

Libby Community Advisory Group

Meeting Summary

November 9, 2006

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 Role, Meetings, & Members
- § State Funding for Libby Trust Funds
- § MDT Presentation on Highway 37
- § Public Health Emergency Declaration
- § Agency Reports
 - § EPA
 - § State
 - § TAG
- § Public Comment
- § Next Meeting Agenda
- § Michael Crill's Documentary

CAG Role, Meetings, and Members

At its October meeting, the CAG tentatively agreed to refocus its meetings on issues important to the Libby community instead of agency reports and questions and comments concerning them. Members also agreed to invite representatives of other community groups not currently on the CAG to join as members. Bill Patton passed out a summary of the results of a survey he conducted that was completed by 27 individuals. See Appendix 2. The majority of respondents indicated that they were aware of the CAG and its mission and that it had outlived its usefulness. About half of the respondents reported that they have not attended a CAG meeting

CAG Member Comment - Some people do not attend because they are trusting others to take care of business.

CAG Member Comment - Perhaps instead of regular monthly meetings, the CAG should meet only to hear special reports such as the results of the University of Montana researchers.

Audience Member Comment - Agenda items need to be publicized.

CAG Member Comment - The EPA knew about the problem here in 1982-1985. People trusted them to do their job for us, but they were waylaid. A public forum is needed to discuss issues and to which people can bring problems. The Information Center intimidates people and is not sufficient. A former CAG member requested for years that the Living with Vermiculite brochure be pulled. He became frustrated at the lack of action and resigned from the CAG. Last month, the brochure was finally cancelled. The CAG does fulfill a useful purpose and should continue.

Response by Mike Cirian - We do not intend for the Information Center to be intimidating.

Audience Member Comment - The survey indicates a lot of negativity. CAG meetings do sometimes involve conflict but not negativity. We need to find a solution to our long-term health care needs. We may have a better chance with the new Congress. We are making progress in have the Libby amphibole recognized as unique. We need to keep pursuing this. We cannot quit now.

Audience Member Comment - I have asbestos disease although I never worked at the mine. My wife and I were not aware of the CAG, but we heard it advertised on the radio, so we came tonight out of curiosity.

Audience Member Comment - We also heard about the CAG on the radio. This is our first time here. We came tonight in part to see the Michael Crill documentary.

Audience Member Comment - We need to focus on front burner issues for the community, and we need to advertise the agendas in the local media. The meetings are advertised, but the agendas have not been.

Comment by Paul Peronard - The people of Libby need a venue at which they can express their problems and concerns. I am concerned that tonight there are more agency people who are paid to be here sitting at the CAG table than there are members of the community. EPA wants a citizen run CAG rather than EPA driven. EPA will continue to pay for the meeting room and a facilitator but we want the citizens of Libby to take the lead. We are considering some changes toward that end, and will present some ideas early next year.

State Funding for Libby Trust Funds

The CAG discussed the idea of requesting that a portion of the existing state general fund surplus be used to seed a trust fund to provide long-term medical care for people with asbestos-related disease and/or to fund long-term cleanups of asbestos contamination after EPA completes the Superfund cleanup.

CAG Member Comment - Rather than seeking to create a new entity to receive state funds, perhaps we should use an existing entity, the Libby Area Medical Plan (LAMP).

Audience Member Question - By seeking state funds, do you intend to let W.R. Grace off the hook?
CAG Member Response - No.

Audience Member Comment - LAMP may not be the appropriate vehicle because it provides funding for people who live outside of the state to receive treatment outside of the state.

Audience Member Question - What is LAMP?

Response - LAMP is a non-profit organization with a local board of directors that received \$2.75 million from W.R. Grace to settle a federal lawsuit initiated because W.R. Grace denied EPA access to the mine site. LAMP funds screening for of asbestos-related disease and medical treatment not covered by the W.R. Grace Medical Plan. LeRoy Thom is the chairman of the LAMP Board.

CAG Action - The CAG requested that a committee of Bill Patton, K.W. Maki, and Eileen

Carney develop a proposal to take to the next legislature to provide funding for long-term health care. The committee will discuss this idea with and seek the support of LAMP and members of Libby's delegation to the Montana House of Representatives and Senate. The proposal will be brought to the next CAG meeting for its approval. The local legislators will be invited to the next CAG meeting.

MDT Presentation on Highway 37

Brian Goodman, Staff Environmental Scientist with the Environmental Services Bureau of the Montana Department of Transportation (MDT) and Van Swearingen, the local MDT maintenance section supervisor, reported on asbestos contamination and Highway 37. Mr. Goodman stated that MDT sampling conducted by a contractor, TetraTech, Inc, did indicate a potential asbestos exposure problem in the highway right-of-way. During this past July and August, TetraTech took 280 samples along the highway, and results are in for about 170 of them. Only the previous samples collected by EPA along Highway 37 contained asbestos. Also sampled was an aggregate pit owned by the Kootenai Development Corporation (KDC). Seven of the nine samples collected from the pit were found to contain asbestos, the origin of which is natural erosion of asbestos bearing rock. Some 50,000 yards of material from this pit were used to rebuild Highway 37 in 1996, so it is likely to be the source of the contamination of the right-of-way. With EPA's advice, highway department employees working in the right-of-way are wearing appropriate protection such as respirators and Tyvec "moon" suits. We also collected air samples during road sweeping, and only one asbestos fiber was found in the 20 samples. No decision has been made regarding cleanup of the highway right-of-way. We have moved the volunteers cleaning up litter on the contaminated portion of Highway 37 to other areas. Please avoid using the Highway 37 right-of-way between town and the mine turnoff. If you have questions, please call Van Swearingen at 293-7921.

Comment [bsg1]: I appreciate the promotion, but I am a staff environmental scientist

Comment [bsg2]: Maxim Technologies recently changed their name to Tetra Tech, Inc,

CAG Member Question - Was vermiculite visible in the KDC pit?

Answer – I do not have that information, it should be included in the final report from Tetra Tech.

CAG Member Question - EPA has shipped some 35,000 truckloads of contaminated material over the highway to the mine. Isn't this a source of contamination?

Answer - We have no way to isolate any contamination from EPA shipments from the contaminated material used to rebuild the road.

CAG Member Question - Is the state liable for the road contamination? Has the state been named a potentially responsible party (PRP)?

Answer - The state has not been named a PRP.

CAG Member Question - Was the sampling along the road only at the surface or also at depth?

Answer - Samples were taken between the surface and six inches below the surface, consistent with EPA sampling techniques.

CAG Member Question - Has contamination been found at other sand and gravel pits?

Answer - No.

CAG Member Question - Since this was a commercial sand and gravel pit, have you sought out

KDC records of where the pit aggregate was used?

Answer - We have not found any such records. The pits on the KDC parcel have been in use since the 1960s. Under the current DEQ permit MDT's contractor has been the only aggregate purchaser since 1996.

Answer by Paul Peronard - EPA will seek records of the sale of material from this pit from W.R. Grace, the owner of KDC. We intend to conduct sampling of roads and alleys in town. This sampling is in the queue along with residential and business property sampling and cleanups. Results of this sampling will be available in the EPA Information Center.

Public Health Emergency Declaration

Audience Member Comment - The CAG has unsuccessfully sought from federal officials, including the Secretary of the US Department of Health and Human Services (HHS) Tommy Thompson. We were told that such a declaration was unprecedented, but a declaration was made after Hurricanes Katrina and Rita in 2005.

Response by Paul Peronard - HHS has issued declarations of short-term public health emergency on several occasions. What was and is unprecedented is a declaration by EPA in response to a Superfund cleanup. I supported a declaration at Libby, but it was not forthcoming. Instead, EPA moved to cleanup Libby residences and buildings.

Audience Member Comment - Since we are now focused on seeking funding from the state, perhaps we should postpone further efforts at getting a federal declaration of a public health emergency. We should not give up on this idea however.

CAG Action - The CAG agreed to postpone additional effort to obtain a federal declaration of a public health emergency.

EPA Report

Paul Peronard and Mike Cirian reported for EPA on the following topics.

Cleanups - The construction year is winding down. We have completed 216 cleanups this year, and the cumulative total to date is 793 properties. We recently completed two special cleanups, one at a bar and one in the county annex building. At the bar, a hole was poked in a wall, and vermiculite insulation spilled out and was tracked into the parking lot. We cleaned up inside the building and covered the outside contamination with 6 inches of gravel. We will return and clean the parking lot area during the next construction season. At the county annex, a wiring project also resulted in a vermiculite insulation spill which was cleaned up.

Ambient Air Sampling - We are formatting the sampling data taken during October so that it will be understandable. This data will be available on December 1st at the EPA Information Center. We will report ambient air sampling data to the CAG on a monthly basis. It will also be available in the Information Center.

Long-Term Cleanup Program - As we have discussed before, our plan is to create a means to fund and conduct cleanups after the remediation effort is finished and EPA has left Libby. We have assigned Mike Cirian to pilot the Environmental Resource Specialist (ERS) position. Through Mike's efforts, we hope to get a better idea how often post-cleanup issues arise, what

problems are typical, and how much the cleanup costs. EPA does not intend to leave the long-term cleanup responsibilities with property owners. Our goal is to create a trust fund to pay for these cleanups. We have not yet found a funding source for this trust fund.

Soil Sampling Data Reporting - At the last CAG meeting, a member of the audience said that she had not received results from the sampling of her property in 2004. I promised to look into this situation and report back. We have found that gaps did exist in communicating sampling results. For the air, dust, and visual sampling, we sat down with the property owner and discussed the results. We were not as good at reporting soil sampling. We conducted a mass mailing with results in 2004 and 2005. Some letters were returned because of incorrect addresses or because of changes in property ownership. We intend to close this gap. If someone has not heard from us, they should contact the EPA Information Center.

Audience Member Comment - I raised this issue last month. I went back and checked and found that I had received a letter.

Audience Member Question - Have you received access for screening from 100% of property owners?

Answer - No. Out of about 4,000 total properties in the Libby area, we were denied access 352 times. These figures do not include Troy. EPA does not force access. This year, we screened 52 properties not screened before. Seven property owners who were on the list waiting to be cleaned opted out of the program because they either did not want to be forced to leave their homes during the cleanup or because they had heard that others had a horrible experience with the cleanup. We have a data base of the properties screened and not screened, those screened and needing cleanup, and those opting out of the cleanup program so this information will be available in the future.

Audience Member Question - What about business owner compliance?

Answer - I don't know how many business owners have opted not to participate.

Audience Member Question - What is the access rate for cleanups?

Answer - This year we cleaned 216 properties, and 7 people opted not to have cleanups.

Audience Member Comment - I have a friend who is a volunteer fireman. He visited a building as part of training to learn about hazards when fighting fires. Bags of vermiculite insulation were found in the building attic. Have all buildings been screened so it is known where an asbestos exposure hazard exists?

Answer - Six or seven years ago, properties were screened on a voluntary basis. About 94-95% of the property owners cooperated with the screening. This is a better rate than in most other superfund cleanups. We have provided the fire department with the list of properties with vermiculite insulation.

Audience Member Question - If a building containing vermiculite burns, are asbestos fibers released?

Answer - Yes. We have provided information to the fire department about proper protective equipment and techniques to minimize the spread of contamination by a fire.

CAG Member Question - Are there also records of contamination available to people who move dirt?

Answer - Yes. If someone is about to engage in this activity, they should contact the EPA Information Center to find out what is known about the property.

State Report

Catherine LeCours reported that the preparation is underway for the property investigations next year in Troy. Office space and residences for the investigation crews are being obtained. We plan a mass mailing to Troy residents in March and a public meeting in April to explain the investigation plans. Work should begin by the end of April, weather permitting. We intend to apply lessons learned by EPA's Libby cleanup experience.

We are working with the City of Troy on a major water line project to ensure that proper precautions are taken.

Audience Member Question - There was also a sewer line work in Troy. Did city workers wear protective clothing to ensure that they were not exposed to asbestos?

Answer - No. This project occurred before our work began.

TAG Report

Helen Andries reported on behalf of the Technical Advisory Group (TAG). We had a meeting this past Tuesday evening at which University of Montana faculty presented information about recent research papers. Ms. Andries has copies of the research papers for anyone wanting them. Ms. Andries has copies of the research papers for anyone wanting them. At next month's meeting, nominations will be taken for the TAG executive board members: chair, secretary and adhoc. TAG continues to focus on improving its communications with the public.

Asbestos Related Disease Network

The Asbestos Related Disease Network (ARDNet) is currently funded by an appropriation that Eileen Carney arranged. ARDNet is looking for funding for the next fiscal year. ARDNet is providing funding to people with asbestos-related disease for personal care services and nutritional supplements. The office has moved to the county health offices.

Next Meeting Agenda Topics

The CAG agreed to the following topics for its next meeting:

- § The committee report on the effort to secure a portion of the state budget surplus for LAMP to help pay for future medical care.
- § A report by Dr. Black and/or Whitehouse on the mesothelioma conference.
- § A discussion of Michael Crill's documentary.
- § Brief agency reports.

Topics for future CAG meetings include:

- § A report by Wendy Thomi and Dr. Aubrey Miller about their experience with the World Trade Center cleanup.
- § A report by UM researchers.

Public Comment

There was no additional public comment.

Michael Crill's Documentary

Michael Crill's documentary was shown.

Next Meeting

The next meeting is scheduled for 7:00 to 9:00 p.m. on December 14, 2006 in the Ponderosa Room of Libby City Hall.

**Appendix 1
CAG Member & Guest Attendance List
October 12, 2006**

Members

David L. Latham
Ted Linnert
Paul Peronard
Catherine LeCours
Bill Patten
KW Maki
Eileen Carney
DC Orr
Mike Cirian

Group/Organization Represented

The Montanian Newspaper
EPA-Denver
EPA Project Manager
Montana Department of Environmental Quality
St. John's Lutheran Hospital
Libby Schools
MT State Board of Respiratory Care Therapists
City of Libby
EPA

Visitors

Brian Goodman MDT
Van Swearingen MDT

Appendix 2 Community Advisory Group Survey

Survey performed by Bill Patton

The Community Advisory Group (CAG) is taking a step back to review its purpose and function.
As a CAG member representing St. John's, I would like your input regarding the CAG.
Please complete this survey and return it to me at your earliest convenience. Thanks!

(A total of 27 different individuals completed this survey)

- | | | |
|--|--------|-------|
| 1. Do you know what the CAG is? | Yes 23 | No 4 |
| 2. Do you know when (day, time, place) the CAG meets? | Yes 12 | No 15 |
| 3. Do you know the individuals who sit on the CAG? | Yes 13 | No 14 |
| Do you know what organizations are represented on the CAG? | Yes 12 | No 13 |
| 5. Do you feel these individuals or organizations represent you? | Yes 4 | No 20 |
| 6. Do you know why the CAG was established? | Yes 20 | No 8 |
| 7. Do you think the CAG has been successful? | Yes 6 | No 14 |
| 8. Do you think the CAG has outlived its usefulness? | Yes 14 | No 7 |
| 9. Would you like more information about the CAG?
(If yes, please provide your contact information) | Yes 7 | No 19 |
| 10. Are you willing to serve on the CAG? | Yes 1 | No 22 |
11. When was the last time you attended a CAG meeting?
- Last week - 0
 - Last month - 1
 - Several months ago - 2
 - Last year - 5
 - Several years ago - 3
 - Never - 13
12. What do you think the CAG should be working on?
- More help for asbestos patients.
 - Plans and projects for the future.
 - Doesn't represent a cross-section of our community so not effective or respected as representing our community - so it doesn't matter what they work on - unless it was a project to get members who do represent a good cross-section.
 - To make sure the needs of the community in regards to Grace/EPS/Morbidity and Mortality/future problems, etc. are not lost as asbestosis as a disease is no longer "en vogue."
13. General Comments:
- § Can be disbanded.
 - I think that if the CAG is to continue there is an opportunity to restructure and redefine its roll (sic). Not only does the negative atmosphere not accomplish anything, it causes undue/unnecessary ripples of negativity outside the meeting.
 - The CAG has been a most negative organization and has been influenced by trial attorneys and those seeking money from Grace. I believe it ought to be eliminated.
 - Aren't there enough groups already?
 - I believe the CAG served a very important and necessary function by insuring that all factions of the Libby community had a voice and was kept in the loop on asbestos issues. However, I feel it has outlived its function.
 - CAG has outlived its purpose and I see no further need.