

Making a Stink

A COMMUNITY NEAR THE BAXTER PLANT STRUGGLES FOR AIR. By Sarah Gianelli

Sunshine was streaming through the picture windows into Kimm Marshall's living room and the sky was a crisp blue, a rare treat for valley-bound Oregonians in December. Side-stepping his nieces and nephews, Marshall gathered up a garbage bag of crumpled wrapping paper and stepped outside to put it with the trash. That's when the stench hit him. Thick, oily fumes engulfed his property like an invisible fog. "Not on Christmas Day," he thought.

For the rest of the day, the Marshalls remained sequestered inside. Marshall was furious; he and his family simply couldn't go on living this way any longer.

Marshall's home is about 300 yards from J.H. Baxter & Co., a plant on Roosevelt Boulevard that treats wood primarily for industrial use, such as utility poles and railroad ties. The petroleum-based chemicals they use — creosote and pentachlorophenol (penta) — do not only smell bad. Along with a host of unsavory health effects, the EPA has classified creosote and penta as probable human carcinogens.



KIMM MARSHALL

The recent appearance of a rare, aggressive form of cancer in multiple residents living near J.H. Baxter has heightened community concerns. Now residents are not only frustrated by the unpleasant odor, they're fearful that breathing it may pose a serious threat to their health.

After spending Christmas 2002 trapped inside, Marshall decided to take action. He began keeping an odor log and calling in complaints to the Lane County Regional Air Pollution Authority (LRAPA). Nearly two years later, Marshall sits at a table in his living room thumbing the pages of his inch-thick odor log with a mix of pride and resignation.

As we step through the sliding glass doors onto a patio crammed with exotic plants, Marshall pauses, tips his head back and sniffs. "There it is."

The odor is undeniable. The scent of hot tar wafts in varying intensities through the air. "And that's only about a 2," Marshall scoffs, his voice raspy. "Believe me, that's nothing." To Marshall, a "10" indicates watering eyes, difficulty breathing and a foul taste in his mouth. "You don't want to be out in it," he says. "It's nauseating."

Other residents of the Bethel, Trainsong and River Road neighborhoods complain of burning eyes and throat, dizziness, headaches and respiratory problems — symptoms corroborated by people living adjacent to wood treatment plants across the country.

At J.H. Baxter, creosote (a complex mixture of at least 200 chemical com-

pounds) and penta are heated and driven deep into the grain of wood in high pressure vessels called retorts. During and after the treatment process, a highly odorous portion of these chemicals is released into the air.

Essentially, these chemicals are pesticides. By inhibiting the survival of insects and fungi, they extend the life-expectancy of wood products up to 50 years. These chemicals or their components have also been shown to destroy the lungs, burn the skin, damage the liver, kidneys and nervous system, and travel across the placenta to cause birth defects in an unborn fetus. Creosote and inorganic arsenic compounds have been shown to cause cancer in humans, penta in lab animals.

Although the use of these wood preservatives has been severely restricted, Beyond Pesticides, a national nonprofit organization headquartered in Washington D.C., has sued the EPA for continuing to allow their widespread use in industrial applications despite the availability of viable, safer alternatives. The lawsuit is ongoing.

Marshall has a hot tub and an observatory with a roll-back roof in his back yard. "I don't get to use them as much as I'd like because of the fumes," he says. "They move in unexpectedly, all hours of the day and night."

Many residents say the fumes are worse at night. The conspiracy theorists among them believe that Baxter purposefully releases the bulk of its emissions when LRAPA cannot verify the com-

plaints. Former LRAPA director Brian Jennison (who resigned in Jan. 2005) waves that off. "People are more sensitive to the smell at night for a variety of reasons," he says. "Baxter is a 24/7 operation. They stink all the time."

LRAPA has been working with J.H. Baxter to reduce the foul smelling emissions since 1995. Since then, Baxter has been making incremental, and apparently insufficient, fixes targeted at potential sources of the odor. In the meantime, residents have to stick their noses outside to test the air every time they want to go for a walk, open their windows or sit in their yards.

Marshall's yard contains a walnut tree, an apple tree, two cherry trees, two pear trees, a plum tree, blueberry bushes, and a variety of grape and kiwi vines. The problem is Marshall doesn't know if the fruit is safe to eat. Within months of moving into the house, he received a notice from the Oregon Department of Environmental Quality (DEQ) advising him not to use his well water until further notice. He found out that a plume of groundwater contaminated with arsenic, copper compounds, and penta extended from the Baxter plant beneath his property.

In 1993 Baxter installed a pump-and-treat system to draw the plume back, but the plume isn't getting any smaller. As of 2003, it still extended approximately 2,500 feet west and northwest of the plant. The DEQ isn't very concerned because all of the homes in the area are on city water.

The DEQ has also found unacceptable levels of arsenic in the soil both on and off

Baxter's property. In 1999, approximately 400 cubic yards of soil contaminated with above-risk concentrations of arsenic were excavated from three adjacent lots.

Out of seven wood treatment plants owned, co-owned, or previously owned or operated by J.H. Baxter, three of them have been on the National Priorities List, which lists facilities eligible for clean-up under the Superfund program. This kind of contamination is typical of the wood preserving industry. Like Baxter's Eugene plant, which opened in 1943, many of these properties incurred the bulk of their contamination prior to the 1970s, when there were no regulations or restrictions on waste disposal.

Geoff Brown, DEQ project manager for J.H. Baxter's ground and water clean-up plan, met with me in a small, stuffy conference room in DEQ's Eugene offices. "Generally speaking, we do not believe people are being exposed to constituents at unacceptable risk levels through the soil or groundwater," he says carefully. "Of course, there is no way to say 100 percent for certain that there's no risk there. What we're saying is that the risks we are seeing are very small."

Toxicologists admit that risk assessment rides on a lot of uncertainty. For one, the very system that determines how much of a pollutant can be emitted into the environment before constituting a health risk fails to take into account multiple, simultaneous exposures, a reality of living in today's world — if not for everyone, certainly for residents living near J.H. Baxter.