

Mercury Poisoning Project

Research Associate &
Co-Principal Investigator



Arnold P. Wendroff, Ph.D.
544 Eighth Street
Brooklyn, NY 11215-4201 U.S.A.
(718) 499-8336 Tel & Fax

Department of Geology March 8, 1999

Jose E. Serrano
U.S. Congress
(Attn: Luis Torres)
890 Grand Concourse
Bronx, NY 10451-2828

Dear Congressman Serrano,

The article "Garbage Transfer Stations Face Civil Rights Inquiry: U.S. Looks at Concentration in South Bronx," in the *New York Times* (March 7, 1999) illustrates Government's double standard in addressing environmental justice concerns. The issue of whether garbage transfer stations pose disproportionate health threats (such as "asthma, respiratory infections and other illnesses") to nearby minority communities is being examined, because of the community outrage factor expressed by Congressman Jose E. Serrano.

"In December, Mr. Serrano filed a formal request with the E.P.A., asking the agency to look into whether the approximately 35 garbage transfer stations in those [South Bronx] communities, which have more than 95 percent black or Hispanic residents, have affected the health of residents."

In a letter dated May 20, 1997 I wrote to you to "alert you to an environmental health threat which poses a special threat to Hispanic communities ... It is a real, but unrecognized epidemic of mercury poisoning, arising from the use of mercury (azogue) in homes." I followed up with a long telephone conversation with your staffer, Nadine Berg, on June 3, 1997. There was no further response from your office to the issue I raised.

In a letter published in the January 1996 issue of the *American Journal of Public Health*, Drs. Luis H. Zayas and Philip O. Ozuah, researchers at Montefiore Medical Center, Bronx New York found that 38 botanicas in the Bronx were selling unlabeled mercury to an overwhelmingly Hispanic clientele. They found that "sprinkling mercury in the home is a... common use." Zayas and Ozuah wrote that "the manner of use may create situations of constant exposure to potentially high levels of mercury in the immediate atmosphere." They suggested that "nonadherents [of Caribbean spiritual belief systems] may be exposed unwittingly to mercury poisoning by residing in homes previously inhabited by mercury-sprinkling tenants." They warned that "because of mercury's neurobehavioral effects, pediatricians, psychiatrists, and learning specialists should be alert to its potential presence in children."

Zayas and Ozuah's research suggested that the botanicas they surveyed sold some 47,000 (9 gram mean weight) units of mercury per year, almost half a ton of mercury! Almost 30 percent of the ritual experts they queried recommended that mercury be sprinkled in homes.

On July 23, 1997 Dr. Clyde Johnson, a Professor at Hostos Community College in the Bronx, released a study of mercury use in the Bronx neighborhoods of High Bridge, Morris Heights, Concourse

Village, Mott Haven, Longwood and East Crotona Park; as well as in three neighborhoods in northern Manhattan and one in Brooklyn. He found that of 203 Caribbean and Latin American adults interviewed, 44 percent of the Caribbeans (mostly of Puerto Rican and Dominican extraction), and 27 percent of the Latin Americans "stated that mercury is used in their homes, cars or carried on their person."

Dr. Johnson raised "some immediate Public Health and environmental concerns," such as that "frequent mercury users are most certainly receiving very high and continuous doses" of mercury in their homes. He stated that as "researchers believe that the residence life of elemental mercury in indoor air is much longer than one year; when a mercury user vacates the property, the new occupants are unwittingly exposed to mercury for many months."

On May 5, 1997 Congresswoman Nydia Velasquez of New York, wrote to her colleague Representative Henry Waxman of California. Representative Velasquez stated that "According to Dr. Wendroff, the EPA has the authority to regulate the sale and use of mercury for domestic use under the Toxic Substances Control Act, but to date has not used its authority to mitigate this disturbing hazard. Furthermore, Dr. Wendroff informs me that 90% of mercury sold for these [magico-religious] purposes bears no label, and thus violates the Consumer Product Safety Commission's regulations mandating that all toxic substances bear identification and warning labels."

On August 2, 1997 the *New York Times* published a letter of mine entitled "Ritual Poisons." I wrote that "An "environmental catastrophe" ... is silently occurring in the United States. Each year, tens of thousands of Caribbean and Hispanic people are exposed to toxic levels of mercury in religious uses, which include sprinkling it on floors and giving it to infants to ingest. ... There is an urgent need for clinical investigation and for a decontamination program for polluted homes."

At this time, there is an urgent need for leadership on this issue. I am currently working with N.Y.S. Assemblyman Felix Ortiz to obtain the resources necessary to address it. Perhaps your joint efforts can form the nucleus of a collaboration to secure the necessary appropriations and technical resources. I've enclosed a letter to Representative Nydia Velasquez, whose staffers I've met with. She would be another member of the coalition. I hope that this letter and the enclosed literature will convince you to give the presence of **mercury in** Hispanic and Caribbean homes the same sort of attention as you've given to **garbage outside** their homes.

Sincerely yours,

enc.

cc: Assemblyman Felix Ortiz
Representative Nydia Velasquez
Representative Anthony Weiner
EPA Regional Administrator Jeanne Fox
White House Council on Environmental Quality
U.S. Justice Department, Lois J. Schiffer

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Department of Geology March 8, 1999

Lois J. Shiffer, Esq.
Associate Attorney General
Environmental & Natural Resource Division
Department of Justice
950 Pennsylvania Avenue, N.W. (Room 2718)
Washington, DC 20530

Dear Associate Attorney General Shiffer,

I spoke with a colleague of yours earlier today, who suggested I write to you concerning the environmental justice aspects of magico-religious mercury use in the Bronx, NY as well as elsewhere in the USA.

I had contacted your office apropos of the "Civil Rights Inquiry: U.S. Looks into [garbage transfer stations] in South Bronx" as reported in this Sunday's *New York Times*. I suggest that a similar inquiry be launched into a far more problematic environmental health problem facing the South Bronx. This is the continuing illegal sale of unlabeled elemental mercury by some 40-odd botanicas in the Bronx, and the use of this mercury in ways certain to contaminate dwellings with toxic levels of mercury, and result in mercury absorption by their occupants. My colleagues and I believe that these exposures are causing an epidemic of neurodevelopmental deficits in these exposed populations.

In the past two years, we have been awarded two EPA Environmental Justice grants, (of \$20,000 and \$82,400) to investigate and address magico-religious mercury exposures in Brooklyn and Queens. We believe that here is much more for EPA and other agencies to do in addressing this issue. As we wrote in our successful EPA grant application (copy enclosed):

We contend that these inactions on the part of City, State, and Federal agencies, all of whom share responsibility for safeguarding the community's environmental health, constitute unfair treatment of the Hispanic and Caribbean racial, ethnic and socioeconomic groups which are most affected by domestic mercury exposure. It is apparent that the "execution of [these] federal, state, [and] local ... programs and policies" regarding Hg sale, Hg use and Hg disposal, and their environmental health effects, constitute a significant environmental injustice. NY City, NY State and Federal governments have failed in their responsibilities to protect these communities from environmental Hg exposure, and this governmental inaction has allowed Caribbean and Hispanic groups to suffer a disproportionate share of the negative environmental consequences of the commercial operations of wholesale and retail botanicas. It seems evident that the question raised by NEJAC in 1996, as to "where the responsibility lies within the federal agencies to address this issue," has yet to be adequately addressed."

I ask your office to investigate the civil rights infringements and environmental justice violations of the continued sales of unlabeled mercury by botanicas in the Bronx, including the adverse health effects produced by these illegal sales.

The enclosed literature provides details of what is known of magico-religious mercury use, and what needs to be done to address it. Thanks in advance for your interest and cooperation in this matter. I look forward to your response.

Sincerely yours,

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enc.

cc: Representative Jose Serrano
Assemblyman Felix Ortiz
EPA Regional Administrator Jeanne Fox
White House Council on Environmental Quality

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