

'We have to treat them like criminals'

Environmental crusader bags polluters

BY MICHAEL KEATING

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The man who sent a chill through California boardrooms by helping to send company presidents to jail for polluting offered yesterday to help Ontario do the same thing.

"I can guarantee that this city has very serious problems," Barry Groveman, creator of the Los Angeles Toxic Waste Strike Force, said in an interview at the downtown Toronto offices of the Canadian Environmental Law Association. Toronto, he added, is no different from Los Angeles or any other industrial city.

In each city, he said, a small but dangerous percentage of business leaders are willing to risk the environment and public health by secretly and illegally dumping wastes that can cause cancer, birth defects or even major explosions.

"We have to get tough and treat them like criminals and put them in jail," Mr. Groveman said.

25 executives jailed

"I am responsible for over 25 top corporate officers being sent to jail for 30 days to 2½ years," he said, adding that he helped send the first corporate president in California, and possibly the United States, to jail for pollution.

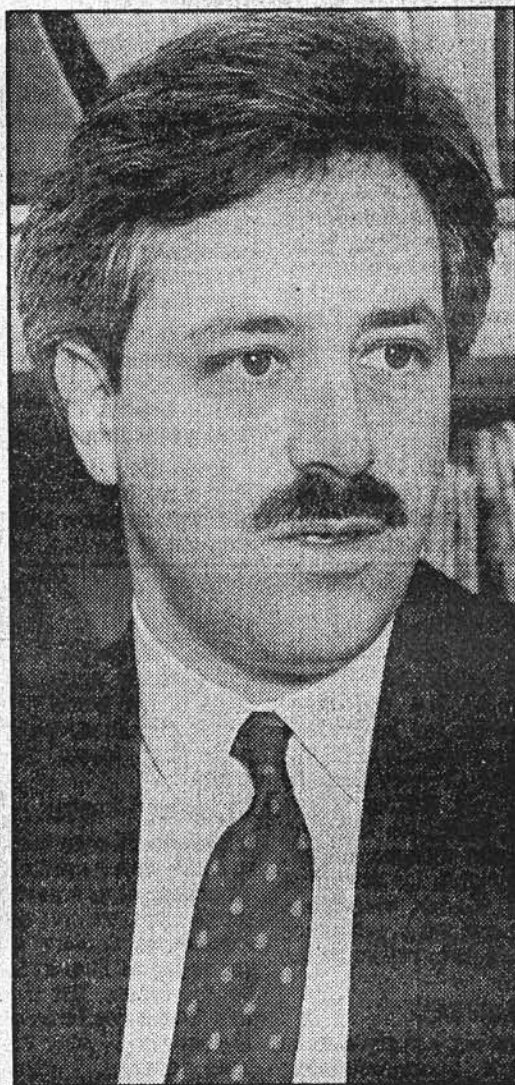
Bagging local polluters won Mr. Groveman international fame, but he believes that too many environmental bureaucrats are still too cozy with the polluters. As a result, he has set up a mobile institute to train other toxic waste strike forces.

Mr. Groveman said that, for the price of plane tickets and expenses, he and two or three other volunteers will donate their time to show Ontario's Environment Ministry how a strike force works. They would spend a couple of weeks, if necessary, to launch a prosecution.

Toby Vigod, a lawyer with the Canadian Environmental Law Association, which brought Mr. Groveman to Toronto, said 11,000 Ontario industries are dumping chemicals into the province's sewers. In some cases, she said, "people are dumping toxic chemicals down our sewers."

Mr. Groveman said that, when he started to handle pollution cases a decade ago, he was horrified by the "violent crimes against the community."

The strike force he formed in 1982 found one company dumping gasoline down sewers, forcing the removal of 300 people after flames



Barry Groveman The Globe and Mail

started shooting out of sinks and toilets. "They could have killed hundreds of people," he said.

In another case, he said, a major industry was found to be pouring cyanide wastes into local rivers.

Local environment officials had little success in winning big fines with small investigations.

Mr. Groveman put together an environmental SWAT team that included environment and health officials.

They hovered over polluters in helicopters, searching for telltale streams of pollution entering the water. They then crawled up sewers to install monitoring equipment that would record the illegal dumping. Finally, they marched on to company property with as many as 80 investigators snapping photographs, taking chemical samples and seizing corporate records.

Mr. Groveman, who now is an environmental lawyer in private practice, said that only 1 per cent or so of business leaders are deliberate polluters. But they do a lot of damage and "jail is the only effective deterrent," he said.

He said most corporations support his work and have supplied him with some of the tips that have sent their competitors to jail.

Since he left the strike force, Mr. Groveman has been trying to change the system so that even more polluters will have to clean up or face jail.

Direct action favored

He helped to get a tough new California law, known as Proposition 65, voted into force recently. It will require companies to notify people of exposure to toxic chemicals and will fine them heavily if they dump listed toxins into drinking water sources.

He wants to get a similar law passed against the deliberate dumping of toxic air pollutants. He also favors the direct election of environmental bureaucrats to break what he considers their close ties will polluting industries.

Ron Clark, assistant director of the Ontario Environment Ministry's toxic police force, said that, although the province has not adopted the strike-force approach, it has increased the number of prosecutions.

In June, 1985, the ministry went to a 63-member investigations and enforcement branch from a 13-member special investigations unit. In its last year as a small unit, it had 54 prosecutions, but Mr. Clark said he expects the new group will average more than 200 a year.

In December, the Legislature passed a new penalties bill that allows for a much greater possibility of jail sentences and boosts fines to as much as \$500,000 a day.

Sarah Miller of the Canadian Environmental Law Association said, however, she hopes Ontario "will get beyond talking tough." She said the province has yet to send a polluter to jail.