

From: [Vina Colley](#)
To: [DOL Energy Advisory Board Information](#)
Subject: We can't cover up Piketon, Ohio anymore. Please open up these cases. Come here for a meeting.
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A Call to Actions

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A stunning case of kids, radioactivity and government neglect emerges in Ohio

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Stuart H. Smith

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Portsmouth Gaseous Diffusion Plant (Source: [Energy.gov](#))

In 2017, federal regulators from the U.S. Department of Energy testing the neighborhood around a 20th century uranium plant in Pike County, Ohio, made a startling discovery in the air near a middle school attended by hundreds of local children — traces of neptunium-237, an extremely radioactive particle, typically a by-product from nuclear reactors.

But what happened next was even more incredible. Instead of issuing a public alert that might have led to more testing and a possible closure of the Zahn's Corner Middle School, located in an economically depressed region of southern Ohio, the U.S. government said absolutely nothing.

For two years.

It was only this spring — after local residents finally learned of the DOE readings and brought in researchers from Northern Arizona University, who found enriched uranium at the school — that Pike County officials closed down the school, weeks before the scheduled end of the year. Now the plant's neighbors, who've been disturbed by several cases of childhood cancer, including three deaths, wonder how many kids were exposed for how long — and why they were never told.

"I can't believe our government is doing that to our kids," Vina Colley, who worked at the Portsmouth Gaseous Diffusion Plant for a time in the 1980s and now is a local activist warning about health hazards, told a local station, WSAZ. There is virtually no trust remaining between the local community and the DOE, which owns the site of the plant where uranium enrichment halted in 2001.

And can you blame them?

Last week, a team of top environmental lawyers — with me as the lead counsel — filed a class-action lawsuit on behalf of residents within a 7-mile radius of the Portsmouth plant, naming United States Enrichment Corp., which oversaw uranium enrichment at the site after 1993, as well as a number of other contractors that have processed recycled radioactive materials there. Our goal is a total cleanup, health care and monitoring for the plant's neighbors, damages — and, more broadly, justice in one of the worst cases of reckless negligence I've seen in 30 years as an environmental lawyer.

Indeed, the egregious nature of the Pike County case is one reason why I've chosen this matter to bring back my blog about important environmental issues, which has been sitting dormant for several years. Allow me to take a very brief detour to explain where I've been during this time — because that story also helps to explain why this Ohio case is so important to me.

It was right around the time that my book, *Crude Justice*, was released in 2015 that I was diagnosed with metastatic kidney cancer. Despite what was thought to be a successful operation, I soon learned that the cancer had spread. The initial diagnosis was grim, but I

decided not to give up. Instead, I sought the best and most advanced treatments, at the M.D. Anderson Cancer Center in Houston and eventually in Germany at the Gisunt Klinik in Wilhelmshaven. After suffering enormous pain and other significant symptoms for several years, by 2018 my health had improved dramatically. And I was advised by my doctors to try to do some work.

Still, it would have been easy to stay retired. I'd already had a successful career as a lawyer pursuing radiation pollution and other cases, including a 2001 case against Exxon Mobil where I was lead counsel which in a \$1.056 billion jury verdict (which, to this date, remains the largest for this type of litigation). But I'm not the kind of person who easily sits still. More importantly, we live in an age in which — with the Industrial Revolution petered out and the Atomic Age that spiked after World War II now well past its half-life — the American heartland is dealing with pollution and degradation caused by decades of corporate and governmental neglect. In short order, I've found myself involved in major cases involving massive dumping of radioactive waste right outside of St. Louis and a failed uranium plant in southern Illinois — and that wasn't all. That same region of the country is also suffering — probably not coincidentally — from a major opioid crisis. And so I became deeply involved with a team of lawyers fighting to win justice for thousands of babies who were born to parents hooked on these painkillers and who are now coping with severe psychological and medical consequences.

America was in the midst of multiple crises, and most were caused by the kind of corporate and political negligence I've been fighting my entire life. So instead of slowing down after my medical treatment, I find myself busier than ever. And I intend to use this blog to tell you about some of the worst abuses that I'm fighting against.

Even in this sea of malfeasance, what we've found in and around Pike County, Ohio, is particularly disturbing. At the center of the controversy is the Portsmouth Gaseous Diffusion Plant, which opened in 1954 at the height of the Cold War to enrich uranium for America's atomic weapons but by the late 1960s had switched to nuclear energy work. The site has seen a variety of uses, including as a location for nuclear centrifuges and for storage of giant cylinders of depleted uranium hexafluoride, after the original uranium-enrichment work ceased in 2001.

The one thing that has remained constant have been concerns about pollution of both the air in Pike County and the groundwater underneath it, as well as radioactive contamination of the thousands who worked there over the years. In 2006, for example, an investigation by the Dayton Daily News found five separate plumes of groundwater polluted by radioactive materials as well as PCBs, asbestos and other assorted toxins, and also more than 400 accidental releases of uranium gas or toxic fluorine.

In spite of this tainted history, every year about 300 children continued to attend classes at the Zach's Corner Middle School, located only two miles away from the plant. With the prevailing winds blowing from the plant — where nuclear-waste decontamination and decommissioning work has been ongoing — toward the school, local activists have long pressed for more information.

Scioto Valley Local School District officials insist they were never made aware of the DOE's 2017 test showing the presence of neptunium — even though any exposure can create severe health risks for humans and for animals. After release of the two-year-old report in March of this year, community members brought in the independent, outside experts from Northern Arizona.

Their discovery this spring of the presence of enriched uranium inside the school forced the district into actions that — in hindsight — should have been undertaken years ago. Not only was the Zahn's Corner school immediately shut down several weeks before the 2018–19 academic year was supposed to end, but officials announced that it won't reopen in

September, with kids now parceled out to other buildings farther away from the plant. Meanwhile, in a classic governmental case of closing the barn door after all the animals have long escaped, the Trump administration's DOE, led by Rick Perry, the former Texas governor and Republican presidential candidate, has finally sent a team of inspectors in to test the school. Local officials have already complained about a lack of information from DOE and expressed concerns about how the tests are being conducted — not surprising considering the total breakdown of trust between the community and the federal government.

Never fear, our team is there testing numerous properties to find out the truth. Our team is led by the eminent scientist Dr. Marco Kaltofen, who has developed techniques which can see these radioactive materials at a microscopic level. And we are finding them all over the place. Jennifer Chandler, a town council member in Piketon, recently told CNN that five children from the Scioto Valley district have been diagnosed with cancer in the last five years. Three of them died, she said, including her young cousin who'd been diagnosed with leukemia. Based upon my discussions with epidemiology experts, this cancer rate — if true — is very statistically significant.

Already, my environmental researchers who've been to the area surrounding the plant have documented elevated levels of radioactive materials in nearby properties. More importantly, our lawsuit demands that that responsible parties pay for medical monitoring and treatment of the injured victims. Our class action lawsuit is on behalf of all current and former property owners within a seven-mile radius of the plant, all residents who lived within that radius for more than one calendar year, and on behalf of all current and former students of Zahn's Corner Middle School as well as their parents.

It's a tragedy that this environmental degradation of southern Ohio has gone on for so long. But it's not too late to demand justice — as well as an immediate cleanup of the Portsmouth facility and the surrounding contaminated properties, along with measures to ensure the public's health and safety. To get the job done, the people of Pike County need answers: What did the government know about radioactive contamination of their community, and when did it know it?

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Stuart H. Smith

Legal Expert. Author of *Crude Justice: How I Fought Big Oil and Won*

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