

**Community Advisory Group (CAG)
for the
Omaha Lead Site**

Minutes for Meeting Held
Wednesday, February 13, 2008, 9:30 a.m.
Omaha Healthy Kids Alliance
115 S. 49th Ave.
Omaha, NE 68132

OLS CAG Members Present:

Sue Casteel - *ATSDR*
Brenda Council - *OLS CAG Facilitator*
Todd Davis - *Nebraska Department of Environmental Quality*
Jim Dowding (Designee for Councilmembers Brown and Gernandt)—*City Council Staff*
Kara Eastman - *Omaha Healthy Kids Alliance*
Bob Feild - *Environmental Protection Agency*
Dr. Adi Pour - *Douglas County Health Department*
Mia Price - *Charles Drew Health Center*
Vicki Quaites-Ferris - *City of Omaha Mayor's Office*
Chris Rodgers - *Douglas County Board of Commissioners*
Vernon Waldren - *University of Nebraska, Lincoln Extension*
Diane Ward - *Creighton Pediatrics*

Others Present:

Diana Acero – *Douglas County Health Department*
Mary Castaneda - *EPA Information Offices*
Lelia Coyne - *Citizen*
Felisa Dillon - *ASW Associates*
Tiffany Frezell - *EPA Information Offices*
Laura Hardesty - *Cadmus Group*
Steve Jackson – *Office of Minority Health*
Debbie Kring - *Environmental Protection Agency*
Stacy Meacham - *MFG, Inc.*
Khari Muhammad - *Douglas County Health Department*
Jennifer Rawley - *MFG, Inc.*
Reggie Robinson - *HUD*
Steve Sanders - *Environmental Protection Agency*
Reid Steinkraus - *Douglas County Health Department*
Ché Thompson - *Omaha Healthy Kids Alliance*
Cheryl Weston - *Lead Safe Omaha Coalition*

1. Discussion on Minutes from the January 9, 2008 Meeting

Ms. Council asked for corrections or additions to the CAG minutes from the January 9, 2008 meeting.

Mr. Waldren read the following corrections from Ms. Barrientos-Patlan, who could not be in attendance at the meeting:

On page ten, “Ms. Barrientos-Patlan stated that she does not sign her name to recommendations based on documents that she has not read” should read: “Ms. Barrientos-Patlan stated that the CAG has not had proper time to neither read this document nor the letter of concurrence by Dr. Pour. This should not be voted on until we have read both because it may contain information for or against removing the PM-10 monitor in South Omaha. There is time to read the letter and electronically vote. Ms. Barrientos-Patlan also stated that she does not sign her name to any recommendations based on documents that she has not read.”

Mr. Waldren added that Ms. Barrientos-Patlan had noted that this paragraph should be moved to before Mr. Rodgers motion.

Mr. Waldren stated that Ms. Barrientos-Patlan also wished to clarify that she requested after the January meeting to change her vote to an abstention rather than a “no.” Although her vote cannot be altered in the January minutes, her clarification is so noted in these minutes. Ms. Barrientos-Patlan also provided comments on the draft letter in an email following the January meeting. These comments will be included in the next CAG package, at Ms. Barrientos-Patlan’s request.

Ms. Casteel stated that on page six, the following should be added to her statements regarding sources of lead: “The OLS is located within the 11 zip code target area identified by the Douglas County Health Department where older homes containing lead-based paint are located. It is difficult to determine how much exposure to lead-contaminated soil and lead-based paint contribute to children’s blood lead levels.”

Ms. Weston, referring to the LSOC Update on page 11, stated that she thought that agency update statements should only come from representatives of those agencies. Ms. Council suggested deleting the statement and replacing it with “no update.”

Mr. Waldren motioned to approve the minutes with the corrections above. Ms. Quaites-Ferris seconded the motion. The motion was unanimously approved (8-0).

2. EPA Update

Contracting

Mr. Feild stated that EPA is continuing to develop a strategy that will involve continuing soil remediation and potentially adding a direct contract for paint stabilization.

Ms. Council stated that the CAG should hear the information that was conveyed at a meeting the previous evening about the number of homes available for soil remediation right now and EPA's challenge with access agreements. Mr. Feild stated that 8,000 to 9,000 yards remain to be sampled. The properties that remain to be sampled are properties where EPA has had difficulty obtaining access. Mr. Feild stated that, at this time, 200 properties are in the queue for soil removal. After that, soil replacements will only occur at newly sampled properties. Mr. Feild stated that, so far, approximately one in eight sampled properties are eligible for soil replacement. Mr. Feild added that EPA does not anticipate any funding or contracting issues.

Ms. Eastman asked if the meeting the previous evening was an EPA-called meeting. Mr. Feild replied that it was a Lead Safe Omaha Coalition (LSOC) meeting, and EPA was invited to answer community questions about the status of the Omaha Lead Site. Ms. Eastman asked if the meeting was held for contractors. Mr. Feild replied that the meeting was held for neighbors. Ms. Eastman asked why the CAG was not informed about the meeting. Ms. Weston replied that the community was advised about the meeting, and that she does not have to inform the CAG. Ms. Weston stated that a meeting notice was posted in her office building, announced on her T.V. program, and posted on the LSOC website. Ms. Weston stated that the meeting was held for individuals who had recently contacted LSOC with questions.

Ms. Council asked when the subcontracted groups hired to obtain access for EPA will begin work. Mr. Feild replied that the subcontractors will attend a one-day training on February 27th and will then begin work.

Community Telecast, Inc. Final Report

Mr. Feild stated that EPA has completed their search for the final Community Telecast, Inc. report. Mr. Feild stated that EPA was unable to locate the report and cannot provide a copy to the CAG. Mr. Rodgers asked if EPA is supposed to have the report on file, since EPA funded the project. Mr. Feild replied that he does not know what records retention rules may apply to the report. Mr. Rodgers asked if EPA has a record that they approved of how the project was performed. Mr. Feild replied that this grant was executed before he was involved with the Omaha Lead Site. Mr. Feild added that the grant was not administered through Superfund, so he does not have any information. Mr. Jackson asked who within EPA signed-off on the final report. Mr. Feild replied that he did not know. Mr. Rodgers stated that he did not understand why a federal agency cannot come up with a report on a project for which the agency gave funding.

Ms. Weston asked why the issue is important. Mr. Rodgers stated that it is a concern that the CAG requested a document and EPA cannot provide it. Ms. Weston asked why the report is necessary. Ms. Eastman stated that OHKA is charged with carrying out Omaha's comprehensive plan and is trying to learn what activities have been performed in the past. Ms. Eastman stated that OHKA needs to be able to provide an overview to potential funders. Ms. Weston asked how many reports from the Douglas County Health Department or UNL Extension are available. Ms. Weston asked why it is important to have this information from a small organization. Ms. Eastman replied that she has

reports from the UNL Extension and the Douglas County Health Department regarding their grant funding. Ms. Weston asked why one little report was important. Ms. Council stated that the request initiated from a table EPA provided listing funding spend on education in Omaha. Ms. Council stated that EPA initially reported that a sum of money was spent on lead education that was much higher than CAG members thought had been spent, so the CAG requested a cost breakdown. The breakdown that EPA provided included the Community Telecast, Inc. grant. The CAG was unfamiliar with the grant, so they asked for information.

Ms. Thompson stated that the Community Telecast, Inc. work plan included hiring lead sampling technicians. Ms. Thompson asked if people have been training in the community as lead sampling technicians. Ms. Thompson stated that she would like to know if this resource is available in the community for future activities and grant proposals. Ms. Weston replied that many of the trained lead sampling technicians are current EPA subcontractors.

Mr. Rodgers asked if it is EPA's policy to not keep the final report on file. Mr. Feild replied that he would ask EPA management and report back to the CAG. Mr. Jackson stated that the work plan lists two contact people for the grant and suggested that Mr. Feild or Ms. Weston contact those individuals to retrieve the report. Ms. Weston stated that she would not retrieve the report. Mr. Jackson asked EPA to contact the individuals listed in the work plan to request the final report.

Recontamination Study

Mr. Feild reported that the recontamination is still being developed.

Omaha Zoo

Mr. Feild stated that he still has not heard back from the zoo. Mr. Feild stated that he would provide contact information to Ms. Quaites-Ferris, so she could follow-up on the matter.

Phosphate Study

Mr. Feild reported that the phosphate study is in the bench-scale phase and that data is being assembled and reviewed. Mr. Feild stated that EPA will decide whether or not to move forward with a full-scale study, based on the results from the bench-scale study. Dr. Pour asked if local soil was used for the bench-scale study. Mr. Feild replied that local soil was used from a broad spectrum of Omaha properties.

Multi-Use Access Agreements

Mr. Feild stated that EPA has modified their access agreements to allow for the sampling of soil and assessment of lead-based paint on one agreement.

Remedial Investigation Sampling Plan

Ms. Council stated that EPA's *Remedial Investigation Field Sampling Plan* was included in the CAG packet for this meeting. Ms. Council suggested handling comments in the same manner as with past document; have MFG, Inc. compile and draft comments for the

CAG to review and vote on sending to EPA. Ms. Council suggested that CAG members review the document and provide any comments to Ms. Rawley.

Dr. Pour asked if EPA has already completed the Remedial Investigation sampling. Mr. Feild stated that an initial sampling effort was completed. Mr. Feild replied that EPA was unable to sample all the properties called for in the plan, so he does not know if sampling is complete.

Dr. Pour asked what the benefit of commenting would be if sampling is already done. Mr. Feild replied that he was asked to provide the plan, so he did.

Dr. Pour asked if the Nebraska Department of Environmental Quality (NDEQ) or Nebraska Health and Human Services (NHHS) reviewed and commented on the sampling plan. Mr. Feild replied that NDEQ and NHHS did not review the sampling plan. Mr. Feild stated that EPA typically implements sampling without community or agency input.

Dr. Pour stated that it would be good for the CAG to review the document for the record.

Mr. Steinkraus asked how many properties EPA sampled for the Remedial Investigation. Mr. Feild replied that EPA was targeting 120 homes, but sampled 80-90 homes.

Dr. Pour asked if the 80-90 properties resulted in enough data to redo the Risk Assessment. Mr. Feild replied that EPA believes they have enough data for a Risk Assessment.

Ms. Thompson asked if EPA would be utilizing data collected for the 2004 Risk Assessment in the final Risk Assessment. Mr. Feild stated that he did not know how the 2004 data would be incorporated in the final Risk Assessment.

Ms. Eastman stated that Mayor Fahey requested EPA to include paint samples in the final Risk Assessment. Ms. Eastman asked if this request was being considered. Mr. Feild replied that EPA's final Risk Assessment will include consideration of lead-based paint.

3. OHKA Update

Ms. Eastman provided an update on OHKA activities. Ms. Eastman stated that a toy testing event would be held on Friday at Blackburn High School. Ms. Eastman stated that Blackburn High School students have been assisting in creating flyers for the event. Ms. Eastman reported that Ms. Thompson is working with the school to create a school-wide effort dealing with lead poisoning prevention, including a student art project, play, and other activities.

Ms. Eastman reported that Nebraska Senator Preister has proposed legislation to ban lead in toys in the State. Ms. Eastman stated that she and Mr. Steinkraus testified on the matter. Ms. Eastman will keep the CAG updated on this matter.

Ms. Eastman stated that the game board, originally created for a display at the Omaha Children's Museum, has been translated into Spanish. Ms. Eastman asked for ideas for locations in South Omaha to display the game board.

Ms. Eastman reported that OHKA is embarking upon a strategic planning process and will hold a community meeting for input on April 24th. Ms. Eastman stated that Mr. Rick Reibstein will facilitate the session.

Ms. Eastman stated that OHKA will host a booth at the Restore Omaha conference on March 1st.

Housing Committee

Ms. Thompson provided an update on the Housing Committee.

Ms. Thompson stated that the committee heard a request from the Alliance for Healthy Homes for a letter of support for proposed changes to the International Property Maintenance Code and decided to pass this request along to both the CAG and the OHKA Board of Directors. Ms. Thompson read the proposed changes, for which a letter of support is requested, as follows:

- 1) Re-define already required extermination by deleting poison spraying and fumigating and allowing the "use of registered pesticides consistent with label instructions in a manner that effectively controls the pest with the lowest exposure to occupant;" and eliminate pests' access to sources of water (as well as food as currently required).
- 2) Require repair of peeling paint on exterior surfaces of pre-1978 housing, using approved lead-safe work practices but not dangerous methods of paint removal.
- 3) Require correction of moisture that causes deteriorated paint or other defective conditions; require repair of peeling paint on interior surfaces of pre-1978 defective conditions; require repair of peeling paint on interior surfaces of pre-1978 housing, using approved lead-safe work practices but not dangerous methods of paint removal.
- 4) Require a carbon monoxide alarm in structures that have an attached garage or a fuel-burning furnace, water heater, or other combustion appliance.
- 5) Add lead-based paint hazards and excessive carbon monoxide to unsafe conditions that must be repaired.
- 6) Clarify that an occupant of a dwelling in a multi-unit property is not solely responsible for addressing pest infestations.
- 7) Require that clothes dryer exhaust be vented to the exterior of the structure (except condensing dryers).

- 8) Require smooth, hard, nonabsorbent surfaces for bathroom floors in multiple dwelling units.
- 9) Set maximum hot water temperature for bathtubs and showers to 120 degrees Fahrenheit.
- 10) Add a new "Health and Sanitation" section to the code.

Mr. Steinkraus stated that he supports the recommended changes. Mr. Steinkraus stated that the changes would assist the City in making referrals to the Douglas County Health Department, if a lead-based paint nuisance ordinance is passed.

Ms. Eastman motioned for the CAG to sign on to the letter of support. Ms. Quaites-Ferris seconded the motion.

Ms. Kring stated that if the recommendations were passed, it would increase work load for the City. Ms. Kring stated that it would be a major undertaking. Ms. Council stated that Ms. Kring was assuming the City would adopt the International Property Maintenance Code in its entirety, which is unlikely. Ms. Quaites-Ferris stated that Ms. Kring's comment was noted, but that Ms. Todd explained during the Housing Committee meeting that the City uses its own code.

The motion was unanimously approved (8-0).

Ms. Thompson reported that applications for three Construction Specialist positions to work with the Exterior Paint Stabilization program closed with 31 applicants. The next steps in filling these positions will be a field test and interviews and the Planning Department will carry out these steps as quickly as possible. There are currently 14 painting contractors on the approved bidders list for this work. Ms. Thompson stated that Mr. Feild reported to the committee that EPA is considering direct contracts for paint stabilization as well to increase the efforts to catch up the paint stabilization with the soil remediation activity.

Ms. Thompson reported that the Planning Department is ready to conduct applicant interviews for the City Planner position to work with lead outreach and establishing a lead-safe housing registry.

Ms. Thompson reported that Ms. Council and others who visited Grand Rapids, MI reported on the role of a community housing development organization in lead hazard control work in Grand Rapids and on discussions that have been initiated with an Omaha organization as a possible new partner in lead hazard control work in Omaha.

Ms. Thompson stated that she reported to the committee on the strengths and improvements of OHKA's LEAP grant application following a debriefing with HUD Office of Healthy Homes and Lead Hazard Control officials. OHKA will submit an improved application in the next round.

Education Committee

Mr. Waldren provided an update on Education Committee activities. Mr. Waldren reported that Legal Aid of Nebraska attended the recent committee meeting to talk about a grant they received to assist in informing the community of legal issues pertaining to lead. Mr. Waldren stated that a lot of activities are underway including partnerships with the UNO Service-Learning Academy and others. Mr. Waldren stated that more information is available in the committee's minutes.

Ms. Eastman stated that OHKA is working on a children's book.

Mr. Waldren stated that Mr. Rick Reibstein will be training realtors again in April.

Mr. Waldren stated that the Awareness and Education Work Group is working on an Early Childhood newsletter article, and Omaha Public Schools insert, flyers for Section 8 landlords, and a magnet. Ms. Casteel added that the committee is also working on creating a school toolkit.

Mr. Waldren stated that the Douglas County Health Department community health workers are continuing their outreach and the UNL Extension provided landscaping education to 250-300 people at the Lawn and Garden Patio Show.

Ms. Weston asked how Spanish translation will address dialects. Ms. Eastman replied that all translated materials are internally reviewed to ensure proper translation. Ms. Casteel added she has the Douglas County Health Department community health workers

4. Douglas County Health Department Update

No update.

5. City Update

No update.

6. NDEQ Update

Mr. Davis provided an update for NDEQ. Mr. Davis stated that NDEQ is preparing to assist with the final Record of Decision and is researching institutional controls.

Ms. Eastman asked if NDEQ is researching institutional controls at other Superfund sites or in general. Mr. Davis replied that NDEQ is open to all ideas and is looking into logistical obstacles that may be involved, such as with housing registries. Ms. Eastman stated that she has contacts with cities across the country and can assist NDEQ with researching institutional controls.

7. LSOC Update

Ms. Weston provided an update on LSOC activities. Ms. Weston stated that LSOC held a well-attended public meeting. Ms. Weston reported that Mr. Feild provided information about EPA's future plans, and Ms. Marian Todd spoke about the paint stabilization program and answered questions.

Ms. Eastman reminded Ms. Weston that at a prior CAG meeting Ms. Weston stated that she would provide Head Start numbers at the end of 2007. Ms. Eastman asked if Ms. Weston could provide a report on LSOC's work with Head Start. Ms. Weston replied that she chooses not to report that information and will let the CAG know when she decides to provide the information.

Ms. Quaites-Ferris asked if it is possible to receive notices of community meetings. Ms. Quaites-Ferris stated that she knows individuals who would be interested in attending future meetings. Ms. Weston replied that she would add Ms. Quaites-Ferris to her contact list.

8. HUD Update

No update.

10. Other

Ms. Coyne asked if outreach to the medical community includes encouraging dentists to recommend blood lead tests for children with excessive dental caries. Mr. Steinkraus stated that such outreach is not performed to his knowledge.

Ms. Thompson asked Mr. Steinkraus to report on the meeting he attended in Kansas City. Mr. Steinkraus stated that he attended a presentation by the Centers for Disease Control and Prevention (CDC) lead branch chief. Mr. Steinkraus reported that in order to maintain its CDC funding, Omaha will have to have institutional controls, such as lead hazards ordinances, in place within a year. Ms. Weston asked for a copy of the presentation. Mr. Steinkraus stated that he would provide a PDF of the presentation to the CAG.

Handouts Provided for the Meeting (February 13, 2008):

Draft CAG Meeting Minutes from 01/09/08

Final CAG Meeting Minutes from 12/12/07

Letter Re: EPA's Advance Notice of Proposed Rulemaking of the National Ambient Air Quality Standards for Lead

Letter Re: December 6, 2007 Editorial in the Omaha World-Herald

Letter from EPA to Mayor Fahey Dated January 14, 2008

Fahey Presses for Lead Funds

Bill Seeks to Get Lead Out of Toys

Greater Omaha Chamber of Commerce Resolution Dated September 21, 2007

City of Omaha Lead Hazard Control Grantee Quarterly Report

EPA Final Remedial Investigation Sampling Plan

EPA Final Remedial Investigation Quality Assurance Project Plan

Community Telecast Inc. and Lead Safe Omaha Coalition Narrative, Workplan, and Budget

Douglas County Health Department Housing Units vs. EBLs

OHKA February Newsletter

EPA CARE Grant Announcement

Jury Awards \$6M in Lead Paint Case

"Thomas" Toymaker Settles Suit over Lead for \$30M

Doll Maker Fights Illinois Recall over Lead

Raja Foods Issues Nationwide Recall

CPSC Recalls