

Congress of the United States
Washington, DC 20515

October 6, 2020

The Honorable William P. Barr
Attorney General
U.S. Department of Justice
950 Pennsylvania Avenue, NW
Washington, DC 20530-0001

The Honorable Andrew Wheeler
Administrator
U.S. Environmental Protection Agency
Office of the Administrator, 1101A
1200 Pennsylvania Avenue, NW
Washington, DC 20460

RE: Exide Holdings, Inc., et al., Case No. 20-11157(CSS), D.J. Ref. No. 90-11-2-07802/8

Dear Attorney General Barr and Administrator Wheeler:

We are writing to express our opposition to the proposed consent decree on Exide Holdings, Inc., particularly as it relates to the Exide facility located in Vernon, California. We are very troubled that the U.S. Environmental Protection Agency and the U.S. Department of Justice are willing to allow Exide Holdings to abandon the site and eschew all responsibility for the environmental contamination it caused.

The facility is currently in closure status under the Resource Conservation and Recovery Act. It is our understanding the total cost of closure and corrective action at the facility is expected to exceed \$88 million. Yet, this consent decree sets aside shockingly only \$2.5 million dollars for this purpose.

The residents affected by the lead contamination from this facility number in the hundreds of thousands, and the State of California has already contributed over \$200 million from its general fund toward the cleanup of the residences affected from the lead fallout. Estimates for the cleanup of the residential area and the commercial areas affected by the lead contamination can exceed \$1 billion.

We remain very concerned about the tremendous environmental liabilities that this consent decree leaves unaddressed, while families and landowners in East and Southeast Los Angeles affected by this lead contamination have no other recourse to pursue the cleanup of their property. Currently, more than 4,700 properties have been tested and are in need of remediation. We are convinced this consent decree undermines the precedent for the closure and remediation of other contaminated properties across the nation and the intent of the Comprehensive Environmental Response, Compensation, and Liability Act's provisions regarding the retroactive responsibility of the responsible firm.

The contamination caused from the operation of Exide's lead smelter is a textbook case of environmental injustice. The communities nearby, which have been affected so severely from

this contamination, are more than 90% Latino and disproportionately exposed more to environmental toxicants than the general population, according to the California Environmental Protection Agency's California Communities Environmental Health Screening Tool.

Decades of research tie early childhood exposure to lead with crippling adverse neurodevelopmental outcomes: decreased intelligence, hyperactivity, and attention deficit disorder. The Centers for Disease Control have found that there is no safe level of exposure for children to lead.

Many researchers and environmental forensics experts have identified contaminated soils from lead smelters as a leading contributor to blood lead levels in children from smelter communities. This is due to the fact that these contaminated soils become a dynamic pool of urban lead that becomes a continual pool of exposure, both to the unborn and small children.

Lead aerosols from facilities like the Exide Vernon smelter re-suspend themselves in the air after being deposited nearby. Then these particles re-contaminate nearby communities, particularly during dry, hot summer and fall months. One study found that over 87% of the total lead in the blood of children living near a lead smelter was from soil and dust.

Under this proposed consent decree, Exide accepts no responsibility for the outrageous contamination it has caused in East and Southeast Los Angeles, and can abandon its highly contaminated property along with the surrounding contamination its operations have caused. The surrounding communities and the State would be left to manage a costly and drawn-out cleanup process. We strongly oppose this outcome.

We are asking you both to extend the public comment period by 60 days so that the relevant stakeholders can more appropriately review the consent decree and we are also requesting a public hearing on this matter.

Thank you for your consideration. We respectfully urge you to ensure full transparency and accountability of Exide before the Exide Holdings, Inc. Consent Decree and Settlement Agreement is finalized. We look forward to a favorable response that will address the urgent need for a public meeting and extension of the public comment period.

Sincerely,



LUCILLE ROYBAL-ALLARD
Member of Congress

/s/
ADAM SCHIFF
Member of Congress



JIMMY GOMEZ
Member of Congress

/s/
DORIS MATSUI
Member of Congress

/s/
GRACE F. NAPOLITANO
Member of Congress

/s/
TONY CÁRDENAS
Member of Congress

/s/
NANETTE DIAZ BARRAGÁN
Member of Congress

/s/
BARBARA LEE
Member of Congress

/s/
ZOE LOFGREN
Member of Congress

/s/
ALAN LOWENTHAL
Member of Congress

/s/
JUAN VARGAS
Member of Congress

/s/
TED W. LIEU
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/s/
MARK DeSAULNIER
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JERRY MCNERNEY
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JACKIE SPEIER
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JULIA BROWNLEY
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/s/
BRAD SHERMAN
Member of Congress

/s/
MAXINE WATERS
Member of Congress