

December 19, 2017

Mayor Rahm Emanuel
Office of the Mayor
121 N. LaSalle Street
Chicago, IL 60602

Re: Public Health Threats Arising from Industrial Operations on the Southeast Side of Chicago

Dear Mayor Emanuel,

As representatives of the Southeast Environmental Task Force (SETF), the Southeast Side Coalition to Ban Petcoke, National Nurses United - Illinois, the Natural Resources Defense Council (NRDC), The People's Lobby, Moms Clean Air Force, and Reclaim Chicago, we applaud you for standing up on two important environmental issues facing Chicago: (1) announcing your intent to sue U.S. Steel for its unlawful discharges into Lake Michigan because they threaten Lake Michigan and the Chicago residents, and (2) hosting the North American Climate Summit and securing more than 50 mayors from around the nation to sign the Chicago Climate Charter. Your actions reflect the reality that local leaders can and must take action to protect their residents. At a time when the federal government is sitting down,¹ local action to protect public health and the environment is critical.

We call on you to lead and take action immediately to protect Chicago families, most importantly the many young children who call the Southeast Side their home. The City of Chicago and the United States Environmental Protection Agency (USEPA) have recognized the concerning levels of manganese and other heavy metals—substances that negatively impact the nervous system and pose other serious health concerns, in particular to young children and pregnant women—as well as high levels of particulate matter above national standards, in our densely populated residential, environmental justice community. Despite awareness of the manganese and other problems, USEPA is not getting the job done, and efforts by City agencies, while welcome, have been slow moving.

Please demonstrate your leadership by taking decisive and immediate action now to protect the public health of this community. In addition, Chicago can and should exemplify sustainable living by working alongside the Southeast Side residents to reduce cumulative threats to health, and creating a greener economic corridor. Indeed, a green Chicago should not be one where residents find that, after actions taken by the City to address harmful petroleum coke and coal dust, the petroleum coke threat is traded for the potential harms of an asphalt processing operation at the very same site, with zero input from the community.

¹ See Eric Lipton and Danielle Ivory, Under Trump, E.P.A Has Slowed Actions Against Polluters, and Put Limit on Enforcement Officers, New York Times (December 10, 2017), <https://www.nytimes.com/2017/12/10/us/politics/pollution-epa-regulations.html>

To these ends, we request that you take the following steps to provide lasting change for this community:

1. Immediately issue a temporary moratorium on the outdoor storage of manganese, as well as the outdoor vehicle transfer of manganese, until the City's consultant studies are complete and appropriate measures are taken to prevent manganese release in the community;
2. Alert the community as soon as possible as to the risks associated with manganese exposure, and instruct residents about the steps that can be taken to protect themselves;
3. Commit to a timeline for revising the City's dust regulations to address manganese concerns, and adopt any other updates needed to protect public health concerns identified, with completion no later than December 2018; and
4. Commit by December 31, 2017 to revising the zoning process for industrial operations in Chicago's Planned Manufacturing Districts, as soon as possible but no later than March 31, 2018, so that residents have a voice on the front end of the process to determine what industry is located in their community.

We cannot wait any longer. The Southeast Side has been waiting for a real solution to its manganese problem for at least three years now. Back in 2014, SETF and NRDC raised concerns about granting a variance from the City's monitoring and other dust requirements to S.H. Bell, a company handling manganese in the open-air only feet from a residential community. A back-and-forth struggle over the need for monitoring ensued, between the company on the one side and federal and local agencies and community advocates on the other. S.H. Bell finally capitulated by installing monitors in spring 2017, but only after USEPA filed a lawsuit. Not surprisingly, the subsequent monitoring showed manganese levels in excess of the federal health screening threshold even after three years of the company's attempts to better control its operations.

Based on this monitoring data, USEPA issued a notice of violation ("NOV") to S.H. Bell in August of this year.² Since August, however, EPA has not announced any further action pursuant to this NOV to protect Southeast Side children and families from the known dangers of manganese.

Meanwhile, another facility handling manganese in the community, Watco (the new owner of the Arrow Terminals facility previously owned by Kinder Morgan), also handles manganese next to a residential community. Like S.H. Bell, Watco has been resisting the installation of monitors at its facility, despite evidence that manganese

² See EPA Notice of Violation (July 17, 2017), <https://www.epa.gov/sites/production/files/2017-03/documents/sh-bell-chicago-nov-final-201407.pdf>; see Request for Information Pursuant to the Clean Air Act, <https://www.epa.gov/sites/production/files/2017-03/documents/shb-114-request-201503.pdf> SH. Note that EPA should have known about the potential for manganese emissions much earlier considering that S.H. Bell's Ohio facility had been cited in 2008 for its violations related to manganese emissions.

dust is traveling offsite. USEPA has not sought to require air monitoring from this facility, despite the agency's own 2015 report recommending follow-up fence-line monitoring at the facility due to concerns with manganese.³

There is a pattern here. Largely in response to community concerns, federal and local agencies recognize a potential problem and request monitoring. Companies avoid that monitoring, claiming they are controlling their operations and not impacting the community. When monitoring ultimately occurs, sometimes years later, it reveals notable and concerning emissions of harmful pollutants. Even with a record of harmful emissions in hand, though, USEPA and the City have not done enough to protect public health and the environment.

USEPA's current inaction is enabling S.H. Bell and Watco to continue polluting with impunity, even though the stakes for children in the neighborhood could not be higher. When inhaled, manganese has profound, negative impacts on humans, including on brain development. In previous letters to the City and comments submitted to CDPH, we have called your attention to relevant health studies.⁴ Newer studies are even more pertinent regarding community-level exposures like those on the Southeast Side. A fall 2017 study of children aged seven to nine in East Liverpool, Ohio—a community in which SH Bell has another manganese handling facility that has also been the subject of multiple enforcement actions—concluded that manganese exposure was negatively associated with child IQ scores.⁵ In Chicago, public health researchers at the University of Illinois at Chicago have indicated that preliminary results of their manganese study show that children on the Southeast Side have substantially higher levels of manganese in their toenails than children in other neighborhoods. These studies also compel the City to act now.

We appreciate that the City recently has taken actions in response to our advocacy that reflect an initial recognition of the serious risks posed by manganese. The City has taken the important step of hiring a consultant to conduct an investigation into the sources of manganese—a neurotoxin. We also hope that the increased number of inspectors will help identify problems so that the burden of bringing pollution issues to your attention does not fall so heavily on the community. But the City has allowed the companies that handle and store manganese on the Southeast Side, including Watco and S.H. Bell, to continue operations in the interim. Considering that S.H. Bell's violations pose a threat to the health of residents living in your city, we are depending on you to step up.

³ USEPA, Xact Metals Study: Southeast Chicago (September 2015), https://www.cityofchicago.org/content/dam/city/depts/cdph/environmental_health_and_food/A1_NRDComKinderMorganVarReq_3102017.pdf.

⁴ Comments of NRDC, SETF, and SSCBP on S.H. Bell's December 2016 Variance Request, https://www.cityofchicago.org/content/dam/city/depts/cdph/environmental_health_and_food/PubCom_NatlNursesUnitedIll.Com_SHBellVarReq_1-11-17.pdf

⁵ Erin N. Haynes, Heidi Sucharew, Timothy J. Hilbert, Pierce Kuhnell, Alonzo Spencer, Nicholas C. Newman, Roxanne Burns, Robert Wright, Patrick J. Parsons, Kim N. Dietrick, Impact of Air Manganese on Child Neurodevelopment in East Liverpool, Ohio (2017), <https://www.documentcloud.org/documents/4324947-Heritage-Thermal-Incident-and-US-EPA-Response.html#document/p141/a392485>

Since we last wrote in June, the need to act immediately has become even more pressing. As described above, USEPA has issued a NOV to S.H. Bell acknowledging that the facility poses a threat to the community, but has failed to follow through. New public health studies have been released that draw yet another strong connection between manganese exposure in communities and long-term impacts on human health. There is a clear need for the City to step up and protect its most valuable resource—its people—by taking immediate action against these threats to public health.

Thank you for your prompt consideration and response to this letter.

Best regards,

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