



Board of Directors

Alyson Flournoy
Thomas McGarity
Christopher Schroeder
Sidney Shapiro
Rena Steinzor
Robert Verchick

January 14, 2005

VIA FACSIMILE (781) 848-1632

Advisory Board

Patricia Bauman
John Podesta
James E. Tierney
Henry Waxman

Andrew S. McKim
CEO, Clean Harbors Environmental Services, Inc.
1501 Washington Street
P.O. Box 859048
Braintree, Massachusetts 02185-9048

Re: Devil's Swamp, East Baton Rouge Parish, Louisiana

Dear Mr. McKim:

We write to you today regarding a matter of grave importance to the African-American families who routinely eat fish contaminated with PCBs, hexachlorobenzene (HCB), and hexachlorobutadiene (HCBd) at levels 60-90 times what the government says are safe as a direct result of your and other companies' activities. We call upon you to provide alternative food to the families until the threats posed by Devil's Swamp Lake are abated.

As you know, the United States Environmental Protection Agency (EPA) has named the Rollins Environmental Services hazardous waste disposal facility, now owned and operated by Clean Harbors Baton Rouge LLC, as the source of the PCB contamination in Devil's Swamp Lake. Adjacent to the lake and surrounding swamp lies the Petro Processors Superfund site. The site is one of the worst in the country, especially because it has contaminated the fish in the watershed to the point that they pose an unacceptable risk to subsistence fishermen who depend on their catch to feed their families. The companies identified by EPA as being responsible for polluting the Petro Processors site formed NPC Services, Inc. to perform the required clean up.

Last March, EPA proposed to list Devil's Swamp Lake, a man-made lake in the middle of Devil's Swamp and adjacent to the Petro Processors site, to the Superfund National Priorities List (NPL) in order to begin cleanup of the chemicals that pollute the watershed and poison its fish. NPC opposed the listing, as it did nearly ten years ago, this time adding to its arsenal of obstructions a challenge under the Information Quality Act (IQA).

Alan S. McKim
January 14, 2005

Enclosed please find the Center for Progressive Regulation's (CPR) response to NPC's IQA petition. CPR's letter calls upon EPA to immediately finalize the listing of Devil's Swamp Lake. The letter also asks EPA to order responsible parties to provide groceries to the affected communities pending cleanup of the lake, so that they no longer face the choice of endangering their health or going hungry. Companies are routinely ordered to provide alternative water to communities facing similar hazards, and EPA has ample authority under the Comprehensive Environmental Response Compensation and Liability Act (CERCLA or Superfund) to order the provision of alternative food supplies.

Today we call upon you to live up to Clean Harbors' humanitarian and legal obligations by voluntarily providing groceries to the families that are at risk as a direct result of Clean Harbor Baton Rouge's waste disposal. Cleanup of the Devil's Swamp watershed is decades past due, and even if EPA finalized listing tomorrow, will not be complete for many years to come. We sincerely hope you will provide that protection by offering groceries to those in need.

Sincerely,



Robert R.M. Verchick
Wendell H. Gauthier~Michael X. St. Martin
Eminent Scholar Chair in Environmental Law
Loyola University, New Orleans
Board Member



Rena I. Steinzor
Professor of Law
University of Maryland
Board Member



Sidney Shapiro
University Distinguished Professor
Wake Forest University Chair in Law
Wake Forest Law School
Board Member



Margaret Clune
Policy Analyst

cc: Reed D. Rubinstein, Esq., Greenberg Traurig (via facsimile)
Wilma Subra, Louisiana Environmental Action Network (LEAN)/Subra Company
(via electronic mail)
Velma Smith, National Environmental Trust (via electronic mail)
Richard E. Greene, Administrator, EPA Region 6
Bart Canellas, Remedial Project Manager, EPA Region 6 (via electronic mail)
Lee R. Raymond, Chairman and CEO, ExxonMobil Corporation
Andrew N. Leveris, President and CEO, Dow Chemical Company

Thomas E. Gottwald, President and CEO, NewMarket Corporation
Jeroen van der Veer, CEO, Shell Chemical LP
Mayor-President Melvin “Kip” Holden, City of Baton Rouge, Parish of East Baton Rouge, Louisiana
The Honorable Mary Landrieu, United States Senate
The Honorable David Vitter, United States Senate
The Honorable Richard Baker, United States House of Representatives
The Honorable Frank Lautenberg, United States Senate
The Honorable Hillary Rodham Clinton, United States Senate
The Honorable Susan Collins, Chair, Committee on Governmental Affairs, United States Senate
The Honorable Joseph Lieberman, Ranking Member, Committee on Governmental Affairs, United States Senate
The Honorable James Inhofe, Chair, Committee on Environmental & Public Works, United States Senate
The Honorable James Jeffords, Ranking Member, Committee on Environmental & Public Works, United States Senate
The Honorable Joe Barton, Chair, Committee on Energy and Commerce, U.S. House of Representatives
The Honorable John Dingell, Ranking Member Committee on Energy and Commerce, U.S. House of Representatives
The Honorable Tom Davis, Chair, Committee on Government Reform, U.S. House of Representatives
The Honorable Henry Waxman, Ranking Member, Committee on Government Reform, U.S. House of Representatives