



CHEJ Unequal Response Unequal Protection Community Meetings **Breakout Group Notes**

Below are notes from the Unequal Response Unequal Protection Community meetings breakout groups from October 15th and November 5th. These notes are divided into four categories: A. Investigating Health Concerns Related to Permitting (New/Renewal) Chemical Releases; B. Investigating Health Concerns Related to Human Health Impacts from Environmental Contaminants; C. Cumulative impacts of chemical contamination; and D. Community Involvement and Participation. The most recent notes (Nov 5th) are included first. These topics will guide our ongoing discussion about how to develop a more effective response to chemical contamination in community settings. During our last meeting, participants voted to gather in small working groups before our December meeting to grapple further with these focus areas.

Below is a table of contents to help you find the notes related to the focus area you are involved in.

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GROUP A: Investigating Health Concerns Related to Permitting (New/Renewal) Chemical Releases

Questions to Explore

- How do you inform the community when a company applies for a permit? (Flyers, door-to-door... notification beyond normal newspaper posting)
- What emission/release information do you want the company to disclose about their operations when applying for a permit? (What are they doing now? And what burden will they add in the future? Include a radius outside of the facility/fence-line?)
- What would the environmental monitoring look like that you would want to see installed at the time a company applies for a permit? (Background monitoring to measure what's in the environment now)
- How do we make sure that reporting on monitoring is accurate and timely?

Meeting Date: November 5, 2020 - Investigating Health Concerns Related To Permitting (Notes)

What would a health investigation related to all permits look like if community leaders were involved?

How do you inform the community when a company applies for a permit? (Flyers, door-to-door... notification beyond normal newspaper posting)

Lou: like zoning—put up a sign that people will pass by every day

Lee Ann: there is only a *level* of transparency, newspaper was reporting but needs to be more info out there for the community

Teresa: company provides contact information for questions

Michael: Local governments need to 1) be informed by the agency and 2) post about it on social media. They should send out texts to constituents in the area if possible.

City is the best communicator to the community, but city doesn't always know. Companies should notify local government so they can notify people

Newspaper notice should be required

Gustavo: push alerts or text alerts on phones

Local government could send these out within a certain radius. Right now responsibility is falling on local groups to send these texts/alerts.

Lee Ann: community voice in zoning decisions, more on the frontlines/in the preliminary steps

Teresa: local/state emergency planning committee another option, they get the information first. They are required to have a public representative.

Lou: *permanent* way to notify communities about contamination or potential polluter

“blue-lining” – draw a line around a new or existing facility as a warning

Teresa: companies should be required to notify every household within a certain radius, within watershed, etc. (everyone who will be impacted), with a physical letter, etc. They have access to VAN just like activists do...

Gustavo: when a “registered sex offender” moves into the neighborhood, you get an alert. Why not require them for a “registered polluter”? This is a right to know.

Teresa: oftentimes, public is given 15 days after a notice to make a comment. Is this enough?

Expecting citizens to make technical comments in short time frame. Is that reasonable?

Michael: no, we always request an extension

Should grant requests for extensions and public hearings by default

Teresa: we should ask for more days. We should have a science group to help citizens.

Mary: accessibility concerns

What emissions/release information do you want the company to disclose about their operations when applying for a permit? (What are they doing now? And what burden will they add in the future? Include a radius outside of the facility/fence-line)

Lee Ann: see company's history of operation in other locations, how they have impacted other communities they've been in

Explore not just economic impact but environmental impact

Michael: There needs to be a summary sheet taken from the permit with PTE (e.g., amount of each criteria pollutants and specific air toxics) as well as the human health effects.

Fact sheet

Teresa: Ohio does a version of this, but “it sucks.” To improve: have a citizen review and edit it. Their information is too general. Need to focus more on health.

Lee Ann: ask companies coming into communities – why is anything that’s known to be toxic/carcinogenic allowable? Push against “allowable limits”

Teresa: if a health problem in a community is under investigation, no new permits, *duh*

What would the environmental monitoring look like that you would want to see installed at the time a company applies for a permit? (Background monitoring to measure what’s in the environment now)

Lee Ann: yes, there should be all kinds of testing before to establish a baseline. Not sure how long

Lou: ambient monitoring necessary. It’s not currently done, for air permits for example.

Different from emissions monitor: ambient measures what people are breathing.

Need expectation that there is monitoring before and after, and for existing facilities

Needs to be widespread and extensive, in most urban and some rural areas

For example, states are attempting particulate matter monitoring right now

Michael agrees ^

Teresa: required for a full year because seasons have affect

Lou: should be required under Clean Air Act

Teresa: needs to be a requirement, esp. in communities already under investigation for health issues

Minor source**

Validation of monitoring? (How do we make sure that reporting on monitoring is accurate and timely?)

Teresa: this is a big problem everywhere. Definitely in Ohio e.g. Alonzo Spencer

When companies are trying to get into a community, they’ll do everything they can to get a permit

Lou: monitoring needs to be independent

Lee Ann: used independent technical advisor to interpret results, so that Lee Ann could go to EPA and ask for monitoring in necessary areas (company will cut corners)

Holding accountable falls on the citizens, we have to advocate and always be on top of it

Teresa: suggestion—technical advisor vetted by the local community paid for by the company

Lee Ann: this is what happened for us

Teresa: different types of permits—air, water, soil, Superfund sites.... Does anything need to be adjusted for each of these scenarios?

Lee Ann: our chemical goes to the bedrock—considerations for specific chemicals and how they behave

Teresa: you can test the surface and groundwater but you won't find the chemicals that are heaviest

Teresa: baseline texting for current conditions of the property for soil and groundwater, on site and off site—make this bigger than just air

Michael: off-site is key, maybe within a quarter of a mile

Lou: environmental patrols to set up pollution traps akin to speed traps (defund the police ☺)

Agreement from the crowd

Teresa: “if you don't want to find it, don't look for it.” Monitors aren't calibrated for the right chemicals, etc.

Meeting date: October 15, 2020 - Investigating Health Concerns Related to Permitting

(Consolidated Notes)

Transparency

- Inform community when a company applies for a permit
- Company transparency with community about what they are producing
- Look into company background, compliance history, when permits applied for
- Involvement of community in decision making process
- Generate a timeline for the permitting process
- Transparency of the rationale of how decision was reached to issue a permit

Environmental monitoring

- As part of permitting process, start baseline environmental monitoring
- (air, water and land) as soon as permit application is submitted
- If a company wants to expand, they are supposed to monitor emissions. They must model the total emission, not just the increase

Evaluating health status and impacts

- Is the community already overburdened?
- Evaluate cumulative health impact of contamination overtime
- (multiple chemicals, multiple sites, multiple industries, etc.)
- Involve communities in defining the health question(s) raised and
- designing the study

GROUP B. Investigating Health Concerns Related to Human Health Impacts from Environmental Contaminants

Questions to Explore

- What would qualify a community to be investigated due to ongoing pollution or existing environmental contamination, including legacy contamination? (Triggered by residents – an application/request?)
- How would you involve communities in defining the health question(s) raised and designing the study?
- How do we determine whether there is a plausible reason related to environmental chemicals why people are having out-of-the-ordinary numbers of illnesses in the community?
- What information do you think is important to answer this question? (What does this mean? What do we need?)

Meeting Date: November 5, 202 - Investigating Health Concerns Related to Human Health Impacts from Environmental Contaminants

(Notes)

Topic: What would a health investigation look like if community leaders could dictate the parameters?

What would qualify a community to be investigated - what triggers an investigation

Melissa

- Involve people and harness the media
- Putting pressure on elected officials
- In her case, they used imagery of rashes to generate outrage around the world

Yomi

- Public exposing health implications of not investigating exposure
- Don't allow health problems to be covered up

Pam

- Need to take seriously the concerns of community members seeing early signs of health crisis
- Takes years for people to believe claim
- **Creation of an early warning system so communities aren't taken seriously too late**
 - Takes too long right now because of political inertia and bureaucratic logistic

Stephen

- People drive change- but specifically who? How many people? Through what mechanism (i.e., petition)

Yomi

- How can we push efforts to drive action?
- **Need someone in the community to take on the role of the communicator**

- Communicate in causes government action to be community driven
- Clear communication of the problem and consequent action steps

(Stephen revisited Pam's early warning system)

Yomi

- Define what early warning system is in order to Institute paradigm shift
- Need to act early out of caution

Stephen

- Trigger cannot be communities forced to prove conditions caused by chemicals
- Currently, ATSDR will investigate if certain number of people sign a petition - action dependent on political will

How do we involve communities in defining the health questions in a study?

Yomi

- **Something not statistically significant can still be causing harm**

Pamela

- Use local and traditional knowledge designing study - not just about stats/data.
- Individual observations matter

Yomi

- Local knowledge can also drive and give context to data collection
- Mutual respect between community and scientists/ gov officials

Melissa

- Communication essential to make sure community and scientists on same page - scientists tend to focus on specific COI and not the resulting health impacts
 - In her community, not everyone focused on the same topic (lead vs. hair loss)
- Experts role should be to listen and answer community question

Yomi

- **Implement communication and listening skills into experts training**

Pamela

- **Require experts to participate training program that emphasizes community knowledge into the data collection process**
- Design of investigation should result from communication between experts/communities

Stephen

- Experts shouldn't ignore community and redefine the questions of the study

Melissa

- Outline what the community wants to see
- Clarify community rights during investigation - ex. who owns what data
- **Apply IRB guidelines to ensure community has rights during investigation (data ownership, keeping community informed, preventing community harm)**

- Place for community members to turn to if things go wrong -- system of accountability
- Stephen
- Pay for scientist to work with communities during study, ensure investigation is going smoothly

How do we determine if there is a plausible reason (related to chemicals) why people are having health problems?

Melissa

- Have a local environmental health expert nearby

Pam

- Use sensitive biological markers to be proactive - prevents us from being reliant on health data
 - Silicone wristbands to show evidence of exposure to organic pollutants
- Systematic mechanism of documenting harm

Meeting Date October 15, 2020 - Investigating Health Concerns Related to Human Health Impacts from Environmental Contaminants
(Consolidated Notes)

Jackie

- Biological testing- testing breast milk of mothers, hair, nails, blood - depends on contaminate
- Purpose of answering the question - who is being exposed
- Burden falls on community group

Lou

- Hard to link contamination with specific symptoms
- Investigation should answer: Is there a plausible reason why people are having an illness that impedes their daily life?
- Contrasts with epidemiological approach

Mike

- People want to know if their health is being impacted by chemical x
- Case of PFAS contamination- litigation helps them get significant resources into medical surveillance and independent expert analysis
- Epi studies don't always link chemical contamination to adverse health impacts

Stephen

- What is the question we're trying to answer?

Alonso

- **Comprehensive health study be requirement for issuing permits and renewing permit**
 - Involve communities
 - Lou: Measure of enforceability based on health survey

Jackie

- Companies get permits no matter how much pollution they cause

- **Define a radius for where health studies take place**
 - However, difficult to define how far chemical has traveled from the initial source

Lou

- Stuck going through courts and administrative appeals
- There needs to be some “bar” of exposure - shouldn’t need to prove their exposure
- People shouldn’t have to wait out court settlements - they could die before case finishes

Alonso

- If Cancer rate higher than state/national average should be addressed before permit renewals

Mike

- Use EJ to document communities that are already overburdened by health impacts
- Stephen: Use of EJ to determine sacrifice zones

Becky

- Establish an area that should be set up with monitoring system
 - Define a radius
 - Independent from EPA

Lou

- Investigation: Determines that individual has “standing” if they were in such a radius
- Presumption that individual has a problem

Alonso

- Addition of special education classes from students suffering from attention span disorders in East Liverpool
- Comprehensive health study could prevent this

Mike

- Presumptive cancer laws: States have laws that presume if firefighter contracts cancer, it was occupationally related
 - No need to prove exposure
 - True for 10 different cancers
- Presumption that health is being harmed if people live in overburdened communities

Jackie

- Presuming proximity and health impacts

Stephen

- Use Agent Orange Compensation program and dioxin exposure to inform response
- Being present in areas exposure is sufficient to merit remediation

Lou

- Response to individual problem - company’s responsibility to act (Due diligence clause)

GROUP C. Cumulative Impacts of Chemical Contamination

NOTE: This group has not met yet. The notes below are comments related to the topic expressed by participants across other breakout groups.

Questions to Explore

- How would you evaluate cumulative health impact of contamination?
- over time (multiple chemicals, multiple sites, multiple industries, etc.)?
- How do you determine what burden is unacceptable?
- Are there existing tools to address this question – CA EPA USEPA EJ Screening tools?

Overarching Cumulative Impact Points

- The value of human life is the basis for environmental protection
- Proactive rather than reactionary approach to investigation
- Health-based standards for intervention
- Examine communities with legacies of contamination/pollution
- Preventative approach - don't assume there is a safe level of a chemical
- Examine cumulative effect of multiple industries together in an area
- Transparency of what chemicals companies are producing

GROUP D. Community Involvement and Participation

NOTE: This group has not met yet. The notes below are an assortment of thoughts related to the topic expressed by participants across other breakout groups

Questions to Explore

- How should the community be involved in the decision making process?
- What resources would you need to be an active engaged participant in the investigation process? (“level the playing field”)
- Is there specific information a community would need to be an active engaged participant in the investigation process?
- How do we integrate government accountability into the process?

Overarching Community Involvement Points

- People shouldn't have to prove they were exposed at a level that would have caused their health problems- presumption that individual's health problem related to exposures being monitored
- Community has real-time access to health and environmental data

- Community involvement in decision-making processes from the beginning
- Measures of enforceability based on health surveys, action steps
- Provide necessary resources
- Use CA EJ tool to document communities that are already overburdened by health impacts

Transparency in Permitting Process

- Inform community when a company applies for a permit
- Company transparency with community about what they are producing
- Look into company background, compliance history, when permits applied for-
Involvement of community in decision making process