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August 1, 2001

Mr. John Kelly
U.S. Environmental Protection Agency
1650 Arch Street
Philadelphia, Pennsylvania 19103-2029

Dear Mr. Kelly,

Thank you for your voice mail message yesterday about EPA's plans for dioxin sampling at the Baltimore train tunnel fire site. As I understand your phone message, the EPA has now agreed to do an analysis for dioxins from 1 to 3 samples taken somewhere near the site.

As we have said to you and other government agencies since Monday, July 23rd, because the fire aboard the CSX freight train involved thousands of gallons of leaking hydrochloric acid, these conditions may have been ideal for the formation and release of dioxins that may not only reach the harbor in wastewater and ash but also surrounding communities in vapor and soot.

Although it is too late to test the fumes from the fire for dioxins, it would have been prudent to sample and test the soot from the fire and surrounding communities for the presence of dioxin before it rained last Sunday.

As you know, the EPA has found dioxin to be one of the most toxic substances known. It is a human carcinogen and can also cause many other serious health effects such as diabetes, endometriosis, immune system suppression, and other disruptions of the human hormone and reproductive systems. The EPA estimates that these effects may already be occurring to many people from existing levels of dioxin in the environment and in human body fat. Any additional loadings of dioxin to the environment add to the number people already at risk.

Dioxin is not naturally occurring but rather the result of chlorine compounds coming in contact with fire, usually in manufacturing or incineration. The EPA also estimates that significant dioxin emissions also come from hundreds of thousands fires in buildings, automobiles and landfills each year. Virtually all of this dioxin is preventable with the substitution of chlorinated compounds with safer substances. And under the new global UN treaty to ban 12 of the worst toxic chemicals, including dioxin, de-chlorinating waste streams may become a legally binding imperative.

Although your announcement of dioxin testing is a good first step we have some serious concerns:

1) Why only test 1 to 3 samples? This is an extremely inadequate sample size. We would have expected something like 25 or 30 samples starting at the closest points to the hydrochloric acid tank car in the tunnel, the ash nearby and wastewater in the tunnel and additional samples of soot deposits from the surrounding communities at both ends of the tunnel, including residential and Camden Yards samples.

--- For example, the EPA took 25 samples surrounding the Columbus incinerator in Ohio in 1995.

2) Where were the samples you are testing taken from? We have heard that the EPA may have taken some soot samples from the residential areas surrounding the north end of the tunnel. Have you taken any at Camden Yards or on cars or emergency response vehicles parked near the south entrance of the tunnel?

3) Will you also test for PCBs in the soot? As you know, the EPA often finds that approximately 25–50% of the toxicity of dioxin samples are assigned to “dioxin-like” PCBs. According to news reports the tunnel contained electrical wiring. Do you know if any of the wiring was insulated with dielectric fluid which could also contain PCBs? Likewise, were there any PCB containing transformers or capacitors in the tunnel which may have been exposed to the fire? Was any of the wiring insulated with vinyl or PVC plastic? PVC will also cause the formation of dioxin in fires.

4) Will you release the full profile of dioxin congeners found along with the TEQ calculation for each sample? When do anticipate test results will be available?

In conclusion and pursuant to the Freedom of Information Act, (FOIA) 5 U.S.C. 552, and EPA FOIA regulations, we formally request copies of all of your dioxin test results taken from this tunnel fire site and surrounding area as soon as you receive them. We reserve the right to appeal any denial of this requested information.

Thank you for your attention to this matter.

Sincerely,

Rick Hind, Legislative Director
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