



CHEJ Unequal Response Unequal Protection Community Meeting

November 5, 2020

Notes from Small Group Breakout Sessions

Below are the notes from the two breakout groups. Please review these notes when you get a chance and share any comments you may have. We want to make sure we are accurately capturing your comments.

Group 1

Investigating Human Health Concerns Related to Permitting (New/Renewal) Chemical Releases

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

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

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
 - o 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.
 - o City is the best communicator to the community, but city doesn't always know. Companies should notify local government so they can notify people
 - o Newspaper notice should be required
- Gustavo: push alerts or text alerts on phones
 - o 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
 - o 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
 - o "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?
 - o Expecting citizens to make technical comments in short time frame. Is that reasonable?
- Michael: no, we always request an extension
 - o 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
 - o 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.
 - o Fact sheet

- o 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.
 - o Different from emissions monitor: ambient measures what people are breathing.
 - o Need expectation that there is monitoring before and after, and for existing facilities
 - o Needs to be widespread and extensive, in most urban and some rural areas
 - o 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

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
 - o 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)
 - o 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
 - o 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
 - o Teresa: you can test the surface and groundwater but you won't find the chemicals that are heaviest
- Teresa: baseline testing for current conditions of the property for soil and groundwater, on site and off site—make this bigger than just air
 - o Michael: off-site is key, maybe within a quarter of a mile
- Lou: environmental patrols to set up pollution traps akin to speed traps
 - o 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.

Group 2

Investigating Human Health Impacts of Environmental Contamination

What would a health investigation look like if community leaders were involved?

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?)

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