

Senator Kevin DeLeon  
President Pro Tem  
California State Legislature  
Sacramento, CA

Assemblymember Anthony Rendon  
Assembly Speaker  
California State Legislature  
Sacramento, CA

**RE: CEQA Exemption for the Cleanup of Lead Contamination at Exide**

Dear President Pro Tem DeLeon and Speaker Rendon:

We write to you today regarding the compelling issue of protecting the children of East Los Angeles and South Central from exposure to lead. You both have been champions on the challenges facing our community from the widespread contamination from lead caused from the operation of the Exide Secondary Lead Smelter. The Governor's recent action to appropriate over \$175 million to start the cleanup efforts, while laudable, comes at a price. A price we do not believe we should be forced to pay.

The price is an exemption from the California law designed to analyze, characterize, inform, and protect communities from environmental harm. This law was passed by the California Legislature almost two generations ago and is in force across the state. The goal of the California Environmental Quality Act (CEQA) is to ensure that environmental harms are identified and mitigated whenever possible. CEQA provides a way to ensure that any number of actions like: freeway construction, port expansions, housing developments, ocean dredging, coastal development, deforestation, mining projects, highrise construction, groundwater extraction, nuclear waste transport, and thousands of other decisions which could affect the environmental health of over 30 million Californians are done in a way that is thoughtful and minimizes any possible harm. This law has provided protection from the spraying of dangerous pesticides in rural communities, reduced dangerous diesel emissions from port expansion projects, analyzed and reduced the impacts of airport construction, protected streams from toxic discharges, and hundreds of other harms. We believe that these protections, protections necessary to keep Californians from harm, should also be provided to the residents of East Los Angeles and South Central Los Angeles, shouldn't they?

It seems the Governor does not agree with us. He wants to exempt the largest toxic waste cleanup in the history of the state from these protections. A cleanup that will affect tens of thousands of people who primarily are low-income, people of color. A cleanup that, if not done right, can expose people to lead, a chemical so toxic that the only safe level of exposure is *no exposure*. These communities have experienced too much exposure already. This is no time to cut corners.

During the excavation, removal, and transport of toxic waste from residences, people and workers can be exposed (again) to these toxic chemicals. These exposures are dangerous and can have huge impacts on public health. The Department of Toxic Substance Control has elicited substantial criticism for the actions it has taken over the last year during the existing efforts to cleanup some residences affected by the Exide fallout and at Jordan Downs, a former secondary lead smelter in South Central. Numerous complaints have been lodged with the department either through the Exide Community Advisory Group or formal letters of complaint.

These complaints include:

1. Workers who are completely unprotected from exposure to this extremely dangerous toxic chemical, despite health and safety plans that call for specific OSHA protections.
2. Dust clouds of lead-contaminated soils so thick that residents could not walk safely near the site at Jordan Downs.
3. Trucks carrying toxic waste tracking out lead-contaminated soils for over a half mile down the streets near residences and schools.
4. Contaminated soils being stockpiled on sites and left uncovered, blowing around school yards and people's homes.
5. Homes being declared clean without the interiors being remediate to the federal safety standards for lead
6. Public medians being left with lead-contaminated soils.
7. Lead-Contaminated soils left in yards for weeks with children walking by it on their way to school.
8. Trucks laden with toxic waste, spewing diesel emissions, streaming past pre-schools, daycare centers, play yards, schools, and churches.

Despite repeated attempts to get the agency personnel to force contractors to remedy these concerns, in most cases, these concerns have continued to go unaddressed. The situation is so bad that community members have insisted that the Independent Review Board come to Los Angeles just to hear the numerous complaints that the community has regarding the existing efforts by the DTSC to cleanup homes contaminated by Exide's lead fallout.

While the community is thrilled that the Governor is proposing to appropriate a large sum of money to kickstart the remediation process, they remain very concerned about what type of cleanup this will be with DTSC at the helm. An actual cleanup plan has not been brought forward to the Exide Community Advisory Group. Outstanding questions about which homes should go first and how information which the state has from its lead biomonitoring activities, which could be used effectively to help prioritize residential cleanup, remain unaddressed. What types of mitigation measures should be employed to protect residents during the cleanup activities, and how to balance these measures against the very real constraints of limited resources remain unaddressed. These are all questions which should be addressed by some public process, and will not be if a CEQA exemption is created for this site.

The community's experience so far makes it painfully clear that this process requires more, rather than less, public input. CEQA provides a process for this public engagement and importantly, for considering mitigations that may be required to insure the safety of the community and workers as this cleanup moves forward. Adopting a CEQA exemption for this project increases risk of harm, and provides no benefit in return. Instead, exempting this project from CEQA would result in there being no clear plan for the mitigation measures needed to protect our communities from further harm and leaves us with no enforceable way to ensure that our health and safety are protected.

Our communities have already been poisoned by Exide and we have made the sacrifices that no community should be asked to bear. For this Governor to ask that we receive less, rather than more input into how this clean up will proceed adds insult to our grievous injuries. East Los Angeles and Central Los Angeles communities deserve the thoughtful process CEQA sets out for identifying and mitigating environmental harms. There is no way to undue harm caused by a poorly executed clean up. We should not be asked to shoulder this risk in addition to those already heaped upon us.

Our communities need more legal protections, not less. And we need the legislature and the Governor to stand by us and to protect us.

Cordially,

Father John Moretta  
Resurrection Church

Frank Villalobos  
Barrio Planners

Teresa Marquez  
Mothers of East Los Angeles

Jane Williams  
California Communities Against Toxics

Robina Suwol  
California Safe Schools

Mark Lopez  
East Yard Communities for Environmental Justice

