



TOWN OF LEE
32 Main Street, Lee, MA 01238
www.lee.ma.us

Select Board

January 2, 2024

His Excellency Joseph Biden, President of the United States
The Honorable Edward Markey, U.S. Senate
The Honorable Elizabeth Warren, U.S. Senate
The Honorable Richard Neal, U.S. House of Representatives
Her Excellency Maura Healey, Governor of Massachusetts
The Honorable Andrea Campbell, Attorney General of Massachusetts
The Honorable Paul Mark, State Senator
The Honorable Smitty Pignatelli, State Representative, 3rd Berkshire
EPA Region 1 Administrator David Cash
EPA Administrator Michael S. Regan
H. Lawrence Culp, Jr., President of General Electric

RE: Housatonic Rest of River – General Electric/EPA PCB Cleanup

The Lee Select Board recently obtained several General Electric (GE) and Monsanto documents that are cause for great concern related to the GE/EPA Housatonic Rest of River Cleanup remedy. Namely, the attached documents show that GE signed an agreement releasing Monsanto of liability for PCB contamination. To our knowledge, this was not disclosed to the EPA or the First Circuit Court of Appeals. In addition, the EPA failed to adequately investigate this relationship between GE and Monsanto. Also attached, is an internal Monsanto document (cancer index) outlining each employee diagnosed with cancer from PCB's to as far back as 1949 (over 2 decades prior to the release with GE). David Carpenter, the foremost expert on the human health impacts of PCBs, testified to the Lee Board of Health in an Affidavit stating that the current location of the projected PCB dump in Lee would be catastrophic to the residents of Lee. His affidavit is attached.

In 1968 Monsanto learned that PCBs were discharged into rivers, and unlike other chemicals, were not carried by the river currents to the sea. Instead, they became imbedded into the settlements of the rivers.

On February 21, 1970, Monsanto's plasticizer department wrote a letter to all its 661 plasticizers customers warning them about contamination to waterways. Monsanto attached information in this letter stating that chemical and industrial plants were located next to rivers and disposed of chemical waste via river discharges. Monsanto also included information in this letter stating that the Commonwealth of Massachusetts only had regulations concerning river discharges for radioactive chemicals.

In August of 1970, Monsanto halted all production of Aroclors 1254 and 1262 due to overwhelming evidence it had that PCBs were toxic and harmful to humans and the environment. By that date, Monsanto had sold more than 1.4 billion pounds of the Aroclors.

On January 21, 1971, Monsanto entered into a contract with GE to continue selling Aroclors 1254 and 1262 for usage in electrical equipment. Monsanto conveyed to GE under the terms of the contract that PCBs were severely harmful to humans and the environment. GE executed this contract assuming all responsibility for any damages Monsanto might have to pay to others for PCB exposures.

In the opinion of the Town of Lee, the January 21, 1971 contract between Monsanto and GE violates Massachusetts Civil Conspiracy Law. The Town is currently planning to file charges against Monsanto this month, and related claims, including a public nuisance claim.

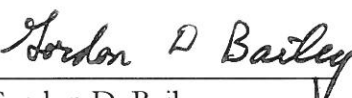
Since the time of the amended EPA permit in 2020, the Town of Lee has continued to express its overall discontent with the cleanup project as a whole. The Town, through numerous elections and public meetings, has objected to almost every aspect of the cleanup including, but not limited to, the toxic waste dump proposed for the Town of Lee, the lack of any alternative technologies for the cleanup remedy, and the potential impact on our infrastructure and human health.

The Town of Lee played no part in the contamination of the river and considers this an environmental injustice that the residents of Lee (with the lowest income of all towns in the river cleanup area) be subject to 13 years of disruption and risk to human health followed by centuries of potential issues from a toxic waste dump in our Town.

Based on the information presented in this letter, the Town of Lee will continue to pursue all avenues for a cleanup remedy where all involved parties are held responsible and all contaminated sediment is removed from Lee and the Berkshires. We look forward to your support in this mission and welcome the opportunity to discuss this situation further. Feel free to contact us through the Town Administrator, Christopher Brittain, at cbrittain@town.lee.ma.us or (413) 409-5976 to discuss this matter further.

Sincerely,


Bob Jones, Chair


Gordon D. Bailey


Sean Regnier

Attachments: Internal GE/Monsanto Documents (Exhibit A), Mickey Friedman 3 Part Series (Exhibit B), Dr. Carpenter Affidavit (Exhibit C).

cc: Berkshire Eagle
Berkshire Edge
Stockbridge Updates
Boston Globe
Springfield Republican
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New York Times
Washington Post
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