



KEYWORDS: environmental injustice, insecticides, pharmaceuticals, plastics, hiding pollution info from neighborhood and focus groups, Superfund, city staff's racist comments, sewage, hog eyelids and toenails, long-term pollution of Starkweather Creek, Yahara River, Lake Monona, toxic fish

July 17, 2020

Dear Alders and Mayor:

Our organization was founded on Madison's north side in 2005 with neighborhood subsistence anglers. Since then we have worked with low income people of color—most also north siders--on environmental justice issues affecting their health and well-being. Many people we work with will be significantly affected by the Oscar Mayer redevelopments.

We ask you to not approve the Oscar Mayer Special Area Plan (OMSAP) but instead send it back to committees for further review and opportunity for public comment. The plan and the process that led to it are seriously flawed.

The plan has some good, innovative components, and we recognize the significant amount of city staff and resident time and work that went into creating it. We support development at this site, especially needed affordable housing, **but only if** it involves fully transparent, comprehensive, diverse community engagement and community approval--and environmental, human health, and worker safety health risks are assessed and prevented during and after developments, especially to already at-risk low income people and people of color.

If the above are not addressed in the process, the City of Madison is not only ignoring environmental justice, but is also creating a new environmental injustice situation here. This clearly contradicts the city's stated commitment to racial equity and social justice.

Unfortunately, residents were not fully and transparently engaged in the OMSAP planning process. Also, residents, alders, and city committees did not have complete information to make sound decisions about the environmental, public health, and justice implications of this project, and its true costs to the city and its residents.

Some of the key gaps in the OMSAP process and plan:

1. Significant environmental contamination at OM was inadequately addressed or not addressed:
 - a. Large portions of the site not investigated at all: former onsite sewage plant, power plant, incinerator, areas where insecticides, pharmaceuticals, plastics manufactured & hazardous wastes were buried
 - b. Plumes of trichloroethylene (TCE) and other toxic volatile compounds under OM that are also likely under Eken Park and Sherman neighborhoods but haven't been assessed (no testing=no data).
 - c. TCE/PCE in OM's water supply wells contributed to listing for Superfund consideration in the past
2. Critical contaminant information was only released by city staff on June 23, 2020 (to just two alders):
 - a. OM injected hazardous wastes onsite, manufactured several insecticides and plastics for decades, PFAS-contaminated Burke sewage waste site overlapped with OM, insecticides manufactured at OM may have included PFAS, [and more](#).
3. Based on incomplete/inaccurate information in its application to the Federal Transit Authority for its bus barn project, Madison Metro received a "categorical exclusion" from National Environmental Policy Act (NEPA) requirements for an Environmental Assessment (EA) and Environmental Impact Statement (EIS).
4. The OMSAP doesn't propose to preserve the full 30 acres of Hartmeyer wetland (critical for flood prevention, wildlife, and human health); instead it accepts the destruction of over half of it for development.
5. Inadequate and/or unequitable public engagement process (including not sharing pollution information).
6. Environmental justice was not addressed, even in focus groups with people of color.

In the attached document, we provide background and support for each of these points. Please read it.

Who wins, who loses? Who pays?

Oscar Mayer and Kraft Heinz are giant corporations that profited immensely for decades while polluting our land and waters with toxic chemicals. Federal, state and city regulators, under the influence of these giant corporations—mostly behind closed doors--asked for only weak band-aid solutions or just looked the other way as laws were ignored. This is a key reason contamination spewed from it for decades and still remains there now. Our regulatory system is captured by powerful polluters. It is broken.

Now wealthy developers from outside of Madison (Reich Brothers and Rabin, or Reich Rabin for short) have purchased the contaminated land from Kraft Heinz, and formed a shell company, 910 Mayer, to limit their liabilities. Reich Rabin and/or 910 Mayer own most of the land involved in the OMSAP, and some adjacent properties.

Reich Brothers, headquartered in New York and California, includes this declaration on its website: ***“Reich Brothers has a very specific niche in acquiring manufacturing assets that would scare away the majority of other Buyers. Their vast experience throughout North America gives them unique perspective to see opportunities where most see obstacles. They underwrite quickly – and they close. They also rely heavily on local professionals to help them with the subtle nuances necessary to make every transaction reach its pinnacle....”*** (Curt Arthur SVN Commercial Advisors, Salem OR)

The health of Madison residents, its lakes and wildlife, and future generations, are not on Reich Rabin’s priority list. Their priorities are to make money and limit their liabilities. Oddly, though [in 2016, then Mayor Soglin stated](#) that the property had a negative value, now Mayor Rhodes-Conway wants to pay a high price for the northern parcel of OM for the Metro bus barns (which, city officials have told us, is not included in the OMSAP even though it is clearly part of the OM industrial site, requires city purchase of former factory buildings, and plays a key role in neighborhood planning). Moreover, contamination from this parcel flows onto the rest of the site and beyond.

In creating the OMSAP, the city has good intentions, including creating much-needed affordable housing and walkable, diverse neighborhoods on what is now abandoned, heavily polluted industrial land. These are laudable goals. But the city’s motives also include generating more tax dollars and limiting their liabilities. Unfortunately, to date the city hasn’t insisted that the OM property owners fully investigate contamination—perhaps because of the enormous costs it might incur in cleaning it up if they purchase OM properties? Is this head-in-the-sand approach fiscally responsible in these financially challenging times? Is it socially and environmentally responsible? It’s common, and it’s what developers do, but should the City?

This raises important questions: Wealthy developers and investors will benefit greatly from these developments. Will they pay for thorough investigations and cleanup? Will the city and DNR make them? If not, who will pay for cleanup? Taxpayers?

If the contamination isn’t cleaned up, who will pay the health costs? Residents, workers, subsistence anglers—especially low income people of color. Wildlife. The environment. Future generations.

This is wrong. Corporations benefit from polluting our air, land, water, and fish—and we the people have to fight to bring it to light and then pay to clean it up?

This is purportedly “progressive” Madison. We are an incredibly privileged community. We can do better.

Please send the OMSAP back to committee for open, transparent discussions with diverse residents about the above issues, with all the available information on the table.

Thank you,

/s/ Maria Powell, PhD

