



*Preserving and protecting our precious freshwater*

March 15, 2021

OPEN LETTER – VIA EMAIL & CERTIFIED MAIL

Ohio Department of Health  
Bureau of Environmental Health and Radiation Protection  
Radiological Health and Safety  
246 North High St.  
Columbus, Ohio 43215

ATTN: Director Stephanie McCloud

Dear Director McCloud:

This letter is another attempt to focus the Ohio Department of Health on the fracking industry and its massive amounts of toxic, radioactive waste being mishandled in Ohio due to lack of adequate regulation and oversight by the agencies, including ODH, who could do something to protect workers and public health. For your immediate attention, we are attaching a recent letter to the Ohio Occupational Health and Safety Administration that outlines 33 facilities that are operating in Ohio with inadequate rules to handle frack waste. The Ohio OSHA office refused to investigate this issue, despite the fact that they have the authority to do so, citing the fact that a current industry worker did not file the complaint. Ohio OSHA has done this before, allowing worker safety and health to remain at risk. This is in stark contrast to what was done in by Pennsylvania OSHA office, which required frack waste handling facilities to post a notice about radioactivity accessible to the employees so at least they are informed of the hazards of handling radioactive waste (see letter attached). This effort still falls very short of what is needed to protect the workers and the surrounding communities to these facilities handling high levels of radioactive frack waste, but it is better than nothing like in Ohio. We are also sending this letter to the Washington DC OSHA office hoping that they will do more than what the Ohio OSHA office has done to protect workers handling toxic, radioactive frack waste at these facilities.

We would like to cite Ohio regulations that require the ODH to license these 33 facilities, copied below with regulation we believe to be applicable highlighted.

**[3701:1-43-03 Activities requiring a specific license.](#)**

(A) A specific license is required pursuant to paragraph (C) of rule [3701:1-43-10](#) and rule [3701:1-43-11](#) of the Administrative Code to manufacture and distribute any consumer or retail product containing TENORM unless the manufacture and distribution are:

(1) Authorized as specified by paragraph (A) of rule [3701:1-43-08](#) or paragraph (F) of rule [3701:1-43-08](#) of the Administrative Code;

(2) Licensed under the provisions of Chapter 3701:1-40 of the Administrative Code;

(3) Exempted under the provisions of rule [3701:1-43-07](#) of the Administrative Code; or

(4) Otherwise exempt in accordance with another chapter of the Administrative Code.

(B) A specific license is required to decontaminate equipment or land not exempted under the provisions of rule [3701:1-43-07](#) of the Administrative Code or to decontaminate facilities contaminated with TENORM in excess of the levels in rule 3701:1-43-15 of the Administrative



Code. As used in this rule, the term "decontaminate" shall not include routine maintenance which results in the incidental removal of contamination.

(C) A specific license is required to receive TENORM from other persons for storage, treatment, or disposal unless otherwise provided in this chapter or authorized in writing by the director.

We doubt that all 33 of the frack waste processing and disposal facilities in Ohio are fully licensed. We would like the Bureau of Radiation Protection to do a full audit of the 33 listed facilities to ensure they are in compliance with regulatory requirements. We would also like a copy of the required licenses for all 33 facilities, especially for the PETTA facility in Cambridge, Ohio which stated they are storing radioactive waste.

The PETTA facility is a radioactive frack waste processor that is accepting material clearly labeled as such (see this video as truck goes through downtown Cambridge to their facility located in a densely populated, environmental justice community here: [https://youtu.be/SQoPys\\_R8MA](https://youtu.be/SQoPys_R8MA)). See also the Narrative attached that explains what PETTA is doing with frack waste under the current lack of protective regulation. Please also see the attached inspection report in which the ODNR inspector points out that there is no personal protective equipment for the workers at this facility. We believe the facility was found to handle and clean frack pipes, which can contain high amounts of radioactivity accumulated in the scale. The Cambridge facility had a fire, and more recently, the PETTA facility in West Virginia also had a fire causing severe injuries and potentially exposing the workers and surrounding community to radioactive releases, relying on the owner's unqualified testing instead of the permitting agencies immediately conducting a full environmental and public health review for toxic releases: <https://www.desmogblog.com/2021/02/18/fire-oil-gas-waste-petta-dallas-pike-safety-radioactivity>. The ODNR asked about the transport of the concentrated sludge, and PETTA stated they are storing on site. As this radioactive material accumulates, what would be the exposure to the surrounding neighborhood in Cambridge if there was another fire? Also, if the LLC goes bankrupt, who would bear the brunt of cleaning up the stored radioactive waste? This is not speculative because we have seen this happen in many times in which LLC's leave their toxic remains for the taxpayer to fund the clean up when they file bankruptcy.

When the processed frack waste leaves any of these 33 facilities, we have no idea where the concentrated frack waste is taken for disposal. There needs to be traceability for all of the listed "Chiefs Orders" facilities' disposal sites – where do they send their radioactive sludge and filter socks? People have a need to know, but we do not have traceability in Ohio, as compared to Pennsylvania, which shows billions of gallons of liquids and thousands of tons of solid and semi-solid frack waste coming to Ohio. Ohio is quickly becoming the frack waste dumping ground of choice, especially since Pennsylvania citizens strongly oppose these facilities for good reasons (see recent letter to Governor Wolf here also attached). So much waste originating in Pennsylvania is coming to Ohio that the industry has obtained the permissions needed to barge this waste on the Ohio River to save transportation cost. That means a proliferation of frack waste facilities and toxic injection wells (which have been shown to migrate toxins) will be located on the Ohio River, a drinking water source for five million people. More information here: <https://comtechindustriesinc.com/our-solutions/barging/>



We would also like to bring to your attention Waste Management, which is transporting frack waste from some of the 33 processors over our roads for disposal at mostly unknown locations. We would like you to look specifically into Waste Management's policies and practices to protect their workers and those living near the disposal sites where this waste is taken. We do not want radioactive dumping at a waste site in Ohio like what a subsidiary of Waste Management did in Oregon (<https://www.opb.org/news/article/radioactive-fracking-waste-oregon-landfill-illegal-dump/>), so we need to know where the company takes the waste for disposal. We suspect that waste leaving the 33 frack waste facilities will have even more concentrated levels of radioactivity, putting drivers at risk. The filter socks could also be highly radioactive. Reference this investigative report by Public Herald: <https://publicherald.org/if-only-i-wouldve-known-oil-gas-whistleblowers-speak-out-about-exposure-to-radioactivity-on-fracking-jobs/>. We are also copying in the CEO of Waste Management so that when and if there are class action lawsuits because of truck drivers unknowingly transporting radioactive materials, the company cannot say that it did not know just because the waste is falsely labeled as "non-hazardous." We are hopeful Waste Management will look into this matter in Ohio themselves since there is little to no traceability of the radioactive materials.

We will also send this letter to the appropriate DOT office, once we figure out who should have accountability for the lack of proper placarding and safe transportation of radioactivity on our highways. Any assistance you can lend in this regard would be greatly appreciate. We know this is not all under the Department of Health's purview, but we believe the ODH should be aware of these issues.

We are hopeful the Department of Health will take the lead as was done by the WV Radiological Health Program to notify landfill operators who are taking radioactive waste and involve the Ohio Attorney General in an investigation as was done when it was found that frack waste was illegally dumped in Kentucky landfills (<https://apnews.com/article/25c9a637b39a42e2b9adfbe6c3da287c>). We are concerned about workers at landfills that accept radioactive waste as well as the surrounding community and water treatment plants that accept the leachate as well. We are counting on the ODH to do what no other regulatory agency in Ohio is doing, and that is to protect workers and the surrounding communities from the hazards of frack waste and those companies that handle it. Someone has to blow the whistle on the irresponsible transportation, processing and disposal of frack waste, and we hope it is the ODH.

We know the ODNR is aware of the high levels of radioactivity that can be found in frack waste, but what about the ODNR inspectors who are being exposed to radioactive frack waste as they have to inspect these facilities as part of their job, creating repetitive exposures. We are copying in the head of the Oil and Gas Division about these concerns as well as OSHA. The ODNR needs to take accountability for potential exposures to their workers who inspect these facilities and fracking operations as well, especially with the recent research showing airborne radioactivity near fracking sites: <https://www.hsph.harvard.edu/news/hsph-in-the-news/fracking-associated-with-elevated-radiation-levels-at-nearby-sites/#:~:text=2020%20Multimedia-.Fracking%20associated%20with%20elevated%20radiation%20levels%20at%20nearby%20sites,Chan%20School%20of%20Public%20Health>.



We are also requesting that all members of the Radiation Advisory Council be given a copy of this letter/email so that they know that highly toxic and radioactive elements are being lost through no traceability from the frack pad, and is being concentrated by the 33 waste processors. Drilling muds, sludges, filter socks and filtered/concentrated liquid wastes are not being tracked from cradle to grave to know where all the radioactive waste is being taken in Ohio and outside the state. This means that frack waste with water-soluble radium 226 and 228 is potentially being taken to unsuspecting landfills, and that the leachate is being sent for treatment to unsuspecting wastewater treatment plants, contaminating surface water at the discharge point. This has happened before in Pennsylvania, and we highly suspect is happening now in Ohio, except no one at the regulatory or governmental level is looking into this. We do not have the contact information for the RAC members, so if you could pass this letter along to them it would be greatly appreciated.

By now, radioactivity from frack waste is accumulating in Ohio at mostly unknown locations. The Pennsylvania DEP shows landfills, injection wells and other disposal sites in Ohio where they send their waste to Ohio, and each of the landfills accepting frack waste need to know what is being dumped. We are becoming increasingly alarmed about the lack of protective actions by regulatory agencies, especially if frack waste is barged into Ohio via the Ohio River, causing even more radioactive exposures through accidents, spills, and leaks. With barging, more frack waste facilities will be built along the river to process waste from what the LLC's see as a lucrative money-making opportunity. If any of the opportunistic frack waste processors go bankrupt, they can externalize any cleanup costs upon the Ohio taxpayer. That is another reason we are also sending a copy of this letter to Governor DeWine and Attorney General Yost because of their responsibility to act in the best interest of Ohioans. We are also sending a letter to the Office of Melinda Downing, Office of Legacy Management, because fracking and frack waste processing in Ohio is a huge Environmental Justice issue as the industry continues to take advantage of people desperate for employment who will take toxic jobs despite harms to their health, with many of the frack waste processors located in EJ areas.

For good measure, we will be sending a copy of this letter to President Biden. Hopefully if no one else will do anything to help us here in Ohio, he will. We have not given up on the Ohio and USEPA doing something to help us with frack waste regulatory failures, so we will copy them in to this letter as well.

We are a small organization, but we have been steadily working for ten years on issues caused by fracking since it first came to Southeast Ohio. We were concerned from the outset that the lack of adequate regulation would not end well, and our concerns are being proven over and over to be true, with a growing body of evidence that shows the industry is causing serious environmental and public health harms. The time is now to do more to provide environmental and public health protections before it is too late and industry harms are too prolific and severe to readily remediate. Enough people have been harmed and made sick by this industry to demonstrate that regulations are inadequate and additional monitoring, oversight and corrective actions are necessary. We are hopeful that the Ohio Department of Health and other agencies and elected officials who receive this open letter will take action to protect the environmental and economic well-being of all Ohioans impacted by fracking to avoid additional harms and a heavy tax burden made necessary by future remediation of the fracking aftermath.



We are appealing to the Department of Health because we believe your mandate to protect public health will give the agency the information needed to help us. We are hopeful you will join us to take a close look at the frack waste industry, especially the 33 facilities processing and concentrating the waste's radioactivity. Whatever we can do to help you help us we will do. Any advice and assistance you can give is greatly appreciated!

We have made many appeals to regulatory agencies and elected officials in Ohio to little avail, so we are hopeful that the ODH will do something to address these serious concerns. We know you have a full plate because of Covid, but we also know that you care about the health of Ohioans who are threatened by any public health threat like fracking. We thank you in advance for your thoughtful consideration and timely response that will hopefully help avoid a major worker and public health catastrophe caused by fracking and its associated waste.

Sincerely,

Leatra (Lea) Harper  
Managing Director

cc: ODH Radiation Advisory Council:  
David Caldwell, DC– Chiropractor  
Fady Faddoul, DDS – Dentist  
Alvin D. Compaan, Ph.D. – Environmental  
Bryon M. Murray, MS, DABR – Health Physicist  
Kerry T. Krugh, Ph.D. – Medical Physicist  
Douglas S. Fisher, DPM – Member of the Public  
John Olsen, M.D. - Physician in Nuclear Medicine  
Larry Osher, DPM – Podiatrist  
Michael S. Bisesi, Ph.D. - Public Health Representative  
John Grecula, M.D. – Radiologist  
Robert J. Friedman – Radon  
Jonathan C. Fortkamp, Ph.D. – Radiation Safety Officer  
Andy Miller - Regulatory Specialist  
Allegation@NRC.gov  
President Joe Biden  
Governor Mike DeWine  
Melinda Downing, Office of Legacy Management  
CEO James Fish, Waste Management  
Scott Ketchum, OSHA, Washington DC  
Chuck McCracken, ODH  
Director Jack Marchbanks, Ohio Department of Transportation  
Michael Regan, USEPA  
Director Laurie Stevenson, Ohio EPA  
USEPA Office of Inspector General  
USEPA Region 5



USEPA Radiation Protection Division  
Eric Vendel, ODNR Oil & Gas Division  
Attorney General Dave Yost