

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

Minutes for Meeting Held
Wednesday, October 19, 2005, 9:30 a.m.
Omaha Small Business Network
2505 N. 24th Street
Omaha, NE 68110

OLS CAG Members Present:

Janet Bohm—*Citizen at Large*
Sue Casteel—*ATSDR*
Tanya Cook—*Governor's Omaha Advisory Council on Lead Safe Neighborhoods*
Brenda Council—*Facilitator*
Jonah Deppe—*League of Women Voters*
Jim Dowding (proxy for Councilmen Gernandt and Brown)—*City of Omaha*
Bob Feild—*Environmental Protection Agency*
Terri Jackson-Miller—*Greater Omaha Chamber of Commerce*
Clifton Jones—*U.S. Department of Housing and Urban Development*
Marilyn McGary—*Urban League of Nebraska*
Edna Brooks Pittman (Designee for Tommie Wilson)—*NAACP*
Dr. Donna Polk-Primm—*Nebraska Urban Indian Health Coalition*
Dr. Adi Pour—*Douglas County Health Department*
Dr. Shireen Rajaram—*University of Nebraska, Omaha*
Chris Rodgers—*Douglas County Board of Commissioners*
Marian Todd—*City of Omaha Planning Department*
Cheryl Weston—*Lead Safe Omaha Coalition*
Rachel Wright (Designee for Vernon Waldren)—*Douglas/Sarpy County Extension Office*

Others Present:

Joe Bateman—*Union Pacific Railroad*
Todd Crawford—*Senator Hagel's Office*
Connie Determan—*MFG, Inc.*
Felisa Dillon—*ASW*
Monica Espinosa—*Environmental Protection Agency*
Mike Felix—*Nebraska Department of Environmental Quality*
Nancy Gaarder—*Omaha-World Herald*
Jennifer Gates—*MFG, Inc.*
Gary Gotsdiner—*McGill, Gotsdiner, Workman, and Lepp*
Ayesha Graves—*City of Omaha*
Andri Jovan—*Environmental Protection Agency*
Larry Kalwei—*Environmental Protection Agency*
Steve Kemp—*Nebraska Department of Environmental Quality*
Jan Lambert—*Environmental Protection Agency*
Geneva Lopez—*Citizen*

Jennifer Rawley—*MFG, Inc.*
Steve Sanders—*Environmental Protection Agency*
Reid Steinkraus—*Douglas County Health Department*
Cheston Stovoll—*Environmental Protection Agency*

Ms. Council apologized for the early start time. Ms. Council stated that she needed to leave town and appreciated everyone's willingness to start earlier.

1. Discussion of Minutes from the September 14th and 28th Meetings

Ms. Council asked for any corrections or additions to the minutes from the September 14, 2005 CAG meeting. Ms. Polk-Primm motioned to approve the minutes as drafted. Ms. Weston seconded the motion. The motion was unanimously approved (9-0).

Ms. Council asked for any corrections or additions to the minutes from the September 28, 2005 CAG meeting. Ms. Polk-Primm motioned to approve the minutes as drafted. Mr. Rodgers seconded the motion. The motion was unanimously approved (10-0).

2. Omaha's Healthy Kids Alliance—510(c)(3)

Ms. Council invited Mr. Bateman to provide an update on Omaha's Healthy Kids Alliance. Mr. Bateman stated that Mr. Gotsdiner finished a first draft of incorporation papers and bylaws. Mr. Bateman stated that he met with the Lieutenant Governor, who agreed to serve on the board. Ms. Council stated that she met with the Lt. Governor and that she was very pleased with his level of interest. Mr. Bateman stated that Mr. Gotsdiner is looking into drafting conflict of interest provisions that allow membership of entities that may be recipients of contracts/funding under that 501(c)(3). Mr. Bateman agreed to provide the draft paperwork for the 501(c)(3) to the CAG. Ms. Council stated that recommendations for board members should be submitted to Mr. Joe Gudenrath in the mayor's office.

Ms. Weston asked if the Governor's Omaha Advisory Council for Lead Safe Neighborhoods would continue to meet. Ms. Cook stated that she would find out from the Governor on Friday.

3. \$500,000 Appropriation to the City

Ms. Council stated that she and MFG met with Mr. James Thele of the Omaha Planning Department to discuss the \$500,000 appropriated to the City. Ms. Council stated that it is unclear at this time what the parameters of the appropriation are, except that the funds are directed at lead hazard control.

Dr. Polk-Primm stated that it is her understanding that Omaha's Healthy Kids Alliance would focus on different issues than the CAG. Dr. Polk-Primm stated that she is concerned that employment and abatement issues will overshadow important health

issues. Ms. Council stated that the 501(c)(3) would have some overlap with the CAG, with the purposed of reducing lead hazards to children. Ms. Council stated that the CAG would continue to provide input into the priorities established by the 501(c)(3).

4. EPA Update

Mr. Feild stated that EMR was awarded a time and materials contract for area 5. Mr. Feild reported that since the September 14, 2005 CAG meeting, the contractors have substantially increased the rate of soil excavations.

Ms. Weston stated that contractor might be moving quickly with excavation, but not with backfilling. Ms. Weston stated that homeowners are concerned that their properties have been excavated, but not backfilled, for two weeks. Ms. Weston stated that if there is an early snow and properties are not backfilled, water could enter into residents' basements. Mr. Feild stated that the contractors have to move forward with excavation. Mr. Feild stated that because the contaminated soil has been removed, there is no concern about contaminated soil. Ms. Weston stated that contaminated soil is not the concern. Mr. Feild stated that in the event that damage occurs, EPA would be responsible for repairs. Mr. Feild stated that he would follow-up with the contractors. Mr. Feild stated that he could not instruct the contractors to stop excavation. Mr. Feild stated that EPA could advise the contractor but not direct the contractors. Ms. Weston stated that EPA is famous for being unable to direct anybody.

Ms. Council stated that she had seen homes where only the dripzone was being excavated. Ms. Council stated that at one property, chipping paint had already fallen into the excavated area. Ms. Council stated that at another property, excavated soil was sitting in the front yard. Mr. Feild stated that soil is usually placed directly into trucks. Ms. Council reiterated that the excavated material was sitting on the yard.

Mr. Feild reported on the percentage of local hires. Mr. Feild stated that 160 out of 200 workers at the Omaha Lead Site are local (not receiving per diem pay). Ms. Council stated that concern was raised at a recent Lead Safe Omaha Coalition meeting that out-of-town workers are receiving higher pay than local workers. Mr. Feild stated that per diem pay is an out-of-pocket expense for contractors. Mr. Feild stated that there are incentives for contractors to use local workers.

Mr. Feild stated that he had a copy of HGL's statement of work, as requested by the CAG. Mr. Feild stated that HGL would be spot-checking with samples to validate results. Ms. Weston asked if HGL would be obtaining access agreements and video recording properties. Mr. Feild stated that HGL would be obtaining access agreements and video recording properties for EMR. Ms. Council asked if HGL would be working under a subcontract with EMR. Mr. Feild stated that HGL has a direct contract with EPA.

Ms. Weston asked if the contract awarded to HGL could have been awarded to a local company. Mr. Feild stated that HGL was awarded a task order under an existing pre-placed contract. Mr. Kalwei stated that EPA's preference is to use existing contracts.

Mr. Feild announced that EPA information centers would open November 1, 2005. Mr. Feild stated that ASW hired Ms. Mary Castaneda to work at the information centers. Mr. Feild stated that a press release would be issued prior to opening the information centers. Mr. Feild stated that the office hours would be staggered and would include evening and weekend hours. Mr. Feild stated that the information center staff would have access to sampling information, scheduling, and the status of properties. Dr. Polk-Primm asked if the information center staff would attend CAG meetings. Mr. Feild replied that the staff would attend CAG meetings. Mr. Felix asked how the information offices would be funded. Mr. Feild replied that the offices would not be funded as part of the remedial action. Dr. Rajaram asked if only one person would be staffing the information centers. Mr. Feild stated that one person would be staffing the centers for now, although Ms. Dillon may provide additional assistance. Mr. Feild stated that additional staff might be provided if deemed necessary. Mr. Feild stated that Ms. Castaneda would also be responsible for assisting with obtaining access agreements. Dr. Polk-Prim asked how one individual could handle so many tasks. Ms. Dillon stated that she would be assisting Ms. Castaneda.

2. Omaha's Healthy Kids Alliance—510(c)(3) (continued discussion)

Mr. Gotsdiner provided further information regarding Omaha's Healthy Kids Alliance. Mr. Gotsdiner stated that the 501(c)(3) would have a board of directors with 15 members. Mr. Gotsdiner stated that the four CAG subcommittees would become standing committees of the 501(c)(3). Mr. Gotsdiner stated that funding would initially be provided by Union Pacific Railroad and then by various sources, such as state and federal grants, contributions from corporate donors, and foundations. Ms. Weston asked if the four subcommittees would eventually dissolve. Mr. Gotsdiner stated the committees would be standing committees, adding that strategic decision would need to be made regarding how the CAG evolves.

Ms. Weston asked if the executive director would be an individual or MFG. Mr. Gotsdiner replied that the executive director would be an individual. Mr. Bateman stated that the 501(c)(3) would probably still want to utilize MFG for technical support and consistency. Mr. Gotsdiner stated that continuity is key. Ms. Weston asked how long financial support for the CAG would continue. Mr. Bateman replied that it would be mutually decided down the road. Mr. Bateman stated that no one wants to lose the institutional knowledge of the CAG.

Ms. Deppe stated that she was concerned that the committees would exist in two places: the CAG and Omaha's Healthy Kids Alliance. Dr. Polk-Primm stated that Omaha's Healthy Kids Alliance might attract a different group of people. Dr. Polk-Primm stated that she hopes that the 501(c)(3) will focus on health issues that are not discussed by the CAG.

Dr. Polk-Primm stated that she thinks the work that MFG does is superior and that not utilizing MFG would set the 501(c)(3) back. Dr. Polk-Primm asked how utilizing MFG would affect the funding available for the 501(c)(3). Mr. Bateman stated that MFG is paid through a separate contract.

Dr. Rajaram asked how the CAG could provide input into the formation of the 501(c)(3). Dr. Rajaram asked if draft 501(c)(3) documents could be provided to the CAG. Mr. Bateman stated that the documents are legal documents and may be of little interest. Ms. Determan stated that the business plan was provided to the CAG and that CAG members could review and provide comments on the business plan. Mr. Bateman stated that input has been received on the makeup of the board of directors and that additional input is welcome.

Mr. Feild asked how EPA fits into the 501(c)(3). Mr. Bateman stated that EPA involvement is very important and that EPA would be on the agenda for every board meeting.

Dr. Pour asked about the timeframe for starting up the 501(c)(3). Mr. Bateman stated that everyone is moving along as quickly as possible and that the 501(c)(3) may be up and running next month.

Ms. Deppe stated that the CAG has recommended adding additional community representation to the board of directors. Mr. Gotsdiner stated that the board of directors would include a community-based organization from North and South Omaha, a parent living in the Omaha Lead Site, a resident living in the Omaha Lead Site, and additional members totaling eight community representatives. Ms. Deppe stated that two parents should be included on the board: one from North Omaha and one from South Omaha. Dr. Polk-Primm stated that central Omaha is always left out, although the worst housing stock exists in central Omaha. Ms. Weston stated that members who can bring funding to the table are needed, but community input should not be excluded. Mr. Bateman stated that effort is being made to balance funding needs and community input. Dr. Polk-Primm stated that the focus should be on health. Mr. Bateman stated that the goal would be to reduce blood lead levels.

Ms. Weston asked if there would be a separate advisory board. Mr. Bateman stated that the CAG's input is needed to make decisions such as whether or not to create an advisory board.

Mr. Gotsdiner stated that a balance must be reached. Mr. Gotsdiner stated that if too many members were on the board of directors, the group would become dysfunctional. Mr. Gotsdiner stated that the board of directors would evolve.

Ms. Deppe asked if EPA's environmental justice representatives could comment. Mr. Jovan stated that decisions made affect children with high blood lead levels and that those making decisions need to hear from the community. Ms. Espinosa stated that the

community knows what the community needs. Ms. Weston stated that an advisory board would allow for greater community involvement. Dr. Rajaram stated if the community sees that they are included, the community would participate in the program.

Ms. Weston asked how the formation of Omaha's Healthy Kids Alliance affects EPA's negotiations with Union Pacific Railroad. Mr. Feild stated that there is not a direct effect on negotiations. Mr. Feild stated that EPA is moving forward with negotiations and will hopefully enter into a settlement agreement.

5. Contractor Wages

Mr. Kalwei provided an update on contractor wages. Mr. Kalwei stated that the contract with ER was originated from a small business solicitation that included several wage rates. Mr. Kalwei stated that ER had selected to pay residential davis-bacon wages, as opposed to heavy construction davis-bacon wages. Mr. Kalwei stated that the Department of Labor originally agreed with the selected wage rate; however, as of today, the Department of Labor ruled that the heavy construction wages apply. Mr. Kalwei stated that as a result of this determination, EPA's contractors would have to pay the higher wages retroactively and from this point on. Mr. Kalwei stated that in the future EPA contracts would state that heavy construction wages apply. Ms. Weston stated that she appreciated the information. Ms. Weston asked that the CAG be provided with anything available in writing regarding the Department of Labor's decision. Mr. Kalwei stated that if he receives a letter from the Department of Labor, he would share it with the CAG.

6. NDEQ Update

Mr. Felix stated that NDEQ does not have anything to report on.

7. Education Subcommittee Update

Ms. Wright provided an update on the Education Subcommittee. Ms. Wright stated that National Lead Poisoning Prevention Week is October 23-29, 2005. Ms. Wright stated that a press release was created and the mayor's office put out a proclamation. Ms. Wright stated that the CAG would have a booth at the Minority Health Conference and the Douglas/Sarpy County Extension and Douglas County Health Department will be present at the ConAgra health fair on October 30, 2005. Ms. Wright stated that the next Subcommittee meeting would be held on November 8, 2005 at 1:30 p.m. at the Douglas/Sarpy County Extension Office.

Ms. Weston stated that the Lead Safe Omaha Coalition is working with the Omaha Public Schools and that seven students will be creating a bulletin board for National Lead Poisoning Prevention Week.

Mr. Jones stated that the *Kids Run Better Lead Free* CD is featured on the HUD website.

8. Douglas County Health Department Update (5 minutes)

Dr. Pour discussed objectives that have been reached by the Douglas County Health Department. Dr. Pour stated that blood lead screening has increased by 20% since January 2005. Dr. Pour stated that the Douglas County Health Department has visited 30 medical providers. Dr. Pour stated that screening of children on Medicaid has increased by 24%.

Dr. Pour also explained that 20 community outreach workers have been trained and that most of the workers found the training to be very positive. Dr. Pour stated that during the 8-week outreach program, 15,000 individuals were reached. Dr. Pour stated that she felt that the program was money very well spent and she hopes for additional funding to continue the efforts.

Ms. Weston stated that the Lead Safe Omaha Coalition also contributed to the increase in screenings, through working with Headstart. Ms. Weston stated that the Lead Safe Omaha Coalition tested over 357 children last year.

Dr. Polk-Primm suggested that legislation might be necessary to ensure that Medicaid providers test children for lead. Ms. Deppe stated that testing Medicaid children is a federally mandated. Ms. Weston stated that additional pressure is needed.

9. City HUD Grant Application Update

Ms. Todd provided an update on the City HUD grant. Ms. Todd stated that she has been corresponding with a HUD grant officer and that the grant should be in place in the next few weeks. Ms. Todd stated that she needs an estimate from the CAG on the number of outreach activities the CAG will do over the next three years.

10. Comprehensive Plan Subcommittee Update

Ms. Deppe stated that a draft letter clarifying the CAG's requested change to the City code has been distributed. Ms. Todd suggested specifying, "deteriorated lead-based paint" instead of saying "lead-based paint." Ms. Weston suggested modifying the format to include how the code would read with the change. Ms. Deppe motioned to send the letter to Mr. Joe Gudenrath with the above changes. The motion was unanimously approved (12-0).

Ms. Deppe stated that the Comprehensive Plan Subcommittee would meet on October 27, 2005 at 10:00 a.m.

11. Hurricane Sign-On Letter

Ms. Deppe asked if CAG members would be interested in signing-on to a letter recommending healthy homes initiatives for hurricane-impacted Ms. Weston motioned

for the CAG to sign-on to the letter. Dr. Polk-Primm seconded the motion. The motion unanimously passed (13-0).

Ms. Deppe stated that Ms. Mary Hill received a grant from the EPA to research residents' understanding of lead-based paint issues and Superfund. Ms. Deppe stated that surveys would be conducted in the spring.

Dr. Rajaram stated that a survey was conducted in South Omaha, the results of which are not ready at this time. However, Dr. Rajaram stated that the results could be presented to the CAG at a later date.

Mr. Feild stated that EPA has awarded \$350,000 to the City through a cooperative agreement to perform exterior paint stabilization and interior dust cleaning. Mr. Feild stated that EPA is still developing the criteria for exterior paint work.

Dr. Rajaram asked if EPA would be testing dust after cleaning to see if the cleaning was helpful. Mr. Feild stated that such testing is not currently a part EPA's plans, but could be considered. Dr. Rajaram asked if EPA would be testing children's blood lead levels in the homes where dust cleaning and paint stabilization occurs. Mr. Feild stated that EPA does not test children, but is interested in blood lead data and other additional data, such as air and water data.

Mr. Feild stated that EPA needs to devise a strategy to gain access to collect paired data. Dr. Polk-Primm stated that the CAG has talked about the issue of access before and has recommended that EPA utilize local individuals and entities to gain access. Mr. Feild stated that EPA has tasked ATSDR with developing a strategy for gaining access and collecting data. Dr. Polk-Primm stated that there are people in the community who could develop the strategy and could develop a reliable, legitimate strategy in a significantly shorter time.

Ms. Weston asked when ATSDR was planning to involve the community in their plans. Ms. Casteel stated that ATSDR is developing a scientific protocol and would then approach community groups to request their involvement. Ms. Weston stated that the community should have been involved from the beginning. Ms. Determan stated that the CAG would like input into the draft protocol. Ms. Casteel stated that she would provide a draft to the CAG when it becomes available.

Ms. Deppe asked if EPA's environmental justice representative could present to CAG at the next meeting on general environmental justice principles and ideas. Mr. Feild stated that EPA would need a written request. Ms. Deppe motioned to request a presentation. Ms. Weston seconded the motion. The motion unanimously passed 10-0.

Handouts Provided for the Meeting (October 19, 2005):

Draft Minutes from 09/14/05 (Provided by MFG, Inc.)

Draft Minutes from 09/28/05 (Provided by MFG, Inc.)

Approved Minutes from 08/10/05 (Provided by MFG, Inc.)

Summary Notes from the Education Subcommittee Meeting on 09/13/05

Letter to Mayor Fahey Regarding City Property Maintenance Code – Lead-Based Paint

Letter to EPA and NDEQ Regarding Draft Scope of Work for the State Cost Share

Letter to the Department of Labor Regarding Contractor Wages

Letter to the Congressional Delegation Regarding Contractor Wages

Omaha Receives \$2 Million from HUD for Lead Hazard Control (Provided by Senator Hagel)

Email from Senator Nelson Regarding Lead-Based Paint Hazard Control Program

Kids First Program Back Up and Running

EPA Enforces Pre-Renovation Disclosure Rule for First Time (Provided by Ms. Kathy Leinenkugel)

Minority Health Conference (Provided by Ms. Kathy Leinenkugel)

Kids Run Better Lead Free (Provided by Mr. Clifton Jones)

An Unsavory Addition to Kids' Lunchboxes: Lead (Provided by MFG, Inc.)

U. To Track Kids' Health (Provided by MFG, Inc.)

News-Record.com Article (Provided by MFG, Inc.)

Why Is It Taking So Long? (Provided by MFG, Inc.)

Attorney General Creates Panel to Spend DuPont Settlement Money (Provided by MFG, Inc.)

ConsumerWatch: Lead Found at Omaha Playgrounds (Provided by MFG, Inc.)

Screening for Elevated Blood Lead Levels (Provided by Ms. Gail Braun)

Jackson Announces \$139 Million to Protect Thousands of Children

Building Community Amidst Diversity Initiative

Self-Help Homeownership Opportunity Program (Provided by MFG, Inc.)

*Environmental Education Grants Program Solicitation Notice for 2006 (Provided by
MFG, Inc.)*

Letter from Heineman to EPA Dated September 20, 2005

U.P. Puts \$500,000 into Lead Abatement

Attachments to Minutes:

Sign-In Sheet (hardcopy to be delivered)