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Over the past year we have:

- Collected dozens of victim reports.
- Built one of the largest databases ever assembled on former employees.
- Interviewed former employees.
- Collected witness statements regarding workplace conditions.
- Filed numerous Right-to-Know requests.
- Filed multiple Freedom of Information Act requests.
- Reviewed decades of environmental records.
- Reviewed OSHA inspection reports.
- Reviewed DEP complaint files.
- Reviewed EPA records.
- Reviewed historical property records.

This investigation is no longer based only on stories. It is now supported by documents.

**What
L.C.O.P.
Accomplished**

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Cancer Victims

First Town Hall 2025

- Alive Living with Cancer – 85
- Death Confirmed Cancer – 84
- Death Unknown – 197
- Total: 366

Second Town Hall 2026

- Alive Living with Cancer – 100
- Death Confirmed Cancer - 114
- Death Unknown – 204
- Total: 418

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Congressman Rob Bresnahan's Office

On June 10, 2025, we met with Congressman Rob Bresnahan's office and provided them with a substantial amount of documentation regarding our investigation.

After nearly eleven months, the only information ultimately relayed back to us was a PA DOH document that we already had in our possession.

So, despite considerable time and effort, the process did not provide our organization or the victims with any meaningful new information or investigative progress.

None of our questions were answered, such as:

- More information about the excavation of the 48 buried toxic drums at Fern Hill.
- The 1993 PA DHHS letter stating there had been "no reported chemical illnesses," despite records indicating there had already been serious illnesses, OSHA complaints, and at least one death.

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PA Department of Health – PA DOH

On November 20, 2024 we contacted the PA DOH requesting that they conduct a comprehensive review of cancer rates in the Olyphant area. **Specifically, we asked the Department to compare local cancer incidence with surrounding communities and evaluate whether the types of cancers being reported by former employees were consistent with exposure to the hazardous chemicals known to have been used at the facility.**

Nearly a year and a half later, the Department finally responded with largely publicly available cancer statistics and statewide incidence data that we had already collected through publicly accessible databases during our own research.

The report did not identify new environmental findings, did not analyze individual employee exposures, did not investigate workplace chemical use, and did not answer many of the specific questions we had raised.

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The Next Threat: Data Centers

As our community continues searching for answers about the cancers affecting former employees, we are now facing another issue that deserves careful attention, **the rapid push to construct large-scale data centers in Olyphant and Throop.**

We are particularly concerned because much of the area sits above interconnected abandoned mine networks, fractured bedrock, and subsurface voids that can potentially act as pathways for contaminated groundwater, industrial vapors, methane, and volatile organic compounds (VOCs) to migrate above ground during data center construction.

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The Next Threat: Data Centers

Concerns have specifically focused on chemicals historically associated with industrial activity in the area, including benzene, trichloroethylene (TCE), tetrachloroethylene (PCE), vinyl chloride, heavy metals such as lead, cadmium, nickel, cobalt, and other hazardous compounds linked to elevated cancer risks and long-term health impacts.

We fear that large-scale redevelopment projects, including proposed data center construction requiring deep excavation, pile driving, drilling, blasting, and extensive underground infrastructure work, **could potentially increase the movement of toxic vapors or contaminated dust into surrounding neighborhoods through mechanisms such as vapor intrusion, groundwater migration, or airborne particulate release.**

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The Next Threat: Data Centers

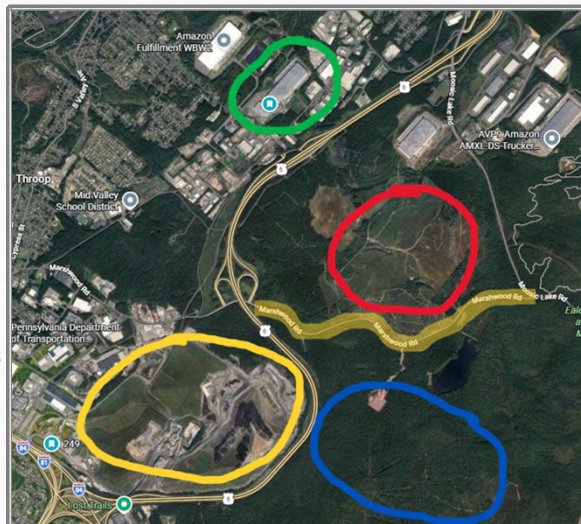
Green Circle: Former Specialty Records/WEA/Cinram Facility

Yellow Circle: Keystone Landfill

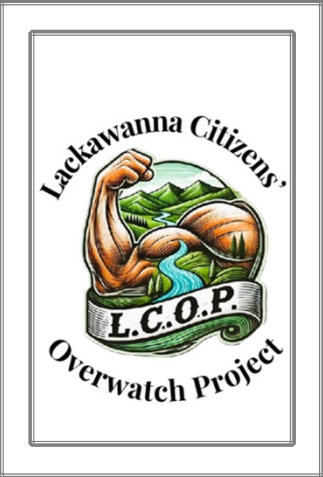
Red Circle: Proposed Olyphant Data Center Campus

Blue Circle: Proposed Throop Data Center Campus

Yellow Line: Marshwood Road



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A Positive Note

If we've learned anything over the past year, it's that the answers are not going to simply arrive on their own. Every major discovery in this investigation, from OSHA records, DEP files, witness statements, environmental reports, and historical documents, has come because ordinary citizens, like you, refused to stop asking questions.

That's why we're here tonight, and that's why this investigation continues.

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Toz Law

Toczydlowski Law


Questions: Can claims be brought against a former employer over ten years or more after the last employment for an illness caused by exposure in the workplace? Does the exclusivity provisions of the Pennsylvania Workers Compensation Act (WCA) and the Occupational Disease Act (ODA) bar claims against a former employer?

The issue is whether suits based in negligence against former employers of plaintiffs who experienced disability or death as a result of an occupational disease are barred under ODA or WCA.

The Occupational Disease Act covers instances of disability or death resulting from an occupational disease. There is an exclusivity provision within ODA that limits claims and compensation for occupational diseases to the claims and compensations as laid out in ODA; further, these claims are processed solely by the Workmen's Compensation Board. A similar provision limits claims and compensation under the Workers' Compensation Act.



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Herold v. Univ. of Pittsburgh, 2025 Pa. LEXIS 93 (2025)


In *Herold v. Univ. of Pittsburgh*, the plaintiff, Herold, sued his former employer, the defendant University of Pittsburgh, under a common law negligence suit. The plaintiff had worked for the defendant as a stationary engineer for forty years, during which time he was exposed to asbestos. The plaintiff then held a different position with the defendant for approximately ten years, during which time he was not exposed to asbestos. In 2019, **fifteen years after his last asbestos exposure, the plaintiff was diagnosed** with mesothelioma, which was determined by expert evidence to have been caused by the asbestos exposure; he passed from the disease in 2022, approximately eighteen years after his last exposure. The suit moved forward with an executor acting on behalf of the plaintiff's estate. (*Herold*, p. 12).

The Court noted the purpose of the WCA – to benefit injured workers – would be contravened by prior court decisions; to completely prohibit the employee from suing under common law, when there is no chance of redress under the WCA, would essentially leave employees with no remedy.

Therefore, the *Tooley* court held that the WCA was not intended to apply to claims for disability or death resulting from an occupational disease that manifested over 300-weeks after the last exposure.




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Toz Law
Toczydlowski Law

Conclusion: YES, A negligence claim for a late discovered occupational disease can be made outside of the purview of the exclusivity provisions of ODA or WCA, if the occupational disease did not manifest until after the time periods laid out in the respective exclusivity provisions.



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Timeline of Key Events of Exposure and Mismanagement

This timeline, highlighting only a fraction of known incidents, strongly suggests a pattern of systemic neglect toward chemical safety and employee health protections.

JULY 7, 1991: OSHA Violations

- Four documented violations from the same 1991 inspection show that the facility:
 - Lacked a chemical hygiene plan.
 - Failed to train employees about chemical hazards and proper chemical handling.
 - Denied or failed to inform employees of their exposure/medical records.
 - Failed to monitor a known human carcinogen: Vinyl Chloride.

JULY 27, 1997: OSHA Violations – Benzene

- OSHA cited WEA for violating Standard 1910.1028 — which governs exposure to Benzene, a known carcinogen.
- 50 employees were reportedly exposed to Benzene, indicating substantial potential risk.
- The violation was originally classified as serious but later reclassified as 'Other' during an informal settlement.

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Timeline of Key Events of Exposure and Mismanagement

JULY 20, 1999 to DECEMBER 3, 1999: Fern Hill Drum Excavation

- At least 48 drums containing significant levels of hazardous Contaminants were discovered in this excavation.
- Contaminants included PCE, TCE, DEHP, Vinyl Chloride, Cadmium, Nickel, and Cobalt.
- No verified notification was made to the EPA regarding this discovery at the time.
- Some contaminant levels exceeded EPA health standards by tens of thousands of times.
- At least two of our current clients stated that they were directed to bury the drums, and that they believe there are many more than 48 buried drums.

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Mishandled Chemicals and Their Effects On Those Exposed

The following section outlines only a sample of the harmful chemicals mishandled at the WEA facility, along with some of their known health effects on those exposed.

- **Trichloroethylene (TCE):** Commonly used to clean and degrease components.
 - **Known health effects on those exposed:** Kidney cancer, non-Hodgkin lymphoma, Cardiac defects, Leukemia, Liver cancer, multiple myeloma, End-stage renal disease.
- **Vinyl Chloride:** Key component in the creation of PVC.
 - **Known Health effects on those exposed:** Liver Cancer, nervous system effects, eye, skin, and throat irritation, Increased risk of other Cancers.
- **Benzene:** A very strong solvent cleaner that was used throughout the optical disk process.
 - **Known Health effects on those exposed:** Leukemias, Non-Hodgkin lymphoma,

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Mishandled Chemicals and Their Effects On Those Exposed

- **Carbon Black:** Used to give vinyl records their distinctive black color.
 - **Known Health effects on those exposed:** Lung Cancer, eye, nose, and throat irritation.
- **Tetrachloroethylene (PCE):** Used throughout the optical media process to degrease components.
 - **Known Health effects on those exposed:** Bladder Cancer, non-Hodgkin lymphoma, and End-stage renal disease.
- **Cobehn:** Very strong solvent, used throughout cassettes and all optical disks for cleaning.
 - **Known Health effects on those exposed:** Cardiac disturbance, reproductive and fetal effects, Organ damage, increased risk of cancer.
- **Titanium Acetylacetonate:** Used throughout the optical disk process for cleaning equipment.
 - **Known Health effects on those exposed:** Gastrointestinal effects, Organ damage, and increased risk of cancer.

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Mishandled Chemicals and Their Effects On Those Exposed

- **Ammonium Hydroxide:** Used in the optical disk mastering systems for developing the pit structure on a photoresist glass.
 - **Known Health effects on those exposed:** The Respiratory system, pulmonary edema, causes burns by all routes of exposure.
- **Methyl Isobutyl Ketone (MIBK):** Used as a solvent and cleaning agent in the optical media production process.
 - **Known Health effects on those exposed:** Targets organs, the central nervous system, and the respiratory system.
- **Cyanide:** Used throughout the plating system to remove the nickel from the water.
 - **Known Health effects on those exposed:** Neurological effects, thyroid effects, cardiovascular and respiratory problems, and central nervous system depression.
- **Bis(2-ethylhexyl) phthalate (DEHP):** Used as a plasticizer in the production of flexible PVC.
 - **Known Health effects on those exposed:** Increased risk of cancer, reproductive and developmental effects, and organ damage.

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Breakdown of Clients/Victims

Cancer Victims (82 Diagnoses)

Including but not Limited to:

- Lung Cancer (14)
- Colon Cancer (8)
- Breast Cancer (8)
- Leukemia (5)
- Lymphoma (4)
- Prostate Cancer (4)
- Brain Cancer (2)
- Other (37)

Heart and Cardiovascular Disease (13 Diagnoses)

Including but not Limited to:

- Heart Attack (5)
- Heart Issues/Problems (2)
- A-Fib (1)
- Other (5)

***Cancer overwhelmingly dominates the dataset with 82 out of the total 165 diagnoses being cancer related.**

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Breakdown of Clients/Victims (Cont.)

Neurological Conditions (10 Diagnoses)

Including but not Limited to:

- Memory Loss (4)
- Headaches/Migraines (3)
- ALS (1)
- Multiple Sclerosis (1)
- Myasthenia Gravis (1)

Respiratory/Lung Conditions (15 Diagnoses)

Including but not Limited to:

- COPD (4)
- Lung Nodules/Nodules (4)
- Pulmonary Fibrosis (3)
- Bullae Emphysema (1)
- Hypoxic Respiratory Failure (1)
- Pulmonary Sarcoidosis (1)
- Asthma (1)

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Breakdown of Clients/Victims (Cont.)

Autoimmune/Immune Disorders (8 Diagnoses)

Including but not Limited to:

- Graves Disease (2)
- Fibromyalgia (1)
- Autoimmune Disease (1)
- Raynaud's Disease (1)
- Systemic Scleroderma (1)
- Immune Deficiency (1)
- Crohn's Disease (1)

Miscellaneous (37 Diagnoses)

Including but not Limited to:

- Polyps (4)
- Kidney Removal (1)
- Parkinson's Disease (1)
- Suspected Cobalt Poisoning (1)
- Parathyroid Tumors (1)
- Other (29)

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THANK YOU!

Lackawanna Citizens Overwatch Project
www.LackawannaCitizensOverwatchProject.com
LCOPActionNetwork@gmail.com
570-866-0900



A long, long time ago
I can still remember how that
Music used to make me smile
And I knew if I had my chance
That I could make those people dance
And maybe they'd be happy for a
while.

But February made me shiver
With each paper I'd deliver
Bad news on the doorstep
I couldn't take one more step

I can't remember if I cried
When I read about his widowed bride
But something touched me
Deep inside
The day the MUSIC died

-Don Mclean