



## League of Women Voters of Minnesota Records

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# Action Alert

OCT 21 1985

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This is going on DPM

October 18, 1985

TO: State and Local League Presidents

FROM: Dorothy S. Ridings, President and Julia A. Holmes, Legislative Action  
Chair

RE: House Action on Superfund

On September 30, 1985, the taxing authority for the Comprehensive Environmental Response, Compensation and Liability Act (CERCLA) or "Superfund" expired. This effectively ends federal cleanup of abandoned hazardous waste sites across America and severely curtails the Environmental Protection Agency's (EPA) ability to respond to emergency releases of toxic substances.

Last year, the House overwhelmingly passed HR 5640, a League-endorsed reauthorization of the fund, by a vote of 323-33. However, action stopped when the Senate refused to consider its bill. This year the situation is reversed. The Senate has passed a weak reauthorization of the program but the House has failed to act before the taxing authority of the program expired. Even more problematic, the House Energy and Commerce Committee passed a bill, HR 2817, that is substantially weaker than the League-endorsed bill that passed last year. On October 10, 1985, the House Public Works Committee, which shares referral over HR 2817, passed a much stronger version of HR 2817. Negotiations and committee action to develop a single bill for consideration by the full House have reached a critical stage. A final vote is expected to occur in November. We need your help to ensure that the House passes the strongest possible reauthorization of this critical program.

## ACTION NEEDED

1) Write or call your representative today and urge him/her to work for passage of a reauthorization of Superfund containing: mandatory cleanup schedules, mandatory cleanup standards based on existing environmental laws, requirements for permanent treatment of wastes where feasible and achievable, and guarantees

of citizens' right-to-sue to stop toxic releases that endanger their health. Tell him/her that the House Energy and Commerce Committee version of HR 2817 does not meet these goals. Tell him/her that the Public Works Committee version of HR 2817 does meet these goals and should not be weakened.

2) Write letters to the editor letting the public know that it is unacceptable for the House to pass a reauthorization of Superfund weaker than last year's bill after the toxic releases in Bhopal, India, and Institute, West Virginia, and in light of several recent studies that have found America's toxics problem to be far larger than anyone thought. A sample letter to the editor is enclosed for you to adapt as you see fit.

#### BACKGROUND

Superfund was created in the waning days of the 96th Congress and signed into law by President Jimmy Carter just prior to his leaving office. The Superfund was designed to address toxic releases from abandoned hazardous waste sites and emergency releases from any source that presents an immediate threat to public health.

The program was designed around tough liability provisions to encourage and pay for cleanup by responsible parties. EPA was given the authority to investigate sites; determine responsible parties; and arrange a settlement, if possible, or initiate immediate cleanup and sue any responsible party for the costs if settlement was not quickly agreed to. The fund would be rewarded treble (three times the amount) damages for any suit it won. Overall funding was set at \$1.6 billion.

Unfortunately, the record of the Administration during the first five years of the program has been poor. It was primarily mismanagement of Superfund and allegations of criminal and political wrongdoing that led to the resignation of EPA Administrator Anne Gorsuch and the head of the Superfund program, Rita Lavelle. Rather than moving quickly to remove threats to public health, the Administration has pursued a policy of "negotiate first and clean up later." After four years and more than a billion dollars, only six sites have been cleaned up. Even the most basic design work has begun at only 330 sites.

EPA estimates that as many as 2,500 sites may need Superfund money. The independent Congressional Office of Technology Assessment (OTA) places the figure at 10,000 sites. OTA also estimates that cleanup may eventually cost as much as \$100 billion over the next 50 years. In another recent study, the Government Accounting Office (GAO) estimated that there may be as many as 378,000 existing and potential hazardous waste sites in the United States. It is clear the current program needs to be greatly expanded.

To answer the challenge presented by the hazardous waste crisis, the League has urged the Congress since 1984 to pass a new authorization of the fund, including:

\* At least \$10 billion in funding over a five-year period. If EPA continues its current rate of accelerating cleanups, approximately \$10 billion would be spent over five years.

\* A mandatory schedule for actual cleanup starts. EPA's record of beginning work at only 330 sites over five years is unacceptable. EPA has claimed to complete work at only six sites, one of which has begun to leak toxic wastes again.

\* Uniform health based cleanup standards. The League urged Congress to insure that sites were cleaned up to give full protection to public health and at least meet standards in other environmental laws.

\* Retention of "strict, joint and several" liability for polluters. This tough standard ensures that the polluter pays for cleanup and gives EPA a powerful tool in negotiating for cleanups.

The House adopted these ideas in the 98th Congress but the Senate failed to act. Since that time, serious toxic releases have occurred in Bhopal, India, and Institute, West Virginia. Also the GAO and OTA reports pointed out that the toxics problem is larger than anyone ever expected and that permanent remedies need to be developed for this problem. The League urged Congress to adopt several additional provisions to deal with these crucial problems.

\* Community Right-to-Know. The League believes Congress should pass a national community right-to-know law that ensures that citizens can gain information about the types of toxic substances stored in their communities and any releases into their communities. This law should also encourage emergency planning and response and should supplement, but not replace, state right-to-know laws.

\* Requirement of Permanent Treatment. EPA should be required to permanently treat waste by destroying or neutralizing it whenever it is feasible and achievable. Wastes should not simply be contained or shifted to other leaky sites if alternatives are available.

\* Federal Cause of Action. A provision that would have given citizens the right to sue in federal court for damages if they were harmed by toxic wastes was narrowly defeated in the House last year. The League is urging Congress to give citizens their day in court by passing a federal cause of action.

Unfortunately, the House Energy and Commerce Committee has passed HR 2817, a bill that is substantially weaker than the League-endorsed bill that passed the House by an overwhelming margin in 1984. The League has urged other committees with jurisdiction over the bill to pass stronger versions of HR 2817. On October 10, 1985, the House Public Works Committee passed a League-endorsed version of HR 2817 that meets most of our requirements for a strong Superfund reauthorization. Though both bills meet the League's goals of a minimum of \$10 billion in funding and retention of strict, joint and several liability, the Public Works bill is superior in numerous areas, including:

\* Stronger Cleanup Standards. Both bills reference other environmental law standards for cleanups, however, the Public Works Committee bill requires use of water quality criteria from the Clean Water Act while the Energy and Commerce bill does not. In addition, the Energy and Commerce bill provides EPA with several broad waivers under which all cleanup standards can be waived.

\* Stronger Cleanup Schedule. The Public Works Committee bill requires EPA to begin 150 cleanup starts per year. The Energy and Commerce Committee bill has



an unenforceable schedule that sets a deadline for cleanup starts one year after the bill expires.

\* Stronger Citizen Suit Provisions. The Public Works Committee bill allows citizens to sue in federal courts to stop toxic releases from waste sites that endanger their health. Under most state laws, a citizen can only sue to stop an action after harm is done. The Energy and Commerce Committee bill would force citizens to wait until after they were injured before they could sue to stop a toxic release.

The Energy and Commerce Committee bill is weaker in a number of other areas. It includes a \$3 million cap on the liability of oil companies for leaks from leaking underground petroleum storage tanks regardless of the assets of the company. It also allows waste to be placed into landfills that are leaking into surface waters.

The House Ways and Means Committee also has jurisdiction over HR 2817 and will probably act before the end of October. In the interim, Public Works and Energy and Commerce Committee members will begin negotiations to fashion a single version of HR 2817 for consideration by the full House. The House Rules Committee will decide whether a compromise version or either the Public Works or Energy and Commerce Committee version will be used for floor consideration. A final floor vote will not occur until sometime in November. However, it is crucial that Leagues let their representative know now what provisions we feel should be included in a strong reauthorization of the Superfund program. Please contact your representative and write letters to the editor today. Please clip and return the attached coupon to the LWVUS. This will help us gauge the level of response to this Action Alert.

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SUPERFUND ACTION ALERT RESPONSE FORM

Please return to: Superfund Desk, League of Women Voters of the United States  
1730 M Street, N.W., Washington, D.C. 20036

\_\_\_\_\_ We wrote or called Representative \_\_\_\_\_  
\_\_\_\_\_ We wrote a letter to the editor \_\_\_\_\_  
\_\_\_\_\_ We met with Representative \_\_\_\_\_  
\_\_\_\_\_ Other \_\_\_\_\_

Name \_\_\_\_\_

League \_\_\_\_\_

Address \_\_\_\_\_

City, \_\_\_\_\_

Congressional District \_\_\_\_\_

State \_\_\_\_\_ Zip \_\_\_\_\_

Phone (    ) \_\_\_\_\_

## SAMPLE LETTER TO EDITOR FOR SUPERFUND PROGRAM

Dear Editor:

Just prior to last year's elections, the U.S. House of Representatives passed a strong reauthorization of the Superfund program for cleaning up toxic releases and abandoned waste dumps. The bill included more than \$10 billion in funding for the program and a strong program for forcing the Environmental Protection Agency to do timely and thorough cleanups of waste sites. Since the election we have witnessed the tragedy in Bhopal, India and the serious toxic leak in Institute, West Virginia. In addition, recent studies by the Congressional Office of Technology Assessment and the General Accounting Office have found that the toxic release problem is much larger than we ever thought.

In light of these studies and events, it is difficult to understand and impossible to justify why the House Energy and Commerce Committee would pass a bill, HR 2817, that is substantially weaker than the bill the House passed last year. The Energy and Commerce Committee bill has an unenforceable schedule for cleanup; weaker standards that can be easily avoided; and does not allow citizens the right to sue to stop a toxic release that endangers their health. In addition, provisions were added that puts a \$3 million cap on the liability for petroleum leaks from underground storage tanks.

On October 10, 1985, the House Public Works Committee passed a much stronger version of HR 2817. This version places EPA on a schedule for starting cleanups at 150 sites per year. It mandates that EPA consider water quality criteria and other environmental standards as a baseline for cleanup and gives citizens the right to protect themselves and their families by suing to stop toxic releases.

We urge our representative, Cong. \_\_\_\_\_, to work for passage of the strongest possible reauthorization of Superfund. Over the past five years, EPA has completed cleanup at only six sites, one of which recently began to leak again. This record is unacceptable and the Energy and Commerce bill is inadequate in dealing with this problem. We urge Cong. \_\_\_\_\_ to support a strong bill.

MARTIN OLAV SABO  
5th District, Minnesota

COMMITTEE ON APPROPRIATIONS

Subcommittees:

Housing & Urban Development  
and Independent Agencies

Transportation



**Congress of the United States**  
**House of Representatives**  
**Washington, D.C. 20515**

January 9, 1986

436 Cannon House Office Building  
Washington, D.C. 20515  
(202) 225-4755

462 Federal Courts Building  
110 South 4th Street  
Minneapolis, Minnesota 55401  
(612) 349-5110

Ms. Jeanne Crampton  
League of Women Voters of Mn.  
555 Wabasha Street North  
St. Paul, MN 55102

JAN 17 1986

Dear Ms. Crampton:

Knowing of your interest in environmental issues, I wanted to report to you about action on the federal "Superfund" program. I believe this program of abating toxic waste pollution is one of the most important public health efforts of the 1980's.

On December 10, 1985, the House passed H.R. 2817, a bill to renew and expand the Superfund program. The bill provides for funding at a level of \$10 billion over the next five years. The cleanup is to be financed by a combination of taxes on oil and chemicals, a new tax on waste disposal, and some general revenues. The Senate has passed a bill (S. 51) which provides \$7.5 billion over five years, funded largely by a new broad-based sales tax. A conference committee will meet soon to reconcile differences between the two bills so that a version acceptable to both bodies can be sent to the President.

Among the most critical features of H.R. 2817 are the strict cleanup guidelines and standards set for the Environmental Protection Agency (EPA), which administers the Superfund program. I have been particularly frustrated with the slow pace of hazardous waste cleanups under the Reagan Administration. Amazingly, the state of Minnesota has cleaned up more dump sites during the two years since it enacted its own hazardous waste cleanup program than the EPA has cleaned up across the entire country in five years. H.R. 2817 establishes mandatory cleanup schedules and requires EPA to begin cleanup at roughly 600 sites over the next five years. Superfund cleanups would be required to meet standards set by other federal environmental laws such as the Clean Water Act.

H.R. 2817 gives communities the right to know what chemicals may be in their environment. The bill requires that businesses involving substances which may endanger surrounding communities must disclose the identities of these substances. Many of us remember the awful lessons of Bhopal, India. This change in the Superfund law will assist local authorities in preparing for possible toxic chemical emergencies. The bill also gives citizens the right to sue polluters when the release of a hazardous substance represents a danger to public health and the environment.

I hope that you find this information to be useful.

Sincerely,

*Martin O. Sabo*

Martin O. Sabo  
Member of Congress



file

## LEAGUE OF WOMEN VOTERS OF MINNESOTA

555 WABASHA • ST. PAUL, MINNESOTA 55102 • TELEPHONE (612) 224-5445

Testimony presented to the  
Department of Energy

by Jeanne Crampton, Natural Resource Chair  
League of Women Voters of Minnesota  
April 15, 1986

The League of Women Voters of Minnesota has numerous concerns regarding the siting of a high-level radioactive waste facility in Minnesota. We accept the fact that radioactive waste from both nuclear power generation and weapon production does indeed exist and that we must find a place to dispose of it safely. We also believe, however, that until and unless technical breakthroughs regarding waste and safety are achieved, increased reliance on a nuclear technology would be foolhardy.

The following siting criteria were adopted in 1982, based on an earlier waste position, adopted in 1973:

"Radioactive waste disposal or storage facilities should be sited in areas that pose the least amount of risk to the public and to sensitive environmental areas. They should be located away from areas of critical concern such as:

--natural hazard areas subject to flooding, earthquakes, volcanoes, hurricanes or subsidence;

--drinking water supply sources, such as reservoirs, lakes and rivers, and their watersheds and aquifers and their recharge areas;

--fragile land areas, such as shorelines of rivers, lakes, streams, oceans and estuaries, bays or wetlands;

--rare or valuable ecosystems or geologic formations, significant wildlife habitat or unique scenic or historic areas;

--areas with significant renewable resource value, such as prime agricultural lands or grazing and forest lands that would be destroyed as a result of the siting of a radioactive waste facility;

--residential areas, parks and schools."

Beyond those guidelines concerning physical disposal, the League is concerned about the decision-making process itself. "Citizen involvement" is simple to state but not always easy for government to facilitate. Meaningful citizen participation in the nuclear waste management program is difficult for several reasons:



Testimony to the Dept. of Energy by Jeanne Crampton, April 15, 1986

- citizen fear of and frustration with the formal hearing procedures;
- opinions voiced by technical experts that citizens do not know enough about the issues to participate;
- past government failings in the nuclear waste management process, distrust of promised technical "fixes" that fail to materialize; and
- a sense of futility about the ability to affect any ultimate decision.

We are convinced that citizens do not need to be technical experts in order to present a valuable perspective to the dialogue. We congratulate the citizens of Minnesota who have contributed so widely to the diversity of these hearings, and urge them to stay informed about the issues and timetables, to plan strategy and to continue to express their views in a timely manner.



## LEAGUE OF WOMEN VOTERS OF MINNESOTA

555 WABASHA • ST. PAUL, MINNESOTA 55102 • TELEPHONE (612) 224-5445

March 13, 1986

Merilyn Reeves  
Rt. #1 Box 252-143  
Amity, OR 97101

Dear Merilyn:

I have read the "Natural Resources Position Explanation" and following revision, and would like to comment.

1. Is "what we see, what we get?" I'm thinking of all those lovely pages of history and detail that are in the present IMPACT ON ISSUES, pages 21 to 34. I completely understand the desire to streamline and reduce the material necessary for League perusal--printing isn't getting any cheaper.
2. I talked to Harriette Burkhalter, and she assures me that the criteria lists are to appear elsewhere. Since there is nothing in the explanation or the revision that explains that, I would like to know where they will appear, and I am curious to know why they will be in a separate spot. I must admit I agree with Illinois about how one uses the IMPACT ON ISSUES: I'm usually looking for specifics under a particular issue, not for a general discussion of pollution control.
3. I applaud the effort to make the NR positions at least appear to take an ecosystem approach to management. I suppose if there has been a weakness in our positions, that was it. I have always simply assumed that our positions were not perfect, and have learned to work around the gaps. I am somewhat hesitant about the procedure of rewriting the positions without more extensive member discussion. I realize that member discussion was what you were seeking when the revision was sent out, but if the material was as long getting into other members' hands as it was into mine, most people are just now becoming aware of its existence.
4. To go back to my first point: I wonder how a reading of the NR positions as they are proposed will appear to a new NR chair, many of whom (let's face it) may have absolutely no background in the subject, and may have joined LWV three months ago. (That was happening 25 years ago when I joined League!) My IMPACT ON ISSUES is well-thumbed, because if I am in doubt about action I may wish to take, I go there first to see what has been done in the past, and for an elaboration of the actual position. It's reassuring to find, in black and white, what the League has said in the past, and exactly what those God and Motherhood statements really mean, when push comes to shove. If it is the LWVUS intent to publish the NR positions exactly as they appear in pages 7 to 11 of "Convention '86", be prepared for a lot of calls.

5. Out of curiosity, did you have a lot of complaints about the old format? It suited me fine, but then, as I say, I never expected perfection and was aware, considering the various times those positions were adopted, that we would probably never achieve a really cohesive statement about environmental problems, unless we went back and redid all the studies.

I shall be very interested to hear how this all comes out.

Sincerely,

A handwritten signature in cursive script that reads "Jeanne Crampton". The signature is written in dark ink and is positioned above the printed name and title.

Jeanne Crampton  
Natural Resources Chair

C:s

Report of testimony presented to the Senate Agriculture and Natural Resources Committee, Wednesday, March 5, 1986, by Jeanne Crampton re S.F. 1952 (companion-H.F. 1968)

Minnesota needs to locate a site for stabilizing and containing treated hazardous wastes--voluntary or otherwise. While we agree that the concept of a voluntary site should be investigated, we also wonder what will happen should a voluntary site not be found. Going back to "square one" is not an attractive possibility.

One of our concerns is that the Midwest Compact, of which Minnesota is a member, is presently developing a management plan to site a low-level radioactive waste facility in one of the seven member states. At their last meeting in early February, the Compact Commission decided that they, too, would try a voluntary approach. They expect to adopt a proposed compensation package on March 19, which means that two entities could be searching Minnesota to site what at best are unpopular facilities at more or less the same time.

Another concern is that there will be a very natural temptation to use a volunteer site, no matter what the environmental shortcomings. Keeping these points in mind, we continue to support the bill, and urge the Waste Management Board to look for the best possible site, and to use the best possible technology in developing it.



Testimony presented to the  
State Hearing Examiner  
in the Sherco III hearings  
March 8, 1982  
by Nan Grimsby  
Natural Resources Chair, LWVMN

"The League of Women Voters of the United States believes that the United States cannot and should not sustain its historical rate of energy consumption. Not only as a responsible member of the world community but also in the national interest, the United States must make a significant and progressive reduction in its energy growth rate. To achieve this goal, the nation must develop and implement energy strategies that - while taking account of differences in the needs and resources of states and regions - give precedence to the national good."

The above position was adopted by Leagues in Minnesota and nationwide in 1978, and action based on that position has been taken since then by representative Leagues at all levels of government: local, state and national.

The League of Women Voters of Minnesota has been an interested participant in Minnesota's energy considerations, particularly since it became apparent in the early '70's that a lack of indigenous energy sources meant different and at times difficult energy procurement problems for the state.

Our energy position further stated (in brief): "We support action that: (1) will bring about a significant and progressive reduction in the U.S. Energy growth rate; (2) give top priority to conservation, renewable resources and the environmentally sound use of the coal in the U.S. energy mix between now and the year 2000; (3) effect a shift to predominant reliance on renewable resources beyond the year 2000."

The League of Women Voters of Minnesota is not prepared at this time to support either the granting or denial of the request of Northern States Power Company, Southern Minnesota Municipal Power Agency (SMPMA) and United Minnesota Municipal Power Agency (UMMPA) in their desire to build a third 800 MW power plant (Sherco III) at their site at Becker. But before such a Certificate of Need is issued by the Minnesota Energy Agency, we have some serious questions and concerns. We are aware that NSP, SMPMA and UMMPA have addressed a number of these concerns in their original application, and that the Energy Agency

itself either already has issued or is going to issue factual material relating to the same questions. As is so often the case in this sort of confrontation, the lay groups are left having to decide which group of experts has the correct information.

Of all the inexact sciences, electrical generation forecasting is perhaps one of the most inexact. Endless debates rage over the accuracy of one form over another and just what criteria and parameters ought to be included. Historical data is no longer dependable and forecasting has become a witches brew of computer modeling, historical data, economic trends and the best guesses of those around the table. The utilities and the Minnesota Energy Agency do not include the same criteria in their forecasts and the consumer is left wondering who will be right. Past performance is no guide; the MEA hasn't been active in the field long enough (although they've come closer to the mark in the short time they have been forecasting) and the Utilities' over-estimations of a few years ago are well documented. Would it be possible in the future to arrive at a method that might be acceptable to both the government agencies and the utilities? We can appreciate the adversarial role that government must at times play, but it does force the citizen and consumer to make a choice that is hard even for the experts.

However, the present forecasts from both government and the utilities do reflect one given: Electrical usage (percentage) is down, from the historical pattern of the past 25 years, and will probably continue to drop. Actual usage will increase to some degree, simply to keep pace with population growth. This is an area where some wide parameters are recognized. What will be the effect of high interest rates (if they remain high) on home building? Will young adults establish homes of their own, or continue to live with parents? The young are finding congregate housing acceptable; will the older too? Minnesota's present economic outlook is somewhat grim. Higher property taxes seem inevitable. What effect will that have on home establishment? With oil and gas moving towards total deregulation, what effect will higher energy prices have on conservation methods?

Whether we like the method by which we have arrived, we are at a place in time at which it might be possible to draw a breath and take a close look at where we've been and where we might logically go next. The League's top priority in reducing energy use was conservation. Contrary to the widely held position that "Conservation means cold in the winter and hot in the summer," conservation means making what you've got go a lot further, with no particular deprivation on anyone's part. Our industrial sector has made that perfectly clear, with a performance factor that surpasses the residential area. As soon as it became financially in

their interests, industry wasted no time. Unfortunately, many citizens do not have sufficient capital to introduce even primary conservation efforts into their homes, and it appears that government, in whose best interests such retrofitting would be, is less interested than previously in seeing that the job gets done.

Our second priority was the accelerated development of renewable energy forms. Again, government, particularly at the federal level, has shown a decided disinterest in dramatically pursuing such development, (except for the breeder reactor.) At the same time, limited use of passive solar design, underground housing, development of low-head hydro and breakthroughs in photovoltaics promise a useable technology in the near future. Unfortunately, the future rolls a little farther down the road every day that we decline to go after it. Wouldn't this be the time to look at innovative ways of providing electricity in some other fashion than very large electric generating plants? If we don't do it now, will we ever have another chance? Government and industry developed nuclear power as a team, literally and financially. Why can't we do the same with renewable?

Mr. E. C. Glass, from Northern States Power Company, speaking to the Minnesota House Energy Committee on December 1, 1981, indicated that a utility, in order to be responsible, must meet more than the predicted actual growth in electrical demand, to allow for further growth. At the same time, other groups and organizations are questioning whether economic growth is necessarily tied to energy production. Another question raised is what impact renewable energy development would have on the employment and economic picture. These and similar questions are being addressed at this moment and indications are that some of these dearly held historical theories are no longer relevant.

The technology that will be used in the proposed construction of Sherco III is essentially seventies "state of the art" with the exception of the air quality controls. (NSP will use dry scrubbers with either a bag house or electrostatic precipitators for SO<sub>2</sub> and particulate removal. Dry scrubbers are more reliable and the waste is somewhat easier to handle.) Since most of the structural part of the plant, as well as the boilers, was purchased in the middle seventies, awaiting the ultimate construction of the plant (whose timetable was revised by NSP) there is little that can be done now in respect to design innovations. Sherco III, if built, will be a traditional large power plant, operating at about 35% efficiency. Newer technologies are now available, and others are in the development stage. To cite one instance: "Fluidizing bed burning", a burning process that employs air-saturated grates, burning coal with limestone, negates



the need for extensive separate SO<sub>2</sub> removal techniques. Also, various fuels can be used, either mixed or sequentially - solid waste, for instance. At the present site of Sherco I and II NSP has leased certain acreage that is used for demonstration projects, using water warmed with waste heat from power generation to grow flowers, vegetables, trees and fish. While such projects reflect credit to NSP, only an infinitesimal amount of such waste heat is actually used, and doesn't increase the general efficiency picture of the plants. Smaller plants that could be truly co-generative would have a much better overall efficiency rating. District heating, a technology prevalent since the early days of the century, is another variation. Can we afford to build a seventies plant in the late eighties?

Controversy surrounds the question of reliability - whether large or small plants are more reliable. Northern States Power Company has a good record of reliability - whether large or small. The point must be made, however, that it is somewhat more difficult to replace the electricity lost when an 800MW plant goes down, as opposed to a 200 or 400MW plant. While the question of sabotage and terrorism may not apply to any great degree in Minnesota (we hope) it is a consideration that gives preference to a decentralized energy system.

The third priority in our list was "the environmentally sound use of coal." At the time that the League was studying the energy problem and reaching consensus, acid rain was not exactly a household word. However, Leaguers were aware of the pollution caused by older power plants and even that tall stacks at times merely dispersed pollutants over a greater area, rather than allowing them to be deposited near the plant.

Recent studies (from the Minnesota Pollution Control Agency) have indicated that many lakes in northern Minnesota are extremely sensitive to increased acidic deposition. To some extent, the acid deposition problem in Minnesota is due to air emissions outside of our state, emissions that are transported in some cases over a thousand miles. Large coal-fired power plants are the major sources of acid rain-causing pollutants in the eastern half of the nation. Large amounts of SO<sub>x</sub> and NO<sub>x</sub> are often projected up to 2000 feet high into the air by excessively tall smokestacks. So we have no way of predicting how much total pollution will be added to Minnesota's atmosphere over any given time, no matter how careful we are about what we add in Minnesota. While primary interest in acid rain has centered around the condition of lakes, particularly in the northern area, experiments show that acid rain damages some important commercial crops and that its effects are cumulative. Industry argues that further study is needed to verify the destructive effects of acid rain, but we may suffer irreversible destruction



March 8, 1982

while studies continue. It is entirely possible that present limits on some pollutants should be revised drastically downward and that stack heights should be reduced.

Realistically we recognized that if we did, indeed, suffer a complete cut-off of imported oil, or that our reserves were much less than estimated, use of our large coal reserves would be a practical necessity. But League after League appended a note to the effect that coal use must be carefully monitored and that they were hopeful that technology would develop methods of use that would provide a cleaner fuel than that used traditionally.

These and other considerations should be taken into account when the decision is made as to whether or not SHERCO III should be built.



Files

## LEAGUE OF WOMEN VOTERS OF MINNESOTA

555 WABASHA • ST. PAUL, MINNESOTA 55102 • TELEPHONE (612) 224-5445

June 26, 1979

Ruth Hinerfeld, President  
League of Women Voters of the United States  
1730 M Street, N.W.  
Washington, D.C. 20036

Dear Ruth:

At the May 4-5 League of Women Voters of Minnesota Convention, delegates passed a resolution regarding nuclear energy directed to the LWVUS. It was passed primarily because of a growing dissatisfaction with the LWVUS 1978 position on Energy and its lack of any major reference to the nuclear question.

In April the members of the state Board decided that the question of the safety of nuclear energy and its resultant waste was important enough to request the national LWV to discuss the matter at its Council meeting in early May. We are aware that it was discussed, with advocates on both sides, and the eventual decision was that LWVUS would review the amplification statement of the Energy position as it relates to nuclear energy.

On the evening of the first day of the Minnesota Convention, the Natural Resources Co-chairs held a caucus at which strong feeling was voiced regarding our inability to take a firm stand regarding nuclear energy. It was decided that a resolution directed to LWVUS indicating our dissatisfaction would be evidence of our continuing concern.

After presentation of the resolution to the Convention the next day, it became apparent that the delegates wanted something stronger than a resolution of concern. An ad hoc committee retired to the lobby, and within an hour's time returned to present the following to the Convention:

"WHEREAS, LWVUS favors promoting the wise management of resources in the public interest and an environment beneficial to life; and

"WHEREAS, since the establishment of our 1978 national consensus on Energy, we have become more aware of problems with the generation and use of nuclear energy; and

"WHEREAS, there has been no progress toward a solution of radioactive waste storage problems; and

"WHEREAS, this situation has raised intense concern among our members,  
"Be it resolved that LWVMN recommends and intends to promote the adoption as the 1980 LWVUS Convention of the following item:

"A study of nuclear energy, including but not limited to, technical, environmental, political, social, and economic aspects."

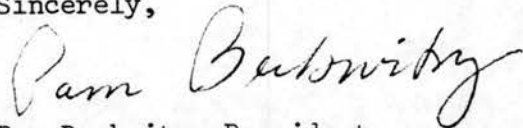
June 26, 1979

During the discussion on the Convention floor, it had been pointed out, correctly, that the original consensus did not contain questions regarding the advisability of using nuclear energy but merely listed the kinds of energy available and wanted us to indicate, "More than now; Same as now; Less than now."

It was felt that even if the LWVUS did re-examine the 1978 consensus, it would not be able to provide any further extension of the present position, since many questions on nuclear energy were never even addressed. The above resolution, although not passed unanimously, was given a very decided majority, and the state Board now intends to notify other state Leagues of our decision with the hope that they will join with us - insuring a nuclear energy item on the 1980-82 LWVUS Program.

We will keep you informed of our activities on this issue.

Sincerely,

A handwritten signature in cursive script that reads "Pam Berkwitz".

Pam Berkwitz, President  
League of Women Voters of Minnesota

B:M

HHB  
~~Fewer~~  
~~Shut down~~  
~~Crimes~~  
~~Crimes~~

file  
(Energy)

403 Lake Boulevard  
Buffalo, Minnesota 55313  
January 30, 1982

Harriet Burkhalter, President  
League of Women Voters of Minnesota  
555 Wabasha  
St. Paul, Minnesota 55102

FEB 3 1982

Dear Ms. Burkhalter:

Thank you for sharing the proposed testimony of the State and Rochester League of Women Voters for the Certificate of Need hearing for the Sherco 3 plant. The Buffalo-Monticello Area League of Women Voters would like to share with you the following comments:

- \* We are in complete agreement with the State position
- \* We support the Rochester League in their study of the need for electricity in their area and testifying to that need
- \* We question the amount of in-depth study of alternatives to the Sherco 3 site at Becker by the Rochester League
- \* Although we do not question the need for more electricity in the Rochester area, we do question the need for electricity by N.S.P. and U.M.P.A.
- \* We would encourage the presentation of testimony that addresses need but doesn't address specific sites to produce the energy.

We appreciate the opportunity to review the proposed testimony.

Sincerely,

*Agnes T. Leitheiser*

Agnes T. Leitheiser, President  
Buffalo-Monticello Area League of Women Voters





*file*

## LEAGUE OF WOMEN VOTERS OF MINNESOTA

555 WABASHA • ST. PAUL, MINNESOTA 55102 • TELEPHONE (612) 224-5445

January 27, 1982

Mr. Richie Swanson  
302 W. 4th Street #23  
Winona, MN 55987

Dear Mr. Swanson:

I am sorry that the League of Women Voter's program on nuclear power did not meet your expectations. As a citizen's organization that deals in a wide range of topics (social, governmental and environmental) we have never advertised ourselves as technical specialists. Unless we are fortunate enough to have a member who has such a background, and who cares to volunteer the time and effort to impart such technical knowledge, we depend on informed non-specialists. We do not believe that simply because many, or even most, of our membership lacks a technical background, that we must be precluded from discussing the very real issues that such questions as nuclear energy raise for citizens.

Our feeling has been for some time that ordinary citizens have avoided discussion of nuclear power because they have been too often told, "...if you only understood the technical side of nuclear energy, you wouldn't fear it." It was for this reason that we published our Minnesota Citizens' Guide to Nuclear Power - hopefully a non-technical (or as much as is possible) discussion of how such energy is produced, and the questions and debate it arouses. Copies were available at the meeting; did you read it? We are sure that you are well aware that reputable scientists hold diametrically opposed views on the safety, applicability, economics and ultimate waste disposal necessary for the use of nuclear power. It is apparent that the use or non-use of nuclear power is going to be decided in the political and economic arena, not on the basis of scientific or technical feasibility.

The League's position on nuclear power is a small part of a much larger statement on energy generally, that we adopted in 1978. It is neither pro nor anti, and reflected the thinking generally of League members all over the United States at that time. Following is the specific wording of that portion of the position that applies to nuclear power:

"Between now and the year 2000, while arriving at long-term energy strategies, the United States should develop and use a mix of energy sources based on the following policies:

Top priority must be given to conservation; renewable resources, especially solar heating and cooling, bioconversion and wind; and the environmentally sound use of coal.

Dependence on imported energy supplies must be reduced.

Because finite supplies of domestic oil and natural gas must be conserved, reliance on these sources should not be increased.

Reliance on nuclear fission (light water reactors) should not be increased. Special attention must be given to solving waste disposal and other health and safety problems associated with this energy source."

Mrs. Grimsby and I had planned to attend the Winona meeting and present the program together. Illness prevented my attending, and with very short notice, Mrs. Grimsby was forced to attend alone. She was very concerned that her presentation be balanced, with neither a pro nor anti bias, in keeping with the League position. It is unlikely that the technical portion, particularly the areas you mentioned would have been addressed in any more depth had I been there, and the opposing arguments would have been mentioned as well. We feel it is obvious that anyone desiring in-depth information about the technical aspects of nuclear energy would not find it at a League of Women Voters meeting. What the League hopes to do is stir interest in the general citizen, who has not entered the discussion previously. The decisions to be made are too important to be left to a schientific and political elite.

Sincerely,

*Jeanne Crampton*

Jeanne Crampton  
Natural Resources Chair

JC/rk

302 W. 4th St. #23  
Winona, Minn. 55987

Jeanne Crampton  
League of Women Voters of Minnesota  
555 Wabasha  
St. Paul, Minn. 55102

Dear Jeanne and others,

After attending the nuclear power presentation sponsored by Winona's League on Jan. 14, I am disappointed to feel that Nancy Grimsby did more to damage the League's credibility than to inform anyone about the issue. She spoke for an hour about nuclear power and failed even to mention the implication of carcinogenic isotopes. She failed to give any model of the nuclear fuel cycle. She failed to use any figures when she talked about cost-effectiveness. When estimating the percentage of energy that nuclear power supplies for Minnesota, she used only NSP's figure. She failed to mention any organizations outside the government and the utilities during any part of the talk. She did not speak about proliferation beyond implying that although President Carter had canceled the breeder reactor program, the government has always planned to go ahead with it. She did not mention the issue of civil liberties that is attached to the production of plutonium. She admitted she wasn't an "expert" and that she didn't understand the science of nuclear energy. She did not want to talk about the military's involvement in the fuel cycle and she did not want to talk about the rate structure that determines the cost of the energy to the public. I do not think she knew about it. She used one graph of a power plant and another of a waste storage site, but she was unable to explain either completely.

Nuclear power is not an easily understood issue. When the League sponsors an unqualified speaker on the subject, the issue only becomes more confused and more difficult. Besides that, it does a disservice to an organization that possesses a 60-year-old reputation of political credibility--in a time when political credibility is much in need. I am behind the League and behind an objective view of nuclear power. That is why I request that you either educate your speaker or stop sponsoring her.

Sincerely,

Richard Swanson

1-16-81

FOR YOUR INFORMATION

"WHY WORRY ABOUT RADIATION?" is a workshop sponsored by Metro State University, to be held Saturday, September 13, 9:00 a.m. - 1:00 p.m., at Hennepin Center for the Arts, 528 Hennepin Avenue, Room 501. The fee is \$12; the registration deadline is September 8. The workshop has been designed to help people develop the ability to think critically about the issue of radiation and make rational decisions about our energy future. The sponsors do not advocate a particular position. Speakers are:

- Rep. Todd Otis, MN legislator, who will offer an overview of the issue from a political and economic standpoint;
- Emily Moore, NSU community faculty member, who will discuss what radiation is and how it can hinder the successful operation of a living organism;
- William Campbell, health physicist, who will share his knowledge of radiation exposure levels and health, also the history of the nuclear industries; and
- Pamela Barbour, co-director of Clergy and Laity Concerned, who will use slides to show the environmental, health and social effects of radiation.

For more information, call 341-7250.

FOR YOUR INFORMATION

"WHY WORRY ABOUT RADIATION?" is a workshop sponsored by Metro State University, to be held Saturday, September 13, 9:00 a.m. - 1:00 p.m., at Hennepin Center for the Arts, 528 Hennepin Avenue, Room 501. The fee is \$12; the registration deadline is September 8. The workshop has been designed to help people develop the ability to think critically about the issue of radiation and make rational decisions about our energy future. The sponsors do not advocate a particular position. Speakers are:

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- Pamela Barbour, co-director of Clergy and Laity Concerned, who will use slides to show the environmental, health and social effects of radiation.

For more information, call 341-7250.



*File*  
*Pat. L.*

To: Jeanne Crampton  
From: Betty Bayless  
Re: EPA Workshop on Public Participation Policy  
Date: July 11, 1980

I attended the 7 p.m. session on July 8 at the Metro Clean Air Committee office. Participants included:

- . Donna Waters - Minnesota Herbicide Coalition
- . Sharon Coombs - Sierra Club
- . Pat Reagan - Clean Air, Clean Water & Private Consultant  
(Barb Hughes described him as one of the best environmental brains in the area.)
- . Dave Johnson - PCA: 201 Program
- . Lois Manne - Agricultural Extension Service (she's a former Leaguer)
- . Connie Hinkle - Minnesota Coordinator in Chicago EPA office
- . Barb Hughes - Metro Clean Air
- . Jane Keneally - Region V EPA Environmental Coordinator (312-886-6587)
- . Nelsen French - Sierra Club
- . Al Zemsky - Director, Office of Public Participation (312-886-6585)

Zemsky noted that public participation by some Presidential Executive Orders and OWWM regulations does not cover all agency activities. After Donna Waters cited an example of minimal support via the national office, Zemsky stressed that henceforth people in our area should go through his office, particularly Jane Keneally, for information first.

He also stated that the EPA Region 5 Administrator demands that public be answered as to project status immediately.

Work plans are prepared when defining project funding. The intent is to provide financial assistance to outside organizations and citizens when involved in agency efforts. There will be consistency in this.

I asked how the agency will complete their outreach to private citizens when filling advisory committee quotas. They currently save the names of people who call with interest in a particular hearing or subject. By the way, their hot line on hazardous waste has been an overwhelming success.

Several attendees felt it would be helpful if they got together to formulate questions and then invited the EPA people back for a visit.

Currently the EPA office in Chicago can arrange speaking engagements for high-level agency officials from not just EPA but other agencies with environmental interests. Also, a conference is now being planned on toxic substances (?) for this fall in Washington, D. C.

Bayless to Crampton - 7/11/80

Donna Waters announced that she is available to speak about the Minnesota Herbicide Coalition from September 10 through November 30.

Zemsky identified Marcia Carlson as the Agricultural Coordinator in the Region V Office.

He then stressed that his office runs interference between industry/ environmental groups and EPA programs.

The final public participation policy will be written and published in late September. We were promised copies of it!

Zemsky will train, at least, the Region V entire staff in public participation. Dave Johnson from PCA stressed that this should also be done at the state level so the public gets a consistent response from EPA.

Zemsky asked that we evaluate the printouts we get from them on projects and hearings and determine what we can disseminate with them.

This was a very impressive group to meet and hear. We all stressed the agency's need to follow through on questions within a reasonable time and to do more than publish legal notices when trying to attract citizen input.

I am leaving all the materials you gave me plus a Minnesota Herbicide Coalition newsletter (from Donna Waters) and the final report on "Regulating Electrical Utilities in Minnesota: The Reform of Legal Institutions" that Pat Reagan gave me.

See you at the August Board meeting!



## LEAGUE OF WOMEN VOTERS OF MINNESOTA

555 WABASHA • ST. PAUL, MINNESOTA 55102 • TELEPHONE (612) 224-5445

August 7, 1980

Mr. Peter Ehrhardt, Packaging Program Coordinator  
Resource Planning Section  
Minnesota Pollution Control Agency  
1935 West County Road B-2  
Roseville, MN 55113

Dear Mr. Ehrhardt:

The League of Women Voters of Minnesota is delighted to hear that the implementation of the packaging program under Minnesota Statute 116F.01 is to begin shortly. We are in the process of updating our present solid waste information for our membership, and we are particularly interested in markets for recyclable materials, as well as waste reduction in general. (As you may know, we have supported mandatory deposit legislation for years.)

The League of Women Voters at all its levels (National, State, Local) has a strong commitment to the solving of hazardous and solid waste problems, and we've been actively pursuing those goals since 1973. The "Waste Alert!-Minnesota" conference we held in conjunction with the MPCA this past April was only the beginning of what we hope is a rekindled interest in this growing problem, as well as a better understanding by the general public of all facets of the situation. Certainly, as the new Waste Management Act is implemented (particularly the siting of a hazardous waste facility), increased numbers of citizens and communities are going to become aware of the complexities of disposing of waste of all kinds.

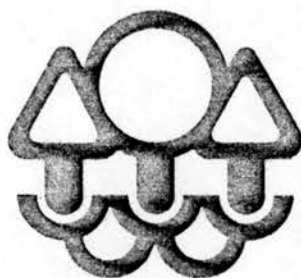
A representative of the League would certainly like to be a member of the packaging advisory committee. We will let the members of our committee know of this opportunity as soon as possible and will try and have someone contact you before August 14. Will the composition of the advisory committee be finite, or open to whomever is interested? If membership is limited, how and by whom will the selection be made?

Thank you for your invitation to participate in this important new program.

Sincerely,

Jeanne Crampton  
Nancy Grimsby  
Natural Resources Co-chairs

C/G:M



JUL 17 1980

## Minnesota Pollution Control Agency

JUL 11 1980

TO WHOM IT MAY CONCERN:

I was recently appointed by the Minnesota Pollution Control Agency (MPCA) to begin development of the Agency's packaging program under Minn. Stat. § 116F.01. The MPCA is eager to begin implementation of this program.

As you are aware, opinions as to the operation of the packaging program differ widely. The debate has been focused on the MPCA's authority to ban certain packages which "constitute a solid waste disposal problem" or are "inconsistent with State environmental policies" under the statute. Because of concern over the use of this authority, little attention has been given to other parts of the statute which allow the MPCA to develop waste reduction methodologies by:

- A. Conducting public education programs;
- B. Encourage the development of markets for recyclable materials;
- C. Making recommendations to industry to facilitate material reuse, lengthening of useful product lives and the reduction of solid waste generation.

These other powers granted by the statute present the Agency with a unique opportunity to work with industry, environmentalists, consumers, and communities to begin serious waste reduction efforts in the State of Minnesota. Given the current outlook on energy conservation at both the State and National level, this opportunity could not be more timely.

In order to ensure that the implementation of all aspects of the packaging program are carried forward in a manner which is most satisfactory to all concerned, the MPCA intends to form an advisory committee composed of packaging industry representatives, environmentalists, consumer representatives,

Telephone: 297-2707 (612)

1935 West County Road B2, Roseville, Minnesota 55113

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Page Two

resource recovery industry representatives and other interested parties. The advisory committee will assist the MPCA in developing the scope of the packaging program and assure input from all concerned individuals and groups.

The date on which the packaging program will be operational has not yet been established. The MPCA projects that the packaging review program will not be operational until after January, 1981.

Should you wish to participate in the advisory committee or have questions or comments regarding the packaging program please contact me before August 14, 1980 at:

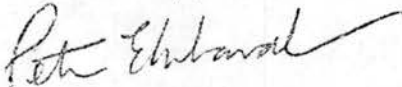
Minnesota Pollution Control Agency  
1935 West County Road B-2  
Roseville, Minnesota 55113

ATTENTION:

Peter Ehrhardt  
Packaging Program Coordinator  
Resource Planning Section

I look forward to working with you to develop this program and encourage your participation.

Sincerely,



Peter Ehrhardt  
Packaging Program Coordinator  
Resource Planning Section  
Division of Solid Waste

PE:mjt

League of Women Voters of Minnesota, 555 Wabasha Street, St. Paul, Mn. 55102  
June 4, 1969

FILE COPY

I wish to take this opportunity to reiterate the concern of the League of Women Voters as pointed out by our President, Mrs. O. J. Janski in her testimony on April 8, 1969.

We are becoming increasingly concerned about the number of nuclear plants either now under construction, or being proposed for our state.

We believe that requests for permits for water use should be made before the construction of a plant is begun.

It should be a public decision whether the dumping of any affluent which might endanger plant or animal life should be allowed.

It is our belief that it is becoming increasingly important for industries to return water to the rivers in as much the same condition as it was withdrawn as is possible. Successful efforts are being made by a number of industries across the country to do this. The burden of proof of safety rests with industry.

We believe that people are willing to pay for clean water. If installation of pollution control devices places a company at a competitive disadvantage, we offer the services of the members of our organization to promote public understanding and acceptance of whatever price safety requires.

Mrs. Wm. Brascugli  
Water Resources Chairman  
League of Women Voters of Minnesota

FILE COPY

League of Women Voters of Minnesota, 555 Wabasha Street, St. Paul, Mn. 55102  
September 18, 1969

STATEMENT MADE BY MRS. O. J. JANSKI  
LEAGUE OF WOMEN VOTERS OF MINNESOTA  
AT A HEARING ON SEPTEMBER 22, 1969  
BY THE MINNESOTA POLLUTION CONTROL AGENCY  
IN THE STATE BOARD OF HEALTH BUILDING

We appreciate the opportunity to present this statement on behalf of the League of Women Voters of Minnesota.

As your members well know, we have attended and given statements at every hearing that has been held concerning both the Montecello and Prairie Island Plants since February, 1968. We have enclosed copies of those statements for your convenience, and particularly for your new members. Our beliefs remain as previously expressed, that no new permits be granted for construction of any type of nuclear plant, whether it be for initial construction, water use, or the actual operation of the atomic plant until adequate studies have been completed to determine the long-range effects of the plants already in operation.

We have one additional statement to make. We have attended all of the regular meetings of the Minnesota Pollution Control Agency since the first request for the thermal permit for Prairie Island was requested, and have repeatedly heard the report by the staff of the MPCA stated -- that no thermal permit be granted for Prairie Island separately from the atomic permit -- that the two be granted at the same time in a single permit.

We cannot understand why the members of this agency would not take the advice of the professional men who are hired by them, and who have the most intimate knowledge of the situation.

We strongly back the recommendation of Mr. Badalich, that no thermal permit be granted separately at this time.

STATEMENT MADE BY MRS. O. J. JANSKI,  
STATE PRESIDENT, LEAGUE OF WOMEN VOTERS OF MINNESOTA  
AT THE ATOMIC ENERGY COMMISSION HEARING

FILE COPY

APRIL 28, 1970

FEDERAL BUILDING, 313 NORTH ROBERT, ST. PAUL, MINN.

In a letter written to the Joint Committee on Atomic Energy January 1970, the League of Women Voters of Minnesota summarized its positions and previous statements as follows:

1. We are concerned about the number of nuclear plants now under construction or being proposed for our state, and their location.
2. Requests for permits for water use should be made before plant construction begins.
3. It should be a public decision whether the dumping should be allowed of any effluent which might be dangerous to plants and animals.
4. Industries should return water to rivers in a condition equal to, or better than, the condition in which it was withdrawn. The burden of proof of safety rests with the industry.
5. We believe people are willing to pay for clean water. If installation of pollution control devices places a company at a competitive disadvantage, we offer the services of the members of our organization to promote public understanding and acceptance of what ever price safety requires.
6. We believe that at this time it is most important that no new permits be granted for construction of any type of nuclear plant, for its water use, or for the actual operation of the atomic plant, until adequate studies have been completed to determine long-range effects of plants already in operation.

At the first hearing concerning the Monticello Plant, we questioned the fact that the Northern States Power Company was requesting a permit long after the project was well under way. Company officials stated at subsequent hearings that it was an economic necessity to establish a plant site and buy the land before a public announcement. Last February, Northern States Power set up a Public Task Force to study and work with them in choosing potential sites for the new power plants - the League, among other organizations interested in the environment, was invited to send a representative.

We have said that it should be public decision whether or not dumping of thermal effluent is allowed. We have said that no permit should be granted until the state atomic standards are met, and according to recommendations of the Minnesota Pollution Control Agency, a single permit granted.

We have heard Northern States Power officials testify that state standards could not be met, but it now appears that they will be able to do so. We also understand that the next plant will operate with fossil fuel. We cannot help but feel that public opinion has made the difference.

Another major concern is the safety factor of the nuclear powered plants and that there is no agency whose sole responsibility is the assurance of the health and safety of the public. We understand that the business of the Atomic Energy Commission is to encourage development of nuclear power plants. We believe the people of Minnesota have a right to effect these safeguards, particularly in a plant so near a large metropolitan area.

We commend our Governor, Harold LeVander, for the stand he has taken and for his testimony in Washington. Certainly, his statement reflects the public sentiment. The people of Minnesota have a right to set standards for the plants in our state in accordance with the recommendations of our Minnesota Pollution Control Agency.



FILE COPY

February 4, 1970

Mr. R. W. Comstock  
Northern States Power  
414 Nicollet Mall  
Mpls., Minn. 55401

Dear Mr. Comstock:

The Northern States Power Company is to be commended on the formation of an Advisory Task Force on the question of the siting and development of the future electric generating plants. Thank you for inviting the League of Women Voters of Minnesota to participate; we are pleased to cooperate.

To facilitate communications and continuity between League members throughout the state and the Task Force, I have appointed Mary Brascugli as the official representative of the League with Mrs. Charles McCoy and Mrs. Herbert Bond serving as her alternates. I do hope that this arrangement is satisfactory with you. Mrs. Brascugli may be addressed at the League office, 555 Wabasha Street.

Cordially,

Mrs. O. J. Janski  
State President

cc. to: Earl Ewald  
Robert Poppe  
Inene  
Mary

**FILE COPY**

January 23, 1970

TO: Joint Committee on Atomic Energy  
The Honorable Chet Holifield, Chairman

Enclosed is testimony which we would appreciate having entered into the record at the public hearing for testimony concerning the Environmental impact of Electric-Generating Stations, on January 26, 1970.

Sincerely,

Mrs. O. J. Janski  
State President

Mrs. William Brascugli  
Water Resources Chairman



FILE COPY

# LEAGUE OF WOMEN VOTERS OF MINNESOTA

555 WABASHA, ST. PAUL, MINNESOTA 55102

January 23, 1970

To Joint Committee on Atomic Energy  
Honorable Chet Holifield, Chairman

Enclosed are the statements which have been presented since February 1968 by the League of Women Voters of Minnesota at hearings concerning nuclear power plants. We have been most concerned over the controversy concerning the standards set for the Atomic Permits, and feel that the people of Minnesota have a right to set standards for the plants in our state in accordance with the recommendation of our MPCA nuclear consultant.

A Summary of the positions we have taken concerning nuclear power plants is as follows:

1. We are concerned about the number of nuclear plants now under construction or being proposed for our state, and their location.
2. Requests for permits for water use should be made before plant construction begins.
3. It should be a public decision whether the dumping should be allowed of any effluent which might be dangerous to plants and animals.
4. Industries should return water to rivers in a condition equal to, or better than, the condition in which it was withdrawn. The burden of proof of safety rests with the industry.
5. We believe people are willing to pay for clean water. If installation of pollution control devices places a company at a competitive disadvantage, we offer the services of the members of our organization to promote public understanding and acceptance of what ever price safety requires.
6. We believe that at this time it is most important that no new permits be granted for construction of any type of nuclear plant, for its water use, or for the actual operation of the atomic plant, until adequate studies have been completed to determine long-range effects of plants already in operation.

We appreciate that the rising demands for electricity necessitate some immediate decision making on the part of industry so that plants will be able to meet the demands. We also recognize that many experts have stated that atomic plants are least likely to pollute the air and water. We feel that citizens are willing to pay for a clean environment, and that the cost of constructing and maintaining plants which will not pollute the environment should be a part of the development by industry of such plants.



In conclusion, we are concerned over a statement made by Representative Chet Holifield, (according to an AP story in the Minneapolis Star, January 15,) that he takes little stock in objections to nuclear power plants. The business of the committee "is to encourage development of nuclear electric generating plants".

If this is the case, in what committee does the responsibility lie for setting the standards for the nuclear industry that will insure the health and safety of the public?

Sincerely,

Mrs. O. J. Janski, State President

Mrs. William Brascugli,  
Water Resources Chairman



FILE COPY

League of Women Voters of Minnesota - 555 Wabasha Street, St. Paul, Minnesota 55101

February 1968

STATEMENT MADE BY MRS. HAROLD WATSON, LEAGUE OF WOMEN VOTERS  
OF MINNESOTA BEFORE THE MINNESOTA POLLUTION CONTROL AGENCY  
February 13, 1968

SUBJECT: Minnesota Pollution Control Agency and the question of permission to NSP to operate a nuclear power plant at Monticello, discharging wastes into the Mississippi River.

I am Mrs. Harold Watson from the Minnesota League of Women Voters. We have been interested in water resources since 1956. We recognize that in this case the project is already underway which makes it difficult to alter any plans. But we are particularly concerned because it is our understanding that this is the first of a number of nuclear installations which will be proposed by NSP. This means that the decision made today will face us again.

It is our belief that it is becoming increasingly important for industries to return water to the rivers in as much the same condition as it was withdrawn as possible. We are aware of the successful efforts being made by a number of industries across the country to do this.

One question which always arises at this point is the cost. This poses a problem for those industries with competitors, and we have been supporting legislative measures to accomodate this. In the case of an industry like NSP, we recognize that the cost would have to be passed on to the consumers. The League would be willing to cooperate by conducting a program of education in the 69 communities where we have units to accept electricity that is nickel cheap for NSP.

League of Women Voters of Minnesota, 555 Wabasha St., St. Paul, Minnesota  
April 1969

Statement made by Mrs. O. J. Janski, President,  
League of Women Voters of Minnesota before the Pollution Control  
Agency, April 17, 1969

I am Mrs. O. J. Janski, President of the League of Women Voters of Minnesota. We wish to speak to you today in support of the enforcement of the water quality standards which have been set up for the State of Minnesota and against the granting of variances from these standards.

When the Water Quality Act of 1965 was signed into law by President Lyndon Johnson, he stated "The clear, fresh waters that were our national heritage have become dumping grounds for garbage and filth. They poison our fish, they breed disease, they despoil landscapes. No one has a right to use America's rivers and America's waterways that belong to all the people as a sewer . . . There is no excuse for a river flowing red with blood from slaughterhouses. There is no excuse for paper mills pouring tons of sulphuric acid into the lakes and the streams of the people of this country. There is no excuse - and we should call a spade a spade - for chemical companies and oil refineries using our major rivers as pipelines for toxic wastes. There is no excuse for communities to use other peoples' rivers as a dump for their raw sewage. This sort of carelessness and selfishness simply ought to be stopped; and more, it just must be reversed. And are we going to reverse it." That statement was made in 1965. We have fortunately moved toward some improvement since that time.

However, at the last hearing of the Federal Water Pollution Control Administration, Mr. Badalich said that 60% of the polluters on those parts of the Mississippi and Minnesota Rivers being considered here had either begun to clean up or had concrete plans to do so. The twelve remaining polluters, according to Mr. Murray Stein of the FWPCA, were among the largest polluters originally cited by them. Their combined wastes reached totally unacceptable levels.

We wish to state today that we are emphatically in favor of conforming to the federal standards, with no variances. There is no excuse for these municipalities and industries to continue to throw their refuse into our water.

We appreciate what may be required to meet these standards in terms of research, experimentation and innovation. But we must insist that the goal be maintained.

We believe that pollution control is the cost of doing business, and we are prepared to work toward public acceptance of that cost. The members of this agency must be aware, as we are, of the great body of public opinion which supports this view.

As we stated to this Agency, April 8, Minnesota is fortunate in standing at the headwaters of the Mississippi. We receive our water pure. We have no clean-up problem except for what we ourselves produce. Of all states our water quality should be the easiest to guarantee. We have a social responsibility to send our water on to other states containing as few poisons as possible.

In Mr. Hickel's recent press statement, he said he favors "gradually upgrading clean water standards until such now polluted rivers as the Hudson and the Potomac flow as pure as mountain streams." "I think possibly in a period of ten years that could be obtained," President Johnson said in 1965 that they were going to reopen the Potomac for swimming in 1975. We dream of seeing the Mississippi River reopened for swimming in the Twin Cities. That cannot possibly happen to the water in Minnesota in ten years unless the Pollution Control Agency enforces the standards that now exist.

I wish to take this opportunity to reiterate the concern of the League of Women Voters as pointed out by our President, Mrs. O. J. Janski in her testimony on April 8, 1969.

We are becoming increasingly concerned about the number of nuclear plants either now under construction, or being proposed for our state.

We believe that requests for permits for water use should be made before the construction of a plant is begun.

It should be a public decision whether the dumping of any affluent which might endanger plant or animal life should be allowed.

It is our belief that it is becoming increasingly important for industries to return water to the rivers in as much the same condition as it was withdrawn as is possible. Successful efforts are being made by a number of industries across the country to do this. The burden of proof of safety rests with industry.

We believe that people are willing to pay for clean water. If installation of pollution control devices places a company at a competitive disadvantage, we offer the services of the members of our organization to promote public understanding and acceptance of whatever price safety requires.

Mrs. Wm. Brascugli  
Water Resources Chairman  
League of Women Voters of Minnesota



League of Women Voters of Minnesota, 555 Wabasha Street, St. Paul, Mn. 55102  
July 1969

We wish to take this opportunity to reiterate the concern of the League of Women Voters as pointed out in our testimony of April 8, 1969, regarding the construction of nuclear plants.

We are becoming increasingly concerned about the number of nuclear plants either now under construction, or being proposed for our state.

We believe that requests for permits for water use should be made before the construction of a plant is begun.

It should be a public decision whether the dumping of any affluent which might endanger plant or animal life should be allowed.

It is our belief that it is becoming increasingly important for industries to return water to the rivers in as much the same condition as it was withdrawn as is possible. Successful efforts are being made by a number of industries across the country to do this. The burden of proof of safety rests with industry.

We believe that at this time it is most important that no new permits be granted for construction of any type of nuclear plant, whether it be for initial construction, water use, or the actual operation of the atomic plant, until extensive studies have been completed to determine the long-range effects of the plants already in operation.

We believe that people are willing to pay for clean water. If installation of pollution control devices places a company at a competitive disadvantage, we offer the services of the members of our organization to promote public understanding and acceptance of whatever price safety requires.

League of Women Voters of Minnesota, 555 Wabasha Street, St. Paul, Mn. 55102  
September 18, 1969

STATEMENT MADE BY MRS. O. J. JANSKI  
LEAGUE OF WOMEN VOTERS OF MINNESOTA  
AT A HEARING ON SEPTEMBER 22, 1969  
BY THE MINNESOTA POLLUTION CONTRAOL AGENCY  
IN THE STATE BOARD OF HEALTH BUILDING

We appreciate the opportunity to present this statement on behalf of the League of Women Voters of Minnesota.

As your members well know, we have attended and given statements at every hearing that has been held concerning both the Monticello and Prairie Island Plants since February, 1968. We have enclosed copies of those statements for your convenience, and particularly for your new mwmbers. Our beliefs remain as previously expressed, that no new permits be granted for construction of any type of nuclear plant, whether it be for initial construction, water use, or the actual operation of the atomic plant until adequate studies have been completed to determine the long-range effects of the plants already in operation.

We have one additional statement to make. We have attended all of the regular meetings of the Minnesota Pollution Control Agency since the first request for the thermal permit for Prairie Island was requested, and have repeatedly heard the report by the staff of the MPCA stated -- that no thermal permit be granted for Prairie Island separately from the atomic permit -- that the two be granted at the same time in a single permit.

We cannot understand why the members of this agency would not take the advice of the professional men who are hired by them, and who have the most intimate knowledge of the situation.

We strongly back the recommendation of Mr. Badalich, that no thermal permit be granted separately at this time.



files

## LEAGUE OF WOMEN VOTERS OF MINNESOTA

555 WABASHA • ST. PAUL, MINNESOTA 55102 • TELEPHONE (612) 224-5445

May 4, 1979

The Honorable Rodney N. Searle  
390 State Office Building  
St. Paul, MN 55155

Dear Mr. Searle:

We understand that the legislation to continue the operation of the Joint Legislative Committee on Solid and Hazardous Waste is being considered by the House. The League of Women Voters supports the continuance of the committee as an effective forum for consideration of the urgent problems in this area.

We also understand that the authorization for continuing the committee gives the Speaker the privilege of naming its members. Our concern for action on the solid and hazardous waste problems in Minnesota leads us to urge that the committee be continued intact with its existing membership. The problems in management of solid and hazardous waste are complex. The present committee has invested much time in attempting to understand the nature and scope of the problems and must now begin the investigation of possible solutions. Replacement of committee members could significantly slow progress towards urgently needed solutions as new members struggle to absorb the volume of material the committee has generated. The League feels the problems are too serious and the consequences of inaction too formidable to permit any delay in committee work. We feel continuity of committee membership would expedite solutions.

Sincerely,

Helene Borg, President  
League of Women Voters of Minnesota

B:M

Same letter to Irv Anderson



## LEAGUE OF WOMEN VOTERS OF MINNESOTA

555 WABASHA • ST. PAUL, MINNESOTA 55102 • TELEPHONE (612) 224-5445

Testimony before the  
House Environment Subcommittee  
in opposition to HF 174, 188 and 200  
by Katie Fournier, Natural Resources Lobbyist  
April 12, 1983

The League of Women Voters of the United States has taken a position supporting actions to reduce the waste stream and to ensure its safe disposal. The League of Women Voters of Minnesota supported the creation of the Waste Management Board and its site selection process in 1980. We realize that the Board's proceedings have not gone as smoothly nor as quickly as was originally hoped for, but we do not feel that the problems encountered by the Board justify postponing the site selection, as proposed in HF 188. The problem of what to do with hazardous wastes will not go away while we wait for the waste management plan to <sup>be</sup> adopted. It may be 1985 before the final form of the plan is adopted, depending on how quickly the Legislature passes implementation needed for the plan.

It is true that the waste management plan is exploring other technologies for waste disposal, but that fact does not mean that a landfill site ~~will~~ <sup>might not</sup> be needed. Certainly the board needs to continue to gather information on the landfill sites as well as on the alternatives, so that when the time for decisions comes, all the necessary information is in place.

With regard to HF 174 and HF 200 which would exclude "agricultural land" and certain other types of land from consideration,



we would like to note that these sorts of exclusions should have been included in the original act. To add them now circumvents the goal of the original act to include all land except that determined to be "intrinsically unsuitable." In addition, the citizen groups who helped prepare the site selection criteria did their work in good faith, never expecting that the rules of site selection might be changed later.

We urge you to oppose HF 174, 188 and 200.



RUDY PERPICH  
GOVERNOR

**STATE OF MINNESOTA**  
OFFICE OF THE GOVERNOR  
**ST. PAUL 55155**

*Tews  
Crumpken  
Crimmley  
Suffington  
Liles ✓*

July 21, 1983

JUL 23 1983

Ms. Jean Tews, President  
League of Women Voters of Minnesota  
555 Wabasha  
St. Paul, Minnesota 55102

Dear Ms. Tews:

Thank you for your letter supporting Governor Perpich's position on the superfund bill. As you know, Governor Perpich has since signed this bill into law.

Governor Perpich is deeply committed to safeguarding health and welfare of citizens of this State, under preservation of our environment. With the support of groups such as the League of Women Voters, such goals are attainable. The Governor deeply appreciates your support.

Sincerely,

FRANK ALTMAN  
Special Assistant

FA:pj

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HARRIETTE BURKHALTER, PRESIDENT, LEAGUE OF  
WOMEN VOTERS OF MINNESOTA  
555 WABASHA  
ST PAUL MN 55102

SEP 10 1982

THIS MAILGRAM IS A CONFIRMATION COPY OF THE FOLLOWING MESSAGE:

6122245445 MGM TDBN ST PAUL MN 54 09-09 0328P EST

ZIP

REPRESENTATIVE ARLEN ERDAHL *& all Mn. U.S. Reps.*  
HOUSE OF REPRESENTATIVES  
WASHINGTON DC 20515

LWVMN URGES SUPPORT FOR HR6307 WHICH CLOSES SOME MAJOR LOOPHOLES IN  
THE HAZARDOUS WASTE REGULATORY PROGRAM. ONE IMPORTANT PROVISION WILL  
LOWER THE "SMALL GENERATOR" EXEMPTION WHICH REDUCES DRAMATICALLY THE  
QUANTITY OF HAZARDOUS WASTE THAT ESCAPES REGULATION.

HARRIETTE BURKHALTER, PRESIDENT, LEAGUE OF WOMEN VOTERS OF  
MINNESOTA

15:28 EST

MGMCOMP



## LEAGUE OF WOMEN VOTERS OF MINNESOTA

555 WABASHA • ST. PAUL, MINNESOTA 55102 • TELEPHONE (612) 224-5445

Testimony presented to the  
Senate Agriculture and Natural Resources Committee  
in support of the Environmental Response and Liability Act, SF 220,  
by Jeanne Crampton, Natural Resources Co-Chair,  
League of Women Voters of Minnesota  
February 15, 1983

The League of Women Voters of Minnesota supported efforts at the federal level to establish the "Superfund" and we favored the passage of the Legislature's hazardous waste cleanup bill during 1982. If there is imminent danger to the environment or to human welfare, the state needs the power and the financial resources to contain and recover or neutralize spilled or dumped hazardous substances, and to then be reimbursed by those responsible for the improper handling. The League of Women Voters supports the strict liability concept "...strictly liable, jointly and severally..." but recognizes the need to protect by certain exemptions those persons or entities who may, through no fault or intention of their own, be involved in illegal hazardous waste disposal. We feel SF 220 adequately addresses that situation.

We need the guidelines and system that this Act would establish to cope with hazardous waste sites that have occurred already, whether by thoughtlessness, negligence, stupidity or outright illegal actions. The number of such sites recognized in Minnesota grows each year and it is imperative that the state establish legal authority to respond to such disclosures and to cleanup releases or accidents in the future.

Further, we need to establish a fund that could be used for the 10% state match required by the federal "Superfund" law as a condition for receiving federal cleanup money.

We urge your support for SF 220.





*Sally*

Nov. 19, 1982

PRESIDENT  
DOROTHY S. RIDINGS

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Columbia, SC

EXECUTIVE DIRECTOR  
Harriet Hentges

Judith C. Thompson, President  
League of Women Voters of South Carolina  
2838 Devine St.  
Columbia, S.C. 29205

Dear Judy:

In response to your November 10 letter we want you to know that we understand the frustration that all League leaders have in regard to the ongoing, unsolved problem of all types of nuclear waste. For high-level wastes we have consistently supported legislation to give states the right of consultation and concurrence in siting decisions, have opposed the establishment of an away-from-reactor (AFR) storage program and have worked to ensure that final repositories are chosen only after careful and complete consideration of alternative sites and full licensing review. The LWVUS siting criteria, which are included in Impact on Issues, provide a means for Leagues to evaluate individual sites and oppose those that are unsuitable.

A blanket ban by a state on waste disposal, transportation, or siting is not a constructive approach and the wording of the petition which is evidently being circulated in South Carolina is far too broad to conform to the LWVUS position. We understand the petition is worded as follows: "We the people of South Carolina oppose the importation into our state of high-level nuclear wastes from other states and other countries whether for purpose of permanent disposal, temporary storage or reprocessing."

We are distressed that you did not consult with us prior to granting approval to local Leagues to circulate that petition. In the past we have had a good working relationship with LWVSC on these issues and our files have many examples of your constructive actions and responsible testimony. High-level nuclear waste disposal is a national issue and it is important that within the League we work on a common strategy to achieve our goals. A local or state ban that would be permanent in effect, that fails to differentiate between the temporary storage of defense high-level wastes and the temporary storage of commercial high-level wastes and that is not based on evaluation of sites, technology or other critical factors is beyond the scope of the LWVUS position.

It is standard procedure for Board members to request staff assistance in gathering information. We asked Isabelle Weber

Judith C. Thompson  
Page 2  
Nov. 19, 1982

to call you to inquire about the sketchy reference to a petition which was in the Florence Voter. After learning that this was not an isolated local League action, Pat spoke to you, at length, on November 8--two days prior to the date of your letter to us.

In response to your question about Waste Management Inc., their contribution has no connection with League action or lobbying efforts on nuclear waste or any other topic.

Finally, we'd like to reiterate that the issues relating to disposal of high-level nuclear wastes are national in scope and require our concerted efforts to seek solution. The LWVUS believes that there must be citizen involvement and careful consideration by states and the federal government to ensure that sites are technically and environmentally sound. The problem relating to facilities in South Carolina and other states that have a long history of defense-related high-level nuclear waste activity and disposal of low-level commercial wastes is indeed unique and difficult. We recognize this and have made every effort within the confines of our position to support state and local League actions designed to meet our organizational goals in those states. It is important that we continue to work together.

Sincerely,

*Merilyn*  
Merilyn B. Reeves  
Natural Resources Coordinator

*Pat*

Pat Shutt  
Natural Resources Chair

cc: National Board  
State LWV Presidents

Statement presented to the  
Minnesota State Senate  
in support of the  
Hazardous Waste Cleanup Bill, SF 1031  
Contact: Jeanne Crampton  
League of Women Voters of Minnesota  
March 11, 1982

The League of Women Voters of Minnesota supports SF 1031, the "Superfund", or Hazardous Waste Cleanup bill. We testified in favor of it in early committee hearings by the Senate Agriculture and Natural Resources Committee, and have watched with interest its progress and evolution through this legislative session.

We need the guidelines and system that this act would establish to cope with hazardous waste sites that have occurred already, whether by thoughtlessness, negligence, stupidity, or outright illegal actions. The LWVMN supports the bill's concept of "strict liability," and looks with disfavor on the attempts of industry lobbyists to have that standard stricken from the bill.

Further, we want to see adequate funding, since without the economic means to begin more or less immediate cleanup, the bill becomes an empty shell. We do not have a strong preference as to funding method, since ultimately, we, as taxpayers and consumers, will shoulder the burden, whether we pay increased prices for certain products, higher garbage collection fees, or through bigger tax bills.

We urge the Senate to pass SF 1031 and that adequate (certainly no lower than that presently indicated in the bill) funding be considered mandatory.



March 8, 1982

Testimony in support of the Hazardous Waste Cleanup  
Bill, H.F. 1176, before the House Appropriation Committee

The League of Women Voters of Minnesota supports H. F. 1176, the "Superfund," or Hazardous Waste Cleanup bill. We testified in favor of it in early committee hearings by the Senate Agriculture and Natural Resources Committee, and have watched with interest its progress and evolution through this legislative session.

We need the guidelines and system that this act would establish to cope with hazardous waste sites that have occurred already, whether by thoughtlessness, negligence, stupidity, or outright illegal actions. The LWVMN supports the bill's concept of "strict liability," and looks with disfavor on the attempts of industry lobbyists to have that standard stricken from the bill.

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We urge the Committee to recommend that H.F. 1176 be passed, and that adequate (certainly no lower than that presently indicated in the bill) funding be considered mandatory.



Testimony  
Agriculture and Natural Resources Committee  
Minnesota Senate  
by  
Jeanne Crampton, Natural Resources Chair  
League of Women Voters of Minnesota

The League of Women Voters of Minnesota supported efforts at the federal level to establish the "Superfund" and is equally convinced of the need for similar legislation within our state. If there is an imminent danger to the environment, the state needs the power and the financial resources to contain and recover spilled or dumped pollutants, particularly in situations caused by poor past practices. The ~~Hazardous Waste~~ rules adopted by the MPCA last year and the Waste Management Act passed in the 1980 legislative session address proper present and future handling of these substances but left unaddressed the problems created by improper hazardous waste disposal in the past.

Because legal responsibilities are not always clearly defined, site owners have changed or cannot be found, are uncooperative or without necessary financial resources, cleanup may be delayed even though there is apparent hazard to human health. The League supports wholeheartedly the strict liability concept "...strictly liable, jointly and severally...") and the establishment of a fund to accomplish cleanup. Obviously, costs and damages should be recovered whenever the responsibility for the problem can be established.

S.F. 1031 addresses a recognized problem in this state. We urge your support.

March 8, 1982

Testimony in support of the Hazardous Waste Cleanup  
Bill, H.F. 1176, before the House Appropriation Committee

The League of Women Voters of Minnesota supports H. F. 1176, the "Superfund," or Hazardous Waste Cleanup bill. We testified in favor of it in early committee hearings by the Senate Agriculture and Natural Resources Committee, and have watched with interest its progress and evolution through this legislative session.

We need the guidelines and system that this act would establish to cope with hazardous waste sites that have occurred already, whether by thoughtlessness, negligence, stupidity, or outright illegal actions. The LWVMN supports the bill's concept of "strict liability," and looks with disfavor on the attempts of industry lobbyists to have that standard stricken from the bill.

Further, we want to see adequate funding, since without the economic means to begin more or less immediate cleanup, the bill becomes an empty shell. We do not have a strong preference as to funding method, since ultimately, we, as taxpayers and consumers, will shoulder the burden, whether we pay increased prices for certain products, higher garbage collection fees, or through bigger tax bills.

We urge the Committee to recommend that H.F. 1176 be passed, and that adequate (certainly no lower than that presently indicated in the bill) funding be considered mandatory.



## LEAGUE OF WOMEN VOTERS OF MINNESOTA

555 WABASHA • ST. PAUL, MINNESOTA 55102 • TELEPHONE (612) 224-5445

To the House Environment and  
Natural Resources Committee  
April 4, 1985

from Jeanne Crampton, League of Women Voters  
of Minnesota Natural Resources Co-Chair

The League of Women Voters of Minnesota supported the adoption of the 1980 Waste Management Act, and has participated in the Waste Management Board's process to select a site or sites for a variety of hazardous waste facilities. We opposed the moratorium on the siting process, since hazardous waste does exist in Minnesota, and slowing the process only seemed to delay unnecessarily the day when the hard decision would need to be made.

However, since the moratorium has been established on the siting procedure, with a report mandated to the 1986 Legislature, we feel that House Files 996, 1003, and 1138 further interfere with the orderly process that has been adopted by the Waste Management Board. These bills seem to have been hastily conceived, without consideration of their ultimate effect.

H.F. 1138, for instance, changes the word "disposal," wherever it occurs, to "storage," or, in a few cases, to "storage and disposal." What is the practical effect of such a change? Perhaps it was meant to imply "above ground storage," but it is doubtful that will be the actual effect. What it will do is stop legal disposal attempts. It may force an industry with hazardous waste to continue stockpiling the stuff in drums someplace. It could well mean that every business or industry generator would become an instant specialist in hazardous waste storage, whether they have that expertise or not. Will we have warehouses with stored waste accumulating year after year? Will industries go out of business and bequeath to others their waste stockpiles? In a sense we will have achieved "above ground storage"----but I don't think it's the kind anyone wants. Shipping our waste out-of-state becomes a slimmer possibility with each passing year, since citizens of other states feel as many of the citizens of Minnesota do. The acronym "NIMBY" says it all----"Not in my backyard."

H.F. 1003, for some inexplicable reason, injects radioactive waste into the hazardous waste picture, causing further confusion. The fact is that High Level Radioactive Waste falls under the venue of the Federal Department of Energy (DOE), and Minnesota is presently under consideration by the Feds because of our granitic deposits. Low-Level



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## LEAGUE OF WOMEN VOTERS OF MINNESOTA

555 WABASHA • ST. PAUL, MINNESOTA 55102 • TELEPHONE (612) 224-5445

Statement presented to the  
House Environmental and Natural Resources Committee  
February 14, 1985  
by Jeanne Crampton, Natural Resources Director  
League of Women Voters of Minnesota

The League of Women Voters of Minnesota supported the adoption of a strong "Superfund" (MERLA) law and opposes the present effort in HF 268 to diminish its effectiveness, particularly since there have been no specific problems with the law to present.

Should a compromise be required, with the liability and causation sections of the present law deleted or changed, the League suggests that some form of strong and effective victims' compensation fund be established.





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**LEAGUE OF WOMEN VOTERS OF MINNESOTA**

555 WABASHA • ST. PAUL, MINNESOTA 55102 • TELEPHONE (612) 224-5445

Testimony presented to the  
Environment and Natural Resources Committee,  
House of Representatives  
by Jeanne Crampton, Natural Resources Chair  
League of Women Voters of Minnesota  
February 7, 1985

I am Jeanne Crampton, Natural Resources Director for the League of Women Voters of Minnesota. Thank you very much for providing our organization the opportunity to appear before you to state our concerns regarding the environment in Minnesota.

The League of Women Voters of Minnesota is a grassroots nonpartisan organization that includes sixty-five local Leagues throughout the state, and is itself one of fifty state Leagues, with national headquarters in Washington, D.C. Our members do not take action in any area until they have studied the issue and reached general agreement. Our overall natural resources position, which states, "Promote the wise management of resources in the public interest and an environment beneficial to life," includes positions on water resources, air quality, solid and hazardous waste, land use, energy and transportation.

Following is a list of environmental issues we see as being important in the 1985 Legislative session:

The Superfund Law. We supported the adoption of a strong Superfund law and are disturbed by the present attempts to reduce its effectiveness. We are awaiting the results of the Task Force that the Governor asked to examine the law, for possible compromise, to decide what our position on the issue will be. If the recommendations seem fair, and a legitimate compromise can be reached, we will probably not oppose such changes. We do feel that some method of compensation for possible victims is necessary, whether under common law, or by the mechanism of a fund or similar vehicle.

Local Leagues throughout Minnesota have indicated that solid waste problems are high on their priority list. As many of you know, the League has supported the adoption of a beverage container deposit law for many years, and actively pursued this issue during the 1984 Legislative session. Because industry and labor forces have always combined to defeat this issue, we do not intend to

pursue it this year, although we would like to point out that Brockway Glass, a major opponent, has now closed their plant. We predicted such a trend last year when we pointed out that plastic containers have taken over 20 percent of the container market in five years, and were a far greater threat to glass companies than a deposit law ever would be. Which leads me directly to a bill filed last week by Senator Eric Petty, and which the League intends to support. SF 316 would prohibit the retail sale of any plastic beverage container under the size of one liter in the State of Minnesota. Coca Cola Company announced last October that they intended to begin test marketing a 12-ounce, can-shaped, plastic container within three or four months in the U.S. and Canada. We still feel that placing a deposit on all beer and pop containers is the proper method of attack, rather than prohibition, but since the Legislature has been unwilling to consider this method, we are going to support the Petty bill. At the moment there are no plans, no particular markets, and no framework for recycling plastic containers. Those containers, once they are introduced, are going to end up in landfills throughout the state, and as litter on roads, beaches and highways. As they say, "You ain't seen nothin' yet."

We also believe recycling of all materials must be implemented as rapidly as possible. We are quite prepared to support the Metropolitan Council's call for mandatory source separation in the Metro area, should that suggestion in their draft Solid Waste Guide become a reality. We will support practically any form of recycling, voluntary or mandatory, that this Legislature might care to consider. Both New Jersey and Oregon have developed different but effective approaches to statewide recycling. The bottom line is that the cost is going to be borne by the citizen/consumer, no matter what method is selected. Source separation and curbside pickup will be paid for by taxes and/or service fees. A deposit on containers functions within a closed loop of industry, retailer and consumer, and the consumer may or may not pay a few cents extra for the product. A deposit law places the responsibility for the waste product with the industry that generated it, instead of passing the buck on to local and regional governments. Since the cry in Minnesota is "No more landfills," we are forced to consider all methods of waste reduction: less generation of waste, recycling and waste reduction by incineration, with energy byproducts. Before we begin burning everything in sight, we need to establish a workable plan for recycling and composting. Since reliable markets are the catch-22 in the recycling process, we need to look at not only existing markets, but the development of useable products from recycled material. The northern part

of Minnesota could use a few new industries - why not something that could use recycled waste as a raw material?

During the past year and a half, Leagues throughout Minnesota have been studying the problems of water management and diversion. Our positions on water quality are extensive, and were developed a number of years ago. At the end of February, our Water Study Committee will meet and develop a new consensus from statewide League reports. As study guides for our membership, our Water Committee wrote and published two new publications, Who Owns Minnesota Water? and Minnesota's Liquid Asset: Water Use and Policy Options, which discuss the problems of water allocation and diversion, and suggest different methods of solving such issues. Legislators have received a copy of each publication. In mid-March the League will be announcing their choice of method (or choices) for water management and conservation in Minnesota, and will be commenting on proposed water legislation thereafter.

Thank you again for this opportunity to discuss League concerns.



## LEAGUE OF WOMEN VOTERS OF MINNESOTA

555 WABASHA • ST. PAUL, MINNESOTA 55102 • TELEPHONE (612) 224-5445

To the House Environment and  
Natural Resources Committee,

March 28, 1985

from Jeanne Crampton, Natural Resources Co-Chair,  
League of Women Voters of Minnesota

The League of Women Voters of Minnesota supports the solid waste concepts included in H.F. 939, particularly the 1990 limitation on land-fill deposition of untreated or recyclable solid waste. We are disappointed that the mandatory source separation suggestion originally made by the Metropolitan Council has not been included, or that a "kicker" clause has not been inserted that would push the governmental units to mandatory source separation if voluntary does not provide the necessary percentage of participation by a date certain. We would urge that such a provision be considered for this bill.

The League of Women Voters of Minnesota considers the problem of Minnesota solid waste as reaching crisis proportion and is pleased that a substantive effort is being made to alleviate it, at least in the Metropolitan area.





*Page 1 of 1*

## LEAGUE OF WOMEN VOTERS OF MINNESOTA

555 WABASHA • ST. PAUL, MINNESOTA 55102 • TELEPHONE (612) 224-5445

TO: Senate Judiciary Committee

FROM: Jeanne Crampton, Natural Resources Director, LWVMN

RE: SF 571

DATE: March 13, 1985

The League of Women Voters of Minnesota would prefer that the Minnesota Environmental Response Liability Act (MERLA) not be tampered with, particularly since there have been no recorded problems with the law to date. This group has received testimony to that lack in hearings on SF 300, as well as to the insurance problem, which appears to be nationwide, and not just here in Minnesota.

However, if, as seems likely, the causation, joint and several, and retroactivity portions of MERLA are to be stricken, then the League does see the immediate need for a victims' compensation fund or similar vehicle. Further, such legislation should insure that there will be adequate funds available for the number of victims needing help, and it seems only reasonable that at least a portion of those funds be provided by the industries involved in creating, transporting or disposing of hazardous materials.

Secondly, persons turning to the fund for help should find that help - not a process which would make it harder to approach the fund than to go through the courts and common law. Since there will undoubtedly be a cap on recompense, why should we make it tougher than a court procedure?

We know that there are victims of past hazardous waste disposal. It is entirely reasonable to assume that more victims will appear as time goes on. Minnesota cannot afford to ignore the claims of these victims who, through no fault of their own, have been injured by hazardous materials.

We would prefer that a strong, effective compensation process be established prior to the gutting of MERLA - simply to be sure that victims will be protected. SF 571 most nearly meets our criteria for support, should the Superfund Law be amended.

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25 " White  
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Testimony presented to the  
House Environment and Natural Resources Committee  
March 6, 1985  
by Jeanne Crampton, Natural Resources Chair  
League of Women Voters of Minnesota

The League of Women Voters of Minnesota would prefer that the Minnesota Environmental Response Liability Act (MERLA) not be tampered with, particularly since there have been no recorded problems with the law to date. This group has received testimony to that lack in hearings on HF 268, as well as to the insurance problem, which appears to be nationwide, and not just here in Minnesota.

However, if, as seems likely, the causation, joint and several, and retro-activity portions of MERLA are to be stricken, then the League does see the immediate need for a victims' compensation fund or similar vehicle. Further, such legislation should insure that there will be adequate funds available for the number of victims needing help, and it seems only reasonable that at least a portion of those funds be provided by the industries involved in creating, transporting, or disposing of hazardous materials. HF 156, for instance, as it was originally filed, seems lacking in the area of fund provision, with the permissive "may" in the last paragraph. (p. 4, line 18)

Secondly, persons turning to the fund for help should find that help - not a process which would make it harder to approach the fund than to go through the courts and common law. Since there will undoubtedly be a cap on recompense, why should we make it tougher than a court procedure in Minnesota?

We know that there are victims of past hazardous waste disposal. It is entirely reasonable to assume that more victims will appear as time goes on. Minnesota cannot afford to ignore the claims of these victims who, through no fault of their own, have been injured by hazardous materials.

We would prefer that a strong, effective compensation process be established prior to the gutting of MERLA - simply to be sure that victims will be protected. Right now it appears that the impetus in the Legislature is to amend MERLA. It seems only fair (after all, the word "compromise" has been bandied about!) to get Victims' Compensation first - then gut MERLA.

#45 mid. Rose



## LEAGUE OF WOMEN VOTERS OF MINNESOTA

555 WABASHA • ST. PAUL, MINNESOTA 55102 • TELEPHONE (612) 224-5445

Statement to  
Ramsey County Environmental Committee of the Whole  
February 15, 1985  
by Jeanne Crampton, Natural Resources Director  
League of Women Voters of Minnesota

Good morning. Thank you for inviting me to appear before you. I am Jeanne Crampton, Natural Resources Director for the League of Women Voters of Minnesota.

The LWVMN supported the adoption of a strong "Superfund" (MERLA) law and opposes the effort at the Legislature to diminish its effectiveness, particularly since there have been no specific problems with the law to present.

I think there are some specific things we need to remember in relation to the entire superfund argument: First, the present changes would affect only the personal liability sections of the bill - the cleanup and property sections will stay the same. Which brings up an interesting point. In preparation for this meeting, and the two committee hearings at which I have testified this week, I went back to my files from 1983, and discovered the following, from a letter to League members from me, dated March 30, 1983. "Emphasise that retroactive liability for personal injury features of the bill need to be retained. Industry has accepted retroactive property liability but does not want the responsibility for retroactive liability for personal injury, and is pressuring the Governor and legislators to remove those provisions from the bill. We can't believe that Minnesota would want to go on record as supporting the State's right to recover property damages while not allowing innocent victims of hazardous waste accidents an equal opportunity to recover for personal injury." I still can't believe that Minnesota wants that on their record! The retroactive liability is one of the items industry and the insurance people are presently attacking. But who is to reimburse victims of poorly handled waste that has contaminated their water or environment? In most cases, that kind of damage may not appear for 20 or 30 years.

The other two sections of the law that are under attack are the "joint and several" liability and causation. "Joint and severally" means, generally, that anyone, or any entity, that handled a hazardous product, may be held responsible for any damage it may cause, and required to pay a proportional share of damages.

"Causation" makes it easier for plaintiffs to get their cases before a jury, but they are still required to prove a link between the personal injury and waste produced or disposed of by the defendant - not an easy task in this hazardous world. It does not, as is sometimes claimed, "shift the burden of proof from the plaintiff to the defendant." What is overwhelmingly apparent at this point is that there have been no lawsuits adjudicated under the Superfund law, so it is extremely difficult for anyone to foresee exactly what type of precedent may be achieved. Again, the cry of industry at the time of passage of the law was that the courts would be flooded by people filing suit damages, real or imagined, against those industries that produced or handled hazardous products or waste. In a somewhat odd switch, the industry now says that a victims' compensation fund, or similar mechanism, is really not necessary, since there are no victims. They can't have it both ways - which is it? Victims filing thousands of lawsuits, or no victims to be compensated?

Since most of the argument regarding the MERLA law has centered around the question of insurance, let's get a few things straight. First of all, it must be recognized that EIL (Environmental Impairment Liability) has been affected nationwide, not just in Minnesota. This has occurred for a number of reasons, several of which are:

Cyclical nature of the insurance industry. When investment return is high, there is pressure to write coverage for new risks in order to increase premium volume. When investment return is low, or high losses are suffered on policies, companies retrench and curtail offers of coverage. This is referred to as reduced or tightened capacity. Right now is a period of tightened capacity, and EIL coverage, which is both new and carries a high degree of risk, has been cut.

Demand for EIL insurance has not been great, and insurers have not received enough premium volume to cover their losses.

There is little historical data on which to base premium estimates.

There is little case law in this area. Insurance companies are hesitant to forge ahead in this area when they are uncertain as to how the courts will rule on cases relating to hazardous substance exposure.

EIL coverage is perceived as potentially liable for huge losses.

I'd like to quote from the first draft of the Waste Management Board's very recent study on Solid Waste Insurance: Some representatives of the insurance industry feel that in Minnesota some provisions of MERLA impose excessive risk to the insurers. Whether insurers are or are not overexposed because of



MERLA is not certain. No test cases have been concluded to date, so there is no objective data on this question. However, concern over the potential impacts of the law have caused several companies to withdraw from the EIL insurance market in Minnesota. In summary, due to a number of factors, EIL coverage will probably not be available in the near future to owners/operators of landfills in Minnesota who have not already obtained coverage. Insurance industry representatives indicate that this condition will persist on a nationwide basis for the foreseeable future." In other words, a shortage of EIL coverage is not just a problem in Minnesota, it is occurring everywhere in the United States, and possibly world-wide.

I will be very glad to answer questions.



## LEAGUE OF WOMEN VOTERS OF MINNESOTA

555 WABASHA • ST. PAUL, MINNESOTA 55102 • TELEPHONE (612) 224-5445

Testimony presented to the  
Environment and Natural Resources Committee,  
House of Representatives  
by Jeanne Crampton, Natural Resources Chair  
League of Women Voters of Minnesota  
February 7, 1985

I am Jeanne Crampton, Natural Resources Director for the League of Women Voters of Minnesota. Thank you very much for providing our organization the opportunity to appear before you to state our concerns regarding the environment in Minnesota.

The League of Women Voters of Minnesota is a grassroots nonpartisan organization that includes sixty-five local Leagues throughout the state, and is itself one of fifty state Leagues, with national headquarters in Washington, D.C. Our members do not take action in any area until they have studied the issue and reached general agreement. Our overall natural resources position, which states, "Promote the wise management of resources in the public interest and an environment beneficial to life," includes positions on water resources, air quality, solid and hazardous waste, land use, energy and transportation.

Following is a list of environmental issues we see as being important in the 1985 Legislative session:

The Superfund Law. We supported the adoption of a strong Superfund law and are disturbed by the present attempts to reduce its effectiveness. We are awaiting the results of the Task Force that the Governor asked to examine the law, for possible compromise, to decide what our position on the issue will be. If the recommendations seem fair, and a legitimate compromise can be reached, we will probably not oppose such changes. We do feel that some method of compensation for possible victims is necessary, whether under common law, or by the mechanism of a fund or similar vehicle.

Local Leagues throughout Minnesota have indicated that solid waste problems are high on their priority list. As many of you know, the League has supported the adoption of a beverage container deposit law for many years, and actively pursued this issue during the 1984 Legislative session. Because industry and labor forces have always combined to defeat this issue, we do not intend to

pursue it this year, although we would like to point out that Brockway Glass, a major opponent, has now closed their plant. We predicted such a trend last year when we pointed out that plastic containers have taken over 20 percent of the container market in five years, and were a far greater threat to glass companies than a deposit law ever would be. Which leads me directly to a bill filed last week by Senator Eric Petty, and which the League intends to support. SF 316 would prohibit the retail sale of any plastic beverage container under the size of one liter in the State of Minnesota. Coca Cola Company announced last October that they intended to begin test marketing a 12-ounce, can-shaped, plastic container within three or four months in the U.S. and Canada. We still feel that placing a deposit on all beer and pop containers is the proper method of attack, rather than prohibition, but since the Legislature has been unwilling to consider this method, we are going to support the Petty bill. At the moment there are no plans, no particular markets, and no framework for recycling plastic containers. Those containers, once they are introduced, are going to end up in landfills throughout the state, and as litter on roads, beaches and highways. As they say, "You ain't seen nothin' yet."

We also believe recycling of all materials must be implemented as rapidly as possible. We are quite prepared to support the Metropolitan Council's call for mandatory source separation in the Metro area, should that suggestion in their draft Solid Waste Guide become a reality. We will support practically any form of recycling, voluntary or mandatory, that this Legislature might care to consider. Both New Jersey and Oregon have developed different but effective approaches to statewide recycling. The bottom line is that the cost is going to be borne by the citizen/consumer, no matter what method is selected. Source separation and curbside pickup will be paid for by taxes and/or service fees. A deposit on containers functions within a closed loop of industry, retailer and consumer, and the consumer may or may not pay a few cents extra for the product. A deposit law places the responsibility for the waste product with the industry that generated it, instead of passing the buck on to local and regional governments. Since the cry in Minnesota is "No more landfills," we are forced to consider all methods of waste reduction: less generation of waste, recycling and waste reduction by incineration, with energy byproducts. Before we begin burning everything in sight, we need to establish a workable plan for recycling and composting. Since reliable markets are the catch-22 in the recycling process, we need to look at not only existing markets, but the development of useable products from recycled material. The northern part

of Minnesota could use a few new industries - why not something that could use recycled waste as a raw material?

During the past year and a half, Leagues throughout Minnesota have been studying the problems of water management and diversion. Our positions on water quality are extensive, and were developed a number of years ago. At the end of February, our Water Study Committee will meet and develop a new consensus from statewide League reports. As study guides for our membership, our Water Committee wrote and published two new publications, Who Owns Minnesota Water? and Minnesota's Liquid Asset: Water Use and Policy Options, which discuss the problems of water allocation and diversion, and suggest different methods of solving such issues. Legislators have received a copy of each publication. In mid-March the League will be announcing their choice of method (or choices) for water management and conservation in Minnesota, and will be commenting on proposed water legislation thereafter.

Thank you again for this opportunity to discuss League concerns.



# Plastic competition for soft-drink cans is on the horizon

New York Times

New York, N.Y.

After nearly two decades as the throwaway standard of the soft-drink industry, the 12-ounce aluminum can may soon be discarded in favor of plastic.

Next year the Petainer Development Co., a joint venture of two European beverage-container companies and a leading U.S. plastics concern, will begin production of a plastic soft-drink can for Coca-Cola Co.

Coca-Cola has exclusive rights among soft-drink manufacturers to market the plastic can in North America. But Thermoforming USA, a Columbus, Ohio, plastic-container concern, said it has nearly perfected its own version, which is being studied by other leading soft-drink makers.

"If Coca-Cola is ready to move, the others won't be far behind," said William Dolan, publisher of Beverage Industry, a trade magazine. "Whenever Coke or Pepsi makes a change, everyone else quickly follows suit."

Although Coca-Cola declined to discuss the project except to acknowledge that development of the can is indeed under way, Petainer said its assembly line in Atlanta is gearing up. Industry experts said the new packaging is expected to be test-marketed for three to six months sometime next year in the United States and Canada.

Petainer Development is a joint venture of Britain's Metal Box Plc., the leading manufacturer of containers outside the United States; Sweden's PLM Aktiebolag, and Dorsey Corp. of Chattanooga, Tenn., a packaging and transportation concern. Dorsey also is the parent of Sewell Plastics of Atlanta, one of the largest producers of 2-liter plastic soft-drink bottles. The joint venture takes its name from Petainer SA of Switzerland, which has licensed its technology to the joint venture.

About 36 percent of the soft drinks sold in this country are in cans. Last year approximately 60 billion 12-ounce aluminum cans were produced, amounting to \$5 billion in sales for manufacturers.

"Every time you get an alternative like this, it puts pressure on the pricing of other packaging manufacturers," said George Thompson, a vice-president at Prudential-Bache Securities. "I don't even need to say it's going to be a success. Just the fact that it exists is a threat."

While polyethylene terephthalate, known as PET in the beverage industry, has become the standard for 2-liter bottles for soft drinks, there are problems in its use for 12-ounce cans. The smaller can, for example, has a higher surface-to-volume ratio, making it more susceptible to air infiltration, which can result in spoilage.

The first cans on the market probably will look like the conventional aluminum cans now in use, will weigh about the same and will use the same type of pull-tab opening. They may be either opaque or transparent.

At this point, the only edge a plastic can has over its aluminum counterpart is in marketing appeal, according to Petainer. "Marketing is Coke's bailiwick, but we've found that the

public has responded well to plastic containers," said Norman Schorr, a spokesman for Petainer Development.

Dolan said the consumer had come to associate the 2-liter PET bottles with economy and convenience, and "cans are a logical offshoot of this perception." PET bottles, which were introduced in 1978, had captured about 21 percent of the beverage container business by 1983.

Eventually, as the plastics technology evolves, it is expected to offer other advantages, such as lower production costs, longer product shelf-life, better retention of carbonation and lighter weight.

Robert Messenger, president of Thermoforming, said his company's version of the new package offers soft-drink bottlers production savings of up to 15 percent.

With Thermoforming's plastic-molding process, local bottlers, instead of buying cans from a can manufacturer, can set up shop on their own. Messenger said it would cost between \$2 million and \$3 million to organize such an operation, compared with an investment of about \$40 million to set up the average aluminum can plant.

In that case, such savings could be substantial, industry experts said. "The economics of production are always important, and packaging is the most expensive part of soft-drink manufacturing," said Michael Bellas, president of the Beverage Marketing Corp., a research concern.

From testimony presented to the Senate Ag. and Natural Resources Comm., Jan. 31, 1984, by Jeanne Crampton, Chair, Container Conservation Coalition:

"At the moment, we think consumers are on the verge of making a new choice - a preference for plastic containers. Plastic containers have taken over 20 percent of the soft drink market in the last five years, are moving into the liquor market on the East Coast, with beer containers now under development. Glass industry jobs are undoubtedly going to be lost in the future if the present trend to plastic continues. We need to establish a mechanism now to retrieve those plastic containers - before they begin filling up landfills."



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# Environmental Action

1346 Connecticut Avenue, N.W. Suite 731 Washington, D.C. 20036

## INDUSTRY RESPONSE TO DEPOSITS

Members of the beverage and retailing industry have been saying some interesting things since the law went into effect <sup>in</sup> New York and Massachusetts. Compiled below are some of their statements.

*"Every major public official agrees that the bottle law program is working."*

Robert Malito  
New York Beer Wholesalers Association  
-"Beverage World", 11/30/84

*"Two liter bottles of popular soft drinks, for example, are selling for 79 or 89 cents now, compared with 99 cents, \$1.19 and \$1.29 a bottle a year ago, according to John H. Webster, Vice President of Pepsi-Cola Bottling Co. of Milton."*

*"We're seeing prices on promotions where they were two or three years ago," said Webster, a leading bottle law opponent."*

"Boston Globe" 1/17/84

*"Our prices pre-bottle bill and post-bottle bill are virtually the same."*

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*"Glenn Alberich, general counsel to the Massachusetts Wholesalers of Malt Beverages, acknowledges that beer prices did rise sharply in response to the bottle deposit law. But he says there has been a dramatic increase in price discounts as beer wholesalers assessed their costs better."*

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2/8/84



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Effects of the bill according to a study by the New York State Beer Wholesalers Association was summarized in testimony by Carl L. Figliola, Dean of the School of Business and Public Administration, Long Island University, who compiled the wholesalers' study.

*"[Litter reduction] on the state's highway's and streets will probably decline as much as 30% saving the taxpayer approximately \$50 million annually."*

*"In addition, the volume of solid waste tonnage expected to be saved in New York State should comfortably exceed 650,000 tons a year saving the taxpayer an additional \$19 million a year"*

*"Energy savings due to the increased use of reusable containers and the recycling of beverage containers should also approach the estimated savings previously reported for the state of between \$50 and \$100 million a year. Finally, water consumption within the state should decline saving this valuable resource for other needed purposes while air quality standards in the state should be enhanced through the increased recycling of one way bottles and cans."*

*"A major part of the price rise - over half - can be attributed to the general tide of inflation in terms of its impact on the price of beer ingredients and price increases imposed by the brewers."*

*"In terms of the broadly defined economic impact of the act on a state-wide level, it is clear that new unskilled and skilled jobs have been created. Investments in plant and equipment have been made and new financial flows have been begun that have a positive impact on the state of New York."*

*"Specifically, over 3,800 new skilled and unskilled jobs can be directly and indirectly attributed to the act's requirements. As a result, the state's economy has been boosted by about \$31 million annually. In addition, about \$40 million have been invested by beer wholesalers in twelve container processing centers in the state."*

*"Generally, it is very apparent - echoing a comment recently made by NYS Department of Environmental Conservation Commissioner Henry Williams - that 'the law is working well and accomplishing its goal'"*

11/15/84





## LEAGUE OF WOMEN VOTERS OF MINNESOTA

555 WABASHA • ST. PAUL, MINNESOTA 55102 • TELEPHONE (612) 224-5445

Testimony presented to the Metropolitan Council  
Re the Solid Waste Management Development Guide Policy Plan  
January 28, 1985  
by Jeanne Crampton, Natural Resources Chair  
League of Women Voters of Minnesota

In 1973, the League of Women Voters of Minnesota, along with Leagues nationwide, adopted a position on solid waste that said: "We will support policies to reduce the non-essential part of the waste stream, recover its nonreducible portion and ensure safe disposal of the rest." In addition, the Minnesota League also adopted a position that supported measures to reduce generation of solid waste.

We applaud the Metropolitan Council for the development of the Solid Waste Management Development Plan under consideration today. We are particularly supportive of the portions of the plan dealing with source separation and deletion of unprocessed waste into landfills. Today we would like to comment on three areas that, while mentioned in the plan, we feel might benefit from more extensive consideration.

On page 49 of the draft, under "Financial Incentives," is listed "(5) deposits on beer and soft drink containers." As you may know, LWVMN has supported the enactment of a state deposit law for a number of years, and made an intensive effort, along with the Container Conservation Coalition last year, to pass such a law, and failed, in the face of labor and industry opposition. (One of the leaders in that opposition was Brockway Glass and its employees' union.) At that time we made the point that jobs were being lost in the glass industry not because of deposit laws (nine states have such laws), but because of the inroads of the plastic container. We still feel that statement is true, and are concerned about the impact on Minnesota landfills when individual plastic (PET) containers are marketed here. Far better to have a return system in place when the plastic arrives than to be locking the barn door later. There is no reason why a deposit law, either statewide or in the Metro area, could not be entirely compatible with a source separation system. One thing to keep in mind is that while source separation costs are going to be borne by municipalities and generators, a beverage deposit system is a closed loop that operates between the generating industry, the retailer and the consumer. The government does not have

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to develop an overseeing bureaucracy. There are costs, of course, and those are passed on by the industry to the consumer, just as is any product cost. However, we believe from the experience in other states that the cost (after an initial period) remains competitive with non-deposit states, and the problems of material reuse and disposal remain with the industry that generated them in the first place.

I have attached a summary of a report commissioned by the New York State Beer Wholesalers Association and compiled at Long Island University which I think covers the subject nicely, particularly if one recalls that the Wholesalers Association was a major opponent. An interesting point is that Long Island County had a deposit law for several years before a statewide law was adopted in New York. We urge the Metropolitan Council to seriously consider the benefits of a deposit law in conjunction with their request for mandatory source separation. We think the cost might prove to be less overall than including beverage containers in a source separation program.

Market development was discussed in several places in the Guide, and the Council indicated that they had started preliminary research on the constraints and opportunities for market development in the region. While there is no question but that market development (which we assume means finding industries willing to buy such recycled material) is important, we feel such investigation needs to go a step further and support research and development of entirely new products that can be made from recycled raw material. Aluminum, glass and paper already have established markets, although if recycling efforts do provide an eventual 70 percent return, new product development will be necessary even for those materials. Plastic containers, however, have enjoyed a phenomenal growth over the last five years, and consumers seem to prefer them in many cases, so it would seem they will continue to gain in the marketplace.

Product development is extremely important if we are to keep these containers from being either landfilled or needlessly burned. One can always question the advisability of using a non-renewable resource such as petroleum to make a disposable container, but since the container industry has embarked on such a program, and shows no sign of discontinuing it, the feasible approach would be to retrieve those containers and make them into a useful product, as is already happening in deposit states. Research programs could be funded at the University of Minnesota, or other educational facilities.

New industries could be developed in depressed areas of Minnesota, providing much needed jobs, using a resource locally available. "Product development" is as important as market development.

Lastly, we commend the Council for reiterating the need for citizen education and publicity as a means to convince metropolitan citizens of the necessity for generator source separation and other measures to successfully attack our solid waste problems. We think that increasingly over the past five years, citizens have become more aware of that problem, and are also aware that their participation, mandatory if need be, is required. Last spring, a survey by the St. Paul Pioneer Press indicated that over 70 percent of the state's residents would support a deposit law, and recent surveys by the University of Minnesota reflect increased (from 1980) support for mandatory source separation.

Advisory groups need to be established in every municipality to coordinate efforts at publicizing solid waste problems. At the same time, environmental and citizen groups should be asked to help. We strongly recommend that some subsidy be established to help these groups, most of whom operate on a financial shoestring. Many of these groups have a long history of mobilizing their members and other citizens in support of issues that have seemed, at least initially, unpopular. We would also recommend that when the Council forms a "technical advisory committee for regional public education and awareness," that a representative of the environmental and/or citizen groups be added to those already mentioned. (Page 61 of the draft.)

Thank you very much for your consideration of the above issues. Should you have questions or want further information on League of Women Voters' positions, please contact Jeanne Crampton, 4330 Wooddale Avenue So., St. Louis Park, MN 55424, 612/926-8760.



# Environmental Action

1346 Connecticut Avenue, N.W. Suite 731 Washington, D.C. 20036

## INDUSTRY RESPONSE TO DEPOSITS

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11/15/84



## LEAGUE OF WOMEN VOTERS OF MINNESOTA

555 WABASHA • ST. PAUL, MINNESOTA 55102 • TELEPHONE (612) 224-5445

Testimony before the  
House Environment Subcommittee  
in opposition to HF 174, 188 and 200  
by Katie Fournier, Natural Resources Lobbyist  
April 12, 1983

The League of Women Voters of the United States has taken a position supporting actions to reduce the waste stream and to ensure its safe disposal. The League of Women Voters of Minnesota supported the creation of the Waste Management Board and its site selection process in 1980. We realize that the Board's proceedings have not gone as smoothly nor as quickly as was originally hoped for, but we do not feel that the problems encountered by the Board justify postponing the site selection, as proposed in HF 188. The problem of what to do with hazardous wastes will not go away while we wait for the waste management plan to be adopted. It may be 1985 before the final form of the plan is adopted, depending on how quickly the Legislature passes implementation needed for the plan.

It is true that the waste management plan is exploring other technologies for waste disposal, but that fact does not mean that a landfill site won't be needed. Certainly the board needs to continue to gather information on the landfill sites as well as on the alternatives, so that when the time for decisions comes, all the necessary information is in place.

With regard to HF 174 and HF 200 which would exclude "agricultural land" and certain other types of land from consideration,

we would like to note that these sorts of exclusions should have been included in the original act. To add them now circumvents the goal of the original act to include all land except that determined to be "intrinsically unsuitable." In addition, the citizen groups who helped prepare the site selection criteria did their work in good faith, never expecting that the rules of site selection might be changed later.

We urge you to oppose HF 174, 188 and 200.



## LEAGUE OF WOMEN VOTERS OF MINNESOTA

555 WABASHA • ST. PAUL, MINNESOTA 55102 • TELEPHONE (612) 224-5445

Testimony presented to the  
House Environment and Natural Resources Committee  
in support of the Environmental Response and Liability Act, HF 76,  
by Katie Fournier,  
League of Women Voters of Minnesota  
February 17, 1983

The League of Women Voters of Minnesota supported efforts at the federal level to establish the "Superfund" and we favored the passage of the Legislature's hazardous waste cleanup bill during 1982. If there is imminent danger to the environment or to human welfare, the state needs the power and the financial resources to contain and recover or neutralize spilled or dumped hazardous substances, and to then be reimbursed by those responsible for the improper handling. The League of Women Voters supports the strict liability concept "...strictly liable, jointly and severally..." but recognizes the need to protect by certain exemptions those persons or entities who may, through no fault or intention of their own, be involved in illegal hazardous waste disposal. We feel HF 76 adequately addresses that situation.

We need the guidelines and system that this Act would establish to cope with hazardous waste sites that have occurred already, whether by thoughtlessness, negligence, stupidity or outright illegal actions. The number of such sites recognized in Minnesota grows each year and it is imperative that the state establish legal authority to respond to such disclosures and to cleanup releases or accidents in the future.

Further, we need to establish a fund that could be used for the 10% state match required by the federal "Superfund" law as a condition for receiving federal cleanup money.

We urge your support for HF 76.





LEAGUE OF WOMEN VOTERS  
OF MINNESOTA

PHONE (612) 224-5445

555 WABASHA • ST PAUL, MINNESOTA 55102

# action

AMENDING SUPERFUND LAW

TO: Presidents and Action Chairs

FROM: Jeanne Crampton, NR Chair

DATE: March 7, 1985

100 Copies  
1 hr

LWVUS POSITION: Action to reduce the waste stream, and ensure the safe treatment, storage and disposal of all wastes.

LWVMN POSITION: Support of measures to reduce generation of solid waste.

H.F. 268 Sviggum (IR), Deleting "Causation, Joint and Severally," and retroactivity from the present Superfund Law. ("MERLA," Minnesota Environmental Response Liability Act)

The above bill was passed out of the House Judiciary Committee on March 3, and will probably go to the House floor for a vote sometime during the week of March 11.

WHAT YOU CAN DO: Please let your Representatives hear from you! This bill is being passed on the perception that it is bad for the business climate in Minnesota. The following points can be made.

1. At least five studies prepared since 1982 have concluded that common law remedies are not adequate to recompense victims of the release of hazardous substances. (California, Massachusetts, Environmental Law Institute, Report to Congress, and Minn. LCWM)
2. There is no guarantee that repeal of the above sections of the law will make Environmental Impairment Liability, or EIL insurance (to cover non-sudden pollution releases) any more available than it is now. This insurance is not generally not available nationwide, not just in Minnesota.
3. The businesses that have testified against the bill have not cited specific damage from MERLA. (In one case, a small plating company bought a site in Mississippi, before the law passed, and still does not carry EIL insurance.) Again, there is a strong perception that MERLA will cause problems---not that it has.
4. There have been no cases adjudicated under MERLA. Until that occurs, no one can prophesy exactly what precedents the courts may establish.
5. Although the League is convinced that MERLA should not be changed (particularly before any problems have developed with the law) if H.F. 268 and/or S.F. 300 is passed, then we insist that either as part of the bill, or before the gutting of MERLA, that the Legislature pass a strong, equitable Victim's Compensation law. We are being asked, on faith, to pass the gutting bill, and then take up the question of victim compensation. There are presently six bills extant on victim's compensation---some effective, some not. Suppose the wrong bill gets passed?
6. Hundreds of hours were spent in 1983 discussing MERLA. Now in a matter of two or three committee hearings, the whole victim recourse section of the bill is being washed down the drain---in many cases by legislators who never heard of MERLA before six weeks ago.

(over)

7. Does the State of Minnesota really want to go on record as being supportive of the rights of its citizens to recoup for property damage---but not for personal damage (death or disease) of its residents?

The TIME FOR ACTION is only the first round in this fight. S.F. 300 will undoubtedly turn up soon on the Senate floor, and then it will be on the Governor's desk for his signature---which he has indicated he will be glad to do. Develop a good letter and keep it handy---I really don't think it is too early to start dropping individual notes to the Governor's office. The more letters we can generate, the more possibility we have of stopping this. Many legislators (and possibly the Governor) seem to have not fully anticipated just what passage of this bill will do. Tell them!

*Race - 2 hrs.*



## LEAGUE OF WOMEN VOTERS OF MINNESOTA

555 WABASHA • ST. PAUL, MINNESOTA 55102 • TELEPHONE (612) 224-5445

*Same to House*

Statement to the  
Senate Judiciary Committee  
February 22, 1985  
League of Women Voters of Minnesota

The League of Women Voters of Minnesota (LWVMN) supported the adoption of a strong "Superfund" (MERLA) law and opposes SF 300 which would diminish its effectiveness, particularly since there have been no specific problems with the law to present.

I think there are some specific things we need to remember in relation to the entire superfund argument: First, the present changes would affect only the personal liability sections of the bill - the cleanup and property sections will stay the same. Which brings up an interesting point. In preparing testimony on SF 300, I went back to my files from 1983, and discovered the following, from a letter to League members from me, dated March 30, 1983. "Emphasize that retroactive liability for personal injury features of the bill need to be retained. Industry has accepted retroactive property liability but does not want the responsibility for retroactive liability for personal injury, and is pressuring the Governor and legislators to remove those provisions from the bill. We can't believe that Minnesota would want to go on record as supporting the State's right to recover property damages while not allowing innocent victims of hazardous waste accidents an equal opportunity to recover for personal injury." The retroactive liability is one of the items industry and the insurance people are presently attacking. But who is to reimburse victims of poorly handled waste that has contaminated their water or environment? In most cases, that kind of damage may not appear for 20 or 30 years.

The other two sections of the law that are under attack are the "joint and several" liability and causation. "Joint and severally" means, generally, that anyone, or any entity, that handled a hazardous product, may be held responsible for any damage it may cause, and required to pay a proportional share of damages.

"Causation" makes it easier for plaintiffs to get their cases before a jury, but they are still required to prove a link between the personal injury and waste produced or disposed of by the defendant - not an easy task in this hazardous world. It does not, as is sometimes claimed, "shift the burden of

proof from the plaintiff to the defendant." What is overwhelmingly apparent at this point is that there have been no lawsuits adjudicated under the Superfund law, so it is extremely difficult for anyone to foresee exactly what type of precedent may be achieved. Again, the cry of industry at the time of passage of the law was that the courts would be flooded by people filing suit damages, real or imagined, against those industries that produced or handled hazardous products or waste. In a somewhat odd switch, the industry now says that a victims' compensation fund, or similar mechanism, is really not necessary, since there are no victims. They can't have it both ways - which is it? Victims filing thousands of lawsuits, or no victims to be compensated?

Since most of the argument regarding the MERLA law has centered around the question of insurance availability, lets consider the true picture. First of all, it must be recognized that EIL (Environmental Impairment Liability) insurance has been affected nationwide, not just in Minnesota. This has occurred for a number of reasons, several of which are:

Cyclical nature of the insurance industry. When investment return is high, there is pressure to write coverage for new risks in order to increase premium volume. When investment return is low, or high losses are suffered on policies, companies retrench and curtail offers of coverage. This is referred to as reduced or tightened capacity. Right now is a period of tightened capacity, and EIL coverage, which is both new and carries a high degree of risk, has been cut.

Demand for EIL insurance has not been great, and insurers have not received enough premium volume to cover their losses.

There is little historical data on which to base premium estimates.

There is little case law in this area. Insurance companies are hesitant to forge ahead in this area when they are uncertain as to how the courts will rule on cases relating to hazardous substance exposure.

EIL coverage is perceived as potentially liable for huge losses.

I'd like to quote from the first draft of the Waste Management Board's very recent study on Solid Waste Insurance: Some representatives of the insurance industry feel that in Minnesota some provisions of MERLA impose excessive risk to the insurers. Whether insurers are or are not overexposed because of MERLA is not certain. No test cases have been concluded to date, so there is not objective data on this question. However, concern over the potential impacts of the law have caused several companies to withdraw from the EIL insurance market in Minnesota. In summary, due to a number of factors, EIL coverage will probably not be available in the near future to owners/operators of landfills in Minnesota who have not already obtained coverage. Insurance industry representatives



indicate that this condition will persist on a nationwide basis for the foreseeable future." In other words, a shortage of EIL coverage is not just a problem in Minnesota, it is occurring everywhere in the United States, and possibly world-wide.

Concern over the liability for hazardous waste is not going to go away. As time goes on those presently elusive victims are going to become tragically apparent. Is Minnesota going to say, "Tough luck, we changed the law," or accept their responsibility for citizens damaged through no fault of their own? We urge you to defeat SF 300.



## LEAGUE OF WOMEN VOTERS OF MINNESOTA

555 WABASHA • ST. PAUL, MINNESOTA 55102 • TELEPHONE (612) 224-5445

Testimony presented to the  
Joint House and Senate Hearing on Mandatory Beverage Container Deposits  
Re HF 683, SF 741  
by Nancy Grimsby, Natural Resources Co-Chair  
League of Women Voters of Minnesota  
September 22, 1983

The League of Women Voters of Minnesota supports the passage of Container Deposit bills SF 741 and HF 683. LWVMN along with our national League, has supported deposit legislation since 1973, when we adopted our position that calls for a reduction in the amount of solid waste needing disposal.

In the past several years, partially as a response to threatened deposit laws, the beverage and container industries have increased their efforts to extend voluntary recycling of containers - and we applaud those efforts. Industry reports a range of figures about the return rates they are presently achieving, with aluminum cans making the best showing - possibly close to a 50% return rate in the Twin Cities area. Glass and plastic returns are far less and redemption in Greater Minnesota is spotty at best. The fact remains that the return of containers in deposit states achieves a return rate of 85-95% of all varieties of containers - glass, metal or plastic. That rate of retrieval can be achieved in less than a year's time with the passage of a deposit law.

At the time these present bills were introduced last spring, the LWVMN held a news conference and announced that a deposit law in Minnesota would increase jobs in several areas, such as recycling, transport and food retailing. Although the economy is supposedly recovering, employment figures are not increasing at a similar rate, and we still have areas in this state suffering from a 15-20% unemployment rate. Why, instead of artificial jobs programs designed to last only months, don't we seriously consider passing a deposit law and creating jobs in the areas mentioned above? The State of Michigan picked up over 4,000 jobs when their deposit law went into effect. Labor organizations complain that such jobs are minimum wage, and we agree that for the most part they are, although not all by any means, particularly those in the transport field. But they are real jobs, and they are on-going. We are

convinced that with a guaranteed return of recyclable material, markets and industries would be developed for using these materials. This has already occurred in states that have had deposit laws for several years.

At a hearing in Duluth on August 15th, the Can Manufacturers Institute passed out a flyer entitled, "Forced Container Deposit Laws Cost Consumers." This flyer contained scare statements about increases in the price of beer and soft drinks in states that have adopted container deposit laws. The flyer also included quotations from three newspapers. Maine, Michigan, Connecticut and Iowa are all cited as having had increases in either beer and soft drinks, or both. Brands are not identified, so there is no easy way to substantiate those statements. We have no intention of insisting that a deposit law can be established with absolutely no rise in price. (We happen to think it's possible, but not probable, given industries' stance.) What we do say is that any price increase should be fairly minimal (in the range of 12-15¢ per six-pack for either beer or soft drinks), and that we think consumers are ready to consider such a price increase as a cost of package retrieval. Consumers are beginning to realize that when they purchase a beverage, in most cases the package is costing them more than the product inside. We think they are also beginning to realize that internalizing the cost of retrieval of that container costs less in the long run than paying for its disposal (as waste or litter) somewhere down the line. One thing to keep in mind when the industry talks about huge price increases is that in every case, beer prices rose (substantially in some cases, such as Michigan) more than soft drinks. Why? Faced with precisely the same problem (container retrieval), why was the soft drink industry able to practice economies that evidently escaped the beer people? The Monsma Committee of the Michigan State Senate was unable, after investigation, to establish why beer prices rose. Following is a quotation from the New York Report on deposit laws entitled, "Mandatory Deposit Legislation: Benefits and Costs for New York," which reveals what the Monsma Committee did find:

"A major advertising war, which saw Miller Beer climb from #3 to #1 in the Michigan market, took place at great expense.

Retail margins on beer have shown a larger increase than can be attributed to handling charges alone.

...(they) discovered that local, non-premium beers, which did not compete with the 'price leader' (Miller), did not increase in price to the same extent as the premium beers."

We have copies of two ads from a Massachusetts' liquor store, "before and after"



the deposit law took effect and we think you will find them interesting. We are also including a copy of an editorial, "Cheaper in Vermont," from the Valley News, which serves White River Jct., Vermont and Lebanon/Hanover, N.H., and three pages of representative soft drink ads clipped from grocery ads in an area of the northwest lower peninsula of Michigan within the past month. Take them with you when you shop and compare prices. We don't think threats of price increases (which can become a reality whenever the industry sees fit) should be allowed to hold a deposit law hostage. There is no indication in states presently with deposit laws that the rules of product competition and supply and demand don't continue to operate. The deposit itself is just that - it is returned to the consumer when the empty container is redeemed. And in case the consumer heaves it out an automobile window, a littering fee has been paid by that person, and a more responsible citizen right behind will pick the container up and return it for the deposit.

Unemployment, as we mentioned earlier is not a specter to be brushed lightly aside, least of all by the League of Women Voters and the other members of the Container Conservation Coalition. There has been no widespread loss of jobs in any state that had adopted a deposit law. There have been jobs lost that were attributed to deposit laws by the industry, but in some cases that interpretation was open to question. Following are a few comments from the New York Report previously mentioned, in a chapter entitled "The Jobs Impact of Mandatory Deposit Legislation", which was included in the packet committee members received in May:

"The experience of other states indicates that job losses have not been as severe as originally predicted, and further indicates that deposit laws may have been used as a scapegoat for general industry trends, particularly production declines due to other causes.

-In Michigan, the National Can Company closed a plant in Livonia, with a loss of 75 jobs 'as a direct result of the deposit law'. However, Stroh's Brewery had decided to produce its own cans instead of purchasing them from National, and opened a modernized competing facility in Fremont, Ohio. A contract loss cannot be attributed to the deposit law...

-At the Glass Container Corporation in Dayville, Conn., according to the New York Times, 700 workers lost their jobs because of the deposit law. In fact, the 700 were only laid off temporarily over two holiday weekends. Temporary lay-offs are not uncommon in the glass industry...

-In Massachusetts, where the deposit law controversy...raged for years,



the American Can Company threatened to close its Needham plant in 1975 if such legislation were passed. The legislation failed. The plant closed the following month." (Mass. passed their law in 1982.)

The report goes on to discuss the fact that free market choices have contributed to declines in glass or metal container industries, as the plastic bottle becomes more and more popular, for instance. Trying to sort out fact from fiction when it comes to deciding whether a deposit law caused a particular job to be lost is not an easy question.

We would like to acknowledge that the persons most effected by a deposit law are retailers who act as container redeemers. The proposed law lessens the burden on retailers by providing for the establishment of redemption centers. However, whether the individual retailers are aware of it or not, help from the beverage industry is just around the corner. Although they don't advertise the fact prior to the enactment of a deposit law, once a law is established, the industry moves in quickly to assure their customers in the retail businesses that all will be well, deposit law or no. They stand ready to help retail establishments plan and execute container sorting and handling procedures, advise on costs (which, according to some of the material we have seen, is less than that quoted at legislative hearings) and in some cases, actually take over the container handling processes.

The question of cleanliness in container handling areas always seems to come up - why we aren't sure, since that question seems to be one for which there is no basis in fact. None of the states presently administering the law have any record of sanitation problems. The proposed Minnesota law would permit a redeemer to refuse an unclean container.

Last October Colorado held a referendum on container deposits, and it was turned down, partially in response to a heavily financed "anti" campaign. The retail grocers associations leaned heavily on the inability of retail establishments to provide for redemption and storage of containers without extensive and costly remodeling. Five months after the turn-down of the referendum, the "King Soopers" (similar to our PDQ) took out a full-page ad to urge their customers to voluntarily bring in all their empty beverage containers. They would redeem each one, glass, plastic or metal, for 1¢ each. At that price the store is subsidizing the glass and plastic. What was impossible in November, was in April, in one chain of stores at least, presumed to be a customer drawing card!

Nine states now have deposit laws. New York's law began final implementa-

Testimony, Joint House and Senate Hearing on Mandatory Beverage Container Deposits  
by Nancy Grimsby, September 22, 1983 (page 5)

tion on September 12th. Citizens of deposit states are convinced that they are desirable and environmentally beneficial. Two states, Maine and Massachusetts, have actually voted to retain their laws a second time, after opponents forced a reconsideration. Let's make Minnesota number ten.

# COPEMISH FAMILY MARKET

M-115 COPEMISH, MI

THE BENZIE COUNTY AD-VISOR, Monday, August 22, 1983

7-UP, CRUSH, SQUIRT, DR.  
PEPPER, VERNORS, LIKE  
6 PACK CANS, DIET OR REGULAR

**\$1.69**

+ DEP

**FARMER  
JOHN'S**

SPECIALS GOOD THRU  
SATURDAY, AUGUST 27, 1983

**ALL COKE  
PRODUCTS**

6-12 OZ. CANS

**\$1.49**

*Beulah  
Mich*

SAVE 50c

PLUS DEPOSIT

**THRIFTY  
FOODS**

SPARTAN  
STORES



1002 FOREST AVE. FRANKFORD  
SPECIALS GOOD THRU SATURDAY, AUGUST 27

PEPSI  
DIET PEPSI  
PEPSI LIGHT



MOUNTAIN DEW

PEPSI FREE

DIET PEPSI FREE

**\$1.98**

8 PK  
1/2 LITER

PLUS DEPOSIT

*Marquette  
Mich.*  
**OLESON'S**  
FARM-FRESH  
MARKETS

SEVEN UP, HIRES,  
LIKE, SQUIRT, CRUSH,  
VERNORS, CANADA  
DRY, DR. PEPPER  
**\$1.49**  
6 Pack Cans  
+ Dep.

THE WEST SHORE SHOPPERS GUIDE — Monday, August 22, 1983



# CHUCK'S

New Summer Hours

Open Monday-Saturday, 9 a.m. to 8 p.m.,  
Sundays, 10 a.m. to 5 p.m.

Lake Street, Bear Lake Drive A Little, S A Lot



## COKE PRODUCTS

6 Pack Cans

**\$1.29**

+ Dep.  
SAVE \$1.00

THE BENZIE COUNTY AD-VISOR, Monday, August 22, 1983

# DOM'S

FOOD MARKETS, INC.

US-31 ACME  
FOURTEENTH AT DIVISION  
AND  
WEST BAY SHOPPING CENTER

REG. & DIET 6 PACK-12 FL. OZ. CANS (PLUS DEP.)  
7-Up, Squirt, Vernors... \$1.48

Traverse City Mi.

THE WEST SHORE SHOPPERS GUIDE — Monday, August 22, 1983

*Plumb's*

1187



REGULAR & DIET

Faygo pop

1 LITER BOTTLES

PEACH, RED POP, ROCK, BERRY, LEMON, LIME, GRAPE, GRAPEFRUIT, LEMON-LIME, ORANGE & CLUB SODA

**3/\$1**

*Manistee Mich*

# ELY'S



SPARTAN STORE  
BEULAH, MI

OLD FASHIONED MEAT COUNTER  
FRESH BAKERY PRODUCTS

SPECIALS GOOD AUG. 22 THRU AUG. 28

Coke, Sprite,  
Tab

6 pak  
12 oz cans **\$1.69**  
plus dep.

Beulah, Mich.



1/2 Liter  
**PEPSI**  
**PRODUCTS**  
 8 Pack

**\$1.99**

Plus Deposit

# CHUCK'S

Lake Street, Bear Lake Drive A Little, Save A Lot



## FARMER JOHN'S

*Beulah, Mich. 7*

All Varieties  
**Pepsi**

## Products

8 - 1/2 Liter Bottles

**\$1.69**

+ Dep.



- PEPSI COLA
- DIET PEPSI
- PEPSI LIGHT
- PEPSI FREE  
REGULAR AND DIET
- MT. DEW

**8 / \$1.79**

1/2 LITER  
 RETURNABLE  
 BOTTLES

PLUS  
 DEPOSIT

## LONE PINE

PARTY STORE  
 US-31, West of Honor

SQUIRT, VERNORS,  
 CRUSH, ROOT BEER  
 12-oz. cans, 6-Pack

**\$1.49**

plus dep.

PEPSI,  
 MT. DEW

1/2 Liter, 8-Pack

**\$1.89**

plus dep.

COKE, SPRITE, TAB  
 MELLO YELLO  
 1/2 Liter, 8-Pack

**\$1.89**

plus dep.

**GIANTWAY**  
 Family Center

*Week of Sept. 12, 1983*

*Ludington, Mich.*

Bottle Deposit Law Is 10 Years Old

The Sunday Rutland Herald and The Sunday Times Argus

# 'I Bless The Day We Passed That Bill'

July 3, 1983

By DANGILLMOR

BARRE — For Frank Aldrich, director of highway maintenance at the Vermont Transportation Agency, the proof is in the pennies. His department has saved lots of them in the past 10 years.

For Christopher Barbieri, executive vice president of the Vermont State Chamber of Commerce, the proof is in the compliments he gets about the state's roads: "You won't believe the number of people who say what a contrast there is when they cross the border."

Their ardent praise has nothing to do with the condition of the blacktop. Rather, it has

to do with what's no longer so obnoxiously adjacent to the roads: trash.

The reason is Vermont's beverage-container deposit law, better known as the "bottle bill," which went into effect 10 years ago this summer over the vitriolic objections of some of the heaviest-weight lobbyists ever to ply their trade in Vermont. The lobbyists lost, and by most accounts, Vermont won.

"As I drive down the road now, I just bless the day we passed that bill," said Rep. Peter C. —, R-Montpelier, a legislator since 1968.

Ever since Vermont's land-

mark law, the first in the East and second in the nation, took effect, it has been hard to find a bottle next to any of the state's roads — or to see it there a second time. And despite initial dislocations and a few continuing gripes, it's even harder to find a Vermonter who now would do away with it.

Vermont's environmental activism took one of its most visible turns when the Legislature, after fierce debate, okayed the bill in 1972. The lawmakers delayed implementation for a year, and opponents used the time to try to force repeal, with a lobbying

effort rarely seen by the part-time Legislature.

"It was quite something."

recalled Rep. Henry Carse, R-Hinesburg, who served in the

(See page 8: Bottle Law)

*Here's the  
TRUTH  
about Vermont's  
Bottle Bill!*

Bottle Law



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# Martignetti LIQUORS

• BRIGHTON 1650 Soldiers Field Rd. 782-3700 • NORTH END, BOSTON 64 Cross St. 227-4343  
Open Mon. Through Sat. 9:00 A.M. to 11 P.M.

**WIND-WINTER STOREWIDE SALE**  
Come in Now and Save on Your Favorite Beverages

SEAGRAMS*7 1.75 Ltr.	12 <sup>29</sup>
JIM BEAM BOURBON 1.75 Ltr.	10 <sup>85</sup>
J&B SCOTCH 1.75 Ltr.	18 <sup>88</sup>
FLEISCHMANN'S GIN 1.75 Ltr.	9 <sup>49</sup>
BARTON'S 1.75 Ltr. Vodka and Gin 80°	7 <sup>99</sup>
BACARDI RUM Silver & Amber 1.75 Ltr.	11 <sup>39</sup>
SABROSO COFFEE 750 ml. LIQUEUR Compare with Kahlua & save	5 <sup>97</sup>

CRIBARI WINE Rosso • Bianco • Fiamma 4 Ltr.	4 <sup>75</sup>
--	-----------------

GUILD TAVOVA WINE Red • White • Rose 3 Ltr.	3 <sup>50</sup>
--	-----------------

PAUL MASSON Burgundy • Chablis • Rose 3 Ltr.	4 <sup>99</sup>
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PAUL MASSON CARAFE Chablis • Burgundy • Rose • Rhine 1 Ltr.	2 <sup>24</sup>
--	-----------------

GROLSCH 24-12 oz. Bottles	12 <sup>88</sup> CS. Plus Deposit
---------------------------------	--------------------------------------

OLD THOMPSON 9 <sup>99</sup> 1.75 Ltr.	CANADIAN CLUB 1.75 Ltr. 15 <sup>88</sup>
--	---

REMY MARTIN 750 ml. V.S.O.P. COGNAC	18 <sup>00</sup>
--	------------------

REMY MARTIN V.S. COGNAC 750 ml.	14 <sup>25</sup>
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STELLA D'ITALIA SAMBUCA 750 ml.	7 <sup>55</sup>
------------------------------------	-----------------

2.00 Mail-In Rebate CALIFORNIA CELLARS Chablis • Burgundy • Rose Our Sale Price 5.49 With Mail-In Rebate 3 <sup>49</sup> 3 Ltr.
---

2.00 Mail-In Rebate SMIRNOFF VODKA 80° Our Sale Price 11.09 With Mail-In Rebate 9 <sup>99</sup> 1.75 Ltr.
--

3.00 Mail-In Rebate IRISH MIST Our Sale Price 13.20 With Mail-In Rebate 10 <sup>20</sup> 750 ml.
---

1.50 Mail-In Rebate CANADIAN MIST Our Sale Price 11.49 With Mail-In Rebate 9 <sup>99</sup> 1.75 Ltr.
---

2.00 Mail-In Rebate TUBORG 24-12 oz. cans 8 <sup>50</sup> CS. Plus Deposit
--

HEINEKEN Light "Loose" 24-12 oz. Bottles	14 <sup>35</sup> CS. Plus Deposit
---	--------------------------------------

BAILEY'S 750 ml.	12 <sup>38</sup>
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KAHLUA 750 ml.	9 <sup>49</sup>
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AMARETTO DI SARONNO 750 ml.	10 <sup>88</sup>
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GRAND MARNIER 750 ml.	15 <sup>38</sup>
--------------------------	------------------

MR. BOSTON 5 Star Brandy 1.75 Ltr.	11 <sup>82</sup>
---------------------------------------	------------------

MR. BOSTON 1.75 Ltr. Flavored Brandies Ginger-Orange • Peach • Apricot-Cherry • Blackberry	10 <sup>39</sup>
--	------------------

**Gigantic Beer Sale! Don't Miss Out!**

LABATT'S 24-12 oz. Ale and Beer Bottles	9 <sup>97</sup> CS. Plus Deposit
--	-------------------------------------

ROLLING ROCK 2-12 Pks 12 oz. cans	8 <sup>50</sup> CS. Plus Deposit
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BUDWEISER 24-12 oz. cans	8 <sup>99</sup> CS. Plus Deposit
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BECK'S Light "Loose" 24-12 oz. Bottles	12 <sup>99</sup> CS. Plus Deposit
---	--------------------------------------

WHITE ROCK TONIC All Flavors 24-12 oz. cans	4 <sup>59</sup> CS. Plus Deposit
---	-------------------------------------

CANADA DRY TONIC All Flavors 2 Qts. For 8 <sup>99</sup> Plus Deposit
---

CANADA DRY TONIC All Flavors 24-12 oz. cans	5 <sup>39</sup> CS. Plus Deposit
---	-------------------------------------

SEMI UP Reg. and Diet 24-12 oz. cans	5 <sup>99</sup> CS. Plus Deposit
--	-------------------------------------

COKE-DIET PEPSI REG. PEPSI 24-12 oz. cans	5 <sup>69</sup> case Plus Deposit
---	--------------------------------------

WE RESERVE THE RIGHT TO LIMIT QUANTITIES. REBATE COUPONS AVAILABLE WHILE THEY LAST. SALE EFFECTIVE THROUGH SATURDAY, MARCH 5th.

FULL 200 1/2 100 LESS THAN 50¢  
CONES EA. CONES APPROXIMATELY  
COMPARE PRICES YOU PAY FOR SPOOLS-SAVE 300-400%  
BRAND NEW SPRING FABRICS  
EXCELLENT VARIETY  
"COKE" DENIM 100% COTTON 1ST QUALITY  
45" WIDE MACHINE WASH AND DRY FULL BOLTS REG. 4.00 YD  
UNUSUAL-SUPER QUALITY-DOUBLE FACED-45" WIDE  
TUBULAR, LIGHTLY QUILTED A THIN LAYER OF FOAM BETWEEN TWO LAYERS FULL BOLTS

IN A PENCIL STRIPE PATTERN-RICH LOOKING  
LUSCIOUS 24-24 JADE GREEN LAVENDER ROSE  
USE FOR JOGGING SUITS TOPS OR BOTTOMS  
ALSO JACKETS, SKIRTS, SHIRTS-BEDSHEADS 5.98 YD  
FOR ALL TYPES OF SPORTWEAR

THAT STRETCHES...  
FOR WRIST, ANKLE, WAIST, COLLAR TOPS  
MACHINE WASH AND DRY

"SPRING MAID" CUT-OUTS  
CUT-SEW-STUFF  
INCLUDING-STRAWBERRY, SHOOPLY  
AND ORPHAN ANNIE SELECTIONS. 1 COTTON SELECTION

PERMANENT PRESS FABRICS  
LARGE AND Dainty ALCOVER PRINTS-  
FEATURING THE "CUTOUTS"-44-45" W.

USE FOR CHILDREN'S DRESSES, TOPS  
BOTTOMS, APRONS, CURTAINS, DRAPES  
MACHINE WASH AND DRY

COLONIAL CANVAS 100% POLYESTER  
32" WIDE  
FIRST QUALITY-FULL BOLTS,  
WIPETH DAMP CLOTH-ILDEW PROOF-  
FAST COLOR-SOLID COLORS-STRIPES

USE FOR DECK CHAIRS, CHAISE LOUNGES  
TOTAL BAGS-OUTDOOR FURNITURE COVERS

STYLISH FLOOR  
CHILDREN'S FASHION-SHORT SLEEVES  
TOP U.S.A. MAKER KNIT TOPS 6.00 YD  
CRAZY LOW PRICED GREAT SELECTION

FINE POLYESTER COTTON OR 100% WOOL-  
CASHMERE-RECKS-PLAID-STRIPES-  
SEE-ATHEMATIC LOOKS-STRIPES-  
APPLIQUE-BUTTON AND OTHER PRINTS.  
MANY STAMPED TRIMS-MOST YOU WON'T SEE

GIRLS 7 TO 14-NEW-SPRING  
BRIGHT COLORED ASSORTED FANCY  
POPLIN JEANS QUALITY 10.00 5.99  
5 POCKET STYLING-ANY WITH METAL  
NAME LOGO NAME T-S-SLIMS AND REGULARS

FINAL CLEARANCE  
2ND FLOOR LADIESWEAR  
SELECTED GROUP

COATS-STORM COATS-PANTS COATS- NOW  
SKI JACKETS-VESTS-BLAZERS- FINAL  
SWEATERS-KNIT TOPS-SHIRTS- CLEARANCE  
BLOUSES-VELVET SLACKS- YOU TAKE  
JEANS-SKIRTS DRESSES- 60%  
GOWNS-RABBIT EARS JACKETS

BC'S PRICES  
WERE AT LEAST 40% TO 60%  
OFF OF OTHER STORES PRICES

ALSO LOOK FOR SPECIFIC ITEMS  
CLEARANCES AT SPECIFIC MARK DOWN PRICES

AND YES-YOU KNOW WHO  
MOST FAMOUS LABEL  
WINTER COATS, PANTS COATS 1/2 OFF  
JACKETS- THE LABEL ON NOW BC'S PRICES

This ad is for period prior to 3/5 ∴ approx 1 month after implementation

Both Pepsi & White Rock in cans are cheaper after the law  
Pepsi was 5.99/case - now 5.69/case.  
White Rock was 4.69/cs now 4.59/case

Beer prices are higher : \$1.25 increase for Rolling Rock  
1.35 " " Heineken

Operating under the same deposit law - the soft drink industry has lower prices & the beer industry, higher prices. Therefore, it seems unlikely the law is responsible for increased prices.



# Action Alert

SPOTMASTER: For the latest development on League issues, call SPOTMASTER at (202) 296-0218 from 5 p.m. Friday to 5 p.m. Monday (EDT).

This is going on DPM

August 31, 1984

SEP 10 1984

TO: State and Local League Presidents, and State Natural Resources Chairs  
FROM: Dorothy S. Ridings, President, and Julia A. Holmes, Legislative Action Chair  
RE: Senate Action on The Clean Water Act and Superfund

As the 98th Congress draws to a close, two of the most important pieces of environmental legislation are close to passage. The Clean Water Act and Superfund reauthorization bills have both been passed by the House and await action in the Senate. Opponents of both bills will be attempting to delay them since there is only one month left for Congress to act. If we can get these bills passed, we will have beaten attempts to weaken two basic environmental laws, and those laws will be protected over the next four years from further attempts to weaken them. The stakes are very high and your League can make a difference. We need you to take action.

## ACTION NEEDED

- 1) Please call or send telegrams to your Senators today and urge them to work for passage of S. 431, the bill that reauthorizes the Clean Water Act. Tell them we need this bill to maintain momentum towards the goal of clean waters for all Americans. Let them know that action on S. 431 has a broad base of support from citizen, environmental, labor, and industry groups, and the Environmental Protection Agency. Ask them to oppose any weakening amendments.
- 2) Also ask your Senators to cosponsor S. 2959, the Bradley-Lautenberg reauthorization of Superfund. Let them know that the Senate must act now to clean up toxic wastes. Tell them that it is unacceptable that only six out of 546 priority wastes sites have been cleaned up in the last four years.

## BACKGROUND

### Water

Since 1972 the Clean Water Act has been the nation's basic tool for protecting and cleaning up its waters. Reauthorized in 1977, the act has worked to reverse the tide of pollution that had made lakes and rivers unswimmable, seafood inedible and water supplies unhealthy. Though the act has been very successful, much more is still necessary to address problems such as toxic pollution and nonpoint source pollution (pollution from urban and rural runoff). The Clean Water Act also sets up a regulatory framework that needs to be improved to ensure effective enforcement of the law. S. 431, a League endorsed reauthorization of the Clean Water Act, takes steps towards accomplishing these goals. S. 431: 1) maintains the basic provisions of the Clean Water Act, 2) restricts pollution of estuaries and coastal areas, 3) curtails toxic discharges into severely polluted stream segments, 4) provides special funds to address the severe problems of nonpoint source pollution, and 5) gives reasonable deadline extensions for polluters to meet requirements that EPA has been slow to produce.

The House has passed H.R. 3282, a reauthorization bill that is similar to S. 431. The major difference is a \$1.6 billion revolving loan fund in the House bill for construction of sewage treatment facilities. The loan fund supplements the \$2.4 billion construction grants program that is reauthorized at its current levels in both the House and Senate bills. The League has endorsed both bills and feels strongly that an agreement can and should be reached in conference on the construction grants issue.

S. 431 has been delayed by controversy over several issues. Sen. Steven Symms (R ID) is expected to introduce an amendment that would allow municipalities to "opt out" of the program that requires industries to pretreat their toxic wastes before dumping them into public sewage systems. The League opposes the Symms amendment since much of this toxic waste would end up in our waters, damage sewage facilities or contaminate useful sewage sludge. S. 431 also has been delayed by a dispute between New York and New Jersey over language in H.R. 3282 that places a cap on New York City's raw sewage dumping should the city not finish construction of two treatment plants by July 1986. The plants are currently six months ahead of schedule and the language in the House bill should have no effect on the environment or New York City. The League is urging both states to reach some agreement so the legislation can move. For more information on H.R. 3282, S. 431 and the politics of these bills, see the April/May, June and July 1984 issues of Report From The Hill.

### Superfund

Congress passed the Superfund legislation in the lame duck session of the 96th Congress in November 1980. Superfund provided \$1.6 billion over five years for cleaning up toxic releases from abandoned hazardous waste sites. The law allows EPA to clean up sites and then move to collect the cost of cleanup from dumpers that contributed to the site. In the four years of Superfund's existence, progress has been slow. The Reagan Administration was slow in producing a National Priority List (NPL) of sites, was rocked by scandals involving negotiations with dumpers and has completed cleanup of no more than six sites in four years. New studies by the Office of Technology Assessment and the General Accounting Office (congressional bipartisan study services) now estimate that more than 17,000 sites may eventually have to be cleaned and that costs could range from \$20 to \$40 billion. The League has called for reauthorization of an expanded Superfund to meet these needs. Even though the current law does not expire until September 1985, EPA needs time to gear up a much broader program using more resources.

In August, the House passed H.R. 5640, a compromise reauthorization bill that raises the fund to \$10.2 billion over the next five years. H.R. 5640 also sets deadlines for EPA to begin cleanup of the 546 sites on the NPL and requires that cleanup begin on an additional 150 sites per year. It sets cleanup standards based on current environmental laws and codifies strict, joint and several liability (dumpers are liable for the complete cost of cleanup regardless of the amount of contribution or care exercised in engaging in the ultra-hazardous activity of dumping waste).

The Senate Environment and Public Works Committee held markups during the first week in August on S. 2892, a weaker reauthorization of Superfund, and failed to take any action. Negotiations among members of the committee over this bill broke down without any agreements being reached. The Senate must act now or toxic waste cleanup will be delayed even further. Though the committee has scheduled four more days of markups, Sens. Bill Bradley (D NJ) and Frank Lautenberg (D NJ) have introduced the original language of H.R. 5640 in the Senate where it has been designated S. 2959 and referred to the Finance Committee. The League supports S. 2959 and urges Senators to cosponsor

this bill. Superfund legislation could be added to pending Senate floor legislation. Election year pressure will be a powerful force on Congress to enact environmental laws.

ACTION NEEDED NOW

The importance of passing the Clean Water Act and Superfund reauthorization bills cannot be overemphasized. The last four years have been fraught with delayed implementation and a lack of enforcement of environmental laws. By reauthorizing these laws we can get back on the road to a clean and healthy environment. The price of failure may be very high for we could be forced to defend these laws, the Clean Air Act and other natural resources laws against simultaneous attack in the next Congress. Important votes on these pieces of legislation may be taking place within days of your receiving this Action Alert. So please call or send telegrams to your Senators as soon as possible. Your work can make all the difference.

To call your Senators use the Capitol Hill switchboard number (202) 224-3121. Or send a telegram to: Senator \_\_\_\_\_

U.S. Senate

Washington, D.C. 20510

The Western Union toll free number is (800) 257-2241.

Thanks for all you can do.

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So that we can gauge the level of response to this Action Alert, please fill out this tear-off sheet and return it to: Action Department, League of Women Voters of the United States, 1730 M Street, N.W., Washington, D.C. 20036.

☐ We called Senator \_\_\_\_\_  
and Senator \_\_\_\_\_

☐ We sent a telegram to Senator \_\_\_\_\_  
and Senator \_\_\_\_\_

☐ Other response \_\_\_\_\_

☐ We did not respond to this Action Alert.





## LEAGUE OF WOMEN VOTERS OF MINNESOTA

555 WABASHA • ST. PAUL, MINNESOTA 55102 • TELEPHONE (612) 224-5445

To the House Environment and  
Natural Resources Committee

April 4, 1985

from Jeanne Crampton, League of Women Voters  
of Minnesota Natural Resources Co-Chair

The League of Women Voters of Minnesota supported the adoption of the 1980 Waste Management Act, and has participated in the Waste Management Board's process to select a site or sites for a variety of hazardous waste facilities. We opposed the moratorium on the siting process, since hazardous waste does exist in Minnesota, and slowing the process only seemed to delay unnecessarily the day when the hard decision would need to be made.

However, since the moratorium has been established on the siting procedure, with a report mandated to the 1986 Legislature, we feel that House Files 996, 1003, and 1138 further interfere with the orderly process that has been adopted by the Waste Management Board. These bills seem to have been hastily conceived, without consideration of their ultimate effect.

H.F. 1138, for instance, changes the word "disposal," wherever it occurs, to "storage," or, in a few cases, to "storage and disposal." What is the practical effect of such a change? Perhaps it was meant to imply "above ground storage," but it is doubtful that will be the actual effect. What it will do is stop legal disposal attempts. It may force an industry with hazardous waste to continue stockpiling the stuff in drums someplace. It could well mean that every business or industry generator would become an instant specialist in hazardous waste storage, whether they have that expertise or not. Will we have warehouses with stored waste accumulating year after year? Will industries go out of business and bequeath to others their waste stockpiles? In a sense we will have achieved "above ground storage"----but I don't think it's the kind anyone wants. Shipping our waste out-of-state becomes a slimmer possibility with each passing year, since citizens of other states feel as many of the citizens of Minnesota do. The acronym "NIMBY" says it all----"Not in my backyard."

H.F. 1003, for some inexplicable reason, injects radioactive waste into the hazardous waste picture, causing further confusion. The fact is that High Level Radioactive Waste falls under the venue of the Federal Department of Energy (DOE), and Minnesota is presently under consideration by the Feds because of our granitic deposits. Low-Level



Radioactive Waste is covered by Minnesota's participation in the Midwest Compact, which was approved by the Legislature two years ago. The law that approved our participation in the Compact specifically declares null and void any other state laws affecting low-level radioactive waste. The Midwest Compact group is well along on the process to determine the best possible site in the seven states for a low level rad waste facility. Minnesota may or may not host that site, but we have already agreed to at least abide by the process up to the final site selection, and there can be unfavorable consequences involved, should we refuse to become a host state.

Lastly, two of the bills (996 & 1003) restrict the disposal of hazardous wastes "over, or in a manner that may reasonably be expected to contaminate, potable water..." Given a strict interpretation, that description would cover just about all of Minnesota. Perhaps that is the intent. But we would do well to consider the alternatives.

The League of Women Voters of Minnesota is as concerned about the quality of ground and surface water as the Legislature. We also realize that citizens, industries, and businesses of this State generate hazardous waste. We feel strongly that we must get on with the process of determining the best possible solution for the disposal of that waste, whether it be neutralization, recycling, storage prior to transfer, or permanent disposal. The Waste Management Act's current definition of "disposal" allows for all of the above, as well as a variety of permanent disposal methods. We need to face up to our responsibilities, not look for loopholes. We urge you to defeat H.F. 996, 1003, and 1138. They will do little to protect the environment in Minnesota, and could do some harm, if they delay decisions about hazardous waste.

Please Note: This testimony (sterling as it is) was never presented. The Committee was adjourned by the Chairman at noon, with a sort of vague promise of a possible meeting "after the session tonight." Since these bills are dead unless passed by midnight tonight, it seems very possible they will never see the light of day. One hopes. A little investigation reveals that the bills, particularly H.F. 1003, are political hot potatoes. Many of the people ardently opposed to them were praying they would not have to testify. So---if by some chance I do have to testify tonight (ish!) I will probably cut it extremely short, and stick to something like, "The LWVMN is very concerned about the long-range effect of these bills, and would suggest they be laid over until the next session, to give time for proper study." How is that for mealy mouth?



**LEAGUE OF WOMEN VOTERS  
OF MINNESOTA**

PHONE (612) 224-5445

555 WABASHA • ST PAUL, MINNESOTA 55102

# action

## AMENDING SUPERFUND LAW

TO: Presidents and Action Chairs

FROM: Jeanne Crampton, NR Chair

DATE: March 7, 1985

LWVUS POSITION: Action to reduce the waste stream, and ensure the safe treatment, storage and disposal of all wastes.

LWVMN POSITION: Support of measures to reduce generation of solid waste.

H.F. 268 Sviggum (IR), Deleting "Causation, Joint and Severally," and retroactivity from the present Superfund Law. ("MERLA," Minnesota Environmental Response Liability Act)

The above bill was passed out of the House Judiciary Committee on March 3, and will probably go to the House floor for a vote sometime during the week of March 11.

WHAT YOU CAN DO: Please let your Representatives hear from you! This bill is being passed on the perception that it is bad for the business climate in Minnesota. The following points can be made.

1. At least five studies prepared since 1982 have concluded that common law remedies are not adequate to recompense victims of the release of hazardous substances. (California, Massachusetts, Environmental Law Institute, Report to Congress, and Minn. LCWM)
2. There is no guarantee that repeal of the above sections of the law will make Environmental Impairment Liability, or EIL insurance (to cover non-sudden pollution releases) any more available than it is now. This insurance is not generally not available nationwide, not just in Minnesota.
3. The businesses that have testified against the bill have not cited specific damage from MERLA. (In one case, a small plating company bought a site in Mississippi, before the law passed, and still does not carry EIL insurance.) Again, there is a strong perception that MERLA will cause problems---not that it has.
4. There have been no cases adjudicated under MERLA. Until that occurs, no one can prophesy exactly what precedents the courts may establish.
5. Although the League is convinced that MERLA should not be changed (particularly before any problems have developed with the law) if H.F. 268 and/or S.F. 300 is passed, then we insist that either as part of the bill, or before the gutting of MERLA, that the Legislature pass a strong, equitable Victim's Compensation law. We are being asked, on faith, to pass the gutting bill, and then take up the question of victim compensation. There are presently six bills extant on victim's compensation---some effective, some not. Suppose the wrong bill gets passed?
6. Hundreds of hours were spent in 1983 discussing MERLA. Now in a matter of two or three committee hearings, the whole victim recourse section of the bill is being washed down the drain---in many cases by legislators who never heard of MERLA before six weeks ago.

(over)

7. Does the State of Minnesota really want to go on record as being supportive of the rights of its citizens to recoup for property damage---but not for personal damage (death or disease) of its residents?

The TIME FOR ACTION is only the first round in this fight. S.F. 300 will undoubtedly turn up soon on the Senate floor, and then it will be on the Governor's desk for his signature---which he has indicated he will be glad to do. Develop a good letter and keep it handy---I really don't think it is too early to start dropping individual notes to the Governor's office. The more letters we can generate, the more possibility we have of stopping this. Many legislators (and possibly the Governor) seem to have not fully anticipated just what passage of this bill will do. Tell them!

File

Testimony presented to the  
House Environment and Natural Resources Committee  
March 6, 1985  
by Jeanne Crampton, Natural Resources Chair  
League of Women Voters of Minnesota

The League of Women Voters of Minnesota would prefer that the Minnesota Environmental Response Liability Act (MERLA) not be tampered with, particularly since there have been no recorded problems with the law to date. This group has received testimony to that lack in hearings on HF 268, as well as to the insurance problem, which appears to be nationwide, and not just here in Minnesota.

However, if, as seems likely, the causation, joint and several, and retroactivity portions of MERLA are to be stricken, then the League does see the immediate need for a victims' compensation fund or similar vehicle. Further, such legislation should insure that there will be adequate funds available for the number of victims needing help, and it seems only reasonable that at least a portion of those funds be provided by the industries involved in creating, transporting, or disposing of hazardous materials. HF 156, for instance, as it was originally filed, seems lacking in the area of fund provision, with the permissive "may" in the last paragraph. (p. 4, line 18)

Secondly, persons turning to the fund for help should find that help - not a process which would make it harder to approach the fund than to go through the courts and common law. Since there will undoubtedly be a cap on recompense, why should we make it tougher than a court procedure in Minnesota?

We know that there are victims of past hazardous waste disposal. It is entirely reasonable to assume that more victims will appear as time goes on. Minnesota cannot afford to ignore the claims of these victims who, through no fault of their own, have been injured by hazardous materials.

We would prefer that a strong, effective compensation process be established prior to the gutting of MERLA - simply to be sure that victims will be protected. Right now it appears that the impetus in the Legislature is to amend MERLA. It seems only fair (after all, the word "compromise" has been bandied about!) to get Victims' Compensation first - then gut MERLA.





## LEAGUE OF WOMEN VOTERS OF MINNESOTA

555 WABASHA • ST. PAUL, MINNESOTA 55102 • TELEPHONE (612) 224-5445

TO: Senate Judiciary Committee

FROM: Jeanne Crampton, Natural Resources Director, LWVMN

RE: SF 571

DATE: March 13, 1985

The League of Women Voters of Minnesota would prefer that the Minnesota Environmental Response Liability Act (MERLA) not be tampered with, particularly since there have been no recorded problems with the law to date. This group has received testimony to that lack in hearings on SF 300, as well as to the insurance problem, which appears to be nationwide, and not just here in Minnesota.

However, if, as seems likely, the causation, joint and several, and retroactivity portions of MERLA are to be stricken, then the League does see the immediate need for a victims' compensation fund or similar vehicle. Further, such legislation should insure that there will be adequate funds available for the number of victims needing help, and it seems only reasonable that at least a portion of those funds be provided by the industries involved in creating, transporting or disposing of hazardous materials.

Secondly, persons turning to the fund for help should find that help - not a process which would make it harder to approach the fund than to go through the courts and common law. Since there will undoubtedly be a cap on recompense, why should we make it tougher than a court procedure?

We know that there are victims of past hazardous waste disposal. It is entirely reasonable to assume that more victims will appear as time goes on. Minnesota cannot afford to ignore the claims of these victims who, through no fault of their own, have been injured by hazardous materials.

We would prefer that a strong, effective compensation process be established prior to the gutting of MERLA - simply to be sure that victims will be protected. SF 571 most nearly meets our criteria for support, should the Superfund Law be amended.



*filed*

## LEAGUE OF WOMEN VOTERS OF MINNESOTA

555 WABASHA • ST. PAUL, MINNESOTA 55102 • TELEPHONE (612) 224-5445

Statement to  
Ramsey County Environmental Committee of the Whole  
February 15, 1985  
by Jeanne Crampton, Natural Resources Director  
League of Women Voters of Minnesota

Good morning. Thank you for inviting me to appear before you. I am Jeanne Crampton, Natural Resources Director for the League of Women Voters of Minnesota.

The LWVMN supported the adoption of a strong "Superfund" (MERLA) law and opposes the effort at the Legislature to diminish its effectiveness, particularly since there have been no specific problems with the law to present.

I think there are some specific things we need to remember in relation to the entire superfund argument: First, the present changes would affect only the personal liability sections of the bill - the cleanup and property sections will stay the same. Which brings up an interesting point. In preparation for this meeting, and the two committee hearings at which I have testified this week, I went back to my files from 1983, and discovered the following, from a letter to League members from me, dated March 30, 1983. "Emphasise that retroactive liability for personal injury features of the bill need to be retained. Industry has accepted retroactive property liability but does not want the responsibility for retroactive liability for personal injury, and is pressuring the Governor and legislators to remove those provisions from the bill. We can't believe that Minnesota would want to go on record as supporting the State's right to recover property damages while not allowing innocent victims of hazardous waste accidents an equal opportunity to recover for personal injury." I still can't believe that Minnesota wants that on their record! The retroactive liability is one of the items industry and the insurance people are presently attacking. But who is to reimburse victims of poorly handled waste that has contaminated their water or environment? In most cases, that kind of damage may not appear for 20 or 30 years.

The other two sections of the law that are under attack are the "joint and several" liability and causation. "Joint and severally" means, generally, that anyone, or any entity, that handled a hazardous product, may be held responsible for any damage it may cause, and required to pay a proportional share of damages.

"Causation" makes it easier for plaintiffs to get their cases before a jury, but they are still required to prove a link between the personal injury and waste produced or disposed of by the defendant - not an easy task in this hazardous world. It does not, as is sometimes claimed, "shift the burden of proof from the plaintiff to the defendant" What is overwhelmingly apparent at this point is that there have been no lawsuits adjudicated under the Superfund law, so it is extremely difficult for anyone to foresee exactly what type of precedent may be achieved. Again, the cry of industry at the time of passage of the law was that the courts would be flooded by people filing suit damages, real or imagined, against those industries that produced or handled hazardous products or waste. In a somewhat odd switch, the industry now says that a victims' compensation fund, or similar mechanism, is really not necessary, since there are no victims. They can't have it both ways - which is it? Victims filing thousands of lawsuits, or no victims to be compensated?

Since most of the argument regarding the MERLA law has centered around the question of insurance, let's get a few things straight. First of all, it must be recognized that EIL (Environmental Impairment Liability) has been affected nationwide, not just in Minnesota. This has occurred for a number of reasons, several of which are:

Cyclical nature of the insurance industry. When investment return is high, there is pressure to write coverage for new risks in order to increase premium volume. When investment return is low, or high losses are suffered on policies, companies retrench and curtail offers of coverage. This is referred to as reduced or tightened capacity. Right now is a period of tightened capacity, and EIL coverage, which is both new and carries a high degree of risk, has been cut.

Demand for EIL insurance has not been great, and insurers have not received enough premium volume to cover their losses.

There is little historical data on which to base premium estimates.

There is little case law in this area. Insurance companies are hesitant to forge ahead in this area when they are uncertain as to how the courts will rule on cases relating to hazardous substance exposure.

EIL coverage is perceived as potentially liable for huge losses.

I'd like to quote from the first draft of the Waste Management Board's very recent study on Solid Waste Insurance: Some representatives of the insurance industry feel that in Minnesota some provisions of MERLA impose excessive risk to the insurers. Whether insurers are or are not overexposed because of



MERLA is not certain. No test cases have been concluded to date, so there is no objective data on this question. However, concern over the potential impacts of the law have caused several companies to withdraw from the EIL insurance market in Minnesota. In summary, due to a number of factors, EIL coverage will probably not be available in the near future to owners/operators of landfills in Minnesota who have not already obtained coverage. Insurance industry representatives indicate that this condition will persist on a nationwide basis for the foreseeable future." In other words, a shortage of EIL coverage is not just a problem in Minnesota, it is occurring everywhere in the United States, and possibly world-wide.

I will be very glad to answer questions.



Statement presented to the Senate Agriculture and Natural  
Resources Committee, Feb. 12, 1985, by Jeanne Crampton,  
Natural Resources Director, League of Women Voters of Minnesota

The League of Women Voters of Minnesota supported the adoption of a strong "Superfund" (MERLA) law and opposes the present effort in S.F. 300 to diminish its effectiveness, particularly since there have been no specific problems with the law to present.

Should a compromise be required, with the liability and causation sections of the present law deleted or changed, the League suggests that some form of victims' compensation fund be established.

File

To: Members of the House of Representatives, State of Minnesota  
From: Pamela Berkwitz, President; Jeanne Crampton, Natural Resources Chair  
Date: March 13, 1980

The League of Women Voters of the United States' position of "no increased reliance on nuclear fission" is the basis on which the League of Women Voters of Minnesota supports H.F. 378. We feel strongly that other avenues of approach can reduce the critical need for energy. Conservation is undoubtedly the best answer for the near future, with renewable forms (solar, biomass, wind) closing the gap in the next twenty years.

Another part of our energy position directs that "Special attention must be given to solving waste disposal and other health and safety problems of nuclear fission." We feel H.F. 378 directs the attention of those responsible for nuclear generation to the necessity to provide safe and economically feasible waste disposal.

Statement presented to the  
Minnesota State Senate  
in support of the  
Hazardous Waste Cleanup Bill, SF 1031  
Contact: Jeanne Crampton  
League of Women Voters of Minnesota  
March 11, 1982

The League of Women Voters of Minnesota supports SF 1031, the "Superfund", or Hazardous Waste Cleanup bill. We testified in favor of it in early committee hearings by the Senate Agriculture and Natural Resources Committee, and have watched with interest its progress and evolution through this legislative session.

We need the guidelines and system that this act would establish to cope with hazardous waste sites that have occurred already, whether by thoughtlessness, negligence, stupidity, or outright illegal actions. The LWVMN supports the bill's concept of "strict liability," and looks with disfavor on the attempts of industry lobbyists to have that standard stricken from the bill.

Further, we want to see adequate funding, since without the economic means to begin more or less immediate cleanup, the bill becomes an empty shell. We do not have a strong preference as to funding method, since ultimately, we, as taxpayers and consumers, will shoulder the burden, whether we pay increased prices for certain products, higher garbage collection fees, or through bigger tax bills.

We urge the Senate to pass SF 1031 and that adequate (certainly no lower than that presently indicated in the bill) funding be considered mandatory.

TO: All Leagues recommending Nuclear Energy/Nuclear Waste  
as new program for LWVUS  
FROM: Pam Berkwitz, President;  
Jeanne Crampton, Natural Resources Co-chair  
DATE: April 17, 1980

As you know, LWVUS is not recommending any new program for 1980-82. While we understand and sympathize with the reasoning behind that recommendation, we are not entirely sure such a course is best for the League.

LWVMN adopted a resolution at their convention last June recommending a national study of nuclear energy for 1980-82, and so notified all state Leagues and National at that time. In October we sent another letter, plus a "lively issues" statement to state LWVs.

Eight state LWVs and 92 local Leagues recommended nuclear energy/nuclear waste as new program to National, with a total of approximately 700 Leagues responding. Health care was at the top of the list, with 300-350, arms control and "energy" were second with 100-150, and we were third. If we class "nuclear energy/nuclear waste" and "energy" together, we come in as a top recommendation, along with health care. At this point we have to decide on further action, different action, or no action at all. Time, and certainly some money, is involved in a campaign to adopt a non-recommended item at Convention---and we aren't as well-organized as either health care or arms control (whose proponents have been pushing a lot longer!) A changed emphasis on our nuclear position by LWVUS may have negated the need for a new study.

However, if we are to initiate action of any sort, we should agree in advance as to what it should be, and how we'll accomplish it. Minnesota LWV is quite willing to be a clearinghouse on the topic, and we will arrange to hold a caucus on Saturday evening, May 3, during Convention. (Look for the location on the bulletin board and in the Convention daily bulletin.)

On the reverse of this letter you will find a statement by the Minnesota LWV. Also enclosed is a response form and return envelope which we'd like to have back by April 28th at the latest, sooner if possible. Please let us hear from you!



LEAGUE OF WOMEN VOTERS OF MINNESOTA  
STATEMENT ON NUCLEAR ENERGY

Over the past several years it has become increasingly clear that nuclear energy in the United States has serious problems---problems that are not noticeably closer to solution than they were ten years ago. At the same time, scientific, economic, and political communities are divided as to the scope and seriousness of the problem. Neither one faction nor the other can claim to have only reasonable, intelligent, or astute persons "on their side." Indeed, one of the problems that the lay person quickly encounters is that well-credentialed individuals seem to be claiming "facts" that are diametrically opposed to one another. It would appear that the question becomes more and more a social issue, at least until such time as the technical problems are subject to resolution.

There is no question but that nuclear energy has enjoyed a favored position in the government of the U.S. since after World War II. Huge amounts of money and personnel have been devoted to developing programs and research concerning nuclear energy. The mistake made early on was to develop the energy technology as a production source before the problems of waste disposal and plant security were addressed.

Now, in the midst of increasing costs for fossil fuels (and possible political shortages) we are hearing from the pro-nuclear advocates that we must develop nuclear energy to its greatest potential in order to avoid shortages that would leave our citizens cold, dark, unemployed and our country on the edge of chaos. Anti-nuclear advocates point out (with equal validity) that a collection of answers (conservation, solar-based technologies, etc.) are available, if only we can overcome the institutional barriers that presently exist. They point out that the costs of nuclear energy are rising, and that it too is to some degree self-limiting as far as fuel is concerned. (Uranium ore is finite, and the fast-breeder reactor, which extends the fuel, is considered more of a disaster than conventional reactors).

Very recently the LWVUS sent out an expanded interpretation of the nuclear portion of the 1978 Energy consensus. This version would allow local and state Leagues a good deal of leeway as to action on nuclear energy in their areas. It would seem to allow for just about anything short of a call for complete shutdown of all nuclear generating plants, as a matter of fact. A Primer on Nuclear Waste is a new publication, to be available at Convention. So some of the uncertainties we are operating under last year have been resolved, and LWVMN is not entirely sure that, in light of the new information, a new program item is the best way to go.

The greatest fear at this point is that the general public will be convinced that nuclear energy is a necessary evil to prevent hardship in this country in the next 20 years. There are other logical answers, but whether people can be educated fast enough to change the energy direction of this country is questionable. There is an overwhelming need for a lucid and reasonable energy policy to be formulated at the national level, and at state levels as well. A new League program would publicize that need, but perhaps with some dedicated education and action we can begin turning the tide. If the League of Women Voters does not want nuclear energy to be the "answer to the future," we need to stand up and say so---in a "League-like" manner, of course!

NOT RECOMMENDED PROGRAM ITEM  
NUCLEAR ENERGY/NUCLEAR WASTE  
Response Form

LEAGUE \_\_\_\_\_ Number of members \_\_\_\_\_

PRESIDENT \_\_\_\_\_

ADDRESS \_\_\_\_\_

Proposed program item as your League worded it to LWVUS:

How many representatives of your League will be at National Convention? \_\_\_\_\_

Are your delegates interested in campaigning for the adoption of nuclear energy/  
nuclear waste as new program?

YES \_\_\_\_\_ NO \_\_\_\_\_

Will a delegate from your League speak in favor of the topic during non-recommended  
program introduction on Sunday morning?

YES \_\_\_\_\_ NO \_\_\_\_\_

If your League is not interested in working for adoption, do you have another  
suggestion?

A changed emphasis on our present nuclear position has recently been received from  
LWVUS with a nuclear waste publication available at Convention. Does this material  
negate the need for a new study?

YES \_\_\_\_\_ NO \_\_\_\_\_

Other:

Return to: League of Women Voters of Minnesota, 555 Wabasha, St. Paul, MN 55102  
(612) 224-5445 NO LATER THAN APRIL 28.

To: Members and Staff of the Minnesota Waste Management Board  
From: Harriette Burkhalter, President  
Jeanne Crampton, Natural Resources Co-chair  
Date: March 19, 1981

Following is the list of criteria the League of Women Voters of Minnesota feels it is necessary to consider when selecting a hazardous waste site. Jeanne Crampton referred to this list during a meeting of the Board at the Capitol on March 12, 1981. The list was developed from input of Leagues all over the United States.

CRITERIA  
FOR  
HAZARDOUS WASTE DISPOSAL OR STORAGE SITES

Hazardous waste management shall ensure safe disposal or storage with no contamination or groundwater, surface waters, soils or release into the air.

To ensure safe disposal:

- No disposal or storage sites shall be located in natural hazard areas such as floodplains, areas with high seismic or volcanic activity, areas of unstable geologic, ice or snow formations, or areas subject to extensive damage from hurricanes.
- There should be an examination of alternative sites, methods of storage and methods of treatment, such as neutralization, incineration, or reuse.
- Both on and off site monitoring for contamination of ground and surface waters and soils are of the utmost importance.
- Containers should be designed to prevent leakage of the material stored or disposed of.
- When containers are stored, there should be regular inspections for possible leakage.

Siting of waste disposal or storage facilities should not take place in areas of critical concern which include:

- Drinking water supply sources such as reservoirs and other storage facilities and sole source aquifers and watersheds.
- Fragile land areas such as shorelines of rivers, lakes, and streams; estuaries and bays or wetlands.
- Where there are rare or valuable ecosystems or geologic formations, significant wildlife habitat, or unique scenic or historic areas.
- Areas with significant renewable resource value, such as prime agricultural lands, aquifer or aquifer recharge areas, significant grazing and forest lands.

(more)

The waste siting decision-making process should provide for:

- Ample and effective public participation, including adequate funding for such participation.
- Economic, social, and environmental impacts statements so that both decision-makers and the public have information on which to base a decision. Secondary land use demands, in addition to the actual site, should be considered--roads, sewers, water, etc.
- Sites selection in conformance with any adopted comprehensive plan--an example would be an adopted Coastal Zone Management Plan.
- Participation and review by all governmental levels to assure conformance with comprehensive plans at each level of government.
- Procedures for mediation of intergovernmental conflicts.

It is obvious that many of these criteria have already been cited by citizens at meetings held by the Board and that "ample and effective public participation..." was mandated by the legislation and has been conscientiously pursued by the Board.

We remain willing to help the Board in any way we can in the eventual siting of a hazardous waste facility.