

**Sent:** Tuesday, April 13, 2004 6:09 PM

**Subject:** HEAVY METALS...AN ENTIRE MOUNTAIN OF IT CREATED BY MAN

*Dear Aquathin Dealer Online;*

*When we say "removes heavy metals" it is often difficult for the Consumer to relate to "metals" invisible in a clear glass of water. Drop down to the photos in the quick read below and notice the beautiful mountains immediately behind the playing children....**this is 75 million tons of heavy metaled mine waste**. With each rain, snow, dew, and wind and change in temperatures, it dissolves into the aquifer and well waters.*

*Under an immediate followup and separate email, I am sending updated information on the heavy metal mercury.*

**I LOVE MY AQUATHIN !**

*Warmest regards to all...as well, your comments are always welcome and very much appreciated.*

FOR THE BEST TASTE IN LIFE &

**25 Years Pure Excellence**

Think Aquathin...AquathinK !!

( visit the allnew [www.aquathin.com](http://www.aquathin.com) )

"Alfie"

Alfred J. Lipshultz, President

**P.S. "Splash NewsBulletins", "Forum Q & A", "Allergic Reaction", Biz Bank, Tech Bank and Quote Bank... ARE ALL FREE services to all Authorized Aquathin Dealers and their clients to keep you abreast of technology updates and industry news.**

---

**NEWYORKTIMES.COM**

April 12, 2004

## **Despite Cleanup at Mine, Dust and Fear Linger**

By FELICITY BARRINGER

**P**ICHER, Okla. — The wind blows hard here these days, carving the 100-foot minimountains of mine waste into buttes and whipping dust into the yards and homes nearby. In 2000, the last time a comprehensive study was done, 12 percent of the small children tested had levels of lead in their blood above the hazard threshold — about two and a half times the national average.

That was good news. In 1997, lead levels had been twice as high among children under 6 here and in the nearby communities Cardin and Hockerville, all of them near the center of the Tar Creek Superfund site. One child in four was then at risk for problems related to lead exposure, like lowered I.Q.'s and behavioral disorders.

These communities, where lead and zinc were mined for 60 years, are at a crossroads. In the last six years, the Environmental Protection Agency has spent \$120 million to clean up the yards of families living in the middle of one of the oldest sites on the Superfund list of the country's most contaminated toxic waste sites. If the cleanup is responsible for lower lead levels among children, then further cleanup may make them safer. But if the wind off the hillsides recontaminates the land and the air, the scattershot damage that lead may inflict on young nervous systems will remain a danger.

Unlike Love Canal, the Superfund site in upstate New York that was declared clean in March, the massive Tar Creek mining site, whose lead ore became bullets fired in two world wars, offers a cautionary tale. Like a patient riddled with overlapping infections, Tar Creek has exhibited almost every symptom of a modern wasteland. Acidic, rust-red waterways threaten to pollute subterranean aquifers and pose a risk to wells and downstream lakes. Houses have been swallowed by subsidence above abandoned mine shafts; sports fields in Picher sit atop a massive underground cavern.

**The site is a stark reminder of the limits of the federal government's ability to clean up the messes of the industrial age. And it raises questions about whether some Superfund sites have such intractable problems that no amount of money, time and effort will make them safe.**

**"Nobody anticipated we would be facing these multi-hundred-million-dollar problems," said Thomas Dunne, the deputy to the Environmental Protection Agency's assistant administrator in charge of Superfund cleanups.**

So stubborn are the problems at Tar Creek that neither state action, federal intervention and a bevy of scientific studies nor a series of lawsuits against the mining companies or their successors has produced a lasting solution. The mining companies, which may still bear a measure of responsibility, strongly maintain that the piles of mine waste do not pose a health hazard.

Nonetheless, many families have reluctantly concluded that the government should buy them out. Two voluntary proposals under consideration would accommodate some or all of the 680 families living near the largest concentration of mine waste, which is heaped in mounds known as chat piles; estimated costs run from \$5 million to \$50 million or more.

Federal environmental officials acknowledge that the original Superfund law, financed in part by taxes on the petrochemical industries, was not intended to eradicate the entrenched forms of contamination at some mine sites. By last year, for example, Tar Creek was one of eight Superfund sites that consumed more than half of the agency's long-term cleanup budget, officials say.

Despite shouldering much of the burden of that expense, the E.P.A. remains committed to cleanup rather than relocations, Mr. Dunne said. "We still have to clean the land," he said. Evacuating the residents, he added, "wouldn't have been cheaper, I know that; and it couldn't have been involuntary."

Some federal, state and local officials have begun mustering support for at least a partial relocation plan. But others remain vigorously opposed, including the powerful chairman of the Senate Environment and Public Works Committee, James M. Inhofe, Republican of Oklahoma, who says residents should not be moved unless the government determines an imminent threat.

Mr. Dunne has similar reservations. "I'm sympathetic to the plight of individual families who get cast in that position," he said. "But I'm not sure the government can say, in every case where there's risk, 'We'll move you away from the risk or eliminate the risk.' "

Doris Long, who runs the Dairy Queen near the center of this town of one-story clapboard dwellings, low incomes and long memories, winces at the mention of a buyout. But pointing at her 5-year-old granddaughter, who was busy playing with borrowed lipstick, Ms. Long said, "I imagined her asking me, in 20 years, 'Nana, if you knew it was bad, why didn't you do anything?' "

### Part of the Landscape

Generations of miners, including Mickey Mantle's father, carved miles of tunnels here, hewing the makings of bullets and zinc-plated washtubs out of the ground until the mines shut down around 1970. They left huge caverns beneath the surface where Oklahoma, Kansas and Missouri meet, and huge piles of mine tailings on top.

The mountains of mine waste were part of the landscape when most of the current residents were born. "The chat piles were our friends," said Kimberly Pace, 45. The miners' descendants sledged on them as children, partied on them as teenagers, and, as adults, found ersatz sand for their children's sandboxes and the foundations of their homes.

The chat, most people believed, had some economic value as fill material. That it might be hazardous was not widely recognized until 1994, when blood lead information collected from local Quapaw Indian children showed 35 percent with levels above the federal threshold for excessive exposure, which is 10 micrograms of lead per deciliter of blood, down from 25 in the 1980's.

In 1997, tests of children in the nearby town of Miami and the five old mining towns within the Superfund site — Picher, Cardin, Quapaw, Commerce and North Miami — found lead in paint on the homes, lead in soil in the yards, lead in dust on the floors and, in Picher and Cardin, hazardous lead levels in the blood of one child in four.

As a result, the Environmental Protection Agency began replacing the soil in 2,000 yards. When blood lead levels dropped between 1997 and 2000, the agency took credit.

As a lifelong resident, Ms. Pace knew the area's persistent problems. Picher, whose population reached 16,000 before World War II, had just 1,600 people in 2000.

Ms. Pace recalled that in 1980, when she was a new teacher in Picher, fresh from working with learning-disabled children in nearby Joplin, Mo., she was baffled by her new charges in special-education classes. "It didn't really matter what strategy and what technique I used, there was just a little bit of success and a little bit of improvement and then . . ." she said with a shrug.

For most of the two decades that Tar Creek has been a designated Superfund site, Ms. Pace has been the principal of Picher Elementary. In 1997, she got a call from county health officials telling her that tests had found the children's blood lead levels to be abnormally high. "It was like, 'Aha! I'm not crazy — there is something the matter,'" she said.

There is no conclusive link between any child's disabilities and exposure to lead from the mining wastes, and the lead levels in children's blood here are in fact lower than the national average from 1975. But Ms. Pace keeps what she considers a possible smoking gun: a list trying to correlate the lead levels of 28 children in kindergarten through third grade with their reading skills.

The higher the level of lead in a child's blood, she says, the more likely it is that the child has a reading deficit. Of 14 children with blood lead levels of 7 to 18 micrograms per deciliter, 12 had trouble reading and showed no improvement after intensive intervention. Ms. Pace's list, however, has not been deemed scientifically rigorous enough to be admitted as evidence in recent lawsuits on behalf of Picher children.

Katy Long had a blood lead level of 9 when she was first tested two years ago; it has since declined to 3, and Katy, a 7-year-old first grader, is now doing second-grade-level reading. Her sister, Molly, 5, was first tested last fall; her blood lead level was 5 micrograms per deciliter, and she also shows no learning problems.

Their parents, Tom and Mary, are now expecting a son. Although they live in the home where Mary Long's grandparents were reared, Tom Long said, "I'd like not to be here when the baby's here."

'This Is Not a Safe Place'

William Banner Jr., a pediatrician and toxicologist in Tulsa who has been to the site several times, sympathizes with the residents' resolve to move, though he is less concerned about the children's lead levels than he is about the dangers posed by collapsing mines and industrial cleanup. "This is not a safe place to live," he said.

Dr. Banner cautioned against drawing direct conclusions between lead exposure and learning skills. "The relationships of poverty to school performance to lead are so complex that a simplistic look at it like this really is not that helpful in determining causality," he said.

Others are not convinced that their communities will remain unhealthy. Bill Lake, 43, another lifelong resident who has two small children, vehemently opposes a general buyout. "My goal is to make Picher a safe place to live," he said. "I don't want people coming to tell me to sell my house when my house is not for sale." The chat piles, he said, are "a possible hazard, but a manageable one if we put our efforts into doing something about it."

Federal agencies have commissioned a \$2.5 million study to find ways to get rid of the chat. But what to do about the piles is an unresolved issue, as is the question of who bears responsibility for their containment or removal.

Members of the Quapaw tribe say they own 73 million of the 75 million tons of chat. John Berrey, chairman of the tribe's local business council, says the chat is theirs because their ancestors leased the land to the old mining companies. The tribe views the chat, in a less toxic form, as a potential economic resource, usable, for instance, for roadbeds.

In addition, the Interior Department, as trustee for the tribal members, is among those potentially responsible. Along with the Blue Tee Corporation and the Gold Fields Mining Corporation, it might face liabilities in future cleanups or a buyout.

Robert Joyce, a lawyer for the two companies, said, "We believe very strongly, based on the evidence we have, that dust is not the source of lead contamination in Picher."

Don Robbins, the director of environmental services at Asarco, which also operated in the area, said, "There's no doubt that there's some concentration of lead in the tailings, but we believe that the concentration of lead in the tailings and the chemical form of that lead would not provide a significant risk to the children in the community."

Those companies and three others are defendants in a class-action suit brought by 11 Picher residents, seeking damages for health consequences and asking a federal judge to order a relocation program.

### The Politics of Relocation

While opposing federal buyouts, Senator Inhofe has arranged for the allocation of \$45 million over three years for the University of Oklahoma to conduct cleanups, mostly in peripheral areas.

Citing a 1999 notice by the E.P.A., the senator said he believed that Picher and Cardin were safe. Those who have concern for their children, he said, are welcome to move.

His rival in this debate is Representative Brad Carson, who is running for Senator Don Nickles's seat against Kirk Humphreys, the former mayor of Oklahoma City. Representative Carson has proposed federal legislation for a voluntary buyout, which would compensate homeowners and renters for comparable property elsewhere.

"We think they have to be relocated," said Mr. Carson, a Democrat. "It's our responsibility to push E.P.A. to do things."

If Tar Creek had been in an urban area, he said, "this would have been solved 20 years ago."

After Mr. Carson's idea began to gain traction with some residents, Senator Inhofe solicited Cherokee Investment Partners of Raleigh, N.C., to explore a private buyout. Cherokee's president, Tom Darden, said he regarded the prospect as a challenge, but had not decided whether to get involved.

In January, the state's new governor, Brad Henry, a Democrat, proposed buyout legislation too. It would provide both homeowners and renters with financial help in resettling.

The legislation has been approved by the State Senate and awaits a vote in the House. With \$5 million on the table, all it could do is buy out perhaps 70 families with young children.

The Longs would be among them, if they could. "It's hard," Mary Long said. "This is where all our family is. But I think we would choose to go."



Monica Almeida/The New York Times

Piles of waste from a long-shuttered mine site tower over a playground in Picher, Okla. Some residents use the

piles for recreation, but others have become so concerned about lead levels that they want to be moved.

[+ Enlarge This Image](#)



Monica Almeida/The New York Times

In Picher, Okla., where many residents worry about lead levels, mountains of mine waste loom over the town.