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U.S. Environmental Protection Agency
EPA Administrator Michael S. Regan, Mail code 1101A
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Requesting EPA to Remove the Discontinued Dispersants Corexit™ EC9527A and EC9500A from the NCP Product Schedule Pursuant to 40 CFR § 300.970

Dear Administrator Regan,

My name is Yvette Arellano. I am the founder and director, and I am writing as a concerned citizen to request that the Environmental Protection Agency (EPA) remove oil dispersants Corexit 9527A and Corexit 9500A from the NCP Product Schedule under rule 40 CFR § 300.970, effective immediately.

Fenceline Watch is a community-based, environmental justice organization in the East End of Houston, Texas; our mission is to eradicate toxic multi-generational harm in communities living along the fenceline of industry. Houston is home to the largest petrochemical complex in the nation that runs 52-miles along the Houston Ship Channel. There are 618 chemical manufacturing establishments in the Houston metro area. Houston is also the largest metropolitan city that lacks zoning restrictions and buffers. Our communities along the Houston Ship Channel depend on a healthy ocean for economic, environmental, and personal reasons. It is now irrefutable: Use of these Corexit dispersants during an oil spill have proven to cause more harm, as oil-dispersant mixtures in air and water, than the oil alone. These products have no place in our state's oil spill toolkit, no place in our state waters, and no place in the adjacent federal waters that make a continuous habitat for marine life that supports our economy and our wellbeing.

Houston Ship Channel communities shoulder the brunt of the disproportionate impact. Petrochemical production contributes to Houston's inability to meet Clean Air Act standards, contributes to rising developmental, neurological, respiratory, hormone, and reproductive harm in environmental justice communities and, sacrifices our freshwater, impairs our waterways and biodiversity. Fenceline Watch is



an active community-based initiative that works with 4 Ship Channel Communities Magnolia Park (Census Tracts: 48201311001, 48201311002, 48201310900, 48201311100), Harrisburg & Smith Addition (Census Tract 48201311400) and Manchester (Census Tract 48201324200). Justice 40 (CJEST) and EPA IRA recognize all tracts as disadvantaged communities. Using EJSCREEN out of the six census tracts, 4 ranks have a socioeconomic value of 42% - 48% with less than a high school education; the remaining two tracts have a value of 38%. Their low income value staggers between 46%-60%. When looking at their people of color value in each given tract, they range from 92%-97% and in comparison with communities throughout the US their Limited English Speaking percentiles all track from 96%-97%. Healthcare coverage is even more dismal, with every census tract at the 99th US percentile, meaning only 1% of communities have worse healthcare coverage. All of these values and others are significant to our communities' ability to access resources, limiting their ability to relocate access critical information and health vulnerability amid the COVID-19 pandemic.

The grounds for my request are that the manufacturer of Corexit dispersants has provided statements to the EPA that are misleading, inaccurate, outdated, or incorrect regarding product use to control oil spills and, further, that the manufacturer has failed to provide new or relevant information concerning the impacts or potential impacts of the product to human health or the environment.

During the 2010 BP Deepwater Horizon oil disaster, the federal government allowed use of unprecedented amounts—nearly two million gallons—of these Corexit dispersants in the deep sea and on the sea surface for nearly three months (or four, counting the spraying in coastal waters). It turned out that crude oil and dispersant combined was much more toxic to people and animals than the oil alone, contrary to what was expected by EPA and communicated to the public. The post BP disaster science and human experience with respiratory and skin contact with Corexit dispersants was compiled by the ALERT Project and the Government Accountability Project. Instead of considering individual studies separately, this record reveals the whole picture of long-term harm caused by these products—and it is extensive. This weight of evidence is the new and relevant information not previously considered collectively by EPA.

For example, key studies compiled show that these Corexit dispersants are potent respiratory and skin sensitizers that cause chronic breathing difficulties and reoccurring skin rashes; potent carcinogens that trigger multiple cancer pathways; potent neurotoxins that cause brain damage such as central sensitization (hypersensitivities to smells, sounds, and light, often associated with migraines); and potent teratogens that disrupt development of fetuses as stated before our communities are already experiencing disproportionate health concerns, including myself as someone who has a hormone imbalance that causes sterility. These dispersants also cause specific damage to the blood, respiratory, and cardiovascular systems, the peripheral nervous system, causing numbness and pain in the hands and/or feet, and the central nervous system, affecting memory, emotions, behavior, and loss of tolerance to chemicals, sound,



and light. Thus, these harms would only further harm the communities currently face; to continue the use of Corexit would harm to our human right to a healthy environment according to the 2022 United Nations General Assembly recognition that a clean, healthy, and sustainable environment is a human right.¹

Additional concerns call for an expedited decision. The manufacturer of Corexit dispersants stopped making and selling these products in November 2022, and it stopped supporting the technical material required for product registration in July 2023. Yet the rules governing dispersant use that went into effect in December 2023 allow for use of products that are currently listed on the NCP Product Schedule, including these Corexit dispersants, until December 2025 when a new Product Schedule is published (300.955). These Corexit dispersants are currently stockpiled and available for use in every coastal state. This means that, if there is another big oil spill between now and December 12, 2025, history could repeat—Corexit dispersants could be used again with the same deadly consequences as occurred after the BP oil disaster response. Only this time, the EPA would likely be liable for the health consequences of these discontinued products, given that EPA is the authorizing entity. I incorporate by reference the petition to EPA that was filed by the ALERT Project and the Government Accountability Project in August 2024 with my request. Please ban these extremely toxic Corexit dispersants, effective immediately.

Sincerely,
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<https://www.undp.org/sites/g/files/zskgke326/files/2023-01/UNDP-UNEP-UNHCHR-What-is-the-Right-to-a-Healthy-Environment.pdf>