

EPA's Proposed Settlement is Major Step Forward in Cleanup of Passaic River

OxyChem Continues to Mislead Public in Effort to Shirk its Responsibility

For decades, OxyChem has gone to great lengths to avoid responsibility for the environmental harm caused by years of illegal discharges of dioxin and other toxic chemicals to the Passaic River from its former Agent Orange manufacturing plant in Newark, New Jersey. As a result of these discharges, the Lower Passaic River stands as **one of the most dioxin-contaminated rivers in the world** today.

Despite numerous court proceedings finding OxyChem to be primarily responsible for the contamination in the river—and a recent EPA-sponsored allocation that found **OxyChem more than 99% responsible**—OxyChem continues its campaign of denial and finger-pointing. OxyChem's latest statements to the press include calculated misstatements that taxpayers—not OxyChem—will have to pay to clean up the River if the Court approves EPA's settlement.

After several years of detailed review by a neutral allocator and arms-length negotiations, EPA and 85 parties reached a \$150 million settlement that will help jumpstart cleanup efforts. That settlement is pending before a district court in New Jersey. OxyChem, which declined to participate in EPA's allocation, is now making **a last-ditch desperate effort to derail the settlement**. In so doing, OxyChem resorts to scare tactics aimed at purposefully misleading the public into believing that the settlement will result in the municipalities and their taxpayers being left "holding the bag" to fund future cleanup efforts.

OxyChem's latest media blitz is punctuated by recent full-page paid advertisements in the *Washington Post* and *NJ Spotlight* that were replete with lies and half-truths. **It's time for OxyChem to stop playing games and take responsibility for its pollution in the River.** Here are a few examples of the misstatements in OxyChem's recent media campaign:

What OxyChem Claims	The Reality
EPA is proposing to let polluters "off the hook."	The 85 settling parties have agreed to pay hundreds of times more than their fair share of the cleanup costs, as determined by EPA's allocator. It is OxyChem—far and away the biggest polluter of the River—who wants to be let "off the hook" for paying its fair share.
The proposed settlement will leave New Jersey taxpayers "holding the bag" for a significant portion of the cleanup costs	The EPA's allocator determined OxyChem is over 99% responsible for the cleanup. It is OxyChem—not New Jersey taxpayers—who are responsible for the remaining cleanup under the EPA's proposed settlement.
EPA's proposed settlement will "delay the river's cleanup even further."	OxyChem is the only party who benefits from delaying cleanup. In fact, OxyChem has spent tens of millions of dollars on hired guns that have successfully delayed the cleanup for decades to avoid having to pay to fix the problems it caused.
The EPA's settlement is "protecting corporations at the expense of the people."	For decades, Occidental's corporate predecessor Diamond Alkali dumped Dioxin – a toxic byproduct of the production of Agent Orange – into the River. OxyChem has spent millions to delay cleanup and skirt its responsibility. The proposed settlement would force OxyChem to finally take responsibility.
The settlement funds will not go towards cleaning up the River, but instead "will be used to pay for EPA's costs."	This is what EPA said in court filings: "The proposed consent decree before this court is a settlement with 85 parties for \$150 million, which EPA expects to use for the cleanup of the Passaic River[.] "