

SUBJECT: LOVE CANAL TESTIMONY

DATE: APRIL 5, 1979

WITNESS: EILEEN MATSULAVAGE
151 JACKSON STREET
YOUNGSTOWN, N.Y. 14174

- EXHIBITS:**
- A - a) AIR TEST RESULTS OF PRIMARY RESIDENCE AT 9714 GREENWALD AVE., NIAGARA FALLS, N.Y. REPORTED BY THE STATE AND INDEPENDENT LAB.
 - b) LETTER DATED 10/5/78 REJECTING STATE'S INITIAL AIR TEST REPORT.
 - B - a) HEALTH DATA RELAYED TO STATE
 - b) BLOOD TEST RESULTS - STATE AND Mt. SINAI
 - c) LETTERS FROM MT. SINAI ADVISING LUNG AND LIVER ABNORMALITIES AND SUGGESTING FURTHER TESTING
 - C - a) LISTING OF EXTRAORDINARY EXPENSES INCURRED AS A RESULT OF LOVE CANAL CONTAMINATION.
 - D - a) LETTER DATED 2/16/79 FROM DR. B. PAIGEN CONFIRMING VERBAL RECOMMENDATION THAT WE NOT LIVE IN OUR CONTAMINATED HOME.
 - b) LETTER DATED 3/25/79 FROM DR. M. MOSES ^{CONFIRMING} RECOMMENDING SAME.
 - E - a) PLEAS FOR ASSISTANCE ADDRESSED TO PRESIDENT CARTER, GOVERNOR CAREY, CONGRESSMAN LA FALCE, COMMISSIONER HENNESSEY AND THEIR REPLIES -- ONE ONLY.
 - F - a) APPRAISAL OF PROPERTY VALUE BEFORE AND AFTER LOVE CANAL FOR IRS CASUALTY LOSS PREPARED BY NEWCOMB PROZELLER
 - G - a) LETTER TO DR. S. KIM, N.Y. STATE DEPT OF HEALTH REQUESTING CERTIFICATION THAT MY HOUSE IS SAFE - 1/29/79 - REQUIRED BY NCSB.
 - b) LETTERS OF REPLY DATED 2/27/79 FROM M. J. CUDDY AND J. FOGARTY

TESTIMONY:

What I have listed above and furnished as exhibits are documents confirming that our home is contaminated; that our bodies have undergone biological changes; that we have been and continue to be burdened with extraordinary expenses & that our pleas for State and Federal assistance have fallen on deaf ears. These documents further give expert testimony that to remain in our contaminated home is harmful to our health.

The data is self-explanatory and there is no point in going over it again. It is made available to you for study at your leisure. What I would like to make you aware of at this time is the anxiety and frustration we have experienced since July 1978. I would also like to share with you my experiences which have caused me to lose faith in our local, state and federal governments.

TESTIMONY:
(Cont'd.)

Let me start by saying that despite the fact that our home is contaminated and our health has been affected, if I were pregnant or had children under two years old I would not qualify for evacuation under the most recent State ruling because our home is north of Colvin Blvd. which is the boundary set by the State. I can only surmise that the State doesn't recognize their own findings of contamination and biological abnormalities and they have not accepted Dr. Paigen's "swale theory".

My disillusionment and frustration began in October 1978 when the State tried to get me to accept an air test report on a dissipated sample. Because my family was experiencing the symptoms of chemical poisoning reported by Dr. Paigen in the August 6 issue of the Courier Express and August 17 issue of the Gazette, we requested that our home air be tested and also submitted ourselves for blood tests. At that time we were told the results would be available in about a month.

Because we were anxious and hadn't received a report, I called Dr. Richards in Albany as was suggested. It was my experience that he was never in the office. First I was told that the test was completed but no data could be relayed until Dr. Richards reviewed it. On another occasion I was told that the test would be completed next week but next week there was another story and so on. Finally, about six weeks after the sample was taken Dr. Richards gave me a verbal report which was followed by another and different report from his secretary. When I questioned the discrepancy I learned that the lab had "LOST" the results and reanalyzed the sample. By this time I distrusted the report and did some checking on my own. When I learned that the life of an air sample once transferred to carbon was approximately two days I advised the State that I would not accept their report. There was no reply except that within one week my house was retested and the subsequent results were much higher.

When I called for interpretation of the results I was told by Dr. Nancy Kim that the readings were quite high and I should not use the basement and, in fact, she suggested that I seal the bottom of the doorway with rags. When I questioned whether the house was safe to live in, she stated that it was a personal decision but suggested that we request a test of the upstairs living quarters before deciding to move out. The same chemicals were found to a lesser degree in the Kitchen/Eating area.

Because of my previous experience and contradictory statements then being issued by the State, I still distrusted the report and considered hiring an independent laboratory. It was an expensive proposition but eventually I did just that. Their report showed levels of benzene up to 9 times as high as reported by the state in our living quarters.

At the same time our home was tested, the State took two core drillings of the soil on the vacant lot next door and water samples of Black Creek which runs through our backyard. We were given a number to call for the results but after four months of excuses we gave up. In January 1979 I asked Dr. Steven Kim about them again and he advised that they were LOST. At the last meeting with the Homeowners in February, Dr. Axelrod advised that Black Creek was found to be contaminated.

TESTIMONY:
(Cont'd.)

Just as we had difficulty with the air, soil and water samples, we experienced a four-month delay in getting our daughter's blood test results. These, too, were LOST. I don't think we would have ever received them if I didn't make a nuisance of myself. Particularly upsetting was the fact that her liver function test was extremely high and a second test was required. By this time I believed that it was deliberately held back because it was not what the State wanted to see. The second test confirmed that an abnormality existed and her physician (as relayed by his nurse) was concerned about the possibility of leukemia. This was the news we received at Christmas. Now I was really upset about the earlier delay because four months could mean the difference between arresting the disease and death.

The doctor's office agreed to furnish me with a letter attesting to his concern about leukemia. I asked Mike Cuddy if such a statement would mean evacuation by the state. His reply was negative based on other similar cases. By this time I was physically and emotionally drained and felt like David trying to take on Goliath but without a slingshot.

The only thing that saved my sanity then, was the knowledge that we were going to be thoroughly tested at Mt. Sinai Medical Clinic which I had previously arranged. I won't say that I was paranoid but I distrusted the State so much I wouldn't tell anyone where we were being tested for fear the State would apply pressure to the Clinic as it was rumored they did with local doctors.

All this while the State continued to issue statements that there is no evidence of leaching or contamination North of Colvin. Commissioner Hennessey, at wit's end, suggested that if the residents were so concerned about their health they should abandon their homes and live in pup tents because the State did not have the funds to evacuate them en masse. At wit's end myself, I wrote to President Carter, Governor Carey, Commissioner Hennessey, Congressman LaFalce pleading for assistance but for the most part was ignored. Congressman LaFalce telephoned his support and Governor Carey's office wrote the usual non-committal letter. That was all the response I received.

Life at home was hell. All we did was argue about whether to move or not. I wanted out; my daughter wanted out; my husband wanted to stay. He could not believe that our home was contaminated. He also couldn't believe that the State would leave us there to rot if there were a health threat. During that time we were interviewed by a graduate student from UB. I have a copy of the tape recording which I have not heard but I am sure will confirm first hand our state of mind at that time. CONFUSION, ANXIETY AND FRUSTRATION.

We individually tried to protest by withholding property taxes but this avenue was closed off too. Niagara County Savings Bank advised that they would not accept our mortgage payment without escrow which action threatened foreclosure. We seriously considered letting the bank have the house but were concerned of the liability if the house was sold for less than the mortgage. We are now convinced that no one would

TESTIMONY:
(Cont'd.)

pay the \$20,000 mortgage even though our cost was about \$63,000 and market before Love Canal was \$75,000. WHO IS GOING TO BUY AND LIVE IN A HOUSE WHERE THERE IS A HIGH PROBABILITY OF GETTING CANCER.

We were further frustrated in our attempts to rent the house because no one would sign the required disclaimer.

Even if we succeeded in finding a buyer we couldn't sell the house because the banks would not grant a mortgage without first getting a certificate from the Health Department stating that it was safe. The Health Dept., in turn, advised that they don't issue such certificates and suggested that our property may be redlined by the banks since there was no such requirement on other property.

In December, after we learned that our daughter might have leukemia I prevailed upon my employer to allow us to use the company's guest house temporarily and we vacated our home January 3. (My initial request was made in October). Luckily, we owned other property and subsequently also prevailed upon our tenant to cancel their lease with us so that we could occupy the premises which we did mid-February. Normally, moving twice within six weeks would have been a problem but after what we'd been through it felt good to once again have some semblance of order.

At the present time our situation is this:

My husband and daughter are scheduled for further testing mid-April. At this time we don't know the full extent of the damage to our health or the long term consequences.

We are maintaining two houses including double mortgage, taxes, heat, lights, etc.

We have filed for a casualty loss with IRS in an attempt to reduce the financial burden we are under. If it is accepted we should recover in taxes about \$15/19,000 against our loss of \$63,000. While it will help, it is not enough to even pay off what is owed on the property.

We have asked the local board for reassessment of our property value to zero but they are choosing instead to go along with the State's recommendation which means we will have to continue to pay taxes even though the property is vacated and we no longer use the city's services.

It was hard enough for us to face the fact that our home is contaminated and that our work and investment was for nothing but we have done so and consider ourselves lucky to be out of there with minimal problems compared to some others. WHAT IS IMPOSSIBLE TO ACCEPT IS THE STATE'S DENIAL OF WHAT THEY MUST SURELY KNOW TO BE FACTUAL. As long as the state denies the problem, there can be no assistance from the Federal government or any other source.

TESTIMONY:
(Cont'd.)

We know our house is contaminated. We know our health has been affected. So does the State. WHY CAN'T WE GET ANYBODY TO BELIEVE US.

In my opinion it is unconscionable for the government, THE GOVERNMENT OF, FOR, AND BY THE PEOPLE, to treat the lives of people as callously as they are. The actions and statements by the State seem to indicate that they did not want to find a problem and they worked diligently toward this end with the full support of our local government and the non-involvement policy of the Federal Government.

I CHARGE Governor Carey with using the Love Canal situation as a campaign issue to be buried after election (pardon the pun).

I CHARGE the State with misleading the people by giving them false hope.

I CHARGE President Carter with misleading the people by giving them false hope.

I CHARGE the State with taking advantage of the people's normal tendency towards apathy.

I CHARGE the State with withholding information.

I CHARGE President Carter with lack of courage under pressure.

I CHARGE our local government with a conflict of interest.

I CHARGE the State with ambiguity in their formal reports and deliberately issuing misleading statements.

Eileen Matsulavage

EXHIBIT A

a) AIR TEST REPORT

(Micrograms per cubic meter)

<u>COMPOUNDS</u>	<u>STATE REPORT</u>		<u>INDEPENDENT LAB</u>	
	<u>Basement</u>	<u>Kitchen</u>	<u>Basement</u>	<u>Living Room</u>
Chloroform	0	0		
Benzene	87	29	319*	263*
Trichloroethene	0	0		
Toluene	182	46		
Tetrachloroethene	2	2		
Chlorobenzene	0	0		
Chlorotoluene	0	0		
Trichlorobenzene	(Not analyzed for)			

basement

Note: The original rejected report on the dissipated/sample showed:

(PER HOMEOWNER'S RECORDS)	Chloroform	0
	Benzene	0
	Trichloroethene	3
	Toluene	0
	Tetrachloroethene	1
	Trichlorobenzene	1

In all instances, when the samples were taken the areas were clear of any item that could distort the readings.

*Verbally reported; written confirmation forthcoming.

NEW YORK STATE DEPARTMENT OF HEALTH

ADDRESS 9714 Greenwald

Air
 Sample taken 10/10/78
 (micrograms per cubic meter)

*Test report
 upstairs
 STAY OUT
 of Basement
 Results
 pretty high
 Don't know what
 results are
 acceptable for
 residential*

COMPOUNDS	ug/m ³
Chloroform	0
Benzene	87
Trichloroethene	0
Toluene	182
Tetrachloroethene	2
Chlorobenzene	0
Chlorotoluene	0
m+p xylene	+
o-xylene	+
Trichlorobenzene	+
TOTAL	271

*For interpretation
 of results call
 Nancy Kira
 Collect in Albany
 (518) 474-7888*

ADDRESS 9714 Greenwald Ave

CHLOROFORM	0
BENZENE	0
TRICHLOROETHENE	3
TOLUENE	0
TETRACHLOROETHENE	1
CHLOROBENZENE	
M+P XYLENE	
O-XYLENE	
TRICHLOROBENZENE	1
TOTAL	



EXHIBIT B

a) HEALTH DATA FORMS FURNISHED STATE

Note: Since my records are photostats of the original report, the handwriting did not show up on the duplicates of the photostat. They are available in my possession if you want to see them but I will not give them up.

The summary in the cover letter addressed to Mr. Harper might suffice for your purposes.



3801 HIGHLAND AVENUE, NIAGARA FALLS, NEW YORK 14305 - TELEPHONE 716-285-1252

EILEEN MATSULAVAGE
DIRECTOR OF PURCHASES

November 21, 1978

Mr. Philip J. Harper
526 Hamilton Street
Albany, New York 12203

Dear Mr. Harper:

The medical data on my family which you requested is attached. For your information, our home seems to be located on a swale coming out of Love Canal. My husband's blood test results show that the entire enzyme study is elevated as is his white count. My tests show only an elevated liver enzyme. My daughter's results are still not available. Air sampling of the house showed 87 benzene, 182 toluene and 2 tetrachloroethene.

Based on advice we received pertinent to the readings and the fact that our health has been poor for the past three years, we will be vacating our home early December. If you need to contact us, we will still pick up our mail at 9714 Greenwald Avenue.

It appears that my husband, daughter, and myself share the following ailments which we never experienced before living at our present address, except for minor colds.

	<u>Albert</u>	<u>Eileen</u>	<u>Jeanne</u>
Severe respiratory problems	X	X	X
Painful and irritated eyes	X	X	X
Rectal Bleeding (no reason found)	X	X	
Depression		X	X
Skin Disorders	X	X	X

Very truly yours,

Eileen Matsulavage

Attach.

EXHIBIT D

*a & b - Letters from Dr. Paigen and Dr. Moses advising that
our home was dangerous to our health.*

6 Pelham Drive
Buffalo, N. Y. 14214
February 16, 1979

Mrs. Eileen Matsulavage
9714 Greenwald Ave.
Niagara Falls, N. Y. 14304

Dear Mrs. Matsulavage:

I recommend that you move from your home at 9714 Greenwald if it is at all possible for you to do so. Your home falls on a major swale that intersects the old Love Canal. Toxic chemicals are moving from the Canal along this swale and contaminating the homes along it.

My research indicates that many diseases are elevated in the homes along these swales. For instance, in your neighborhood there are approximately equal numbers of people who live along this major swale and people who live in uncontaminated areas. Yet the disease incidence is very different. These diseases include toxic effects on the very young, that is the human fetus, causing miscarriages, stillbirths, crib deaths, birth defects and growth retardation of children; central system problems causing suicides, nervous breakdowns, severe migraine headaches, epilepsy, and hyperactivity; and toxins which cause kidney and urinary system damage.

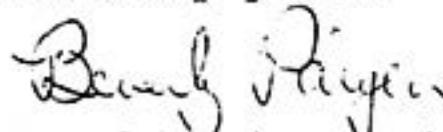
Based on these findings I am recommending to the State Health Department and to individuals that all people living along the swale be evacuated either permanently or until some sort of remedial action can be taken to ensure that the flow of chemicals from the Love Canal into homes is stopped. The remedial work being undertaken now will not be finished for at least 9 months and does not provide for stopping the flow of chemicals down the swale.

To give you a few examples of the kinds of statistics I am talking about, in the entire neighborhood there were 21 nervous breakdowns, 19 of these occurring in homes directly on a swale. There were 6 suicides in the neighborhood over the last 10 years; all of these can be related to living along a swale or along the Love Canal itself. A woman who gets pregnant along the swale only has a 50% chance of having a normal child. Either the fetus will die in utero or immediately after birth, or 1 in 5 live births will have a birth defect. These birth defects are of various types that include mental retardation, hearing problems, eye defects, double rows of teeth and kidney problems. There are 12 epileptics in the neighborhood, 8 of these live along a swale and 2 more live in a house that is heavily contaminated by chemicals but we do not understand why.

Further information I have indicates that people who live in these contaminated houses have a reduced ability to fight disease. They are particularly susceptible to ear infections and to upper respiratory infections. I also believe that people who live in the area have some sort of bleeding problem caused by toxic chemicals for there is a high number of gastrointestinal bleeding, uterine bleeding leading to a hysterectomy, and severe nosebleeds. In addition, I find an elevation in respiratory disease such as asthma, emphysema, and bronchitis in the area.

All in all, my research leads me to conclude that all homes along the swale that you live on should be evacuated in order to protect the health of the inhabitants. This opinion is based on my expertise in the field of environmental toxicology.

Sincerely yours,



Beverly Paigen, Ph.D.
Cancer Research Scientist V

BP:nh



THE MOUNT SINAI MEDICAL CENTER

ONE GUSTAVE L. LEVY PLACE • NEW YORK, N.Y. 10029



Mount Sinai School of Medicine • The Mount Sinai Hospital

*Environmental Sciences Laboratory
Cummings Basic Sciences Building
1275 York Ave.
New York, N.Y. 10021
Tel. 455-4171*

March 25, 1979

Eileen R. Matsulavage
151 Jackson Street
Youngstown, N.Y. 14305

Dear Mrs. Matsulavage;

Thank you for your letter of March 19. Dr. Fischbein has returned and we will let you know soon about arrangements for further medical evaluation of your husband and daughter.

As you know, in our evaluation of Jeanne Marie and Albert at Mount Sinai, abnormal liver function tests were found.

In view of these abnormal findings it is clearly advisable for them to avoid exposure to any hepatotoxic or potentially hepatotoxic agents.

Sincerely,

Marion Moses M.D.

cc: Alf Fischbein M.D.
Irving J. Selikoff M.D.

April 9, 1979

151 Jackson Street
Youngstown, New York 14174

Health Commissioner Axelrod
Empire State Plaza
Health Laboratory
Albany, New York 12237

Dear Commissioner Axelrod:

I hereby formally request evacuation of my family comprised of Albert, Jeanne and Eileen Matsulavage from our home at 9714 Greenwald Avenue, Niagara Falls, New York.

This request is made on the basis of the attached letter from Dr. B. Paigen as well as the letter from Dr. M. Moses of Mt. Sinai Medical Center.

As you can see from the attached data, liver abnormalities were found in all three members of our family and lung abnormalities in two members (Albert and Jeanne). Further, Dr. Moses states in her letter that we should avoid exposure to hepatotoxic or potentially hepatotoxic agents which is exactly what the state found to be present in our home, both in our basement and living quarters.

As you can see from the return address, we are already out of the area. We vacated our home January 3 in the interest of our health but are finding it difficult, financially, to maintain two houses; therefore, the formal request for evacuation.

In the person of Commissioner Hennessey, the State promised we would be given the same options as residents on the Canal if it was determined that our home was contaminated and our health affected or in jeopardy. This is now the case but Governor Carey's office advised that only your office can make such a determination.

As of this writing I am totally disappointed and, in fact, enraged with the actions (or lack of action) our State has taken regarding the health of the area residents. Please restore my faith in our public officials by considering and evaluating my request fairly. Please don't reply with the usual evasive run-around we have received from other quarters.

Respectfully yours,

Eileen Matsulavage