

LETTER TO ALL CLASS AREA PROPERTY OWNERS

CROSBY HARVEY SETTLEMENT
501 Riverchase Pkwy East, Suite 100
Hoover, AL 35244
1-855-711-2079
Fax: 205-716-2364
www.crosbyharveysettlement.com

August 19, 2024

Re: *Registration for Soil and House and Commercial Structure Testing and Clean-Up Program*

Dear Potential Property Program Class Member,

THIS LETTER INVITES YOU TO A TOWN HALL MEETING ON SEPTEMBER 16, 17, 18 AND 19, 2024, FROM 9:00 AM TO 8:00 PM, AT THE DAVID H. MCNERNEY AMERICAN LEGION POST 658 VFW, 14890 FM2100, CROSBY TX 77582 WHERE WE WILL DESCRIBE THE PROPERTY TESTING AND CLEAN-UP PROGRAM AND HELP YOU WITH YOUR PAPERWORK TO REGISTER YOUR PROPERTY FOR THE PROGRAM.

On June 6, 2024, the Federal District Court for the Southern District of Texas entered the Final Order Establishing the Remediation (Clean-Up) Program (the "Order") which established the property clean-up program (the "Program") described by this letter. Based upon the information provided to us through the lawsuit, we believe that one or more of your properties **may** be eligible for the Program.

We have attached a Claim Form, and you must fill out your Claim Form for your property to be part of the Program, which will entitle you to a testing incentive payment if you have a real property that qualifies for testing, subject to monies being available, as described below, as well as testing of your house or commercial structure or soil for dioxin (the "tested substance"), and to the extent necessary and to the extent we can afford it, cleaning of your house, commercial structure and soil. Real property that qualifies for testing and is cleaned up due to contamination will also be eligible for a clean-up incentive payment, subject to monies being available.

TO BE ELIGIBLE FOR THE PROGRAM, YOU MUST SUBMIT YOUR CLAIM FORM, FULLY COMPLETED AND WITH THE NECESSARY DOCUMENTATION, AS DESCRIBED BELOW, BY NOVEMBER 18, 2024.

I. Town Hall Meetings

We will hold Town Hall Meetings for you to attend for help with registering your house and real property for the program **at the David H. McNerney American Legion Post 658 VFW. Anyone can come to any day of the Town Hall Meetings.** The suggestion that Claimants with last names beginning with certain letters attend on certain days is **only a suggestion** so that there will be an even amount of people on each day of the Town Hall Meetings.

Attendance at the Town Hall Meetings is optional and will not affect your real property or your house's eligibility for the Program in any fashion. However, you must submit your completed claim form and documentation on or before November 18, 2024, for your property to be considered for the Program.

TOWN HALL MEETINGS

<u>DATE</u>	<u>TIMES</u>	<u>LAST NAMES</u>
Monday September 16, 2024	9:00AM - 12:00PM 2:00PM - 5:00PM 6:00PM - 8:00PM	Last Names Beginning With Letters A - G
Tuesday September 17, 2024	9:00AM - 12:00PM 2:00PM - 5:00PM 6:00PM - 8:00PM	Last Names Beginning With Letters H - N
Wednesday September 18, 2024	9:00AM - 12:00PM 2:00PM - 5:00PM 6:00PM - 8:00PM	Last Names Beginning With Letters O - Z
Thursday September 19, 2024	9:00AM - 12:00PM 2:00PM - 5:00PM 6:00PM - 8:00PM	Make Up Day - Anyone can come to Meeting

The Settlement Administrator will offer a brief presentation on the Program at the beginning of each Town Hall Meeting. After my presentation, my staff and I will help you complete claim forms for your house/property.

II. Clean-Up Program Summary

The Order fully describes the Program and is available on our website, www.crosbyharveysettlement.com. We require a Claim Form from the owner for each eligible house in the Class Area¹ that is “fit for human occupancy”, or a commercial structure reasonably fit for human occupancy, as determined by the Settlement Administrator. Or a real property in the Class Area. My staff and other licensed contractors will perform a visual inspection of each house or commercial structure to make sure there is a structure fit for human occupancy.

In addition to the fully completed Claim Form, each house or real property owner must sign the Claim Form, and we must have a copy of the most recent property tax ticket or receipt from the County² for the property on which the house is located, as well as a copy of each house owner’s photo identification.

The Program will begin with a sign-up Program from September 16, 2024, to November 18, 2024. Each house or commercial structure or real property that is registered will be tested for the tested substance, to the extent that there are adequate monies to do so. Thereafter, we will first remediate highly contaminated soils, and then we will remediate the houses and soils with high levels of contamination and based upon available monies.

There are no testing or remediation incentive payments for houses or commercial structures. However, every eligible real property, which we confirm is part of the Program, and after it is tested, will entitle the owner or owners to a **\$150 testing incentive payment**. There will also be a **\$300 real property remediation payment** for real properties that are remediated. If there are multiple owners, the money will be shared ratably among them. There will be no more than 1,000 of each of such payments. **You get to keep the \$150 testing incentive payment even if your real property does not need to be cleaned.**

If your house or commercial structure or soil is tested and deemed to have levels below the suggested clean up level, you will receive a copy of the test results. Alternatively, if your house or commercial structure or soil tested substance results are positive, after your house or commercial structure or soil is cleaned, you will receive confirmation of completion.

¹Within a 7-mile radius of the closed Arkema Plant in Crosby, Texas.

²Portions of Harris, Liberty and Chambers counties are included in the Class Area.

WE CANNOT GUARANTEE THAT YOUR HOUSE OR COMMERCIAL STRUCTURE OR SOIL WILL BE CLEANED DUE TO LIMITED FUNDING. HOWEVER, EACH HOUSE OR COMMERCIAL STRUCTURE OR SOIL VERIFIED AS ELIGIBLE WILL BE TESTED, SUBJECT TO MONEY AVAILABLE, AND THE OWNER(S) OF THE SOIL WILL RECEIVE \$150 AS AN INCENTIVE PAYMENT FOR THE SOIL. REMEDIATION OF EACH REAL PROPERTY WILL ENTITLE THE OWNER TO A \$300 INCENTIVE PAYMENT, SUBJECT TO MONEY AVAILABILITY.

The Program does not provide any money for former owners of property in the Class Area. Finally, the Program does not provide any reimbursement for owners of properties who claim to have remediated their properties on their own.

There is no cash option instead of the Program. You do not have to participate in the Program, but if you do not, you will not receive anything from the property clean-up portion of the Settlement.

If you have any questions; please call us, or send us an email.

Yours very truly,

A handwritten signature in black ink, appearing to read "Ed Gentle". The signature is fluid and cursive, with the first letters of the first and last names being capitalized and prominent.

Ed Gentle,
Settlement Administrator
1-855-711-2079 (toll free)
settlement@crosbyharveysettlement.com

CROSBY HARVEY SETTLEMENT
Settlement Administrator
501 Riverchase Parkway East, Ste. 100
Hoover, AL 35244
855-711-2079
www.crosbyharveysettlement.com

August 19, 2024

HOUSE OR COMMERCIAL STRUCTURE AND
SOIL CLEAN-UP PROGRAM
CLAIM FORM

THIS FORM ONLY APPLIES TO PROPERTY OWNERS OF ELIGIBLE PROPERTY WITHIN THE CLASS AREA¹, DEFINED AS WITHIN A 7-MILE RADIUS OF THE CLOSED ARKEMA PLANT IN CROSBY, TEXAS. IF THE CLASS AREA BOUNDARY TRANSECTS A HOUSE OR COMMERCIAL STRUCTURE THEN IT IS ELIGIBLE FOR TESTING AND POSSIBLE REMEDIATION. IF THE BOUNDARY TRANSECTS A SOIL PROPERTY, THE PORTION OF THE SOIL PROPERTY INSIDE THE CLASS AREA IS ELIGIBLE FOR TESTING AND POSSIBLE REMEDIATION.

A. TO QUALIFY FOR THE HOUSE OR COMMERCIAL STRUCTURE CLEAN-UP PROGRAM, YOU MUST OWN A CLASS AREA HOUSE OR MOBILE HOME THAT IS FIT FOR HUMAN OCCUPANCY OR A CLASS AREA COMMERCIAL STRUCTURE THAT IS FIT FOR HUMAN OCCUPANCY AND REGULARLY OCCUPIED BY PEOPLE.

B. TO QUALIFY FOR THE SOIL CLEAN-UP PROGRAM, YOU MUST OWN REAL PROPERTY IN THE CLASS AREA.

IF YOU DO NOT OWN CLASS AREA PROPERTY, PLEASE DO NOT COMPLETE THIS FORM.

YOU MUST COMPLETE AND SUBMIT THIS FORM BY NOVEMBER 18, 2024 OR YOU WILL RECEIVE NOTHING FROM THE PROPERTY CLEAN-UP SETTLEMENT. THIS FORM IS TO BE PREPARED PER PROPERTY AND NOT PER PERSON. IF YOU OWN MORE THAN ONE ELIGIBLE PROPERTY YOU WILL NEED TO FILL OUT A CLAIM FORM FOR EACH PROPERTY.

Which type of property do you want sampled and tested to the extent there are available monies and it is contaminated:

HOUSE OR COMMERCIAL STRUCTURE

SOIL

[Check either or both]

¹ Court Orders pertaining to the clean-up Program can be found on the Settlement website www.crosbyharveysettlement.com.

Please note that having more than one lot or parcel that are next to each other and assessed for property taxes together does not require filling out more than one Claim Form, because they are one property under the Program. But separately assessed properties are separate properties under the Program.

You may submit this Claim Form by mail to the address at the top of page 1, fax to 205-716-2364, or email to settlement@crosbyharveysettlement.com. For help with this Claim Form, you may call 1-855-711-2079.

REQUIRED INFORMATION

- 1. Below, please identify the Class Area property that you own. The following information is on the bill that the County Sheriff's Office sends you every year for property taxes².**

District	Tax Map	Parcel(s)	Lot(s)
_____	_____	_____	_____

- 2. You must attach to this Claim Form a current bill or receipt for property taxes to prove that you are the Owner of the property.**

OWNERS' NAME

WE MUST HAVE A COPY OF EACH OWNER'S PHOTO ID, SUCH AS A DRIVER'S LICENSE, ATTACHED TO THIS FORM

OWNER 1

_____	_____	_____
First Name	Middle Initial	Last Name
____/____/____	____/____/____	
Date of Birth	Social Security Number ³	

OWNER 2

_____	_____	_____
First Name	Middle Initial	Last Name
____/____/____	____/____/____	
Date of Birth	Social Security Number	

² Portions of Harris, Liberty and Chambers Counties are included in the Class Area.

³ You must provide your social security number. If you do not provide a social security number, we cannot validate your claim, we cannot pay you anything, and we cannot test or clean-up your property.

OWNER 3

First Name

Middle Initial

Last Name

_____/_____/_____
Date of Birth

_____/_____/_____
Social Security Number

OWNER 4⁴

First Name

Middle Initial

Last Name

_____/_____/_____
Date of Birth

_____/_____/_____
Social Security Number

CONTACT ADDRESS AND PHONE NUMBER(S)

This is the address where you will receive mail related to this Claim, and the phone number(s) we will use to call you about your Claim. If you need to provide a second address, please attach a second sheet of paper.

Name or Names

Home Phone Number

Cell Phone Number

Street, Route, or P.O. Box

City

State

Zip Code

Please provide directions to your property from the Plant site.

⁴ If there are more than four owners of your property, please attach an additional sheet of paper to the form that lists the additional owner(s).

SAMPLING, TESTING, AND REMEDIATION LICENSE AND AGREEMENT

1. The Owner(s) identified in the Claim Form hereby grants to the Crosby Harvey Settlement (the "Settlement") an irrevocable license to enter upon the real property identified in this Claim Form ("the Property") for the following purposes:

To carry out the house clean-up project in all zones of the Class Area, taking dust samples from the living space and attic and testing said samples for the presence of dioxin tested substance.

To carry out the soil clean-up project in the Class Area, taking soil samples from the Owner(s)'s property and testing said samples for the presence of the tested substance.

This license grants the Settlement, and its agents, servants, or employees, including general and sub-contractors, the right to enter the Property, remove the samples, and have the samples tested for the tested substance. House sample results and soil sample results shall be provided by the Settlement in writing to the Owner(s). Further, to the extent funds are available and the sample results show a tested substance level reasonably deemed hazardous to human health ("tested positive") by the Settlement Administrator, so that remediation (clean-up) of the house or soil is necessary, the Owner(s) grant the Settlement the right to remove tested substance from the Property, remove and replace contaminated materials, conduct intensive cleaning, and conduct follow-up testing to confirm that tested substance contamination has been removed from the Property. Only Properties tested positive will be cleaned up.

2. The Settlement agrees upon completion of the sampling and testing, and remediation (clean-up), if any is needed, to be performed pursuant to this Agreement, that all Settlement materials and equipment shall be removed from the Property.
3. The Owner(s) shall advise the Settlement of any hazardous or potentially hazardous conditions that the Owner(s) is aware of that might reasonably be expected to be affected by the clean-up work to be performed.
4. Upon completion of sampling and testing, the Settlement will provide the results, in writing, to the Owner(s), as well as a letter describing whether the results indicate that a remediation (clean-up) of the Property is necessary.

5. The Settlement expressly does not guarantee that the Property will be remediated (cleaned) because there may not be enough money to remediate (clean) all the Property in the Class Area. Pursuant to the Property Remediation (Clean-Up) Program Order, the Settlement will provide a sampling and testing service to determine if the Property needs to be remediated (cleaned). After all of the sampling and testing is completed and paid for, and after all participation incentive payments (described below) are made, the Settlement will remediate the soil and the houses or commercial structures in the Class Area that are contaminated to the extent funds are available and the sample results show a tested substance level reasonably deemed hazardous to human health (“testing value”).
6. Testing and Clean-Up Participation Incentive Payments
 - A. Each real property that is tested will receive a payment of \$150, ratably allocated to the Owner(s), with there being no more than 1,000 of such payments. There is no such Participation Incentive Payment for having a house tested. Each real property remediated (cleaned up) based upon available monies and the level of contamination shall receive a \$300 payment, with there being no more than 1,000 such payments. The payment will be ratably allocated among the Owner(s). There is no such Participation Incentive Payment for cleaning a house.
7. By signing this License and completing this Claim Form, the Owner(s) hereby certify, under penalty of prosecution for the felony of perjury, that the Owner(s) identified in this Claim Form are the only person(s) with any legal rights to the Property identified herein, and that no other person(s) have any legal rights to the Property identified herein, and that the house is fit for human occupancy.
8. For the soil clean-up (if applicable), a safe and practical approach will be used to excavate and replace the soil, using small equipment, such as mini-excavators, and skid steers to limit stress on foundations and buried utility lines. A safe working distance away from the foundations and utility lines will be established. All buried utilities lines will be located before excavation commences. Soil removal, if needed, will only affect six inches of soil.
9. House test results will remain confidential.

Do you want your soil test results:

- Public
- Confidential (private)

[Check one box only]

If you check the above confidential (private) box, if the soil test results are negative, they will be available to a contiguous land owner who signs a Settlement Administrator Confidentiality Agreement. If they are positive, then a contiguous land owner can request them by completing the Confidentiality

Agreement, and the Settlement Administrator will request permission from the tested Class Member to release them. If the Class Member refuses, then the Court will address the issue at that time.

10. The License and Agreement and Claim Form constitutes the whole of the obligations of the Owner(s) and the Settlement respecting the property clean-up Program, and no other agreements, whether oral or written, shall be binding or valid, except as provided herein.

I (we) verify under penalty of perjury that I (we) am (are) the only and the true owners of the above Property.

Signature	Print Name	Date
Owner 1 _____	_____	_____
Owner 2 _____	_____	_____
Owner 3 _____	_____	_____
Owner 4 _____	_____	_____

[Do not complete the below. For Settlement Staff only.]

VERIFICATION REVIEW:

This form is complete, the Class Area Property Owner(s) has (have) been verified, the house or commercial structure (if applicable) is fit for human occupancy, and the Property is ready to sample.

- SOIL
- HOUSE OR COMMERCIAL STRUCTURE

Staff Signature

Staff Name

CROSBY HARVEY SETTLEMENT

Settlement Administrator
501 Riverchase Parkway East, Ste. 100
Hoover, AL 35244
855-711-2079
www.crosbyharveysettlement.com

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PROPERTY TESTING FREQUENTLY ASKED QUESTIONS AND ANSWERS

Q1. I OWN REAL PROPERTY IN THE CLASS AREA. HOW MANY SOIL SAMPLES WILL BE COLLECTED FROM MY YARD?

- A1. 2 samples will be collected on an average size lot, which is any lot smaller than one half acre. Each sample consists of 5 separate sub-samples, blended together. So, for each sample, 5 locations in your yard will have dirt removed. The amount of dirt removed at each location is very small. Approximately 3 inches of soil below the grass roots will be used, with a 1- or 2-inch diameter hole being taken away, and the grass will be replaced over the hole.

Q2. I OWN A HOUSE IN THE CLASS AREA, HOW MANY SAMPLES WILL BE COLLECTED FROM MY HOUSE?

- A2. 6 samples will be collected from an average house. 2 samples will be taken from the floor or carpet in high traffic areas. 2 samples will be taken from other hard surfaces in your house where dust might accumulate, such as walls, window sills, floors, or from the blades on a ceiling fan. The final 2 samples will be taken from the attic or basement, but only if it is accessible. If the attic or basement is not accessible or if your house does not have an attic, we will take those 2 samples elsewhere in the house, so that there will be a total of 6 samples for every house.

Q3. WHEN WILL I RECEIVE THE RESULTS FROM HOUSE OR SOIL SAMPLING?

- A3. We will provide all participating Property Remediation (Clean-Up) Class Members their house and soil test results at the same time, in 2025. First, we must perform quality assurance on the sample results by checking all of the raw data from the lab to make sure it is accurate. Obtaining all the results first and comparing them to our budget will also allow us not only to provide you with the actual test results, but to tell you if your house or soil tested at a level below the required level to be cleaned, or whether we will be cleaning up your house or your soil, at the time we give you the sampling results.

We plan to complete all (or almost all) property sampling before any clean-up begins. After sampling is complete, we will analyze the results and the cost of completing a clean-up, based on the test results. This will allow us to determine the contamination levels that will trigger a clean-up.

Q4. WHAT TYPES OF TESTS ARE BEING RUN?

- A4. Both house and soil samples are being tested for dioxin.

Q5. WHEN WILL I RECEIVE THE MONEY?

- A5. There aren't any incentive payments for having your house tested or cleaned. For real property, each property will receive \$150 for testing and \$300 for clean-up, to be split among the owners of

the property to the extent funds are available. You will receive the \$150 payment when the testing is done, and you will receive the \$300 payment when the remediation is done. **Note, however, that there will only be 1,000 or less such payments for testing and 1,000 or less such payments for clean-up.**

Q6. IF MY PROPERTY IS CLEANED BY THE SETTLEMENT, WHO PAYS FOR IT?

A6. The Settlement will pay for the Settlement clean-up.

Q7. ARE EXTRA UNOCCUPIED BUILDINGS ON MY PROPERTY ELIGIBLE FOR TESTING, CLEAN UP OR MONEY?

A7. No. Only houses or commercial structures that are fit for human occupancy and regularly occupied by people are eligible. For example, a garage or shed does not count.

Q8. HOW WILL YOU DISPOSE OF THE SAMPLES COLLECTED IN TESTING MY HOUSE OR SOIL?

A8. After the laboratory completes the analysis of the samples, it will dispose of the samples.

Q9. IF MY SOIL MUST BE REPLACED, WHAT IS THE SOURCE OF THE REPLACEMENT SOIL?

A9. We will provide soil that has been tested and proven to be safe.

Q10. I HAVE A LARGE LOT IN THE CLASS AREA? HOW MANY SOIL SAMPLES WILL YOU TAKE?

A10. We will usually take 2 samples for every half acre, although unique situations may be treated differently.

Q11. IF I HAVE MORE THAN ONE PROPERTY IN THE CLASS AREA, ARE THEY ELIGIBLE FOR ADDITIONAL TESTING AND MONEYS?

A11. Yes, but separate properties are only those that are in different locations in the Class Area and do not touch each other. You may sign up separate properties separately.

Q12. WHAT ARE THE YELLOW FLAGS IN MY YARD BEFORE TESTING?

A12. The utility company may mark underground lines before we do soil testing to make sure we do not touch or disturb any lines.

Q13. THE PROPERTY CLEAN-UP FORM SHOWS THAT THE SIGN-UP DEADLINE IS NOVEMBER 18, 2024. WHAT HAPPENS IF I SEND MY FORM AFTER THAT DATE?

A13. Claims for Property Clean-Up Forms received after November 18, 2024, will be accepted; however, there are limited funds available for property testing incentive payments, so your delay in submittal may impact whether you will be eligible for a property testing incentive payment depending upon the number of claims received prior to yours.

Q14. YOU HAVEN'T ANSWERED ALL OF MY QUESTIONS. WHAT DO I DO?

A1. Please call us between 8:30 A.M. and 5:00 P.M. Central Time at 1-855-711-2079. You can also visit our website at www.crosbyharveysettlement.com or email us at settlement@crosbyharveysettlement.com.