

## Isolated Policy

In nature's scheme, wetlands play an important, if not always appreciated, role. They help keep drinking and surface water clean, provide wildlife habitat and save billions of dollars annually by buffering stormwater and absorbing floodwaters. Unfortunately, wetlands are often under attack, especially from development pressures and sprawl. State and federal regulators should be the first line of defense for wetlands protection. But a recent court case and Bush Administration water policy have put thousands of acres of New York's wetlands at risk.

Until now, larger wetlands have been managed under the federal Clean Water Act, usually by the Army Corps of Engineers. But a 2001 U.S. Supreme Court decision is widely interpreted as removing isolated wetlands from Clean Water Act jurisdiction. Nationally, this has exposed an estimated 20 million acres of previously protected water bodies to development and degradation. And now the Bush Administration has instructed its agencies not to enforce the Clean Water Act protections for many isolated wetlands, small streams and other waters without first obtaining federal permission. This is a particular problem in New York, where state law only regulates wetlands 12.4 acres or larger. Until that problem is remedied, or the Bush Administration changes course, thousands of acres of small but valuable New York wetlands are in danger.

In late March, a coalition of state environmental groups, including Environmental Advocates and the Sierra Club, joined together to call on the state Legislature to pass a bill designed to re-establish New York's ability to regulate its smaller waterbodies. Known as the Clean Water Protection and Flooding Prevention Act (A.7905 DiNapoli/S.4480 Marcellino), the bill would allow the state Department of Environmental Conservation to regulate wetlands left unprotected by the changes in federal policy. It would also bring New York more in line with neighboring states that have already acted. With sponsorship from the chairs of the Legislature's two environmental conservation committees, Senator Carl Marcellino and Assemblymember Tom DiNapoli, the bill's supporters hope for action this year. The Act has also been named by the Earth Day Lobby Day steering committee as one of five priority pieces of legislation that will be advocated at this year's Albany Earth Day event (see *On the Alert*).★

## On the Alert

■**Dental Plan:** Over the last two decades, the amount of waste mercury released into the environment has declined by 80 percent nationwide. Phasing out the use of this potent toxin, along with better government handling rules in the industrial and service sectors, is working. Dentist offices, however, remain virtually unregulated and are now the greatest contributors of elemental mercury to New York's waste water. DEC was charged with establishing regulations. A draft of new DEC rules for the handling and disposal of dental amalgam wastes is now available. Three public workshops on the draft regulations will be held in April (see *The Month Ahead*). Written comments will be accepted until May 21. Send comments to Jeffrey C. Schmitt, P.E., Director, Bureau of Solid Waste, Reduction & Recycling, Division of Solid & Hazardous Materials, NYS DEC, 625 Broadway, Albany, NY 12233-7253, or email: [dshmwrr@dec.state.ny.us](mailto:dshmwrr@dec.state.ny.us). Read the draft online at: [www.dec.state.ny.us/website/dshmwrr/redrecy/mercdent.htm](http://www.dec.state.ny.us/website/dshmwrr/redrecy/mercdent.htm). For more information, download the mercury waste report *Dentist the Menace* at: [www.eany.org](http://www.eany.org), or contact David Higby at 518-462-5526 ext. 239 or [dhigby@eany.org](mailto:dhigby@eany.org).

■**More on Mercury:** At the urging of many activist groups, including EANY, the US EPA has extended the comment period to April 30 for its proposed mercury rules. EPA's first ever mercury rules for electric power plants fail to require the 90 percent cut in mercury that is feasible, delay the cuts for ten years, and allow trading of mercury emissions. As a result, the regulations would lead to continued contamination, despite the known dangers mercury poses to infants and children. Send letters to Administrator Michael O. Leavitt, EPA, Ariel Rios Building, 1200 Pennsylvania Avenue, N.W., Washington, DC 20460. For more information, contact Christine Vanderlan at 518-462-5526 ext. 234 or [c Vanderlan@eany.org](mailto:c Vanderlan@eany.org), or visit: [www.eany.org](http://www.eany.org).

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**Environmental Advocates of New York** is a non-partisan public interest organization working since 1969 on a comprehensive agenda of issues designed to oppose threats to the environment, to preserve natural resources and human health, and to fight for high drinking water and air quality standards.

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New York State Senate  
Albany, NY 12247  
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New York State Assembly  
Albany, NY 12248  
518.455.4100  
[www.assembly.state.ny.us](http://www.assembly.state.ny.us)  
US Capitol Switchboard  
202.224.3121

■**Payment Due:** State and local groups in over 25 states, including New York, are holding events to generate public support for reinstating the polluter pays principle to replenish the federal Superfund. On April 15, while live cameras at post offices across America cover the tax day story, groups will hold media events sending the message that polluters – not taxpayers – should pay for toxic waste cleanups. Thousands of stickers will be distributed for people to place on their IRS envelope and/or to send to policymakers. Call the BE SAFE Coalition at 518-402-8678 to get involved. Or visit: [www.besafenet.com/superfundaction.htm](http://www.besafenet.com/superfundaction.htm).

■**Capitol Intensive:** Register today for Albany's largest Earth Day event, Earth Day Lobby Day. Citizens and students from around New York will be in the Capitol April 19 for a day of lobbying, learning and networking on important environmental issues such as closure of Indian Point, expansion of the bottle bill, clean energy, wetlands protection and a ban on backyard burning. Visit: [www.eany.org](http://www.eany.org), or contact Laura DiBetta at 518-462-5526 ext. 221 or [edld@eany.org](mailto:edld@eany.org) for more information and to register.

# The Month Ahead



## April

**6:** *Ecological Impacts of Land Use and Climate Change: the Last Millennium Archived in Hudson River Marshes*, part of the Hudson River Foundation's seminar series. 17 Battery Place, Suite 915, Manhattan. 10:30AM. Call 212-483-7667.

**8:** EcoForum, sponsored by The Cinema Arts Centre of Huntington and EarthSave, Long Island. A semi-monthly solution driven event on environmental issues featuring lectures, media presentations and outreach for activists and those not yet motivated by environmental issues. Cinema Arts Centre, Sky Room, Huntington, Long Island. 7:00PM. Suggested donation - \$5.00. Contact David at morningdew2@optonline.net.

**13:** *New York Environmental Law: Year In Review*, hosted by the Environmental Law Institute and the Environmental Law Committee of the Association of the Bar of the City of New York. The Association of the Bar of the City of NY, 42 West 44th St., Manhattan. 8:00AM-10:00AM. RSVP recommended by 4/8. Call 202-939-3858.

**17-24:** Great River Sweep, coordinated by Scenic Hudson. (See FYI.)

**17:** Tour of Rochester's Toxic Canyon, sponsored by Sierra Club-Rochester Regional Group. Meet at First Unitarian Church, 220 Winton Rd. South, Rochester. 9:30AM. Call 585-244-2625.

**19:** Earth Day Lobby Day. (See *On the Alert*.)

**20:** NYS DEC public workshop on draft Standards for the Management of Elemental Mercury and Dental Amalgam Wastes at Dental Facilities (see *On the Alert*). 625 Broadway, Public Assembly Rooms 129 A & B, Albany. 2:00PM and 7:00PM. Also: 4/26, NYSDEC Region 8 Office, 6274 East Avon-Lima Rd., Avon, 2:00PM and 7:00PM; 4/29, New York Academy of Services, 2 East 63rd St., Manhattan, 2:00PM and 7:00PM.

**24:** *Environmentally Induced Illnesses*, African American Men of Westchester's annual environmental conference. Theodore D. Young Community Center, 32 Manhattan Avenue, Greenburg. 8:30AM-12:30 PM. To register call Karen Watts at 914-989-3635. Register online at: [www.aamw.com](http://www.aamw.com).

**24:** Earth Fest, sponsored by Earth Day Southern Tier. Broome Community College, Upper Front St., Binghamton. 10:00AM-5:00PM. Call 607-778-2372.

**25:** March for Women's Lives, sponsored by over 300 groups, including Upper Hudson

Planned Parenthood and Environmental Advocates. Join millions of women, men and children in DC to demonstrate in support of family planning. Visit: [www.marchforwomen.org](http://www.marchforwomen.org).

**27:** *Balancing Community Needs for Growth & Land Preservation: Conservation Easements and Their Role in the Balance*, sponsored by Putnam County Land Trust in association with the Westchester Land Trust. Historic Court House, 44 Gleneida Ave., Carmel. 7:30PM-9:30PM. Free. To register, call 914-736-9546.

**29:** *How Does Westchester's Air Affect Your Health? What You Can Do About It*, a Federated Conservationists of Westchester County symposium. Information on the quality of Westchester's air, and the impacts of this pollution on health will be explored. Westchester County Center, White Plains. 1:00PM-4:30PM. Reception to follow. Call 914-422-4053.

**29:** *Birds of the Hudson River Estuary*, sponsored by the American Museum of Natural History (AMNH), Audubon New York, and Hudson River Environmental Society. Conference will explore which species use these habitats, how their populations have changed over time, the threats to their continued existence, and ongoing protection efforts. AMNH, Manhattan. Visit: [www.hres.org](http://www.hres.org).

**30:** *Renewable Energy in the Catskills*. symposium hosted by Sullivan County Community College. 9:00AM-3:00PM. Free, but plan to bring or purchase lunch. Call Kathy Scullion at 845-434-5750 ext. 4447.

## For Your Information



**How Sweep It Is:** Scenic Hudson's Great River Sweep is an annual all-volunteer cleanup of the Hudson River watershed. For one week each April - from April 17 to 24 this year - hundreds of communities join to clean up shorelines, parks, boat launches, playgrounds, schoolyards, road embankments and vacant lots along the river. For more information call the Sweep hotline at 845-473-TIDE, email [volunteer@scenichudson.org](mailto:volunteer@scenichudson.org) or visit: [www.scenichudson.org](http://www.scenichudson.org).

**Sunny Day:** The Tour de Sol, America's longest running green transportation event, will hold its grand finale in New York City on May 25. Thousands of people visit the Tour de Sol to see and try out the latest green vehicles offered for sale by auto, bus and bike manufacturers and learn about prototype vehicles built by students, as well as environmentally-friendly energy and transportation options. The event will feature exhibits, food vendors, speakers, and an award ceremony. For more information, visit: [www.nesea.org](http://www.nesea.org).

**Farm Fresh:** The Carnegie Hill Yorkville Community Supported Agriculture (CSA) will be located at Church of the Heavenly Rest for the eighth year starting in June. Upper East Siders can enjoy organic vegetables, responsibly raised fruit, grass fed meat and organically raised flowers grown by local farmers. For information on how to join this CSA, visit: <http://veggies.home.mindspring.com> or call 212-502-8562. To find a CSA in your area, visit: [www.csacenter.org](http://www.csacenter.org).

**General Directory:** A new *Citizens' Guide to Environmental Information in New York State* is available from the Attorney General's Environmental Protection Bureau. The guide includes a listing of national, state and local government and non-governmental offices and organizations that can provide information and resources. Call 518-473-3105 or 212-416-8257 for a copy.

**Green Side Up:** The White River Partnership, the National Wildlife Federation's northeast office, and the US Forest Service need help in planting native trees to restore nearly three miles of riverbanks and floodplains on the Green Mountain National Forest. This spring, between mid April and mid May, volunteers will help plant 900 native, ball-root trees on these parcels. Contact NWF's Kari Dolan at 802-229-0650 ext. 310 or [dolan@nwf.org](mailto:dolan@nwf.org) to volunteer.

## Activists' Corner

**Failing the Test:** Since September 2003, some Niagara County parents have been fighting an uphill battle against state and local school officials and board members of the Starpoint Central School District.

Located in Pendleton, the school is nearing completion of a \$57 million construction project. But according to Parents Fighting for a Healthy and Safe School (PFHSS), local officials have endangered the health, safety and education of their children by violating health and safety laws and regulations. Children are being exposed to harmful VOC's, asbestos, dust, and paint and gasoline fumes, as well as suffering from either a lack of heat or over-heating of classrooms. It has become so bad, that parents are working to shut down the school and to test a classroom where children are getting severe headaches and vomiting.

To get involved, contact PFHSS at [Fyt4rkids@aol.com](mailto:Fyt4rkids@aol.com).



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