



Environment

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Bill boosting fines for industrial pollution makes progress

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By **Gina Macris** and **MIKE STANTON**

Journal Staff Writers



A bill to increase fines for Rhode Island industrial polluters received the once-elusive support of key State House leaders on Tuesday, the same day that environmental groups picketed the office of a powerful lobbyist they blame for stalling the bill.

While House Majority Leader Gordon D. Fox signaled his support by visiting a polluted North Tiverton neighborhood that has become a focal point of a three-year legislative struggle, environmentalists pushed a wheelbarrow of mock-contaminated soil outside the Pawtucket law office of powerful State House lobbyist Robert D. Goldberg to symbolize another type of pollution: “dirty money.”

Southern Union, which Goldberg has represented since last year at the State House, is blamed by state regulators for polluting the soil with arsenic, cyanide and other toxic chemicals. While the proposed legislation would not affect the Tiverton case, which is already in litigation, the Texas-based utility has fought the legislation, paying Goldberg \$45,000 last year and \$5,000 a month this year.

Environmentalists and Tiverton residents have rallied around the bill, which would raise the maximum fines for corporate polluters from \$1,000 a day to \$25,000 a day, in line with other penalties for other environmental abuses overseen by the Rhode Island Department of Environmental Management — key leverage in addressing 102 other polluted sites throughout the state.

When House leaders failed to support the bill on the final day of the 2008 session, Fox snubbed Gail Corvello, the president of a neighborhood group, when she tried to approach him in a State House hallway.

But last Friday, Fox cleared the bill for a committee hearing this Thursday, where swift passage is expected.

Yesterday, Fox, a Providence Democrat, journeyed to the Bay Street neighborhood of Tiverton, a working-class enclave near the Fall River line, to visit homeowners who have been prisoners in their own homes for seven years, since utility crews unearthed blue-tinged soil indicating cyanide buried there decades ago as the byproduct of coal gasification at a Fall River power plant.

“I want to apologize for last year,” said Fox, sitting on the back deck of Corvello’s house, watching children in her daycare center play on plastic turf put down over the toxic ground.

The sponsor of the bill, Rep. Jay Edwards, D-Tiverton, gave Fox a tour of a neighborhood playground too dangerous for children and showed him the homes of about 250 people that cannot be sold or refinanced, where it’s not even safe to dig a vegetable or flower garden, and where residents have suffered various health ailments. The experience, said Fox, “very much touched me,” underscoring that it’s the residents who have been denied due process, not Southern Union, which has argued that the bill would be unfair to accused polluters.

Fox likened his visit to walking into “a Kafka novel” — which is similar to the way advocates of the bill have described their forays into the State House. As Fox was leaving Tiverton, about 18 environmentalists gathered outside Goldberg’s law office in Pawtucket.

Holding signs that said “Our Health, Not Corporate Wealth,” and “Lobbyists Pollute the Democratic Process,” the protesters called on Goldberg to renounce Southern Union’s “dirty money” and support the bill levying stiffer fines to hold polluters accountable.

“A popular piece of legislation is sitting in committee ... despite overwhelming support from all sides,” said Amelia Rose, lead organizer for the Environmental Justice League of Rhode Island. “We don’t know the reason for this, but we do know that Southern Union has hired Bob Goldberg to lobby against it.”

Phil Brown, an environmental studies professor at Brown University, said that the Tiverton case is “the worst I’ve ever seen” in nearly 25 years of studying contaminated neighborhoods. Sylvia Broude, lead organizer for the New England Toxics Action Center, noted that Southern Union was cited by the state DEM about 1,200 days ago. A fine of \$1,000 a day would add up to \$1.2 million, compared with up to \$30 million under the stiffer \$25,000 maximum in Massachusetts, Connecticut and New Jersey.

The protesters, who also represented Ocean State Action and the Childhood Lead Action Project, presented Goldberg’s secretary with a letter asking him to return Southern Union’s money, along with a bag of the blue-tinted soil sprinkled with play money. Goldberg, who was not there, did not return calls seeking comment.

While Goldberg is close to House Speaker William J. Murphy, it was another lobbying effort, by Rep. Jan Malik, D-Warren, that may have helped turn the tide for the bill.

Malik, who chairs the House Committee on the Environment and Natural Resources, has been outspoken in his support of the bill this year, “no matter what happens to me.” Last week, he told a

Journal reporter that he was reluctant to post any bills in his committee for a vote until House leaders gave clearance to the bill raising fines on polluters.

Despite hopeful talks with Murphy and Fox, including a discussion that the three of them might visit Tiverton last Friday, Malik was concerned Friday afternoon when he learned that the bill had not been posted for a hearing, after other committee agendas had been released. That prompted a flurry of phone calls to Fox's office, including one in which Malik was told that the bill had not yet received "the A-OK."

Finally, late in the afternoon, the bill was posted, and Malik learned of Fox's planned visit to Tiverton.

Said Fox, "He is a forceful advocate."

Murphy, through House spokesman Larry Berman, said Tuesday he supports the bill. He also praised Edwards for bringing it to the attention of House leadership.

Malik said he views Fox's support as a signal that the speaker will not block it.

"It's time to do this," said Malik. "Come Thursday, you're going to see me smiling from ear to ear."

mstanton@projo.com