

**CIVIC LEAGUE FOR NEW CASTLE COUNTY  
RESOLUTION on HOUSE BILL 190**

**AN ACT TO AMEND TITLE 7 OF THE DELAWARE CODE  
RELATING TO THE COASTAL ZONE ACT**

WHEREAS, the Coastal Zone Act determined that the coastal areas of Delaware are the most critical areas for the future recreational and tourism needs of the State, as well as the quality of life for residents of the State for all subsequent generations, and

WHEREAS, the Coastal Zone Act declared the “public policy of the State to control the location, extent, and type of industrial development in Delaware’s coastal areas...to better protect the natural environment of its bay and coastal areas, and safeguard their use primarily for recreation and tourism”<sup>1</sup>, and

WHEREAS, the CZA specifically cites that “offshore bulk product transfer facilities represent a significant danger of pollution to the coastal zone and generate pressure for the construction of industrial plants in the coastal zone, which construction is declared to be against public policy”<sup>1</sup>, and

WHEREAS, the coastal zone already permits “heavy industry” in operation June 28, 1971 to remain in operation and permits allowable conforming uses within the coastal zone including but not limited to “garment factories, automobile assembly plants, jewelry and leather goods manufacturing establishments, and on-shore facilities, less than 20 acres in size, consisting of warehouses, equipment repair and maintenance structures, open storage areas, office and communications buildings, helipads, parking space and other service or supply structures required for the transfer of materials and workers in support of off-shore research, exploration and development operations; as long as on-shore facilities do not include tanks farms or storage tanks”<sup>1</sup>, and

WHEREAS, healthy air, water and land are vital to Delaware’s communities, and pollution is a risk to health, HB 190 places the valuable resource of the Delaware Bayshore at risk to industrial accidents and chemical spills that could foul the estuary and harm our recreational economy, and

WHEREAS, HB 190 potentiates an increased risk of industrial pollution which places the health and welfare of Delawareans at risk by removing the main purposes as written of the Coastal Zone Act, which is the prohibition on new heavy industry and the prohibition on bulk product transfer, and

WHEREAS, HB 190 allows new heavy industry and new bulk product transfer in the Coastal Zone, which presents inherent dangers related to transferring hazardous materials from vessel to vessel or to shore, and by rail, and also attracts further accessory heavy industry to the Coastal Zone, increasing public health and ecosystem risks, and

WHEREAS, all fourteen sites of nonconforming use are in various stages of environmental remediation from previous and ongoing contamination from heavy industry uses, and

WHEREAS, elevated cancer census tracts have been identified by Delaware Division of Public Health near heavy industry and legacy pollution sites<sup>2</sup>, and

WHEREAS, lung cancer continues to play an enormous role in Delaware's overall cancer burden<sup>3</sup>, and Delaware Public Health estimates 46,000 adult Delawareans currently have asthma and as many 72,000 have had asthma at some time during their lives<sup>4</sup>, and

WHEREAS, Delaware Public Health confirms airborne pollution is a major trigger for asthma symptoms<sup>4</sup> HB 190 is anticipated to increase airborne pollution in the coastal zone, and

WHEREAS, Delaware is one of only three states with both a large oil refinery that does not employ inspectors to oversee railroads<sup>5</sup> and fuel shipments utilizing these tracks are likely to increase with the passing of HB 190, and

WHEREAS, legislation that significantly alters said purpose and protections of the Coastal Zone Act, such as HB 190, has not been fully vetted by all stakeholders, including but not limited to: fence line communities, conservation groups, environmental groups, business groups, civic groups, sportsmen, regulatory agencies, or other legislators, and

WHEREAS, any changes considered to a law as successful as the Delaware Coastal Zone Act that is credited with protecting our coastal zone and contributing to Delaware's \$3.6 billion tourism industry demands a deliberate, transparent, and inclusive public process to ensure any changes are aligned with the vision of Delawareans and to safeguard against any unintended consequences of changes to the act on our communities,

NOW, THEREFORE:

BE IT RESOLVED by the Civic League for New Castle County that HB 190 be withdrawn.

BE IT FURTHER RESOLVED before any bill is submitted which intends to modify the Coastal Zone Act or any amendments are proposed to the Coastal Zone Act:

1. The Department of Natural Resources and Environmental Control (DNREC) should conduct a study of the environmental and economic benefits of the Coastal Zone Act.
2. An inclusive and public stakeholder evaluation should precede any proposed changes to the Coastal Zone Act.

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Jordyn M. Pusey, President

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Barry Shotwell, Corp. Secretary

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<sup>1</sup> TITLE 7 Conservation Natural Resources CHAPTER 70. COASTAL ZONE ACT <http://delcode.delaware.gov/title7/c070/>

<sup>2</sup> Five-year Age-adjusted Cancer Incidence Rates by Census Tracts, Delaware, 2001-2005  
[http://dhss.delaware.gov/dph/dpc/files/cancer\\_cthilow\\_nc.pdf](http://dhss.delaware.gov/dph/dpc/files/cancer_cthilow_nc.pdf)

<sup>3</sup> From 2006–2010, lung cancer accounted for 14.7% of all newly-diagnosed cancer cases and 30.3% of all cancer deaths in the state. [http://dhss.delaware.gov/dph/dpc/files/imreport\\_2006-10.pdf](http://dhss.delaware.gov/dph/dpc/files/imreport_2006-10.pdf)

<sup>4</sup> The Burden of Asthma in Delaware. (August 2005) <http://dhss.delaware.gov/dph/dpc/asthma.html>

<sup>5</sup> Rail safety questioned as fuel shipments likely to go up. (May 26, 2017)  
<http://www.delawareonline.com/story/news/2017/05/26/rail-safety-questioned-fuel-shipments-likely-go-up/96672684/>