

Libby Community Advisory Group

Meeting Summary

May 10, 2007

Introductions

Gerald Mueller and members of the Libby Community Advisory Group (CAG) introduced themselves. A list of the members in attendance is attached below as Appendix 1.

Agenda

The CAG agreed to the following agenda for this meeting:

- § DC Orr Presentation on CAG Reorganization;
- § HB 407;
- § CAG Reorganization;
- § Agency reports;
- § Public Comment; and
- § Next Meeting Agenda.

DC Orr Presentation

DC Orr addressed the CAG about its reorganization. He stated that, like others, he is concerned about the CAG's loss of members and audience at its meetings, its direction, and contentiousness at CAG meetings. Some of the contentiousness has been due to members' inability to get answers to their questions or actions in response to their requests. For example, two former CAG members repeatedly raised questions and requested action from EPA regarding the *Living With Vermiculite* brochure and the lack of a risk assessment to guide the asbestos cleanup. Action regarding these and other topics were blocked. Nothing was done. The lack of a risk assessment has meant that the cleanup has been based on incomplete and outdated science. However, when Senator Baucus recently raised these same concerns, EPA responded. The brochure was pulled and a toxicology study was initiated. Mr. Orr proposed that instead of EPA, the CAG should direct its questions and requests to Montana's Congressional delegation. He also proposed that a subcommittee of the CAG should be formed to identify topics for CAG action.

CAG Member Comment - You suggest that we have more confidence in elected rather than agency officials. I don't share this view. The Montana legislature's actions regarding HB 407, which would have provided funding to Libby to help people with asbestos-related disease costs, is one example of the interest of politicians trumping our interests. Also, your examples focused on the past. The Living With Vermiculite brochure was recalled. We need to look forward. I agree that the CAG needs to identify topics for action, but the entire committee, not a subcommittee, should do so.

Response - I agree that our focus should be forward. I suggest focusing on elected officials rather than agencies because we can hold our elected officials accountable.

CAG Member Comment - Senator Baucus is able to hold Susan Bodine, EPA Assistant Administrator for Solid Waste and Emergency Response, accountable for supporting Region 8 in the Superfund cleanup of Libby.

Comment by Paul Peronard - Regarding the concerns raised by Mr. Orr, EPA has developed a road map that will lead to the risk assessment. We are conducting ambient air sampling and activity based sampling to provide data to support the risk assessment and to ensure the efficacy of past cleanups. A toxicology assessment is underway. The Living With Vermiculite brochure was pulled prior to the EPA Inspector General's Report. EPA is responding to the concerns raised by Mr. Orr. We support the CAG's efforts to focus on substantive issues in the cleanup and cleanup plans schedules.

HB 407

Dr. Black reported on the outcome of the attempt to pass HB 407. Several people from the Libby community testified before the House Appropriation Committee and the Senate Finance and Claims Committee in support of this legislation. HB 407 originally requested \$3 million to supplement health care plans and provide for screening to help people in Libby pay for their medical and personal service costs resulting from asbestos disease. As it passed the Montana House, the appropriation was reduced to \$2 million for the 2008-2009 biennium. Unfortunately, the bill was tabled in Senate Finance and Claims and the full Senate failed to pass it.

Comment by Gerald Mueller - Although it is outside of my role as the CAG facilitator, I did testify in support of HB 407 in both the House and the Senate. I was disappointed that the testimony of the Montana Department of Public Health and Human Services (DPHHS) did not address the substance of the bill or Libby's need for health care services. Instead, DPHHS witnesses focused only on the department's costs in implementing the bill and on the need to tighten bill language to ensure that funds did not flow to communities other than Libby.

CAG Member Comment - As introduced, the bill was poorly written. For example, it did not mention tremolite asbestos. Consideration of the bill also suffered from rumors that the County has mishandled existing appropriations, which is not true.

CAG Member Comment - I testified at the House hearing and was discouraged at how misinformed legislators were about Libby's Superfund cleanup and the federal asbestos legislation. Some House members thought that health care is being paid for because a Superfund cleanup is underway, or that the federal legislation is addressing our problems. I was also dismayed that DPHHS focused only on HB 407's funding process and that it needed 1/4 to 3/4 of an full-time equivalent position simply to cut a check to the Lincoln County Department of Health.

CAG Member Comment - The bill also suffered because Libby's support was fragmented. Originally the CAG agreed that the bill should have a single focus, providing funds for the Libby Asbestos Medical Plan (LAMP) to administer. However, the bill considered in the Senate provided funding for several programs.

CAG Member Comment - The bill failed because it became enmeshed in partisan politics. Democrats in the Senate killed the bill because its Republican sponsors were voting against all Democratic funding bills.

CAG Member Comment - I agree that at the end of the day, the bill became a personal issue for several legislators, and this determined its fate rather than substance.

CAG Member Comment - I don't have a faith in politicians who were unable to craft a state budget. I dealt with legislators on education issues. Instead of listening to my concerns, they were more interested in lecturing me about theirs.

CAG Member Comment - In this session, the legislators worked with a billion dollar surplus. Conditions may be different two years from now. We have 18 months to develop a request for the next session.

CAG Member Comment - I spoke with Hal Harper, Governor Schweitzer's chief policy advisor. He said that we need to make sure that a future request is included in the governor's budget, which means that we have to have our request formulated prior to October 1.

CAG Member Comment - We were not aware this time that we had the opportunity to be a part of the governor's budget process.

CAG Reorganization

Bill Patten reported on the work of the CAG committee charged with developing a survey related to the CAG reorganization. In addition to himself, members of the committee included LeRoy Thom, Gordon Sullivan, and Mel and Lerah Parker. When the committee met to consider what the survey should address, it became evident that the members did not agree on the survey focus. Some thought that the survey should seek to repopulate the CAG. Others thought that the survey should happen after reorganization. Some thought that it should focus on impacts of the cleanup on homeowners, the WR Grace bankruptcy, and other topics. The committee therefore agreed that it should ask the CAG to clarify the survey purpose.

Audience Member Comment - The CAG needs fresh blood. Several community interests are no longer represented. The CAG also needs a mission statement.

Response by Gerald Mueller - At its March 9, 2000 meeting, the CAG agreed that it has a two-fold purpose. It exists "...to provide a conduit for formal and regular communication between the people of the Libby community..." and to provide "...EPA advice and/or recommendations to EPA and others such as Montana's Congressional delegation."

Audience Member Comment - The CAG should have rule limiting microphone time and that the microphone should move so that all members have an opportunity to talk before any member speaks twice.

Response by Gerald Mueller - This rule could be considered in revised ground rules; however, the CAG agreed not to revisit its ground rules until after new members join so that they can participate in developing them.

Audience Member Comment - We needed collective action as a community now more than ever if we are to address health funding, economic development, etc. The non-participation by some interests is a concern.

CAG Action - Those CAG members present agreed that the focus of the survey should be on repopulating the CAG. It should seek to determine the level of interest in the CAG, why people who formerly participated stopped, and what needs to be changed to so that they would

return, or new people would join.

EPA Report

Paul Peronard, Mike Cirian, and Ted Linnert reported on behalf of EPA on the following topics.

Flower Creek Bank Contamination - This last Tuesday, a homeowner reported finding asbestos-laden rocks along a 300 foot stretch of Flower Creek. EPA responded and found rocks, some 8 to 10 inches in diameter of almost pure asbestos. We covered the contamination and began trying to understand how the rocks came to be on the creek bank. Some of the rip rap on the creek apparently came from a quarry along the Fisher River used by the US Army Corps of Engineers, EPA, and Lincoln County. EPA has tested this quarry repeatedly and not found asbestos. A former property owner stated that during the late 1990's some material from the screening plant may have been used as creek rip rap. Because children play along the creek, we are moving to schedule cleanup as soon as possible.

CAG Member Comment - I may have worked at this site in the past. I think that material was hauled in conjunction with the riprap project on Granite Creek performed by the Corps of Engineers. There was a permit for hauling 50,000 cubic yards of material from the mine.

Activity Based Sampling Plan and Toxicology Assessment - Copies of the sampling plan and toxicology assessment were previously supplied to the CAG. Hard copies are available at the EPA Information Center. Comments on these two documents are due by the middle of May. Members of the TAG will be flown to Denver to discuss these documents. Both documents are being peer reviewed by scientists at the University of Montana, the National Institute for Occupational Safety and Health (NIOSH), and EPA Headquarters.

We need additional properties to conduct activity based sampling so that we can obtain statistically valid data to determine if previous cleanups were adequate as well as the significance of samples containing visible vermiculite that when tested using polarized light microscopy indicate no asbestos. We have 30 properties that have agreed to participate in this sampling, but we need 80. Residents do not need to move out of their homes during this sampling.

Cleanup Numbers - This year 15 properties have been cleaned, bringing the cumulative total to 809.

Ambient Air Sampling - The twentieth round of ambient air sampling has been completed and the twenty-first round will begin tomorrow.

Environmental Resource Specialist - As the Environmental Resource Specialist (ERS), Mike Cirian has been receiving many calls, most in response to a cleanup related letter that should have directed the questions to the EPA Information Center. Six or seven calls dealt with actual cleanup situations. One involved replacement of a septic tank that uncovered vermiculite. Others were from people finding vermiculite when working on driveways, yards, or houses. These wanted to know what to do about vermiculite they found.

Japanese Visitors - Last week EPA conducted tours of the mine and Libby project sites for visitors from Osaka, Japan, a community of about 700,000 people. Osaka contains a site with

chrysolite asbestos contamination resulting from pipe construction. An area in the community with a 1,500 meter radius included 85 deaths from mesothelioma. Japan does not have a Superfund-type law; instead, the obligation for cleanup and compensation falls on the industry causing the contamination. Our visitors were interested in how our Superfund statute works and on the ongoing litigation against W.R. Grace. We arranged a 3.5 hour meeting with local Libby folks, including asbestos-victims. After this meeting, Dr. Black provided our guests information about health affects from the Libby asbestos exposure.

Asbestos Review Board - EPA is seeking comments on the makeup of its asbestos review panel. Biographies of the people who have been nominated for the panel are available on a web site. We do not have the address of this site with us tonight, but we will provide them to the CAG facilitator so that the address can be provided to the CAG email lists. The address is http://www.epa.gov/sab/panels/asbestos_expert_panel.htm.

CAG Member Question - Is there a list available to the public that contains all of the subjects about which EPA has solicited comments together with the comment deadlines?

Answer - Assembling such a list is a good idea. We will do so and make it available electronically and in hard copy.

CAG Member Comment - We are very interested in who sits on the asbestos review panel. It is a very important body. The Technical Advisory Group (TAG) will be reviewing the nominees.

CAG Member Question - Why is the yellow tape around the area near City Hall?

Answer - This past winter, a house burned and exploded, blowing contamination across the street. We covered the contamination, but there was snow on the ground at the time, so we are restricting access to the site. We will be sampling the contaminated area within two weeks.

State Report

Catherine LeCours reported on behalf of the state. In March, we mailed 800 letters to some 1,200 property owners requesting access for the investigation in Troy. We have received access for 300 properties so far. The investigations are scheduled through the end of May. We are waiting to schedule more until we get a better handle on the time-frame required for each parcel. We held public meeting on April 25 that was attended by about 80 people to discuss the investigation and cleanup. Cleanup will not begin until after the investigation phase is completed. We are, however, offering ERS services in Troy to assist people with small cleanups.

Operation and Maintenance Working Group

At its most recent meeting, the O&M group received an update regarding grants for the fire department. After the record of decision is completed on the former vermiculite processing areas, we will have an opportunity to put in place an O&M plan for these sites in place that will include institutional controls. We will provide a more detailed report on ERS activities to the CAG at its July meeting.

ARDNet

Carol Spas reported that the most recent meeting of the Asbestos Related Disease Network (ARDNet) that people are increasing seeking support from this program as they exhaust their

funding eligibility in the LAMP. ARDNet is now providing personal care services to some 125 people. We have also provided 30 cases of Ensure, a food supplement, to people. Through ARDNet, volunteers are assisting people with spring cleaning and painting. ARDNet funding is about to run out.

TAG Report

Alvin Benitz reported on behalf of TAG. W.R. Grace has contracted for studies at the mine. Reports on these studies will be provided to EPA and will be reviewed by TAG.

CAG Member Question - Has a special TAG meeting been scheduled?

Answer - TAG has a public meeting scheduled at 1:00 p.m. at Henry's on May 15, 2007. The TAG executive board will meet just prior to the 1:00 p.m. public meeting.

CAG Member Comment - I ask because I understand that TAG is considering adding Mayor Berget to its board of directors. I have asked for disclosure of the Mayor's interests relating to W.R. Grace before any such appointment would be made.

Response by Commissioner Rita Windom - The County Attorney has advised that elected officials may not serve on TAG's board of directors.

Public Comment

There was no additional public comments.

State Agency Director Invitations

The CAG agreed to invite Richard Opper, Director of the Montana Department of Environmental Quality, to visit Libby and attend the June or July CAG meeting. Eileen Carney will draft a letter extending the invitation. The letter will include issues that the CAG would like Mr. Opper to discuss. CAG members should email Ms. Carney listing issues that she should include in the letter. Catherine LeCours stated that she has been talking with Mr. Opper about a visit this summer, and he is looking forward to doing so when his schedule permits.

A subsequent invitation will be extended to Joan Miles, Director of the DPHHS.

Next Meeting Agenda Topics

§ Discussion with DEQ Director Richard Opper, if his schedule permits.

§ Agency reports.

Next Meeting

The next meeting is scheduled for 7:00 to 9:00 p.m. on June 14, 2007 in the Ponderosa Room of Libby City Hall.

Appendix 1
CAG Member & Guest Attendance List
May 10, 2007

Members	Group/Organization Represented
Bill Patten	St. John's Lutheran Hospital
K.W. Maki	Libby Schools
Paul Peronard	EPA
Ken Hays	Senior Citizens
Ted Linnert	EPA
Mike Cirian	EPA
DC Orr	City of Libby
Gary Swenson	Libby Volunteer Fire Department
Dr. Brad Black	Lincoln County Health Officer
Eileen Carney	Board of Respiratory Therapists
Rita Windom	Lincoln County Commission
Catherine LeCours	Montana Department of Environmental Quality
David F. Latham	The Montanian Newspaper