

IMMEDIATE RELEASE

December 16, 2021

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Community group sues East Oakland's AB&I Foundry for violating Prop 65 - Majority Black & Latinx community exposed to known carcinogen hexavalent chromium

Communities for a Better Environment seeks injunction to force mitigation, ask for civil penalties

OAKLAND, Calif. - Today [Communities for a Better Environment \(CBE\)](#) filed a lawsuit against AB&I Foundry and its parent company, McWane, Inc. for violating [Proposition 65 \(the Safe Drinking Water and Toxic Enforcement Act\)](#) by exposing the surrounding community to a known carcinogen without proper notice. The lawsuit was filed today in Alameda County Superior Court.

"We are seeking civil penalties and to force the Birmingham, Alabama company to mitigate the East Oakland majority Black and Latinx community's exposure to hexavalent chromium - the same toxic chemical at the center of the [landmark class-action lawsuit filed against PG&E for poisoning the groundwater in Hinkley, California](#)," said Tyler Earl, Staff Attorney for CBE. CBE is one of the preeminent environmental justice organizations in the United States.

The East Oakland community's increased risk of cancer was [uncovered by a recent Bay Area Air Quality Management District \(BAAQMD\) Health Risk Assessment \(HRA\)](#), the first such assessment of AB&I Foundry. The foundry, which manufactures cast iron pipe and fittings for plumbing systems, was identified as having "twenty operations (sources) at this facility that emit one or more toxic air contaminants." Cancer risk for workers was found to be four times what is considered the maximum acceptable level according to BAAQMD. Community members faced an increased cancer risk of two times higher than is deemed acceptable by BAAQMD. Due to these alarming findings, BAAQMD will now require AB&I Foundry to comply with a Risk Reduction Plan under [BAAQMD's Regulation 11, Rule 18](#).

Passed in 1986, Proposition 65 directs businesses to warn Californians if they face significant exposure to chemicals in products or through business processes that cause cancer, birth defects or other reproductive harm. In the decades since Prop 65 was adopted, the State of California as well as private groups and citizens have sued for failure to provide notice of significant exposures and for water contamination.

The foundry is the largest industrial source of air pollution in Oakland and it is located less than half a mile upwind of a public library and two elementary schools. Hexavalent chromium exposure is being addressed in this lawsuit, but the potential impact to the community goes beyond this issue. [AB&I has long been a source of complaints by East Oakland residents](#) who report experiencing headaches, nausea and other concerning symptoms upon breathing in formaldehyde clouds and other noxious-smelling emissions from the foundry.

“Living in deep East Oakland has made me realize the privilege of being able to breathe clean air whenever I want,” said East Oakland resident Jasmine Gonzalez. “My family’s access to clean air is controlled by AB&I. Whenever I smell the burnt rubber odor coming from AB&I, which causes me to get headaches, I have to rush to shut all of my windows and doors to try to stop the odor from coming into my home. This also limits the amount of time that we are able to be outside. I often ask myself how is it that this company has been able to pollute the deep East Oakland community and beyond for so long?”

Today’s lawsuit is not AB&I Foundry nor parent McWane, Inc.’s first brush with controversy. In 2016, California’s Fair Political Practices Commission [slapped McWane, Inc./AB&I Foundry with more than \\$100K in state and city fines for a scheme to launder money through employees so the foundry could donate to Oakland politicians above and beyond city donation limits](#). According to the Fair Political Practices Commission, an investigation uncovered [“37 laundered campaign contributions, totaling \\$23,900, by AB&I through 17 officers \(employees and their spouses\) to four Oakland mayoral candidates and two city council candidates from 2012 through 2014.”](#)

McWane, Inc. was the subject of a 2003 joint New York Times, FRONTLINE and the Canadian Broadcasting Corporation investigation. The investigation found that at the time McWane, Inc. had [“amassed more safety violations than all of its major competitors combined”](#) and that these violations resulted in thousands of injuries and [a number of deaths](#). In 2009, [McWane Inc. was fined \\$8 million for workplace safety and environmental crimes in New Jersey after a years-long investigation](#) dubbed “one of the most significant federal crackdowns against workplace safety and environmental crimes of the last decade.” The New York Times reported “the cases revealed a corporation

that...routinely lied to regulators, sometimes altering accident scenes, sometimes fabricating documents and sometimes bullying employees into giving false information to the authorities.”

“McWane, Inc. has a proven history of flouting safety rules, causing harm to workers, covering up crimes, and of using its money to try to buy off powerful interests. East Oakland residents deserve better. AB&I Foundry and McWane, Inc., must be held accountable for poisoning the community,” said Earl.

“We shouldn’t have to choose between jobs and our lives in East Oakland. AB&I Foundry has an opportunity now to clean up its operations and protect the community,” said Ernesto Arevalo, Northern California Program Director with CBE and East Oakland resident.

Founded in 1978, Communities for a Better Environment (CBE) is one of the preeminent environmental justice organizations in the nation. The mission of CBE 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. CBE provides residents in heavily polluted urban communities in California with organizing skills, leadership training and legal, scientific and technical assistance, so that they can successfully confront threats to their health and well-being.