

Historical Perspective

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HISTORICAL PERSPECTIVE

This historical review of events leading up to the MPRSA Section 102 ocean dumping program was compiled by the author. There is some repetition with the abbreviated material presented in the original Report to Congress, which is repeated here again for continuity.



1950s

Presidents:

Harry S. Truman April 12, 1945 – January 20, 1953

Dwight D. Eisenhower January 20, 1953 – January 20, 1961

Rocky Mountain Arsenal

As stated in the Report to Congress, portions of the South Plants were leased to private companies reportedly for the manufacture of commercial chemical products. One of these companies, Julius Hyman and Company, was purchased by Shell Chemical Company in 1952 (RMA Archives, Shell Oil, 1996).

We now know that Shell Chemical Company was working with the Army Chemical Corps to produce industrial quantities of Agent Orange. At this secret facility, the US Army Chemical Corps would not suffer public scrutiny. This would allow the facility to manufacture more product than reported, and the dioxin-contaminated still bottoms could be secretly disposed in the ocean.

Rachel Carson's Investigation

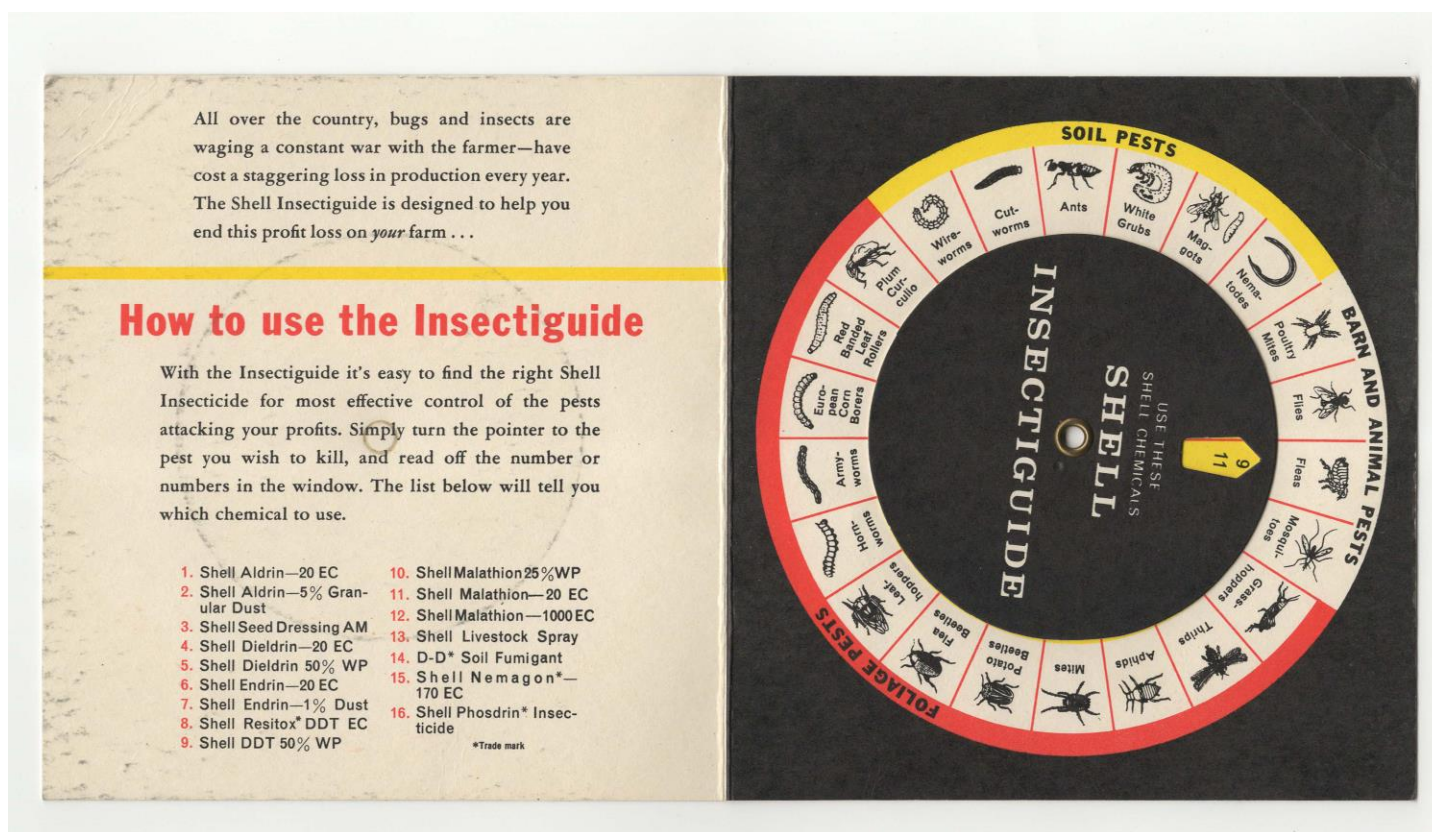
Rachel Carson's book, "Silent Spring," discussed conditions near the RMA in the late 1950s. According to Carson, a commercial plant located at the arsenal was leased to a private oil company, now known to have been Shell Chemical Company. "Even before the change in operations, however, mysterious reports had begun to come in. Farmers several miles from the plant began to report unexplained sickness among livestock, and they complained of extensive crop damage. Foliage turned yellow, plants failed to mature, and many crops were killed outright. There were reports of human illness, thought by some to be related." Carson referenced a 1959 study involving state and federal agencies to investigate groundwater in the area of the farms. The herbicide 2,4-D was detected in wells and in the holding ponds at RMA. At the time, the origin of the 2,4-D was unknown, the site history indicating that 2,4-D had not been manufactured at the arsenal at any stage of its operations. "After long and careful study, the chemists at the plant concluded that the 2,4-D had formed spontaneously in the open basins" (Carson, 1962). We now know that the groundwater contamination was due to pouring oil and still bottoms on the ground to separate solids from liquids.

US Army Acknowledgement of Dioxin

Although potential health effects of dioxin were known as early as 1949 at a Monsanto plant in Nitro, West Virginia, the US Army did not acknowledge these health effects until 1959. Dr. Friedrich Hoffman, a chemical warfare specialist and Chief of the Agents Research Branch at Edgewood Arsenal, Maryland, reported that he learned in Europe "startling information" about the toxicity of a compound he identified as dioxin. He said it has caused "several deaths of workers in the plant." Dr. Hoffman's report concluded "that dioxin should not be used for chemical warfare because it is too deadly" (New York Times, 1983).

Shell Chemical Company - Commercial Products

While Shell Chemical Company was secretly making the tactical herbicide Agent Orange at RMA, its other plants continued production of commercial chlorinated pesticides, including Aldrin, Dieldrin, Endrin, DDT, Malathion, and Phosdrin. The company also produced vinyl chloride for plastics. All of these processes generated dioxin-contaminated wastes that required disposal. One of these chemical manufacturing facilities was located at Deer Park, Texas, 14 miles southeast of Houston. The facility has access to rail and shipping docks on Buffalo Bayou, which provides access to Galveston Bay and the Gulf of Mexico.



"Insectiguide" showing which Shell Chemical Company product should be used for different types of pests. For instance, DDT and Malathion should be used to control fleas. Shell Oil Company, February 28, 1958.

Ocean Disposal of Chlorinated Hydrocarbon Wastes

Prior to 1953, process wastes from the Shell Chemical Company facility in Deer Park, Texas were incinerated, which resulted in air pollution problems. In 1953, Shell Chemical Company, with collaboration from Champion Paper and Fibre Company, engaged in ocean disposal of chlorinated hydrocarbons from the Shell Deer Park facility. Under jurisdiction of the Army Corps of Engineers (EPA, 1976), the wastes were pumped from a specially designed barge in an area located about 110 miles south of Galveston, Texas (Hood et. al., 1958). Beginning in 1958, Shell Chemical Company ran 30 to 35 barges per year, each containing 7,000 barrels of waste of which 40% was chlorinated hydrocarbons (Hann et. al. 1976). However, by the end of the 1950s, public opinion was not favorable toward ocean disposal of chemical wastes. Shell and Champion Paper needed to find another option.



1960s

Presidents:

Dwight D. Eisenhower January 20, 1953 – January 20, 1961

John F. Kennedy January 20, 1961 – November 22, 1963

Lyndon B. Johnson November 22, 1963 – January 20, 1969

Richard Nixon January 20, 1969 – August 9, 1974

Political Change

President Dwight Eisenhower's 8-year term was coming to an end in January 1961, and the petrochemical industry was concerned for what the election could bring. There was a lot at stake. Russia was threatening to install medium- and intermediate-range ballistic missiles in Cuba that could reach the entire US East Coast, and CIA operatives had already established a base in Florida. A new liberal administration might upset plans for production of tactical herbicides at RMA and the relationship between the military and Shell Chemical Company. A Republican win by Richard Nixon was expected to be favorable to the military contractors and allow operations at RMA to continue unfettered.

John F. Kennedy won the presidential election against Richard Nixon on November 8, 1960 by the thinnest of margins. Kennedy won the popular vote by 49.72%, and Nixon got 49.55%. Kennedy took office on January 20, 1961 and became the nation's 35th President. This outcome was not what the petrochemical industry had wanted, for Kennedy, a liberal Democrat from the Northeast, had no vested interest in the waste disposal problems of the Gulf region.

In his farewell speech on January 17, President Dwight Eisenhower hinted to the American public about the military-industrial complex that had evolved from the petrochemical industry's relationship with the military:

“... due to major wars since the beginning of the 20th Century, the United States was compelled to create a permanent armaments industry of vast proportions... This conjunction of an immense military establishment and a large arms industry is new in the American experience...In the councils of government, we must guard against the acquisition of unwarranted influence, whether sought or unsought, by the military-industrial

complex....largely responsible for the sweeping changes in our industrial-military posture, has been the technological revolution during recent decades... The potential for the disastrous rise of misplaced power exists and will persist.”

Operation RANCH HAND

Operation RANCH HAND, which was authorized by President Kennedy in November 1961, involved spraying of an estimated 20 million gallons of tactical herbicides in Vietnam over a ten-year period starting December 29, 1961. Tactical herbicides, primarily Agent Orange, were used to defoliate cover-providing vegetation and to deny the enemy of its food source.

Operation RANCH HAND was initiated on January 7, 1962, which involved the fixed-wing aerial spraying of tactical herbicides using Fairchild C-123 aircraft which flew in formation just above treetop level.



Fairchild C-123 aircraft deploying tactical herbicides with spray nozzles under each wing and on the underside of the fuselage. McMahan Photo Archive.

As tactical herbicides were being deployed in Vietnam, on January 20, 1962, S.H. McAllister, General Manager of Shell Chemical Company of New York, claimed in an open forum in New Orleans that “chemicals used on agricultural crops have no unfavorable side effects on human consumption” and “government regulations make the use of pesticides and insecticides on plants intended for human consumption absolutely safe.”



The Times-Picayune.

Rachel Carson and "Silent Spring"

In 1962, Rachel Carson published her now-famous book, "Silent Spring" (Carson, 1962). Carson discussed the biological effects of chlorinated pesticides, such as Aldrin, Dieldrin, Endrin, and DDT, produced by Shell Chemical Company and others, including their high toxicity and environmental persistence (the inability of the chemical to biodegrade). Carson pointed out the biomagnification properties of pesticides, which are stored in the body's fat cells, are not easily excreted, and accumulate a body burden much higher in concentration than the original exposure levels. She explained the related process of bioaccumulation, in which large predators accumulate toxins when they eat smaller predators, which had eaten herbivores, which had eaten plankton, which had absorbed persistent chlorinated organic pesticides sprayed to control a particular species of gnat. The concentrations of persistent organic pollutants increase at each point in the food chain, with the apex predators (including humans) receiving the highest body burden.



Rachel Carson testifying before a Senate Government Operations subcommittee. June 4, 1963. UPI Telephoto.

The book alarmed readers across America and brought a strong reaction from the petrochemical industry. In October 1962, Monsanto published a brochure in response to “Silent Spring” entitled “The Desolate Year,” relating the damage done to agricultural crops, livestock, and the spread of malaria and other diseases by uncontrolled insect infestations (Monsanto, 1962). Ms. Carson was openly criticized for the findings in her book. She was characterized as radical, disloyal, unscientific, hysterical, and a Communist sympathizer.

President John F. Kennedy, however, ordered the President's Science Advisory Committee to examine the issues the book raised. The results of the investigation were published in the Committee's report, “Use of Pesticides,” dated May 15, 1963 (PSAC, 1963). The report agreed with Carson's findings. It identified potential hazards to human health and the environment, and recommended an assessment be performed to determine the presence of pesticides in human tissues, and to determine if placental transmission occurs.

This action publicized the very human health effects from chlorinated hydrocarbons that the petrochemical industry was trying to keep secret. In doing so, Kennedy jeopardized commercial pesticides and herbicides, but more importantly, he risked huge revenues to Shell Chemical Company producing tactical herbicides at RMA for the Vietnam War, of which Ms. Carson and possibly President Kennedy had no knowledge. The petrochemical industry could not openly criticize the President for “Use of Pesticides” as it had done to Ms. Carson, but the sentiment was still there. This occurred only six months before Kennedy's assassination.

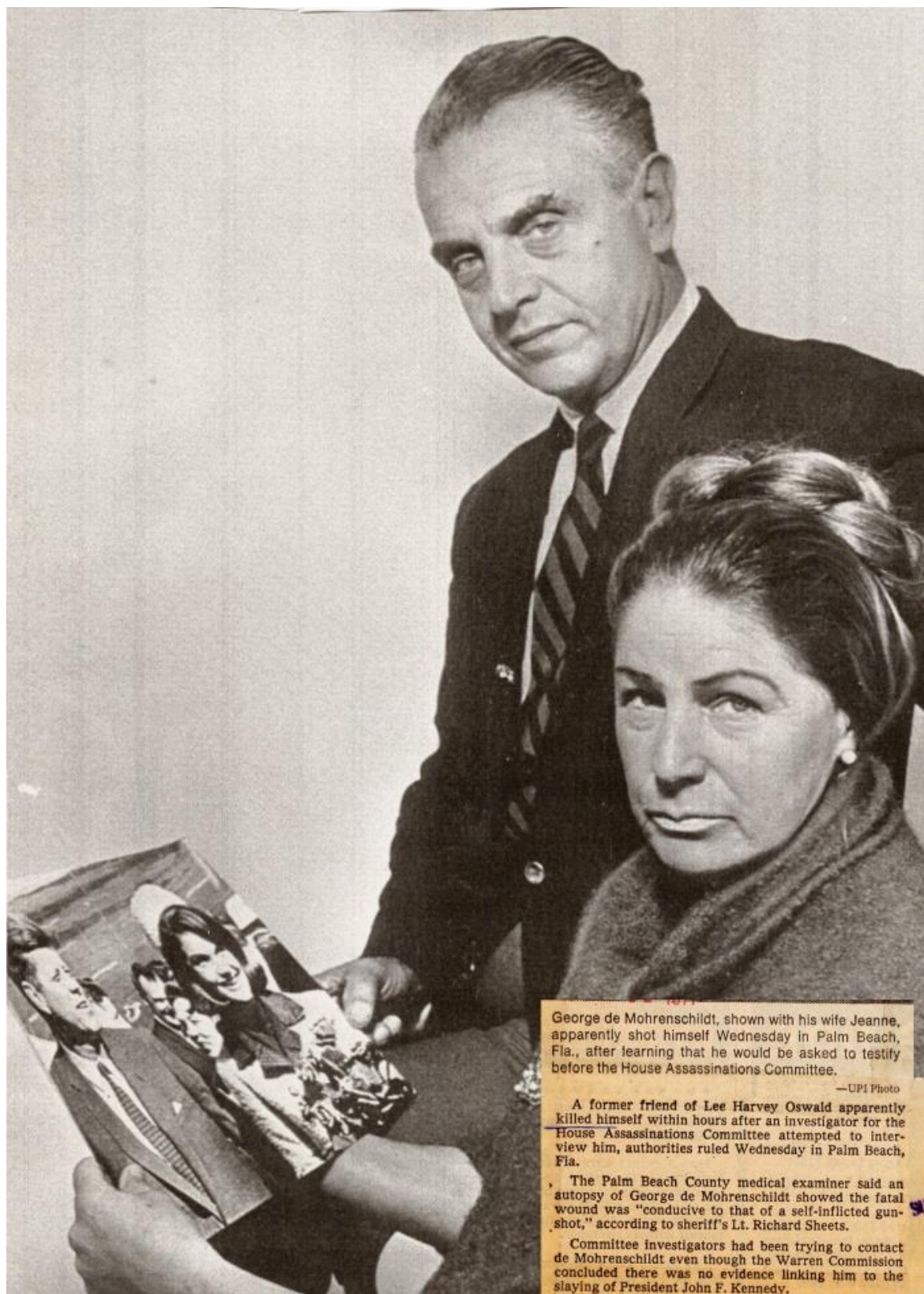
Kennedy Assassination

There have been numerous theories regarding the assassination of John F. Kennedy on November 22, 1963. One of the leading theories presented was that since 1923, the government had allowed the oil industry an expense deduction for depletion of oil resources, reducing their taxes up to 27.5 percent, which was worth an estimated \$300 million per year. On January 17, 1963, President Kennedy presented his proposals for tax reform which included eliminating the oil depletion allowance. This was one line of evidence for oil industry involvement in the assassination (McClennan, 2011).

On March 2, 1960, the petrochemical industry set up the Gulf Resources & Chemical Corporation (GRCC), with a corporate filing in Florida (CorporationWiki.com, 2018), as a “shell corporation” to achieve anonymity. GRCC was generally unknown in the 1960s, but during the Watergate investigation, GRCC was suspected of money laundering through Mexico for the purpose of advancing political interests (Bernstein and Woodward, 1974).

In early November 1963, Lee Harvey Oswald made a 6-day trip to Mexico City (Politico Magazine, 2015), for an unknown purpose. The author speculates that Oswald may have facilitated a money laundering payment from GRCC to fund the assassination operation.

George de Mohrenschildt was a Russian-born petroleum geologist who worked in Dallas, and befriended Oswald in the summer of 1962. de Mohrenschildt was investigated by the Warren Commission after the assassination, and no evidence was found that he was involved. He was found shot to death in Palm Beach, Florida on March 30, 1977 within hours after an investigator for the House Assassinations Committee attempted to re-interview him about the Kennedy assassination.



George de Mohrenschildt, shown with his wife Jeanne, apparently shot himself Wednesday in Palm Beach, Fla., after learning that he would be asked to testify before the House Assassinations Committee.

—UPI Photo

A former friend of Lee Harvey Oswald apparently killed himself within hours after an investigator for the House Assassinations Committee attempted to interview him, authorities ruled Wednesday in Palm Beach, Fla.

The Palm Beach County medical examiner said an autopsy of George de Mohrenschildt showed the fatal wound was "conducive to that of a self-inflicted gunshot," according to sheriff's Lt. Richard Sheets.

Committee investigators had been trying to contact de Mohrenschildt even though the Warren Commission concluded there was no evidence linking him to the slaying of President John F. Kennedy.



de Mohrenschildt

UPI File Photo.



This press photograph taken about 11 days before the assassination places Jack Ruby in the New Orleans French Quarter, walking distance to where Shell had an office. Associated Press Photo.

This Report to Congress and the historical review provide additional lines of evidence for a petrochemical industry motive in the assassination. By 1963, the petrochemical industry was already aware of the dioxin waste problem and related human health issues, which were both held secret at the time. The Shell Chemical Company operation at RMA was already testing formulations, and contracts had already been implemented for production of tactical herbicides for the Vietnam War. Not only was production rolling, but the cover stories had already been put in place. The combination of the oil depletion allowance and the Use of Pesticides report may have pushed the petrochemical industry over the edge.



1970s

Presidents:

Richard Nixon January 20, 1969 – August 9, 1974

Gerald Ford August 9, 1974 – January 20, 1977

Jimmy Carter January 20, 1977 – January 20, 1981

Creation of the Environmental Protection Agency

The first Earth Day occurred on April 22, 1970 to mark the beginning of the modern environmental movement. Approximately 20 million Americans, especially on college campuses, participated in a national teach-in on environmental issues, celebrating science and the environment.

One week after the first Earth Day, the president's Executive Council on Reorganization urged President Nixon to form an Environmental Protection Agency (EPA). The president approved the suggestion and initiated the planning process in the White House.

The EPA was formed on December 2, 1970. William Ruckelshaus was appointed the first Administrator of the agency by Richard Nixon, and was in office from December 4, 1970 to April 30, 1973. Ruckelshaus and his Deputy Administrator Robert Fri oversaw the development of new environmental legislation intended to address air and water pollution.



(NY47) NEW YORK, April 22-EARTH DAY IN NEW YORK-Making their feelings about pollution clear, throngs of New Yorkers take over a relatively auto-free Fifth Avenue Wednesday as the traffic artery was closed to cars, trucks, and buses --and their carbon monoxide. The avenue was closed to traffic from 59th Street to 14th Street because of Earth Day. View is from 42nd Street looking north. (AP Wirephoto)(hmb42225mbr/dns) 1970 See AP Wire Story

Associated Press Wire Photo.



William Ruckelshaus explains interim air quality standards requiring some use of new antipollution devices. April 11, 1973. AP Wire Photo.

The National Environmental Policy Act (1970) established the President's Council on Environmental Quality and required an assessment of environmental impacts from major federal actions. The Clean Air Act (amended in 1970) required comprehensive federal and state regulations to improve air quality and curb smog.

It was at this point in the timeline that EPA contracted for the 1971 document, "Ocean Disposal of Barge-Delivered Liquid and Solid Wastes from U.S. Coastal Cities," the suspected planning document for the MPRSA ocean dumping program.

Additional new environmental legislation included the Clean Water Act (amended in 1972) to improve water quality, and the Marine Protection, Research and Sanctuaries Act (MPRSA) of 1972 to put an end to unregulated ocean dumping, specifically toxic and persistent chlorinated hydrocarbons.

These regulations were intended to be science-based, open and transparent with opportunity for public participation. On February 8, 1972, Richard Nixon appealed to Congress for approval of his environmental legislation (Nixon Foundation, 1972).

“The environmental agenda now before the Congress includes laws to deal with water pollution, pesticide hazards, ocean dumping, excessive noise, careless land development, and many other environmental problems. These problems will not stand still for politics or for partisanship. They demand to be met now. By meeting them now, we can make 1972 the best year ever for environmental progress.” He claimed “we have immobilized the power of public concern.”

In an interview (EPA, 1993), Ruckelshaus recalled the early days of the EPA:

“By the time I assumed office, the initial drive of the Nixon administration to place every political appointee in some kind of job--to get every precinct committeeman one of these wonderful federal appointments--had faded. “

The EPA’s early work was overseen by John Ehrlichman, Counsel and Assistant to the President for Domestic Affairs.

“John Ehrlichman was *quite* helpful to me in the White House. He was the main person I worked with there, and in the early days of EPA, often kept the agency's business out of range of the president. Ehrlichman realized Nixon would react negatively to anything that smacked of regulation that would interfere with the economy, or, in a narrow sense, would arouse some of the captains of industry, whom the president admired tremendously. Nixon did not feel this way because they were contributors to the party or because they exercised some evil influence over him. He really admired those who had accomplished a great deal in the corporate world. So when they complained to him from time-to-time about regulatory infringement on their activities, he would become quite agitated.”

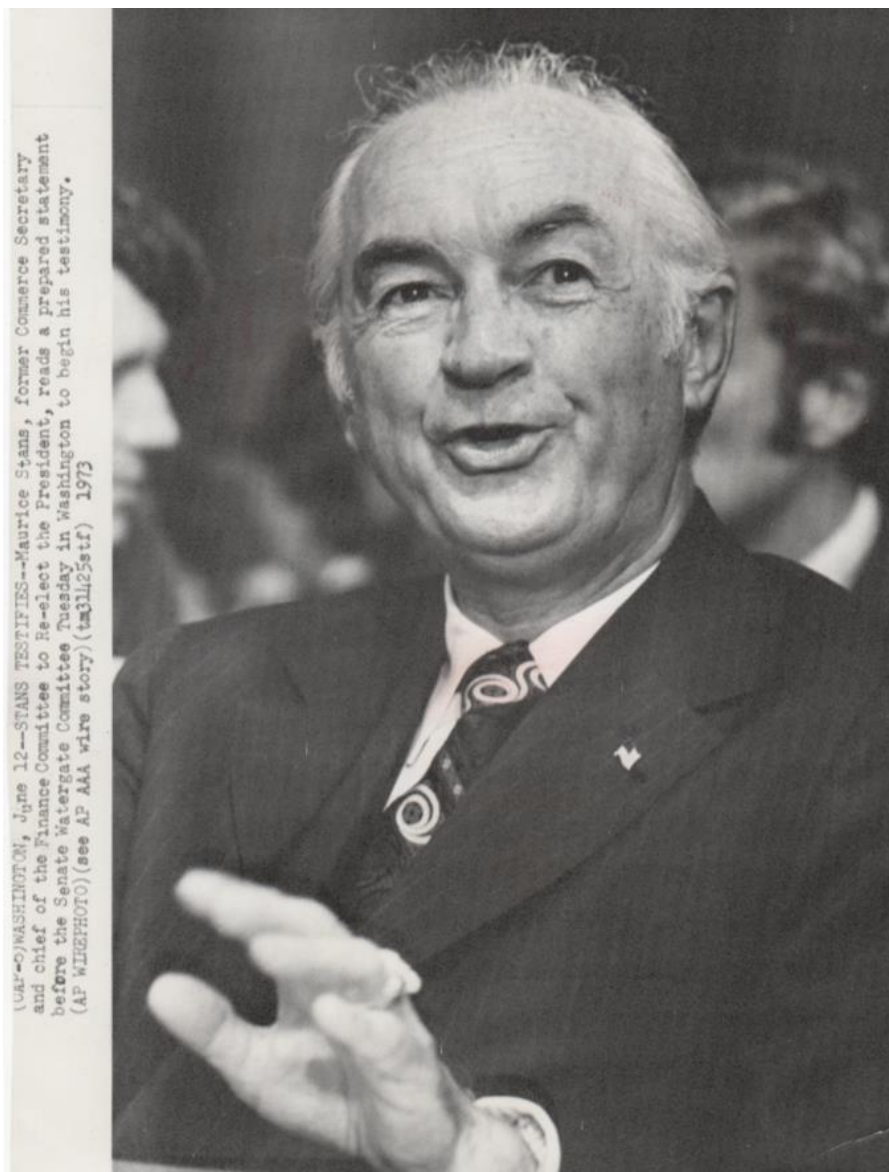
Nixon’s Reelection Campaign

By 1971, industry had begun to feel the changes instituted by the EPA to curb air and water pollution. The petrochemical industry was frustrated they could no longer dispose of their wastes at sea. Industry was also aware that total bans on Aldrin, Dieldrin, Endrin, and DDT were coming, and there was considerable unused stock out in the marketplace that would need to be returned. The waste was piling up in temporary stockpiles. The schism deepened between science and industry.

Maurice Stans, then Secretary of Commerce, was the Treasurer for the Committee to Reelect the President (CRP) and was sympathetic to industry. He would raise funds by promising to oust Ruckelshaus, who was seen as the face of these new environmental regulations that were hurting industry so badly.

He told industry, "You know we have this crazy man Ruckelshaus back East who'd just as soon close your factory as let the smokestack belch. He's a hard man to control and he's not the only one like that in Washington" (Bernstein and Woodward, 1974).

In Ruckelshaus' own words, "Maurice Stans would occasionally promise to campaign contributors that I wouldn't be around for the second term!" (EPA, 1993).



AP Wire Photo.

During the reelection campaign, the CRP maintained a secret fund to advance industry interests, which would include the disposal of petrochemical wastes. The fund, controlled by then US Attorney General John Mitchell, held at least \$350,000 at one time. Robert H. Allen, the Texas CRP Chairman and president of GRCC, donated \$100,000 (Bernstein and Woodward, 1974). Another \$25,000 was contributed by Kenneth Dahlberg, who received the donation from Dwayne Andreas, CEO of Archer Daniels Midland (Huffington Post, 2011). The reach of this fund-raising effort was extensive, and likely involved industry and local politicians with influence over working voters and even churches in a Southern Strategy to protect the interests of the Gulf region.

As stated previously, in 1960 the petrochemical industry set up GRCC with a corporate filing in Florida (CorporationWiki.com, 2018). During the Watergate investigation, GRCC was suspected of money laundering through Mexico for the purpose of advancing political interests (Bernstein and Woodward, 1974). Based on the quantity of waste disposed at the Mississippi Canyon Drum Disposal Site generated by Shell Chemical Company at RMA, it is a reasonable assumption that GRCC was funded by the Shell Chemical Company, and/or a consortium of petrochemical companies with similar interests.

DDT was banned by the EPA, effective December 31, 1972, due to its toxic and persistent properties. Bans on other commercial chlorinated pesticides followed in 1974. It is the author's speculation that the illegal campaign contributions to CRP from GRCC and Archer Daniels Midland were linked to promises by Maurice Stans to dispose of waste streams from the manufacture and use of chlorinated pesticides and herbicides, and surplus stock of these products after the bans.

The new Marine Protection, Research and Sanctuaries Act of 1972, banning ocean disposal of this type of waste, had created a black market for covert disposal. Ocean disposal was likely sold by the Nixon administration as a commodity to the petrochemical and agricultural industries.



August 2, 1972 Richard and Pat Nixon on the campaign trail with Louisiana Governor Edwin Edwards and his wife, Elaine Edwards. Credit not included with press photograph.

Nixon went on to win the presidential election against George McGovern on November 7, 1972.

Watergate

The Watergate investigation found evidence of corruption, but the deeper implications of the operation were never discovered. This insight was provided by Deep Throat in the story “All the President’s Men.” Deep Throat, who is now known to have been Mark Felt, a high-level Special Agent in the FBI, told Woodward, “the cover-up had little to do with the Watergate, but was mainly to protect the covert operations” (Bernstein and Woodward, 1974). Mark Felt said, “follow the money,” perhaps referring to petrochemical and agricultural sources of campaign contributions held in the secret CRP fund for the upcoming ocean dumping program and other covert operations.

April 30, 1973 was an important day in the Watergate saga. Richard Nixon gave his first televised speech on the events and announced the resignations of Robert Haldeman (White House Chief of Staff), John Ehrlichman (then Assistant to the President for Domestic Affairs), Richard Kleindienst (US Attorney General), and John Dean (White House Counsel). As part of this reorganization,

William Ruckelshaus was moved from the EPA to become Acting Director of the FBI (Watergate.info, 1973). The MPRSA Section 102 ocean dumping program began the next day on May 1, 1973 (Permit #730D004). Maurice Stans was correct, Ruckelshaus would not be around for a second term.



William Ruckelshaus is interviewed in his office on April 13, 1973 (UPI).

John Ehrlichman, who had served as White House Counsel beginning on January 20, 1969, was convicted of conspiracy, obstruction of justice, and perjury related to Watergate, and served 16 months at a federal prison camp in Stafford, Arizona. He was released from prison in 1978. Ehrlichman then made a new life for himself, including several years as a senior vice president of Law Environmental, an engineering company in Atlanta engaged in hazardous-waste handling. According to his son, in his later years, Ehrlichman continued to feel "remorse for the impact on his family" that his wrongdoing had caused, along with the hope that history would recall the accomplishments of the Nixon Administration, as well as its crimes. He died February 14, 1999 (NY Times, 1999).



John Ehrlichman enters a plea of innocence to burglary, conspiracy and perjury charges on September 7, 1973 (AP Wire Photo). Ehrlichman was likely the architect of the MPRSA Section 102 ocean dumping program between January 20, 1969 and April 30, 1973.



AP Wire Photo.

Based on Permit #730D008F, the MPRSA Section 102 ocean dumping program ended in November 1977, during the Jimmy Carter administration.



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