

Congress of the United States
House of Representatives

COMMITTEE ON OVERSIGHT AND REFORM

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WASHINGTON, DC 20515-6143

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<https://oversight.house.gov>

December 8, 2022

Mr. John Barta
General Manager
U.S. Ecology Detroit South
1923 Frederick Street
Detroit, MI 48211

Dear Mr. Barta:

On August 25, 2022, the Committee on Oversight and Reform's Subcommittee on Environment held a field hearing in Detroit, Michigan, on effective environmental enforcement to protect frontline and environmental justice communities. Chairman Ro Khanna, Vice Chairwoman Rashida Tlaib, Members of Congress, Environmental Protection Agency representatives, and other attendees heard testimony from residents who live blocks away from the U.S. Ecology Detroit South facility. They described how your pollution degrades their quality of life and the life-threatening consequences that your operations create every day.¹

Residents described how asthma has impacted generations of families living near your toxic facility. We heard how they are expected to believe that respiratory problems, infertility and reproductive issues, and a myriad of other health problems are assumed risks for living near your operations. Ms. Pamela McGhee, who has lived much of her life near U.S. Ecology Detroit South, described her experience:

My family and I have been here most of our lives, and we all have suffered really bad asthma living here. When my oldest daughter, Jonique, was coming home from school, then 16 years old, she had a terrible asthma attack at the bus stop nearby, and someone took her to a hospital. ... Jonique is in her forties now, and still has bad asthma attacks and infertility and fibroid problems. ...

My neighbor, who lives a half a block from U.S. Ecology has COPD [chronic obstructive pulmonary disease] and asthma and can't go outside. She has to close all her windows, and has a breathing machine in her house. She takes a lot of medication, and has lived there for over 30 years, and says nothing is getting better.

¹ Committee on Oversight and Reform, Subcommittee on Environment, *Hearing on Effective Environmental Enforcement: Tools and Strategies to Protect Vulnerable Communities* (Aug. 25, 2022) (online at <https://oversight.house.gov/legislation/hearings/effective-environmental-enforcement-tools-and-strategies-to-protect-vulnerable>).

My oldest has fertility issues. My youngest has hormonal issues. A lot of young women living ... throughout my community have issues getting pregnant or losing a child too early, and they are all located in this area.

Just this last month, one of my neighbors developed seizures. Another neighbor lost her pregnancy to fetal brain deformity. And I went in for an MRI [magnetic resonance imaging] because of difficulties myself.”²

Ms. McGhee’s daughter, Daeya Redding, also testified about her experiences living in the shadow of your facility, stating:

Try to envision this. You wake up in the morning and start your day as usual. You are brewing a cup of coffee, getting ready to walk your dog, or simply stepping outside for fresh air. Suddenly, the air isn’t as fresh as you were expecting. It is rotten, metallic, and fishy. It is blatantly unhealthy, and not of the crisp and clean perfume that Mother Nature emits. Well, that is my reality.³

No American—or human being—should ever experience what Ms. Redding described, much less on a daily basis. The gravity of this situation extends far beyond unpleasant smells or noxious odors. As Ms. Redding explained:

Odors are not just bad smells. Odors are often volatile organic compounds, or VOCs. VOCs can have a range of bad health effects, from lung irritation to cancer.

In addition to odors, residents are affected by the dust and particulate matter from the facility. Particulate matter is so tiny it can get lost into lungs, air passageways, and even the bloodstream. It is the major cause of premature death due to air pollution. Exposure to particulate matter can cause lung irritation, difficulty breathing, asthma attacks, increased lung function, heart attacks, and premature births and low birth weight. ...

It was this pollution that made our community more susceptible to COVID-19. Community members already suffering from asthma and respiratory illnesses were hit the hardest.⁴

We are deeply concerned that your company’s actions have confined residents to their homes, some hooked up to breathing machines, because the air outside is rotten, metallic, and fishy, filled with dust and volatile organic compounds. As Ms. Redding aptly stated, residents “are

² Committee on Oversight and Reform, Subcommittee on Environment, *Hearing on Effective Environmental Enforcement: Tools and Strategies to Protect Vulnerable Communities* (Aug. 25, 2022) (online at <https://oversight.house.gov/legislation/hearings/effective-environmental-enforcement-tools-and-strategies-to-protect-vulnerable>).

³ *Id.*

⁴ *Id.*

paying for [U.S. Ecology's] pollution with our lives, our children's lives, our bodies, and our futures."⁵

The Committee also heard testimony about the 35 violation notices the State of Michigan has issued to your Detroit South facility since 2014, nine of which have been issued since you entered into a consent decree in 2020.⁶ It is alarming that a facility under a robust consent decree would violate its permits and the law even once—let alone nine times in just two years. This flagrant disregard for the health and well-being of people living near your facility will not be tolerated and should bear heavily on the State of Michigan's upcoming decision regarding the renewal of your operating permit.

Residents extended a rare opportunity for you to do the right thing and begin to repair the damage you have brought to their community by asking that you enter into a Host Community Agreement for your Detroit South facility, one of which is already in place for the Detroit North facility. A Host Community Agreement would allow you to take concrete steps with residents and the City of Detroit to address community concerns and create a safer, healthier community for everyone. More than 300 residents have signed a petition in support of a Host Community Agreement, a copy of which has been transmitted with this letter for your convenience.⁷

In order to better understand your operations and the gaps in federal law and enforcement that allow you to continue polluting this community, please respond in writing to the following questions by December 15, 2022:

1. What corrective actions have you taken since entering into a consent decree to improve operations at your facility and prevent further illegal emissions and other violations?
2. What planned corrective actions have yet to be taken, and what is the timeline for their completion?
3. What actions do you plan to take to prevent the spread of fugitive dust?
4. What wastewater discharges do you make, how frequently, and at what volumes? What discharges have you made in 2022?
5. Have you taken any action to minimize the disruption of truck traffic to and from your facility?

⁵ *Id.*

⁶ *Poletown Residents Want Legal Protections from Waste Facility*, Bridge Detroit (July 7, 2022) (online at www.bridgedetroit.com/poletown-residents-want-legal-protections-from-waste-facility/).

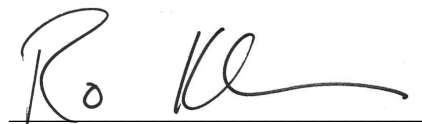
⁷ Birch and Kinga Kemp, *Improve Air Quality for Detroit Families: Demand City of Detroit & US Ecology Resolution* (Sept. 12, 2022) (online at <https://drive.google.com/file/d/1A1LL4uEiYPGoz1kh8YiW8PDmT2DwfhZk/view>).

6. What information do you provide to the public about the substances being treated at your facility, how you treat and dispose of that waste, and what the discharges and emissions associated with these operations are?
7. How do you notify the public of accidents and/or discharges and emissions that impact their quality of life? When nuisance odors or other unexpected releases occur, what is your safety protocol?
8. Do you plan to enter into a Host Community Agreement for the Detroit South facility like you agreed to for the Detroit North facility?

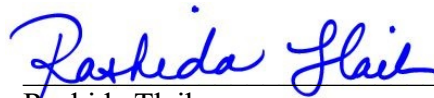
We look forward to receiving your responses to these questions in a timely manner and sincerely hope that your company will take immediate steps to end its dangerous, potentially criminal, and likely fatal pollution of the community around your Detroit South Facility, including considering entering into a comprehensive Host Community Agreement. We will continue to consider additional means of accountability for area residents.

The Committee on Oversight and Reform is the principal oversight committee of the House of Representatives and has broad authority to investigate “any matter” at “any time” under House Rule X. If you have any questions regarding this request, please contact Subcommittee staff at (202) 225-5051.

Sincerely,



Ro Khanna
Chairman
Subcommittee on Environment



Rashida Tlaib
Vice Chair
Subcommittee on Environment

cc: The Honorable Yvette Herrell, Ranking Member
Subcommittee on Environment