

Congress of the United States

Washington, DC 20515

October 23, 2024

Michael Sload
Chief Executive Officer
KIK Consumer Products
1725 North Brown Road
Lawrenceville, GA 30043

Dear Mr. Sload,

We write with grave concern regarding BioLab's September 29, 2024, fire at the company's Conyers, Georgia facility, the resulting chemical plume and debris, and the immediate and potential long-term effects on communities in Georgia. This fire is just one of BioLab's safety violations, and BioLab cannot continue to put the Rockdale community in this position. To that end, we request BioLab respond to the enclosed questions concerning the events of September 29, their relationship to BioLab's prior safety failures and workplace violations, and BioLab's plan to address any financial, health, and environmental harms to the Rockdale County and metro Atlanta community.

On September 29, a Sunday morning, as families traveled to places of worship, family gatherings, and weekly errands, they saw a surreal and terrifying scene: a vast plume of smoke that, within days, would be accompanied by the distinct smell of chlorine.¹ By 1:10 PM on Sunday,² local officials instructed approximately 17,000 residents around the facility to evacuate.³ Officials told other families in the area, many of whom did not know what chemicals were in the air or their health and environmental risks,⁴ to shelter in place.⁵

The fire at BioLab's Conyers facility initially ignited around 5:30 AM and reignited around noon.⁶ Yet, nine hours after the initial fire, when reporters asked the Fire Chief for Rockdale

¹ *Evacuations Underway After Fire at BioLab in Rockdale County*, 11 Alive (Sept. 29, 2024), <https://www.11alive.com/video/news/local/85-5eff806-afda-40b9-a410-af1f806fa5f1> at 00:12; Jonathan Raymond, *Many Report Chlorine Smell Over Atlanta Amidst Conyers Plume; Mayor Says Fire Crews Going Out with Detectors*, 11 Alive (Sept. 30, 2024), <https://www.11alive.com/article/news/local/conyers/atlanta-chlorine-smell-conyers-plume-biolab-fire/85-24b6b34a-e0af-4742-a9a2-85d47601bf48>.

² *Updates on Bio Fire (9/29/24 – 10/7/2024)*, Rockdale County, <https://www.rockdalecountyga.gov/updates-on-bio-fire-9-29-24> (“EVACUATION ALERT (1:10 PM)”) [hereinafter “Rockdale County Updates on Bio Fire”].

³ *UPDATE: Press Conference Regarding to Today's Incident at Bio Lab*, Rockdale County Government (Sept. 29, 2024), <https://www.facebook.com/RockdaleGov/videos/update-press-conference-regarding-to-todays-incident-at-bio-labrockdale-county-g/506209848917302> at 06:15.

⁴ Rebecca Lindstrom and Ciara Bri'd Frisbie, *Conyers Chemical Plume | Here's What an Environmental Expert Says Georgia Residents Should Do Next*, 11 Alive (Sept. 30, 2024), <https://www.11alive.com/article/tech/science/environment/environmental-impacts-biolab-conyers/85-8494f9fe-036d-4191-8905-ae4d5328af64>.

⁵ Rockdale County Government, *supra* note 3, at 03:04 to 03:35.

⁶ *Id.* at 0:08.

County what chemicals were in the facility and what caused the fire to ignite and reignite, the Fire Chief responded that she “did not have that information.”⁷

While local officials told families the air quality was being actively monitored and being outdoors during daylight hours was “generally safe,”⁸ families were also told that county offices would be closed,⁹ and they needed to shelter in place from 7:00 PM to 7:00 AM.¹⁰ Schools were moved online.¹¹ Ultimately, nearly 700 residents called Georgia Poison Control with symptoms associated with toxic exposure to chlorine and chlorine compounds.¹²

Additionally, we have heard from affected communities who are frustrated that BioLab’s community response website was not publicly launched until October 5, 2024—six days after the fire.¹³

While any fire of this magnitude is concerning, we are particularly alarmed that the September 2024 fire was the *third* major chemical event at BioLab’s Conyers facility in the past two decades. In May 2004¹⁴ and again in September 2020,¹⁵ chemical incidents at this exact facility caused residential evacuations¹⁶ and shut down U.S. Interstate 20 (I-20)¹⁷—just as we saw on September 29. Chemical incidents are not the only failures to occur at BioLab. In 2013,¹⁸ 2019,¹⁹

⁷ *Id.* at 01:08; *see also id.* at 02:40, 05:15.

⁸ *Rockdale County Provides Critical Update on Ongoing Biolab Incident*, Rockdale County (Oct. 1, 2024), <https://www.rockdalecountyga.gov/rockdale-county-provides-critical-update-on-ongoing-biolab-incident>.

⁹ Rockdale County Updates on Bio Fire, *supra* note 2 (noting county offices would be closed on October 1, 2024).

¹⁰ *Id.* (“ALERT (10/1/2024 4:28 pm)”).

¹¹ *BioLab Fire – Independent Learning (Virtual) Extended*, Rockdale County Public Schools (Oct. 8, 2024), https://www.rockdaleschools.org/about/news_and_announcements/district_announcements/biolab_fire_independent_learning_extended.

¹² Candace McCowan, *BIOLAB FIRE: Georgia Poison Center Has Taken Nearly 700 Calls About Exposure to Chlorine Symptoms*, WSB-TV (Oct. 3, 2024), <https://www.wsbtv.com/news/local/atlanta/biolab-fire-haze-chemical-fire-set-move-into-metro-atlanta-thursday/Y3JQB2QUVFAHRPFW6VEFQR7DLY>.

¹³ *UPDATE: (10/5/2024): Looking for Debris Pickup Information? Biolab Has Launched a Community Website to Provide Community Information and Resources, Including Information on Debris Pickup*, Rockdale County Government (Oct. 5, 2024), https://www.facebook.com/story.php?story_fbid=956963703138741&id=100064753594456.

¹⁴ Superfund Technical Assessment and Response Team, *CERCLA Emergency Response Action Report, Bio-Labs, Inc.*, Tetra Tech EM Inc. (Aug. 4, 2004), <https://www.epaoscl.org/sites/A4EY/files/4t-04-05-b-006%20bio-labs%20fire%20cercla%20er%20action%20report.pdf>.

¹⁵ *Bio Lab Conyers Chemical Release*, U.S. Chemical Safety Board (Sept. 14, 2020), <https://www.csb.gov/bio-lab-conyers-chemical-release->.

¹⁶ Johnathan Raymond, *BioLab in Conyers Had Similar Chemical Fire, Smoke Plume Situation in 2004 | Here’s What Happened*, 11 Alive (Sept. 29, 2024), <https://www.11alive.com/article/news/local/biolab-chemical-fire-conyers-georgia-2004-similar-incident/85-d71cc6d6-78cf-4283-9510-03c93b2ee71c>.

¹⁷ *Fire Rages at Chemical Warehouse Near Atlanta*, NBC News (May 25, 2004), <https://www.nbcnews.com/id/wbna5059026>; *Bio Lab Conyers Chemical Release*, U.S. Chemical Safety Board (Sept. 14, 2020), <https://www.csb.gov/bio-lab-conyers-chemical-release->.

¹⁸ *Biolab Inc. of Conyers, Ga., Cited by the US Department of Labor’s OSHA for Repeat and Serious Safety Violation with More Than \$46,000 in Proposed Fines*, U.S. Occupational Safety and Health Administration (Aug. 22, 2013), <https://www.osha.gov/news/newsreleases/region4/08222013>.

¹⁹ *Violation Detail*, U.S. Occupational Safety and Health Administration (Apr. 23, 2019), https://www.osha.gov/ords/imis/establishment.violation_detail?id=1369848.015&citation_id=01002.

and 2024,²⁰ the U.S. Occupational Safety and Health Administration and the Georgia Environmental Protection Division found violations at BioLab related to worker safety, training, and waste management.

Residents in Rockdale County have expressed anger and frustration at the lack of transparency regarding the incident and the unknown, potential long-term public and environmental health effects of the chemical plume and other debris.²¹ Indeed, any potential environmental and health consequences from the September 2024 fire will likely disproportionately burden vulnerable and historically marginalized communities in the Conyers area. These include communities of color, which make up 80% of the residents within a 5-mile radius of the Conyers facility, and low-income families, which make up 47% percent of the residents within a 1-mile radius of the facility.²²

We appreciate BioLab’s commitment to financially assisting residents who have suffered financial losses from the disruptions caused by the September 2024 fire. However, this is the third incident that Rockdale County has had to front the costs for cleaning up, and the third time that first responders have put their lives at risk. Working families may have also had to front out-of-pocket costs on childcare from closed schools, medical bills for chemical plume exposure, property damage, temporary housing, and lost wages from closed job sites.

We urge BioLab to continue to provide generous financial and recovery support to affected communities and municipalities through both the short and long-term effects of this fire. Additionally, BioLab must continue to fully cooperate with local, state, and federal personnel and agencies to swiftly and comprehensively address and mitigate the effects of the September 2024 incident. At the same time, BioLab must correct its pattern of safety failures to prevent similar incidents from occurring in the future.

Accordingly, we ask that BioLab respond in detail to the questions below regarding the events of September 29, their relationship to BioLab’s prior safety failures and workplace violations, and BioLab’s plan to address any financial, health, and environmental harms to the Rockdale County and metro Atlanta community by November 13, 2024:

1. Please explain in detail the steps BioLab has taken to support and communicate with affected communities during, immediately following, and in the aftermath of the September 2024 fire.
 - a. Please provide a detailed timeline of the incident and BioLab’s public communication with affected communities about the cause, extent, and management of the September 2024 fire.
 - b. What steps has BioLab taken to inform affected communities about the chemical content, extent, and potential health, environmental, property, and livelihood effects of the chemical plume? Please share copies of any public correspondence

²⁰ *Detailed Facility Report*, U.S. Environmental Protection Agency, <https://echo.epa.gov/detailed-facility-report?fid=110007087213#community> (see “Enforcement and Compliance” charts).

²¹ *E.g.*, *Rockdale County Government Board of Commissioners Meeting 10/08/2024*, Rockdale County (Oct. 8, 2024), <https://www.rockdalecountyga.gov/board-of-commissioners-meeting-videos>.

²² U.S. Environmental Protection Agency, *supra* note 20 (see “Demographic Profile of Surrounding Area” tables).

BioLab has used to communicate with affected communities regarding the chemical plume.

- i. Please provide a full list of chemicals or chemical compounds that communities may have been exposed to as a direct result of the September 2024 fire, plume, and debris.
 - c. Did BioLab send assistance or proactive correspondence to affected communities about the potential, risks, and removal of additional debris that were blown onto nearby residential and commercial properties?²³ Please share copies of any public correspondence BioLab used to communicate with affected communities regarding the risks and removal of additional debris.
 - d. What steps will BioLab take to remediate any soil, waterway, and groundwater contamination from the September 2024 fire, plume, and debris?
2. We understand that BioLab has established a dedicated call center and a Community Assistance Center to assist communities affected by the September 2024 fire.²⁴ We appreciate that BioLab has taken steps to financially compensate residents for costs that resulted from the September 2024 fire.
 - a. Please describe in detail what actions BioLab will take and has taken to financially compensate communities affected by the September 2024 fire.
 - b. What resources and materials have BioLab provided to affected communities to communicate information on the reimbursement processes, eligible reimbursement costs, and the timeline for reimbursement? Please share copies of any public correspondence BioLab has used to communicate with affected communities regarding the reimbursement process.
 - i. Does BioLab have a planned deadline for when they will stop accepting reimbursement requests?
 - ii. If an individual has hired legal representation in response to the September 2024 fire, is that individual still eligible to submit a reimbursement request for costs associated with the September 2024 fire?
 - iii. Will individuals have to waive any rights or claims as a condition of receiving reimbursement?
 - iv. Will BioLab provide a list of possible reimbursable costs to affected communities?
 - c. Since the opening of BioLab's dedicated call center and Community Assistance Center, how many reimbursement requests has BioLab received?
 - i. What is the total dollar amount of reimbursements that BioLab has received?
 - ii. What is the average and median dollar amount of across reimbursement requests?
 - iii. What percentage of reimbursement requests have been denied?
 - iv. What percentage of reimbursement requests have been approved?
 - v. What is the average processing time for reimbursement requests?

²³ *BioLab Debris Falling at Homes, Businesses in Rockdale County Not Dangerous*, 11 Alive (Oct. 8, 2024), <https://www.youtube.com/watch?v=YDWpSONTeak> at 03:35.

²⁴ *Community Support*, BioLab, <https://biolabcommunityresources.com/community-support>.

- d. What steps has BioLab taken to ensure that all members of the affected communities have equitable access to the call center and the Community Assistance Center?
 - i. Will BioLab consider expanding its Community Assistance Center operating hours on Monday through Friday beyond its current hours of 10 AM – 6 PM to accommodate working families?
 - ii. How does BioLab plan to assist individuals who do not speak English as a first language through the reimbursement process?
 - iii. How does BioLab plan to assist individuals with disabilities through the reimbursement process?
- e. Does BioLab plan to reimburse individuals of affected communities for health screenings, including communities throughout the pathway of the chemical plume, emergency responder personnel, and BioLab facility staff?
3. Please explain in detail the steps BioLab has taken to communicate with emergency responders, local and state governments, and federal agencies during, immediately following, and in the aftermath of the September 2024 fire.
 - a. To the extent practicable, please provide a detailed timeline of the incident and BioLab’s communication with relevant emergency responders and government officials about the causation, extent, and management of the fire.
 - b. What resources, guidance, or training did BioLab provide to emergency first responders and/or facility employees to assist them with managing the unique challenges of suppressing a fire with reactive and hazardous chemicals like trichloroisocyanuric acid?²⁵ Please share copies of any public guidance or outreach materials BioLab used to communicate with stakeholders, especially emergency responders, during and immediately following the outbreak of the fire.
4. We understand that BioLab worked to support local, state, and federal agency efforts to monitor air emissions.²⁶
 - a. How did BioLab work with local, state, and federal agencies to assess air quality in the affected area?
 - b. Within what spatial extent did BioLab and Unified Command measure air quality?
 - i. How did BioLab and Unified Command establish this spatial extent?
 - ii. How did the calculation of the spatial extent account for the plume travel patterns?
 - iii. How did the calculation of the spatial extent account for commonly used travel routes by community members?
 - c. Will BioLab finance independent air quality testing upon the community’s request, especially in sensitive areas, such as schools, hospitals, and nursing homes, throughout the aftermath of the September 2024 fire? If so, for how long?
5. Please explain in detail the steps BioLab has taken to maintain and inspect facility infrastructure since the construction of the warehouse facility where the September 2024 fire occurred.

²⁵ Holly Burgess, *After Georgia Chemical Plant Fire, Learn More About the Hazards of Oxidizers*, National Fire Protection Association (Oct. 11, 2024), <https://www.nfpa.org/news-blogs-and-articles/blogs/2024/10/11/georgia-chemical-plant-fire-and-oxidizers>.

²⁶ *Supporting the Conyers Community*, BioLab, <https://biolabcommunityresources.com> (response to “What steps has BioLab taken to address the incident?”).

- a. How much of BioLab’s budget has been spent on facility maintenance and infrastructure repairs or upgrades, especially to the facility’s fire response and water infrastructure in the warehouse where the September 2024 fire broke out?
 - b. Since the opening of the Conyers facility warehouse, how routinely did BioLab inspect the fire response and water infrastructure in the warehouse to ensure the system properly functioned?
6. After a January 2024 inspection, BioLab received nine enforcements for violations against waste management and storage requirements at the Conyers facility.²⁷ In addition, the U.S. Occupational Safety and Health Administration found that the Conyers BioLab facility had one repeat and six serious worker safety violations in August 2013²⁸ and that employees were not properly trained on hazardous chemicals at the facility in 2019.²⁹
 - a. What steps has BioLab taken to improve workplace and worker safety and training in response to these violations?
 - b. What steps has BioLab taken to improve facility management and storage of hazardous chemicals and waste in response to these violations?
7. The Conyers BioLab facility experienced similar incidents in May 2004 and September 2020. The May 2004 fire resulted in the mandatory evacuation of residents within 1.5-mile radius of the facility and intermittently closed I-20.³⁰ The September 2020 event also produced a plume that temporarily closed I-20.³¹
 - a. Did any of the previous safety violations described in Question 6 contribute to or cause any of BioLabs’ chemical events, including the September 2024 fire?
 - b. Please describe in detail what operational, safety, and emergency preparedness protocols, training, or management practices BioLab changed or newly implemented in response to the May 2004 and September 2020 fires.
8. Please explain in detail how BioLab plans to account for the September 2024, September 2020, and May 2004 incidents and its previous workplace and safety violations in 2013, 2019, and 2024 in the future construction, maintenance, operation, and management of its facility in Conyers to increase facility safety and emergency preparedness.
9. On September 30, 2024, the U.S. Chemical Safety and Hazard Investigation Board opened an investigation into the Conyers BioLab facility and fire.³²
 - a. Will BioLab fully cooperate with the U.S. Chemical Safety Board’s investigation?
 - b. Will BioLab fully implement any recommendations made by U.S. Chemical Safety Board following its investigation?

We look forward to receiving your response by November 13, 2024.

Sincerely,

²⁷ U.S. Environmental Protection Agency, *supra* note 20 (see “Enforcement and Compliance” charts).

²⁸ U.S. Occupational Safety and Health Administration, *supra* note 18.

²⁹ U.S. Occupational Safety and Health Administration, *supra* note 19.

³⁰ Tetra Tech EM Inc., *supra* note 14.

³¹ U.S. Chemical Safety Board, *supra* note 15.

³² *U.S. Chemical Safety Board Sends Team to Investigate Major Chemical Fire at Bio-Lab Facility in Conyers, GA*, U.S. Chemical Safety Board (Sept. 30, 2024), <https://www.csb.gov/us-chemical-safety-board-sends-team-to-investigate-major-chemical-fire-at-bio-lab-facility-in-conyers-ga>.

Raphael Warnock
United States Senator

Henry C. "Hank" Johnson, Jr.
Member of Congress