

by david steinman

Barry Groveman's Mission



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Barry Groveman, "Raider of the Lost Sludge."

When Proposition 65, the Safe Drinking Water and Toxics Enforcement Act, was overwhelmingly approved by California voters in November, it was in part because of the backing of a galaxy of liberal Hollywood stars. But the real star of Prop. 65's success is Barry Groveman, former head of the L.A. City Attorney's Toxic Waste Strike Force and primary writer of the proposition's strong anti-polluter regulations. The law, which went into effect in January, mandates that the governor annually publish a list of chemicals known to cause cancer and birth defects, and provide consumers with warnings about which products contain these chemicals. (Prop. 65 opponent George Deukmejian has already worked to undermine the law, noting only 29 chemicals as toxic — out of 200 known carcinogens — on his first toxics list.) But most important, the law gives citizens' groups the power to file suit against toxic polluters and, if they win, collect as damages a portion of the fines.

Just 33, Groveman has been the state's most effective anti-pollution enforcer since becoming a deputy city attorney in 1979. One of his first cases, *People vs. Hope Plastics* in 1980, was the first criminal hazardous-waste case ever filed in California. Groveman was put on the case after police informed the city attorney's office that neighbors of the North Hollywood-based manufacturer had complained of fumes. Groveman's investigation determined that Hope had been dumping toluene and butylcellosolve, two highly toxic organic solvents, in the neighborhood. Groveman pushed for prosecution under the newly enacted state Hazardous Waste Control Act, and Hope Plastics was convicted and fined \$10,000. It was then that Groveman set out to form the Toxic Waste Strike Force.

"I wanted to build the equivalent of an environmental SWAT team," says Groveman in the Wilshire offices of his recently formed environmental law firm. "At that point, there were many agencies that were involved in regulating illegal toxic waste disposal. But midnight dumping was prevalent because the agencies were so disorganized and the industry was left pretty much to monitor itself. I wanted criminally intentful corporate officers to spend time in jail, so they could associate the slamming of the jail door with the violent act of midnight dumping. But it was a very ambitious

task; many of the criminals were pillars of the community."

Groveman formed the Toxic Strike Force in 1982 "without a nickel in funding." Later that year, using sophisticated auditing, monitoring and surveillance methods, Groveman discovered that the Aaro battery recycling company in South Central L.A. was dumping thousands of gallons of acid into the city sewers. A 25-member investigative team, including motorcycle and helicopter police units, then converged upon the Aaro facility, marking the strike force's first successful raid.

"A guy was holding a hose and emptying thousands of gallons of lead acid into the sewer drain," recalls Groveman. "We caught them with their pants down and their hoses out; we built a slam-dunk case against them."

Indeed, Aaro's president was sentenced to a month in County Jail. The following year, Groveman not only got six-month sentences for officers of an Elysian Park company, but forced them to take out a full-page ad in the *L.A. Times* that told readers, "The illegal disposal of toxic waste will result in jail. We should know. We got caught. While you read this ad, we are in jail." And in the crowning achievement of his Strike Force career, Groveman sent the president of Hollywood-based Culligan Water Company to prison for three months. It was the first time in America that the president of a major corporation served time for toxic crimes, earning Groveman's Strike Force the nickname "Raiders of the Lost Sludge." (In his three-year career as head of the force, Groveman sent a total of 25 corporate officers to jail, with an overall conviction record of 100 percent.)

Groveman's work earned him accolades even from some of his legal opponents. Says Chuck Vogel, an environmental attorney who once represented a company that eventually paid a \$150,000 fine in settlement of midnight dumping charges brought by Groveman, "He is very well informed and a tenacious advocate of the rights of the people."

"My campaign was not against business," asserts Groveman, "but against intentional acts of violence. These people were not ordinary businessmen; they were violent criminals."

Last June, Groveman took a leave of absence from the DA's office to write Prop. 65. With the help of financial backing from Campaign California, Alan Cranston and liberal Hollywood activists, the initiative qualified for the ballot and gained immediate support. It was approved by more than 60 percent of state voters on Nov. 4. The following day, Groveman tendered his resignation from the DA and opened his environmental law firm (Groveman and Young), his passion to keep California's water clean made even greater by the initiative's success.

"By the state's own admission, 17 percent of the drinking water throughout the state is contaminated with man-made chemicals," he says. "I know that percentage is actually higher, but even 17 percent is enough to scare the hell out of us. I am not saying that corporate profits should be ignored, but how dare we consider corporate profits in the same equation as public health?" ■