

Peggy Dixon CTEH Whistleblower Affidavit

V. SAME STORY - DIFFERENT TOWN – MOSS LANDING

Deployment to Moss Landing after East Palestine

At Moss Landing in Monterey County, California, CTEH was retained by the responsible party, Vistra Corp, following a lithium-ion battery energy storage system fire that resulted in community evacuations, reports of illness, and concerns regarding environmental contamination. Monterey County is widely known as the “Salad Bowl of the World” due to its vast, fertile agricultural lands that produce a significant portion of the nation’s lettuce, leafy greens, fresh vegetables, and fruits. I participated in and observed aspects of the air monitoring program conducted under CTEH’s Draft Community Air Monitoring, Sampling, and Analysis Plan dated February 17, 2025.²²⁶

²²⁶ CTEH, LLC, *Draft Community Air Monitoring, Sampling, and Analysis Plan: Moss Landing Incident, Moss Landing, California*, prepared for Vistra Corp, February 17, 2025, <https://whistleblower.org/wp-content/uploads/2026/03/Moss-Landing-DRAFT-Community-Air-Monitoring-Sampling-and-Analysis-Plan-25-02-17.pdf>.

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CTEH[®]

MOSS LANDING INCIDENT
MOSS LANDING, CA

DRAFT COMMUNITY AIR MONITORING, SAMPLING, AND ANALYSIS PLAN

Version 1.0

Prepared on Behalf of:
Vistra Corp

Prepared By:
CTEH, LLC
5120 Northshore Drive
Little Rock, AR 72118

February 17, 2025

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C. *Homes Contaminated and Avoidance of Air Filter Testing*

Another serious concern was the potential for contamination to have entered homes through their HVAC systems, especially those with central air, heating systems, or older furnaces. These systems use air filters, which can draw in outdoor contaminants and trap them indoors, especially if they were operating during or shortly after the chemical burn.

The EPA and CTEH did advise that residents should change their air filters. The logic was clear: if harmful substances were present in the outdoor air, they could have been pulled inside through the ventilation systems. This was particularly important for older homes with older furnaces that may have had minimal or outdated filtration, and in some cases, those old systems were also known for carbon monoxide risks.

I was very encouraged to learn that Scott Smith tested some of the furnace and HVAC filters that had been removed from residents' homes.¹³⁸ I wasn't happy about the fact that people hadn't changed their filters right away—but I was relieved that the used filters were still available, because they became valuable evidence of what residents may have been exposed to.

¹³⁸ U.S. Environmental Protection Agency, email regarding surveillance of Scott Smith and furnace filter testing in East Palestine, obtained by Government Accountability Project through Freedom of Information Act request, March 21, 2023, PDF, <https://whistleblower.org/wp-content/uploads/2025/08/3-EPA-Monitors-Scott-Smith-in-East-Palestine-Original-e-mail-EPA-FOIA-3-21-23.pdf>.

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5.2 Unprotective Air Sampling Plan²²⁷

Based on my review of that plan and my field experience, I observed the following material deficiencies:

A. Inadequate Scope of Chemical Testing

The monitoring plan focused on a limited set of contaminants, primarily metals (cobalt, nickel, manganese), select acid gases (e.g., hydrogen fluoride), and general categories such as total volatile organic compounds (VOCs) and particulate matter. However, critical contaminants commonly associated with lithium-ion battery fires—such as dioxins, PFAS/PFOA, polycyclic aromatic hydrocarbons (PAHs), and semi-volatile organic compounds (SVOCs) were not included in the sampling scope. This omission significantly limited the ability to characterize the full extent of potential community exposure.

B. Overreliance on Non-Specific and Real-Time Screening Tools

The plan relied heavily on handheld real-time monitoring instruments and total VOC measurements, rather than compound-specific laboratory analysis. As described in the plan, field teams used instruments such as MultiRAE and DustTrak devices for “real-time” assessment of airborne contaminants. These tools are inherently limited and do not identify specific toxic compounds, thereby obscuring the presence of hazardous substances at potentially harmful levels (Exhibit 19).

C. Use of Insufficiently Protective Exposure Benchmarks

The monitoring strategy relied primarily on short-term, acute exposure guidelines such as Protective Action Criteria (PAC) values, Acute Reference Exposure Levels (RELs), and similar screening thresholds. No meaningful consideration was given to chronic exposure limits, cumulative risk, or carcinogenic impacts, despite the known persistence and long-term health risks associated with many combustion byproducts.

²²⁷ Center for Toxicology and Environmental Health, LLC (CTEH), "Moss Landing Incident Draft Community Air Monitoring Sampling and Analysis Plan," Government Accountability Project, <https://whistleblower.org/wp-content/uploads/2026/04/CTEH-Moss-Landing-Incident-Draft-Community-Air-Monitoring-SAP.pdf>.

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H. Observed Pattern of Unreported Exceedances

In the course of my work across multiple CTEH deployments, including Moss Landing and other incidents, I have regularly witnessed instances in which air monitoring readings met or exceeded applicable action levels or health-based thresholds but were not formally reported to the public or were excluded from summary communications. This pattern raises serious concerns regarding transparency and the protection of public health.



Table 3: Community Air Screening Levels

Chemical	Community Air Screening Level	Source
Cobalt	0.3 µg/m ³	ATSDR Acute MRL
Manganese	9.1 µg/m ³	TCEQ Short-Term AMCV
Nickel	0.2 µg/m ³	OEHHA Acute REL
	0.4 µg/m ³	ATSDR Acute MRL
Hydrogen Fluoride	0.29 ppm	OEHHA Acute REL
	0.02 ppm	ATSDR Acute MRL
Hydrogen Cyanide	0.31 ppm	OEHHA Acute REL
Hydrogen Chloride	1.40 ppm	OEHHA Acute REL
Aluminum	50 µg/m ³	TCEQ Short-Term AMCV
Copper	100 µg/m ³	OEHHA Acute REL

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