Message

From: Kaiser, Steven [kaiser.steven@epa.gov]
Sent: 8/27/2018 2:38:16 PM
To: McCoy, Lisa [LMcCoy@idem.IN.gov]; Beth Admire [badmire@idem.IN.gov]; Carla Morgan [cmorgan@eastchicago.com]
CC: Zander, Rachel [Zander.Rachel@epa.gov]; Toney, Marcy [toney.marcy@epa.gov]; Kyte, Larry [kyte.larry@epa.gov]
Subject: USS Lead - Press

East Chicago press clips
US EPA Region 5 – prepared by the Office of Public Affairs
August 27, 2018

Northwest Indiana Times Advocacy groups: EPA must end inconsistent approach to Superfund cleanups under new lead rule

https://www.nwitimes.com/news/local/lake/advocacy-groups-epa-must-end-inconsistent-approach-to-superfund-cleanups/article_759ed2f9-29c2-58ef-8ce2-c96f3dfd4cbb.html

Advocacy groups: EPA must end inconsistent approach to Superfund cleanups under new lead rule

Northwest Indiana Times, Lauren Cross, 8/27/18

As the EPA proposes strengthening its standards for lead dust hazards in the face of a federal court order, attorneys representing families exposed to lead poisoning in East Chicago say EPA's practice of inconsistently addressing such hazards at Superfund sites across the country cannot continue until the new rule.

“If you’re going to go through the trouble to use what you deem as the best science, then you should make sure that everyone benefits,” said Debbie Chizewer, an attorney with Northwestern Pritzker School of Law Environmental Advocacy Clinic.

Under a judge's order, the EPA in June proposed strengthening its dust-lead hazard standards from 40 to 10 micrograms per square foot on floors and from 250 to 100 sq/ft. on window sills. Since EPA’s rule was first finalized in 2001, the understanding lead exposure in children has advanced and mounting scientific research has found no safe level is acceptable.

However, the Environmental Protection Agency has historically failed to address interior lead dust hazards for homeowners living in hazardous Superfund sites, and in the few cases that they have, such as in East Chicago and Pueblo, Colorado, the federal agency has not applied the current standards universally.

That's according to public comments submitted Aug. 16 by attorneys with Northwestern, Abrams Environmental Law Clinic at University of Chicago Law School, the Shriver National Center on Poverty Law, and Health Justice Innovations.

Media spokespeople for EPA's Region 5 and EPA headquarters did not respond to request for comment about the lead dust rule.

Chizewer: EPA cleanup not protective enough

EPA has inconsistently addressed lead hazards in Superfund sites across the country, and this long-overdue change must be universally applied across agency programs to protect public health and safety, Chizewer and others argued.

"We submitted comments on the dust-lead hazard standard because we believe that EPA should apply the most protective standard across all of its programs. In our comments, we raise up the story of East Chicago, and compare it to other Superfund sites, to highlight the ad hoc and inconsistent way in which EPA handles lead-dust at Superfund sites and to urge EPA to achieve more consistency in its approach and more public health protection," Chizewer said.

As was the case with many remediation plans approved by EPA, the agency's cleanup plan for the USS Lead Superfund site in East Chicago did not include interior dust assessment or cleanups. Only after a public uproar in summer 2016 in East Chicago, EPA began indoor dust assessments, but the practice has been limited to homes where soil contamination exceeds its screening levels.

EPA has cleaned the interiors of 396 homes in the USS Lead Superfund site since 2016 as part of their "aggressive" cleanup timeline, the agency has said. EPA Region 5 staff has argued the agency is only cleaning home interiors found to have contaminated soil because of the unlikelihood families are tracking lead-contaminated dirt into their home.

Northwestern, University of Chicago, Shriver, and Health Justice, however, see it differently.

"If that's true, they should do the work and figure it out. This community has suffered incredible accumulative exposure. Just do the testing," Mark Templeton, director of the University of Chicago Law School's Abrams Environmental Law Clinic, said Friday.

Rather than using existing federal standards as a guide, EPA also created its own site-specific dust standard and assessment protocol in East Chicago, Templeton, Chizewer and others argue.

EPA's approach to Superfund cleanups

An extensive review of dozens of Superfund sites across the country involving lead contamination found that fewer than five sites in which EPA undertook interior dust remediation — East Chicago, Pueblo, Colorado; Bunker Hill, Idaho; and Anaconda, Montana, documents show.

Dust action level used at the four sites ranged from 275 ppm to 1,000 ppm and EPA used a vacuum instead of the preferred "wiping" method.

Furthermore, EPA set the clearance standard in East Chicago at 25 micrograms per square foot, but 10 micrograms per square foot in Pueblo, Colorado.

"All procedures for assessing and addressing indoor lead dust should be applied consistently across all Superfund sites and should at a minimum meet the (regulatory requirements)," Northwestern, University of Chicago, Shriver, and Health Justice wrote in their comments.

Local impact?

Calumet neighborhood residents living in the lead-contaminated Superfund site have long pushed for more stringent cleanup standards, arguing EPA's nearly 17-year-old rules are not protective enough, given the cumulative exposures to lead paint, dust and soil.

Nearly half of the 102 Superfund homes tested last year in East Chicago had evidence of lead paint. Lead-contaminated dust has also been found.

However, EPA is proposing no changes to its current standards for lead-based paint hazards, citing "insufficient information" to support such a change. The agency is also not addressing its cleanup standards for lead-contaminated soil — 400 parts per million for playgrounds and residential yards and 1,200 for general yards — despite calls from advocacy groups to do so.

Northwestern, University of Chicago, Shriver, and Health Justice said EPA should seek to model its standards after California, where lead levels of 80 parts per million in soil triggers cleanup.

Since 2016, EPA's cleanup costs in the the USS Lead Superfund site have nearly quadrupled to $84.9 million, though the budget does not include costs for cleanup of the West Calumet property or indoor dust removal.