

Libby Community Advisory Group

Meeting Summary

October 12, 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. DC Orr joined the CAG. His contact information is as follows:

DC Orr
P.O. Box 1212
Libby, MT 59923
Ph: (406) 293-4702
E-mail: excav8orr@hotmail.com

Agenda

The CAG agreed to the following agenda for this meeting:

- § September Meeting Summary Correction
- § Michael Crill Program
- § CAG Meetings
- § Libby School & KPAX Television Project
- § Agency Reports
 - S EPA
 - S State
 - S TAG
 - S CARD
- § Public Comment
- § Next Meeting Agenda

September Meeting Summary Correction

Mr. Mueller noted that Mike Giesey had requested changes to the CARD report in September 14, 2006 meeting summary after he had emailed and mailed it out. Mr. Mueller explained that after drafting a summary, he routinely emails it to meeting presenters so that they can offer corrections. This normal communication did not work with Mr. Giesey this time. Therefore, Mr. Mueller revised the summary and sent the revision to his email lists. The portion of the summary including the revised CARD report is attached below as Appendix 2.

Audience Member Comment - I discussed the situation with the contamination of Highway 37, and this discussion was not reflected in the summary.

Mike Crill Program

Mike Crill, a former Libby resident who now lives in Missoula, has made a documentary and has asked that it be viewed by the CAG. He delivered a copy of it to Mr. Mueller yesterday evening. ***CAG Action - The CAG agreed that the documentary be shown at the end of the next CAG meeting, so that all those wishing to do so can view it.***

CAG Meetings

In response to comments received after the last meeting, Mr. Mueller drafted a memorandum which he emailed to the CAG prior to this meeting. A copy of the memo is attached below as Appendix 3. Mr. Mueller stated that an audience member wrote to him expressing dissatisfaction because audience members were not treated with respect during at the last meeting. A copy of the letter is attached to the memo in Appendix 3. Since the last meeting, Mr. Mueller also spoke with two CAG members who expressed frustration that too much time is spent during meetings complaining about EPA. These members agreed that the negative tone of the complaints have decreased CAG member attendance. Mr. Mueller asked the CAG for guidance as to what changes members would like in CAG meetings.

CAG Member Comment – We need to get the CAG back on a more positive and substantive track, identifying and helping to solve problems important to the community.

Audience Member Comment – The complaints that people have made in meetings accurately reflect anger in the community towards EPA. People have stopped coming to CAG meetings because of that anger.

Audience Member Comment – I disagree with the last comment. No one has talked with me about anger at EPA. Instead, people have stopped coming to CAG meetings out of frustration due to the participation of a few individuals who repeatedly use EPA as a whipping boy. It is not clear that the community wants to be represented here.

Comment by Paul Peronard – Since returning to Libby two months ago, I have seen a change in the CAG compared to my earlier years here. Participation on the CAG and in the audience has dropped. Representatives of many interests including the business community no longer attend. A dramatic effort is needed to reach out to elected officials and others in the community. EPA wanted to set up the CAG and get out of the way. We want the CAG to moderate the meetings itself and set its own agenda focusing on issues of interest to the community rather than just the EPA.

CAG Member Comment – Its hard to hear that the CAG is not representative of the community. The issues we are addressing here are complicated and the science is not settled.

Audience Member Comment – The CAG has made huge accomplishments for Libby. It continues to be needed and I hope it continues.

CAG Member Comment – I agree that the CAG should get back to issues that matter to the community. Perhaps it should meet only when the need arises rather than every month.

Audience Member Comment – The agency reports provide valuable information. I hope that they will not be dropped completely from CAG meetings. Perhaps we could focus on these reports every other meeting.

CAG Homework and Agreement – CAG Members agreed that before the next meeting, they will talk with interests in the community such as business owners and realtors to learn why they are not attending CAG meetings and to invite them back. They further agreed to change

the focus of meetings from agency reports to issues important to the community. Mr. Mueller will devote time at the end of the meeting to identifying such issues for the next meetings agenda.

School & KPAX Television Project

K.W. Maki and Ian Marquand described a joint project of the University of Montana's Mansfield Center, KPAX Television, and Libby schools. KPAX will produce for the Mansfield Center a television program entitled, "Libby and Minamata: Toxic Tragedies, Hopeful Futures." The program will follow two Libby high school teachers as they travel to Montana's sister state, Kumamoto Prefecture, Japan, to learn about the "Minamata Disease" which was caused by industrial mercury pollution of Kumamoto's Minamata Bay. During their travels, the Libby school teachers will share the story of Libby's asbestos contamination. Libby's situation is of particular interest in Japan because of asbestos exposure there. The television program will focus on the history of both exposures, the resulting health effects, the governmental response to them, how the justice systems in Japan and the US have responded, the local people who brought the issue to light and fought for their respective communities, how the communities of Minamata and Libby want to be viewed by their state, country, and the world, and what hope each community has for their future. In addition to the television program, the Mansfield Center and the UM Ethics Center will host a one-day symposium that will bring together experts from Montana and Japan to discuss the stories of Libby and Minamata.

EPA Report

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

Cleanups – During this year, 191 properties have been cleaned. The pace of the cleanups is ahead of last year's. The cumulative total cleaned to date is 769 properties. The goal for this year is 215 cleanups.

Demolition Projects – During the last two weeks, EPA demolished two buildings. One was a house that had burned. No asbestos was detected in the air around these demolitions. Detailed sampling data for both projects are available at the EPA Information Center.

Screening Plant Cleanup Costs – At the September CAG meeting, EPA was asked to report the costs resulting from installation of the irrigation line. The total costs were \$3,710.40.

Living With Vermiculite Brochure – Also at the September meeting, the CAG agreed to the creation of a subcommittee including Dr. Henningsen from the TAG, Dr. Miller of EPA, and Clinton Maynard to work on revising the "Living With Vermiculite" brochure. As this work began, EPA decided to drop this brochure rather than revise it. EPA made this choice for two reasons. First, since the brochure was written, EPA has issued three other fact sheets that together address the same subjects. Second, too much of the brochure was controversial and needed modification. Since the original brochure was developed with the input of the Operation and Maintenance Work Group, EPA consulted with this group before deciding to pull it.

Long-Term Ambient Air Sampling – EPA has initiated the long-term, low-level asbestos sampling of the ambient air to determine the long-term ambient air asbestos levels in the Libby

community. Data for the prior month will be reported. This information is pertinent to determining how safe breathing the air in Libby is.

Highway 37 – Representatives of the Montana Department of Transportation (MDT) have agreed to come to the November CAG meeting to discuss the 1996 rebuilding of Highway 37 as well as the sampling that MDT has conducted along this road.

Headquarters Presentation – Last week, EPA Region 8 officials briefed Washington DC Headquarters supervisors of the Superfund Program about Libby. The briefing addressed the outstanding scientific issues including the relative toxicity of Libby amphibole versus chrysotile asbestos, short versus long asbestos fibers, and money needed to answer these and other basic science questions in addition to the ongoing cleanups. Because this is an election year and EPA's budget has not yet been approved, we will likely not be able to report budget allocations for next year until January.

Operation and Maintenance – Because we need to get a long-term cleanup program in place, EPA is proposing to pilot test use of the Environmental Resource Specialist position. We will therefore use the EPA cleanup budget to fund the pilot effort.

CAG Member Question – Has EPA modified the completion and comfort letter?

Answer – We have changed the letters supplied to property owners at the completion of the cleanups, and we will supply the modified version to the TAG.

CAG Member Question – Will the modified version of the letter be sent to owners of past cleanups, or will they be used on a going forward basis?

Answer – They will be used on a going forward basis, i.e., as new cleanups are completed.

CAG Member Question – You mentioned that three fact sheets have been issued since the release of the “Living with Vermiculite” brochure. Does one of these address Libby amphibole asbestos?

Answer – While the three fact sheets address related aspects, we do not have one addressing Libby amphibole generally. We will develop such a fact sheet.

Audience Member Question – In 2002, EPA checked my property. Three weeks ago, I had a message on my answering machine that EPA is now moving to develop a work plan to clean my property. Why did I have to wait four years to be informed about the problems on my property?

Answer – In 2004, EPA conducted a mass mailing with the results of the property screenings. You should have received a letter then. Many of the mailings were returned because of improper addresses.

Audience Member Comment – I did not receive a letter in 2004.

Response – If you give me your name and address after the meeting, I will see that you get the information about your property. Some 1,400 properties need to be cleaned. We are able to do about 225 per year. This means that some will have to wait seven years for the cleanup. We wait to design the cleanup until just before we can do the cleanups. It is, therefore, not atypical to wait 3 years after screening for the cleanup design to occur.

Audience Member Question – What hazard did the “Living with Vermiculite” brochure impose on this community?

Answer – We have discussed this issue before. We know that people will encounter vermiculite both before and after cleanups occur. Some will cleanup the vermiculite themselves. We therefore tried to provide people information about what to do when they encounter small amounts of vermiculite. EPA must strike a difficult balance. We do not understand the effects from all of the exposures that people will experience here. Do we say nothing because of the risk that some advice will be incomplete or wrong, or do we try to communicate with people who will encounter vermiculite to advise them what to do based on what we know now? Given the nature of the problems that we faced here, I believe that any hazard posed by the brochure is small.

Audience Member Question – Will you explain your comments in your radio interview about the need for a larger budget?

Answer – We have invested a lot of money in cost-conscious cleanups. We have not been investing in the science we need to understand the efficacy of the cleanups and the exposure pathways. I have decided we need to get the science questions answered. I am hopeful that we can get more money so that cleanup activity does not have to be slowed. However, if we don't, we will divert cleanup money to get the information we need to conduct the remedial investigation and the risk assessment. The choice we may face is delaying the cleanups versus not delaying them and not understanding how clean their results need to be.

Audience Member Question – Could we hear from Wendy Thomi about her experience in New York City with the cleanup surrounding asbestos and the World Trade Center collapse?

Answer – Ms. Thomi is not currently available, but when she is, we can ask her to come here and discuss her experience in New York City. Dr. Aubrey Miller has also worked in New York City, and we can invite him as well.

State Report

Catherine LeCours stated that she had no state report.

TAG Report

Helen Andries reported on behalf of the TAG. A report on auto immune system research by University of Montana researchers will occur at the next TAG meeting on Tuesday, November 7, 2006. The researchers will not be able to come to the CAG meeting as well. The TAG is attempting to improve its communication with the public through a web site and a newsletter.

CAG Member Question – I understand that the TAG has lobbied Senator Burns for funding. Isn't the TAG prohibited from lobbying?

Answer – We have discussed lobbying rules with an EPA attorney so that we understand where the line is that we cannot cross.

Answer by Dr. Henningsen – Senator Burns' office asked us to prepare a list of needs for scientific studies and resources. We developed a priority list which we estimate to require funding of about \$11 million in response to the Senator's inquiry. The Senator's office responded that these funds could not be available before FY 2008.

CAG Member Question – Is it correct that the TAG is seeking funding for research in addition to cleanup funds, so that it would not slow cleanups?

Answer – Yes.

CARD Report

Mike Giesey and Tanis Hernandez reported on behalf of the Center for Asbestos Related Disease (CARD). We have funding for developing, in partnership with the Karmonos Cancer Institute, a data base to support asbestos related research. No one would participate in such research without giving an informed consent. Participants in all research would remain anonymous.

Hospital Report

Bill Patten reported that St. John's Lutheran Hospital has added new staff, facilities, and equipment. The new staff members are Dr. Anne Camber, an obstetrician/gynecologist, and Dr. Joshua Urvater, an orthopedic surgeon. Their practice will be housed in the remodeled Medical Arts Building. Also, the former search and rescue building has been remodeled and will now house Home Health/Hospice and Diabetic/Nutrition Services. The expansion of the laboratory has been completed. A new pulmonary/cardiac rehabilitation department and sleep center has been added. Finally, the hospital has added a state-of-the art MRI system in the imaging department. All of these new features can be seen at our open house on October 17, from 5:00 to 7:00 p.m.

Next Meeting Agenda Topics

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

- § Revisiting the CAG role with the results of the CAG member homework, i.e., visiting with representatives of community interests not currently represented on the CAG.
- § The MDT presentation about Highway 37.
- § Discussing a possible effort to secure a portion of the state budget surplus to seed trust funds for future medical care and to pay for cleanup of asbestos contamination after EPA has left Libby. Eileen Carney will invite Libby's state House and Senator members and representatives of the county and city governments to participate in this discussion.
- § Discussion of seeking a declaration of a public health emergency; and
- § Brief agency reports.

Topics for the December CAG meeting include:

- § A report by Wendy Thomi and Dr. Aubrey Miller about their experience with the World Trade Center cleanup.
- § A report by Dr. Black and Dr. Whitehouse about the mesothelioma conference they will be attending.

Public Comment

There was no additional public comment.

Next Meeting

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

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

Members

Bill Patten
KW Maki
Mike Giesey
Ted Linnert
Paul Peronard
Mike Cirian
Catherine LeCours
Gerry Henningsen
Helen Andries
Gayla Benefield
Eileen Carney
DC Orr

Group/Organization Represented

St. John's Lutheran Hospital
Libby Schools
CARD
EPA-Denver
EPA Project Manager
EPA
Montana Department of Environmental Quality
Technical Advisor for the Technical Advisory Committee (TAG)
TAG Vice Chair
LCAVRO/TAG
MT State Board of Respiratory Care Therapists

Guests

Ian Marquand KPAX Television in Missoula

Appendix 2
September 14, 2006 CAG Meeting Summary Revisions

CARD Report

Mike Giesey reported on behalf of the Center for Asbestos Related Disease (CARD). CARD recently had two distinguished visitors, Dr. David Schwartz, head of the National Institute of Environmental Health Sciences (NIEHS) and the National Toxicology Program, and Dr. Howard Frumkin, Director of the Agency for Toxic Disease Registry (ATSDR). CARD has reformed its scientific research advisory group, the Committee for Asbestos Related Research, and reduced it to six members. The new group will help establish a new 501I(3) organization to provide a research center separate from the CARD.

Audience Member Question – Can you give us an update on the medical trust?

Answer by LeRoy Thom – We have requested an amount of funds for the trust from W.R. Grace, but we have not received a response.

Audience Member Question – How much did you request?

Answer by LeRoy Thom – Because we are in negotiations with W.R. Grace, we have agreed not to make the amount public.

Audience Member Question – When HHS Secretary Leavitt visited Libby, did you give him a copy of the letter written to his predecessor Secretary Thompson requesting a declaration of a public health emergency?

Answer by Mike Giesey – No, but we discussed this subject with him. I should note that shortly after Secretary Leavitt's visit, the Social Security Administration allowed coverage of Libby amphibole asbestos disease. Secretary Leavitt was also helpful in arranging for Dr. Schwartz and Frumkin's visit to Libby.

Appendix 3



GERALD H. MUELLER, M.S.

MEMORANDUM

Date: September 21, 2006
To: Libby Community Advisory Group (CAG)
From: Gerald Mueller
Re: CAG Meetings

I have had two somewhat conflicting reactions to last week's CAG meeting. I have had a letter from an audience member who feels that audience members were not treated with respect. A copy of this letter is attached below. Apparently, this person heard a CAG member refer to the meeting as a "bitch session." This person also feels that as a home and business owner, he/she is not represented on the CAG. On the other hand, at least one CAG member feels that a small number of regular audience members tend to dominate the meetings with repeated complaints, and that this negativity likely decreases meeting attendance.

I am therefore checking in with you about how I am managing the meetings.

As a result of direction from the CAG, we begin each meeting with agency reports unless the CAG wishes to hear a special report such as a UM research presentation. General public comment occurs last. I do allow questions and comments following each agency presentation from both CAG and audience members.

At the last two meetings, a lengthy period of questions and comments, mainly from audience members followed the EPA reports. For the most part, I have not curtailed this discussion because I thought it largely addressed significant issues, the post-EPA cleanup, Highway 37 contamination, cleanups at the export and screening plant sites, the relative toxicity of Libby amphibole asbestos, the Living with Asbestos brochure, the medical trust, etc.

With EPA's cooperation, I am also emphasizing following up on questions raised, but not addressed, during meetings.

The CAG and the audience are dealing with the most important issue facing any group I have worked with over the last 18 years, the health and safety of individuals, families and their community. I admire the six years of perseverance and tenacity with which members of the CAG and a number audience members have responded this issue. I also believe that the agencies, federal, state, and local are attempting to respond in good faith to the disaster that Libby has suffered.

In addition to perseverance and tenacity, a key to the success of the CAG is respect – respect of CAG and audience members and agency personnel for each other. Note that respect does not imply agreement. Respect means a willingness to listen and seriously consider the ideas and concerns of others. It means not personalizing issues or demeaning or demonizing others.

We also need a shared understanding for the purpose of CAG meetings. For example, is part of the purpose to allow Libby community members to voice complaints? If it is, how should the CAG respond to them?

I intend to ask the CAG to begin the next meeting with a discussion of CAG meetings and my management of them.

Lerah Parker
PO Box 609
Libby, MT 59923

Sept 18, 2006

Gerald Mueller
440 Evans
Missoula, MT 59801

Ref: CAG: Bitch Session "Quote Gala Benefield" Sept. 14, 2006

Mr. Mueller,

ROLES AND RESPONSIBILITIES

CAG members should be expected to participate in CAG meetings, provide data and information to EPA on site issues, and share information with their fellow community members. They must be prepared to fairly and honestly represent not only their own personal views but also those of the community members they represent.

This Superfund Site start in the year 2000 and it is 2006. Based on EPA National Priorities we are considered to be at or near the top of the list of clean-ups. I am part owner of one of the largest home and business clean -up sites, in Libby, MT.

Why has not even one the CAG members in the past six years ask me about our site. **Who on the CAG BOARD represents me, the home owner or business owner.**

I attended every meeting in 2000, through 2004 **and by the time it was the audience turn to ask questions and the half the board had left.**

We the home owners sat threw the meetings and sometime we never got to ask a question. I walked out and said I would never come back to another meeting. However I have.

Now at the Sept. 14, meeting the homeowners are accused of turning this meeting into a "**Bitch Session**".

CAG meetings should be open to the public but when we attend look how we are treated. I am appalled by the attitude of this board and the person who said this comment.

Sincerely,

Lerah Parker