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Affiliated with A.F.L.-C.I.O



815 SIXTEENTH STREET, N.W.
WASHINGTON, D.C. 20006
(202) 974-8200
(202) 974-8201 FAX
www.uwua.net

Covanta Violations of Environmental and Labour Standards in the U.S.

The Utility Workers Union of America (“UWUA”) is writing to alert the public and community leaders in Cheshire to the environmental, occupational safety, and labour record of Covanta Energy, a U.S.-based waste incineration firm.

Covanta is proposing to build and operate a 370,000 tonne-per-year incinerator in Middletown. Cheshire East Council is expected to decide whether to approve this facility sometime this summer.

While debating this important issue, we believe that citizens and public officials in Cheshire should be aware of the following facts concerning Covanta operations in the U.S.:

Environmental Standards

- ✓ In September 2008, the Massachusetts Department of Environmental Protection issued an order finding Covanta had exceeded the allowable emission rate for dioxins and furans at its incinerator in Pittsfield, Massachusetts by nearly 350%, according to tests conducted in November and December 2007. The World Health Organization classifies dioxin as a known human carcinogen.
- ✓ The Massachusetts regulatory agency also cited Covanta for failing to report other air quality violations at the Pittsfield facility during January, February, and March 2008, as required by environmental regulations, and imposed a U.S. \$7,653 penalty on the company.¹
- ✓ Three weeks after signing the Massachusetts order, Covanta violated the order by failing to properly operate an air quality control system for one of the boilers at the Pittsfield plant over a 16-hour period in October 2008. The agency imposed a U.S. \$1,000 penalty for the new violations.²
- ✓ In October 2008, the Pennsylvania Department of Environmental Protection fined Covanta U.S. \$45,600 for excessive emissions of toxic nickel and related compounds at its incinerator in Chester, Pennsylvania during 2006. Nickel emissions for a waste combustor at the plant were more than twice the permitted level, according to tests conducted in November 2006.³ Nickel compounds are also known human carcinogens, according to the World Health Organization.

- ✓ In August 2008, the New Jersey Department of Environmental Protection fined Covanta U.S. \$14,025 for air pollution violations at the company's Newark, N.J. incinerator between 2006 and 2008. The agency has cited the Newark incinerator – which is located in a densely populated urban area – for violating air pollution regulations every year from 2003 through 2008.⁴
- ✓ The New Jersey agency has also cited Covanta for violating air pollution regulations at the company's incinerator in Oxford, N.J. each year from 2005 through 2008,⁵ and at the incinerator operated by Covanta in Rahway, N.J. each year from 2005 through 2007.⁶

Labour Standards

- ✓ In April 2009, the U.S. Department of Labor cited Covanta for violating fire safety rules at its Rochester, Massachusetts incinerator, based on an October 2008 inspection. The unsafe conditions included improper storage of oxygen and acetylene cylinders side-by-side with no barrier between them.⁷ Fire safety rules in the U.S. require employers to store oxygen and fuel gas cylinders at least 20 feet apart, or to separate them by a non-combustible barrier at least five feet high.
- ✓ The Department of Labor had previously cited Covanta for failing to require employees fighting a fire inside the same facility in March 2007 to wear suitable protective clothing.⁸
- ✓ In May 2009, the U.S. National Labor Relations Board issued a complaint charging Covanta with maintaining illegal work rules at 46 Covanta facilities throughout the U.S. The government's complaint is scheduled for a hearing in August 2009.⁹
- ✓ In June, the Board confirmed that it has authorized another complaint against Covanta for withholding an annual bonus from employees at the Rochester plant, significantly reducing their compensation. In a February 2009 memo, Covanta explicitly linked elimination of the bonus to employees' decision to elect union representation, stating *"the corporate bonus you have received in the past is not available to employees who are in bargaining units represented by unions."*

Utility Workers Union of America Local 369 represents employees at Covanta's incinerator in Rochester, Massachusetts, USA. The company has failed to agree to a collective agreement for these employees, despite the workers having voted for union representation in May 2008. Please contact us for more information concerning our campaign for justice for Covanta employees.

References:

¹ http://www.cjcw.org/notice/Covanta_Massachusetts_environmental_violations.pdf

² http://www.cjcw.org/notice/Covanta_DEP_penalty_11-24-08.pdf

³ http://www.cjcw.org/notice/Covanta_Pennsylvania_environmental_violations.pdf

⁴ http://www.cjcw.org/notice/Covanta_NJ_Newark_env_citations.pdf

⁵ http://www.cjcw.org/notice/Covanta_NJ_Oxford_env_citations.pdf

⁶ http://www.cjcw.org/notice/Covanta_NJ_Rahway_env_citations.pdf

⁷ http://www.cjcw.org/notice/OSHA_Complaint_SEMASS.pdf

⁸ http://www.cjcw.org/notice/Covanta_safety_citation_SEMASS_fire_2007.pdf

⁹ http://www.cjcw.org/notice/NLRB_Complaint_Covanta_May21-09.pdf