that we have, at all. We're now over 50 percent dependent on outside sources of water just to supply the needs that we have here now, so that in times of drought there's severe restrictions and rationing that come into play. We have drought maybe every ten years, so if you're a big high-tech company and you demand water security even in times of drought, it makes a lot of sense to figure out how to reuse your own water supply so you're not dependent on outside water supplies. We're making some progress. It's slower and more frustrating than it ought to be, but we're discovering that some plants are making quicker progress and we're trying to spread that word around, trying to encourage--

Wilmsen: When you say close the loop, you mean working out technologies to recycle water?

Smith: Yes, to reuse the water, so that if you're using 500,000 gallons of water a day and discharging 500,000 gallons of water, you can run it right back through your water purification, water treatment, plant right back into your process. So your dependence on outside water supply is basically reduced to zero, or at least to a very significant degree.

We've been doing a lot of work with the Pollution Prevention Center, and a consultant that we work with, and John Rosenblum who has developed a significant amount of technical backup for not only how this makes sense, but how can it be done. So that's one of the major areas that we're continuing to focus on.

We're also getting involved more with some school kids in doing actual monitoring--pollution monitoring--in some of the streams of the valley, and that's been kind of fun. Then of course what we're trying to do is take the information that we're learning here and getting it out to other people who have concerns about water supply issues as well as water pollution issues.

And the thing about the closing the loop on the waste water is that you not only can reduce your dependence on water supply, but it means that you're cleaning up all the pollutants out of your waste water stream, because if you want to put it back in your plant, you have to have clean water. You can't put polluted water back in there, so it means that they are managing the toxics in a much more effective and much more environmentally smart way than they were. So those are some of the ways that we're working on our water stuff.

We're also involved in several processes involving the city and other stakeholders in a thing called the Watershed Management Initiative, WMI, and it's a whole regional approach to trying to figure out ways of protecting the Bay, of cleaning up the Bay, of sustaining the Bay over time, and we're the lead environmental NGO in that whole process. Michael Stanley-Jones is our staff person in charge of that. He's working with another guy, named Richard McMurtry, who's actually on loan to us currently from the Regional Water Board, which is the first time that a state agency has actually allowed one of its employees to work with a nonprofit group to be working on environmental issues. That's nice. That's a benefit.

Wilmsen: That's great.

Smith: Do you want me to go through the other ones, the other programs a little bit? Or do you have any questions on that?

Wilmsen: Do you mean the other model programs?

Smith: Yes.

Wilmsen: Yes. Okay, how about the health program?

Smith: The health program is our newest one. It's again, we've--

Wilmsen: Oh, wait a minute, sorry. I do have a couple more questions on water.

Smith: Okay.

Wilmsen: Now you worked with Norman [Y.] Mineta on some clean water amendments, also?

Smith: Yes. Some years ago. Norman was our congressman at the time and he got actually quite concerned about some of the pollution stuff and actually carried some legislation to help both clean up the pollution as well as trying to prevent future pollution. He was actually quite effective in both regards, and carried actually several different bills that were focused on the water problems here.

He actually had a congressional hearing in San Jose some years ago where he and some other members of Congress came out and took testimony from people, a whole day's worth of testimony, and published a report on high-tech pollution in the Silicon Valley. That was helpful in terms of educating other members of Congress about what some of these issues were, because, again, a number of them were courting high-tech development at the time, and this was helpful to get the other side of the picture out to people who needed to know about it.

Wilmsen: What was the nature of your work with him?

Smith: We would get information to him; we would provide some of the technical backup to what he was doing. We would get him some of the latest data on the extent of the pollution, and he would ask us for help in crafting some of the parts of the legislation that he was drafting, to make sure--he was trying to be responsive to the community group in his district, so he was doing the right thing.

### **The Environmental Health and Justice Program**

Wilmsen: Okay, shall we move on to health?

Smith: Yes. Like water, health has always been one of our core values. The reason we got involved in the water pollution stuff was because of the concerns about health. It was because we learned early on that exposure to toxic materials can cause pretty serious health problems, so it was kind of a logical outgrowth of all that work. The difference is, is that with our new Environmental Health and Justice Program, we have both a sustainable funding base and we have an explicit mission and work program that's designed to help identify cases of occupational environmental health much more so than they currently are identified.

We are also trying to help local government, particularly in the local county health department, develop ways of tracking occupational health issues and environmental health issues much better than they currently do. And we're trying to use some of the tools and access that the public health department has through its clinics and other medical service

provision aspects to do education of the medical community as well as the patient community.

Our goal is to have different focuses of change. We have actually three goals in that program right now--overall goals. One is to empower community residents and workers to learn more about the link between toxic chemicals and health, and then to do training so that they can take action on what they've learned. Secondly, it's to work with the county health department to train the personnel there to recognize the potential link between toxic exposure and health outcomes and to evaluate their own data collection and data management system from the standpoint of being better able to identify and document environmental and occupational health problems. And the third goal is to work with some of the local companies to try to continue to reduce exposure on the job and to the neighboring communities through developing cleaner technologies, cleaner production processes. So there are some pretty ambitious program goals at this point and we're now still just staffing it up. We just have one staff person working on it, Corina Vera, and we're about to go out and try to find a couple extra people.

We're trying to raise some initial funds so that we can have a much more in depth program, because our goals on that one are pretty ambitious. It's a multi-year project. We know it's at least a four-year project. We know it needs to be considerably more than that, if we can continued to sustain the funding.

### **The Clean Computer Campaign, and Extended Producer Responsibility**

Wilmsen: But it's related to the Clean Computer Campaign because if you have cleaner production processes--

Smith: Right.

Wilmsen: It helps with worker health.

Smith: Ultimately, as with most things, all things really are connected. But the Clean Computer Campaign really is focusing on several particular hazardous materials which are of particular concern, not only in the production process itself, but also at the end of life. These are typically some of the metals that are used that if you junk a computer and put it in a landfill, these can leach into your ground water supply. If you burn them, they'll get up into your air through air pollution, so the concerns are similar. Traditionally we've worked much more on production-related processes: the CFCs as a solvent in the production process, or TCE and TCA leaking from underground storage tanks that were involved in the production process, or working on the toxic gas ordinance in order to protect the workers working in the production process. The difference with the Clean Computer Campaign is it's not looking only at the process, it's also looking at the actual end-product itself and what happens to the product throughout its entire life cycle.

Wilmsen: Oh, I see.

Smith: So it's a real different focus, and for us it's been pretty exciting because it opens up different avenues of thinking on things. [tape interruption for office business] That's a call from a major funder. [laughs]

Wilmsen: Oh.

Smith: Speaking of which. [laughter] So--again, traditionally, what we've been focused on is what happens as the components of that computer are made: what are the impacts in the production itself. In the Clean Computer Campaign, it's focusing on what's going to happen to that box when it's no longer in use in this office.

Wilmsen: Okay.

Smith: Can it be reused somehow? Somehow we've got to figure out ways of keeping the stuff that's in that thing out of landfill. We've got to keep it away from incineration. We've got to figure out ways of reusing the whole thing, or if we can't find a reuse for it because it really is totally obsolete, then we've got to figure out ways of recycling the components or the materials that are in there. And the problem is that just in that monitor right there, there's over five pounds of lead just in the glass to protect me from the radiation coming at me from the cathode-ray tube. A cathode-ray tube shoots out radiation and that's what stimulates the screen to give you the picture that's on there. If it weren't for the lead, sitting here [in front of the monitor], you'd be dead in a short period of time. It's like when you go in a dentist office: if you don't wear the lead apron they get you, you'll be irradiated, you know, screw up your reproductive capacity.

Wilmsen: Yes.

Smith: It's the same function. It's just that there are now something like 300 million old CRT monitors sitting around that are in people's basements or garages and nobody knows what to do with them. If you put those all into a landfill tomorrow, they would add over a billion pounds of lead into our landfills. We can't do that. Everyone knows we can't--well, not everybody. Most people don't know there's five pounds of lead in there. But people who have been thinking about this stuff realize this is a serious problem, and there is no existing infrastructure to deal with the lack of capacity for these 300 million computers.

If you're a big company right now, and you want to go out and buy 500 new computers, anybody will take back your 500 old ones as part of a service deal because they want your business. But if it's one or two that you have sitting around your house, nobody wants them because there have been a number of pilot studies done that have shown that it's a negative value to try to recycle these things because the cost of dealing with the toxic materials that are in there is so high that even if you could recover certain materials that have value--which there are--those are outweighed by the expenses of dealing with the toxic stuff.



So the clean computer campaign is really focused on trying to address those kinds of issues and trying to build up, in the U.S. in particular, the kind of infrastructure that we need in order to deal with this on a long-term basis. Because our research shows us that the existing infrastructure isn't adequate and that the existing economics are inadequate--i.e., the market just doesn't work right now--we need to develop, again, some policy tools to rearrange the rules of the game. That's why we're supporting what's called Extended Producer Responsibility, which is the strategy that's being developed within the European Union.

Their waste electronics directive says that a producer has to be responsible for the entire life cycle of their product. It's a radically different way of thinking about products than anybody's ever done before, and it's a very foreign notion to most people in this country. People think, well, a producer manufactures things and then sells it, and then they're gone. That product is no longer the responsibility of the producer; it becomes the responsibility of the consumer, and then eventually maybe of the garbage company or something. But to say that the producer has an on-going responsibility for that product, even to the end of life, is a pretty different notion.

But it's one that's coming. It's one that has to come because, increasingly, it's not just computers; it's all kinds of electronic and electrical gadgets that are flooding the marketplace. And as long as a producer can wash its hands and walk away from it, they're going to be continuing to create all this electronic junk, or e-waste as we call it. And it's either going to bury us in e-waste or we're going to have to change the rules of the game.

And our strategy is to work with allies and friends in Europe, in particular, and to some degree in Asia and increasingly in other parts of the U.S. to try to establish this EPR, or Extended Producer Responsibility strategy. We just had a big meeting in Mountain View with over a hundred people who came out to that from around the state to talk about how to develop local ordinances and local resolutions in California. And we're working increasingly with people in many other states who are doing similar things. The State of Massachusetts has just passed a landfill ban that bans the CRT monitors from going into any of the garbage dumps. That's the kind of thing people around here are thinking about doing right now, too, which would basically stop up the bad avenue for dealing with it, which will help to force the creation of the recycling infrastructure.

### **Getting the U.S. Trade Representative to Back Down on the WEEE Directive**

Wilmsen: Is Massachusetts the first to do that?

Smith: They're the first one in the country to do that, yes. The Europeans, as on many other things, are way ahead of us in terms of where they are. Most of the major countries in Europe have already passed these laws and what they're doing now at the EU level is just trying to harmonize those laws. Unfortunately the U.S. industry is fighting those things and they've gone to the U.S. trade representative and gotten the U.S. trade representative

to challenge those laws as potential violation of the WTO, saying that it would create illegal barriers to trade to pass laws like that. So it's been a very intense and pretty bitter struggle.

I was in a conference call meeting with EPA and the U.S. trade rep just about a week ago, along with a number of other NGOs who were in Washington or else on the phone, and I think we're finally beginning to get our message through to the trade representative. They were saying, "Okay, we won't do anything more, at least without consulting you guys," which is a major breakthrough because in the past they haven't cared anything about what the environmental community says. They hadn't even cared what EPA said; they just went out and did their thing.

Wilmsen: So what was it that made them--

Smith: Seattle. The demonstrations in Seattle when the WTO met in 1999 really got their attention in a big way. Of course, we've been able to raise quite a ruckus around the WEEE directive. We published a lot of information about that. We've gotten quite a bit of media coverage throughout the States as well as in other parts of the world. I think that they've been embarrassed pretty significantly again, which is the one thing that we can sometimes succeed in doing, is embarrassing them. And since they're so concerned about their consumer labels, and also their reputation. Most people still think of the electronics industry or the computer industry as being a clean industry and so when they see a report that, you know, there's five pounds of lead in a computer monitor, people sit up and notice. Plus, a number of other groups in this country have begun to focus on some of these issues. And again, that's one of the other ways we see our role: doing public education amongst the environmental community. Again, most of them are not focused on these kinds of issues, and I think that, in fact, over the years that's probably one of the most important things that we've been able to do is to put e-toxics, e-waste on the agenda of some of the other environmental groups, particularly some of the bigger groups that work in Washington that sometimes are able to do things that we couldn't do from out there. They're the ones that got the meeting together with the U.S. trade rep and EPA.

And there was a series of people at a meeting over in Europe just a couple weeks ago where this was the big topic on the agenda, so we really are working internationally with a lot of different people. It's an example of combining some of our local work with work we do through the International Campaign for Responsible Technology.

Wilmsen: Who were some of the groups in Washington that you worked with?

Smith: Well, last week at this meeting with the trade rep and EPA there was World Wildlife, National Wildlife, Sierra Club, Friends of the Earth, Center for International Environmental Law, a couple of others--Greenpeace has been involved. And then on the phone there were people from local groups in other parts of the country. Then there was also somebody at the meeting in person from Calvert Socially Responsible Investment Fund, who we've been working with on that. So it was a pretty good showing, I think.

I think they've realized that this wasn't just some local group in San Jose that was trying to get attention or something. It was really a pretty significant broad-based coalition of people that were concerned about this. And of course it's consistent with a number of other issues that the environmental community in Washington has been concerned about involving trade and the environment. So this was a good, good time and a good way of injecting another issue into that whole debate. There's been a lot of discussion about, oh, everything from old-growth logging to the tuna-dolphin dispute, which got into trade and the environment issues.

There was an MTBE case out of Canada; it was a trade and environment issue. There's been a whole series of these things where the U.S. trade rep has oftentimes, at the behest of U.S. industry, waded into these things and has taken the anti-environmental position, and has been using the threat of WTO action and sometimes the actual carrying through of WTO action as a way of representing the U.S. business interests against the environmental interests. So people have been pretty sensitized about that.

#### **Shaping Product Policy: Local Ordinances and the WEEE Directive**

Wilmsen: Backing up a minute, how did you move from being involved in the production of computer components and kind of the environmental issues around that, to the end product?

Smith: Well, it's been another evolution that we've gone through. It's a little bit similar to going from a focus on pollution cleanup to a focus on pollution prevention. We began to realize that the production issues, although still incredibly important, were not the only issues involved in high-tech development. And I think a lot of our perspective has been shaped by contacts with some of our key allies in Europe that have been focusing on product policy for the last several years--again, way before anybody in the U.S. really started thinking much about it. So we've worked very closely with people like Bev [Beverly] Thorpe and Iza Kruszewska, who work with a group called Clean Production Action. And that's a European-based group that has been working on product policy for quite a long time. We sometimes use the phrases "clean production" and "clean products" together to make the link between the two different aspects of it. We work with some university-based research programs that have been working on both clean production and clean products, and I think those are the main ways that we've evolved in this.

Wilmsen: And so is working on local ordinances the main tool that you've been using to try and change the rules of the game?

Smith: At this point, locally, that's the main tool. We have realized that we're not going to see much policy development in this area come from EPA.

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Smith: EPA has said basically in exactly these words, that, "As long as there's a Republican Congress, we're not going to be able to move a regulatory program or anything like what's going on in Europe. We can work on voluntary initiatives, but that's about it." Realizing that, we've decided that what we have to do is we really have to do another kind of bottom-up grass-roots campaign and develop local ordinances and local resolutions; do that around the State of California and build that up to a strategy that will eventually get some of the policy initiatives into Sacramento.

And other states are doing similar things. There's quite a bit of stuff going on, as I said, in Massachusetts. Minnesota's doing quite a bit of stuff. Several other states are moving on either landfill bans or EPR initiatives or something. And eventually EPA is going to have to wade into it, step into it, and agree to develop some kind of policy, because there's going to be different ways these things are developed. It's going to drive everybody crazy.

Industry can't stand to have everybody dealing with their products in different kinds of ways, so it's going to have to get harmonized at some point. But in the meantime, our strategy is just to do as much local work as possible.

Wilmsen: And you definitely need that international trade component.

Smith: Yes.

Wilmsen: So that you can deflect the threats of WTO action.

Smith: Right, and that's the other main way we're working on this. We're doing both the local model development stuff, but we're also working with European allies, trying to defend this WEEE directive. A new version of it, the latest draft has just been circulated, and we lost some of the provisions that were in earlier drafts, but the core of it is still there. It looks like it's going to get through--not as strong as we had hoped, but in a decent form.

And once that takes hold in Europe--you know, it's an international market: if a U.S. company wants to do business in Europe, they're going to have to live with that set of rules. And if they're going to live with that set of rules there, what's the difference with living with that set of rules here? It's sort of like our model strategy for dealing with some of the water issues, where we develop model ordinances here and then try to export them. Unfortunately in this case, the actual model development is happening elsewhere and we're going to have to try and import it here, now. So it does work both ways.

Wilmsen: Now for the record, can you just summarize what the WEEE directive is?

Smith: Yes. It's called the Waste from Electronic and Electrical Equipment Directive, or WEEE. It defines product policy for all electrical and electronic equipment--so everything from radios and television and refrigerators to computers--and it establishes a new way of defining a responsibility of the producer. It says that the producer's responsibility is extended to cover the entire life cycle of the product, which means that at the end of its life, the producer has the legal, moral, and financial responsibility to take back that

product and to deal with it in an environmentally appropriate manner. And what that means is defined as saying either a reuse or recycling scheme.

It establishes that the financial burden would rest with the producer, so that even in those cases where the economics don't currently work, the producer will have to make up the difference. Of course what the producer will do is to distribute those costs throughout the product chain and to the consumers, but at least the costs will then be borne by the people who are benefitting from the product itself, rather than by society at large. So it's really internalizing the costs.

The hope and the theory is that once you succeed in internalizing the costs of disposal, that that will lead to redesign, and one of the real main purposes of the WEEE directive is to encourage better design for the environment. If you can design out some of the toxic materials that are currently costing a lot of money at the end of life, if the company has to start paying those costs, it's going to very quickly realize that if you change the design and can save costs, you're going to save yourself money at the end, rather than somebody else. So it's that internalization that's the key.

The WEEE directive also would phase out the use of some of the nastiest chemicals over a period of time, and that's been one of the most contentious issues involved in it. It does it over a several year time period, to give the companies time to develop alternatives. Again, it's like the CFC issue where a lot of the companies are still doing hand wringing and saying, "Oh, we don't know how to do it, and it would cost too much, and it's technologically infeasible, et cetera, et cetera." But some companies are going forward and saying, "Oh, hey, we know how to do this stuff."

Unfortunately a lot of those companies are in Japan and Europe and the U.S. companies are once again kind of playing catch up, and because of their position in opposition, are not moving forward as quickly or proactively as I wish they would. That's a little bit analogous to the whole dispute about fuel efficient cars a few years ago. I mean, Detroit was saying, "We can't build a fuel efficient car and even if we could, nobody would buy it." And the Europeans and the Japanese auto makers came in and just kicked the crap out of them in the international marketplace by building fuel efficient cars, and so Detroit was playing catch up for the next ten or fifteen years. And that's what I see happening in this whole arena too, unfortunately.

### **Mixed Industry Response to Worker Health Issues**

Wilmsen: Okay, getting back to the health program. I have one more question. The "One Too Many" campaign, was that a precursor to that?

Smith: It was a precursor to the formal program, but like the environmental health and justice program, it also was a collaboration between Silicon Valley Toxics Coalition and the Santa Clara Center for Occupational Safety and Health, which again had been our parent

organization, originally. That was a campaign that came about following the discovery of the miscarriage rates, high miscarriage rates in the semiconductor industry, going back to the original study that was published in 1986 by the Digital Equipment Corporation, which found elevated levels of miscarriages at its plant in Massachusetts--Hudson, Mass.

The slogan that came out of it was, "Ban toxics, not workers." And we did again a fairly widespread coalition with labor and occupational health, public health people in other parts of the country, and eventually got the Semiconductor Industry Association [SIA] to sponsor its own study.

Wilmsen: Oh, I think we talked about this, actually.

Smith: Yes. That was the Davis study that came out. But the organizing effort that we were involved in that worked on that was called the Campaign to End the Miscarriage of Injustice.

Wilmsen: Yes. I think I was referring to a different one, actually, to reduce the use of carcinogenic chemicals?

Smith: We've done some of that, too, but that wasn't called the Campaign to End the Miscarriage of Injustice, that's been actually under a different rubric and it hasn't been as well defined a campaign. The main work we've done on that has involved clusters, cancer clusters amongst semiconductor workers in several parts of the U.S., as well as in some parts of Europe. We've been--again on that one--trying to focus on replacing the chemicals that are known carcinogens because these cancer clusters are increasing and they're continuing to pop up in different places. So the companies have really had their head in the sand on this one. They have taken the position that there is no problem and since they've asserted that there is no problem, there is no need to study it. And without doing full blown epidemiological studies of these issues, there's never any way to really tell exactly what's going on.

And so they've taken kind of contradictory positions: one is there's no problem, but when we said, "Well, we think there is a problem. Let's do a study to figure out who's right," they say, "No, we won't do a study because it's our position that there's no problem." And we've been going around and around with them now for several years on this one. We thought for a while we had an agreement through EPA's Common Sense Initiative to work with the industry and with the California Department of Health, as well as with EPA to conduct some of these studies, but the industry after initially saying that they would go along with it, pulled out and said it would be too risky for them to engage in such a study. They were afraid of that, themselves.

So at this point the California Department of Health continues to be interested in pursuing the study, but without the cooperation of the industry they say there's not a lot they can do because they don't have access to the records. And so the attorney general of California has gotten involved a little bit and has said to the SIA, "Maybe we should subpoena your records." And that got the industry to the table, at least. They say, "We don't want you to subpoena our records. Let's sit down and talk about it."

They talked for a while and not much has happened, so it's not clear to me where it's all going. The industry has appointed a blue ribbon committee to study it at this point.

Wilmsen: Are they saying it's not a problem because the clusters aren't statistically significant?

Smith: Yes, that's what they say, but you never can tell if something is statically significant unless you do a formal scientific study to measure it. And so, they're basically saying, "We don't want to know what's going on." You know, "See no evil, hear no evil."

Wilmsen: Now do you have any other success stories like getting rid of the CFCs, where they switched to soap and water?

Smith: Well, one of the things that did happen as a result of the SIA study on the miscarriages is that they have now pretty much phased out the whole family of chemicals known as the ethylene-based glycol ethers.

Wilmsen: Oh, okay.

Smith: So that is another example of switching, based at least in part on some of the environmental health concerns.

Wilmsen: And what are they using instead?

Smith: There's a series of other alternatives they're using. Some are like another family of chemicals, they're like cousins. They're called propylene-based glycol ethers. But there are other ones that are completely different kinds of chemicals. There's one called ethyl lactate; there's another one called--oh, I can't remember what it is, but I know that there's a third alternative that some people are using. And again, they do the job quite sufficiently. You can't say that they're non-toxic, but they certainly seem to be less toxic than glycol ethers. But they continue to use all kinds of other things that have a range of health problems. Just by getting rid of one or two things it doesn't really solve the problem. It might help, but it's an ongoing thing.

### **EPA's Common Sense Initiative, Project XL, and Printed Wiring Board Project**

Wilmsen: Yes. Okay, you mentioned a few minutes ago EPA's Common Sense Initiative. How did you get involved with that? You're on the subcommittee, is that right?

Smith: [Yawns] I went camping this weekend myself and I didn't get a lot of sleep. [laughter]

Yes, I was one of the representatives to the Common Sense Initiative's group that focused on computers and electronics. It has now finished its work and has kind of gone out of existence, but we did quite a bit of work there for, oh, maybe three or four years.

And hm, I'll just show you this. This is something that probably we ought to give to the library. This is a little booklet that came out of that on constructive engagement.<sup>1</sup> We actually spent quite a bit of time trying to wrestle with issues of how do different groups of people representing different interests and sometimes different values come together to try to do collaborative decision making or problem solving. So that was one of the things that came out of that.

There was actually a project dealing with CRT recycling that came out of that that was actually a pretty good project. There was this other project that we called "E-Works" that was the one that was designed to actually study the relationship between toxic exposure and health of semiconductor workers, which at the end of the process was killed off by the industry.

[Wilmsen: Ted, can you briefly explain how industry killed it?

Smith: The E-Works proposal was an attempt to get the industry to cooperate in a long-term cancer and birth defects study. The study would have compared the health records maintained by the State of California to employment records kept by the semiconductor industry in an effort to find any increased incidence of cancer and birth defects. Gaining access to the employment records required the cooperation of the companies. The project was initially approved by all of the people involved, including the electronics industry representatives. But later, the high-tech representatives decided to kill the project, and since this was a "consensus" process, it was left to die. It was clear to me and many others that the decision by the electronics industry representatives to reverse themselves and pull out of the E-WORKS project was a transparent effort to avoid the likely embarrassment that E-WORKS would identify high rates of birth defects and cancer in the electronics workforce.]<sup>2</sup>

It was an interesting, although fairly frustrating experiment that EPA did. The one good thing about it in my opinion was they did take an industry-sector approach to environmental problem solving. There was a group that focused on computers and electronics, there was one that focused on steel, there was one that focused on auto, there was one that focused on metal finishing, there was one that focused on printing. But they realized that a lot of the industrial environmental issues are somewhat industry specific and that if you don't take an industry-specific approach to some of these issues, you're going to miss a lot of things.

Also, it was a tremendous learning curve and learning experience for EPA, which traditionally had been organized not by industry sector but by water, air, toxics, radiation, and other things like that. So in terms of the process itself, there was, I think a lot of kind of mutual learning that went on.

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<sup>1</sup>*Constructive Engagement Resource Guide: Practical Advice for Dialogue Among Facilities, Workers, Communities and Regulators.* (U.S. EPA 745-B-99-008, June 1999).

<sup>2</sup>The material in brackets was added during editing of the transcript.



But unfortunately one of the things that I think everybody learned was the EPA was not very adept at doing collaborative stake-holder problem solving, so the process itself was one of the real challenges in trying to do all that. But I think there were people in each of the different sectors--there were industry, government, and NGOs, including labor, environmental justice and more traditional environmental groups--and I think everybody came away with some additional appreciation for not only their own issues, but the issues that all the other people were trying to deal with at the same time. So in that sense it was good.

Wilmsen: Did this lead to any policy changes?

Smith: Not very many. One of the things that may still have some impact on computer recycling is the project we did on CRT monitors. It turns out that there is one process for reusing the glass that's in CRT monitors and actually putting it back into glass manufacturing that can be a pretty effective way of recycling those materials. There were some both technical and regulatory questions that came up as potential barriers there and we were able to sort through that stuff pretty well, which I think is going to make that a little bit easier. The problem is that we don't have a glass plant on the whole West Coast of this country, and so it's not very practical to do on the West Coast. It can happen better on the East Coast. But other than that, there were not a whole lot of kind of policy initiatives that have really taken hold. It's one of the big criticisms with the whole process.

At the same time, there was another parallel track going on that the EPA was managing called Project XL. We actually did a lot of work on that, also, because in some ways we saw that as a fairly significant threat of deregulation. What EPA was offering specific companies or specific facilities was regulatory relief in return for some kind of vaguely defined improved environmental performance. And the whole thing became very controversial.

We got involved, along with a number of other groups, in challenging an XL project that Intel was sponsoring in Arizona. They were seeking, and eventually won, what we called a regulatory home run, which meant a pre-construction permit from EPA to be able to build an entirely new facility without having to go through any of the normal permitting channels that companies have to do normally. And it's through those permit channels that citizen participation is allowed. If you short-circuit that, and issue a permit ahead of anything, before anybody knows what's going on, it takes away the ability of anybody to intervene, to try to make changes, to try to seek improvements, to even find out what's happening. And in return for that, Intel made some promises on some fairly, what seemed to be to us, pretty cosmetic and insignificant areas of improvement. And so they got the regulatory home run in return for, you know, very minimal kinds of concessions.

We thought that that was a really bad precedent, so we spent a fair amount of effort critiquing that whole thing, both technically as well as for policy and process and political reasons. I think that that has actually helped to slow down that kind of regulatory relief Juggernaut that the EPA was pursuing in the early to middle part of the Clinton term. I mean, they really bought into the whole regulatory relief thing, hook, line and sinker. It

was part of their strategy to try to help their business agenda, and it was real clear that's what they were doing.

Wilmsen: So what did the work entail to get them to slow down?

Smith: Oh, we actually went to a number of meetings in Arizona. We worked very closely with groups in Arizona who were challenging it, and some of the neighborhood residents there. And some of this was very, very complex stuff. I mean, some of the documents were, you know, inches thick, so we had to get significant technical review and all that. And we had to do testimony in various public hearings. We had to get all that stuff to EPA. We had to organize a coalition of NGOs around the country who were concerned about other XL projects. This was kind of a flagship one, and so we got all kinds of people to sign onto various letters to Carol Browner at EPA and to Congress and to other—oh, we did direct communication with the company.

We developed our own set of principles of what we thought a model XL-type program should do in terms of community involvement, which was some of the early work that ended up in that *Constructive Engagement Guide* there. But we developed this set of principles about if we really want to do collaborative decision making, rather than just having community groups be window-dressing, there's certain minimum requirements that are necessary before a process will have any real community authenticity.

We came up with some pretty specific kind of principles on that which had to do with decision-making processes, which had to do with transparency of information, which had to do with resources for technical assistance, and you know, some pretty practical kinds of concerns that we thought were important for community groups to be aware of if they were ever approached by somebody saying, "Let's sit down and do a collaborative decision-making process together. All we want is regulatory relief and we'll be glad to give you some goodies in return." This was a way of kind of setting up some warning signals around that kind of stuff, saying, "Here's some of the things you should be watching out for, so you don't get tricked or trapped."

Wilmsen: How did it come about that you were on the committee of the Common Sense Initiative?

Smith: Well, our work was pretty well known to EPA in a variety of ways as being the lead group in the country that had been focusing on high-tech issues. I'd gone back and had a meeting with Bill [William] Ruckelshaus when he was still the administrator in the mid-1980s around some of the Superfund contamination sites. I'd gone back and talked with other people when we got our first technical assistance grant under the Superfund program.

We gained some additional notoriety with them when we did our first TRI public right-to-know report. And, oh, two or three other ways. Oh, we'd been part of a real extensive program that EPA managed in Silicon Valley in the mid-eighties called the Integrated Environmental Management Program when they put a fair amount of money into kind of doing a valley-wide study of some of the environmental issues here. Plus, the person who was the deputy administrator in charge of the computer electronics industry was

somebody I'd known before when she was out here with the California Department of Health. So there were a whole series of events and contacts, and they were well aware of our work.

They did tell us that Intel had tried to get us kicked off the committee or not appointed to the committee ahead of time, and they said, "We told Intel they weren't going to pick who was on the committee." From the beginning we were one of the, you know, key environmental, EJ, labor NGOs that was there.

They brought in some other people who really didn't know much about the industry. I don't know why they did it, but it actually created some degree of tension. But there were a number of other people that were part of the group that really did have some actual practical experience working with industry, so it turned out to be okay.

Wilmsen: Now have you worked with EPA's Design for the Environment Printed Wiring Board Project?

Smith: Yes, actually several different projects with Design for the Environment--EPA. The Printed Wiring Board Project has had actually three different mini-projects--not so mini, but special projects that I've been involved with. One was looking at what they called the "making holes conductive process," which is how you can drill holes through a circuit board, but those holes have to be able to conduct electricity, so you have to coat them somehow. They use copper as a coating material, but they need to have a bath that you put it in in order to get an absolutely precise coating so that you don't short-circuit things, you don't have gaps in electrical conductivity. And the main process that most of the circuit board companies had been using up to that point uses formaldehyde, which is a carcinogen that's been identified in any number of arenas as a pretty nasty toxic chemical. This project was able to identify eight different alternative technologies that didn't use formaldehyde and they were able to prove that they were cost effective, technologically similar, or superior, and much less toxic. That was a process of doing the evaluation of all the different technologies and then taking that information out to the circuit board manufacturers and the communities around the country where there's lots of circuit board manufacturing going on. So we worked with them on that.

We've also worked with them on another one having to do with surface finishing and trying to reduce or eliminate the amount of lead that goes into circuit board manufacturing.

Then there's another one that's still ongoing which is supposed to be a life-cycle comparison between a CRT monitor and a flat panel display, looking at the environmental impacts of the two different kinds of technologies. And they've actually done several different projects all within computers and electronics. They've done some other ones in other industries, but those are the ones for electronics.

Wilmsen: This was evaluating processes that industry has already developed?

Smith: Yes. In most cases that's what it was. It wasn't, you know, inventing new processes; it was really doing an assessment of the existing technologies, but from the standpoint not only of environment and health, but also cost and productivity. And then making all that information available to everybody so that they could use it.

Wilmsen: Did any of the industries change their processes as a result?

Smith: That's the key question. [laughter] Unfortunately EPA has not done much in the way of follow-up to be able to answer that question. That's something that we have raised with them on more than a few occasions and their answer is, "That would be a good idea, but we don't have any money to do that." At the same time they say, "Well, this is a non-regulatory, voluntary program. We're only getting information out to people." Because we've said, "Lookit, maybe you should start saying after a certain date everybody has to, say, get rid of the formaldehyde." And they say, "Oh, no, that's a regulatory approach. We're not going to do that." So again, they're not making regulations; at the same time, they're not even measuring how well the voluntary program is going. Anecdotally there's some good stuff going on, but nobody really knows the extent of it.

### Demonstrating Against WTO in Seattle, 1999

Wilmsen: Okay, tell me about the WTO demonstrations in Seattle.

Smith: [yawn] Let me just find something else here that would be fun. [pause as Mr. Smith logs onto the SVTC website] We started working with--now here it is--groups in Seattle and other parts of the country some time ago to develop a position on WTO and electronics. This is a little thing on our website that--it's unfortunate the picture didn't come out very well, but this was outside Microsoft Headquarters, right out in Redmond.

Wilmsen: Oh.

Smith: We went out there with some old computers, and some signs, and everything. [reading placards in picture on website] "Bill, don't let them trade away our health and environment." Microsoft was one of the official co-sponsors of the WTO meeting in Seattle, and of course, Microsoft is also one of the monopolies in the whole personal computer industry, so we thought they would make a good target. We also thought it would be a good way to help get out information about what the U.S. trade rep was doing in the WEEE directive. Again, at that point not very many people were aware of that at all.

We were working at the time with Bev Thorpe who was our campaign organizer. She's the one I mentioned before and worked with this group called Clean Production Action. She did a significant amount of research on what were the problems with end-of-life computers. And we've published all that now in booklets. That's another one we put into this little collection, and we publish a lot of that on our website. Basically that tells the

whole story of the heavy metals that are in computers which make them so expensive and difficult to recycle at the end of life. It argues that we need to develop our own solutions to this, but rather than developing solutions, what U.S. industry and the U.S. trade rep are doing is attacking the European initiative on all this.

You know, there were a lot of other things going on in Seattle. A whole range of things, as you know. And a lot of it was labor related stuff, but there was also a lot of environmental related stuff. There was not much like what we were trying with an industry perspective, although there was some on biotech and there was some on sustainable agriculture, which are the closest things, I think, to what we're trying to do with the industrial setting, which is focusing on kind of a slice of different kinds of production.

This was a little action that we did in November before the WTO meeting as a way of trying to get some additional attention to some of these issues. We got a little bit of media coverage but not a whole lot. We found it pretty difficult to actually break through because there were so many other groups there, and all with their own messages, all trying to get their own message out.

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Smith: But one of the things it did help to do was to get these issues onto the radar screens of some of the other groups that were there. And there were so many other groups there that there've been some real benefits from that. I think that probably this recent meeting--series of meetings, actually--that we've had with EPA and the U.S. trade rep and some of the other Washington-based groups was as a result of that. People had learned about some of these issues through the campaign that we did around that.

But some of the Washington groups realized that this was another good issue to kind of demonstrate or to dramatize what was the problem with the relationship within the U.S. government between trade and environment, where the U.S. trade rep is just so dominant in the struggle and the EPA is really just kind of left out of the whole equation. And it turns out that EPA is pretty upset about that, too, and so some people within the EPA started talking to us about some of their frustrations and started leaking us documents and things that they had written to USTR, saying, "You guys need to consult with us more and you guys shouldn't be out there making international environmental policy without even working with the environmental agency of the United States Government," and that kind of thing. And it's been part of kind of the momentum of building this whole campaign.

And I think from that standpoint, even though we were one of many, many messages kind of vying for exposure there, it's had some significant effect. We had a number of our board and staff members actually attend, and it was a good public education setting for all of us. We also did some pretty significant local organizing in advance of the Seattle meeting and then did a series of meetings afterwards, kind of reports back to the community. So there was quite a bit of organizational involvement in the whole thing.

### **Relations Between Grass-roots and National Environmental Groups**

Wilmsen: I had one last set of questions which is on kind of your current perspective on the environmental movement as a whole. You've mentioned working at various points with several of the national environmental groups and I was just wondering how you would describe working with them.

Smith: Well, I guess I would have to start by saying my experience has been varied, and not just with respect to the different groups, but within the same group at different times. So for instance, on this most recent set of issues that we've been working on, I've actually been impressed that there has been pretty broad support from the major environmental groups in Washington. At least the ones that pay any attention to these issues--not all of them--but EDF [Environmental Defense Fund] was at the last meeting that I mentioned, too, and I'd forgotten to say before, which was significant.

See, some of these groups were not working with the grass-roots groups around NAFTA. Some of them were not working with the grass-roots groups around the fast track legislation that came up a couple of years ago. There have been some pretty deep and painful splits within the environmental community over some of these trade-environment kinds of issues in the past, so it's actually in a way, I think, kind of gratifying to see groups particularly like World Wildlife and National Wildlife now working with us pretty much on the same agenda. I mean, there's still some concerns, there's still some skepticism and mutual jockeying around and getting used to each other, but it's certainly better now than it was about ten years ago.

And coming up through the grass-roots toxics movement and the environmental justice movement, we had many times seen the big Washington groups either ignore issues or sometimes actually actively work in the opposite direction from things, where we would be the ones out in the field doing kind of the slogging through the trenches kind of work and then some of the big groups would go to Congress and cut deals without consulting the local groups. Stuff that was pretty bad stuff. And it created some pretty bad feelings amongst a lot of the grass-roots groups.

My own perspective now is that that's somewhat improved and certainly some of that improvement has come about as a result of the actions of the various environmental justice groups around the country that have really targeted the big ten in Washington and said, "You guys are not accountable to your grass-roots base, and that you need to..." They've basically done campaigns around the big groups the way that grass-roots do campaigns around corporate power or government power or whatever. It's the same kind of thing. You know, you engage, you outline your critique, and you say, "We want you to change your behavior or we'll just expose you for what we see as your problems."

And I think that has had some significant impact. Certainly not as much as most groups would like to see. Probably more than some of the Washington groups wanted to see. But I think there's been some mutual agreements going on.

The relationships between labor and environment are a whole other set of relationships that have also, I think, improved significantly over time. One of the big things that came about as a result of Seattle was people talking about the teamster-turtle alliance, you know, as a way of saying labor-environment. There's a whole effort going on in Washington right now between what they're calling the blue-green alliance and trying to get labor and environmental people to work together on global warming issues, in particular.

There's a lot of people like myself who, you know, have loyalties to a variety of progressive movements and see it all as one spectrum and realize that when we work together, we can actually accomplish things and when we're fighting each other, we can't. So it's partly ideological, partly part of the shared vision, and partly pragmatic politics. So I do see that there has been some improvement.

But you know, ten years ago and even more, there was, I mean, very open hostilities between the grass-roots base and some of the big Washington groups. And within the big ten in Washington there are--the Green Groups as they call them--there's certainly identifiable differences.

Some of the more grass-roots oriented environmental groups are groups that we can work with pretty easily and can count on: groups like Friends of the Earth or the PIRGs, to some degree Sierra Club, certainly Greenpeace, but some of the other ones are ones that are problematic. Sometimes the grass-roots groups have to spend a fair amount of time trying to insist upon accountability from the Washington groups so that they don't screw things up or don't go cutting bad deals. Oh, there's actually lots of examples.

Wilmsen: I was going to ask you for examples. [laughs]

Smith: Well, all right, I'll take one that is pretty close to our own issues. On the Project XL effort, there was some real concern that some of the Washington groups would cut deals with the administration on Project XL. They were under significant pressure. I mean, they are right there in Washington, they have to get along with the White House, and they have to get along with, you know, certain people in Congress; that's what they do. But we staked out this position on the Intel project that this was a bad environmental policy.

Other grass-roots groups had staked out similar positions with respect to other XL projects, and yet it came time for the president to announce his wonderful program and [the White House] wanted to do a big PR blitz on the whole thing and promote it as, you know, the next generation of environmental policy; there was going to be some legislation that was going to come along. So the grass-roots groups that had been involved in all this spent a significant amount of time talking to each other, trying to craft a position that we could all sign onto, and present a united front to the Washington groups that were being lobbied by the White House. Again, it was one of these things where nobody got everything they wanted, but it got to the point where everybody could live with the outcome. Some people went to some press conference at the White House and I think raised some concerns about it, but didn't give it an overwhelming endorsement. So it was kind of treading a bit of a fine line, but it was pretty clear what some of the divisions

were. It was pretty clear that the grass-roots groups and the environmental justice groups had a pretty well-formulated position that they were trying to defend and wanted to make sure that the Washington groups didn't trade it away.

[Wilmsen: Ted, can you describe what the divisions were?

Smith: The Washington groups were a lot more concerned about maintaining "good relationships" with the administration, since they need to deal with them on a regular basis, and so they were more inclined to make policy compromises in order to make peace with the administration. The grass-roots groups, on the other hand, were much more concerned about protecting the health and environment of their local communities and were concerned that XL projects would lead to deregulation that would have harmful impacts. They were not concerned about maintaining good relations, since they had none to begin with!]<sup>1</sup>

There were similar things in the grass-roots campaign against McDonald's some years ago that Citizens Clearinghouse had been leading. Then EDF stepped in at the end and kind of cut a deal with McDonald's both in terms of the process involved as well as the outcome. It left some pretty bad feelings among some of the grass-roots people.

Other things with positions on incineration, positions on the Superfund cleanup. Some of the Washington groups would be at least responsible enough that when they were involved in some of their legislative stuff, they would call and at least ask advice, but other ones wouldn't even do that. They'd just go off and get into the deal-making without even consulting the grass-roots.

And you know, we've been doing this stuff now for twenty years, so we have pretty good sense of who does what. Even recently on the WEEE directive, one of the Washington groups sent out a message basically starting from scratch and saying, "You know, there's this thing going on in Europe and we as American NGOs need to know about this, need to take a position on it. Let's have a meeting about it," and didn't include us in their initial outreach. And you know, several people got in touch with them and said, "What the hell are you guys doing? You know, there's a group that's been leading this whole fight. Why don't you involve them?" And their response was, "Oh, we didn't even know who they were."

So I mean, just at that level--and even within some of the big environmental groups, you know, there are different departments. And some of these are enormous groups. They have multi-million dollar budgets and hundreds of staff scattered all around. Some of them are international groups with staff all around the world. So trying to figure out how to engage with an organization like World Wildlife--even if you know certain people that work in one division, they don't necessarily communicate with people who work in other divisions. I know that, for instance, with World Wildlife, they have a group that works on toxics policy and they have another group that works on international trade.

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<sup>1</sup>The material in brackets was added during editing of the transcript.



And if they're not talking to each other, you get disconnect. And that happens all the time. So that those are some of the things.

Wilmsen: What do you think accounted for the hostility that you said the nationals had towards grass-roots groups?

Smith: I meant the hostility more the other way, actually.

Wilmsen: Oh.

Smith: On the part of the nationals, I wouldn't necessarily call it hostility as much as kind of arrogance and ignorance: not being aware. I mean, there really has been a significant development at the grass-roots level over the last twenty years, and for some of the groups that are more removed, more cut off, or more remote from the grass-roots, they just weren't aware of what was going on. They thought that it was business as usual. And business as usual was a couple of environmental groups get together and they decide what they're going to do and they develop a strategy for it, and they push it through some legislators and try to get some bill through. That's been traditionally the way they've operated, and they really have not been accountable to any kind of grass-roots base.

And the dynamics are really pretty much changed. That's not to say that it still doesn't go on. It certainly does. And that's not to say that grass-roots groups want to get involved in Washington lobbying. They don't. But if it's going to happen, they at least want to have their views represented and represented accurately and faithfully and diligently and not by some self-appointed environmental organization that really doesn't understand or have a direct relationship to the issues that they're working on.

Wilmsen: Do you think that the grass-roots groups see a role for the nationals as lobbyists for the environment?

Smith: To some degree, although again, the distrust is fairly significant. And again, more so with some groups than with others.

I mean, some of the really big groups now are basically run like big corporations, and they're accountable to their major donors. There is a set of accountabilities, but it's not to a grass-roots base, at all. And so there's I think ongoing skepticism, to put it mildly, for any grass-roots group to want to entrust their issues to any of those groups to actually work on. And I think most of the time that doesn't happen. Either the grass-roots groups will find a way to do it themselves, or they'll work with one of the Washington groups that they trust a little more.

But the other thing is that, oh, probably more than ten years ago, Lois Gibbs set up shop right outside Washington. Lois was really the founding mother of the grass-roots toxics movement when she did Love Canal, and has, you know, just tremendous respect and credibility with grass-roots activists all around the country. She didn't set up shop in Washington; she went to Virginia because she didn't want to be inside the beltway, but close enough to kind of keep an eye on things. And more often than not, if a grass-roots

environmental group needs a perspective on what's going on in Washington, they'll go to Lois or one of her staff, rather than certainly to, you know, EDF or NRDC or something like that. But again, since the Superdrive for Superfund, mid-eighties, there have not been all that many national legislative campaigns that involve people at the grass-roots level. There have been some defensive battles that have been fought trying to, you know, save this or save that. I don't mean to oversimplify, but most grass-roots groups look at their main action and their main work happening at the local level. That's what they like to do. They don't want to have to get involved in other stuff.

### **Reflections on the Future Direction of the Environmental Justice Movement**

Wilmsen: What direction do you see the environmental justice movement going in today?

Smith: I think it's probably going in several different directions. I think one unifying theme is the very broad-based recognition that we have to be doing more base-building. We have to be doing more leadership development, more training, more activist development. We need to replicate the leadership much more than we've done in the past. There's a first tier of leadership and there's a second tier of leadership, but you know, you don't have so much the third, fourth, fifth, and sixth layers of leadership, and so I think there's a recognition that that has to be a high level of priority.

Working with youth is another area I think that probably everybody agrees is important, and developing specific youth programs. Again, youth projects, youth training programs. Probably similar to what we're doing now with the high school students in doing the creek monitoring--hands on kind of stuff, but to try to develop a whole new generation of leadership.

I think that there's recognition that we have to be better at working in coalitions with each other as well as with other groups and other interests. Sometimes I think we tend to be a little bit parochial, to, oh, have difficulty working with people that we don't agree with 100 percent. And as long as we demand 100 percent agreement on everything, you can get a pretty small group of people that way. We need to recognize that there are similar interests that can work together on some projects--it doesn't have to be on everything--but to form tactical as well as strategic alliances and learning how to do that better. I think that's something that a lot of people are thinking about and trying to do.

I think trying to form long-term strategic alliances with labor is something else that there's a lot of interest and a lot of work going into, and recognizing that just as there are tensions within the environmental movement, when you add onto that the complexity of working together with labor-environmental interests, the difficulties multiply probably severalfold. Learning how to do that I think is something that everybody realizes is strategically important. But it's not entirely self evident about how to do that, so there's a lot of work going on trying to build some models of labor-community alliances.

There's been a lot of coming together around some of the international trade issues--everything from NAFTA to Fast Track to Seattle to the most recent stuff on China. And I think that's something that a lot of people are looking at as kind of unifying actions. But I think there needs to be perhaps a more pronounced voice and role for the environmental justice program. Sometimes some of the justice issues get kind of downplayed and you hear more about the turtles and the trees than you do about real questions of community empowerment at the grass-roots level. Sometimes those issues have gotten kind of marginalized.

I think a focus on health--increasingly we're seeing environmental justice groups getting involved in community health issues. They're making the links between toxics exposure and health, which has always been there, but I think we'll see more of that developing.

And I think maybe one additional thing: I think people are increasingly seeing the importance of the connections internationally and, particularly if there's a focus on toxics and a focus on production, seeing the linkages to global production, seeing the interest of linking up with people in other countries who share similar concerns, who share similar perspectives, and oftentimes--particularly if we're talking about people of color--share certain common ancestry, common heritage, and realizing that those can be pretty important and powerful linkages to make and trying to figure out how to do that better.

Wilmsen: Okay. Is there anything else that we need to cover?

Smith: One thing I was talking to Leslie [Byster] about after your last visit was trying to dig out some of the information about the first effort that we made that we called Integrated Circuit. I don't remember if we talked about that. Is that a name that rings any bells with you?

Wilmsen: The name rings a bell.

Smith: Okay, maybe we've talked about that. We actually have some materials here that's one of the sets that we're actually thinking about trying to dig in. But that goes back, oh, into the mid-eighties anyway, to our first efforts to try to link up with groups in other parts--I think maybe we talked about it.

Wilmsen: I think we did talk about that.

Smith: Yes, maybe we did. Okay. Well, at the moment I'm a complete blank, so that's probably a good idea to call it a day. I imagine that I'll remember something else, so I'll give you something.

**Heroes: Clarence Darrow, Eugene Debs, and Paul Robeson**

Wilmsen: One last thing I wanted to ask you about--

Smith: Yes.

Wilmsen: --was those pictures on the wall. You've got Clarence Darrow, and who are the other two?

Smith: That's Gene [Eugene V.] Debs, who was the head of the socialist party in the early part of the century. He ran for president as a socialist two or three times, at least one time from jail. He got over a million votes for president when he was serving time in jail for organizing a strike of the railroad workers.

And on the top is Paul Robeson, who's another one of my heroes. He was not only a terrific singer, but also involved in all kinds of other things. The centennial of his birth was last year or the year before, and there were activities going on around the country of people who got involved in a Paul Robeson commemoration. He's somebody who at one time was the most famous American in the world, and today hardly anybody in this country has ever heard of him. He's been completely wiped off the public consciousness. It's been unbelievable the way that happened.

Wilmsen: Well, he was exiled for a while.

Smith: Yes, and then they took away his passport so he couldn't go anywhere.

Wilmsen: Yes.

Smith: Amazing story. He was an all-American athlete in college in three sports, I think it was. He was a lawyer. He was an actor; he did Othello on the world stage. Yes, unbelievable guy. He spoke over a dozen languages. And they erased him from history. Anyway, that's who they are.

Wilmsen: Okay.

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