

CROSBY HARVEY PRELIMINARY CLASS ACTION SETTLEMENT GENERAL FAQs

These FAQs are meant to address common questions regarding the Class Action Settlement Agreement and the Preliminary Approval Order and to facilitate Claimant and Law Firm understanding, and are not all-inclusive. However, the actual Settlement Agreement, including its section on Settlement Funds and the Long Form Notice on this website, are controlling. These FAQs will evolve and be edited as the settlement administration proceeds.

1. What is this Class Action Settlement about?
 - a. This settlement is about the fires that occurred at Defendant’s facility located at 18000 Crosby Eastgate Rd., Crosby, Texas 77532, during Hurricane Harvey in late August and early September 2017. Plaintiffs contend that the fires deposited dioxin compounds on properties surrounding Defendant’s Crosby facility at a level that could pose health and environmental risk. Defendant contends that the fires did not result in any harm or risk of harm to persons or property. The Court has not determined whether Plaintiffs or Defendant is correct.
 - b. This settlement allows for Class Members who currently own real property located within the 7-mile radius of the fence line boundary of the Crosby, Texas, Arkema Inc. Chemical Plant (measured as a straight-line distance) to be tested for dioxin compounds, and depending on eligibility criteria, have the dioxin compounds removed from properties (each subject to fund availability). In addition, all Class Members will have the opportunity to participate in an anonymized epidemiological study to track the potential for future development of certain diseases.

2. Who is a “Class Member”?
 - a. “Class Members” means all residents and real property owners located within a 7-mile radius of the Crosby, Texas, Arkema Inc. Chemical Plant at any time since August 30, 2017.
 - b. Excluded from the class are (a) the Honorable Keith P. Ellison and the Honorable Dena Palermo, any member of their staffs who worked directly on this Litigation, and any member of their immediate families; (b) counsel for the Parties, any member of their respective staffs who worked directly on this Litigation, and any member of their immediate families; (c) any government entity; (d) any entity or real property in which Defendant has a controlling interest; and (e) any of Defendant’s subsidiaries, parents, affiliates, and officers, directors, employees, legal representatives, heirs, successors, or assigns.

3. What is the “Class Area”?
 - a. “Class Area” means all real property located within a 7-mile radius of the fence line boundary of the Crosby, Texas, Arkema Inc. Chemical Plant.

4. How does this settlement impact Class Members?
 - a. All Class Members are bound by all determinations and judgments in the lawsuit regarding the Settlement. In exchange for being a Class Member and eligible under the Settlement, you will not be able to sue, continue to sue, or take part in another lawsuit against the Defendant that involves the same legal claims as those resolved through this settlement. Please consult the Settlement Agreement for the scope of the claims released.

5. When is the Effective Date?
 - a. The Effective Date will not be set until after the Court's Final Approval Hearing.

6. How will the Settlement Funds be divided?
 - a. On the Effective Date, Defendant will make a payment in the amount of \$24,000,000.00 into a single escrow account, which will be directed by the Settlement Administrator into the following four escrow accounts:
 - i. Property Characterization/Remediation Fund: \$20,100,000.00
 - ii. Anonymized Epidemiological Study Fund: \$1,700,000.00
 - iii. Incentive Awards Escrow Account: \$200,000.00
 - iv. Expenses Escrow Account: \$2,000,000.00

7. What will the Property Characterization and Remediation Fund be used to pay for?
 - a. The Property Characterization and Remediation Fund is only to be used to perform the Property Characterization and Remediation Work, including the Property Characterization Participation Payments, Property Remediation Participation Payments, and the cost of the performance of the Property Characterization and Remediation Work itself.

8. When are Class Members eligible for site assessment?
 - a. Class Members who currently own real property within the Class Area are eligible for on-site assessment and characterization on the Effective Date, on a first come, first served basis and subject to fund availability.

9. What is Property Characterization?
 - a. The Property Characterization will include the approved contractors collecting and analyzing soil or indoor dust samples for dioxin compounds.

10. What is Property Remediation?
 - a. Any real property where concentrations of dioxin in soil samples exceed the Texas Commission on Environmental Quality's Tier 1 Residential ^{Tot}Soil_{Comb} Protective Concentration Level will be eligible for remediation of the portions of the real property exceeding the TCEQ Dioxin Standard, subject to the approval of the Class Member who owns the property and fund availability.
 - b. One year after the Effective Date, the Settlement Administrator will have the discretion to remediate dioxin contamination in soil on properties that did not exceed the TCEQ Dioxin Standard and/or to remediate dioxin contamination in indoor dust, subject to approval of the Class Member who owns the property and fund availability.

11. Will Class Members be compensated for the access and use of their property during the Property Characterization and Remediation process?
 - a. Yes. Any Class Member(s) who are current real property owners and whose real property is characterized shall be entitled to a single \$150 Property Characterization Participation Payment per characterized property, subject to fund availability and caps. Similarly, Class Members who are current real property owners and whose property is remediated shall be entitled to a single \$300 Property Remediation Participation Payment per remediated property, subject to fund availability and caps.

12. How long is the Property Characterization and Remediation scheduled to last?
 - a. The Property Characterization and Remediation work should be completed within four years of the Effective Date, however, the Settlement Administrator has the right to petition the Court for an extension of time.

13. Who is conducting the Property Characterization and Remediation Work?
 - a. The Court has approved four contractors who may perform the Property Characterization and Remediation Work, as follows:
 - i. SKA Consulting, L.P.
 - ii. GSI Environmental
 - iii. Edge Engineering & Science
 - iv. Golder Associates (now a unit of WSP)
 - b. The Settlement Administrator will select the contractor. Selection will occur after the Final Approval Hearing.

14. What is the Anonymized Epidemiological Study?
 - a. The proposed research includes identifying an appropriate study population and characterizing dioxin and dioxin-like exposures from the Arkema Inc. Plant chemical fires during early September 2017. These fires occurred when organic peroxides stored in refrigerated trailers decomposed. The exposure characterization may rely on results from soil sampling for dioxins and dioxin-like substances of residents and property owners residing within a 7-mile radius of the Arkema Inc., Crosby facility. This soil sampling will identify geographic areas (e.g., at least three zones of areas with higher exposure and lower exposure). These geographic areas can then be used to compare health incidence outcomes by exposure gradient. Because the presumptive latency period for cancers following exposure is at least 20 years (and may be longer), the research will establish a study population that could be followed for site-specific cancers or chronic respiratory disorders in the future. Cancer outcomes will be ascertained using cancer registry data for cancer incidence in Texas to identify whether the risk of incident site-specific cancers increases with exposure. Similarly, the incidence of chronic respiratory disorders will be ascertained based on diagnoses by doctors to identify whether the risk of respiratory disorders increases with exposure gradient. As part of this research, the investigators should consider potential confounding factors and exposures, including additional sources of exposure to dioxins and dioxin-like compounds. This research may also build on research previously conducted

by Baylor College of Medicine on the mental health and respiratory and allergic symptoms following Hurricane Harvey.

15. Who is conducting the Anonymized Epidemiological Study?
 - a. Information on the entity conducting this study will be determined after the Effective Date.

16. How can I participate in the Anonymized Epidemiological Study?
 - a. More detailed information will be provided after the Effective Date.

17. What is an “Incentive Award”?
 - a. “Incentive Award” means any funds that may be awarded by the Court to compensate any Class Representatives for their efforts in bringing the litigation and/or achieving the benefits of this Settlement on behalf of the Class. The eight (8) Class Representatives have applied for an Incentive Award of \$200,000 total, to be divided equally among the Class Representatives. Any Incentive Award will be reviewed and approved by the Court at the Final Approval Hearing. Any Incentive Award does not reduce the funds available for Class benefits.

18. How is Class Counsel being paid for their work on this settlement?
 - a. To date, Class counsel have not been compensated for any of their work in this case. Class Counsel have applied to the Court to award them \$8,500,000 from Defendant to pay their Attorneys’ Fees. Any Attorneys’ Fees will be reviewed and approved by the Court at the Final Approval Hearing. Any Attorneys’ Fees awarded to Class Counsel do not reduce the funds available for Class benefits.
 - b. Class Counsel has applied to the Court to award them \$1,862,175.06 from the Expenses Escrow Account to reimburse their Attorneys’ expenses. Any Attorneys’ Expenses will be reviewed and approved by the Court at the Final Approval Hearing. Any Attorneys’ Expenses awarded to Class Counsel do not reduce the funds available for Class benefit.

19. How can I participate in this Settlement?
 - a. Information regarding Class Participation will be provided on this website after the Final Approval Hearing, subject to whether the Settlement is approved by the Court.

20. How soon does the Settlement start?
 - a. If the Court approves the Settlement and there are no appeals, the Settlement administration will begin approximately 31 days after the Court enters its Final Approval Order.

21. Who is the Settlement Administrator facilitating the Settlement?
 - a. The Settlement Administrator is Edgar C. Gentle.

- b. You may contact the Settlement Administrator by phone at 855-711-2079, by email at settlement@crosbyharveysettlement.com, or by mail at 501 Riverchase Parkway East, Ste. 100, Hoover, AL 35244.
22. Can I object to the Settlement Agreement?
- a. Yes. All objections to the settlement agreement must be filed by the Objection Deadline of April 22, 2024.
23. How do I object to the settlement agreement?
- a. If a Class Member wishes to object to the Settlement Agreement, they must submit that objection in writing by April 22, 2024, to the Clerk of Court, United States District Court for the Southern District of Texas, 515 Rusk Avenue, Houston, TX 77002, postmarked or filed via the Court's electronic filing system (ECF).
24. What needs to be included in the objection?
- a. The following **must** be included in the written objection:
 - i. A reference to the case, *Shannan Wheeler, et al v. Arkema Inc.*, Case No. 4:17-2960-KPE (S.D. Texas) and the name of the presiding Judge, the Honorable Keith P. Ellison;
 - ii. Your name, address, telephone number, and if available, email address, and if you are represented by an attorney, your attorney's name, address, telephone number, and bar number;
 - iii. A written statement of all grounds for the objection, including any legal support for the objection;
 - iv. A statement of whether you intend to appear at the Final Approval Hearing, either with or without counsel;
 - v. A statement if your membership in the Class;
 - vi. A detailed list of any other objections submitted by you, or your attorney, to any class actions submitted in any court, whether state or otherwise, in the United States in the previous five (5) years;
 - vii. Your signature, even if the objection is submitted through counsel.
 - b. If you or your attorney have not objected to any class action in any court in the United States in the previous five (5) years, you must affirmatively state so in the written materials provided in your objection.
 - c. Failure to include this information and documentation is potentially grounds for the Court to overrule and reject the objection.
25. Can I ask the Court for a larger or different settlement in my objection?
- a. No. The Court is only approving or disallowing the settlement.
26. Can I submit a reply in support of Final Approval of this Settlement?
- a. Yes. All replies in support of Final Approval or for any award of Attorney's Fees, Costs, or Incentive Awards must be filed by May 7, 2024.
27. When is the Final Approval Hearing?
- a. The Final Approval Hearing for the settlement is June 6, 2024 at 10 a.m.

28. Where is the Final Approval Hearing taking place?
 - a. The Hearing will be held in the United States District Court for the Southern District of Texas, Houston Division, before the Honorable Keith P. Ellison, 515 Rusk Avenue, Houston, Texas, 77002, in Courtroom 3716 on the 3rd Floor, or such other judge assigned by the Court.

29. Do I need to attend the Final Approval Hearing if I object to the settlement?
 - a. No. However, if you wish to object to the Settlement Agreement at the Final Approval Hearing (either personally or through counsel), you must submit a timely written objection in compliance with the requirements above. In addition, if you are objecting, to appear in person or by counsel at the Final Approval Hearing, you must include in your objection a Notice of Intention to Appear.

30. What does the Notice of Intention to Appear need to include?
 - a. The Notice of Intention to Appear must include copies of any papers, exhibits, or other evidence that you, or your attorney, will present to the Court in connection to the Final Approval Hearing.

31. What happens if I do not submit the proper Notice of Intention to Appear?
 - a. Any Class Member who fails to submit a proper Notice of Intention to Appear will not be allowed to speak or be heard at the Final Approval Hearing.

32. Do I need to attend the Final Approval Hearing if I support the settlement?
 - a. No. Class Members who support the settlement do not need to attend the hearing or take other action to indicate their approval of the Settlement Agreement.