

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

October 6, 2020

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

Dear Attorney General William P. Barr,

We stand in opposition to the proposed Exide bankruptcy settlement. In particular, it is deeply troubling that the settlement allows for the abandonment of the Exide facility in Vernon, California. Considering the significant public health impacts of this bankruptcy and the massive cleanup costs that will be left for the people of the state of California to bear, we ask that you extend the comment period for 60 days and hold a public hearing in Los Angeles to allow for more complete public participation in this critical decision.

Exide has left its RCRA Closure obligations only partly completed at the Vernon facility and it has accomplished essentially none of its RCRA Corrective Action cleanup obligations. These obligations include the removal of large lead impoundments, the demolition of its buildings and the cleanup of its contaminated groundwater. The previously created standby trust has a balance of approximately \$25 million. It is doubtful that these funds will be sufficient to even complete the RCRA Closure work and it is certainly totally inadequate for the necessary Corrective Action cleanup activities required to make the site safe for reuse. The funding allocated for this site in the proposed settlement agreement is entirely inadequate to remedy the known impacts to human health and the environment at this site. The Exide Vernon site itself remains grossly contaminated: groundwater laced with carcinogenic industrial solvents, buildings highly contaminated with lead, and very large volumes of soil with hazardous levels of acid, lead and other metals. Neither Exide nor the California Department of Toxic Substances Control (DTSC) have developed a comprehensive cleanup plan for the Exide site, but conservative estimates suggest just on-site Corrective Actions may exceed \$100 million.

Regarding the offsite contamination, with increased sampling over the last few years, we now know that DTSC's preliminary determination that properties up to 1.7 miles away from the facility are affected by Exide's lead contamination is an underestimate of Exide's impacts. There are about 10,000 residential properties within the 1.7 mile radius, but the true extent of Exide's contamination has yet to be fully delineated. DTSC has sampled more than 8,000 properties within the 1.7 mile Exide contamination halo and the yards of nearly every single home have an average soil concentration in excess of the state's residential cleanup standard. The proposed settlement would provide no funding whatsoever to continue the off-site cleanup of Exide's lead contamination. The state of California has already spent

over \$200 million dollars cleaning up soil in about 3,200 homes. Cleaning up all impacted homes could easily exceed \$1 billion.

This is a public health crisis largely of Exide's making and a shocking case of environmental injustice. The residential communities nearby are more than 90% Latino and rank among the most environmentally burdened neighborhoods in California according to CalEnviroScreen, an environmental mapping tool developed by the state of California.<sup>1</sup>

An extensive body of research links early childhood exposure to lead with severe adverse neurodevelopmental outcomes such as decreased intelligence and attention deficit disorder<sup>2-4</sup> and evidence is growing that arsenic and manganese (also emitted from secondary lead smelters) may have synergistic health effects with lead.<sup>5-7</sup> Compelling scientific evidence concludes that there is no "safe" threshold of childhood lead exposure.<sup>8,9</sup> Many cases of childhood lead poisoning have been identified at battery recycling operations in the U.S with soil lead contamination identified as the primary exposure pathway.<sup>10-12</sup>

Soil represents a dynamic pool of urban lead. Lead aerosols from point sources like the Exide Vernon facility, after depositing nearby, re-suspend themselves in the air, particularly during dry, hot summer and fall months.<sup>13-15</sup> When these lead-bearing dusts eventually redeposit on the ground, the dust that falls on impervious surfaces (e.g. concrete driveways) can be washed off elsewhere with runoff, but much of the lead dust ends up on soil surfaces, such as residential yards, parks and schoolyards.<sup>16,17</sup> Because of the resuspension and redeposition processes, lead-contaminated urban soil continues to be the major pathway of lead exposure to young children.<sup>16,18</sup> 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.<sup>19</sup>

The University of Southern California "Truth Fairy" study has documented that legacy soil contamination in this urban environmental justice community surrounding the Vernon Exide facility is still associated with unacceptable prenatal and early life exposures to lead.<sup>20</sup> Fifty teeth from forty-three Latinx children who spent their whole lives in the neighborhoods surrounding the Exide facility were analyzed for pre- and postnatal lead levels.<sup>21</sup> Both pre- and post-natal tooth lead levels were significantly and positively associated with soil lead levels, and fully 1/3 of the lead body burden in these children was occurring in utero. The Truth Fairy project provides solid evidence that environmental injustice is being transmitted intergenerationally from mothers to their unborn children in the communities surrounding Exide.<sup>21</sup>

In summary, we strongly oppose the proposed Exide bankruptcy settlement and ask that the Department of Justice oppose abandonment of the grossly contaminated Exide facility in Vernon, California. Further, we ask you to extend the comment period for 60 days and to hold a public hearing in Los Angeles to allow full public engagement.

Sincerely,

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