Environmental Battlefield: Ruston, Washington Home to an Asarco Smelter and Superfund

By Karen Pickett

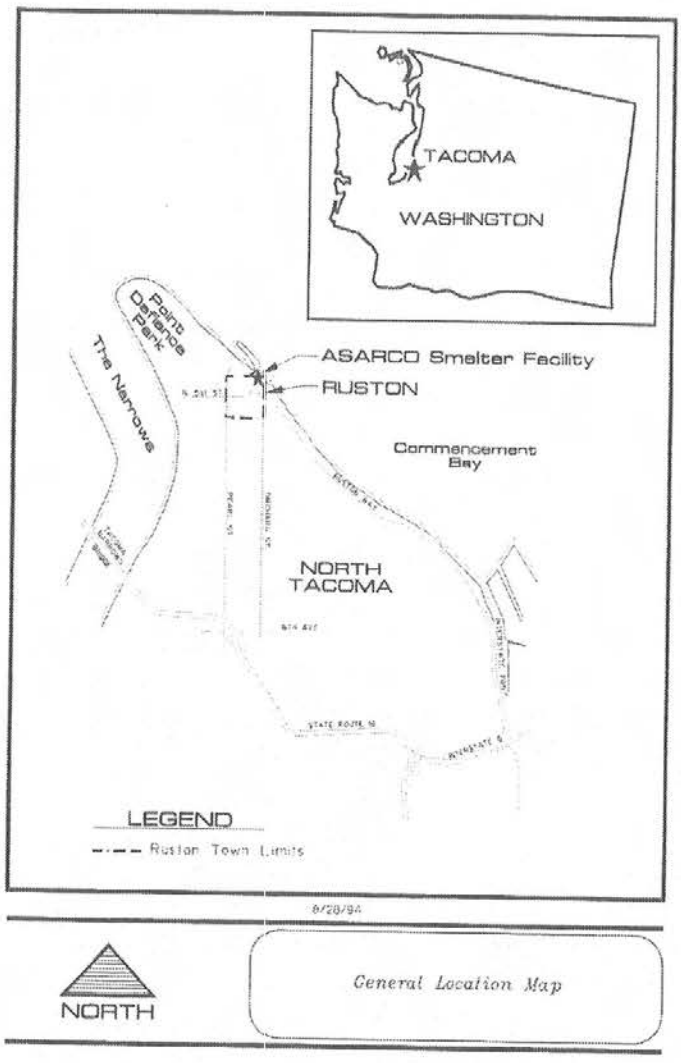

Figure 1

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The recent success of movies such as "A Civil Action" and "Erin Brockovich" reflect a public endorsement of our current era of environmental regulation. They are the modern fairy tales, complete with heroes and heroines, an evil corporation to fight and helpless masses to save. The Hollywood version is a simplistic battle between good and evil, with helpless underdogs fighting corruption and power. But for real people who have survived the impact of these regulations, the picture is not always rosy and never simple. In theory, environmental policies make the world a better place. But unlike a Hollywood movie, when reality confronts the theory of environmental salvation, the result can be messy and unexpected.

This paper will explore the collision of theory and reality as it played out in the tiny town of Ruston, Washington. This community put real faces to theoretical policies. With its towering industrial smokestack, Ruston became the rallying point for opposing ideologies and their different histories. This discussion will illustrate the community's connection to the industrial base that built it; and how this history shaped Ruston's reaction to modern environmental policies. There are no heroes or villains in this story, just everyday people trying to weigh the many conflicting interests and complex theories that changed the course of this small town.

Ruston, only 5 blocks long, has a population of 700. (Figure 1) It is tucked away at the north end of Washington's Commencement Bay between an old dark tunnel and Tacoma's vast pristine Point Defi-

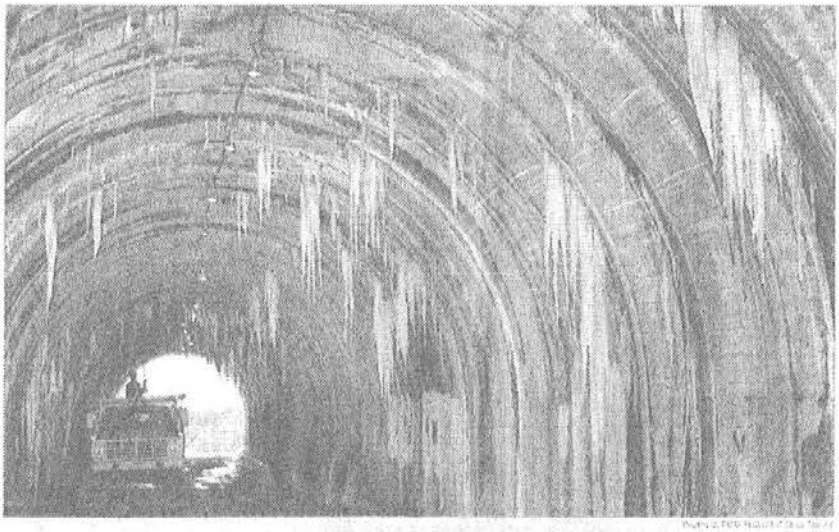

Figure 2 Tunnel under the Asarco Smelter.

ance Park. (Figure 2) Ruston's legacy lies in the industrial revolution; when man took pride in taming the earth and using its riches to enhance his own life, ruling over nature that had so long ruled over him. That progressive force prompted several local businessmen to form the Tacoma Milling & Smelting Company and build a lead smelter.[1] This tip of land was ideal with deep-water access to the Pacific Ocean, a nearby creek and Tacoma's railroad connection to the mines of Idaho. (Figure 3)

Dennis Ryan led the group that began construction in 1887.[2] Two years later, after losing money, he sold the smelter to W.R. Rust.[3] After the completion of the railroad, the smelter began to prosper. The plant grew and was then converted in 1902 to a copper facility. The productive smelter caught the attention of the Guggenheim brothers and became part of the American Smelting and Refining Company (Asarco) in 1905.[4]

The landscape quickly changed shape. During a

Figure 3 Looking towards Ruston about 1890.

Figure 4 Looking towards Point Defiance Park where the marina would be created.

major upgrade of the smelter, Asarco added the huge smokestack that would become the symbolic rallying point for an environmental battle nearly a century later. Built in 1917, it stood 571 feet tall on the bluff overlooking the smelter on Commencement Bay. The structure took only nine months to build and stood as the tallest stack in the world at the time. Slag, a by-product of the smelting process, was poured on the beach for most of the next century. As it hardened, it created close to 100 additional acres of land extending into the bay. The Metropolitan Park District of Tacoma even requested that slag be poured north towards Point Defiance to create a breakwater for a marina.[5] (Figure 4)

Housing sprang up quickly, nestled on the hillside just outside the smelter gate (Figure 5). Typical of mill towns of the day, Ruston was composed primarily of boarding homes for the single men who worked at the smelter. There were even a few family homes. The first home belonged Marco Budinich and was built around 1890.[6] The fledgling community wanted to be identified as independent from Tacoma, and mirror the image of the industrial town of Swansea, Wales. Community leaders even considered incorporating under the name of Swansea that same year. The idea was dropped after assurances from the larger city of Tacoma that they would not be annexed.[7]

The 1910 census provides a source for recreating a sense of the industrial nature of the community. Many of the households had extended families living together. The census listed mothers-in-law, aunts, cousins, and stepchildren in the same home. Six addresses had more than 10 boarders apiece, with an-

other seven residences housing at least five each. These in-house communities were often comprised of immigrants of the same origin. The southern part of town, for example, had 17 homes with boarders, all born in Austria, Sweden, or Norway. Most were smelter employees. The only exception was a boarding house with 17 Japanese men who worked at a sawmill. North 51st Street, which still divides the town in half from north to south, had at least two major hotels near the smelter gates. One hotel housed a mixture of boarders, primarily born in midwestern states, who worked at a variety of local businesses. In contrast, the other hotel had 18 Romanian-speaking residents from Hungary who worked at the smelter.

The flavor of the neighborhood at the north end of town took on a different feel with single-family homes with few extra occupants.[8] Just below these homes, residential structures gradually gave way to the industrial buildings of the smelter complex, often standing side by side, blurring the boundary between work and home (Figure 6).

Neighboring Tacoma grew around the small town and the drive to secure independence took shape as the smelter changed hands around 1900. Rust continued as manager after the Guggenheim purchase and led the drive to incorporate the small town in 1906, even directing smelter lawyers to draw up the petition to begin the process.[9] After a successful election, the local citizens named their new town Ruston, in Rust's honor, when they officially incorporated on October 22, 1906.

The 121 voters of the first municipal election reflect a lingering sense of a frontier town, where the

Figure 5 Hillside just outside smelter gates about 1890.

Figure 6 Power House, Tacoma Plant, with houses nearby.

strongest connections were to each other and to the company that provided for them. Just over half of the voters were American-born, mainly from Ohio, with only one native Washingtonian. Fifty-one were born overseas, primarily in Sweden and Norway. Almost all employment was related to Asarco; 64 worked at the smelter, with another 33 in related fields such as laborers, crane men, and foremen.[10] The room over Hank's Store was designated as the official polling place.[11] During the first town council meeting on November 12, 1906, Leslie Tallman was appointed as town marshal. He served double duty as town marshal for Ruston while working full-time at the smelter. Saloons received the first three business licenses at that same meeting.[12]

Despite this early development, the community remained isolated (Figure 7). A 1908 newspaper noted residents had no access "but over a poor, ill-kept wagon road." Residents traveled to and from Tacoma by boat.[13] Most locals lived, worked, and played in the small town. Their only clear connection to the big city was the trolley line to Point Defiance Park on Pearl Street at the west side of town.

By 1920, the separate town had become well established. Smelter furnaceman Wes Newman, who had just completed a correspondence course in detecting, took over as the new marshal. In this mill town, prohibition brought complaints from residents who could not see the point in taking vacation without liquor to lubricate the holiday.[14] By World War II, Ruston bustled with even more activity. Point Defiance Park was a popular destination for the increased military population from nearby Fort Lewis and McCord Air Force Base, with soldiers and crash

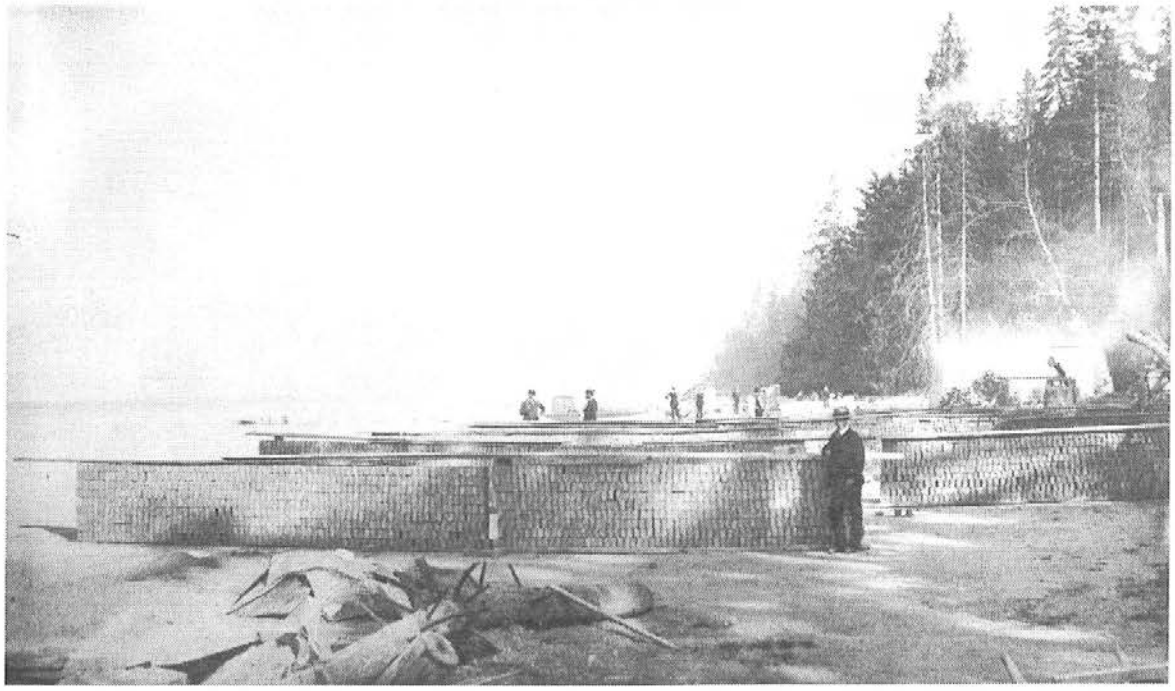

Figure 7 Brickyard just south of smelter looking toward Tacoma about 1900.

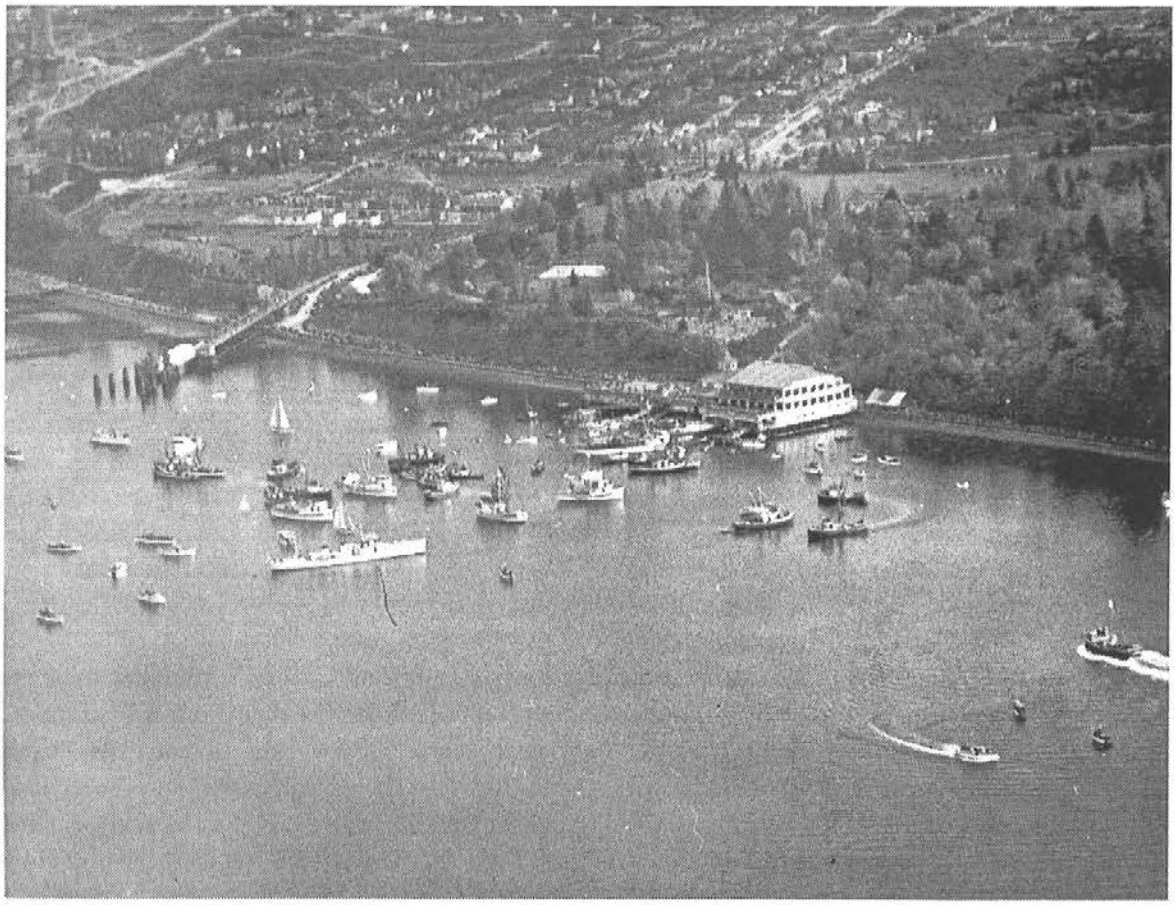

Figure 8 Point Defiance Boathouse with Ruston above it.

boats stationed at the park.[15] (Figure 8.) Ruston had at least one Japanese family interred during the Second World War that did not return.[16]

The military effort needed copper, so the smelter operated at full capacity, providing metal for the war effort.[17] During those years, Asarco produced a newsletter called *The Slag* for employees called into service overseas. The newsletter served as an important reminder of home to those on the battle lines. In May 1944 Harvey Langberg wrote, "I wish to add my thanks for sending me the 'Slag'. It helps link the broken chain between us and home . . . wishing all . . . continuous success so we can all meet again when the plant whistle blows in the very near future."[18]

For Rustonites, life revolved around the smelter whistle. In many ways, it symbolized the integration of community life with the plant. The high-pitched sound of the industrial whistle reached all corners of town at each shift change, causing an instant flood of workers going to and leaving the workplace. It called children home to supper, served as the siren to bring Ruston firemen to duty, and even "blew in" the New Year.

In many ways beyond the whistle, Ruston's existence was intimately linked to that of the Asarco smelter. Because of Ruston's economic dependence on the smelter, the town was greatly impacted by changing environmental policies after World War II. When the smelter opened in the late nineteenth century, it symbolized the strength and power of the industrial age that our nation embraced at the time. Civic leaders in Tacoma and Ruston boasted of the smelter as proof that the community stood tall in the world of manufacturing, producing 12 percent of the nation's copper in 1927, sporting the world's tallest smokestack and contributing important resources to the war.[19] The ability to control and use nature was seen as advancement for civilization. But as America's views on the environment underwent major changes, Ruston became the stage for conflicting industrial-environmental philosophies.

Concern about the smokestack had surfaced as early as 1890. An early newspaper noted that "the subject of the disposal of the smoke from the smelter has not yet assumed any importance in Tacoma, though the big smelter just north of the city has been in operation for some time, the matter is likely to force itself upon the popular mind some time in the future."[20] Public complaints, however, were rare before the advent of environmentalism in the 1960s. The cultural revolution of this decade spawned a movement in popular culture to return to pristine conditions in nature, to reject the industrial age and the corporations that ran it. As this new 1960s generation fought against what they perceived to be the evils of modern society, the giant smokestack and aging industrial complex became an easy target (Figure 9).

There were some community members who questioned the validity of the "target." For instance, a Tacoma editorial in the 1970s read, "Smelter more a symbol than problem." The author noted this change in perception: "*The Seattle Post Intelligencer* believes that 'The immediate effect of the closure (of the smelter) will be cleaner air, water and earth.' But it's best to keep your feet on the ground as you fantasize about 'instant' clean air . . . with or without Asarco, our region will have pollution problems, some of them more frightening and frustrating than the smelter . . . The P-I labels the smelter a 'symbol of pollution' . . . Smokestacks are no longer signs of progress. Today, in the minds of the public, they represent just the opposite. And so does the Asarco operation. From up close it violates our sense of aesthetics and from the distance there is always the smokestack to remind us of it."[21]

Reporter Bob Boxberger of the *Tacoma News Tribune* in 1975 captured the essence of the debate:

> Where does the average man turn for the truth? In this age of skepticism, justified almost daily by revelations of dishonesty at all levels of public and private life, who can the consumer, the working man believe? Can he afford to believe the protestation of innocence and good faith made by the industrialist or the businessman, whose very livelihood is based on cutting corners, on doing the job as cheaply as he can? Conversely, can he accept on faith the results of a scientific study that could be tainted by personal ambition, by

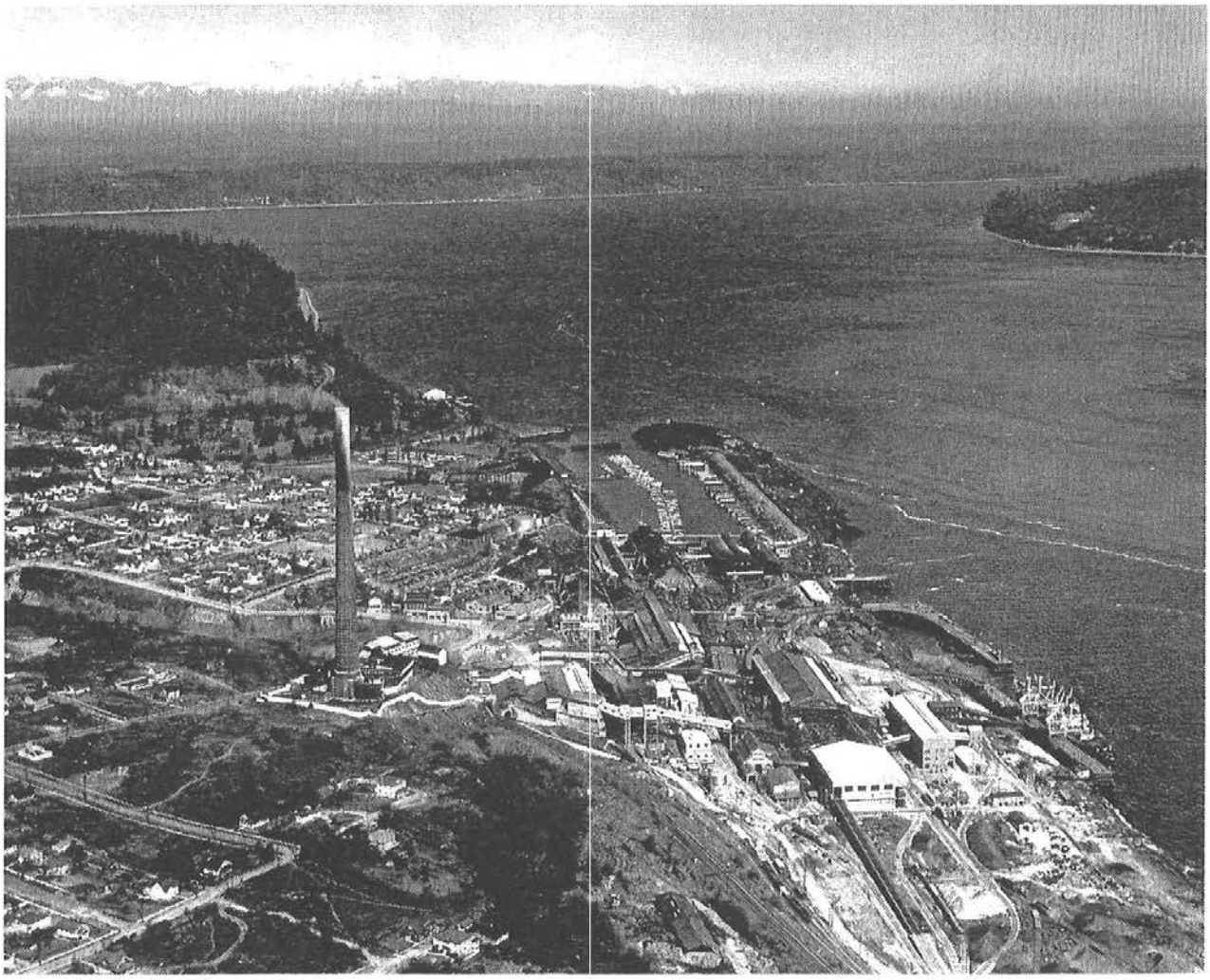

Figure 9 Asarco Smelter, Ruston, Washington.

misplaced zeal, by a lack of clarity in explaining its meaning to the public, perhaps even by purely personal desire to raise hell with the establishment?[22]

While Ruston and the surrounding communities wrestled with the ongoing environmental struggle, changes were brewing at the national level as well. After the New Deal era of the 1930s and the prosperity of the 1950s, Americans had grown accustomed to their affluence and expected their government to continue to make it possible for them.[23] Congress passed the Clean Air Act in 1967, and then gave it teeth with amendments in 1970 and 1977. President Richard M. Nixon responded on June 3, 1969 to the national mood by creating the Environmental Quality Council, a cabinet-level advisory panel.[24] But Congress wanted more and replaced it with the National Environmental Policy Act and the Council of Environmental Quality (CEQ). By December of 1970, the Environmental Protection Agency (EPA) was created to consolidate enforcement of the growing number of environmental regulations and carry out the recommendations of the CEQ.[25]

President Nixon was "convinced that the 1970s absolutely must be the years when America pays its debt to the past by reclaiming the purity of its air, its waters, and our living environment. It is literally now or never." He expressed hope that these new bureaucracies would not compound the problem: "No matter how pressing the problem, to over-organize, to over-staff, or to compound the levels of review and advice seldom brings earlier or better re-

sults. We are most interested in results."[26] By 2000, after two decades of federal involvement in Ruston, some locals question his prediction about how the "debt to the past" was paid here and the results achieved.

During the 1980s, Congress passed several new laws to expand the EPA's enforcement power. At the same time, the EPA's budget and workforce were expanded from a budget of $1 billion and about 4,000 employees in 1970, to almost $8 billion and more than 18,000 employees in 1999. Today, the agency administers ten major federal laws. The law that brought EPA to Ruston's doorstep is the Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA or "Superfund"), enacted in 1980. Congress intended the program to clean up hazardous waste sites. Money from a tax on chemical and petroleum industries (the "superfund") would be used when a company could not be identified as responsible for the pollution. But whenever possible "the polluter pays." The bill includes payments to EPA to oversee the clean up, as is the case with Asarco.[27]

The Asarco smelter was one of the few facilities in the world that could separate and process ores containing both metallic arsenic and copper when they are found together in nature. Environmentalists were concerned about several metals, but arsenic pollution generated the most fear. After all, Americans had grown up with the story of "Arsenic and Old Lace." For many years, Asarco's smelter had operated under the jurisdiction of several local agencies, including the Puget Sound Air Pollution Control Agency (PSAPCA) and the State Pollution Control Hearing Board.[28]

Asarco faced some unique challenges in Ruston. The smelter was one of the few in the U.S. that could smelt low-grade ores in their older style furnaces. "This is a mixed blessing. It allows us to survive, but it is also the root of our environmental problem," noted Charles Randt, assistant manger for the plant in the 1970s. For instance, to meet a 1978 requirement for a 47 percent reduction in sulfur and 89 percent reduction in arsenic would cost twice as much as the smelter's net profits since 1969.[29]

In 1971, Asarco faced an order from PSAPCA to reduce sulfur emission by 90 percent. The company officials appealed this standard before the state Pollution Control Hearing Board. That year, the smelter was able to recover 18 percent of its sulfur. Asarco proposed installing more equipment that would bring the capture rate of sulfur up to 51 percent.[30] The company estimated it would cost $35 to $65 million to meet the 90 percent standard at its Tacoma site. The company asked instead to comply with the 51 percent rate for sulfur capture at an estimated $14 million spread over five years. At the hearing, Asarco outlined a 5-year plan, but was unsure of operations beyond that, noting that the 90 percent reduction might never be achievable at this facility. "I don't know if we will ever be able to comply . . . At the end of five years we'll either come forward with a program, or retire from the scene," said Charles Barber, Chairman of the Board for Asarco.[31]

The ruling on this variance request went against Asarco. The state board ordered them to reduce sulfur emission to 51 percent by the end of 1973, and decide by the end of 1974 if the smelter would be upgraded to meet the 90 percent requirement. PSAPCA informed Asarco that in either case it would have to meet the 90 percent standard by December 31, 1976. Because of the smelter's aged technology however, it would have to be rebuilt from scratch to meet compliance. Asarco's employees saw the ruling as a death sentence for the smelter.[32]

Asarco also sought a variance from PSAPCA's visual and arsenic emissions standards, asking to delay compliance until September 1976. Tacoma mayor Gordon Johnson, a PSAPCA director, led the unanimous vote for denial in May 1975.[33] PSAPCA later reversed this decision and granted a five year variance for arsenic and sulfur air emissions, but required immediate equipment improvements and ongoing monitoring.[34]

By now, the city of Tacoma had grown around Ruston. The newcomers worried about living near the smelter after various groups theorized about risks to human health and nature. The environmental debates between Ruston residents loyal to Asarco and those in the larger city of Tacoma were clear and consistent. These community dialogs, played out in the local newspapers and over backyard fences,

initiated a long tradition of public involvement. The environmental agencies that had to decide these complex issues began early to listen to the debate and encourage discussion.

The community discussion brought EPA to town as early as 1975. The agency held a public meeting to discuss environmental concerns at the smelter. The invitation to the meeting read, "EPA recognizes that solution to all the problems will not come at once, nor will they be solved by any single government agency. For that matter, equitable environmental control to safeguard human health will not be attained by the government sector alone. The task requires the cooperation of ASARCO, smelter workers and local residents, not to mention the understanding and support of the public at large . . . The outcome of all our efforts will have direct impacts on thousands of Puget Sound residents due to the serious socio-economic and health implication inherent in the decision to be made. Citizen interests are paramount, and the May 21 meeting is an attempt to involve the public in the decision-making process related to such a critical environmental issue."[35]

The hearing included sessions where some academic reports theorized arsenic might contribute to lung cancer deaths in the surrounding neighborhood. But Ruston locals and smelter employees overwhelmed the public session.[36] There was concern about the negative impact that the media coverage was having on the community, especially when it was based on predictions that were unclear and unproven. Ruston councilwoman Doris Sage complained, "Most publicity has been adverse and it's all over the front page . . . The fears from smelter hazards are 'could', 'might', or 'maybe'."[37]

By 1983, the Ruston plant had reduced its arsenic emissions by 98 percent since 1970.[38] The EPA estimated that 311 tons of the metal were still emitted each year, but soon discovered an error in their calculations, revising the estimate to 115 tons. At that time, the EPA translated those exposures into a prediction of one cancer death per year.[39] Of course, Asarco strongly disagreed with that forecast, noting that the prediction of cancer did not bear out in health studies of the local population; nor did the EPA's estimates for emissions match actual data from air monitoring stations in the area.[40]

As the EPA continued to study the issue, their new director William Ruckelshaus moved toward a new policy for managing pollution risks. For the first time, the community surrounding the smelter would be asked to provide direct input on the national arsenic standard. The plan was to inform residents of the potential risks and then ask their opinion. The goal was admirable, but things did not go as smoothly as hoped. Even the announcement of the plan caused uproar. "EPA officials came to Tacoma yesterday," Jeff Weathersby reported for the *Tacoma News Tribune*, "to ask if one additional lung cancer death per year-as predicted by statisticians who are not sure whether their figures are reliable-is an acceptable risk to keep the smelter open."[41]

Ruckelshaus explained his new policy: "For me to sit here in Washington D.C. and tell the people of Tacoma what is an acceptable risk would be at best arrogant and at worst inexcusable." The EPA indicated it would accept the arsenic emissions at the Tacoma plant because new hoods being installed at the smelter used the best available technology and reduced their estimate of four cancer deaths per year to one. But Ruckelshaus would listen if local citizens demanded stricter standards. He conceded that any stricter interpretation of the regulations would mean shutting down the smelter. The EPA believed that there was no safe level of arsenic and closure of the plant would be required to totally eliminate any risk. Not everyone liked his new approach. The Washington Lung Association questioned the EPA's motives for public input, stating that "the law does not permit economic consequences to be taken into consideration."[42] Ruth Weiner of the Sierra Club called the move by the EPA "job blackmail." "Its up to EPA to protect public health, not to ask the public what it is willing to sacrifice not to die from cancer."[43]

The November 1983 issue of *Newsweek* heralded, "A Life-and-Death Choice"[44] and a local headline declared, "Tacoma will get a 'vote' on arsenic peril."[45] The community embraced the debate. A local editorial summarized, "Are we willing to tolerate any dangerous or unpleasant pollutants in our

environment in exchange for employment and business opportunities and tax revenues? . . . We have a unique opportunity to answer these questions . . . We are, in a way, pioneers."[46]

The battle lines were drawn. Many of the smelter employees and their family members were fiercely loyal to the company that had provided the economic and social foundation for their lives. These people had worked with arsenic and other metals all their lives and were not frightened by them. A popular button read "Both," referring to support for both jobs and the environment. Many Rustonites, long independent and distrusting of the larger community, fought against the EPA. Environmentalists and many of the newer neighbors were equally passionate that no risk was acceptable and Asarco should be forced to close.[47]

Town residents supported the smelter for many reasons. Their fears extended beyond the loss of jobs. Asarco provided up to 70 percent of the town budget and free garbage service; its smelter furnaces even heated the local elementary school building. Many worried that survival of the town itself might be jeopardized. Indeed, the ultimate closure of the smelter caused an 89 percent drop in tax revenues for the small town.[48]

Longtime Ruston mayor and Asarco employee Owen Gallagher described the town's heritage, "People came here looking for fire and smoke so they could make a living. It was more or less like a mining town."[49] He described the health risk as "bologna." But his neighbor, Jean Wingard, had a different opinion, "They're getting paid down there to live and work in it. I'm not getting paid to breathe it."[50]

Debate over potential health impacts in the neighborhood was not new to Ruston. PSAPCA had issued a health advisory in 1975 when cadmium was found in soils around smelter. They advised residents who might be exposed to the metal from other sources, such as those who worked at the smelter, to avoid eating any leafy vegetables that might contain cadmium.[51] Experts thought the cadmium was left from lead smelting operations prior to 1911. The state Social and Health Services told the community that levels in the soil and air posed no immediate danger, but there was concern about long-term exposure.

Dr. Paul Heilman, a local agricultural expert from the Western Washington University Agricultural Center in Puyallup, added "ordinary grass won't grow in the area except in imported topsoil."[52] Since many in Ruston were able to maintain healthy lawns in native soil, they doubted the wisdom of these experts. One local, Bert Joyce, "said he was more likely to die under the wheels of a drunken driver than from too much of the lettuce he grows." Others noted the long lives of their neighbors who gardened at home.[53]

These residents questioned the risk predictions made by the EPA. The calculations were based on a sample set of workers with high exposure to arsenic. Asarco pointed out that the assumptions were not supported in epidemiological studies of the community. In addition, the airborne arsenic readings in surrounding neighborhoods were only a fraction of the predicted levels. Floyd Frost, an epidemiologist with the state Department of Social and Health Services, reported in a 1984 study that cancer rates near the smelter were below the national average. He said even small increases in cancer would be seen in his study, but none were detected.[54]

An interesting dilemma faced those who wanted to use the many studies that showed a healthy, normal community. The public seemed unwilling to accept the lack of statistical evidence as proof they were safe. At Asarco, Charles Randt wrestled with "the philosophical question of how you can prove a negative" and noted that "the only hard scientific data . . . was the statistical relationship between increased cancer and exposure to high levels of arsenic in the working area." That same data showed no increase in cancers for workers exposed at low levels. "These . . . Levels . . . are gross[ly low] compared to the levels in the community," he said.[55]

Others wrestled with similar philosophical questions. Martha Brigham wrote, "the laws of our country are based on the assumption that a person is innocent until or unless proven guilty. The burden of proof is on the accuser, not on the accused . . . PSAPCA has taken the position that it is up to Asarco to prove to the agency that smelter emissions are not harmful to human health. The precedent of

changing our legal process in this direction is dangerous, more dangerous than industrial pollution."[56]

The PSAPCA board charged with many of these decisions was made up of non-technical local elected officials who wrestled with these questions for their community. They had to decide if these unproven environmental theories warranted actions that would have very real and definable impacts on their constituents. The political nature of "potential health impacts" versus jobs did not lend itself to siding with industry on this issue.

Ronald Sleveland saw more than just jobs at stake: "The loss of the smelter and the business it generates within the community will cause more than just economic damage. Closure of the smelter will also result in serious psychological damage to many families in this area. Any blue collar worker can tell you what too often happens to a family when the father and provider loses his job. People too often think of the smelter as a bunch of ugly buildings with that big smokestack on the hill. But the smelter is also a whole lot of people and families that depend on it for a job and a livelihood. The harm done by the loss of the smelter will be greater than what little damage will be done-if any-by granting of the variance."[57]

Sumner Mayor Everett Foster, one of the PSCAPA board members, described in 1975 his struggle with this issue as he voted to close down Asarco until the smelter met their regulations: "I based my decision on EPA reports, conflicting medical opinions that served only to cloud the issue, and reports from the state Department of Health and our local health department. I think the information was conflicting and confusing enough so that we couldn't determine that the emissions are not a health hazard. I had to take a positive position in the public interest and rule against the smelter's position. The crux was 'does it or doesn't it constitute a health hazard?' and the smelter didn't prove to me that it doesn't."[58]

The Ruston battle forged new and unexpected alliances. Asarco management and its labor unions had traditionally been at odds with each other (Figure 10). But the cost of these new regulations meant competition for dollars that could be used for wages, and they could ultimately close the smelter and end any income for employees.

Amid the variance appeals, the company was also negotiating new contracts with their unions. Despite mutual environmental concerns, traditional roles continued, such as a strike at the Tacoma plant in 1971. Local workers were concerned about another long strike similar to the last one that had lasted more than eight months in 1967-1968. In June, tensions increased when picketing strikers confronted supervisory employees who were moving rail cars out a gate. The company also faced more negotiations with its office and lab workers union.[59]

But as the threat of environmental regulations grew, local unions became strong supporters of management for the variance requests. Early in the variance process, the union had expressed some reluctance to support Asarco's position. But by the time Asarco made its request for the variance from arsenic emissions, the union was very vocal in their support of the company. Robert Guadiana of the local United Steel Workers of America explained the change of heart and confirmed that an earlier variance request had been a tool to pressure the company to release arsenic exposure data and enforce the use of protective equipment.

But now the union, on behalf of the smelter workers, supported the current variance, noting that "no group will be more impacted by a plant closure." By the time the EPA requested local input on the national arsenic standards in 1983, the unions opposed stricter federal arsenic exposure rules, despite a correlation of cancer deaths to high arsenic exposure among smelter workers. Yet, even in the midst of these public displays of support, traditional tensions continued. A union flyer from this time period about a death at the smelter claimed that "a brother died at the hands of management" because of their cost-cutting measures.[60]

Beyond the smelter union support for the variance requests, other regional unions joined the pro-industry chorus. Workers were concerned that an Asarco closure would impact both smelter docks and the Port of Tacoma. Phil Lelli of the International Longshoremen Local 23 stated that, "the smelter probably affects 10% of our work" at the port.[61] Both

Figure 10 Union strike in 1946

current and former employees, many of whom lived close by and represented both local residents and employees, fought to keep the plant operating. At one variance hearing, a retired worker testified, "some sinister force is attempting to undermine American industry because it is operated by 'good Joes.'"[62]

By the time the EPA asked for input on the arsenic standard, it was expected that the unions would support the smelter. Fearing an Asarco publicity blitz, local environmentalists worked to influence the unions as well. The local newspaper noted "another tactic of the environmental community: approach labor and try to recruit an ally . . . Smelter workers . . . have traditionally stood solidly behind the smelter on environmental issues."[63] And there were other unexpected byproducts of these new regulations. In 1975 Asarco agreed to a PSAPCA request to oil the gravel streets in the area to reduce dust.[64]

Some predicted national environmental alliances to be formed in the wake of the EPA's move toward public input at Ruston. Environmentalist Brian Baird with Tahomans for a Healthy Environment noted that, "this is a precedent-setting case. It has never been put in the lap of the community before to say how much risk it is willing to take. So it is very important for national groups to get together." But the larger support did not materialize, although at least one coalition of note emerged. Tacoma Fair Share was formed with leaders from the union and environmental and citizen groups. The group wanted the issue handled locally by the state "to fend off what local citizens believed were divisive tactics

used by EPA."[65]

To further complicate the struggle, the copper market dropped dramatically during the early 1980s. The company faced huge losses while fighting immense cost increases at the Ruston facility. Amid the storm, Asarco announced the closure of the smelter. At its peak, the smelter had been the largest employer in the county with 1,400 employees. But the fires under the smokestack were extinguished in March 1985 and the last 550 workers were laid off.

The loss was difficult for many. "We were like a big family," lamented employee David Huntstock. He also worried about his skills, "I guess I'm what you would call a functional illiterate." He was one of 200 employees to receive retraining; 115 were placed in new jobs and 30 took early retirement.[66] Bob Fault said good bye this way: "As I walk from my car through the machine shop, I see a lot of disgruntled faces . . . because this June will be the 94th birthday of Asarco, but Asarco won't be there to celebrate it. . . I have worked for the Asarco smelter for 16 years (I would like to thank Asarco for those years) during which time I have met and worked with a lot of employees who care about their community and their company. I'd like . . . to say goodbye to my fellow employees and to wish them all the luck in the world."[67]

The symbolic smokestack remained standing even after closure. The huge stack had received its share of attention over the years. It was news when workers put on a new coat of paint in 1973, and in 1929 was even used as the site of a wedding. It was a popular symbol for protesters who used it to hang messages supporting their cause. Even after the bricks had cooled, the stack saw a few fools dare to climb its ladder. One local family in 1991 hung a remembrance to their dead mother. The night before demolition, even with sticks of dynamite in place, a radio fan slipped past guards and hung a sheet promoting his station's "blast the stack" party.[68]

On January 17, 1993, eight years after the Asarco smelter closed its doors, the stack took its final bow as it tumbled in eight short seconds. The adjacent bay filled with boats and an estimated 100,000 people crowded into Ruston to watch. The *Tacoma News Tribune* nostalgically reported that the old smelter whistle would signal the fall of the chimney, not realizing that it could not operate without steam from the smelter furnaces. So police sirens blew to herald the collapse of the chimney that had dominated the landscape for a century. The noise continued with the loud crack of dynamite as the stack fell to the shouts of the crowd, the bellow of boat horns, and the bittersweet tears of many watching.

For some, the demise of the smelter stack signaled only good things. But for many longtime Rustonites, it symbolized the larger community's rejection of the industrial base that had built not only Ruston, but Tacoma as well; and in many ways America itself. It signaled the lean years ahead, struggling to survive without businesses to tax or employees to house. While many in Tacoma applauded as the dust cleared, locals quietly mourned the end of an era and wondered about the future of their little town.

Yet after the closure of the Asarco plant, with its major tax base gone, Ruston had just begun its dealings with the federal government. During smelter operations, regulations had been directed at current emissions from the stack. After production stopped, the focus shifted to any remaining traces of metal in local dirt. Within a few months of the smelter closure, EPA began an investigation into arsenic levels in the surrounding residential area. Now the regulatory agency predicted the possibility of "one additional case of cancer per 1,000 people exposed over a very long time - like 70 years. It may just be skin cancer."[69]

The debate over health impacts from microscopic levels in the soil was intensely complicated, one that even the most educated scientists could not conclusively resolve. Dr. Sam Milham, Washington state's chief epidemiologist, was an outspoken critic of Asarco during the 1970s. He had documented an increase in cancer deaths among smelter workers. Because these workers also smoked heavily, showing a direct correlation to arsenic exposure was difficult. But after finding higher cancer rates, he expanded his review in 1977 to the residential community. He expected to find increased cancer rates, but his search found no indication of impact on the sur-

rounding population. By 1990, he had concluded: "I believe that there is *no* current health risk to Ruston residents from residual soil arsenic." Other studies confirmed that cancer rates in Ruston were below the national average.[70]

Nevertheless, in 1993 the EPA ordered an $80 million replacement program for the soil in the Ruston residential area (Figure 11). But the program produced unexpected results. As the town clerk noted: "I don't think people are as concerned about the health hazard as the devaluation of property an EPA cleanup might ironically cause." Indeed, by 1992 some banks would not finance home loans in the area. The concern prompted the EPA to address underlying liability concerns with lenders with workshops and informational brochures. And as the lengthy cleanup proceeds on local yards, the stigma is slowly lifting and optimism growing.[71]

The transition from controversy to consensus has been even more dramatic regarding the smelter property owned by Asarco. By 1990, debate over the cleanup plans for the site had surfaced. The option of hauling away material that contained the most metal was estimated by the EPA to cost at least $100 million more than a proposal to build a landfill on site to bury the dirt. In addition, most of the smelter property consisted of slag rock that had been poured during many decades of smelter operations. Metals in the slag were tightly bound in the rock, but the 150 million tons of slag could not reasonably be moved. Tacoma's mayor, Karen Vialle, threatened unspecified legal action if any hazardous waste was

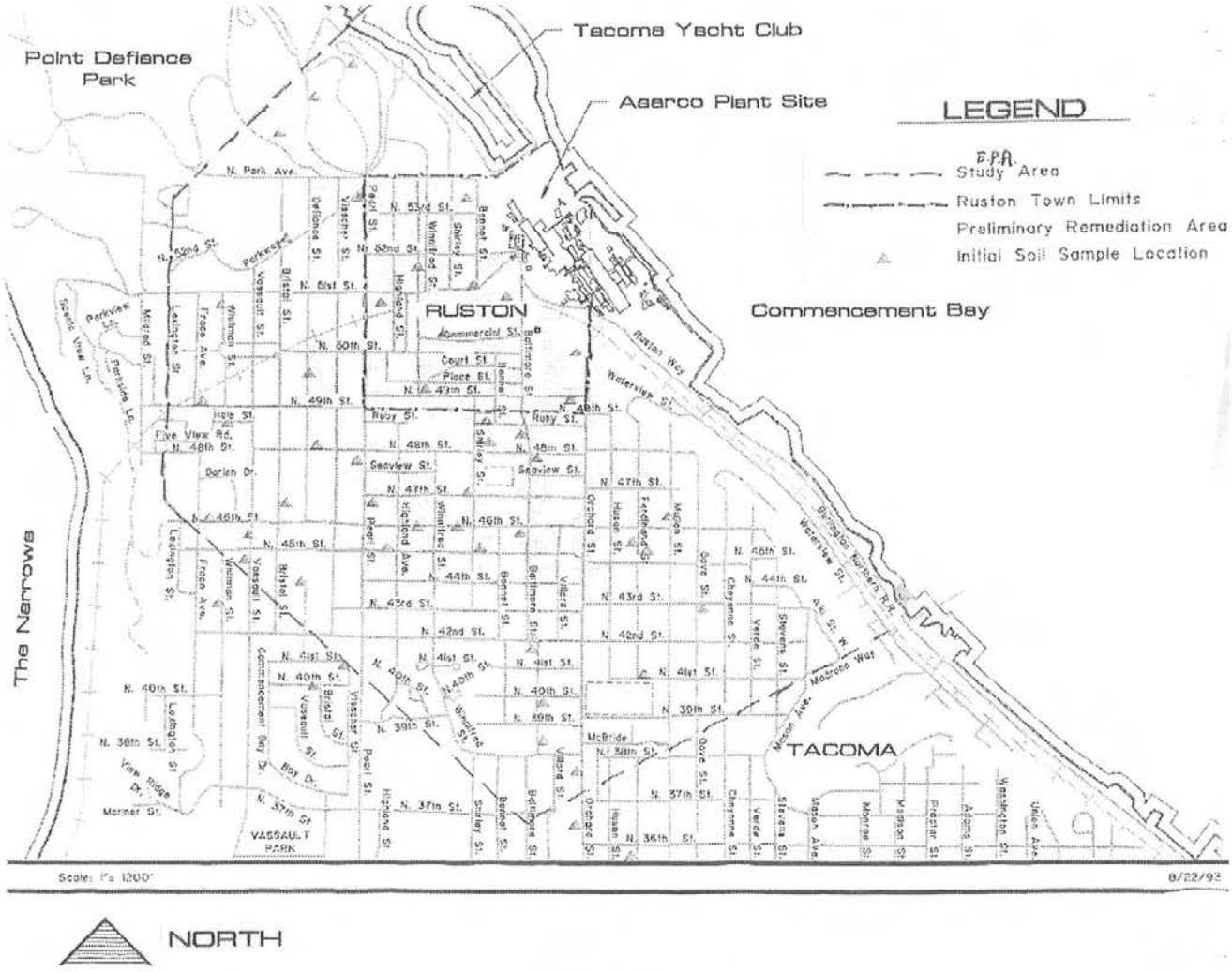

Figure 11

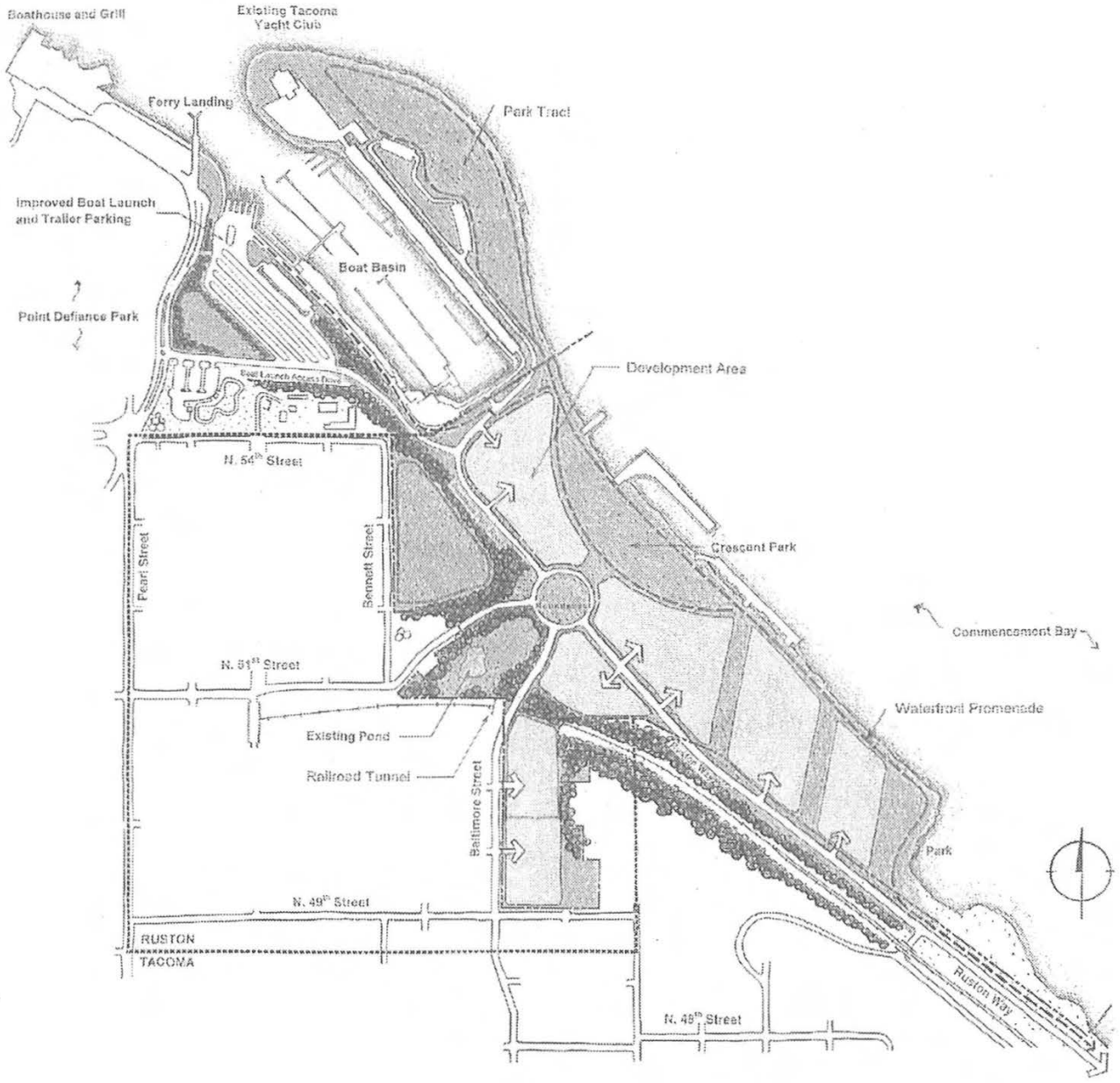
Boathouse and Grill
Existing Tacoma Yacht Club
Ferry Landing
Park Tract
Improved Boat Launch and Trailer Parking
Boat Basin
Point Defiance Park
Development Area
N. 54th Street
Pearl Street
Bennett Street
Crescent Park
Commencement Bay
N. 51st Street
Waterfront Promenade
Existing Pond
Railroad Tunnel
Baltimore Street
Park
N. 49th Street
RUSTON
TACOMA
Ruston Way
N. 46th Street
ASARCO MASTER DEVELOPMENT PLAN
PLAN DEFINITION REPORT
SCHEME: G 2.1:
BENNETT STREET PROMONTORY
0 200 400 800
Scale in feet
Issued June 1996
Merrill + Pardini
Sasaki Associates

Figure 12

left on the property. "For years the city of Tacoma has been working to dispel an unflattering image of us as polluted, smelly industrial backwater," she said. "We must not jeopardize the economic rejuvenation of our community in order to save a few cleanup dollars."[72]

Despite the public debate, everyone agreed that this site on the shore of Commencement Bay held unique opportunities for reuse. With dissension prevalent, the EPA once again asked for public input. The EPA suggested that Asarco meet with local jurisdictions to see if an agreement could be reached for future development of the property. Asarco could then focus its cleanup proposal for future potential uses. The approach was unique at the time, and reflected a growing concern of industrial communities across the nation. These communities had discovered that as the Superfund program had matured, the initial focus had been on the environmental requirements alone. This single-minded focus often made reuse of the property difficult. New businesses were reluctant to locate new industry on these sites because of liability concerns, and because new construction would mean an expensive reworking of any fix that had been performed on the property.

The process for Ruston and Tacoma began in late 1993 with a series of public workshops. Planners asked more than 1200 people to share their dreams about what they wanted on the former smelter site. Those brainstorming sessions evolved into a dozen land use alternatives ranging from full industrial use to exclusively public parks, with many variations in between. The consensus-building process forged an understanding between many diverse groups as they evaluated these alternatives and explored the complexities and tradeoffs of these decisions. A third series of workshops produced a mixed-use alternative that gained public approval (Figure 12). This plan included on-site burial of soils with the highest metal content and capping the slag in place. But the EPA suggested a plan that relied on soil treatment and had an estimated cost of $73.4 million. Asarco, with community support, responded with a $45.3 million plan. The company agreed to put some of the savings into infrastructure improvements to enhance reuse of the site. The plan won EPA approval in 1995 after generating more than 1,000 community comments.[73]

"Its about time Tacoma got its act together. This is the only thing Asarco could do," claimed local Sierra Club activist Cheryl Miller.[74] Tacoma councilman Paul Miller said, "the city hasn't caved in to Asarco's insistence that the dirt be buried on the site. Instead he characterized the agreement as a compromise: Asarco gets a less costly clean up and the city gets parks and attractive waterfront development."[75] The *Tacoma News Tribune* editorial staff agreed: "this agreement sets in motion what is likely to be regarded as one of Tacoma's great civic achievement of the 1990's."[76] The eventual success of this project attracted interest from communities and advocacy groups across the United States as industrial reclamation became increasingly important.

What began as a community of "fire and smoke" symbolizing the industrial age is now changing into a place where the past becomes the foundation for the future. The process has not been an easy one. Environmental regulations are not entirely positive, nor does every community welcome them. The battle fought in Ruston has taught important lessons for both environmental regulators and the citizens who experienced the impact of those regulations. This Washington community has learned how to move forward despite great odds, using the lessons from the environmental battles to build a positive future. Communities across the nation can learn from Ruston's lessons.

The passions of those who fought these battles were sincere on both sides. They brought a human dimension to the lofty ideals of the environmental movement. And in living out these new principles, the involved groups have achieved an understanding of their impacts and how to resolve the many conflicts that arise. In many ways, Ruston has been a pawn in a game much larger than its own boundaries, and it has emerged stronger for having gone through the struggle. This town carries its heritage with a strength and grace born of adversity. The future, although different than the founding fathers envisioned, is full of hope as this small town moves beyond the battles into constructive resolution.

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