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WAIVERS FOR SALE! DEP's Auction Starts Today
Coalition asks Legislature to stop Governor Christie's Pay-to-Play Policies

TRENTON – A coalition of labor and environmental organizations held a mock auction of environmental waivers today in front of the NJ Department of Environmental Protection (DEP) to demonstrate how Governor Christie is selling New Jersey's health and environment to benefit big corporations and developers. The coalition is calling on the State Legislature to override the rule through legislative action. DEP will begin accepting applications for regulatory waivers today.

“Governor Christie is auctioning off our health and environment to highest bidder,” said Denise Patel, Project Coordinator for the NJ Work Environment Council, a labor-environment coalition. “Big corporations and wealthy campaign contributors will benefit, and the rest of us will lose out. The waiver rule creates an unprecedented concentration of power in the executive branch. The DEP Commissioner, a political appointee, will be able to write off our communities with a stroke of a pen in favor of developers and polluters. We are calling on the State Legislature to stand up for New Jersey's workers and communities.”

The State Legislature can override the waiver rule with two simple majority votes in each house, and it cannot be vetoed by the Governor. The Assembly has already voted once to override the rule. The NJ Department of Environmental Protection (DEP) is the first agency to adopt a waiver rule following Governor Christie's Executive Order #2. The Order directs every state agency to develop a process for waiving the same regulations they are tasked to enforce.

The rule puts 124 DEP programs that protect New Jersey's environment, communities, and workers at risk. The rule states that waivers will be issued if they are “unduly burdensome”, provide a “net environmental benefit” or in case of a “public emergency”. “Conflict”, “unduly burdensome”, “net benefit” and “public emergency” are not defined.

"This rule is a polluters' dream. Whether it's outright corruption due to a check or cash getting into the right hands or the Christie Administration deciding on its own the public's environmental

and public health safeguard is of less value than a polluters' due burden, the results will be the same -- more flooding, dirtier drinking water, increased health care costs and property tax hikes," said Dave Pringle, Campaign Director, NJ Environmental Federation.

According to the DEP's website, waivers will be issued on a "case by case basis".

"Key DEP laws protect our environment and protect workers from chemical exposures and toxic catastrophes. We know first-hand that big corporations will be the first ones knocking on the door asking for a favor, and frontline workers will be the first to suffer," said Luke Gordon, Staff representative for United Steelworkers District 4, which represents workers in many of New Jersey's most hazardous chemical plants.

"Today, Governor Christie's waiver rule is putting the environment on the chopping block," said Doug O'Malley, Interim Director for Environment New Jersey. "The waiver rule will allow connected developers a closeted process to get out of environmental protections."

There is no timeframe within which the DEP must act on waiver requests, and waiver requests will not be processed on a first-come, first-served basis.

"Governor Christie's waiver policy will only benefit the 1%. Small businesses won't be able to compete with large corporations and their cadre of lawyers who will continue to game the system. We need our state legislators to stand up for the 99%," said Carol Gay, President of the NJ Industrial Union Council.

Waivers will be granted without public comment and with limited public notice.

"Governor Christie ran on a platform of ending corruption in New Jersey, and rather than following through with that promise, he is pushing a policy that will formalize a system of pay to play that would make Boss Tweed blush. If Governor Christie is really interested in a real NJ comeback, he will support policies that create green jobs by building a sustainable economy, not one that will undermine environmental protections while opening the door to corruption and back room deals," said Jim Walsh, Regional Director, Food & Water Watch.

Individual DEP departments, already understaffed, will be responsible for providing technical expertise on waiver decisions.

"The career staff at DEP who conduct reviews are concerned that the new blanket waiver rule will degrade the credibility and transparency of environmental policy and decisions, plain and simple," said Adam Liebttag, President of Communications Workers of America Local 1036 which represents 1,500 DEP employees. "When an applicant requests a special waiver to get their project approved, the DEP staff will now not only have to review the application according to the rules and law, but they will also essentially defend their decision on whether to waive those same rules and law. It makes no sense. The rules protecting our drinking water and air quality, the proper cleanup and reuse of hazardous waste sites, and decisions on how and when to develop land should not have an escape clause awarded at the discretion of upper management."

In addition, 28 labor and environmental organizations have filed a lawsuit to block the waiver rule on the basis that it violates NJ law and the state constitution, but that could take months for a ruling. The Assembly has voted to override the waiver (ACR37), meanwhile the State Senate(SCR59) is sitting on its hands when they could be taking action to stand up for New Jersey's families and communities.

“This rule is an outrageous attack on environmental protections and public health. NJ's environment is not for sale today or any day,” said Jeff Tittel, Director of the New Jersey Sierra Club. “New Jersey Sierra Club along with groups across the state will fight this rule legally, politically, through the Legislature, as well as fight any waiver that is proposed or granted. This rule was written by ALEC for special interests, will promote pay-to-play, and turn DEP into the Department of Expedited Pollution. We will win this battle because if we do not, the people of NJ will suffer the consequences of more sprawl, more pollution and more flooding. We will not ‘Waiver Good-Bye’ to our environment - we will keep fighting to stop this rule and protect our environment.”

The coalition has launched a petition drive asking state legislators to stand up for New Jersey's families and communities and reject all agency waiver rules. View the petition at <http://bit.ly/DEPwaiver>

Today's participants include:

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United Steelworkers District 4, Luke Gordon (732) 287-4011
NJ State Industrial Union Council, Carol Gay (732) 785-1503
New Jersey Environmental Lobby, Mike Pisauro
American Littoral Society, Tim Dillingham
Clean Ocean Action
Pinelands Preservation Alliance
Union of Rutgers Administrators, American Federation of Teachers Local 1766

Photos from today's event can be viewed at www.flickr.com/photos/njwec

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