

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

Minutes for Meeting Held
Wednesday, June 8, 2005, 9:30 a.m.
Salem Baptist Church
3131 Lake Street

OLS CAG Members Present:

Janet Bohm—*Citizen at Large*
Dr. Richard Brown—*Charles Drew Health Center*
Sue Casteel—*ATSDR*
Brenda Council—*Facilitator*
Todd Davis—*Nebraska Department of Environmental Quality*
Connie Determan—*MFG, Inc.*
Barba Edwards—*League of Women Voters*
Bob Feild—*Environmental Protection Agency*
Joe Gudenrath—*City of Omaha Mayor's Office*
Clifton Jones—*U.S. Department of Housing and Urban Development*
Jeff McDermott—*Union Pacific Railroad*
Dr. Adi Pour—*Douglas County Health Department*
Marian Todd—*City of Omaha Planning Department*
Vernon Waldren—*Douglas/Sarpy County Extension Office*
Cammy Watkins—*Sierra Club*
Warren Weaver (proxy for Councilmen Gernandt and Brown)—*City of Omaha*
Cheryl Weston—*Lead Safe Omaha Coalition*
Edna Brooks Pittman (Designee for Tommie Wilson)—*NAACP*

Others Present:

Silas Clarke—*City of Omaha*
Lelia Coyne—*Citizen*
Todd Crawford—*Senator Hagel's Office*
Felisa Dillon—*ASW*
Todd Falter—*Nebraska Health and Human Services System*
Sonny Foster—*Senator Ben Nelson's Office*
Nancy Gaarder—*Omaha World-Herald*
Steve Kemp—*Nebraska Department of Environmental Quality*
Debbie Kring—*Environmental Protection Agency*
Stacy Meacham—*MFG, Inc.*
Irene Perez—*OneWorld Community Health Centers*
Patrice Pittman—*Urban League of Nebraska*
Jennifer Rawley—*MFG, Inc.*
Katy Spellerberg—*MFG, Inc.*
Steve Sanders—*Environmental Protection Agency*

1. Discussion of Minutes from the May 11, 2005 Meeting

Ms. Council asked for any corrections or additions to the minutes from the May 11, 2005 CAG meeting. Ms. Weston motioned to approve the minutes as drafted. Mr. Weaver seconded the motion. The motion was unanimously approved (10-0).

2. EPA Update

Mr. Feild provided an update on EPA activities. Mr. Feild reported on the percentage of local hires under EPA's contractor, Environmental Restoration. Mr. Feild stated that 23 of the 28 workers live in Omaha (82%) and nine workers live in the Omaha Lead Site focus area (25%).

Mr. Feild provided an update on EPA soil sampling and yard replacement activities. Ms. Council asked if a backlog of samples still exists. Mr. Feild stated that a backlog still exists and that EPA plans to sample at 11,000 additional properties, 7,000 of which are within the focus area and 4,000 of which are outside the focus area. Mr. Feild noted that access has been denied at approximately 1,500 properties.

Mr. Feild reported on soil sampling at public parks. Mr. Feild stated that EPA obtained a list of public parks from the City Works Department. Mr. Feild stated that 84 public parks are located in Omaha, 46 of which are within the Omaha Lead Site focus area. Mr. Feild stated that ten parks have been sampled. Mr. Feild provided a map identifying the locations of the parks and indicating the sampling status of the parks. Mr. Feild asked for the CAG's assistance in identifying additional parks to sample.

Mr. Feild reported that discussions with Potentially Responsible Parties (PRPs) are ongoing. Mr. Feild stated that EPA has committed 15 million dollars to continue excavations this construction season, address exterior lead-based paint, and clean qualifying interiors. Mr. Feild stated that EPA would return to homes that have already been excavated to determine if exterior paint stabilization and interior cleaning is necessary. Mr. Feild estimated that more than 1,000 properties would be excavated this year.

Ms. Council asked if Environmental Restoration would be performing the work this construction season (an estimated 750 properties). Mr. Feild stated that new contracts would be awarded. Mr. Feild stated that Environmental Restoration has been performing work under EPA's emergency response authority. Mr. Feild stated that EPA is moving into the remedial action phase. Mr. Feild stated that the 15 million dollars would be spent on the remedial action. Mr. Feild stated that EPA is considering continuing the U.S. Army Corps of Engineers contracts to perform a portion of the work.

Ms. Council stated that the U.S. Army Corps of Engineers has 279 properties to complete this summer. Mr. Feild stated that ECC and HGL must complete 120 yard replacements by June 30th, and ECC must complete an additional 43 yard replacements by the end of August.

Ms. Weston asked if the properties that EPA returns to for exterior paint stabilization will be sampled to determine if the yard has been recontaminated. Mr. Feild stated that EPA is developing a strategy, and would most likely sample the yard. Ms. Weston asked if the yard would be re-excavated if recontaminated. Mr. Feild stated that EPA might take other actions, to avoid re-excavating. Ms. Weston asked if Environmental Restoration would be performing the work. Mr. Feild stated that EPA would probably not use Environmental Restoration because they are working under the emergency removal action.

Ms. Weston asked how the EPA could justify using the U.S. Army Corps of Engineers contractors, when it looks like they cannot meet their current deadline. Mr. Feild stated that customer satisfaction is a more important factor and added that he believes that the U.S. Army Corps of Engineers will complete the work this season. Ms. Weston stated that the U.S. Army Corps of Engineers is not the least expensive contractor. Mr. Feild stated that EPA plans to utilize the U.S. Army Corps of Engineers, so that work may continue in August, while EPA establishes new contracts.

Ms. Brooks Pittman asked if there are set penalties if the contractors do not meet deadlines. Mr. Feild stated that there are not direct penalties; however, there are incentives, which would be reduced if deadlines were not met. Mr. Feild explained that EPA satisfaction is part of the incentive criteria, so if deadlines are not met, this would be considered in EPA's satisfaction criteria. Ms. Brooks Pittman asked if the new contracts would have penalties for missed deadlines. Mr. Feild stated that future EPA contracts would most likely have the same incentive criteria as the current contracts. Ms. Weston reiterated that direct penalties do not exist.

Dr. Pour asked what would happen if an agreement with the PRPs is not reached by the end of the year. Mr. Feild stated that EPA is committed to completing the work regardless of the status of negotiations. Dr. Pour asked if EPA expects negotiations to be completed by the end of the year. Mr. Feild stated that he did not know and that negotiations could be ongoing.

Mr. Feild stated that EPA would sign an agreement with the State for a ten percent cost share before the new contracts are put in place. Mr. Kemp stated that the State received a grant from the Environmental Trust to pay for the cost share. Mr. Davis explained that the Environmental Trust is funded through proceeds from Powerball lottery ticket sales. Mr. Davis stated that NDEQ requested a grant from this trust in amount of \$1.2 million.

Mr. Feild explained that the State only needs to match ten percent of funding provided by EPA, not funding provided by the PRPs. Mr. Feild noted that, although EPA is planning to spend \$15 million, only \$12 million is from the EPA remedial action allocation and the other \$3 million is from an ASARCO trust fund.

Dr. Pour asked if the CAG should ask that the State's money be spent on specific activities. Mr. Davis stated that the State is negotiating to control how the cost share is

spent. Mr. Feild stated that EPA prefers that the State take an active role in implementing the remedy. Dr. Pour requested that, at the next CAG meeting, a NDEQ representative explain how the CAG could be involved in directing the cost share.

Mr. Waldren asked which funds count towards the cost share. Mr. Feild stated direct, out-of-pocket State expenses count toward the cost share. Mr. Davis stated that examples of qualifying funds would include funds from the state general fund, funds spent by state agencies, and funds from property taxes, but money from private foundations would be excluded. Mr. Davis stated that money spent by the State would not count until the agreement with EPA is in place.

Ms. Weston, referring to the 750 properties planned for excavation in 2005, stated that she is concerned that a false sense of hope is being projected to the community. Ms. Council asked if funds remaining from the 15 million dollars could be carried over to the next fiscal year, if unused. Mr. Foster stated that obligated funds are usually not lost. Mr. Feild stated that the funding has to be obligated by the end of the fiscal year. Ms. Council asked if the contracts have to include activities totaling 15 million dollars. Mr. Feild stated that to obligate the funding, a procurement request transfers the money to be used for the contract. Mr. Feild stated that EPA hopes to obligate the money in July.

Ms. Bohm asked if EPA is removing yards under 1,200 parts per million (ppm) or still working on those above 1,200 ppm. Mr. Feild stated that EPA has implemented a new priority system and is prioritizing homes as follows:

1. Properties where a child with an elevated blood lead level resides and properties used for childcares/daycares
2. Yards above 1,200 ppm, where a child resides
3. Properties between 800 ppm and 1,200 ppm, where a child resides
4. Properties above 1,200 ppm without children

Ms. Weston asked if the names of the parks could be emailed to the CAG. Mr. Weaver explained that EPA would need the parcel information. Mr. Gudenrath stated that the Parks Department did not hear that EPA needed any additional information and would be willing to help in any way.

3. NDEQ Update

Mr. Davis stated that he did not have any additional updates to share.

4. Douglas County Health Department Update

Dr. Pour stated that the Douglas County Health Department is training its health outreach workers. Dr. Pour stated that the health workers are providing presentations in the community. Dr. Pour stated that there are 14 billboards up in Spanish and English.

Dr. Pour stated that the Douglas County Health Department has a lack of emergency housing to temporarily house families whose homes are undergoing lead-based paint remediation. The lack of emergency housing is preventing remediation at three to six homes a year, where lead-based paint problems exist.

Dr. Pour stated that nationwide, blood lead levels are declining and that Douglas County is not different. She stated that in 1997, 21 percent of children tested within Douglas County had an elevated blood lead level and in 2004, only 2.9 percent of those tested were elevated. Dr. Pour stated that it is unknown what is actually causing the decline and warned against extrapolation. Dr. Pour stated that what we know should be discussed, not extrapolations, which are flawed and cannot be confirmed.

Ms. Coyne introduced herself as a chemist and risk assessor that has worked with Lincoln Public Schools and stated that she is concerned that the highest risk population is not being tested. Ms. Coyne asked if 2.9% is truly representative of children being exposed. Dr. Pour stated that a child's most significant risk factors are the age of home the child is living in and the economic status of the family. Ms. Coyne stated that a high-risk group would be the families who have enough money to remodel their homes, but do not take proper precautions. Dr. Pour stated a perfect system for screening does not exist; but that she is confident that most of Douglas County's testing is within the high-risk area. Dr. Pour also noted that there is a high level of awareness in the community and that many avenues are being utilized to reach as many people at risk as possible.

Ms. Weston asked what information is provided to individuals who call the phone number on the billboards. Dr. Pour stated that information regarding free testing and referrals to health care providers is given. Ms. Weston asked if a report on the community health workers progress would be provided. Dr. Pour stated that the Douglas County Health Department could provide that information, when it is available.

Ms. Bohm commented on the need to let the community know what the factors are behind our declines and whether it is just a matter of more children being tested. She questioned why levels are declining and noted that testing needs to be encouraged for children throughout the entire community.

5. ATSDR Public Health Assessment

With regard to the ATSDR Public Health Assessment figure of 1,600 children with elevated blood lead levels, Ms. Casteel stated that she reviewed the data. Ms. Casteel reported that the estimate of the number of children with elevated blood lead levels was calculated without counting children more than once. Ms. Casteel stated that, at the request of the CAG, ATSDR looked at blood lead data for 2004. Ms. Casteel reported that within the seven zip codes that primarily makeup the Omaha Lead Site, 234 children (5% of children tested) had elevated blood lead levels in 2004.

Ms. Casteel briefly discussed the Centers for Disease Control and Prevention's (CDC) report on national blood lead levels. Ms. Casteel stated that the national percentage of

tested children with elevated blood lead levels is 1.6%. Ms. Casteel stated that the report is based on NHANES data for the general population. Ms. Casteel stated that blood lead data for the general population is typically lower than surveillance data that targets high-risk populations.

Ms. Council asked how to determine whether any of the 234 children were previously tested. Ms. Casteel stated that the children were only listed one time. Dr. Pour stated that there could be some overlap from year to year. Ms. Casteel stated that in the Public Health Assessment, children were only counted once.

Ms. Council stated that ATSDR's estimate of 1,600 children with elevated blood lead levels does take into account that blood lead levels are declining. Ms. Council expressed concern about inaccurate information being distributed to the community. Ms. Council added that instilling fear is not the best way to motivate people to take action. Ms. Casteel stated that the 1,600 children were projected for a certain time period and that this estimate was never reported as current data or how many children might be in the Omaha Lead Site at this time. Ms. Casteel stated that the number was estimated to emphasize that young children need to be screened for lead. Ms. Council stated that encouraging testing should have been done in a more responsible manner.

Ms. Bohm asked if the percentage of children is declining because the number of children tested is increasing. Ms. Casteel stated that there are likely a number of reasons for the decline. Ms. Council stated that looking at raw numbers instead of percentages might provide a more accurate picture.

Ms. Weston stated that the CAG needs to circulate correct information to the community. Ms. Weston stated that the CAG needs to provide relevant information to those who are concerned. Ms. Council stated that the Douglas County Health Department provides blood lead information. Dr. Pour stated that news releases never get printed the way the Health Department provides the data.

Mr. Falter stated that the CDC has completely cut funding for screening, leaving the burden on Medicaid, healthcare providers, and parents.

Ms. Gaarder stated that she stands by her story and headline and is happy to answer any questions about her story. Ms. Council asked why Ms. Gaarder stands by her story. Ms. Casteel stated that she stands by the estimate as presented. Ms. Council stated that Ms. Gaarder did not represent the estimate as the time period for which ATSDR reported. Ms. Gaarder stated that she accurately reported the estimate. Ms. Gaarder stated that as a newspaper, she must take a federal health organization's report seriously. Ms. Gaarder stated that people could disagree with the report, adding that she would be happy to include those opinions in her stories. Ms. Gaarder stated that her article reported that the estimate was based on a period of time. Ms. Council stated that the headline failed to reflect this and implied that the estimate was the current number of children with elevated blood lead levels.

Mr. Foster stated that Ms. Gaarder has her own bias. Mr. Foster stated that ATSDR needs to be concerned about how data will be interpreted by the public before a report is released.

Ms. Council asked if Ms. Todd had any updates on the City's grant application for lead-based paint funding. Ms. Todd stated that the City submitted the application, which incorporated matches and leverage. Ms. Todd stated that Union Pacific's match and the CAG's in-kind match was included. Ms. Todd stated that the legislature and Governor signed for some funding. Ms. Todd stated that the application included strong community wide support. Ms. Todd also stated that the application included assistance for slightly higher income homeowners who may be remodeling themselves.

Mr. Foster reported on the congressional delegation's meeting with EPA's administrator. Mr. Foster stated that the entire delegation was in attendance. Mr. Foster stated that Mayor Fahey expressed his desire for a comprehensive approach. Mr. Foster stated that the EPA agreed to put 15 million dollars into the next cleanup. Mr. Foster stated that although the negotiations with the PRPs were not discussed, the delegation expressed concern about Asarco. Mr. Foster stated that the delegation stated that Asarco is a major contributor to the problem and expressed concern that Asarco may be unable to pay. Mr. Foster stated that the delegation was concerned that if Asarco could not pay, other PRPs might have to make up the difference. Mr. Foster stated that the delegation stated that responsibility should be recognized in proportion to their contribution. Mr. Foster stated that EPA did not make promises, but stated that it is not EPA's intent to make companies pay because they have deep pockets. Mr. Foster stated that Congressman Terry was responsible for the discussion and did a great job of organizing the meeting.

Mr. Feild stated that EPA entered into a nation-wide settlement with Asarco, which set up a 100 million dollar trust fund made available to EPA over eight years. Mr. Feild stated that about 70 sites across the country compete for this money. Mr. Feild stated that EPA could pursue enforcement actions beginning in February of 2006.

Mr. Davis asked if Union Pacific is the only PRP funding the CAG. Ms. Council stated that Union Pacific is the only PRP providing funding for the CAG. Ms. Council stated that other PRPs have been invited to participate, but have been unresponsive.

6. Education Subcommittee Update

Mr. Waldren provided an update on the Education Subcommittee. Mr. Waldren stated that an updated education plan matrix was provided to the CAG. Mr. Waldren stated that he, Ms. Council, and Ms. Spellerberg met with the Omaha Community Foundation to pursue funding opportunities. Mr. Waldren stated that he was encouraged and provided with several possibilities to explore.

7. Comprehensive Plan Subcommittee Update

Ms. Council stated that the Comprehensive Plan Subcommittee is continuing to discuss ordinances related to lead.

Ms. Council stated that the next CAG meeting would be held on Wednesday, July 13, 2005 at 9:30 a.m. The location is to be announced.

Handouts Provided for the Meeting (June 8, 2005):
Draft Minutes from 05/11/05 (Provided by MFG, Inc.)

Approved Minutes from 04/06/05 (Provided by MFG, Inc.)

Comprehensive Plan Subcommittee Notes, May 12, 2005

Education Subcommittee Notes, May 12, 2005

CAG's Support Letter to HUD

Interim Memorandum Report on the Office of Healthy Homes and Lead Hazard Control's Issuance of Its Fiscal Year 2004 Grants, Washington, DC (Provided by MFG)

African Refugee Kids Threatened by Lead (Provided by MFG)

EPA Puts Mandated Lead-Paint Rules on Hold (Provided by MFG)

Operation LEAP (updated) (Provided by MFG)

Public Health Assessment for the Omaha Lead Site (Provided by ATSDR)

Blood Lead Levels --- United States, 1999—2002 (Provided by MFG, Inc.)

EPA Drops Voluntary Program for Lead Poison Prevention (Provided by MFG, Inc.)

Review of ATSDR's, Public Health Assessment, Omaha Lead, Omaha, Douglas County, Nebraska (May 2, 2005) (Provided by MFG, Inc.)

Omaha World-Herald Articles (Provided by MFG, Inc.)

EPA Update, June 8, 2005 (Provided by EPA)

Attachments to Minutes:
Sign-In Sheet (hardcopy to be delivered)