

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

Minutes for Meeting Held  
**Wednesday, October 10, 2007, 9:30 a.m.**  
Omaha Police Department Southeast Precinct  
2475 Deer Park Blvd.  
Omaha, NE 68105

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## **OLS CAG Members Present:**

Rebecca Barrientos-Patlan—*Burlington Road Neighborhood Association*  
Councilmember Frank Brown—*City Council*  
Sue Casteel—*Agency for Toxic Substances and Disease Registry*  
Brenda Council—*OLS CAG Facilitator*  
Jim Dowding (Designee for Gary Gernandt)—*City Council Staff*  
Kara Eastman—*Omaha Healthy Kids Alliance*  
Bob Feild—*U.S. Environmental Protection Agency*  
Jeff McDermott—*Union Pacific Railroad*  
Dr. Adi Pour—*Douglas County Health Department*  
Vicki Quaites-Ferris—*City of Omaha Mayor's Office*  
Crystal Rhoades—*Neighborhood Center for Greater Omaha*  
Chris Rodgers—*Douglas County Board of Directors*  
Marian Todd—*City of Omaha Planning Department*  
Rebecca Valdez—*Latino Center of the Midlands*  
Diane Ward—*Creighton Pediatrics*  
Vernon Waldren—*University of Nebraska, Lincoln Extension*  
Cheryl Weston—*Lead Safe Omaha Coalition*

## **Others Present:**

Mary Castaneda—*EPA Information Offices*  
Connie Determan—*MFG, Inc.*  
Felisa Dillon—*ASW Associates*  
Ann Francis—*MFG, Inc.*  
Tiffany Frezell—*EPA Information Offices*  
Tina Gray—*Lead Safe Omaha Coalition*  
Laura Hardesty—*Cadmus Group*  
Steve Jackson—*Office of Minority Health*  
Tom Janssen—*Senator Chuck Hagel's Office*  
Louise Latimer—*Senator Ben Nelson's Office*  
Connie Lowndes—*UNL Extension*  
Stacy Meacham—*MFG, Inc.*  
Jennifer Rawley—*MFG, Inc.*  
Steve Sanders—*U.S. Environmental Protection Agency*  
Reid Steinkraus—*Douglas County Health Department*

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### **1. Voting Restrictions**

Ms. Council stated that she attempted to consult an attorney, as the CAG requested, but the attorney was out-of-town. Ms. Council stated that she would like to postpone further discussion on voting restrictions until she is able to obtain a final legal opinion. CAG members agreed to move this discussion to the next meeting.

### **2. Discussion on Minutes from the September 12, 2007 Meeting**

Ms. Council asked for any corrections or additions to the minutes from the September 12, 2007 meeting. Ms. Barrientos-Patlan stated that on page 9, “Ms. Barrientos-Patlan stated that she does not want the North Omaha staging area to set precedence for other staging areas to be placed in neighborhoods” should be added to the end of the first paragraph.

Ms. Weston stated that on page 3, the following statement should be added: “Ms. Weston stated that she would like to have a legal opinion on the matter and move on.”

Ms. Weston stated that on page 3, “Mr. Flattery motioned to request a legal opinion on the subject” should read, “Mr. Rodgers motioned to request a legal opinion on the subject.”

Ms. Weston stated that on page 3, “Ms. Weston clarified that Ms. Barrientos-Patlan was cut off because...” should read, “Ms. Council clarified that Ms. Barrientos-Patlan was cut off because ...”

Ms. Weston stated that on page 6, “Ms. Weston suggested listing an 800 number” should be deleted.

Ms. Weston stated that on page 10, it should be noted that she abstained from voting on moving the Education Committee under OHKA.

Ms. Weston motioned to approve the minutes with the above corrections. Dr. Pour seconded the motion. The motion was unanimously approved (10-0).

### **3. Rick Reibstein**

Mr. Reibstein, a former EPA Region 1 enforcement lawyer, educator, and consultant gave a short presentation about comprehensive lead programs. Mr. Reibstein provided the following advice for dealing with lead:

- Be proactive
- Be comprehensive and aggressive
- Target interior dust

- Focus on preventing exposure, rather than just cleaning-up lead
- Preventing lead exposure does not have to cost a lot
- Look at all options
- Include follow-up in lead programs
- Address water intrusion at properties for extra benefits
- Have enforcement programs in place
- Preventing lead poisoning results in cost savings from decreased medical expenses, special education expenses, etc. and results in lower rates of crime
- A strong commitment from the state and mayor is needed to be successful

#### **4. EPA Update**

Mr. Feild stated that EPA is committed to participating in a comprehensive remedy. Mr. Feild stated that EPA needs to look at the comprehensive program with renewed vigor and put controls in place so that lead hazards are controlled in the future. Mr. Feild stated that EPA is looking into concerns about recontamination from deteriorating exterior lead-based paint and other lead hazards of concern and, over the next 14 months, will be reviewing institutional controls that can be applied in Omaha to ensure protectiveness of EPA's remedy. Mr. Feild stated that housing codes, ordinances, and registries may be considered over the next year before a final remedy is selected in December 2008. Mr. Feild stated that institutional controls will be a big part of the remedy and will warrant a lot of public discussion. Mr. Feild stated that he is looking forward to renewed discussion on institutional controls and the comprehensive plan.

#### *Contracting*

Mr. Feild reported that EPA has completed 838 excavations so far this year. Mr. Feild reported that ECC and Prudent have nearly completed their lists of properties and that Coastal Environmental should have their portion of excavations completed by Thanksgiving. Mr. Feild stated that EPA will reach their goal of 1,000 properties for the third year in a row.

Mr. Feild reported that Black & Veatch is moving forward with hiring local groups to assist in obtaining access to properties. Mr. Feild stated that there are approximately 6,000 homes at which EPA has not been able to attain access for various reasons. Mr. Feild stated that subcontracts should be awarded in the next couple of weeks. Mr. Feild stated that two to four subcontracts will be awarded to cover the focus area.

Dr. Pour asked if EPA would consider working with the Education Committee to assemble a lead education package to provide to families when approaching homeowners for access. Dr. Pour stated that it is a great opportunity to educate families on how to stay lead safe. Mr. Feild stated that Dr. Pour's idea is good. Mr. Feild stated that EPA would schedule training for those going out to gain access and will coordinate with the Education Committee.

Ms. Ward asked if the 6,000 homes where EPA has been unable to gain access are pocketed groups of homes. Mr. Feild replied that the homes are spread throughout the site, with slightly more located in South Omaha. Mr. Feild stated that it is unknown how many of those homes are rental properties. Mr. Feild stated that EPA is serious about sampling all properties and does have the authority to enter homes without homeowner permission, but EPA prefers voluntary participation.

Ms. Council asked if Black & Veatch has already issued the Request for Proposals for the access work. Mr. Feild replied that the Request for Proposal has been released. Mr. Feild stated that EPA had a public meeting about a month ago announcing the work and that EPA made additional announcements at other various engagements. Ms. Weston added that information was provided to the media and that others heard about the work by word of mouth. Councilmember Brown asked how many people attended EPA's meeting announcing the work. Mr. Feild replied that 35-40 people were in attendance.

Ms. Council asked if EPA is still having difficulty gaining access to properties to perform soil excavation after sampling. Mr. Feild replied that once a property owner grants access for sampling, the owner will typically also grant access for soil remediation. Mr. Feild stated that, at this time, clean-up is voluntary. Ms. Council stated that providing simple education to homeowners would make it more likely for the homeowner to grant access to EPA.

Mr. Waldren asked EPA to contact him and the Education Committee if they would like educational materials. Mr. Waldren stated that the Education Committee has appropriate materials that have been developed over the last couple of years.

Ms. Eastman stated that the Omaha Healthy Kids Alliance (OHKA) was contacted by ASW and the Latino Center of the Midlands, who were interested in partnering with OHKA to apply for the access work. Ms. Eastman stated that OHKA declined the offer because of OHKA's position on the CAG, but offered to help with an educational component of the work. Ms. Eastman stated that the Latino Center of the Midlands was interested in applying for the work on their own, but missed the deadline. Mr. Feild stated that the Latino Center for the Midlands should submit a proposal, even though the deadline has passed. Ms. Valdez stated that Black & Veatch told her that it is too late to submit a proposal. Mr. Feild suggested that Ms. Valdez submit a proposal anyway. He explained that this was going to be a two step approach for those that applied and that in the first phase, limited properties would be given to the selected applicants to gauge their effectiveness in attaining access. In the second step, a larger number of properties will be given to applicants that have demonstrated success.

Ms. Valdez explained that the reason she had missed the deadline was because of the time it took time to make arrangements, make calls, and prepare the proposal. Ms. Valdez stated that she realized that if she was awarded the work, she would need to step down from the CAG.

Ms. Eastman stated that what Ms. Valdez was saying regarding stepping down from the CAG is related to voting restrictions. Ms. Eastman stated that a formal decision needs to be made about membership and voting restrictions. Ms. Council stated that there was a question about whether or not the CAG ever formally voted on membership restrictions. Ms. Council stated that the CAG never formally voted, but ever since the CAG's inception, the CAG has operated with an understanding that contractors are excluded from being members. Ms. Council stated that it is her expectation that the CAG will receive advice about membership before making a formal vote. Ms. Council stated that she does not know if membership procedures were adopted by action, since the CAG has been operating under certain restrictions without formally adopting those procedures.

Ms. Eastman stated that Ms. Valdez feels that she should refrain from attending CAG meetings, if she were to become a subcontractor to EPA. Ms. Valdez stated that she did not think it would be right to attend because she would be privy to certain information. Ms. Council stated that the issue is not attendance; contractors have been allowed to attend, but have always been asked to refrain from active participation and voting.

Ms. Valdez stated that she has always had a concern about access and only heard about the Request for Proposals because someone mentioned it to her. Ms. Weston stated that the announcement of the meeting during which the Request for Proposals was discussed was sent to the CAG, Ms. Valdez, and Mr. Ben Salazar. Ms. Weston stated that every attempt was made to involve the community.

#### *Telecast*

Mr. Feild stated that he was able to locate the telecast work plan. Mr. Feild provided Ms. Rawley with a copy of the work plan to distribute to the CAG. Mr. Feild stated that the work plan includes the statement of work, budget, measures, and goals.

#### *Local Hires*

Mr. Feild provided the following breakdown of the percent of local hires by contractor:

- Prudent total staff – 97 of 108 staff are local (90%)
- Coastal – 47 of 55 staff are local (85%)
- ECC (through an inter-agency agreement between EPA and the US Army Corps of Engineers with similar incentives for local hires) – 72 of 86 staff are local (84%)

Mr. Feild stated that EPA's incentives are working. Mr. Feild stated that EPA will continue to include similar incentives in future contracts and noted that incentives are also included for purchases of local goods and services.

#### *Recontamination Study*

Mr. Feild stated the EPA is still developing the recontamination study work plan.

### *Omaha Zoo*

Mr. Feild reported that he met with the assistant director of the zoo. Mr. Feild stated that he received a copy of test results from soil sampling performed by the zoo a couple of years ago. Mr. Feild stated that the zoo was formally Riverview Park. Mr. Feild stated that the land was not readily usable because of rough terrain, so a tremendous amount of earthmoving took place to make the area usable as a zoo. Mr. Feild stated that the area that is now Gorilla Valley was relatively undisturbed, so the zoo tested that soil. Mr. Feild reported that eight samples were collected, and the highest level of lead found was 34 ppm. Mr. Feild provided a copy of the test results to Ms. Rawley for distribution to the CAG. Mr. Feild stated that EPA will follow-up with the zoo to find out the nature of the area that was developed. Mr. Feild asked the CAG to review the results provided and decide if further discussion should be held on the need for additional sampling.

### *Other*

Ms. Barrientos-Patlan reported that she observed uncovered trucks hauling contaminated soil. Ms. Barrientos-Patlan stated that after talking to a contractor, the truck drivers were instructed to cover the trucks. Ms. Barrientos-Patlan asked EPA to reiterate to the contractors that trucks must be covered. Mr. Feild stated that he would follow-up with the contractors. Mr. Feild stated that trucks are to be covered.

Ms. Council reported that she has seen a number of excavations of vacant lots. Ms. Council expressed concern that sod is being placed on these lots, though no one is there to maintain the sod. Mr. Feild stated that the contractor is required to maintain the sod for 30 days, allowing the grass to become established. Mr. Feild stated that although a lot is vacant now, a home could be built on the property in the future. Ms. Council stated that she has never witnessed the lots being watered. Ms. Council suggested that vacant lots be seeded.

Councilmember Brown stated that at 18<sup>th</sup> and Burdette, a yard was watered once at night and never again. Councilmember Brown asked how EPA could ensure the contractors maintain the yards for the 30-day period. Mr. Feild stated that EPA has to sign-off on the property. Mr. Feild stated that an EPA representative checks to make sure that the sod is in good condition. Mr. Feild stated that he will follow-up on the issue and report back at the next CAG meeting. Councilmember Brown asked Mr. Feild to also follow-up with Mr. Warren Weaver and the City Council. Mr. Waldren stated that 30 days may not be long enough to establish sod, particularly with a dry summer. Mr. Waldren stated that procedures should be dependent upon growing conditions.

Councilmember Brown asked who is providing access to properties owned by the City or the Omaha Housing Authority. Mr. Feild stated that he will find out. Ms. Todd stated that a number of requests come through the planning department, while others are referred to the housing authority. Councilmember Brown asked for a list of those properties. Ms. Todd replied that she would provide the list to Councilmember Brown.

Mr. Reibstein suggested that EPA allow individuals to submit digital photographs to show where contractors are not correctly performing work. Ms. Weston stated that

photos are taken by the contractors. Ms. Weston stated that the contractor waters the yard for 30 days, but EPA stands by the work for 90 days.

Councilmember Brown stated that he came to the CAG meeting to voice complaints he has received about contracting. Councilmember Brown stated that the City Council is concerned about conflicts, specifically, CAG members who are also subcontractors to EPA. Ms. Council reiterated that this topic has been moved to the next CAG meeting, while the CAG awaits a legal opinion on the matter. Councilmember Brown asked if any contracts will potentially be awarded by EPA to CAG members between now and the next meeting. Ms. Council stated that that is possible. Councilmember Brown requested that EPA withhold awarding such contracts until after the next CAG meeting. Mr. Feild stated that participation on the CAG does not affect eligibility to receive funding via EPA contracts or grants. Mr. Feild stated that it is up to the community to determine CAG membership rules. Ms. Council stated that the issue will come to a vote at the next CAG meeting. Ms. Eastman suggested that current EPA contractors and subcontractors recuse themselves from that vote. Ms. Weston stated that she would recuse herself from any type of vote.

## **5. LSOC Update**

Ms. Weston provided Ms. Rawley with a copy of a Lead Safe Omaha Coalition survey to distribute to the CAG.

## **6. Community Outreach Workers**

Mr. Steinkraus presented information about the Douglas County Health Department lead program. Mr. Steinkraus distributed a handout. Mr. Steinkraus stated that EPA funds more than just the outreach workers and provides \$158,668 per year to the Douglas County Health Department.

Mr. Steinkraus stated that the health department has a goal of increasing childhood blood lead screening to 15,000 children by 2010. Mr. Steinkraus stated that blood lead screening increased by 89 children last year.

Mr. Steinkraus stated that another goal is to increase the number of Medicaid-eligible children that are tested. Mr. Steinkraus stated that the number of Medicaid-eligible children screened for lead increased 28% in one year, which the Douglas County Health Department attributes to EPA's funding of a Public Service Announcement targeting the Latino population. Mr. Steinkraus reported that Blue Cross Blue Shield also sent reminders to Medicaid enrollees and physicians.

Mr. Steinkraus reported that testing at WIC clinics began in April. Mr. Steinkraus stated that over 200 children have been tested so far at the clinics.

Mr. Steinkraus reported that six full-time and one half-time community health workers are being funded, including Latino, African American, and Sudanese workers.

Mr. Steinkraus showed a video of a Public Service Announcement created by OHKA as part of a social marketing campaign. Mr. Steinkraus stated that the Public Service Announcement was funded by the Agency for Toxic Substances and Disease Registry. Mr. Steinkraus stated that the video will air on Telemundo, Univision, BET, Headline News, News on One, MSNBC, Soapnet, VH-1, and other networks.

Ms. Barrientos-Patlan asked if all school children could be tested for lead. Dr. Pour replied that by school age, it is too late. She explained that school children are too old and that children need to be tested at a younger age.

Mr. Jackson asked how much money the Douglas County Health Department spends on marketing. Mr. Steinkraus replied that \$5,000 was spent on marketing in 2006, and \$11,250 was spent on this year's Public Service Announcement.

Mr. Janssen asked what the saturation of the Public Service Announcement will be. Mr. Steinkraus replied that the video will average 520 spots per month in English and 142 spots per month in Spanish from now through next June. Mr. Janssen encouraged the Douglas County Health Department to monitor and make sure that the video is being run as many times as it should.

## **7. OHKA Update**

Ms. Thompson provided an update on OHKA activities.

Ms. Thompson stated that Angie's List, a national organization, will be hosting a lead testing and education event on October 20<sup>th</sup> at the OHKA office.

Ms. Thompson stated that she will be participating in Centers for Disease Control training in Washington D.C. next week. Ms. Thompson stated that the training will cover case management, preventative measures, and other lead-related topics.

Ms. Thompson stated that Ms. Eastman went to Washington D.C. last week with the Chamber of Commerce and met with the U.S. Department of Housing and Urban Development. Ms. Thompson stated that Ms. Eastman reported that it was a great meeting.

Ms. Thompson stated that OHKA went to Chicago and met with several groups, gathering ideas that could be implemented in Omaha. Ms. Thompson stated that many of the ideas are being shared with the Education Committee. Ms. Quaites-Ferris stated that she was one of the board members who went to Chicago. Ms. Quaites-Ferris stated that Chicago has a huge budget for lead and has about 30 inspectors that primarily address lead issues. Ms. Quaites-Ferris stated that the program is very progressive and includes aggressive legislation. Ms. Quaites-Ferris added that the CAG and OHKA are doing a great job and the main difference between the Omaha and Chicago programs is the size of the budget.

Ms. Thompson stated that OHKA is working on holding additional toy testing events, for which there is a lot of interest. Ms. Thompson reported that OHKA is seeking funds to pay for rental of the testing machine.

#### *Housing Committee*

Ms. Todd reported that the Housing Committee did not meet in October. Ms. Todd stated that the next Housing Committee meeting will be on November 13<sup>th</sup> and a notice will be emailed to participants.

#### *Education Committee*

Mr. Waldren provided an update on the Education Committee.

Mr. Waldren stated that Ms. Thompson, Ms. Eastman, Ms. Connie Lowndes, and Mr. Trenton Erickson participated in a phone bank answering phone calls related to lead on Channel 7 last month. Mr. Waldren reported that approximately 90 calls came in during the program.

### **8. City Update**

Ms. Todd announced that the City of Omaha was awarded a lead hazard reduction demonstration grant, similar to the City's current grant. Ms. Todd stated that the target area for the new grant is smaller than the City's current target area, but still encompasses the Omaha Lead Site.

Ms. Todd announced that the City now has an agreement with EPA for implementation of a program funded by a 2005 special appropriation to provide a lead outreach person who will be trained as a risk assessor. Ms. Todd stated that the position has been approved by the City. Ms. Valdez asked if the person hired will need to be bilingual. Ms. Todd replied that the position will be publicly advertised and all job requirements will be provided in the future.

Ms. Todd reported that EPA has issued proceed orders to the City for the second batch of trial paint stabilization homes. Ms. Todd stated that EPA has informed the City to go ahead with the bigger program, based on costs provided to EPA by the City. Mr. Feild added that EPA is in the process of increasing the ceiling to \$5 million to cover the paint stabilization costs. Ms. Thompson asked if the new risk assessor will assist in monitoring the paint stabilization contractors. Ms. Todd replied that construction specialists will monitor the work.

Ms. Todd reported on the progress of the City's lead hazard control program. Ms. Todd stated that 88 homes are complete, 14 are under construction, and 31 have been approved.

Handouts Provided for the Meeting (October 10, 2007):

*Draft CAG Meeting Minutes from 09/12/07*

*Final CAG Meeting Minutes from 08/08/07*

*Sisters Together-Take it to the Streets Survey Results*

*Omaha Lead Site Sampling Status Table*

*EPA's Exterior Lead-Based Paint Response Program, Omaha Lead Superfund Site Quick Facts*

*News from CPSC*

*Angie's List*

*Rhode Island Seeks \$2.4B Lead Cleanup*

*Workshops, Free Testing at Lead-Poisoning Prevention Tour Kickoff*

*56,000 Lunch Boxes in Calif. Recalled for Lead*

*More Trouble in Toyland*

*Congress Probes Mattel's Recall Alerts*

*Anti-Lead Effort Gets \$3.5M Lift*

*Letting Go of Toys Never Easy for Kids*

*Disney to Test Character Toys for Lead Paint*

*Defendants in Rhode Island Lead Paint 'Public Nuisance' Case Argue Against State's Abatement Plan*

*Senators Urge More Stringent Rules for Toy Safety*

*EPA Moves to Make Drinking Water Safer*

*Harold Andersen Editorial*

Attachments to Minutes:

*Sign-In Sheet (hardcopy to be delivered)*