Government officials and the waste industry have formed a tight alliance aimed at making sure the producers of dangerous wastes have a place to put their toxic garbage. We call this the "regulatory-industrial complex" because the phrase captures so well what's going on. Despite what you may read in a civics textbook, there is not a venal uncaring waste industry being held in check by a government that is aggressively protecting the environment. There is in fact a venal uncaring waste industry being supported and assisted by the federal government, often with the active participation of state and local governments. Together, they are destroying the earth as a place suitable for human habitation. They do this in the name of maintaining our "way of life."

As citizens have become concerned about obvious deterioration of the global ecosystem and about rising rates of disease among Americans, it has become nearly impossible to site new waste dumps and incinerators. Faced with two alternatives--to force industry to produce less waste, or to find new places to disperse toxins--the government's policy overwhelmingly favors new places for dispersal. It would be unheard of for government to interfere in the manufacturing processes of industry.

Traditionally, the place for burying and burning wastes has been communities dominated by African-Americans, Asian-Americans, Hispanics and poor whites. Now these groups have joined with middle-class whites to form a far-reaching loose-knit coalition known as the grass-roots movement for environmental justice. As a result, it is now nearly impossible to site new dumps and incinerators anywhere.

The response of the regulatory-industrial complex has been to search for untapped lands where people might still be persuaded to accept the toxic residues of industrial society. What better place than lands occupied by native peoples--the place traditionally known as Indian Country.

There are more than 120 distinct native groups remaining from the 10 million indigenous people who inhabited North America when the European conquest began in 1492. Now some two million strong, native peoples live in several hundred distinct communities, bands, tribes or nations. Their land holdings vary in size from a few hundred acres to many millions of acres. However, they all tend to share certain characteristics, chief among them poverty, high unemployment, a religious reverence for all of nature, and a recognition that the well-being of humans depends upon the well-being of the Earth.

The federal agency with the greatest interest in native people is the Bureau of Indian Affairs (BIA), which exercises Uncle Sam's trustee responsibilities over Indian lands. BIA is part of the Department of Interior.

Some time during 1988, Interior Department decided that it would be good "economic development" for native people to have dumps and incinerators built on their lands. About that same time the federal Department of Energy created the Office of the Nuclear Waste Negotiator. A letter from that office, dated April 10, 1991, says its "mission is to find a State or Indian tribe willing to host a repository or monitored retrievable storage facility for nuclear waste..." These 1988 events marked the beginning of a major assault on Indian lands by the regulatory-industrial complex, an assault now in full swing.

For its part, industry did not need much prodding to see the wisdom of using Indian lands as dumping grounds. Indian lands are exempt from state and local laws. U.S. Environmental Protection Agency (EPA) has no jurisdiction over municipal solid waste (msw) facilities on Indian lands. The BIA would need to issue a license for an msw facility (a dump or incinerator). However BIA would be the first to acknowledge it has no technical staff competent to evaluate proposals and no regulations governing operation of waste facilities.

EPA does have authority over hazardous waste facilities on Indian lands but industry knows well that EPA rarely if ever turns down an application for a hazardous waste incinerator, even when it has to ignore serious environmental concerns and substantial public opposition. The absence of requirements for state, county, or regional government approval of hazardous waste facilities means Indian lands offer many fewer hurdles to would-be hazardous waste dumpers, compared to proposals on non-Indian lands.

A typical proposal comes from lawyers representing Bechtel Corporation--one of the largest construction firms in America with annual revenues exceeding $10 billion.[1] Sam Goodhope of the Washington law firm, Bode and Hainline, wrote September 25, 1990, to Leroy Clifford, a BIA employee stationed on the Pine Ridge Reservation of the Lakota (Oglala Sioux) people.[2] Mr. Goodhope misspelled Oglala but no matter--the details (such as culture and social needs) of the native people were not why he was writing. His letter spoke candidly of "targeted tribes"--native groups that Bechtel had targeted for projects. What kinds of projects? The sky's the limit; Mr. Goodhope's letter says Bechtel is willing to negotiate for 8 kinds of projects: a "cogeneration plant" [he doesn't say exactly what that is--garbage and coal? sewage sludge and garbage? garbage and hazardous waste?], a hydroelectric power plant (with or without any existing dams, says Mr. Goodhope), a hazardous waste disposal facility, a nuclear waste disposal facility, a "second generation nuclear power generation facility," an electrical transmission facility, oil and gas transport and refining facilities or "other large projects." Pick your poison--Bechtel would like to help you take it if you are an Indian.

The letter makes clear that Bechtel and the BIA are making a concerted effort to locate "large projects" on any Indian land where the natives seem friendly to the idea.

Amoco, the oil giant, has been much more selective. Amoco has restricted its proposals so far to half a dozen enormous projects, each combining a hazardous waste incinerator, a hazardous waste landfill, and perhaps a solvent "recycling" facility. Solvent "recycling" is EPA's phrase for a company that takes in liquid hazardous waste, blends it with fuel oil to create a flammable, toxic, mixture, then sells the mixture to cement kilns and industrial boilers where it is burned, thus distributing the hazardous wastes, liability-free, into local environments.

The Amoco subsidiary making these proposals is called Waste-Tech and its overtures have been rejected during the last 18 months by Chikaloons in Alaska, Tyoneks in Arizona, Moapas in Nevada, Kaws in Oklahoma, and Navajos in Arizona. In short, every Waste-Tech proposal to date has been rejected, but no one imagines that Indian people have heard the last from Waste-Tech.[3]

There have been dozens of other waste proposals for native lands. (For a listing, see the reports mentioned in footnotes 2 and 3.) This enormous assault has brought forth an intense response from native people, who recognize that more than their health is jeopardized. Last year at Dilkon, AZ, a Navajo group called CARE (Citizens Against Ruining Our Environment) hosted the first annual conference, Protecting Mother Earth--The Toxic Threat to Indian Land. In mid-June, 1991, the second annual conference was held near Bear Butte in the Black Hills of South Dakota, attended by 500 individuals representing 50 tribes. Carter Camp, a Ponca leader from Oklahoma, told the conference that the invasion of native lands by the waste industry, aided by the federal government, represents a serious threat to Indian sovereignty--the right of native people to control their own destiny on their own land. Dumps created on native land will leak in the future and may threaten non-native people living nearby. This would provide the dominant society an excuse to declare that native people are unfit to conduct their own affairs and are themselves a hazard that must be controlled. (Mr. Camp's organization is focused on sovereignty issues; Campaign for Sovereignty, Box 132, Red Rock, OK 74651;
It is clear that native people often share one important problem with the dominant society: corrupt and venal leadership. The typical pattern is that native leaders are panned with favors, they sign agreements, then word gets out about what has happened. Ordinary people become concerned and form organizations to fight not only the regulatory-industrial complex, but also their own sold-out leadership. Happily, another pattern is clear as well: for natives and non-natives alike, organization, determination, and commitment by grass-roots people lead to victory.

--Peter Montague


Descriptor terms: native people; race; african-americans; asian-americans; latinos; hispanics; poverty; bia; doi; nuclear power; epa; oglala; sioux; bechtel corporation; amoco; dilkon, az; az; conferences; bear butte, sd; sd; public participation;