

BRIAN HIGGINS  
26TH DISTRICT, NEW YORK

COMMITTEE ON HOMELAND SECURITY

RANKING MEMBER  
SUBCOMMITTEE ON  
COUNTERTERRORISM AND INTELLIGENCE  
SUBCOMMITTEE ON  
EMERGENCY PREPAREDNESS,  
RESPONSE, AND COMMUNICATIONS

COMMITTEE ON FOREIGN AFFAIRS

SUBCOMMITTEE ON THE  
MIDDLE EAST AND NORTH AFRICA  
SUBCOMMITTEE ON EUROPE,  
EURASIA, AND EMERGING THREATS

Congress of the United States  
House of Representatives  
Washington, DC 20515-3226

2459 RAYBURN HOUSE OFFICE BUILDING  
WASHINGTON, DC 20515  
(202) 225-3306  
(202) 226-0347 (FAX)

726 EXCHANGE STREET  
SUITE 601  
BUFFALO, NY 14210  
(716) 852-3501  
(716) 852-3929 (FAX)

640 PARK PLACE  
NIAGARA FALLS, NY 14301  
(716) 282-1274  
(716) 852-2479 (FAX)  
higgins.house.gov

March 30, 2013

Hon. Eric Holder  
Attorney General of the United States  
U.S. Department of Justice  
950 Pennsylvania Avenue, NW  
Washington, DC 20530-0001

**Re: Tonawanda Coke**

Dear General Holder:

I write today to congratulate you and your colleagues at the United States Department of Justice on your successful prosecution against the Tonawanda Coke Corporation. This effort is particularly commendable as it is only the second successful criminal prosecution involving the Clean Air Act in the entire nation. Sadly Western New York is no stranger to similar health and environmental issues. Residents at Love Canal were exposed to toxic waste dumped by Hooker Chemical in Niagara Falls, NY and workers at Bethlehem Steel were unknowingly exposed to uranium dust during the Cold War era in Lackawanna, NY. In both of these cases, as with the Tonawanda Coke case, citizens stood up, fought back, and in the end, truth and justice prevailed.

I further write to ask that, to the extent that the Department of Justice has discretion with regard to the disposition of the proceeds associated with the verdict, that these funds be used to ameliorate the specific violations associated with this case. Specifically, I ask that these funds be used to satisfy claims with individual local claimants to the extent appropriate and also be applied toward a fund for the remediation and the enhancement of the environment in the immediate vicinity of the facility to the extent possible.

The neighborhoods in immediate proximity to the plant have suffered specific harms and measurable environmental degradation as a result of the release of benzene and other pollutants from the Tonawanda Coke facility. It is wholly appropriate that the proceeds of this legal action be used to mitigate the several decades of environmental injury which these communities have suffered.

Again, congratulations for your successful defense of the environmental resources of the United States in general and of Western New York State in particular. This verdict was won

through your work and the tireless efforts of unyielding residents. I am grateful for your leadership and your consideration of this request.

Sincerely,

A handwritten signature in blue ink that reads "Brian Higgins". The signature is written in a cursive style with a long horizontal flourish extending to the right.

Brian Higgins  
Member of Congress