

Environmental Remediation Program

As part of their operations, FMC and predecessor companies on the Middleport site handled and produced pesticide compounds containing arsenic starting in the late 1920's and ending in 1974 – 11 years before FMC ceased manufacturing activities at the plant.

In the course of these operations, there were air emissions and fugitive dusts containing arsenic that could have resulted in deposition of arsenic in some areas downwind. There were also possible releases to surface water through stormwater runoff or discharge of wastewater.

FMC has been engaged since the early 1970's in studies and remedial actions to address arsenic from its past operations that impacted soils, surface water, and groundwater at the plant. In conjunction with this effort, FMC has worked closely with Middleport Village, Federal, State and School District officials, the Middleport Community Advisory Panel (CAP) and the Middleport Community Input Group (MCIG).

In 2019, FMC entered into a new Order on Consent and Administrative Settlement with the New York State Department of Environmental Conservation (NYSDEC or the "Agency") and with the approval of U.S. Environmental Protection Agency (USEPA). This document is the framework for activities related to the remediation of on-site and off-site areas impacted by historical operations at the FMC site in Middleport and to resolve other issues at the site.

The 2019 Order on Consent establishes updated terms and conditions to guide the completion of the continued study, evaluation, and remediation, as needed, for all remaining on-site and off-site areas. NYSDEC continued to undertake environmental remedial work through the 2020 construction season, with FMC taking over the remediation work in 2021 and going forth.

FMC's soil arsenic cleanup efforts were previously guided from 1991 to 2019 by an Administrative Order on Consent (AOC) cosigned by the "Regulatory Agencies" — USEPA, NYSDEC and the New York State Department of Health (NYSDOH). They are referred to as the "Regulatory Agencies" or the "Agencies" for actions taken by them prior to the 2019 Order on Consent.

The AOC was issued pursuant to the U.S. Resource Conservation and Recovery Act (RCRA) of 1976, as amended by the Hazardous and Solid Waste Amendments of 1984.

To date, FMC has spent more than \$200 million in remediation efforts in the Village of Middleport, including the development of RCRA Facility Investigations (RFI) and a Corrective Measure Study (CMS), and conducting more than six Interim Corrective Measures (ICMs) for cleanup involving the Royalton-Hartland School District property, residential properties on S. Vernon St., Maple and Park Avenues, the North Railroad Property, and residential lots on a proposed Village subdivision.

Throughout this process, FMC has been committed to being accessible and helping the local community better understand the presence of arsenic in soil and providing data disproving any human health and safety issues.

Arsenic is a naturally occurring element found in soil, air, water, and many foods such as rice, flour, grape juice, chicken, beef, peanut butter, eggs, spinach, peas and fish. The large majority of human exposure to arsenic is dietary from the food and water people ingest in their daily lives.

In 2004, FMC sponsored a biomonitoring study using urine and toenail samples to test for exposure to inorganic arsenic from soil involving 439 residents in Middleport, including 77 children under the age of seven.

The study was funded by FMC and conducted by Exponent, an independent contractor, with outside review by a panel of health experts from universities, research institutes, and the Centers for Disease Control and Prevention (CDC).

The biomonitoring study found there was no clear evidence of elevated exposure from arsenic in soil for participants. Urinary arsenic levels of individual participants were overall much lower than the reference level for elevated arsenic exposure. Toenail arsenic levels were also below the CDC reference level for normal exposure.

For the past decade, FMC has operated a Community Office in the Village for residents to visit to ask questions and obtain information on the remediation program. Also located in the Community Office at 8 S. Vernon St. is the voluntary FMC Home Value Assurance Program, designed to promote the marketability of eligible homes in the Village.

Current and Future Projects

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The on-site and off-site areas have been divided into 11 Operable Units (OUs). FMC will continue to maintain interim corrective measures previously implemented, as well as the corresponding operation, maintenance, and monitoring measures.

For the most-to-date status on studies and remediation work, please click on the individual Operable Units below:

- OU1 – On-Site
- OU2 – Air Deposition Area 1
- OU3 – Air Deposition Area 2
- OU4 – Roy-Hart School Property
- OU5 – Culvert 105
- OU6 – Tributary One South
- OU7 – Tributary One North
- OU8 – Jeddo and Johnson Creeks
- OU9 – Former FMC R&D Facility
- OU10 – Groundwater
- OU11 – Eastern Parcel