

# Lone Tree Council

P.O. 1251, Bay City, Michigan 48706

*(Fighting for environmental justice since 1978)*

Ms. Lisa Jackson  
Administrator United States Environmental Protection Agency  
Washington DC  
FX 1-202-501-1450

January 30, 2009

Dear Administrator Jackson,

Congratulations on your new position leading the nation's environmental agency. The undersigned were pleased to learn that you have identified the cleanup of contaminated sites as a top priority for the EPA. We are writing to urge you to enforce the RCRA corrective action process on one of the worst contamination sites in the country in order to protect public health, improve economic development prospects for the region and to ensure that residents have a legitimate voice in a transparent public process on the cleanup.

The size and severity of the contamination in mid-Michigan, stretching from Dow Chemical's global headquarters more than 50 miles to the Saginaw Bay and Lake Huron have led the ATSDR to list the site as one of the 20 worst in the nation. Dioxin, which has been measured at the highest levels in the nation here, has contaminated the entire food web, resulting in advisories on fish and wild game. All species in the region carry dioxin, including residents living in the area. The Saginaw Bay Watershed is Michigan's largest.

This site has a long and storied history of political influence detailed and documented by Region V EPA resulting in a lack of sustained progress toward characterization and cleanup. Dow Chemical has aggressively distorted the science of dioxin, sponsored numerous controversial studies to confuse the public and decision makers, repeatedly sought behind-the-scenes negotiations and revisions that delay and disrupt existing requirements under the law. Dow Chemical issued legal and regulatory challenges chilling regulatory action and they have been charged with orchestrating, using political pressure, the firing of the former Region V administrator for her efforts to require real progress on the site. If any site calls out for the reasoned application of both science and law, this is it.

Residents living along this site of contamination and activists have worked for years to maintain a seat at the tables only to find in 2008, in the final days of the Bush

administration, we are being pushed aside for a Superfund Alternative Site process which by all indications was asked for by Dow Chemical. We detailed our concerns about this process in a letter to former Administrator Johnson. It is attached to this letter. This SAS "guidance" will supplant the existing viable RCRA corrective action license which has been in place since 2003.

Watershed advocates have repeatedly urged regulators at the state and national level to work cooperatively using the existing legal tools under RCRA and CERCLA, as they did in 2007 to fully characterize the site, take immediate action on the worst areas posing the most critical risks to the public and to move forward with a transparent and participatory process to develop plans for the remediation of the entire site. We have also repeatedly urged the state and federal governments to counter the unending spin of a well-funded company, articulating to the public these critical points:

- The public health threat is real
- The company is obligated under law to address the contamination
- The state and federal governments are obligated to represent the public interest in directing the cleanup
- Real progress and cleanup is not only possible but affordable over time
- The economic development interests of the region hang in the balance

The company has been aggressive in the public relations war, weakening the hand of regulators over time and creating numerous delays. It is imperative that we meet with you at the earliest possible date. We ask that you request Region V EPA to withhold any and all agreements with Dow Chemical until such time as we are able to meet with you and this administration is able to fully evaluate the situation. Your review is crucial. We believe it is keeping with the spirit of the administrations directive to halt new regulations until they have been evaluated. A contingent of engaged citizens would be happy to travel to Washington DC to meet with you at your earliest convenience. If you would like to visit our watershed, that would also be welcomed and easily arranged.

We look forward to hearing from you soon.

Regards,

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