What is the role of civil disobedience in the grass-roots movement to control toxics?

On April 4th in Freeland, Michigan, toxics activist Tom Adams, 29, chained himself beneath the wheels of a parked railroad train, 25 gondola cars containing 2,500 tons of contaminated soil, cleanup residues from a train wreck and chemical fire at Freeland July 22, 1989. The soil was headed for burial the next day at a solid waste landfill in Michigan. When workers arrived to move the train April 5th they found Tom wrapped in 20 feet of hardened steel chain attatched to the tracks with half a dozen padlocks. Authorities broke two bolt cutters and a saw before they got Tom loose. They let him off with a warning. The train's owner, CSX Transportation, realized this train was bound for trouble, and they moved it out of state. The train has been traveling ever since, looking for a home (see map, from USA TODAY April 22, 1991, pg. A5).

Tom's group, the STORM Network--"a merry band of men and women serious about protecting the Great Lakes"--tracked the train into Ohio using high-tech methods they decline to describe. Four days later, Sunday night, Tom chained himself to the train in Walbridge, OH, this time using heavier chain. Authorities had to cut him loose with a blow torch, and this time they charged him with disrupting public transportation and vandalism--both felonies. Tom faced 11 years in prison and $7,700 in fines.

The police incarcerated Tom in the Wood County Justice Center and he immediately began a hunger strike to raise the ante.

The train is owned by CSX Transportation of Richmond, VA, which operates a 19,700-mile railroad system in the East and Midwest. It was their train, carrying chemicals to a Dow Chemical plant in Freeland, that derailed July 22, 1989, spilling 11,500 gallons of acrylic acid, 21,000 gallons of mixed chlorosilanes, and 23,000 gallons of petroleum naphtha, which ignited immediately and burned for over a week. Three thousand people were evacuated from their homes.

Local citizens immediately grew alarmed at the way CSX and local officials pretended all was well. A group formed, called TRACC--Tricounty Residents for Alternatives to Chemical Contamination. TRACC began paying close attention to chemical spills by trains in Michigan and they found an average of one spill a month, more than half of them in their three-county area. "We began as citizens believing our government was there to protect and serve us, and finally we came to see that officials aren't interested in saving lives. They're just not," says TRACC leader Kim Maxwell, 36, who was evacuated from his home for 8 days. "I've got 2 little kids and the state health department tried to pull the wool over our eyes from day one," he says. "I can show you a video, taken seven days after the fire began, where a state health official says the fire is out, the wreckage has been removed, and the contaminated soil has been cleaned up." He goes on, "I came to find out later the fire wasn't even out, the wreckage was still all over the tracks, still leaking, and it was 18 months before they cleaned up the chemicals." Maxwell says, "I had four years in the military and they trained us to recognize propaganda. What CSX put out from day one would have made Joseph Stalin proud."

What happened after that, as Maxwell tells it, was a lot of foot-dragging by state agencies, a lot of fancy footwork by CSX Transportation, and no satisfactory cleanup. "They could have cleaned it up in two weeks back in '89," says Maxwell. "They kept delaying a cleanup, meanwhile nature was washing the chemicals away through rain and runoff. The longer they delayed, the less chemicals there were to clean up. CSX was saving money every day they delayed," he says. "But I live here," he says. "I've got my family here." He describes a holding pond created to contain the chemicals. "The dam broke several times, and it was sometimes many weeks before it was repaired, he says. The pond wasn't fenced, so children played by its edge.

Petroleum naphtha is a combination of aliphatic hydrocarbons, naphthenic hydrocarbons, benzene, and aromatic hydrocarbons. Many of these compounds are highly toxic and are known human carcinogens.

Chlorosilanes are a mixture of silicon, hydrogen, and chlorine. "The silanes are reported to be highly toxic by inhalation, ingestion, or skin contact," according to the Handbook of Toxic and Hazardous Chemicals (Park Ridge, NJ: Noyes, 1981).

Acrylic acid is a corrosive material that causes skin and eye burns on contact.

However, by the time the contaminated soil was ready to be shipped off-site, the concentrations in the soil were low. CSX spokesperson Steve Buser, a chemist, describes the soil on the train as "mildly contaminated." State officials we interviewed agreed with that assessment.

Under Michigan law, the soil was automatically classified as a legally hazardous waste that had to be buried in a hazardous waste landfill. To spare themselves the expense of such burial, CSX petitioned Michigan authorities to designate the wastes "non-hazardous."

Throughout the fall and winter of '89-'90, TRACC and STORM members opposed the "redesignation" of the waste from "hazardous" to "non-hazardous." Under Michigan law, a solid waste can go to a Type II landfill and a Type II landfill can be unlined and built in a sand and gravel pit, offering no protection to the environment.

Finally, the state Department of Natural Resources decided on the basis of chemical analyses and a risk assessment that the wastes should be redesignated non-hazardous. That's when Tom Adams decided civil disobedience was the only way to make the point that "mildly contaminated" wastes shouldn't be buried in the ground for future generations to absorb. The rest is history.

Toxics activists have vowed to carry on Tom Adams's fight. "We are going to hound this train wherever it goes," says John Liebman, a seasoned Greenpeace toxics campaigner from New Orleans who traveled to South Carolina this past weekend to make his point.

Kim Maxwell of TRACC says, "We tried hard to work within the system, to use the system for what it's made for." And how did that work out? "Frankly, we couldn't get the attention of the governor, or any national attention, 'til Tom chained himself to the tracks," he says. Last Thursday--13 days into Tom's hunger strike--a judge threw out the felony charges and Tom now faces 90 days in jail and a $700 fine. He has started to eat but he won't pay a $300 bond, so he remains jailed, awaiting trial.

Brian Hunt, a burly Greenpeace toxics campaigner from Ft. Lauderdale, Florida, takes the long view. "You think about American history," he says. "Nothing worth accomplishing has ever been accomplished without civil disobedience. An end to slavery. An end to segregation. Stopping atmospheric nuclear testing. Stopping nuclear power. People have had to break the law to make a point about the bigger issues of right and wrong. That's the way it is. If we think we're going to win this fight to control toxics without civil disobedience, we're kidding ourselves," he says.

--Peter Montague

Descriptor terms: citizen activism; freeland, mi; tom adams; hazardous materials; csx; interstate waste trade; walbridge, oh; dow chemical; accidents; evacuations; citizen groups; kim maxwell; petroleum naphtha; carcinogens; chlorosilanes; toxic substances; acrylic acid; steve buser; landfilling; brian hunt;