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Delaware State Conference of Branches
P.O. Box 986 - Georgetown, Delaware 19947

Richard Smith, President

Dr. Freeman Williams
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Fleur Mckendell
2nd Vice President

Barbara Malone
Secretary

Jane Hovington
Treasurer

August 12, 2020

Via Electronic Email

Mr. Shawn Garvin, Secretary
Department of Natural Resources and Environmental Control
89 Kings Highway
Dover DE 19901
shawn.garvin@state.de.us

Dear Secretary Garvin,

The Delaware NAACP State Conference of Branches is opposed to Croda Inc's permit application to expand production at its Atlas Point facility in New Castle, Delaware. The reasons for our opposition include, but are not limited to:

1. Croda produces ethylene oxide that is extremely flammable and produces carcinogens.
2. Croda's facility is adjacent to residential areas that have been adversely impacted by cancer clusters for a long period of time.
3. Croda has had numerous Department of Natural Resources and Environmental control (DNREC) violations reported, including a gas leak in 2018 that shut down the Delaware Memorial Bridge which resulted in DNREC shutting Croda's ethylene oxide operation down for at least one year.
4. A recent News Journal article reported that the Environmental Protection Agency (EPA) has determined that ethylene oxide produces 30 times the amount of carcinogens than previously estimated.

5. Croda admits that its proposed expansion will increase the amount of hazardous air pollutants.
6. On July 16, 2020, U.S. Senator, Tom Carper of Delaware and eight other U.S. Senators demanded that the EPA take action to reduce the health risks caused by ethylene oxide produced throughout the United States.
7. The well-known, underlying health conditions of residents of the Route 9 corridor, where Croda is located, makes them more susceptible to sickness and death, particularly amidst the current COVID-19 pandemic.

Overall, the Route 9 corridor is the only area in the State of Delaware where heavy industry surrounds residential neighborhoods. This exemplifies the epitome of environmental injustice, which will not be tolerated by the Delaware NAACP State Conference of Branches. As such, we urge that Croda's application for expansion be denied accordingly.

Sincerely,

A handwritten signature in blue ink that reads "Richard Smith". The signature is written in a cursive, slightly slanted style.

Richard Smith, President

delaware online

NEWS

EPA left Delaware residents in the dark on chemical's cancer risks, its watchdog says

Karl Baker Delaware News Journal

Published 5:00 a.m. ET Jul. 27, 2020 | Updated 3:18 p.m. ET Jul. 27, 2020

A substance that leaked in 2018 from a chemical plant near New Castle is more cancerous than scientists once believed, yet many who live around the facility are unaware of the health risks.

In March, a federal watchdog urged the U.S. Environmental Protection Agency to "promptly" hold public meetings in New Castle and 16 other locations across the country to inform residents living near ethylene oxide facilities that the chemical is 30 times more cancerous for adults than previously thought.

The new health risks were discovered more than three years ago, but the government has failed to relay the message to the people most impacted, according to the watchdog report, published by the EPA's independent Office of Inspector General.

To date, it appears that no public meetings have occurred in Delaware, even as the government recently said health risks to people who live near ethylene oxide plants may be growing. Meanwhile, the coronavirus pandemic has prompted reductions in EPA enforcement.

Previously: Croda just one of many concerns for residents: 'It's always something'

For some who live in a cluster of neighborhoods that surround Croda Inc.'s Atlas Point chemical plant, it is another failure by governments they say have overlooked their community for years.

Garfield Park resident Ron Handy, who serves in leadership roles for various community organizations, said he was not told about the EPA's cancer assessment, even during public

meetings that followed the catastrophic chemical release two years ago from the Atlas Point facility.

The leak released nearly 3,000 pounds of the flammable ethylene oxide gas, causing authorities to close the nearby Delaware Memorial Bridge and to tell neighbors to stay in their homes. It occurred after a gasket had been incorrectly installed on a pipe connection.

"I'm looking at this now, and that should have been on the table, then," said Handy, referring to the cancer assessment.

Similar complaints about access to critical information surfaced from New Castle-area residents in Handy's neighborhood following the chemical leak.

New Castle-area barber Edward Harrison said then that many residents had to rely on neighbors' social media reports to find out why they were told to shelter in place during the leak.

"People are discouraged," Harrison said.

Contacted recently again, Harrison said he also hadn't heard about the EPA's updated cancer assessment for ethylene oxide.

In its March report, the inspector general noted that studies now show that "breathing air containing elevated ethylene oxide levels over many years" would increase the risk of lymphoid and breast cancers.

The science prompted the EPA to designate the chemical as "carcinogenic to humans."

Price of a toxic gas leak: Croda's fine wasn't enough, activists say

The designation was "probably carcinogenic to humans" in 2014, when Delaware's then-Gov. Jack Markell welcomed plans to allow for the manufacture of the chemical at Atlas Point.

At the time, Croda International Plc. called its plan for Delaware a "significant" and nationally groundbreaking investment. It also would reduce Croda's reliance on hazardous petrochemical-based supplies of ethylene oxide, the company said then.

A specialty chemical company today worth more than \$7 billion, Croda makes components for products in the automotive, electronics and agriculture industries, among others.

In an email, Croda's Atlas Point site manager Chris Barnett said the company invested more than \$8 million in air pollution control devices at the facility after it learned about the EPA's

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revised cancer assessment for ethylene oxide.

An ongoing audit

The March report further stated the EPA planned to hold a "potential" public meeting in New Castle about the carcinogenic determination during the first half of 2020.

No such meeting occurred.

When asked why, EPA spokeswoman Terri White said in an email that the time period had been an estimate.

She said the agency's planning document, cited in the inspector general report, was "always intended to be a living document and would be revised as coordination with state and local agencies got underway."

In the email, White also said the EPA had offered Delaware state officials "the original data" from the National Air Toxics Assessment, released to the public in 2018, which contained information behind ethylene oxide's new cancer determination.

More: Dangerous chemicals in Delaware: Do you know how close they are to your home?

A spokesman for the Delaware Department of Natural Resources and Environmental Control last month said the state has not been privy to any planned EPA meetings mentioned in the inspector general report.

Following the report's publication, EPA Administrator Andrew Wheeler criticized the "tone and substance" of the report, saying it indicated "a disconnect in the US EPA IG's office."

"Most surprising is that in our final meeting with the IG's office on this matter they provided no indication that there would be any unresolved issues," Wheeler said in a statement. "As a result, we are formally requesting the EPA IG rescind the report so it can be appropriately updated."

Asked about the EPA's response to its report, an inspector general spokeswoman said it does not plan additional steps to encourage the agency to comply with its public meeting recommendations.

Its March report was an interim document "within an ongoing audit," she said, and the final report should be released next spring.

More: EPA sues New Castle salvage yard operator in latest chapter of Delaware's industrial legacy

A separate debate

Concerns over ethylene oxide simmer as Croda plans to expand the segment of its Delaware operations that use separate chemicals.

Early this year, the British company applied for a permit to construct a 23,000-gallon tank to store an agricultural spray product, and a 12,000-gallon tank to blend substances used in the production of hygiene products, among other items.

The project would increase the plant's air emissions, but it would not cause it to exceed a permitted limit for the release of volatile organic compounds, the company says.

"It is what it sounds like; we take different materials that we produce here, and that we buy, and we mix them together in vessels," Barnett, the Croda site director, said during a DNREC meeting earlier this month.

"Emissions only happen as we are filling the tanks," he said.

In an email, Barnett said the materials to be used in the new tanks, if approved, are those the company already uses in its "existing Blend tank area." He declined to disclose the names of those materials.

Despite such safety assurances, a backlash to the proposal already has occurred, most notably in a New Castle County Council resolution passed during a July 14 meeting.

The resolution, which officially opposed Croda's permit request to the state, said the company "has been a cause for concern" during its time near New Castle. It then listed what council members called nine previous environmental violations the company had committed, including the "unpermitted releases of highly flammable ethylene oxide gas."

"The legislation speaks for itself," Councilman Jea Street said at the meeting. "This is about the haves and the have-nots."

More: New Castle County tables chokehold, knee-hold ordinances

Dan McDermott, the union president for the Atlas Point facility, spoke at the meeting in opposition to the resolution, arguing that "most of the things that Councilman Street brought up" relate to the single incident.

“It appears that it’s a long-running safety issue, but really it’s not. They’ve invested a lot in the community,” he said.

Also speaking at the meeting was New Castle resident Dora Williams, who said she opposes polluting industries that operate “under the auspices of economic growth.”

She also noted that the EPA's website lists ethylene oxide as a known carcinogen.

“This is where we live, enjoy one another, raise our children and leave a legacy,” Williams said.

Reporter Lindsay Weber contributed to this story.

Contact Karl Baker at kbaker@delawareonline.com or (302) 324-2329. Follow him on Twitter @kbaker6.

PRESS RELEASES

Carper, Duckworth, Durbin and Colleagues Urge EPA to Exercise its Full Authority under the Clean Air Act as it Begins EtO Rulemaking Process (/public/index.cfm/pressreleases? ID=BBF5FF85-B190-4E12-921A- B451F988B94A)

Jul 08 2020

WASHINGTON – Today, U.S. Senators Tom Carper (D-Del.), top Democrat on the Environment and Public Works (EPW) Committee, Tammy Duckworth (D-Ill.) and Dick Durbin (D-Ill.), along with eight of their colleagues, wrote to U.S. Environmental Protection Agency (EPA) Administrator Andrew Wheeler demanding EPA meet all its *Clean Air Act* requirements to protect exposed populations as it begins a National Emission Standards for Hazardous Air Pollutants (NESHAP) rulemaking process for ethylene oxide (EtO) commercial sterilization and fumigation operations.

Specifically, the Senators urged EPA to conduct both a technology review and a residual risk review at the same time in order to identify and reduce the unacceptable risks to public health posed by our nation's major sources of EtO.

“As you know, EPA’s 2018 National Air Toxics Assessment (NATA) provided an overview of facilities emitting EtO and the risks that each facility poses to their surrounding communities. This report identified 25 facilities that emitted EtO at rates high enough to increase cancer risk for the surrounding communities above the EPA’s ‘acceptable’ threshold of 100 per 1 million cancer diagnosis. These risks weigh heavily on us and our constituents,” the senators wrote.

“Long-term exposure to EtO emissions is linked to an increased risk for cancer, as well as adverse impacts on reproductive health and pregnant women. Short-term exposure can contribute to other issues including respiratory irritation, lung damage, nausea and vomiting,” the senators continued. **“The agency should comply with its mission and do all it can to reduce these risks to the public.”**

In June, Senators Carper, Duckworth and Durbin released a statement (<https://www.duckworth.senate.gov/news/press-releases/duckworth-carper-durbin-statement-on-epas-final-miscellaneous-organic-chemical-manufacturing-eto-rule>) in response to EPA finalizing its rulemaking on Hazardous Air Pollutants, which includes ethylene oxide, from the manufacturing sector.

U.S. Senators Jeff Merkley (D-Ore.), Kamala Harris (D-Calif.), Chris Van Hollen (D-Md.), Ed Markey (D-Mass.), Elizabeth Warren (D-Mass.), Cory Booker (D-N.J.), Dianne Feinstein (D-Calif.) and Kirsten Gillibrand (D-N.Y.) joined Carper, Duckworth and Durbin in sending this letter.

Full text of the letter included below and here (<https://www.duckworth.senate.gov/imo/media/doc/20.07.01%20-%20Letter%20to%20EPA%20on%20ETO%20Sterilizers.pdf>).

July 8, 2020

VIA ELECTRONIC DELIVERY

The Honorable Andrew Wheeler

Administrator

U.S. Environmental Protection Agency (EPA)

1200 Pennsylvania Avenue N.W.

Washington, D.C. 20004

Dear Administrator Wheeler:

The U.S. Environmental Protection Agency (EPA) is beginning a National Emission Standards for Hazardous Air Pollutants (NESHAP) rulemaking process for ethylene oxide (EtO) commercial sterilization and fumigation operations. In this process it is imperative that EPA exercise its full authority to regulate EtO under the Clean Air Act (CAA). Specifically, in order to ensure the highest level of protection for exposed populations, we urge EPA to meet its CAA requirements by performing all statutorily required reviews under Section 112 of the CAA. Doing so will ensure that EPA is best positioned to assess and quickly address the cancer and other public health risks posed by our nation's major sources of EtO.

The law requires EPA to perform a Section 112(d)(6) review under the CAA. This section of the law requires EPA to determine the maximum degree of emissions reduction possible for all EtO sources. EPA must also implement the maximum achievable control technology (MACT) at point sources. However, if the agency limits itself to only assessing achievable technology and does not assess any residual risk that cannot be reduced through control technology, risks to public health, including an elevated risk of cancer, may remain after the identified technologies are implemented. In order to identify and address any remaining risks to public health, EPA should exercise its authority to perform a Section 112(f)(2) review in addition to the Section 112(d)(6) review. This second type of review under the CAA requires the EPA to assess whether additional risk reductions are necessary to protect public health or the environment and to then develop any necessary standards to address these remaining risks.

When EPA last assessed EtO emissions standards in 2006, it conducted both a technology review and a residual risk review at the same time. In our view, it is imperative that EPA undertake both types of review for commercial sterilization and fumigation operations in order to identify and reduce the unacceptable risks to public health posed by release of EtO at these facilities. Both types of review are needed because EPA recently identified an EtO cancer risk for these facilities that exceeds EPA's 'acceptable' threshold, and because the human health risks used in the 2006 review have been updated in EPA's 2016 health assessment for the chemical.

As you know, EPA's 2018 National Air Toxics Assessment (NATA) provided an overview of facilities emitting EtO and the risks that each facility poses to their surrounding communities. This report identified 25 facilities that emitted EtO at rates high enough to increase cancer risk for the surrounding communities above the EPA's "acceptable" threshold of 100 per 1 million cancer diagnosis. These risks weigh heavily on us and our constituents. Long-term exposure to EtO emissions is linked to an increased risk for cancer, as well as adverse impacts on reproductive health and pregnant women. Short-term exposure can contribute to other issues including respiratory irritation, lung damage, nausea and vomiting. The agency should comply with its mission and do all it can to reduce these risks to the public.

We ask that EPA provide a response to this letter by July 17, 2020. Specifically, we would like to know whether EPA will perform a 112(f) (2) review under the CAA.

Thank you in advance for your consideration and we look forward to your response. If you have any questions please reach out to Radha Adhar with Senator Duckworth's office at 202-224- 2324 or Annie D'Amato or Michal Freedhoff of the Environment and Public Works Committee staff at 202-224-8832.

Sincerely,

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FOR RELEASE: July 8, 2020

CONTACT: Jill Farquharson (mailto:Jill_Farquharson@epw.senate.gov)

Carper, Duckworth, Durbin and Colleagues Urge EPA to Exercise its Full Authority under the Clean Air Act as it Begins EtO Rulemaking Process

WASHINGTON – Today, U.S. Senators Tom Carper (D-Del.), top Democrat on the Environment and Public Works (EPW) Committee, Tammy Duckworth (D-Ill.) and Dick Durbin (D-Ill.), along with eight of their colleagues, wrote to U.S. Environmental Protection Agency (EPA) Administrator Andrew Wheeler demanding EPA meet all its *Clean Air Act* requirements to protect exposed populations as it begins a National Emission Standards for Hazardous Air Pollutants (NESHAP) rulemaking process for ethylene oxide (EtO) commercial sterilization and fumigation operations.

Specifically, the Senators urged EPA to conduct both a technology review and a residual risk review at the same time in order to identify and reduce the unacceptable risks to public health posed by our nation's major sources of EtO.

“As you know, EPA’s 2018 National Air Toxics Assessment (NATA) provided an overview of facilities emitting EtO and the risks that each facility poses to their surrounding communities. This report identified 25 facilities that emitted EtO at rates high enough to increase cancer risk for the surrounding communities above the EPA’s ‘acceptable’ threshold of 100 per 1 million cancer diagnosis. These risks weigh heavily on us and our constituents,” the senators wrote.

“Long-term exposure to EtO emissions is linked to an increased risk for cancer, as well as adverse impacts on reproductive health and pregnant women. Short-term exposure can contribute to other issues including respiratory irritation, lung damage, nausea and vomiting,” the senators continued. **“The agency should comply with its mission and do all it can to reduce these risks to the public.”**

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carper-durbin-statement-on-epas-final-miscellaneous-organic-chemical-manufacturing-eto-rule) in response to EPA finalizing its rulemaking on Hazardous Air Pollutants, which includes ethylene oxide, from the manufacturing sector.

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When EPA last assessed EtO emissions standards in 2006, it conducted both a technology review and a residual risk review at the same time. In our view, it is imperative that EPA undertake both types of review for commercial sterilization and fumigation operations in order to identify and reduce the unacceptable risks to public health posed by release of EtO at these facilities. Both types of review are needed because EPA recently identified an EtO cancer risk for these facilities that exceeds EPA's 'acceptable' threshold, and because the human health risks used in the 2006 review have been updated in EPA's 2016 health assessment for the chemical.

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[Press Releases](#) (/public/index.cfm/pressreleases?type=press-releases)
[Energy & Environment](#) (/public/index.cfm/pressreleases?label=Energy
&Environment)

Permalink:

<https://www.carper.senate.gov/public/index.cfm/2020/7/carper-duckworth-durbin-and-colleagues-urge-epa-to-exercise-its-full-authority-under-the-clean-air-act-as-it-begins-eto-rulemaking-process>

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Sincerely,

Tammy Duckworth
Ranking Member
Fisheries, Water and Wildlife
Subcommittee

Thomas R. Carper
Ranking Member
Committee on Environment and
Public Works

Richard J. Durbin
United States Senator

Jeffrey A. Merkley
United States Senator

Kamala D. Harris
United States Senator

Chris Van Hollen
United States Senator

Edward J. Markey
United States Senator

Elizabeth Warren
United States Senator

Cory A. Booker
United States Senator

Dianne Feinstein
United States Senator

Kirsten Gillibrand
United States Senator