

Why ASARCO?

By Representative Beto O'Rourke

Some people question why the City of El Paso is so persistent and unwavering in its opposition to the renewal of the air quality permit for the Asarco copper smelter. They wonder why the City opposes Asarco but not other industrial facilities, and may even wonder if the City will oppose other industrial facilities in the future. The purpose of this article is to further explain the City's opposition to the renewal of the Asarco permit and to address why Asarco is different than other industrial corporate citizens of El Paso.

Many people may remember that at one time Asarco was a large employer in El Paso and others have seen Asarco's recent ads about the potential economic impact that reopening the Asarco smelter may have on El Paso. While Asarco was an integral part of El Paso's past, it is not part of a modern, dynamic, and growing El Paso. The City wants to be perfectly clear with its citizens: Operation of a copper smelter within the City poses an unacceptable environmental risk and health threat to our community. The Asarco copper smelter will emit significant quantities of lead, arsenic, sulfur dioxide, and particulate matter into the air that we and our children breathe. How much is "significant"? Read on.

The world has changed dramatically in the past few decades, and one of the most important changes is our understanding of the environment we live in. Until about the 1970s, we all burned leaded gasoline in our automobiles. For many years, few people understood the environmental and health impacts that lead emissions from cars were having on our society, and especially our children, until studies were conducted here in El Paso and around the country. The medical community made what was then a startling discovery about the impacts of lead exposure, especially on the development of children, and Congress acted quickly to eliminate leaded gasoline.

Sources of lead exposure have continued to be eliminated. For example, as in the news most recently, lead paint is no longer to be used on children's toys because of the known health impacts. Why then should a vital and healthy community such as El Paso have a significant source of lead emissions in the heart of the City? The City does not believe that the citizens, and especially the children, of El Paso should once again be subject to the detrimental health impacts caused by the emissions from the Asarco copper smelter.

There are many reasons why the City opposes Asarco's operations but not the operation of other industrial facilities in El Paso, and only a few will be addressed here. All of the reasons are related to the unique health and environmental threats that are associated with the operation of a copper smelter. The Asarco copper smelter would emit a host of contaminants into the air, including high levels of metals, some of which are highly toxic. The metals most often cited as sources of concern from the Asarco copper smelter are arsenic and lead.

The amount of lead and arsenic that Asarco will emit into the air of El Paso must be put into perspective. The U.S. Environmental Protection Agency (EPA) requires facilities to report

the amount of certain toxic pollutants, including lead and arsenic, emitted into the environment on an annual basis.

Under EPA rules some companies report emissions of “lead” and others report emissions of “lead compounds.” Lead compounds include lead and the weight of other chemicals in the compound. For 2005, the most recent reporting year, EPA data indicate the highest level of lead emitted into the air in the United States was 4.3 tons by a plant located in Tazewell, Illinois. The highest level of lead emitted into the air by any facility in Texas was 2.2 tons by a facility in Tyler. Currently the highest level of lead emitted into the air by any facility in El Paso County is 0.6 tons per year.

In stark contrast, the Asarco permit would allow its copper smelter in El Paso to emit 4.7 tons of lead into the El Paso air annually. When considering facilities that report emissions of lead, El Paso would potentially have the distinction of being home to the facility with the highest level of lead emissions in the United States. Even when compared to facilities that report lead and/or lead compound emissions, the emissions from Asarco would place it as the seventh highest lead emitter in the country and second highest in Texas—second only to the Asarco facility in Amarillo. This coupled with the historic Smelertown situation, the high levels of blood lead found in children in the 1970s, and the on-going cleanup of lead contaminated yards in our community—all resulting from Asarco’s operations—would not only protract and exacerbate a health threat legacy that we would all like to see end, but would clearly make any company or any person think twice about locating in El Paso.

What is even more disturbing about the Asarco emissions is that the 4.7 tons per year figure does not appear to include all of the lead emissions from the Asarco copper smelter. Further, Asarco does not actually measure the level of lead emissions from the copper smelter. In other words, the 4.7 tons per year is an estimated number, and neither Asarco nor the Texas Commission on Environmental Quality (TCEQ) nor any of us living in El Paso will know how much lead is actually being emitted into our air by the Asarco copper smelter. The week of October 21 happens to be National Lead Poisoning Prevention Week, and more information about the concerns with lead poisoning can be found at <http://www.cdc.gov/nceh/lead/events/NLPPW/leadweek2007.htm>

As for arsenic, the highest level of arsenic emitted into the air in 2005 in the United States was by a plant in Shelby, Tennessee, which emitted 1.28 tons. The highest level of arsenic compounds emitted in the United States in 2005 was 2.7 tons. The highest level of arsenic emitted by any facility in Texas was 0.007 tons per year, in Frisco. Currently there are no facilities in El Paso County that report emissions of arsenic. It is difficult to determine exactly how much arsenic Asarco’s copper smelter would emit into the air because there is no arsenic limit in its permit. However, during the time of Asarco’s permitted operation in the 1990s, Asarco reported varying annual arsenic emission levels from 0.28 to 2.69 tons per year.

Asarco would also emit 6,673 tons per year of sulfur dioxide into the El Paso air. Currently the highest annual emissions of sulfur dioxide by any facility in El Paso is less than 550 tons. Additionally, Asarco would emit 470 tons per year of particulate matter into the El Paso air. Currently the highest annual emissions by any facility in El Paso is 203 tons.

Therefore, the primary concern the City has with Asarco restarting is that it will subject the City to a significant amount of additional contaminants in the air, many of them toxic chemicals. Asarco will instantly and significantly increase sulfur dioxide, particulate matter, lead, and arsenic emissions into our community's air. The City has other significant concerns about the Asarco operations related to its compliance history and the enforceability of its permit; however, the emissions concerns by themselves warrant opposition to the Asarco permit renewal as compared to other industries in El Paso.

Cleanup of over a thousand residential yards in the El Paso area, which EPA determined had been contaminated with arsenic and lead by Asarco's past operations, is nearing completion. If the Asarco copper smelter is allowed to reopen, the emission of these pollutants will begin again, and over the years, residential and business properties in El Paso may again become contaminated. In cases such as this, where the source of the contamination can be identified before it even occurs, we should not allow it to happen. There is no reason, economic or otherwise, to allow Asarco to reopen and begin negatively impacting the environment and the health of El Pasoans again.

While the City has real environmental and health based reasons for its opposition to the Asarco copper smelter, Asarco has gone so far as to make the preposterous claim that the City only opposes renewal of its air quality permit because the City "wants Asarco's property." Nothing could be further from the truth. The City is opposed to the reopening of the copper smelter for the reasons already discussed, and any suggestion that the City wants Asarco's property is baseless and a fabrication on the part of Asarco. Anyone familiar with industrial facilities in general, and Asarco's operations in particular, understands that the Asarco property is a huge environmental liability. For over one hundred years, Asarco has been dumping slag and other waste material onto its property. Because of Asarco's current bankruptcy status, the City has been and continues to be concerned that the local community will be stuck with a Superfund site, like many other communities around the country where Asarco facilities were once located. For this reason and in an attempt to determine whether there was an amicable way to resolve the Asarco situation, the City spoke to developers to learn whether there was any interest in entering into a transaction with Asarco to redevelop the Asarco property as a Brownfields site. In January 2007, the City informed Asarco that developers were interested in conducting a site visit, and Asarco representatives themselves knowingly gave the developers a tour of the Asarco property in El Paso. The developers were advised by the City to direct proposals for redevelopment directly to Asarco. Thus, it was clearly a ridiculous claim several months later when Asarco asserted it was not aware that the City was talking to developers about the property. Asarco was aware of the discussions and had even given a site tour to those same developers.

In summary, the City of El Paso is passionately dedicated to the long-term safety of its citizens and the economic viability of the El Paso area. If the Asarco copper smelter were to restart today, we do not know what the immediate health impacts would be. For sensitive members of our community, such as children and the elderly, the increased levels of certain pollutants could have immediate health impacts. This is not baseless speculation by the City. Asarco's own modeling shows that contaminant levels will exceed federal national health

standards at the location of at least one air quality monitor if the smelter is operating. The City of El Paso and the New Mexico Environment Department have raised this as a significant shortcoming in the TCEQ Executive Director's review regarding the impacts of the Asarco emissions.

The greater concern with Asarco's operation is the long-term impact. Arsenic and lead are both pollutants that cause long-term health effects, meaning that the serious health effects occur due to long-term exposure to these toxic metals. The citizens of El Paso and our neighbors in New Mexico and across the border in Mexico will be exposed to these emissions of lead, arsenic, and other pollutants year after year after year if the Asarco copper smelter is allowed to reopen. For all of these reasons, the City of El Paso will continue its persistent opposition to the renewal of Asarco's air quality permit and its unwavering duty to safeguard the citizens of El Paso.