

Groups Take Legal Action Against Dow Chemical for Violating Hazardous Waste Laws

Environmental Groups Issue Notice of Intent to Sue Plant in Pittsburg, California, for Burning Hazardous Waste and Releasing Illegal Air Pollution

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Note: For TV and print visuals, a media interview availability will be held at 1 pm on Wednesday beside the sign outside the Dow Pittsburg plant's Corteva AgriScience facility at 901 Loveridge Road in Pittsburg, CA. If interested, please first contact Andres Soto of CBE at cell (510) 237-6866 or andres@cbecal.org

San Francisco – Three environmental groups today sent a notice of intent to sue a Dow Chemical plant in Pittsburg, California, for serious violations of federal hazardous waste laws meant to control air pollution.

The 1,000-acre Dow plant, located 40 miles northeast of San Francisco, manufactures fertilizers, insecticides, and personal care products in a community of 70,000 people, many of them Latinos, African Americans and people with lower incomes.

The plant is violating health-based limits in a state permit that control when and how much hazardous waste it can burn in its furnaces, and is also operating a wastewater treatment system without the proper hazardous waste permit, according to the notice from the Communities for a Better Environment (CBE), the Environmental Integrity Project (EIP) and Environmental Advocates.

“There is no legitimate reason why Dow should be operating those furnaces – and burning hazardous waste – in a way that releases dangerous pollutants into the community,” said Andres Soto, Organizer with Communities for a Better Environment. “This is a serious environmental justice issue because 75 percent of people living in this area are people of color who live below the poverty level.”

Dow is also failing to keep records necessary to demonstrate compliance with the federal Resource, Conservation and Recovery Act (RCRA), including by showing the amount and concentration of hazardous waste it is releasing into the atmosphere, according to the notice.

“The fact that Dow doesn’t have records showing what hazardous waste it burned when, and is using antiquated data management systems such as Fortran, is inexcusable,” said Mary Greene, EIP Deputy Director. “Dow is a sophisticated company with substantial earnings – it can afford to install the equipment and computer software the law requires to ensure the safety of those who work and live near the plant.”

Notice of intent to sue letters are the required first step to initiating citizen enforcement lawsuits against environmental violators such as Dow.

The violations addressed in the letter relate to hazardous waste management violations uncovered during an inspection conducted by the U.S. Environmental Protection Agency in March 2016 that have yet to be addressed by either California or EPA.

The groups’ letter asserts that Dow has violated the Resource Conservation and Recovery Act and its hazardous waste permits since at least May 2014, including by not following health-based limits that control when and how much hazardous waste it can burn.

Some of the hazardous wastes fed to the plant’s furnaces include metals such as arsenic (a carcinogen), chromium (a carcinogen), mercury (potentially carcinogenic and toxic to the central nervous system), lead (potentially carcinogenic and toxic to the central nervous system), methylene chloride (toxic to the central nervous system and potentially carcinogenic to humans), and trichloroethylene (a known human carcinogen), according to the notice letter.

“The residents of this area deserve a better corporate neighbor, and one that doesn’t put profit ahead of public health,” said Chris Sproul, attorney for Environmental Advocates.

Dow’s operation of its furnaces outside of permit limits – and there are thousands of documented violations - potentially exposes workers and nearby residents to harmful hazardous wastes.

Pursuant to the groups’ letter, Dow must immediately address the violations identified or risk the groups filing a complaint in federal district court to require Dow to properly manage its hazardous waste; and in particular, to stop burning hazardous waste under unsafe conditions.

To view the notice letter, visit: <http://www.environmentalintegrity.org/wp-content/uploads/2019/05/Dow-NOI-Final-05-09-19.pdf>

For a copy of the EPA inspection report, visit: <http://www.environmentalintegrity.org/wp-content/uploads/2019/05/EPA-NEIC-Inspection-Report-Dec-2016.pdf>

The Environmental Integrity Project is a national, nonprofit organization, based in Washington D.C., that empowers communities and protects public health by investigating polluters, holding them accountable under the law, and strengthening public policy.

Communities for a Better Environment (CBE) is one of the preeminent environmental justice organizations in the nation. CBE's mission is to build people's power in California's communities of color and low-income communities to achieve environmental health and justice by preventing and reducing pollution and building green, healthy and sustainable communities and environments.

Environmental Advocates is an environmental government watchdog and voice for the environment, conservation, wildlife, and public health. Environmental Advocates is ever-vigilant, monitoring state government's actions, advocating for the policies and practices that will protect our shared environment, and defeating regressive measures that seek to roll back hard-won conservation victories.

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