

November 22, 2019

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**Via Email (aaron.mango@usdoj.gov)**

Aaron J. Mango, Esq.  
Assistant United States Attorney  
U.S. Attorneys Office  
Western District of New York  
138 Delaware Avenue  
Buffalo, New York 14202

Re: ***Tonawanda Coke Corp. Community Service Projects***

Dear Assistant U.S. Attorney Mango:

We write on behalf of The Research Foundation for The State University of New York (the “RF” or the “Research Foundation”) regarding your October 21, 2019 correspondence to Dr. Venu Govindaraju at the University at Buffalo (“UB”) requesting a response to the September 24, 2019 letter from Anne K. Bowling, Esq., of Rupp Baase Pfalzgraf Cunningham LLC (the “CSCR Letter”) on behalf of Citizen Science Community Resources (“CSCR”).<sup>1</sup> Because the RF administers the funding from Tonawanda Coke Corporation (“TCC”) for the “Tonawanda Health Study: an Epidemiologic Study of Health Effects and Coke Over Emissions from Tonawanda Coke” (the “Health Study”) and the “Determining the Environmental Impact of Coke Oven Emissions Origination from the Tonawanda Coke Corporation on the Surrounding Communities” (the “Soil Study”) (collectively the “Studies”), it is the appropriate party to address the allegations in the CSCR letter regarding the administration and management of the funding. Dr. Govindaraju’s office will provide detailed status updates from each study and an accounting of all funds received and expended pursuant to the Studies.

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<sup>1</sup> As a preliminary matter, we note that over 15 individuals are copied on the CSCR letter, but not a single official from the Research Foundation or UB was included on the correspondence, despite having participated in prior attempts at dispute resolution with our respective organizations, as noted in your October 21<sup>st</sup> letter. This is not the first time CSCR or its representatives have made serious allegations against UB and the Research Foundation regarding the alleged mismanagement of the studies but failed to include representatives from either organization on the correspondence so that we may appropriately respond. This tactic is intended to provide CSCR with strategic advantage in advancing its narrative without first attempting any type of resolution or providing any opportunity for UB or the Research Foundation to respond. It is both ineffective and unproductive and we respectfully request, again, that CSCR and/or its representatives include the appropriate representatives from both organizations in future correspondence of this nature.

As discussed in more detail below, the Research Foundation vehemently denies the allegations that only UB and the Research Foundation are benefitting from the Health and Soil Studies, that the Studies are being mismanaged and have failed to involve the communities, and that the communities have not received and will not receive any benefit from the Studies. The RF also objects to the allegation that the Studies have not been subject to any oversight and that the RF has failed to provide any status updates and financial accountings to the Probation Office. As this letter will explain, these allegations are not only unsubstantiated, but are patently false.

### **Background**

In accordance with the Court's judgment (Docket No. 281) in the *United States v. TCC* matter, the United States Probation Office for the Western District of New York ("Probation Office") supervised TCC's term of probation, which expired on March 18, 2019. During the period of the Probation Office's oversight, both the Soil and Health Studies submitted detailed progress and financial expenditure reports to the Probation Office in accordance with the terms set forth in the Court's judgment and upon the Probation Office's request. (Docket No. 281). In fact, the Court issued an Order (Docket No. 463) dated March 19, 2019 indicating that the Probation Office reported that it had "received all documents and information necessary to confirm to its satisfaction that the scope and financial expenditures associated with the Soil Study [were] consistent with the study as approved." The Health Study consistently submitted six-month progress reports and a financial report to the Probation Office in November 2018, which included all financial expenditures from September 6, 2016 through November 16, 2018. As noted above, Dr. Govindaraju is submitting detailed status update and financial expenditure reports for both studies, as requested in your October 21, 2019 letter.

Additionally, as referenced in your October 21 letter, representatives from the Research Foundation, UB, and CSCR previously participated with your office and the Probation Office to attempt to resolve disputes that arose between CSCR and UB/RF representatives for the Soil Study relating to the subcontract between the RF and CSCR.<sup>2</sup>

This office also continued to engage with counsel for CSCR and the Probation Office to resolve a dispute between CSCR and the RF regarding invoices submitted by CSCR in 2018. *See* Docket No.

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<sup>2</sup> The RF entered into a subcontract with the Wellness Institute (which Ms. James-Creedon represented as a passthrough organization as CSCR was still in the process of incorporating and registering as a not-for-profit organization at the time), dated 10/1/16 through 12/31/17, and a second subcontract with CSCR covering the period of 1/1/18 through 12/31/18. There is currently no contractual relationship between the RF, UB and CSCR. We also note that Ms. James-Creedon never signed the data use agreement that was proposed by the RF intending to resolve part of the dispute regarding her conflict of interest and obtaining access to personalized data from residential soil sampling that was discussed and shared with your office in fall 2017.

463. The dispute arose from the RF's request for additional information from CSCR to substantiate certain expenses and its rejection of other charges and services that were outside of the Scope of Work and unrelated to the Soil Study. For example, CSCR attempted to charge the RF for expenses associated with the development of a soil sample kit that was not designed for the Soil Study, but for CSCR's separate initiative with other organizations that had no involvement with the Soil Study.<sup>3</sup> In fact, by the time CSCR created these soil sample kits, the Soil Study had already completed Phase I soil sampling, using kits created with CSCR's input. Despite expending significant time and resources with the assistance of the Probation Department, the parties were unable to come to resolution. *See* Docket No. 463.

CSCR and the RF's second subcontract expired on December 31, 2018. CSCR was only budgeted for two years of support, and there was never any intent or request from CSCR for anything more. Accordingly, the RF and CSCR currently do not have any contractual relationship with respect to the Soil Study. CSCR has no contractual involvement in the Health Study.

Finally, we note that the \$12.7 million of funding has recently been reduced by \$2 million due to the shut down of TCC through bankruptcy proceedings. Ms. James-Creedon boasts that her "Stop the Stacks" campaign contributed to this shutdown.<sup>4</sup> As a result, the Health Study is receiving \$2 million less than was initially awarded to it.<sup>5</sup> Thus, activities contemplated under the Health Study have to be reduced commensurate with the \$2 million budget reduction.

## **Response to Allegations**

### ***The Study Proposals***

The CSCR letter is riddled with unsubstantiated allegations and misstatements of fact. First, Ms. James-Creedon did not agree that the Research Foundation would receive and allocate all funding for *both* projects because she had not yet established a non-profit entity as alleged in the letter. (CSCR Letter p. 2, FN1). Ms. James-Creedon was not part of the proposal for the Health Study, nor was she ever named to receive funds for the Health Study. Neither Ms. James-Creedon nor her organization has ever had any involvement with the Health Study. In fact, Project Leader Dr. Matthew Bonner had absolutely no contact with Ms. James-Creedon or her organization until after

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<sup>3</sup> CSCR is currently selling these soil sample tool kits on its website, evidencing that such kits were not intended for use in connection with the Soil Study. *See* <https://csresources.org/own-a-soil-sampling-toolkit/wj3w1zntelhqex1356dar6fyot667a>

<sup>4</sup> *See* <https://csresources.org/blog-2/2018/12/12/we-stopped-the-stacks>

<sup>5</sup> This also cut off any avenue for holding TCC responsible for the cleanup of any contamination that may be found that was attributable to TCC's actions through the Soil Study and source apportionment.

the Health Study proposal was submitted. Thus, CSCR's statement that Ms. James-Creedon somehow approved the financial management of *both* studies is plainly false.

With respect to the Soil Study, the submission of the Soil Study proposal was accomplished by a team consisting of Dr. Joe Gardella, Ms. James-Creedon and Professor Mike Milligan of SUNY Fredonia, the initial project leaders. Ms. James-Creedon has repeatedly and inaccurately stated that she submitted the proposal herself. However, this was a team effort between the three project leaders who agreed that UB (through the RF) would submit the final proposal and take responsibility for managing the funds as required by the Judge's Order. Dr. Gardella and Jeff Schieder, Director, Pre-Award, Sponsored Projects Services at UB, wrote the budget of \$711K, which included specific details on UB personnel costs.<sup>6</sup> Ms. James-Creedon could not have submitted the proposal herself, because she does not have the technical background to propose a soil study design, use methodology based on Geographic Information Analysis ("GIA"), nor use a two phase approach with GIA screening and development of a sophisticated source apportionment methodology for air deposition. The idea that Ms. James-Creedon was solely responsible for the Soil Study proposal, design and methodology is simply untrue. Moreover, and as further evidence of the benefit to the community resulting from this study, UB and the RF waived all indirect costs associated with the administration of the Soil Study, but still agreed to provide the services that would have been covered by these indirect costs.

### *Community Participation*

The allegation that the only entities benefitting from the studies are UB and the Research Foundation is entirely unsubstantiated.<sup>7</sup> To the contrary, over 700 local residents signed up to be considered for participation in Phase 1 and 2 soil sampling as a result of the Soil Study team's outreach efforts, including door-to-door distribution of approximately 25,000 flyers in subject neighborhoods in addition to the outreach tables handled by Dr. Tammy Milillo and Katie Izzard.<sup>8</sup> The study team then selected about 180 participants in Phase 1 and approximately 90 in Phase 2 for residential sampling. Samples have also been taken from school districts and churches. Some residents and volunteers even contributed to the sample collection. Further, a Community Advisory Committee met on a monthly basis during the sampling phase of the Study, and members continue to be consulted as the Study nears its conclusion.

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<sup>6</sup> Ms. James-Creedon would not have been able to develop this budget independently.

<sup>7</sup> In fact, the RF has paid CSCR itself approximately \$100,000 for its work in connection with the Soil Study, which included a salary for Ms. James-Creedon.

<sup>8</sup> This outreach was handled by the Soil Study team members after Ms. James-Creedon/CSCR refused to follow through with any education or outreach plan regarding the Soil Study as required by her subcontract and repeated requests from the Soil Study team.

Thus, approximately 300 soil samples from homes, schools, and churches have been tested through the study, providing homeowners and other property owners with invaluable information on what chemicals are present in their soil. Dr. Gardella and other members of the team have met with property owners to explain the lab results.<sup>9</sup>

The Soil Study team has also sampled soil on school properties as a service to the schools and community to assuage residents' concerns about the potential exposure risk to children who attend schools in the area. The results of this sampling have been communicated to relevant parties, including school district officials.

With regard to the Health Study, there are almost 13,000 registered participants who have completed the baseline questionnaire and enrolled in the study. In addition, the Health Study initiated bio-specimen collection in the Spring of 2019. As of November 19, 2019, the team has mailed 1,383 letters inviting participants to donate bio-specimens. The team has received verbal consent from 625 participants and written consent from 489 participants, and of those, 444 have provided a urine and blood sample.

This extensive community involvement in both studies provides participants with invaluable knowledge and belies any claim that either study is “being used solely to further the personal research agenda of the academics.” This flagrant and inflammatory statement is entirely without basis and unsupported by the facts, and ignores the substantial benefit to the community from the Studies.

***Central Purpose of the Studies: Determining the Environmental & Health Impacts of TCC's Actions***

The purpose of these projects was not only to educate the communities on the extent of the effects caused by TCC. Rather, the purpose of the Soil Study is to *determine the actual effects caused by TCC on soil in residential and public areas near the TCC site* and the purpose of the Health Study is to determine the incidence of chronic diseases and investigate potential associations with exposure to pollutants *emanating from TCC*. Community involvement and participation is central to the Soil Study, which, as explained above, has been successful. Community education is central for the Health Study, but that can only be accomplished (and will be accomplished) when there are results in the later phases of the project. The idea that education of the community was the single central aspect of the studies is not only an oversimplification, but factually incorrect. The effects of TCC's

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<sup>9</sup> Property owners have been provided with copies of the lab results for their properties. The study team used a two-phase sampling permission, which obligates the team to hold the individual soil testing results confidential.

activities must be known before such education can be accomplished, which is exactly what both studies have been working to determine.

Moreover, CSCR insinuates that the studies are not being used for “preventive or corrective action directly related to the offense.” (CSCR Letter, pg. 3, ¶ 2). However, according to the Court’s Order, anything found by either the Soil Study or the Health Study *must be attributable to TCC* to warrant corrective action. In the case of the Soil Study, this would support Dr. Gardella’s multi-phase study design, using Phase 1 as a survey study to see what pollutants were present, and to identify areas of interest where additional soil sampling needed to be conducted. In Phase 2, this additional sampling was completed in addition to source apportionment, which identifies which portion of the contamination found can be attributed to TCC. This is an essential step as the area where TCC is located has multiple industries with the potential to release contamination harmful to the surrounding community.

As noted above, the overarching goal of the Health Study is to investigate potential associations between exposure to coke oven emissions, its chemical constituents and health conditions that these communities are experiencing. Although coke oven emissions are known human hazards at occupational exposure levels, which are generally much higher than environmental exposure levels, it is unknown to what extent lower levels of exposure increases the risk of adverse health effects. Given this uncertainty about the exposure-response relationships, it is challenging to provide clear and unequivocal information about the risks posed by coke oven emissions released to these communities. Without completed study results, it is premature to initiate preventive or corrective actions.

Thus, the studies are designed to ultimately achieve the purpose the Court intended – to determine what is attributable to TCC for which it should be responsible for further corrective action. The allegations to the contrary demonstrate CSCR’s complete lack of understanding of the science and study designs.

### ***Community Outreach & Education Efforts***

The allegation that UB has ignored community outreach and education aspects of the study and failed to use the funds allocated for these aspects is false. The Health Study has committed substantial effort and resources to community outreach and education.

A Community Advisory Committee (“CAC”) for the Health Study was established in March 2017 with a focus group of seven individuals from three communities. The group meets quarterly. Representation has changed over time and is still growing. The CAC has developed two

subcommittees – one focuses on recruitment to ensure accurate representation from the communities and the other on health and environmental education.

UB operated an environmental health education center in Tonawanda from October 2016 to July 2018, when the lease on the space expired. At that point, the Health Study's CAC suggested that UB delay reopening the education center until findings from the study are available. In the interim, researchers and the CAC have been working on alternative avenues for community outreach and education.

By way of background, and as noted in the progress reports submitted to the Probation Office, the Health Study team started working with Ms. James-Creedon to establish the CAC and education center. Unfortunately, it became evident that Ms. James-Creedon and CSCR were not progressing as rapidly as Dr. Bonner had hoped. Consequently, the Health Study team initiated other activities to engage with the communities. For example, the study developed the Community Engagement Team, which listens to the needs and concerns of the community and responds to them. It also serves as a liaison between the community and research team to break down barriers and conduct research that is meaningful and useful to the community while providing resources through health education.

Additionally, the Health Study team started holding one-on-one meetings with stakeholders and attending events to connect with and provide educational materials to the community, including (but not limited to) the Grand Island Farmers Meeting, Ken-Ton Community Day, Zonta Club event, the Grand Island Garden Walk, and Canal Fest. The team has also engaged with local businesses such as Child Care Resource Network and Colvin Cleaners, as well as community residents.

The Health Study team has created several sources of informational materials and distributed them to the community with a purpose of educating about health and the environment and keeping people up to date about the progress of the study. These materials include:

- A website with environmental health resources;
- Seasonal Fun Fact Sheets integrating seasonal tips on health, the environment and environmental health awareness (400 distributed from July-October 2018);
- Green Cleaning Flyers which contain recipes and information about indoor air quality and toxicants in cleaning products and their impact on health, which have been distributed at tabling events;
- Green Cleaning Workshop Materials, which includes a PowerPoint presentation, Pre and Post Surveys, Recipe Booklets, and flyers for host libraries (workshops are scheduled for November 13 and December 9);

- Study Newsletters and Postcards, which have been handed out at tabling events and distributed to libraries (approximately 235 distributed to date);
- Infographics are currently being developed; and
- A PowerPoint presentation for Community Recruitment Presentations which is currently being developed.

The Health study team also developed a tool kit of resources to share with people in the community based on their interests. This tool kit is constantly growing to be responsive to the community's needs and as new information is found. The tool kit includes resources on Nutrition, Healthy Aging from the National Institute on Aging, Children, and the Environment and Women's Health.

Additionally, the Health Study team recently convened several events to distribute their health and environmental education materials and to connect with the community. These events included the City of Tonawanda HUB on August 15, 2019, where team members distributed the study newsletter, postcard, Green Cleaning flyer and information about children's health, nutrition and the environment; the Health Fair at the Town of Tonawanda Senior Center on October 4, 2019 with a focus on informing the community about healthy aging and nutrition and distributing green cleaning and study materials, and the Town of Tonawanda Library (Kenmore) on October 17, 2019 with a focus on children's health and nutrition, and distribution of green cleaning and study materials.

The Health Study team was interested in learning from people who participated in the study, so it included in the baseline questionnaire several questions about why people participated in the study. Over 6,100 participant responses have been analyzed from both online responses and paper questionnaires. This information will help the team focus where it puts its educational efforts as well as communicate to others in the community why it is important to participate in the study.

With respect to the Soil Study, initially CSCR was responsible for community outreach and ***was paid approximately \$100,000 for this work***, which was never completed. Consequently, Dr. Tammy Milillo and Katherine Izzard had to take on the community outreach responsibilities. To this end, Dr. Milillo and Ms. Izzard developed a detailed and multi-level outreach strategy, which was included as part of the Soil Study's six-month reports to the Probation Office. The outreach strategy included mechanisms for reporting study outcomes to the community, including large community meetings, one-on-one meetings, open houses ("Talks with Tammy") at local coffee houses, and outreach at community events throughout the study period. These and other outreach efforts helped to educate community members about what the study findings were, what their progress was and what next steps would be necessary.



Specifically, the Soil Study team has presented on soil sampling results at public school board meetings in districts that had soil sampled. As referenced above, it has distributed approximately 25,000 flyers door-to-door in neighborhoods involved, informing residents about strategies. The team has also contacted and met with elected officials on multiple occasions to discuss the study and share findings.

“Talks with Tammy” were open forums held in public areas where residents came and asked Dr. Milillo questions regarding the Soil Study. “Talks with Tammy” were held approximately every two weeks from June 2018 through August 2019<sup>10</sup> as a way for the community to meet informally and ask questions about the project.

The Soil Study also developed a webpage and Facebook page, which has been used to notify residents of public meetings and “Talks with Tammy,” an Instagram account, where live feeds are posted answering commonly asked questions from the community, and a Twitter account. These accounts are maintained by UB team members.

Public meetings have been held to educate the community about the beginning of the project and to release the Phase 1 results to the community. A Phase 2 community meeting was held on November 21, 2019.

The Soil Study also has a Community Advisory Committee (“CAC”) with members from each community in the study area. Members were initially nominated by Ms. James-Creedon, but these members did not consistently participate. Thus, the Soil Study team members Dr. Milillo, Dr. Gardella and Ms. Izzard proposed adding additional members to the CAC, who are still actively participating.

As the above indicates, both the Health and Soil Studies have dedicated funds and spent significant time and resources on community outreach and educational efforts. CSCR’s statements to the contrary are entirely unsubstantiated.

### ***Response to Allegations Regarding the Environmental Health Education Center***

CSCR brazenly alleges that the Health Study is being used solely to further the personal research agenda of academics, stating that it has failed to establish and fund a Tonawanda Environmental Health Education Center to assist the community to translate the *findings of the Health Study* into action to reduce the disease burden going forward. (CSCR Letter, pg. 3, ¶ 3). This is simply nonsensical given the current phase of the study. The study is still ongoing and thus there are not yet

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<sup>10</sup> Dr. Milillo’s appointment to the Soil Study was completed as of this time and she pursued another opportunity.

any reportable findings. The Health Study therefore cannot engage in educating the community about the results before it even has findings to report.

As explained above, the Health Study operated an education center for the first two years of the study, but when the lease for the physical space for the center was up, the decision was made, based upon the recommendation of the CAC, to close the center temporarily until the Health Study findings were ready to be communicated to the public and further education could be developed based on these findings.

The Health Study has allocated approximately \$3 million<sup>11</sup> in its budget to the “Environmental Health Education Center” and the majority of these funds are still committed to such activities for the appropriate time. These funds were never intended to be spent within the first three years of the project.

***The Research Foundation Has Provided Extensive Financial Data and Progress Reports to the Probation Office in Accordance With the Court’s Order & Judgment and at the Direction of the Probation Office***

CSCR’s letter alleges that the Research Foundation “has failed to provide any financial data to the Probation Department or Department of Justice to date, so there is and has been no ‘[a]ccountability of money and activity’ or any outside knowledge of how funds are being spent.” This is utterly false. The Research Foundation submitted progress reports and detailed financial expenditure reports on behalf of the Soil and Health studies to the Probation Office through March 2019, at which time the Probation Office advised the RF that it did not need to provide any further information. As explicitly stated in the Court’s March 2019 Order, the Court confirmed that it had “received all documents and information necessary to confirm to its satisfaction that the scope and financial expenditures associated with the Soil Study [were] consistent with the study as approved.”<sup>12</sup>

Specifically, the Soil Study was required to prepare and submit reports to the Probation Office every six months, which it did every six months covering the periods of June 1, 2017<sup>13</sup> through March 2019. In fact, when CSCR was under subcontract with the RF, CSCR itself contributed to the

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<sup>11</sup> We note that this does not take into consideration the loss of \$2 million of penalty due to TCC’s bankruptcy proceedings and the reorganization of the budget that resulted.

<sup>12</sup> Ironically, when CSCR was working on a subaward with the RF as part of the Soil Study, it provided little to no accounting of expenditures, work projects and time sheets to account for the funds they used. During the aforementioned dispute referenced in the Court’s March 2019 Order, CSCR was unable to provide such information after multiple requests from the RF for additional data detailing expenditures and services to justify payment.

<sup>13</sup> We note, however, that the Soil Study’s initial 6-month report due in June 2017 was delinquent, but ultimately provided. Subsequently, the Probation Office laid out a specific schedule of deadlines, which were followed and Dr. Gardella regularly communicated with the Probation Office regarding the preparation and submission of the reports.

description of the progress on the study as well as provided budget information, which were included in the reports. Thus, CSCR's representation that there was no financial reporting regarding the Soil Study to the Probation Department is a knowing misstatement of fact.

The Health Study also submitted six-month progress reports on 4/15/17, 10/15/17, 4/15/19 and 10/15/18. Jeff Schieder, Director, Pre-Award, Sponsored Projects Services at UB emailed Melissa Colley, US Probation and Pretrial Services, the Health Study's expense report covering dates 9/6/16 through 11/16/18 on November 20, 2018. We never received any communications from the Probation Office that there were concerns with the Health Study's progress or expenses.

In addition to the reports provided to the Probation Office, UB together with the RF have extensive and appropriate internal oversight of research and research conducted with human participants. UB's Institutional Review Board ("IRB"), for example, reviews all of the Health Study protocols to assess the potential harm to study participants to ensure that research neither exploits participants nor does harm to participants before research activities begin. In addition, the IRB reviews all study investigators for conflicts of interest. UB's IRB is subject to external and independent audits to ensure that the IRB operations are appropriate.

The funds for both studies are administered by the Research Foundation through UB's Office of Sponsored Programs, and they follow established federal and state procedures, guidelines, and regulations for distributing sponsored research funds. All study expenses for both studies are reviewed and approved by the Sponsored Programs office to ensure they are being used in accordance with State and Federal policy. In addition, the Sponsored Programs office is also subject to external audits to ensure they are in compliance with required procedures and policies. Moreover, UB researchers are required to submit personal financial data to the NYS Joint Commission on Public Ethics to ensure that researchers are in compliance with New York State Ethics laws.

In addition, Dr. Gardella consulted both the New York State Department of Environmental Conservation ("DEC") and the Environmental Protection Bureau ("EPA")<sup>14</sup> regarding the appropriate protocols for sample collection<sup>15</sup> as well as to review Phase 1 and 2 findings. Dr. Gardella proactively contacted both agencies to have representatives assigned to the study from the beginning to allow for continuity, transparency and oversight throughout the study. DEC

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<sup>14</sup> Ms. James-Creedon was copied on Dr. Gardella's email communications to the DEC and EPA. Thus, her allegations that there was no outside review or accountability is another purposeful falsehood.

<sup>15</sup> We note that the soil sampling kits that CSCR is currently selling on its website, for which it previously tried to charge to the Soil Study, are not in compliance with DEC/EPA regulations and therefore could not have been used in connection with the Soil Study.

representatives attended and answered questions at CAC meetings and at public meetings organized by the Soil Study.

Thus, the allegation that UB “has failed to provide any financial data to the Probation Department or Department of Justice to date, so there is and has been no ‘[a]ccountability of money and activity’ or any outside knowledge of how funds are being spent” is demonstrably untrue as to both Studies. Given Ms. James-Creedon’s personal involvement in the submission of budget and progress reports to the Probation Office in the earlier phases of the Soil Study, this allegation, to the contrary, was intentionally false and made in bad faith.

### ***CSCR Did Not Propose Creating a Health Center as Part of the Soil or Health Studies***

CSCR alleges that it proposed creating a Health Education Center as part of the Soil Study. (CSCR Letter, p. 4, ¶ 1). This is not true. The proposal noted that the project would develop a community education center, with the single task of providing information (mainly from the CDC/ATSDR ToxFAQs) about health effects of pollutants. The environmental education center was never meant to duplicate what the Health Study’s center would do. Further, Ms. James-Creedon has a conflict of interest arising from both her status as a plaintiff in a civil suit seeking damages against TCC as well as her advocacy in the “Stop the Stacks” campaign. Ms. James-Creedon also lacks human subjects research training and oversight from the UB IRB, which would prevent her from dealing with any aspect of health education.

CSCR also alleges that it has proposed to run a health education center on behalf of UB, but Dr. Bonner does not recall any specific written proposal from CSCR. He does recall engaging in conversations with Ms. James-Creedon to develop the education center but advised her (with two witnesses present) that he would not be able to partner or contract with her until she resolved her issues with the Soil Study. Ultimately, Dr. Bonner made the decision to stop communicating with Ms. James-Creedon when she sent an email on September 7, 2018 that insinuated she would criticize the Health Study in the press if UB did not partner with her and fund her.

### **Conclusion**

We trust that this response together with the information provided from Dr. Govindaraju’s office provides you with sufficient information to conclude that the allegations made against UB and the RF in the CSCR letter are unsubstantiated and an intentional misrepresentation of the facts. It is apparent that CSCR’s motivation is, at least in part, based upon its own desire for funding.

Contrary to the allegations in the letter, both studies are steadily progressing in accordance with the Court’s judgment and intended purpose. Despite CSCR’s continued attempts to publicly derail and

discredit the studies, the project leaders have maintained their focus on carrying out the objectives of the studies, which has and will continue to result in invaluable resources for the communities affected by TCC's violations of environmental laws and regulations.

Should you need any additional information, please contact me. Thank you for your time and attention to this matter.

Very truly yours,

Allison Gottlieb

cc: Dr. Venugopal Govindaraju  
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