



# Save the Pine Bush

## July/August Newsletter

Jul/Aug No. 154 • 223 S. Swan St., Albany, NY 12202 • email pinebush@mac.com • phone 518-366-7324 • web www.savethepinebush.org • Circ. 625

### *No Virtual Meetings in July and August*

## Dinner Update

We all miss Adam and Jhem's delicious vegetarian/vegan with gluten-free options lasagna, salad and garlic bread. We all miss Pat Phelan's wonderful dessert treats. And, we all miss getting together and seeing each other.

This pandemic is not what any of us expected or wanted. We want things to go back to "normal"! However, that will not be happening for a while. It appears the most efficient way to transmit this deadly novel coronavirus is to gather inside for long periods of time and talk. Which, unfortunately, is exactly what we do for our lasagna dinners!

We are going to take the summer off from meetings. There will be no virtual meetings in July or August. Or meetings in person.

Please note in your calendars our plans for the fall. We will plan to have virtual meetings in September, October and November. Email your ideas for a December virtual meeting! By the end of the year, we should know whether or not in-person lasagna dinners will be possible beginning in January.



### **No Save Pine Bush Hike**

However, the Pine Bush is open for social distancing hikes and walks. The Discovery Center and outdoor rest rooms are closed. But, the ecosystem is open to visitors. Please practice social distancing, and take precautions for ticks, and enjoy the great outdoors!

[www.savethepinebush.org](http://www.savethepinebush.org)

### **Judith Enck Speaks About Cleaning the Air**

*by Tom Ellis*

ONLINE: Long-time local environmental leader and former U.S. Environmental Protection Agency regional administrator Judith Enck spoke on "Cleaning the Air" at the June 17 Virtual Vegetarian/Vegan Lasagna Dinner. Judith spoke primarily about Lafarge and Norlite.

She began with the state-owned ANSWERS trash incinerator that operated, with high lead and dioxin emissions, in Albany during the 1980s and 1990s. Judith said SPB members Rezsini and Ted Adams, and John Wolcott played a large role in closing it. After black soot fell twice [in early January, 1994] on freshly fallen snow and much of downtown Albany including the Governor's Mansion, now-retired NYS DEC (Department of Environmental Conservation) wildlife pathologist, Ward Stone, took samples, quickly leading to the incinerator's permanent closure.

Judith said there are two serious air pollution threats to the capital district today: Lafarge

*continued on page 2*

### **Bats in the Unprotected Pine Bush of Guilderland:**

### **Facing tremendous obstacles, bringing many gifts**

*By Grace Nichols*

Albany County is home to many bats, from the rare Myotis genus species, so vulnerable to White-nose syndrome for which we were a ground zero, to the more common Large Brown Bat, Hoary Bats, Red bats, Silver-haired Bats and Tri-colored bats. They come in a variety of sizes and colors and they are agile flyers, plucking insects from the air, hunting with both eyesight and special echolocation, using calls far above the frequency of sounds audible to the human ear.

I like to think of them out there wheeling about in the night sky, having their own purposes, thoughts and hunting strategies; their own customs and ways of life.

I am somewhat familiar with the myotis

*continued on page 2*

## ***Judith Enck continued from page 1***

on Route 9W in Coeymans and Norlite in Cohoes. Judith said that passage of Local Law B by the Albany County Legislature (ACL) would deal effectively with both Lafarge and Norlite. She urged listeners to contact their county legislators urging passage of Local Law B and ask friends to do the same.

Lafarge, Judith said, is one of two cement plants in NYS, and has historically been a major polluter, especially of mercury. Despite the facility being largely upgraded when rebuilt during the past decade, in response to an EPA law suit, Lafarge had more than 2700 tons of air emissions in 2018. Thus Lafarge remains a major air polluter.

Lafarge desires to replace some of its coal fuel with tires to increase profits. DEC has approved the tire burning without requiring preparation of any environmental impact statement. Lafarge is located directly across Route 9W from two public schools.

Judith said Mike Ewall of the Energy Justice Network learned in December 2017 that Connecticut was planning to burn 1/3 of its garbage at Lafarge. Lafarge denied it, but Judith had documents. The Coeymans Town Board quickly blocked the trash burning. The Albany County Legislature is now considering Local Law B to assure no tire burning. It is sponsored by legislators Reinhardt, Cunningham, Miller, and Simpson.

Turning to Norlite, Judith said that in February, she learned Norlite had been burning highly toxic PFAS/AFFF firefighting foam that is used to put out fires. Norlite was one of four businesses nationwide that had contracts with the US Department of Defense to burn (destroy) the fire suppressant materials. The public had not been informed; nor was there any environmental review when two-million pounds were burned in 2018-2019. Judith said there is no data establishing that the AFFF is completely destroyed during combustion.

Judith said soil and water tests conducted by Bennington College and released in April found PFAS chemicals in the soil and water downwind from Norlite. Seventy families live nearby in public housing.

Judith said Cohoes has an excellent new mayor, Bill Keeler, who led the city government to enact a one-year PFAS burning moratorium in April. In June, the NYS Assembly and Senate unanimously passed legislation (A9952 and S7880), that if signed by Governor Cuomo would permanently ban the burning of PFAS-laden firefighting foam in Cohoes. Judith said it is unknown if the governor will sign the bill after the legislature sends it to him.

Norlite and Lafarge, said Judith, are wealthy multinationals but we have the facts and people power. The Hudson and Mohawk River valleys and their residents, she said, are threatened by both corporations.

During the questions and comments, Judith said people may wish to try to personally lobby the governor as he walks his dog in the Mansion Neighborhood. She said few people contact their county legislators; thus if we did, it might impact their views and votes.

She said DEC responded to Bennington College's soil and water tests saying it would not conduct any. DEC allowed two years of test burning of the PFAS/AFFF without any test burn, she said, and the worst thing to do with firefighting materials is to burn them in part because they are difficult to burn.

I mentioned that during the past twenty years the U.S. Military often burned discarded materials of all types in open pits in Iraq not far from where US soldiers were stationed, and this may be a partial cause of the Gulf War illnesses that plague large numbers of US veterans.

Additional notes: The county legislature will hold a Tuesday, July 28 public hearing on proposed Local Law B and vote on it on Monday, August 10, at which point there would also be one-hour of public comment. These are likely to be virtual events. The legislature has not met in person since March.

## ***Bats continued from page 1***

species, Little Brown Bat, which gathers in a maternal colony in a barn at Five Rivers Educational Center, swooping out into the night sky, chasing mosquitos and other prey in June, when citizen scientists come once a year to count them. I still remember the year that the count plummeted from the normal upwards of 400, down to 43 individuals. I cried. Later, we realized that the decline was one of the first pieces of conservation data pointing to the wildlife emergency caused by *Geomyces Destructans*, (now renamed *Pseudogymnoascus destructans*), a fungus lethal to many bats. The fungus was characterized by science conducted by the Wildlife Pathology Unit in Delmar, NY. (Current data describes Little Brown Bat population as having been reduced by 82 % overall in New York State.)

But flash forward to the current times, and bats are still in trouble. Lepidoptera, the family of species including butterflies and moths has experienced massive declines throughout its species; insect declines are impacting all genera of what were once thought to be species too numerous to impact. In fact Albany County passed the following resolution to address insect declines last year. These declines have had immediate impacts

on our splatter-free windshields and also on the ability of bats and birds to get the food they need to thrive; when animals are starving — and have low fat reserves — they tend to fall victim to an epizootic, the animal equivalent of an epidemic.

WHEREAS, Albany County has a history of protecting rare and endangered invertebrates such as the Karner Blue Butterfly, which has been brought back to healthy population from the brink of extinction, and

WHEREAS, the recent swift and dramatic global declines in insect populations forces us to face the reality that humans are entirely dependent upon pollinators in our gardens, crops, food chain and ecosystems, making it necessary to continue our commitment to their protection, and

WHEREAS, there are now eight (8) endangered species of bees in the United States, one of which, the Rusty Patched Bumblebee, was native to Albany County, and

WHEREAS, recent research data has recorded dramatic insect declines globally, estimates from one 2014 study found that three has been a forty-five percent (45%) drop in the abundance of invertebrates, a majority of which are insects

WHEREAS, neonicotinoid pesticides remain in the pollen and nectar of plants for thirty-six (36) month, causing neurotoxic effects on visiting insects, and

WHEREAS, declines of insectivorous (a diet of insects, worms and other invertebrates) birds have been documented as high as thirty-three percent (33%) decline since the 1970's, the most rapid drop in population in any bird group, and

WHEREAS, Albany County has been a leader in protecting our partners in agriculture, wildlife and conservation, now, therefore be it RESOLVED, that Albany County is hereby declared a Pollinator Friendly County,-- Albany County Resolution passed 2019

In April 2020, immersed in a pandemic and State Environmental Quality Review Hearings regarding proposed development of Pine Bush lands, a small group of Amateur Naturalists formed to take a look at the species of the as yet unprotected pine bush slated for apartment buildings, a Costco, and a gas station by the Crossgates Mall owners, Pyramid LLC. We had discussed the possibility of there being bats at Site 1, 2 and 3 of the proposed development, and found four families who live adjacent to Site 1 who had observed bats every summer for decades. Of course, we had to wonder why the Species Inventory for the land submitted to the Town of Guilderland by the Pyramid Corporations listed no bat species as being present.

So we decided to investigate. Armed with

## Brian Bush: PCBs and the Pine Bush

### Looking back at a legacy

By Emma Bush

little handheld bat detectors, we sent 6 bat observers out to hear bats on April 10th. It was a chilly night and we heard some clicks and noises on our detectors and dutifully logged them; then we came back the next week on a warmer and the detectors came alive in our hands, amplifying loud knocks and chirps and squeaks up and down the scale of kHz from 18 through 48. We were really intrigued -- and then, we started to look up and see the bats.

It's a funny thing to be out at night, under a starry sky, standing on the sidewalk or the side of the road, aiming your little machine at the woods or meadow and waiting. You often see other wildlife just cross your path as you get real quiet. Cynthia came running towards me down Gipp Road — "Grace there is a big white snake!" I went to take a look, and there on the side of the road was a garter snake, belly up, with its gleaming bluish white underbelly glowing in the moonlight — we took pictures.

So why would I, an amateur naturalist, be intrigued to see a garter snake, one of the most common species in the Northeast? Only because the species inventory for this site had announced there were no reptiles on the site, no snakes at all, was a garter snake an interesting find; if this one was on the grass next to the trees, wouldn't there be others in the 19 plus acres of this site alone? If Pyramid's surveyors could not find garter snakes, why would we believe they were truly looking for the rare hognosed snake or Eastern Worm Snake (one of which the DEC had found next to the site in the past)? We were full of questions.

As a former science teacher, there is nothing more exciting than to be out taking down data with a group of likeminded observers and see how everybody gets hushed, intent and then rushes over with their voices an octave higher than usual! I heard "Clunk, Clunk at 36 kHz... what do you think it was?" We had some charts showing the overlapping ranges of the local bat species but we knew we needed an expert to interpret the data.

Fortunately, there is a local expert named Conrad Vispo, who works as an agroecologist. He was willing to place some nifty Anabat recorders at the properties on Westmere and other sites to listen in on the bats. We waited impatiently for the copious data of sonograms which represent bat calls to be analyzed. He found that, for sure, hoary bats, large brown bats, red bats and silver-haired bats were present at the site 1 and 3. We presented his testimony to the Guilderland Town Board.

He also allowed us to go back and do some recording from our cars in the ghost neighborhood at site 2; again we found large brown bats, red bats and unusual calls that are still being analyzed. We plan to return to see if we can identify

If you are - or ever have been a regular at the Save the Pine Bush monthly dinners you probably knew Dr. Bush, my dad (he was the one who looked like Santa Claus but had an english accent). As some of you know he worked for the NYS Health Department, he was recruited in 1972 meaning he would have to move to the US from England. He spent almost 30 years not only researching PCBs, poly chlorinated biphenyls, but being at the forefront of the topic. One of his most controversial escapades was when he was unjustly expelled from his job in 1998 for political reasons and an accusation of incompetence by former Governor of New York George Pataki (R ). Dr. Bush was dragged through the mud by various media outlets in the Capital Region, which put his job in jeopardy. All of this was done to please General Electric who had a factory north of Schuylerville with which they dumped a horrific amount of PCBs in the Hudson River and refused to take responsibility for poisoning the river.

You're probably wondering what Dr. Bush did wrong to invoke the wrath of the Pataki administration, well his crime was he published an exposé revealing the actual risks of PCBs. PCBs had been a known carcinogen since 1937, though Dr Bush's research also found that it attacks the human nervous system causing minor health problems when subjects ingested it in small quantities, much like lead. Considering the PCBs originating from the GE factory on Thompson Island Pool wash over the dam in enormous quantities, equaling one metric ton per year, and evaporate into the air from the river mud - this seriously affected everyone who lived and worked in and around the Hudson River. According to GE at the time the PCBs would sink to the bottom of the river and would be harmless if left alone, this

other bats that are calling on this land.

Bat species are pollinators in the tropics where they eat fruit and in the American Southwest where they pollinate Organ Pipe Cactus and other desert species; here bats are in tune with the insects and help us keep the lid on mosquito density. They have taken a real hit from declines in their food supply, the ability of climate change to make adjustments in the distribution of flying insects and timing of insect life cycles, and they also are common casualties of wind farms which have not been sited correctly; work in ongoing to make wind farms safer for bats.

As our Naturalist Study Group continues to examine flora and fauna of the pine bush slated

was obvious propaganda which Dr. Bush stated in 1998, not to mention the flagrant disregard for the food chain, bottom feeding aquatic fauna, and natural disasters that could wash the PCBs out of Thompson Island Pool which would've been a massive public health disaster.

Dr. Bush's solution to the PCB problem was holding GE accountable for their mess and making them dredge the Hudson River, removing the contaminated mud from the river floor, which would cost GE half a billion dollars. Which is exactly what happened, in 2009. More than ten years after Dr. Bush made national headlines for his findings, GE began cleaning the river and the project was finally completed on April 11th 2019. The dredging resulted in a 96% drop in PCB sediment, a 78% drop in PCB levels in the water, and a 58% drop in PCBs levels in fish and birds whose habitats are on or in the Hudson River. Dr. Bush did not end up losing his job and retired a year later in 1999 when his fifth child was born (me).

Dr. Bush passed away on April 30th 2020, a little over a year after his project was completed and most of the PCBs were removed from the Hudson River. He was an excellent example of perseverance in times when it feels like all the odds are against you, which in this political climate is something to take inspiration from. The next time you drink tap water from the Hudson, enjoy a water based activity on the Hudson, or you are simply enjoying the atmosphere the river provides you, you have Dr. Bush to thank for the clean and safe conditions you are provided with.

Sources

*I'm Dr. Bush's daughter.*

<https://www.hudsondredging.com/river-dredging/ge-completes-dredging>

<http://www.savethepinebush.org/News/MarApr98/GEPCB.html>

for development, we get to socialize with Crossgates Security, which often comes by to say hi, as well as the deer, the plethora of birds and other wildlife which uses this land despite its proximity to businesses, highways and a gigantic mall. As we slow down, become aware, and become unexpectedly joyful with our humble neighbors of the night, we start to perceive all of suburban/urban green space as vitally alive and hungry for our respect.

Amateur Naturalists include: Cynthia Johnson, Hugh Johnson, Susan Longtin, Susan Dubois, Diana Wright, Diana Morales, Andy Arthur, Chris Kielb, Francis Magai, Wendy Dwyer and Zack.

# Regulate Toxins

by Tom Ellis

In the wake of the George Floyd murder, much has been said and written about how policing and public safety require major overhauls in the United States. The same applies to how the New York state government regulates environmental toxins. Human health and the environment are being poisoned with the support of the state environmental conservation (DEC) and health (DOH) departments.

A major aspect of the problem is that the governor appoints top staff of both agencies. These regulators are thus dependent on keeping the governor happy because he can fire them too. They either read the governor's mind or somehow figure out what he wants. The governor has said NYS is open for business. Commissioners can take a hint.

Locally we have three powerful corporations that are public health menaces. Waste Connections owns the Dunn dump in Rensselaer, located right next to a school. Lafarge owns a cement factory in Ravena, right next to two schools. Norlite owns a hazardous waste incinerator in the city of Cohoes.

Lafarge now burns coal and desires to add tires to the fuel mix in its cement kiln. Burning tires will reduce costs and increase profits. Lafarge has a history of toxic air pollution, particularly mercury. DEC has green-lighted the tire burning by not requiring preparation of an environmental impact statement.

Norlite, a subsidiary of a larger corporation, has burned hazardous wastes for decades despite many malfunctions, permit violations, and promises to do better. Norlite burned the highly toxic PFAS/AFFF in 2018-2019 without notifying the city government. DEC may have been aware of it. DEC's permitting Norlite to burn millions of

pounds of chemicals, many of them known to be hazardous, and many whose toxicity is unknown, is a giant uncontrolled experiment that puts thousands of people in Cohoes and Troy at risk.

DEC granted Dunn (Waste Connections) permits in 2012 to operate a large landfill right next to a large school. Many think doing so is insane. Rensselaer and East Greenbush residents are getting sick. DEC is working closely with dump operators to try to lessen the health and environmental impact so the dump can remain open for many more years. DEC should have never allowed the dump to be permitted, admit it made an error, and revoke the permits now.

The state health department is mostly absent from these major public health controversies. State health officials display no sense of urgency about the health of Rensselaer, East Greenbush, Cohoes, Troy, Ravena, or Coeymans residents, including children.

A 1998 DOH research study found that women living near solid waste landfills where gas escapes had a four-fold increased chance of leukemia or bladder cancer. The health department's center for environmental health director will not answer written questions from me about how DOH and DEC work together or provide any links to medical and/or scientific information about the health threat the Dunn dump poses. Health professionals are supposed to first do no harm. Health regulators should be held to the same standard.

DEC commissioners have not answered written questions about the Dunn dump I sent last fall. Both agencies have secretive decision making processes that are not accountable to anyone.

We need a much better regulatory system than we now have. Having commissioners be appointed for five-year terms whom the governor can not fire would be a possible solu-

tion. Having a panel of commissioners for each agency who meet regularly and vote in public on policy decisions, such as the state Public Service Commission does, might be worth considering. Electing a statewide public (or public health) advocate such New York City voters do, might help. Having the voters in each county elect a public advocate would help protect us. Having an inspector general for each state agency might improve regulatory transparency and oversight. Requiring the state health department create and maintain websites on environmental health issues when requested to do so would be helpful.

The state legislature needs to step in, investigate, hold hearings, and enact effective reforms. The legislature could deny to the governor the power to appoint DEC and DOH commissioners, and have a Board of Regents selected by the legislature, select the commissioners, similar to the way the Board of Regents selects the state education department commissioner.

Two things are certain: the current regulatory system does not protect the public health or environment, and the public is at great risk. DEC and DOH commissioners will never admit they are pawns of the governor; nor will they acknowledge that major environmental health decisions are, contrary to what they say, not based on science, but are political decisions protective of large corporations.

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*Next Virtual Meeting*  
*Wednesday,*  
*September 16, 2020*  
*7:00 PM*

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