Message

From: Greene, Nikia [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=32A08A414A4F40199B557C0819EB7D0B-GREENE, NIKIA]
Sent: 3/3/2014 3:13:32 PM
To: Elsen, Henry [Elsen.Henry@epa.gov]
Subject: FW: Butte Health Study Ignores Environmental Justice

FYI:

From: John Ray [mailto:bodinman2003@yahoo.com]
Sent: Sunday, March 02, 2014 2:45 PM
To: DalSoglio, Julie; Vranka, Joe; Sparks, Sara; Greene, Nikia; jgriffin@mt.gov
Cc: John Ray
Subject: Butte Health Study Ignores Environmental Justice

Please read the following that I wrote today concerning my difficulties with the Butte Health Study:

Butte Superfund Health Study Ignores Environmental Justice

Submitted by: Dr. John W. Ray
915 West Galena St.
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On February 17, 2014, I wrote to you about my concerns regarding the Butte, Montana Superfund Health Study which was being conducted under the auspices of the Montana Office of EPA to demonstrate Superfund's effectiveness in Butte, Montana. One of my complaints was that the EPA Montana Office had ignored environmental justice concerns in the conduct of the first phase of the health study. The first draft of the health study has been completed and released. Although it notes that in central Butte, the area encompassed by the Butte Priority Soils Superfund Operable Unit, blood lead levels in children living in that area are higher than those found in the rest of Butte and that lead levels were particularly elevated in low-income families who disproportionately live within the Priority Soils area, no particular outreach to or involvement of or consideration for the low-income community is planned or seen as necessary by the Montana EPA office.

Clearly this is an environmental justice issue. Yet, no representatives of the poor are participants in the planning and execution of the health study. No effort is made to assess the health effects of exposure to the toxics of concern in the Priority Soils site—lead, arsenic and mercury—specifically on low income residents who are particularly susceptible because of their poverty to the detrimental effects of toxics exposure. Given that the low-income community in Butte is being ignored, the results of the

health study will be to perpetuate the disparate toxics burden that low-income citizens have had to endure in Butte. We will see a perpetuation of "environmental injustice." The Montana Office continues its "one size fits all" approach to dealing with environmental justice. In reality, environmental justice concerns are being ignored by the Montana Office of EPA.

It is not sufficient to just recognize that low income citizens in Butte are disparately and uneqully affected by toxics exposure. The EPA needs to act and do something to remove this disparate, disproportionate toxics burden. How is Montana EPA addressing this problem? Why has it been ignored?

From the inception of the health study, the Montana EPA office saw this study as a means to justify the efficacy of the Butte Superfund cleanup. (After all, it was announced when the health study was announced, before the study was conducted, that the study would confirm Superfund's efficacy. Is this "good science, to announce what you expect to find before the study is completed? That is why citizens demanded an independent peer review of the study. EPA originally agreed to an independent peer review during the process of developing and conducting the health study. Now, the Montana Office of EPA is apparently reneging on that promise.) In their attempt to prove Superfund has worked, the Montana Office has ignored environmental justice concerns which should give the Montana EPA office pause when considering the efficacy of the Superfund cleanup.

One study, conducted a couple of years ago, indicated that there were significant problems regarding the efficacy of the Butte Superfund cleanup, particularly in terms of low-income citizens. Other past studies reached similar conclusions. As I mentioned earlier, this current, Montana EPA office sponsored health study was formulated to counteract the conclusions of the original study by Stacie Barry. Stacie's study was independently peer reviewed while it was being developed. Why does the Montana Office of EPA refuse that same level of independent scrutiny? Such action on EPA's part might lead some to conclude that EPA is NOT confident about its study or that EPA has something to hide. If all is ok, let us have an independent peer review prior to the completion of the health study.

The study also has methodological issues related to the use of averages and causal reasoning.

Certainly, the folks conducting the Residential Metals Abatement program (RMAP), which is part of the Superfund remedy, in Butte are doing an exemplary job. They work long hours and are easily accessible. They are doing all that they can, given the restrictions placed on them by EPA. In fact, they need more support from EPA. Problems are often beyond their control such as some landlords who refuse to grant them access to their properties. Butte needs more protective action levels and EPA needs to remove artificial restrictions on when the RMAP program can cleanup a

property. EPA, which has the power, needs to do more to get reluctant landlords “off the dime” and to allow RMAP access to clean up their properties.

The issue is EPA’s overall approach to the cleanup on the Butte hill that has largely ignored environmental justice issues. No special consideration is offered to low income citizens in contradiction to EPA’s stated policy. EPA still supports action levels for cleanup that are based on old and what the CDC (Centers for Disease Control) considers non-protective blood lead levels. Why hasn’t the EPA changed its cleanup action levels, which are very permissive, to reflect the new CDC findings and offer maximum protection to low-income citizens?

Butte citizens want Superfund to be effective. After all, we live here. But desire for a favorable outcome should not blind us from asking tough questions of EPA. Conflicting studies with conflicting results leads to citizen confusion. Why won’t EPA subject its study to independent peer review? Low-income citizens need special consideration as part of the EPA’s commitment to environmental justice, which is really an extension of equal protection of the laws. Why won’t EPA give them special consideration? I really believe that the Montana Office of EPA doesn’t have a clue as to what is mandated by environmental justice.