

Under the Stack: a Documentary Film by Anne Fischel and Lin Nelson

Under the Stack documents the efforts of three communities to answer one urgent question: *what has made people in our community sick?*

What El Paso, Texas; Corpus Christi, Texas; and Hayden, Arizona have in common is their long-standing relationship with one corporation: ASARCO, the American Smelting and Refining Company. Founded in the late 19th century, ASARCO was one of the first multinationals in the U.S. Company towns grew up around the mines and smelters, and generations of families looked to ASARCO for jobs while struggling with the company over health and safety. In the late 1990's, under investigation for unsafe working conditions and toxic emissions, ASARCO closed many of its plants. In 2005 the company entered Chapter 11 bankruptcy, citing environmental liabilities estimated at \$11 billion as the primary cause.

A Chapter 11 bankruptcy is designed to negotiate down a company's debts and liabilities in order to stay in production and increase profits. ASARCO had over 90 polluted sites in the U.S. alone. The company emerged from bankruptcy 4 years later, after agreeing to pay \$1.79 billion in remediation costs. Now relieved of liabilities, ASARCO is profitable, while its new parent company, GRUPO MEXICO, is one of the largest copper producers in the world. Meanwhile, workers and community members in the U.S. continue to struggle with ASARCO, and GRUPO MEXICO has been linked to severe safety violations and contamination of local rivers in Mexico, as well as the death of 65 workers at its Pasta de Conchos mine.

What's happening is a strategy of polluters who have enormous environmental liabilities...it's a strategy that will be used over and over by companies across the U.S. and the world. The bankruptcy courts will play out this environmental saga, and we'll see it. This is the very first one.
Eliot Shapleigh, former State Senator, El Paso, Texas

During ASARCO's bankruptcy, former workers and residents in El Paso, Corpus Christi and Hayden began to challenge company practices and do research that connected their health problems to its toxic emissions. *Under the Stack* documents their efforts to understand the consequences of working at ASARCO and living under the stack. Engaging in citizen research and organizing, with little help from public agencies or experts, people are coming together to learn how ASARCO impacted their communities and demand a response from the company and the government.

Why didn't the government protect us? Why does the government protect ASARCO?
Carlos Rodriguez, former ASARCO worker

Under the Stack is part of a multi-media research and documentation project. Project directors Anne Fischel and Lin Nelson, faculty at The Evergreen State College, in Olympia, Washington, began collaborating with ASARCO-impacted communities in 2006. We've interviewed workers, residents, public officials, and environmental and social justice activists, and filmed community activities and public meetings. The film is a case study of citizen efforts to challenge corporate abuse. Our project has a website, *Their Mines, Our Stories* (www.theirminesourstories.org). We've published articles on ASARCO's bankruptcy, and crossed the border to witness and write about struggles for health and safety by Mexican unions and community members at GRUPO MEXICO's mines.

Responses to Under the Stack:

Under the Stack is an exciting new film that uses storytelling to describe how corporations take advantage of communities in their pursuit of profits. Real people are poisoned, not in a single community but several communities, not in one workplace but several workplaces, by the same polluter. This film documents through the voices of local victims, how our government turned its back allowing ASARCO to poison workers and destroy communities without being held accountable. This is a must see film on how one corporation manipulated the system to avoid its responsibilities and liabilities.

Lois Gibbs, Director
Center for Health, Education and Justice

Under the Stack is a story of community resilience and resistance in the face of corporate power and environmental disregard. As the tensions between economic growth and public accountability are explored the film becomes a cautionary tale, at once disturbing yet ultimately hopeful, for those determined to make our jobs and communities more safe and sustainable for the next generation.

Michael Silverstein, MD, MPH
Retired Director, State OSHA Program, WA State Department of Labor & Industries

ASARCO's mining and smelting activities contaminated communities in 19 states. "Under the Stack" tells the stories of workers and families who lived in just three of these communities, but property damage, terrible health problems, and deaths have destroyed the quality of life in others as well. What is inspiring about this film is its portrayal of the enduring spirit of impacted families and their passion for justice. What is alarming is that Asarco is still actively polluting some American communities.

Doris Cellarius, longtime Sierra Club toxics leader, also works with the Blue-Green Alliance to strengthen US laws to protect workers and communities.

A salute is due Anne Fischel and Lin Nelson for persisting in making this film. It tells the story, or at least part of the story, of the impact one company has had on three communities. At times moving and inspiring, the film clearly lays out the ways in which Asarco mined and processed the local ore, used the local workers, polluted the local air, water and soil, made (and continues to make) the local community sick and then left without cleaning up the mess. Activists, workers and community members taking on the company and their government allies are the bright spots in an otherwise bleak picture. Though this story is local, the implications are global, as similar scenarios play out in communities with other names.

Michael Lax, MD, MPH, Director, Central NY Occupational Health Clinical Center

Under the Stack successfully explores three US communities in El Paso and Corpus Christi, Texas and Hayden, Arizona, struggling to live and work under the toxic legacy of the ASARCO Corporation. In powerful voices, former and current ASARCO workers, their families, their union leaders, and their communities, describe the effects of past and current corporate decisions on their lives. As the film explores these struggles, it highlights the many complex connections between their work, home and community environments and between the hopes and dreams of past, current and future generations.

Under the Stack is a part of the larger project, ***Their Mines, Our Stories: Work, Environment and Justice in ASARCO-Impacted Communities***. The filmmakers, Lin Nelson and Anne Fischel, faculty members at The Evergreen State College in Washington State, have

also created a wonderful website resource (<http://www.theirminesourstories.org/>) with much more information on these issues and communities. I highly recommend this film for all interested in occupational and environmental health, environmental justice, labor and community organizing and the history of these fields and of these communities.

Mark Catlin, Occupational Health and Safety Director, Service Employees
International Union; Historic Workplace & Environmental Health and Safety Films

***Under the Stack** is the story of three communities impacted by ASARCO, a transnational mining, smelting and refining corporation. Describing how it released massive amounts of pollution and the effects on the workers and people of Corpus Christi and El Paso in Texas and Hayden, Arizona, this documentary reveals the human costs of environmental contamination and corporate greed. But this is not merely a story about helpless victims; it also shows the strength of the individuals and families affected and how the communities organized themselves to protest the harm inflicted on them. Under the Stack is a powerful film about environmental health, social injustice, corporate irresponsibility and the power of community.*

Kate Davies M.A., D.Phil.,
Author, *The Rise of the U.S. Environmental Health Movement*
Clinical Associate Professor, School of Public Health, University of Washington

A haunting and cautionary tale about a modern day monster, a toxic spewing menace unaccountable for the costs and suffering of communities that lived and worked in its shadow. Ultimately this is a parable of the tragedy of our day and the monsters created by greed. Communities facing extreme energy extraction and other emerging polluters must heed this tale of loss and deception so we don't look back in another hundred years and know that we repeated the history of Asarco.

Carolyn Raffensperger
Executive Director, Science and Environmental Health Co-Founder
Women's Congress for Future Generations

*Under the Stack documents the cavalier behaviors of mega-corporation ASARCO and the inspiring resilience of those exposed to its deadly pollutants. It culminates in the questions about democracy we need to be asking. "Somewhere along the line, everything got backwards," an activist notes near the end of the film. Instead of protecting workers and communities, government agencies serve ASARCO and other corporations, he points out. Viewers should ask themselves why that is, and what we will do to create the democracy we need. I recommend **Under the Stack** as a compelling review of a classic environmental justice struggle that heralds the courage and power we have to have to ultimately triumph.*

Carol Dansereau
Environmental activist and attorney who worked for decades with farm worker families poisoned by pesticides and other communities fighting for justice.
Recipient of the Washington State Trial Lawyers Public Justice Award
Author of, *Defeating the Giant. How to End Injustice and Heal the Planet, forthcoming*

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