

Congress of the United States
House of Representatives
Washington, DC 20515

October 28, 2024

Submitted online to: <https://www.regulations.gov/commenton/EPA-HQ-OLEM-2024-0376-0001>

U.S. Environmental Protection Agency
EPA Docket Center Superfund
[EPA-HQ-OLEM-2024-0376]
Mail Code 28221T
1200 Pennsylvania Avenue NW
Washington, DC 20460

Re: Urgent Support for Superfund Designation of Exide Technologies and Impacted Communities in Vernon, California

Dear Administrator Regan,

Thank you for your commitment to addressing critical threats to human health and the environment. I am writing in support of the U.S. Environmental Protection Agency's (EPA) proposed addition of Exide Technologies, Inc., in Vernon, California to the National Priorities List (NPL) and the federal resources necessary for a long-term, comprehensive cleanup of the affected communities.

One of my first actions in Congress was writing with our California Senators on February 13, 2023, to urge you to designate this as a Superfund site. In our letter, we highlighted that, "the severity of the crisis, the failure of past remediation efforts to create healthy communities, and the risk to public health requires assistance from the EPA and the resources available under the Superfund program."¹ Additionally, I directly raised this issue with you during a July 10, 2024, hearing of the Oversight and Accountability Committee.²

For decades, Exide Technologies released dangerously high levels of lead, trichloroethylene (TCE), a known human carcinogen, and other toxic substances in the air, water, and soil of the residential cities and neighborhoods surrounding Vernon—notably Maywood, Commerce, East Los Angeles, and Boyle Heights, California. The impact of this environmental degradation has been most severe in historically underserved, Latino communities.

In 2020, the U.S. Department of Justice and EPA supported a bankruptcy plan for Exide Technologies that allowed the company to avoid financial and legal responsibility for widespread contamination from the facility, placing the burden for cleanup efforts on taxpayers.³

According to EPA reports, TCE, a highly mobile chemical, migrated deeper into the groundwater table and into local aquifers used for drinking water over decades.⁴ At least 52 groundwater wells serving 300,000 people are located within four miles of the Exide site, with some readings showing contamination levels 28 times higher

¹ <https://robertgarcia.house.gov/sites/evo-subsites/robertgarcia.house.gov/files/evo-media-document/exideletter.pdf>

² <https://x.com/RepRobertGarcia/status/1811482444731941314>

³ https://dtsc.ca.gov/wp-content/uploads/sites/31/2020/10/Exid-Bankruptcy-FAQ-10-20-2020-Final_a.pdf

⁴ Briscoe, T. (2024, July 11). *L.A. County Battery Recycler on the verge of becoming California's next superfund site*. Los Angeles Times. <https://www.latimes.com/environment/story/2024-07-11/la-county-battery-recycler-on-the-verge-of-becoming-california-next-superfund-site>

than federal drinking water limits. Exposure to these toxic substances has been a reality for Southeast Los Angeles residents for decades, and the resources provided under the Superfund program are crucial to ensuring that our communities can finally live in a safe and clean environment.

The EPA's Hazard Ranking System score for the Exide site was based exclusively on the groundwater migration pathway of TCE for qualification on the National Priorities List. Other significant exposure pathways—such as lead-contaminated soil, subsurface intrusion, surface water, and air—were excluded from the score due to a lack of specific data linking the contamination to Exide Technologies, despite the presence of contamination at unhealthy levels.⁵

The hazardous levels of lead in the soil of surrounding communities are a top concern for residents. Once the site is added to the National Priorities List, it is critical for the Agency to ensure that its investigation and proposed remediation plan includes lead contamination cleanup.

So far, the California Department of Toxic Substances Control (DTSC) has spent more than \$336 million and has overseen the remediation of nearly 4,400 properties.⁶ Despite these costly efforts, many homes that have already been treated remain contaminated, highlighting the ongoing challenges of effective cleanup.

A joint study by Occidental College and the USC Division of Environmental Health revealed that 79 percent of homes that had already undergone soil cleanup still exhibited lead concentrations exceeding California's health threshold of 80 parts per million.⁷ In neighborhoods within a 4.5-mile radius of the Exide site, 40 percent of samples tested showed lead levels surpassing 400 parts per million, the federal soil lead hazard limit.

There are no safe levels of lead for any family or child. As you know, lead is a potent toxicant linked to severe behavioral, developmental, and educational impacts, and it is also a contributor to high blood pressure and heart disease.⁸ The federal government's intervention is essential to fully correct the failures of past remediation efforts and to resolve this crisis.

In fact, DTSC has determined that as many as 10,000 properties surrounding the plant could have been affected by Exide's pollution based on state-ordered soil testing.⁹ California Governor Gavin Newsom and CalEPA Secretary Yana Garcia have both submitted letters in support of Exide's designation as a Superfund site. I commend the State of California for allocating \$750 million towards addressing this crisis through cleanup and remediation efforts.¹⁰ However, despite these significant measures, much more work remains, and our communities deserve better.

The Southeast L.A. communities I represent deserve the basic right to a clean, safe environment—not just groundwater. If your investigation confirms soil lead contamination above background levels linked to the Exide site, it is essential that the EPA collaborates with the community to implement a cleanup plan aligned with California's lead contamination standard of 80 parts per million.

⁵ Environmental Protection Agency. Hazard Ranking System (HRS) Documentation Record Review Cover Sheet. Regulations.gov. (2024, September 1). <https://www.regulations.gov/document/EPA-HQ-OLEM-2024-0376-0003>

⁶ Briscoe, T. (2023, February 10). *California's biggest environmental cleanup leaves lead contamination and frustration*. Los Angeles Times. <https://www.latimes.com/california/story/2023-02-10/exide-lead-cleanup-leaves-fear-and-frustration-in-its-wake>

⁷ Ibid.

⁸ Environmental Protection Agency. (n.d.). Learn About Lead. EPA. <https://www.epa.gov/lead/learn-about-lead>

⁹ Barboza, T. (2015, August 15). *Lead contamination found at up to 10,000 southeast L.A. County Homes*. Los Angeles Times. <https://www.latimes.com/local/lanow/la-me-ln-lead-contamination-homes-20150814-story.html>

¹⁰ Briscoe, T. (n4)

A thorough remediation effort must include testing the largest possible area to ensure all affected homes are identified and addressed. It should also prioritize the cleanup of industrial areas, beginning with the closed Exide site itself, while taking steps to prevent contamination from spreading via parkways, or other sources where wind, foot traffic, or storm runoff could easily recontaminate cleaned properties. Additionally, federal properties, such as railyards, must not be excluded from the cleanup scope.

The EPA should avoid the fragmented, or “patchwork” approach used during the state’s cleanup efforts, which prioritized properties with the highest lead concentrations.¹¹ While intended to protect residents at greatest risk, this strategy resulted in inconsistent remediation, with some homes cleaned while neighboring properties remained contaminated for years. All contaminated homes should be treated block-by-block to ensure a more comprehensive and efficient cleanup.

Given the history of environmental justice issues and the lack of community consultation, the EPA must conduct robust outreach, involve trusted community leaders, and ensure that monolingual Spanish-speaking residents have access to all relevant information. During the previous cleanup led by DTSC, many residents struggled to receive timely updates due to insufficient Spanish-language outreach and a focus on contacting homeowners rather than both homeowners and renters. Trust in government agencies is already in short supply and restoring it will require transparency at every stage of the listing, inspection, and remediation process.

The residents of Southeast Los Angeles should no longer have to live in fear and uncertainty about the future of cleanup efforts or the health impacts of toxic exposure. The time has come for decisive federal action to rectify these long-standing environmental injustices. I stand ready to collaborate with the EPA to ensure a comprehensive resolution to this crisis and to help bring about a future where every resident can live without the threat of pollution in their homes, air, and water.

Thank you for your consideration of this request.

Sincerely,

A handwritten signature in blue ink, appearing to read "Robert Garcia", with a stylized flourish at the end.

Robert Garcia
Member of Congress

¹¹ Briscoe, T. (n6)