

CBE STATEMENT Re EXIDE:

CBE staff and its members in South East LA have been concerned about toxic emissions from Exide's Vernon facility for over fifteen years. CBE has played an active role in tracking and analyzing data relating to the facility, and in calling public attention to the health and safety risks that this facility's operations pose to the surrounding community and its workers, by for example, including the facility as an important stop toxic tours.

In April of this year, the Department of Toxic Substances Control (DTSC), an agency that has been negligently inactive in the past with regard to many toxic polluters and particularly with regard to Exide's Vernon facility, finally took action to protect both workers and community members from Exide's hazardous emissions by ordering the facility to cease its operations. When CBE learned of this action, CBE immediately began to collect and disseminate as much information as possible relating to the health and safety of our members and the South East LA community.

Through participating in public meetings, sharing information and collaborating with allies, CBE has made it a priority to ensure that the health and safety of our members and the surrounding community are not put at risk by Exide's operations, or the inaction of its oversight agencies. Since the DTSC's shutdown order, CBE has not seen any data that would allow us to believe that Exide's plans to address its emissions will truly protect the public, and our members. Therefore, CBE maintains the position that Exide should NOT be permitted to operate, and that it should be shut down.

CBE's messaging regarding its position relating to Exide's Vernon facility, and the importance of protecting the health and safety of our membership base, has often focused on drawing a critical connection between the rights of both workers and the community. CBE has never advocated for a re-opening of Exide's Vernon facility, and it does not support its present operation. However, CBE does strongly support the right of workers at Exide and any other toxic facility, to their fair and due compensation at any point of shutdown. This position, and any statements made by CBE concerning the rights of workers at Exide have been further aimed at showing Exide's corporate leaders and its oversight agencies that divisive tactics between environmental and labor concerns will not break our movement.

BRIEF LEGAL UPDATE:

DTSC based its order to suspend Exide's operations on the fact that Exide's air and groundwater emissions were at unacceptably high levels, which the agency determined caused an "imminent and substantial endangerment" to the health and safety of the community. Specifically, DTSC found that Exide's groundwater pipe system failed to meet applicable standards necessary to protect the health of the surrounding community, and that based on AQMD's health risk assessment emissions data, Exide's arsenic emissions were at extremely dangerous levels. Despite these findings, Exide succeeded in a superior court suit against DTSC, and the superior court has now prohibited DTSC from keeping Exide shutdown.

CBE's legal department attempted to intervene in the superior court case in which Exide obtained its temporary restraining order against DTSC, but were denied the intervention. As the basis for intervention, CBE asserted that the rights and interests of its members are directly impacted by the court's decision to invalidate DTSC's Order, and that those interests must be heard by the court before any decision can be made regarding Exide's reopening, or its continued operation. Although the judge presiding over the case denied CBE's intervention back in June, CBE is continuing its efforts to intervene in the case, and to ensure the highest protections for our members and community against Exide's harmful emissions by pushing for a complete shutdown of the facility.

If granted a legal intervention in the superior court suit, CBE's role in the litigation will not only be to protect our membership base and community's interest in living a healthy life, free from harmful contaminants from the facility, but it will also create a space in which community needs are heard rather than ignored in the process of determining whether, and under what conditions this facility should be allowed to continue its operations.