

# GREENPEACE

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VIA FAX

October 8, 2006

Mr. Stephen L. Johnson, Administrator U.S. EPA  
U.S. Environmental Protection Agency  
1200 Pennsylvania Ave., NW  
Washington, DC 20460

Dear Mr. Johnson,

We applaud the immediate decision by officials to evacuate an estimated 16,000 people living near the EQ hazardous waste facility in Apex, North Carolina that was destroyed by fire and explosions that began Thursday, October 5, 2006. Hopefully, the U.S. Chemical Safety and Hazard Investigation Board investigation will determine the cause of this disaster. However, the U.S. Environmental Protection Agency (EPA) and the North Carolina Department of Environment and Natural Resources (NCDENR) have a duty to do more immediately.

We have two urgent recommendations:

- 1) Given the lack of reliable information combined with reports of chlorine gas, it is essential to caution residents who are returning to their homes to ventilate enclosed spaces such as basements before reentering them. Any possibility that reports of chlorine gas or other deadly vapors were released should have been confirmed or hopefully ruled out by an inspection of people's homes before they were told they could reoccupy them.
- 2) Evacuated residents, schools, day care centers and businesses should immediately be invited to participate in scientific testing for chemical fallout (such as swipe samples for dioxins, furans, etc.) on the surface areas of the interior and exterior of their buildings, cars and confined spaces as well as streams, ponds and other water bodies. Water sampling should also include testing of sediments and plant and animal life. Following the April 2004 fire at a Formosa facility in Illiopolis, Illinois, the Illinois EPA initiated a sampling program involving the company that tested homes and schools for dioxin.

Throughout this ordeal, citizens have been assured that preliminary tests did not detect "anything alarming" and health officials said they "don't feel there is a significant health risk of any side effects." Yet no one has been given concrete information about what hazardous wastes were onsite during this fire and whether the fire and explosions produced fumes or chemical fallout that contaminated their homes, yards and play areas.

Yet while officials still admit they don't know what was burned and released from the EQ fire, the community was given the "all clear" and began coordinating their reentry into their homes at 9:00 AM Saturday. Mayor Keith Weatherly is quoted, "We've been given every assurance that it's safe for our citizens to go back home." However, it is unclear what scientific evidence these assurances were based on.

Following the September 11<sup>th</sup> attacks on the World Trade Center, the U.S. EPA also issued unsubstantiated assurances of no harm. These claims turned out to be tragically false for both first responders and others who became ill after exposure to the massive dust clouds and smoke released from the doomed towers.

In fact, Apex citizens we interviewed Friday night and yesterday complained that they did not even know that a hazardous waste facility was located in their neighborhood. No officials had answers to questions about which chemicals were actually onsite and what was released into the community. News reports continually mentioned reports of chlorine gas and many chemicals routinely handled at the site such as chlorinated pesticides and heavy metals such as arsenic and mercury.

Given recent fines of the EQ facility by the NCDENR and a similarly spectacular fire at another EQ facility in Romulus, Michigan in August 2005, we do not believe officials should take this company's word for what transpired.

According to EQ's hazardous waste permit (# NCD982170292-R1), they are required to keep comprehensive records of the wastes they store and receive. In fact, they are required to test each shipment's content and maintain manifest records (chain of custody) of where those wastes came from. If EQ's waste records were compromised by the fire, it is just not believable that copies of these records were not also available from the company's headquarters in Wayne, Michigan.

Furthermore, EQ's permit requires them to notify the NCDENR **within 24 hours** of the "release or discharge of any hazardous waste, or of a fire or explosion from the facility..." This notice must include the "name and quantity of materials involved...an assessment of actual or potential hazard to the environment and human health..."

While officials should not needlessly worry the public, they should also not make assurances based on a lack of information. More than 40 people, including first responders went to emergency rooms for breathing problems. The Wake County web site posted a notice advised residents concerned about "chemical residue" to:

"Shower and wash clothes thoroughly."

"Change heat/air filters. "

"Wash bedclothes. "

"Wipe or wash counters with water or mild soap. "

“Wash children’s toys. “

“Wash pet toys and food/water containers, particularly if these items are kept “outside. You may also want to bathe your pet.”

“Medicines stored in their original, sealed containers should be fine. Any medications left open or not stored in their original, sealed containers should be discarded.”

News reports show families throwing away property that may well provide a clue to what chemical fallout reached their home and to what extent more safety measures and clean up should be taken.

There may be serious legal implications that could put victims at a disadvantage if they wash or throw away property that is contaminated. Contaminated property may well be evidence that will indicate what chemicals entered their home or yard and to what extent EQ is responsible for clean up and compensation.

The U.S. EPA has significant scientific resources at its facilities in nearby Research Triangle Park, N.C. We hope those and other emergency response capabilities will be fully available to prevent further contamination, determine the cause of this emergency and adopt policies to prevent additional incidents at this plant and thousands of similar facilities across the U.S.

Many area residents are already wondering why this facility was permitted to locate near residential communities contrary to EPA guidance AGAINST siting hazardous waste facilities in sensitive locations such as near populated areas or where a release could threaten drinking water. In this case the heavy rains may have washed hazardous waste into nearby waterways such as, Middle Creek, which flows into Sunset Lake and Swift Creek.

Thank you again for your rapid response to this disaster. We look forward to your response to our recommendations and other steps you are taking to determine the full extent of contamination and resulting clean up.

Sincerely,

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