

Libby Community Advisory Group Meeting Summary August 9, 2007

Introductions

Gerald Mueller and members of the Libby Community Advisory Group (CAG) introduced themselves. A list of the members in attendance is attached below as Appendix 1.

Agenda

The CAG agreed to the following agenda for this meeting:

- CAG Organization;
- Review of EPA Administrator's Libby Visit;
- EPA Libby 2008 Budget Priorities;
- Report on the status of the funding provided by the 2007 legislature;
- Agency reports; and
- Public Comment.

CAG Organization

Community Group Presentations

The CAG identified the following community groups to which presentations about the CAG should be made. The volunteers who agreed to offer to make a presentation to the groups are also listed. The presentations should include: information about the CAG, a request that the group designate a representative to serve as a CAG member, and a request that the group members complete the CAG survey. Gerald Mueller agreed to draft a summary of the CAG's charge, current membership, history, accomplishments, and current work plan and send it to Bill Patton who will translate it into a Power Point format and a handout for use in the presentations.

Community Group	Volunteer Presenter
Libby Gen Next	Bill Patten
Clergy	Jerry Hersman
Realtors	Mike Cirian
Rotary International	Paul Lammers and DC Orr
Kiwanis	Bill Patten
Knights of Columbus	Mike Cirian and Mike Noble
Libby City Council	Rita Windom
Troy City Council	Mike Giesey
United States Forest Service	Mike Giesey
Libby School & parent groups	Kirby Maki
Community College	Mike Cirian

In addition, the CAG decided to consider making presentations to the following groups:

Libby Chamber of Commerce
Troy Businessmen and Professionals
Veterans of Foreign Wars
Elks
Odd Fellows

Hospital Auxiliary

Survey Update

Bill Patton reported that fewer than 10 people have completed the survey to date. It continues to be available on-line at www.surveymonkey.com/s.aspx?sm=wbcsg0baNDUKWNThBQmyZA_3d_3d. Mr. Patton also has hard copies of the survey for anyone wishing them. Kirby Maki said that if people need copies made of the survey for passing out to community groups that the school district would make them. Copies can also be picked up at the EPA Information Center.

Review of EPA Administrator's Libby Visit

CAG members reported on EPA Administrator Johnson's and Senator Baucus' August 6 visit to Libby. Senator Baucus sought to convey a tough stand toward EPA on behalf of the Libby community. He told the Administrator that unless EPA provided him all documents related to its decision not to declare a public health emergency at Libby that he would subpoena them. He issued a press release to this effect. Senator Baucus also asked that the risk assessment preparation time be reduced from the planned 3-year period to 18 months. Susan Bodine, Assistant Administrator, EPA Office of Solid Waste and Emergency Response, rebuffed this request for a reduced period because of anticipated scrutiny by W.R. Grace. She stated that 3 years would be needed to conduct the studies and the risk assessment. In answering questions, Administrator Johnson stated that he would not declare a public health emergency at Libby, because he lacked the authority under CERCLA to do so. He did commit to talking with Health and Human Services (HHS) Secretary Leavitt about Libby's need for long-term health care funding. Susan Bodine discussed possible funding sources for economic development in Libby. Section 128(a) of CERCLA (42 USC 9628) may be a source of funding.

Audience Member Comment – EPA has told us in the past that it has not declared a public health emergency, but these emergencies were declared following hurricanes Katrina and Rita.

Response by Paul Peronard – The public health emergencies declarations following the hurricanes were made by the Federal Emergency Management Agency pursuant to the Stafford Act, not by EPA pursuant to CERCLA. Even if EPA did make a declaration, money would not flow for at least 18 months and would last only for a two year period.

CAG Member Comment – If a CERCLA public health declaration will not be the engine to pull the train carrying the resources to meet the health care needs of this community, then we must find another one. We estimate that 1,700 people will need health care here for asbestos-related diseases.

Facilitator Comment – The CAG has discussed at past meetings, inviting Joan Miles, Director of the Montana Department of Public Health and Human Services, to come to a CAG meeting. Richard Opper, Director of the Montana Department of Environmental Quality, told me that he has discussed with Ms. Miles visiting Libby, and she agreed to do so. You may want to invite her formally to your September or October meeting to discuss the need for long-term health care funding.

CAG Action – The CAG agreed to invite Director Miles to a CAG meeting as soon as her schedule will allow. Bill Patten agreed to send a letter of invitation to her on behalf of the CAG.

CAG Member Comment – Administrator Johnson’s commitment to talk with HHS Secretary Leavitt is important. We should write the Administrator thanking him for coming to Libby and for agreeing to discuss our need for long-term health funding with Secretary Leavitt and requesting a report from him about his conversation.

CAG Action – The CAG agreed to write Administrator Johnson the letter just described. Bill Patten agreed to draft the letter, circulate via email through the CAG facilitator, and prepare a signature page so that any CAG member wishing to do so can sign it.

Audience Member Comment – I am alarmed about Senator Baucus’ request that EPA speed up the risk assessment. I don’t believe that Senator Baucus understands what speeding up the assessment might mean. The 3-year schedule is not a bureaucratic delay; it is needed to ensure scientific validity. I’m not sure if the existing science on the toxicity of asbestos is adequate. Speeding up the assessment would likely mean that the toxicology studies would not receive peer review and that this community would not have an opportunity to comment on it. If the CAG agrees, it should write a letter on behalf of this community to Senator Baucus advocating that the risk assessment period not be cut in half.

Response by Paul Peronard – I agree that it is important not to shorten the risk assessment period. The existing plan was developed with input from University of Cincinnati and Mount Sinai Hospital scientists. The risk assessment process includes overlapping studies with stops for checks. The toxicology and epidemiology studies are not trivial. Normally, such studies would take place over a 15 year, not 3 year, period. Shortening the period will likely mean that the Libby community will not trust the outcome.

CAG Action –The CAG agreed to send a letter to Senator Baucus stating its concern that the time allocated to the risk assessment and associated studies not be reduced. Doing the risk assessment right is more important than doing it fast. Scientific validity, scientific peer review, and the opportunity for this community to understand and comment on the risk assessment are critical and should not be sacrificed to speed. Bill Patten agreed to draft the letter which will be circulated by the CAG facilitator via email. A signature page will be prepared to accompany the letter so that all CAG members wishing to do so can sign it.

Audience Member Question – Would the CAG issue a press release accompanying its letter to Senator Baucus?

CAG Action – The CAG agreed to issue a press release along with the letter.

EPA Libby 2008 Budget Priorities

Paul Peronard stated that he is in the process of developing his budget request for the coming year. Because of the policy choices involved, he does not wish to do so unilaterally. Instead, he would like CAG input concerning priorities within the budget. The budget has two basic categories, cleanups and investigations, and potential items within each of them. The expected total funding amount for the coming year is \$17 million, but whatever the total amount, tradeoffs will have to be made among the two categories and their items. Mr. Peronard outlined the budget categories and items as follows.

Cleanups

Potential items in this category include:

Libby Operable Unit (OU4)

- Property cleanups – Because of the larger size of the properties now being cleaned, we might expect to do a maximum of 160-170 property cleanups next year.
- Creeks – Creeks in the Libby area, including Flower, Granite, and Callahan were rip-rapped with asbestos-laden rock. Children may be exposed to asbestos by handling these rocks to create swimming holes.
- Golf course – We recently discovered contamination on the golf course which presents a significant exposure risk to course employees.

Troy Operable Unit (OU7)

- Property cleanups – Investigation of properties in Troy is underway, but no money has yet been budgeted for cleanups.

Environmental Resource Specialist

- Services – Mike Cirian has been pilot testing the Environmental Resource Specialist position. Money could be included in next year's budget to continue this position.
- Interim cleanups – The need for unexpected cleanups arise such as the house that had vermiculite spread over its yard when its roof was blown off by a storm.
- Demolitions – Buildings that have burned are in need of demolition.
- Other

Investigations

Potential items in this category include:

Libby Operable Unit (OU4)

- Ambient air monitoring
- Activity based sampling
- Additional exposure pathways
 - Tradesmen
- Schools

Troy Operable Unit (OU7)

Mine Operable Unit

Processing Areas Operable Unit

- Export plant/Stimson mill site
- Screening plant/Burlington Northern Santa Fe railroad yard

Expenditures for other cleanup and/or investigation items would likely shift funding away from the property cleanups. At the next meeting, we will provide a more formal list of potential budget items with potential costs and criteria for prioritizing them.

Facilitator Comment – There are two basic approaches that the CAG might use for developing advice about budget priorities. One would develop criteria that might be applied when making budget tradeoffs. The other is a voting procedure among specific budget items.

Audience Member Comment – I recommend that in addition to the CAG and the TAG, that EPA conduct focus groups to seek budget priority advice from others in the Libby community that do not attend CAG meetings.

Answer – We may opt to conduct focus groups, but we want to begin with discussions with the CAG.

Audience Member Question – Could EPA issue full page newspaper ads and radio public service announcements that it is seeking advice about next year’s budget priorities? The ads could then be followed by the focus groups.

Status of the 2007 Legislature Funding

Rita Windom reported that she has been in contact with Jane Smilie, Administrator of the DPHHS Public Health and Safety Division. The Division has not yet issued rules for the allocation of the funds provided by the special session of the 2007 legislature for asbestos-related health services. These services must be offered to all counties affected by asbestos exposure, not just Lincoln County. The longer the delay in issuing the rules, the greater will be the likelihood that other counties such as Cascade County may compete for these funds.

EPA Report

Mike Cirian reported briefly on two topics: demolitions and creek contamination. EPA will shortly begin the demolition of three houses. We will also be walking the creeks looking for contamination.

Because of a lack of time, the other agency and organization reports were not made.

Public Comment

There was no additional public comment.

Next Meeting Agenda Topics

- Report on the CAG letters to EPA Administrator Johnson, Senator Baucus and DPHHS Director Miles.
- Possible discussion with DPHHS Director Miles about long-term asbestos-related health care needs and possible funding sources. Note this visit is not yet scheduled.
- Continued discussion of formal budget proposal priorities.
- Report on community group presentations.
- Report on the status of the funding provided by the 2007 legislature.
- Agency reports.

Next Meeting

The next meeting is scheduled for 7:00 to 9:00 p.m. on September 13, 2007 in the Ponderosa Room of Libby City Hall.

Appendix 1 CAG Member & Guest Attendance List August 9, 2007

Members	Group/Organization Represented
KW Maki	Libby Schools
Bill Patten	St. John's Lutheran Hospital
DC Orr	City of Libby
Rita Windom	Lincoln County Commission
Kenny Hays	Senior Citizens
Ted Linnert	EPA
Catherine LeCours	Montana Department of Environmental Quality
Mike Cirian	EPA
Paul Peronard	EPA
LeRoy Thom	Former Grace Employee
Eileen Carney	Montana State Board of Respiratory Care