

# Libby Community Advisory Group

## Meeting Summary

### February 14, 2008

#### Introductions

The members of the Libby Community Advisory Group (CAG) and its facilitator, Gerald Mueller, introduced themselves. Mr. Mueller welcomed a new member, Trent Oelberg, who represents Libby Main Street.

#### Agenda

Mr. Mueller noted that Joan Miles, Director of the Montana Department of Public Health and Human Resources, had planned to attend this meeting. She has, however, rescheduled her visit for April 10, 2008.

The CAG agreed to the following agenda for this meeting:

- Corrections to the January 10, 2008 Community Meeting Summary;
- Possible Change of Venue for CAG Meetings;
- Follow-up to the January 10, 2008 Community Meeting;
- Report on the Epidemiological Studies;
- Agency Reports; and
- Public Comment.

#### January 10, 2008 Community Meeting Summary Correction

Mr. Mueller stated that the summary of the January 10, 2008 meeting included two incorrect statements, both of which addressed the mine.

The first was in response to the question:

*Question - Why haul the material to the mine?*

*Answer - The concentration of contaminants is far higher at the mine than in town. We are using the contaminated soils to grow a vegetation cover to cap the mine.*

EPA is not using the contaminated soils to grow a vegetation cover to cap the mine. It has not decided what needs to be capped or where or how thick a cover is needed. Decisions about a cap will be made in the feasibility study for the mine, Operable Unit 3 (OU3).

The second incorrect statement was included in the response to the following comment:

*Comment - Cleanup of the mine contamination should have been done first. This contamination is moving off site and will recontaminate the town. Research by University of Montana has demonstrated that the bark of trees around the mine contain high levels of asbestos. The trees need to be cut down and the mine capped.*

*Answer - The mine does need to be addressed and we will do so. However, we made the decision to cleanup the asbestos contamination where people live first and to isolate the mine until we determine the nature and extent of the contamination there and the appropriate methods for addressing it. We have reached agreement with W.R. Grace to pay for and conduct the mine cleanup pursuant to an EPA design. EPA will also conduct the mine related laboratory sampling.*

EPA has not reached agreement with W.R. Grace to pay for and conduct the mine cleanup pursuant to an EPA design. EPA's agreement with W.R. Grace is that they will conduct a Remedial Investigation/Feasibility Study for OU3. W.R. Grace has not agreed to pay for and conduct the mine cleanup. EPA has not decided what the remedy will be.

### **CAG Meeting Venue**

Gerald Mueller asked if CAG members are satisfied with the venue for its meetings, or if they would like to move to the School District Little Theater, the location of the January 10, 2008 Community meeting. The CAG did not support changing the venue, so meetings will continue to be held in the Ponderosa Room of Libby City Hall.

### **Follow-up to the January 10, 2008 Community Meeting**

Gerald Mueller asked for comments and/or possible actions resulting from the January Community Meeting. The following summarizes the CAG and audience member questions and comments and Paul Peronard's answers and responses to them.

*Question - Could the CAG review the written comments from the public and meeting participants?*

*Answer - Yes, EPA will provide them.*

*Comment - Paul Peronard said at the public meeting that when EPA first came to Libby in 1999, it looked at the wrong source for the creek bank riprap and missed the creek bank contamination. Public complaints about use of the contaminated material from the quarry in question were made on two occasions, one in 1996 and one at the DEQ hearing on release of the mine reclamation bonds.*

*Response - I have not seen the 1996 complaint or the record on the DEQ hearing on the reclamation bonds.*

*Comment - The transcript of the comments at DEQ hearing on December 1, 2000 included the following:*

*And after the 1996 floods they started hauling riprap from the top of the mountain. I talked to the man that drilled up there. He drilled and he blasted. And I talked to the loader operator and I talked to the truck drivers. No one in 1996 told these men that there was danger because of the dust that was up there. But they were told the mill the mine (sic) had shut down. The same danger lurked up there that lurked up there 20 years ago. These men were not told. They brought the riprap back into town. This alarmed me. I filed a complaint.*

*Audience Member Comment - At the meeting, Mr. Peronard stated that Burlington Railroad did its own cleanup with EPA oversight. The cleanup did not include the track ballast. I am retired from the railroad. Cars traveling on the track carrying vermiculite were not secured and spilled contamination on the track ballast. Section crews dig into the ballast to repair track ties.*

*Answer - I thought that in the rail yard, BN removed the track and cleaned the ballast. We need to investigate along the tracks outside of the rail yard in the down town area. I will review the report on the rail yard cleanup about the ballast. I will report back to the CAG on this and the plans for the cleanup by BN this summer.*

*Audience Member Question - Was anything changed as a result of comments at the January meeting?*

Answer - The biggest concern we heard at the meeting concerned cleaning the golf course this year. I have shared this concern with higher ups in my chain of command and will move on the golf course should funding become available. We will move forward with the property cleanups and with addressing Flower Creek.

*Audience Member Question - If you clean the golf course, how many properties will not be cleaned?*

Answer - Cleanup of the golf course will require removal of 13,000 to 15,000 cubic yards of material, the amount that would be removed in 30 to 40 property cleanups. However, this year, we also plan to clean two hotels. Each hotel cleanup would cost the same as 3 average residential cleanups, so this is not the right metric to compare golf course and residential cleanups.

*Audience Member Question - Why clean the golf course?*

Answer - The tee boxes and the greens had a layer of vermiculite installed for drainage.

*Audience Member Question - Why spend the money for a cleanup that would benefit only a small number of people? How many people use the golf course?*

Answer - Some 15,000 rounds of golf are played each year on the course. However, my primary concern is the dozen or so people who work there.

*Audience Member Question - Why not cap the contamination instead of digging it up at the golf course?*

Answer - Maintaining the cap would be a problem, but we will discuss this option with the owners of the property.

*Audience Member Comment - You do not dig up all of the contaminated material at properties in town. I install water lines and septic systems. I encounter vermiculite when I do so.*

Response - We know that we are leaving behind subsurface contamination. While this subsurface contamination is not a day-to-day threat, we will develop a long-term plan to address it. Encounters with subsurface vermiculite are one of the reasons for the Environmental Resource Specialist (ERS). When you encounter vermiculite, please call Mike Cirian at the EPA Information Office. We are also providing training for contractors who encounter this material.

*Audience Member Question - When was the contamination found at the golf course?*

Answer - It was found in the 2003 contaminate screening survey and confirmed in 2004.

*CAG Member Comment - This is the same conversation we had in July 2001 about the export and screening plants. Material was removed at these sites and replaced with clean dirt.*

*However, we continue to find contamination at these sites. Wouldn't it be cheaper to cap the golf course contamination and apply institutional controls? If you are concerned about workers, why aren't they wearing the protective suits that maintenance workers along Highway 37 wear? I see different responses for different properties depending on cost and political connections.*

Response - We have a different cleanup design for every property depending on the desires of the property owners.

*CAG Member Comment - The export plant is owned by the city. I am not happy with the cleanup there. EPA promised to replace 24,000 square feet of buildings, but has not done so.*

Response - The city, which owns the property, controlled what happened there. EPA did replace the water line through the property.

*CAG Member Comment - I have a copy of a letter in which the city asked for replacement of five buildings and a water line, but settled for four buildings.*

*CAG Member Comment - The golf course is a community asset with important economic development implications. It is appropriate to look at cleanup there as has happened at other public facilities.*

Response - The golf course is open to the public; however, it is owned by a private club.

*CAG Member Question - Will the golf course receive any compensation as a part of the cleanup?*

Answer - We do not yet have a signed agreement, so I do not know. We have discussed excavating the contaminated areas. We restore properties based on the value of their current use. Sometimes, EPA pays a cash settlement in lieu of cleanup actions. The cash payment is set at the cost of cleanup.

*CAG Member Comment - I am concerned that Mr. Peronard took over the community meeting. The meeting was not consistent with how we had discussed conducting the meeting. The CAG should condemn the way the meeting was conducted.*

*CAG Member Comment - I disagree. Mr. Peronard was transparent about how he set the priorities. He has not taken over the CAG.*

*CAG Member Comment - The January meeting was not a CAG meeting. The CAG merely hosted or convened it. We originally discussed the meeting three months earlier. Plans for the meeting changed.*

*CAG Member Comment - If I were EPA, I would just have condemned the Parker property which would have saved cleanup costs.*

*CAG Member Comment - I agree. The cleanup put the Parkers out of business. But it is not easy in America to take people's property.*

*CAG Member Comment - EPA went way out of its way to satisfy the Parkers. It paid them a large sum of money for the loss of its business.*

*Audience Member Question - Didn't Parkers turn their property into an RV park? What was cleaned?*

Response - The ground was leveled and re-landscaped. We dug a new basement at a new location for their house. We paid them \$1.45 million for the commercial value of their trees. What the Parkers do with the property is their business.

## **Report on the Epidemiological Studies**

EPA's Dr. Aubrey Miller reported on the ongoing epidemiological studies. The ongoing baseline risk assessment includes studies on human health known as epidemiological studies. The studies are designed to provide information about the health effects of asbestos exposures from living and working in Libby. The studies are planned to be completed by December 2009. Detailed information about the studies is available at the EPA Information Center.

Dr. Miller began by summarizing past studies. In the late 1970s, an assessment of worker's health was conducted in Marysville, Ohio at the Owens Scott plant, which processed vermiculite from the Libby mine. Follow-up studies were conducted by the National Institute for Occupational Safety and Health on worker exposures and health effects. In 2000-2001, the Agency for Toxic Substances and Disease Registry (ATSDR) conducted in Libby the largest screening conducted in the United States. It included a questionnaire, chest x-rays, and a pulmonary function test. The screening indicated that 20% of the people in Libby had asbestos-related lung abnormalities. The situation in Libby was confounded because the exposure sources were not confined to the work place. The past focus was on asbestos exposure causing cancer, which is not appropriate for Libby because disease here is not limited to cancer. EPA therefore had to restart research into asbestos disease.

EPA is designing and implementing a comprehensive data management system at the Center for Asbestos Related Disease (CARD) because it will provide the foundation for research on the health effect research. New York University researchers are studying bio-markers for asbestos related disease. Studies are also focused on children seeking to understand if their exposures put them at greater risk.

*CAG Member Question - How are you getting samples of Libby amphibole to other researchers?*

Answer - The United States Geological Survey (USGS) took material from the mine here and is preparing the samples for research.

*CAG Member Comment - You mentioned a December 2009 time line for completing the studies. We told EPA eight years ago, that we wanted you to get the cleanup done and be gone.*

*Audience Member Question - Are the studies well funded?*

Answer - We have identified the projects that need to get done and have been promised the money necessary to do so.

*Audience Member Question - Who made the promises?*

Answer - EPA management made them. We also have an interagency agreement with ATSDR.

*Comment by Bill Murray, Director of Superfund Remedial Program for EPA Region 8 - Region 8 and Headquarters spent about \$10 million dollars on all the scientific investigations for the Libby Asbestos Superfund Site last year, and we expect to spend about the same on investigations this year.*

*Audience Member Question - Are the studies looking for a cure?*

Response - While I would like to have a cure, EPA does not have health care responsibility. The

studies we are conducting can provide a basis for other federal agencies, such as the Department of Health and Human Services (HHS), the National Institute of Health, and the National Cancer Institute, as well as universities and the private medical community to develop treatment and cure for asbestos-related disease.

Response by Dr. Brad Black - CARD's objective is to resolve the ongoing exposure and provide therapies for asbestos related diseases. The first step is to build the data base which can support needed research. We have a board of the best outside experts to identify research which can and should be done here. This board includes Dr. Stephen Levin, Medical Director of the Mount Sinai Irving J. Selikoff Center for Occupational and Environmental Medicine and researchers from the University of Cincinnati and Vermont.

## **EPA Report**

Paul Peronard reported on behalf of EPA. We have completed round two of the activity based sampling and will soon start round three. Cleanups will resume on April 10, 2008.

*Audience Member Question - On a scale from 0 to 100, how far along is the risk assessment?*

Answer by Paul Peronard and Dr. Miller - The risk assessment includes several pieces, including the exposure assessment and the toxicological and epidemiological studies. The status of the exposure assessment varies by operable units. The export plant assessment is 75% completed. The Stimson reservation is next. The assessment of Libby residential properties, Operable Unit 4, is about 50% completed and should be finished by the end of 2009. The toxicological studies include animal studies which are behind schedule because of the need to develop the capability to deliver controlled doses of asbestos and to set up laboratories. A meeting on these studies is scheduled for February 28, 2008 in Denver. We will have a better report on the toxicological studies next month. We are optimistic that the epidemiologic studies are on schedule. The University of Cincinnati is conducting the reference concentrations. A Washington group is carrying out the cancer study.

*Audience Member Question - What kind of animals are being used in the animal studies?*

Answer by Dr. Miller - We had a lengthy discussion of which animals to use and decided on Fisher rats.

*Audience Member Question - Are the doses being delivered to animals through the air in the same manner that people receive them?*

Answer by Dr. Miller - In some studies, the asbestos is being injected into the plural space in the lung.

*Audience Member Question - How can you evaluate the risk when humans inhale the asbestos?*

Answer by Dr. Miller - We do not use humans as guinea pigs. We relate animal studies to humans using dosimetry models, which are being validated through peer review by scientists outside of EPA. Dr. Wendy O'Brien is the EPA expert in this area.

*Audience Member Question - You mentioned the need to set up labs. Are you using EPA or contractor facilities?*

Answer by Dr. Miller - We are using EPA facilities at Research Triangle Park in North Carolina and the Hamner Institute of Health Sciences, also in Research Triangle Park, for animal

inhalation studies.

*Audience Member Comment - Monkeys are used for studies into radiation poisoning at Hanford Washington.*

Response by Dr. Miller - Primate research is both expensive and poses difficult ethical issues. We are not using any primates in asbestos related research.

*Audience Member Comment - We used to talk about a 100 to 1 differential toxicity of Libby amphibole compared to chrysotile asbestos.*

Response by Dr. Miller - We want to answer the differential toxicity question. The medical literature indicates that amphibole causes higher rates of mesothelioma. The comparison is difficult because of the low incidences of this disease and the 40 to 50 year latency period during which people leave the study area. Different models have predicted a 10 to 500 time differential toxicity for amphibole asbestos. However, Libby has experienced a very high rate of plural disease. We need to know whether this higher rate is due to higher rates of exposure or higher toxicity. My guess is that both factors are important.

*Audience Member Comment - When we first started, we had trouble convincing people that Libby amphibole is more deadly.*

Response by Dr. Miller - This issue is on the table. It is important to prove the difference. We are developing a new model incorporating the type, size and shape of the asbestos fiber.

*Audience Member Question - We need someone in EPA to spearhead resolution of this issue. I understand that Dr. Miller is leaving EPA. Will someone else lead this effort?*

Answer by Dr. Miller - I am going back to HHS to work on counter terrorism issues. There is now a cadre of people across the country and in Libby who work on these issues. Things have moved beyond me. There is a bill before the US House of Representatives that would ban asbestos fibers that cause disease. If this bill passes, America would be joining other countries that have banned asbestos.

*Audience Member Comment - We applaud your efforts on behalf of Libby. Maybe you will be just the person we need at HHS.*

Response - I am not leaving immediately and will return to Libby for one more CAG meeting.

*Audience Member Question - Why are asbestos issues being addressed now rather than in the 1940s and 1950s?*

Answer by Dr. Miller - Physicians were traditionally trained based on medical literature addressing studies of workers that began in the 1900s. By the 1950s, crude studies had been done relating worker exposure to disease. By the 1970s, regulatory agencies including the Occupational Safety and Health Administration and EPA were created. Initial asbestos standards were based on worker safety and financial impacts on industry; environmental hazards were not understood. Libby forced the agencies to look at environmental contamination. We understood that the old guidance about worker disease models was not sufficient. For Libby, we have developed sampling and measurement techniques and information about health effects, including cancer and non-cancer diseases.

## **State Report**

There was no state report.

## **TAG Report**

Mike Noble reported on behalf of the Technical Advisory Committee (TAG). Tuesday night the TAG heard a report from Dr. Miller.

## **CARD Report**

Mike Giesey reported on behalf of the CARD Clinic. Gene Reckin, who visited Minamata Japan to learn about the mercury poisoning there, opened his research class to a presentation by Dr. Stephen Levin. Dr. Levin talked about studies following up on the contamination caused by the collapse of the World Trade Center. There is a great group of committed students who are interested in carrying through with work regarding this community.

## **St. John's Lutheran Hospital Report**

There was no Hospital report.

## **ARDNet**

There was no Asbestos Related Disease Network report.

## **Public Comment**

*CAG Member Question - Has there been a response to the CAG's letter to EPA Secretary Johnson?*

Answer by Ted Linnert - A response is on its way. Mr. Mueller should receive a letter in a week to ten days.

*Audience Member Comment - We heard today that the funding provided by the 2007 Special Legislative session is in the mail.*

## **Next Meeting**

The next regular CAG meeting is scheduled for 7:00 to 9:00 p.m. on March 13, 2008 in the Ponderosa Room of Libby City Hall.

**Appendix 1**  
**CAG Member & Guest Attendance List**  
**February 14, 2008**

**Members**

Bill Patten  
Mike Gieseey  
Dr. Brad Black  
DC Orr  
Trent Oelberg  
Catherine LeCours  
Ted Linnert  
Paul Peronard  
Mike Cirian  
LeRoy Thom  
Eileen Carney

**Group/Organization Represented**

St. John's Lutheran Hospital  
CARD  
Lincoln County Health Officer  
Libby Community  
Libby Main Street  
Montana Department of Environmental Quality  
EPA  
EPA  
EPA  
Technical Advisory Group  
TAG

**Guests**

Bill Murray  
Dr. Aubrey Miller

Director of Superfund Remedial Program, EPA Region 8  
EPA