CalEPA
California Environmental Protection Agency

Gavin Newsom
Governor

Jared Blumenfeld
Secretary for Environmental Protection

July 1, 2022

The Honorable Michael S. Regan
Administrator
Environmental Protection Agency
1200 Pennsylvania Avenue, N.W.
Washington, DC 20460

REQUEST FOR U.S. EPA TO LIST THE FORMER EXIDE FACILITY AND SURROUNDING INDUSTRIAL AND RESIDENTIAL AREAS CONTAMINATED BY PAST FACILITY OPERATIONS ON SUPERFUND'S NATIONAL PRIORITIES LIST

We are writing to request that the United States Environmental Protection Agency ("U.S. EPA") list the former Exide Technologies Inc. facility in Vernon, California ("former facility") and areas impacted by the former facility's operations under the Comprehensive Environmental Response, Compensation and Liability Act ("Superfund") for cleanup. A Superfund listing would help protect people and workers in the environmental justice communities surrounding the facility by bringing in federal resources and expertise to help address toxic levels of lead in their environment.

As evidenced by the release of U.S. EPA's Draft Strategy to Reduce Lead Exposures and Disparities in U.S. Communities, the Biden Administration has recognized lead as a dangerous heavy metal that harms almost every organ and system in the human body and U.S. EPA has prioritized action to reduce lead exposures. There is no known safe level of lead in the body of children. Thus, the serious health threats associated with lead exposures adds an acute urgency to this request.

The former Exide Technologies lead-acid battery recycling facility in Vernon, California contaminated residential communities, overburdened by pollution and industrial areas around the facility, with lead and dangerous chemicals. The facility is located approximately five miles south of downtown Los Angeles and it predominately surrounds environmental justice communities. The former plant operated for more than 100 years as a lead acid battery recycling facility. Exide Technologies went bankrupt in 2020, without investigating the full extent of its contamination, and without cleaning up the contamination the State of California identified as coming from the former facility's operations.

Under President Trump, U.S. EPA and the United States Department of Justice ("U.S. DOJ") supported Exide's bankruptcy plan, which allowed Exide to abandon their cleanup responsibilities. In the face of these alarming circumstances, California strenuously objected to the bankruptcy that allowed Exide to abandon its facility and cleanup responsibilities. To date, the State of California has appropriated more than 700 million dollars to clean up thousands of residential properties and complete much of the needed corrective action at the facility. U.S. EPA's listing of this site on the National Priorities List will provide additional, critical resources to complete this critical cleanup. Additionally, U.S. DOJ and U.S. EPA can and must make material changes that will help prevent these types of destructive impacts to communities in the future. We want to work with U.S. EPA and U.S. DOJ to implement these changes.

For these reasons, we are requesting that U.S. EPA work with the State of California to help expedite the cleanup of Exide's poisonous legacy in these vulnerable Los Angeles communities. U.S. EPA can fill the void left by Exide when it abrogated its obligations through bankruptcy. Close collaboration and coordination are necessary to ensure that the cleanup, which started in 2018, continues without interruption.

Today, we write to ask that U.S. EPA help these communities by listing the former facility and other areas contaminated by the facility operations on Superfund's National Priority List. I submit this request pursuant to Section 105(a)(8)(B) of the Comprehensive Environmental Response, Compensation and Liability Act's ("CERCLA") Section 105(a)(8)(B). The Bipartisan Infrastructure Law increased funding for Superfund precisely so that legacy pollution impacting communities of color like those surrounding Exide can be remediated.

U.S. EPA should list these areas because the former facility's operations released contamination into surrounding neighborhoods leaving contamination that threatens the health of people who live, work, and play in nearby environmental justice communities. Every resource should be brought to bear to remove this contamination. I have attached for your review a Pre-CERCLA Screening Checklist/Decision Form (OLEM 9355.1-119). This document details the extensive releases from the former facility and the threats to public health from these releases.

We are grateful for the current administration's commitment to protecting communities suffering from environmental injustices. U.S. EPA's collaboration to address the contamination of overburdened and disenfranchised people in this area would also reflect the administration's commitment to help safeguard the health of people who live and work in these communities.

Thank you for considering this request. Please do not hesitate to reach out if we can help to answer any questions.

Respectfully Submitted,

Jared Blumenfeld
Secretary
California Environmental Protection Agency

Attachment: Pre-CERCLA Screening Checklist/Decision Form (OLEM 9355.1-119)

cc:

Governor Gavin Newsom
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U.S Senator Padilla
Congressmember Jimmy Gomez (CD 34)
Congresswoman Roybal-Allard (DC 40)
Senator Maria Durazo (SD 24)
Senator Lena Gonzalez (SD 33)
Assembly Speaker Anthony Rendon (AD 63)
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