

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

Minutes for Meeting Held
Wednesday, June 9th, 2004, 10:00 a.m.
Salem Baptist Church
3131 Lake Street

OLS CAG Members Present:

Janet Bohm—*Citizen at Large*
Janet Bonet—*Citizen at Large*
Sue Casteel—*Agency for Toxic Substances and Disease Registry*
Tanya Cook—*Governor's Omaha Advisory Council for Lead Safe Neighborhoods*
Brenda Council—*Facilitator*
Todd Davis—*Nebraska Department of Environmental Quality*
Jonah Deppe—*League of Women Voters*
Connie Determan—*MFG, Inc.*
Bob Feild—*Environmental Protection Agency*
Terrie Jackson-Miller—*Greater Omaha Chamber of Commerce*
Robin Kammandel—*Metro Omaha Medical Society*
Jeff McDermott—*Union Pacific Railroad*
Dr. Adi Pour—*Douglas County Health Department*
Dr. Shireen Rajaram—*University of Nebraska, Omaha*
Marian Todd—*City of Omaha Planning Department*
Vernon Waldren—*Douglas/Sarpy County Extension*
Warren Weaver—*City of Omaha*
Cheryl Weston—*Lead Safe Omaha Coalition*
Cammy Watkins (Designee for Melissa Gardner)—*Sierra Club*
Rebecca Valdez—*Chicano Awareness Center*

Others Present:

Todd Crawford—*Senator Chuck Hagel's Office*
Karen Davis—*Congressman Lee Terry's Office*
Todd Falter—*NHHS*
Mike Felix—*Nebraska Department of Environmental Quality*
Sue Fiero—*NHHS Medicaid Department*
Dr. David Filipi—*Metro Omaha Medical Society*
Sonny Foster—*Senator Ben Nelson's Office*
Nancy Gaarder—*Omaha World-Herald*
Mary Hill—*Sisters Together*
Debbie Kring—*Environmental Protection Agency*
Jan Lambert—*Environmental Protection Agency*
Dorothy Lanphier—*Sierra Club*
Stacy Meacham—*MFG, Inc.*
Irene Perez—*Citizen at Large*
Jennifer Rawley—*MFG, Inc.*

Ms. Council began the meeting by announcing that Mr. Clifton Jones from Housing and Urban Development was unavailable to present as scheduled. Instead, Mr. Waldren from the University Extension and Ms. Sue Fiero from NHHS Medicaid Department would speak to the CAG.

Ms. Council asked for corrections to the minutes from May 26, 2004. Ms. Casteel stated that on page 3, in the fifth paragraph, "ATSDR is working with the City of Omaha" should read, "ATSDR/NCEH is working with the City of Omaha." Ms. Casteel stated that also on page 3, the handout listed was incorrect. Ms. Casteel had provided a new handout distributed at the CAG meeting on May 26, 2004. Ms. Casteel also stated that on page 3, in the third paragraph, "lead-based paint" should be removed and replaced with "indoor dust." Ms. Todd moved to approve the minutes, and Ms. Deppe seconded the motion. The motion to approve the minutes with Ms. Casteel's changes passed unanimously.

Ms. Council invited Mr. Waldren to give an update on the University Extension. Mr. Waldren stated that the University Extension, in conjunction with the Nebraska Department of Environmental Quality and Papio-Missouri River NRD, has received an environmental trust grant for \$180,000. The grant will be used to create demonstration houses to teach best management practices for water, which will include lead management elements such as landscaping to reduce lead risks. The grant can be renewed for three years. Mr. Waldren also stated that the University Extension is working on creating a growth chart with lead information and an informative CD-ROM. The University Extension intends to distribute the growth charts and CD-ROMs via hospitals. The CD-ROM could also be used in an informational kiosk.

Ms. Council asked how many demonstration homes would be completed in a year. Mr. Waldren replied that a maximum of four demonstration homes would be completed in a year, for a potential total of 12 homes over the three-year life of the grant. Mr. Waldren stated that his office is working with Habitat for Humanity and Holy Name to select the homes, but would also consider any suggestions from CAG members.

Ms. Council invited Ms. Fiero to speak about Medicaid and blood lead screening. Ms. Fiero distributed a pamphlet and two additional handouts (*Nebraska Department of Social Services Manual* and *Recommendations for Preventative Pediatric Health Care*). Ms. Fiero stated that the State is required to offer Early Periodic Screening Diagnostic and Treatment (EPSDT) services to Medicaid eligible children. Ms. Fiero stated that it is not possible to know if the doctor performs specific services, such as lead screening.

Dr. Filipi asked if it is possible to track the patients. Ms. Fiero stated that it is possible to compare the number of eligible Medicaid children to State lab claims, but that it is not possible to tie the blood lead test to the office visit. This is because some blood lead tests may come from places other than doctor's offices, such as mobile clinics.

Ms. Deppe asked if the State has a blood lead surveillance program. Dr. Pour replied that the State is able to monitor how many EPSDT exams are given. Dr. Pour suggested that it would be helpful if the blood lead test could be separated out of the EPSDT exam, to aid in tracking.

Ms. Council asked Ms. Fiero how the CAG could help. Ms. Fiero stated that the CAG could assist in advocating regulatory change to allow surveillance of blood lead testing for Medicaid children.

Ms. Valdez and Dr. Rajaram spoke about the Latina Summer Academy.

Ms. Council invited Mr. Felix to provide an update on the National Remedy Review Board (NRRB). Mr. Felix stated that the Nebraska Department of Environmental Quality has received a request from EPA to keep information submitted to the NRRB confidential. Mr. Felix stated that there is a public records law that includes an exception related to the federal government stating that if information is essential it may not be provided (84-712.08 Nebraska Revised Statutes). Mr. Felix stated the EPA is also concerned that the information cannot be released because it is predecisional. Mr. Felix stated that more time to sort out whether or not the information submitted by EPA to the NRRB can be released is needed. Mr. Felix stated that a decision would be made by early next week determining if information could be distributed.

Ms. Council asked if the CAG should send a request to the NRRB. Ms. Weston stated that a letter should be sent to the NRRB from the CAG. Ms. Weston asked if any CAG members objected to sending a letter to the NRRB. There were no objections. Ms. Council stated that a draft letter would be emailed to the CAG for approval.

Ms. Council provided an update on the Comprehensive Approach Subcommittee. Ms. Council stated that on June 3, 2004, the Subcommittee met and discussed elements to be included in the comprehensive plan. Ms. Council stated that a draft of the plan is in the works. Ms. Council also stated that at the Subcommittee meeting, Ms. Todd had asked for letters of support for a grant. Ms. Council stated that the deadline for submitting letters of support is June 30th. Ms. Council stated that the CAG would provide a letter of support.

Ms. Kammandel stated that it would be helpful to see some sample language to include in a letter of support. Ms. Council stated that sample language could be provided.

Ms. Determan announced that the CAG website has had a total of 5058 hits.

Ms. Council provided a report on the meeting with Governor Johanns. Ms. Council thanked Ms. Cook for arranging the meeting. Ms. Council stated that herself, Ms. Determan, Mr. Waldren, Ms. Cook, Ms. Deppe, Ms. Weston, Dr. Polk-Primm, Governor Johanns, and several State agency heads attended the meeting. Ms. Council stated that the agenda of the meeting included providing the Governor with an update on the CAG and soliciting support for inclusion of a comprehensive approach as part of EPA's plan.

Ms. Council stated that there was discussion about an interim Record of Decision (ROD), which would allow the community to develop a comprehensive plan while allowing EPA to continue emergency soil removals.

Ms. Cook stated that the Governor expressed the importance of not starting a program with pieces missing. Ms. Cook stated that the Governor supported an interim ROD and comprehensive approach. Ms. Council stated that the Governor committed to writing a letter the Regional Administrator of EPA in support of a comprehensive plan and interim ROD.

Ms. Weston asked EPA to discuss how an interim ROD would affect obtaining 2005 allocated funds. Mr. Feild stated that EPA is interested in the possibility of an interim ROD. Mr. Feild stated that an interim ROD would not jeopardize funding. Mr. Feild stated that an interim ROD would probably be included in the Feasibility Study as an alternative and that EPA supports a comprehensive approach. Mr. Feild stated that the issue is how a comprehensive plan can be included in the Proposed Plan or ROD. Mr. Feild stated that EPA Region 7 is working with headquarters and Region 8 to find a way to include a comprehensive plan in the Proposed Plan.

Mr. Foster asked when EPA Region 7 would know if a comprehensive plan can be included in the Proposed Plan. Mr. Feild replied that he hoped a decision could be made by the next CAG meeting.

Ms. Council asked when the Remedial Investigation/Feasibility Study (RI/FS) would be released. Mr. Feild replied that the RI would be released by the end of the week, and that the Risk Assessment, normally part of the RI, would be released in the next two to three weeks. Mr. Feild stated that the FS would also be released in the next two to three weeks. Mr. Feild stated that the Proposed Plan would be released in early July, which would allow for an interim ROD by the end of this fiscal year. Mr. Feild then explained that following release of the interim ROD, there would be a 120-day moratorium on spending. Potential Responsible Parties (PRPs) will have 60-days to respond to the ROD with good faith and the next 60-days will be used to negotiate with PRPs. He stated that this schedule should allow for funding to be available for work to resume in the spring of 2005.

Ms. Weston asked Mr. Feild if Potentially Responsible Parties (PRPs) are aware that the possibility exists that if PRPs contribute funding to the comprehensive plan, the PRPs could use that as a credit toward the amount of potential responsibility for the remedy without having to accept responsibility for the contamination. Mr. Feild stated that from EPA's perspective, such contributions could be arranged through a settlement agreement.

Ms. Weston asked Mr. McDermott if Union Pacific was aware that a credit could be received. Mr. McDermott stated that Union Pacific is aware that receiving a credit could be part of the negotiations with EPA. Ms. Weston asked if other PRPs are aware that a credit can be received. Mr. Sanders replied that Ms. Weston would have to ask the PRPs. Ms. Weston asked if, in general, PRPs are aware. Mr. Feild stated that any PRP familiar with Superfund would be aware that credits could be a part of negotiations.

Mr. Felix asked if the elements funded by PRPs have to be part of the remedy in order to receive credit. Mr. Feild replied that the elements funded by PRPs would not necessarily have to be part of the remedy in order to receive credit. Mr. Felix then stated that the State was looking into the possibility of being able to apply the 10% of funding it is responsible for paying for the remedy to comprehensive plan elements.

Mr. Feild asked if the CAG could provide any documentation about what it would like included in the comprehensive plan. Ms. Council stated that the outline distributed for today's CAG meeting is the basic structure of the comprehensive plan.

Mr. Foster stated that today's meeting was a step in the right direction and added that the discussion was positive and was pleased to hear EPA's commitment to try to include a comprehensive plan in the remedy.

Mr. Felix stated that it might not be necessary to leverage State funding by describing State funding in the ROD if a cooperative agreement between EPA and the State exists. Ms. Council stated that describing State funding in the ROD would aid in identifying partners because partners would be more likely to contribute if the State is assisting.

Ms. Council asked why a comprehensive plan is being questioned in Region 7, when a comprehensive plan was approved in Region 8. Ms. Council also asked if there is a threshold at which approval must come from EPA headquarters. Mr. Sanders stated that the national EPA policy is the Residential Lead Handbook. Mr. Sanders stated that this policy was not in effect at the time the Leadville ROD was signed. Mr. Sanders stated that national approval is only necessary in rare cases; for example, if a cleanup level of less than 400 parts per million were selected.

Ms. Council inquired about the purpose of the Technical Review Board. Mr. Sanders stated that the Technical Review Board is a national group with representatives from each EPA region. Mr. Sanders stated that EPA regions are not required to go the Technical Review Board, but may if the EPA regions need advise on a specific issue. Mr. Feild stated that there are several advisory boards and offered to explain at the next CAG meeting how the advisory boards fit into the Superfund process.

Ms. Bonet found two EPA bioavailability presentations online and asked if there are any formal papers available on the same topics. Ms. Bonet stated that she would like any available papers to be shared with the CAG.

Dr. Rajaram asked how long an interim ROD could remain in place. Mr. Feild replied that an interim ROD could remain in place for two or three years and stated that there is no specific time limit for an interim ROD.

Ms. Weston asked if EPA could provide information on advisory boards before the next CAG meeting. Mr. Feild stated that he would provide information on advisory boards before the next CAG meeting and would contact Ms. Weston.

Mr. Feild stated that EPA headquarters is working with the U.S. Army Corps of Engineers (USACE) and has given the USACE funding to award two contracts, each worth approximately \$2.3 million, for soil excavation. Mr. Feild stated that the contracts should be awarded sometime in July/August and will include requirements that 30% of the contract totals must go to local companies. Ms. Weston stated that the local companies identified should include small business, minority, enterprise, HUBZone, and 8(a) companies. Mr. Feild stated that USACE is in charge of the contracting and that EPA has an inter-agency agreement with USACE. Ms. Weston requested a copy of the inter-agency agreement.

Mr. Foster asked if federal contracting regulations pertain to the USACE contracting. Mr. Feild stated that federal contracting regulations apply. Mr. Foster asked if someone could find out the specific regulations that apply. Ms. Kring stated that EPA has an 8(a) specialist and would find out what regulations apply to contracting.

Dr. Rajaram suggested that the CAG write a letter to USACE encouraging the selection of local small companies, minority businesses, etc. Dr. Rajaram stated that a list of applicable business could be included with the letter. Ms. Council stated that a letter could be drafted from the CAG. Ms. Council stated that the letter could state that the CAG believes using local businesses is a requirement, but even if it is not, local businesses should be used.

Mr. Feild stated that contracting requirements would be investigated and sent to Ms. Determan. Ms. Determan stated that an email would be sent to the CAG after hearing from Mr. Feild.

Ms. Council asked if CAG members would like to allow vendors to set up displays before the next CAG meeting. Mr. Weaver stated that he questioned the validity of having vendors at CAG meetings. Ms. Council stated that the purpose of allowing vendors to set up displays before CAG meetings would be to allow CAG members to meet vendors.

Ms. Weston stated that the USACE should be invited to the next CAG meeting.

Ms. Cook stated that it could appear as though the CAG is endorsing the vendors if vendors are allowed to set up displays before CAG meetings.

Mr. Foster stated that a meeting, similar to a prior Lead Safe Omaha Coalition meeting, could be scheduled to explain to contractors how to apply for the USACE contracts. Ms. Weston stated that the Lead Safe Omaha Coalition would be happy to facilitate an informational meeting with contractors.

Discussion occurred regarding whether a list of businesses should be attached to the letter to the USACE regarding local businesses. Ms. Weston stated that a list was not necessary. The CAG agreed to send the letter without the attachment.

The CAG also decided against having vendors set up displays before the next CAG meeting.

Ms. Bohm asked if the USACE could be invited to the next CAG meeting. Ms. Council stated that an invitation could be included in the letter to the USACE.

Ms. Council asked CAG members to submit any suggestions for partners.

Mr. Foster, referring to an article in the Omaha World-Herald, asked if there is a link between lead and cancer.

Ms. Casteel stated that the Public Health Assessment for the Omaha Lead Site has been released for public comment. She announced that availability sessions would be held June 21st at Omaha South High School and June 22nd at the TAC Building from 6-9 p.m. Ms. Casteel stated that EPA would be present at the June 22nd session to answer questions pertaining to the Remedial Investigation. Ms. Casteel stated that Mr. John Crellin would be available to speak to the CAG about the Health Assessment at the June 23rd meeting.

Ms. Casteel stated that lead is listed as a probable human carcinogen. She stated that animals exposed to very high doses of lead have developed cancer, but also stated that there is not enough information to know if lead can cause cancer in humans. She explained that cancer studies in humans are conflicting. There have been some occupational studies of human workers exposed to high lead doses that have indicated a possible link to cancer, but other human studies indicate there is no link. Ms. Casteel stated that ATSDR has asked the State to evaluate the cancer rate within the Omaha Lead Site to compare cancer rates in Omaha, Douglas County, and Nebraska.

Ms. Meacham asked if ATSDR has looked at cancer links with lead at other sites. Ms. Casteel stated that ATSDR normally does not. Ms. Meacham asked why ATSDR is looking at cancer at the Omaha Lead Site. Ms. Casteel stated that ATSDR decided to evaluate the cancer risk because of the many community health concerns within the Omaha Lead Site and because the smelter was in use for a long time.

Dr. Rajaram stated that even if there is a higher rate of cancer that would not mean there is a link between lead and cancer. Ms. Casteel agreed that higher cancer rates do not mean that lead causes cancer. Ms. Casteel stated that other factors influence cancer rates and that ATSDR would look at other factors.

Dr. Rajaram asked if ATSDR would be performing longitudinal studies and asked what types of cancer lead is suspected to cause. Ms. Casteel stated that longitudinal studies would not be performed. Ms. Casteel stated that kidney cancer had been observed in animals. Ms. Casteel stated that in one study, lung cancer was observed in humans, though this study did not evaluate if smoking caused the cancer.

Ms. Council asked if the Health Assessment discusses cancer and lead. Ms. Casteel stated that the Health Assessment says that ATSDR is evaluating cancer and lead. Ms. Casteel stated that ATSDR will be able to report on cancer and lead in September.

Ms. Council asked if the epidemiologist would be present at the availability sessions. Ms. Casteel stated that the epidemiologist, Mr. Crellin, would be at the availability sessions and the next CAG meeting. Ms. Council stated that Mr. Crellin would be added to the end of the CAG agenda for June 23, 2004.

Ms. Kring asked if EPA could have two minutes at each CAG meeting to provide an update on community involvement. Ms. Council stated that EPA would be added to each agenda to provide a short update on community involvement issues as well as any other project-related items. Ms. Weston asked if EPA could be added to the beginning of each agenda. Ms. Council stated that this would be fine; EPA could provide any updates at the beginning of each meeting.

Ms. Gaarder stated that the Omaha World-Herald article stated that the link between lead and cancer was inconclusive. Ms. Gaarder said to let her know if there is ever an issue with an article she has written.

Ms. Deppe asked CAG members to let her know of any events at which the CAG display could be used.

Ms. Council stated that the next meeting would be held on Wednesday, June 23, 2004 at 10 a.m. The location will be announced.

Handouts Provided for the Meeting (June 9th, 2004):

Draft Minutes from 05/26/04 (Provided by MFG, Inc.)

Approved Minutes from 05/12/04 (Provided by MFG, Inc.)

Letter to Governor Johanns from the CAG

Letter from Mayor Fahey to Mr. Gulliford

Low-Level Lead Exposure in Prenatal and Early Preschool Periods: Language Development (Provided by MFG, Inc.)

Notes from Comprehensive Approach Subcommittee Meeting (Provided by MFG, Inc. at Meeting)

Arizona Lead & Pesticide Poisoning Annual Report 2000 (Provided by MFG, Inc. at Meeting)

Comprehensive Approach Subcommittee Draft Plan Outline and Previous Outlines (Provided by MFG, Inc. and Ms. Janet Bonet at Meeting)

Public Health Assessment for the Omaha Lead Refinery (Provided by Ms. Sue Casteel at Meeting)

Draft Plan Outline (Provided by MFG, Inc. at Meeting)

Nebraska Department of Social Services Manual (Provided by Ms. Fiero at Meeting)

Recommendations for Preventative Pediatric Health Care (Provided by Ms. Fiero at Meeting)

Attachments to Minutes:

Sign-In Sheet (hardcopy to be delivered)