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COMMITTEE ON WAYS AND MEANS  
SUBCOMMITTEE ON HEALTH

COMMITTEE ON THE BUDGET

**Congress of the United States**  
**House of Representatives**

October 15<sup>th</sup>, 2014

Office of Record Access  
NJDEP  
Attn: Passaic Occidental Comments  
P.O. Box 420, Mail Code 401-06Q  
Trenton, NJ 08625-0420

Dear Sir or Madam,

On behalf of my constituents and the communities along the polluted Passaic River, I am writing to oppose the settlement agreement between New Jersey DEP (NJDEP) and Occidental Chemical Corporation, docket no. ESX-L-9868-05 (PASR).

Polluters and responsible parties, not the taxpayers, must be the ones who pay for the full cleanup and restoration of the Passaic River. This was the very justification for the instigation of this litigation in the first place. Unfortunately, the State of New Jersey is planning on spending just \$67 million of the total \$355.4 million in settlements they have reached to date, including just \$50 million of the \$190 million in this proposed settlement, on future restoration projects. This means that less than 20 percent of the total settlement will be going to communities alongside the Passaic River. This paltry amount is disrespectful to the communities that have been devastated by this legacy of pollution.

Questions still remain as to why the state chose to settle this litigation for almost \$200 million less than the \$530 million in total they were originally anticipating. As you may know, the language inserted into the state's budget allows the state to transfer any recovered funds in excess of \$50 million to the state general fund. You should examine whether or not this settlement was agreed to prematurely by the state in order to secure revenue to plug a \$1.6 billion budget shortfall. Settlement decisions should be driven by the facts of the case and the injury to the victims who live alongside the Passaic River, not the state's fiscal condition.

Simply put, reallocating any settlement funds to the State General Fund is taking from the communities alongside the river that live everyday with the legacy of this contamination. I ask that you reject this settlement or, at the very least, insist it is amended to ensure that one-hundred percent of the settlement money is dedicated towards the restoration of the Passaic River.

Sincerely,

Bill Pascrell, Jr.  
Member of Congress