

Coordination & Engagement on Issues Related to the JH Baxter Facility

COMMUNITY ENGAGEMENT CORE TEAM

June 23, 2021

Facilitator's Summary

| ACTION | WHO | BY WHEN |
|--|--|---------------------------------|
| Schedule next Core Team meeting for July. | DSC | ASAP |
| Convene to prepare for an OHA human health and cancer-related information sharing session at the next Core Team meeting. | Lin, Lisa, Ed, Susan, Ryan, Jeremy, Ali, Diana Julie and Donna | Prior to next Core Team meeting |

Participants: Arjorie Arberry (Beyond Toxics (BT)), Lisa Arkin (BT), Ali and Jeremy AAsum (Community Member), Mary Camarata (DEQ), Killian Condon (DEQ), Dylan Darling (DEQ), Ed Farren (ABC), Ann Farris (DEQ), Courtney Fultineer (OHA), Max Hueftle (LRAPA), Ryan Josef-Maier (Community Member), Travis Knudsen (LRAPA), Mike Kucinski (DEQ), Emily Pyle (ABC), Diana Rohlman (OSU), Julie Sifuentes (OHS), Sheryl Stohs (US EPA), Susan Turnblom (DEQ), Sarah Wheeler (DEQ), Jon Wilson (City of Eugene), and Lin Woodrich (ABC). **Facilitation Team:** Donna Silverberg and Emily Stranz, DS Consulting.

Welcome and Introductions - Facilitator, Donna Silverberg, welcomed the group to the 6th Core Team meeting. Group members introduced themselves and their affiliation. Participants included West Eugene community members, and representatives from the Active Bethel Community (ABC), Beyond Toxics (BT), City of Eugene, Oregon Department of Environmental Quality (DEQ), Lane County Public Health, Lane Regional Air Protection Agency (LRAPA), Oregon Health Authority (OHA), Oregon State University (OSU), and U.S. Environmental Protection Agency (EPA).

Emily told the group that there had been a few minor revisions to the draft May 26 meeting summary. There were no additional edits suggested. Emily will send the final summary to DEQ for posting on the JH Baxter webpage.

Donna stated that the purpose of this session is to continue to build understanding and relationships between impacted community members who are willing to work with agencies to improve the air, soil, and water conditions at and near the JH Baxter facility in West Eugene. In particular, the session's focus was to continue reflecting on the understanding, relationships, and process, to learn what agencies had heard from their community partners, how that has changed their approaches now and into the future, and to provide project updates.

Follow-Up From Last Session - Mike Kucinski (DEQ) thanked community members who accepted his offer for one-on-one side conversations to help him better understand their concerns and interests. He noted that for those he had not yet spoken with, the offer still stands; please contact him if you are interested.

Mike shared that Ann Farris (DEQ's JHB Clean Up Project Lead) was selected and will be taking a detail in DEQ's policy office for about 6 months. Susan Turblom, Don Hanson, and others will step to support the JH Baxter project while Ann is on her assignment. Mike assured the team that DEQ feels this is a very important project and Ann will continue to be involved while on detail at Headquarters. Ann added that DEQ headquarters is aware of the JH Baxter effort, and she will bring community concerns and input with her into her temporary position.

Additionally, Mike reported that wildfire season is gearing up and DEQ may need to redirect staff as needed.

Coordination & Engagement on Issues Related to the JH Baxter Facility

Reflecting on the Past Six Months (continued conversation from May meeting) - Agency representatives on the Core Team shared their reflections on what they have heard from community members in the last six months and how it has or will impact efforts moving forward. They shared the following:

- Travis Knudsen (LRAPA), on behalf of all the agencies, started by acknowledging that the community has felt ignored by the regulatory agencies regarding issues at JH Baxter (and other facilities in West Eugene). In the past, the community has not seen sufficient action from the regulatory agencies. The community is concerned about the health of their families and community and wants to be able to live and work in a healthy environment. Further, community members feel the livability of the area is compromised. The community wants the regulatory agencies to require changes at JH Baxter to improve environmental quality and to ensure compliance. Also, there is a need and desire for detailed information to keep community members informed about how the environment and human health is being protected. Travis noted that the collaborative approach to addressing concerns at JHB (and beyond) is vital for incorporating the community's input into the process and creating transparency so that the community can be assured that the agencies are doing all that they can within their legal authorities. Lastly, Travis reflected that there is a sense of urgency for the community, while also an understanding that there is not a quick or easy fix to these complex issues.
- Jon Wilson (City of Eugene) reflected that this process has allowed the City of Eugene to get a better understanding of the regulatory agencies and programs, allowing them to work more effectively together. He observed that the community is very interested in ensuring a healthy environment. Jon offered that the City is interested in improving communication between the City and community both on what the City is currently doing to protect human health, as well as finding ways to address legacy issues.
- Julie Sifuentes (OHA) reflected that OHA has heard loud and clear that the community is very concerned about the continued health risks associated with JH Baxter, as well as other facilities. She noted that, although OHA is not a regulatory agency when it comes to air toxics, they do play an important advisory role in ensuring that the regulatory agencies are addressing the sampling and monitoring in a way that will collect health data that responds to the community's questions and concerns. Julie noted that OHA is committed to transparency about what is known, where there are uncertainties what their process is so that the community can trust it. She also said OHA will work to clearly communicate information about health risks and to create space for meaningful community input throughout the process.
- Mike Kucinski (DEQ) reflected that he has heard the community has lost trust and faith in the government that is here to protect them, and that trust needs to be rebuilt. Core Team members need peace of mind, as do their neighbors who have lost hope and stopped participating. As a result, the regulatory agencies need to reach out to the broader community to communicate what has changed because of Cleaner Air Oregon (CAO) and to illustrate that changes can be positive and permanent. Mike feels there has been good progress, noting that this is the first time in his 21 years at DEQ for such a coordinated effort between agencies. He pointed to JH Baxter being made to stop evaporating processed waste in the retorts as an example of progress from this effort. He also noted that JH Baxter will be conducting soil sampling soon and, because it is clear the community does not trust Baxter or the consultants they hire, DEQ will be there to ensure quality control (see more details below). Mike ended by recognizing that these processes take longer than people want and noted that it is important everyone takes the time to get it right.
- Ann Farris (DEQ) added that this collaboration is important. When she started working on JH Baxter in 2019, she could hear the deep frustration from the community and knew that a different approach was needed. Ann noted that this collaboration is not standard operation procedure for the agencies and that they are trying to break down the silos and pool resources to ensure that action happens so that the air, soil, and hazardous waste issues are all addressed. Ann said that the community members' input has been very important for the agencies and helpful for planning communication needed for the broader public.

Coordination & Engagement on Issues Related to the JH Baxter Facility

The agencies are currently working on revising a communications strategy and will bring it to the Core Team for input regarding communicating information, community meeting needs, and timing.

- Susan Turnblom (DEQ) added that the agencies remain very committed to meeting with the Core Team because they take the thoughts and ideas shared here very seriously. She noted that they will look to the community to help communicate information when the time comes to share it with the broader community.
- Sheryl Stohs (EPA) began by thanking the partnering agencies for their efforts and for including her. She reflected that she heard pain and struggle from community members at the last meeting, noting that this has been a long fight for the community, as some have been working to address issues at JH Baxter for more than a decade. Sheryl acknowledged Lisa, Arjorie and the team at Beyond Toxics for their continued efforts and hard work. She also appreciated the multi-stakeholder collaboration. She noted that EPA is available to support the agencies where they find gaps and that she has flagged this effort at EPA headquarters. Sheryl acknowledged the urgency she heard from the community and noted that these processes do take time. She underscored that the time is now to take meaningful actions to address threats to the community and to ensure that future generations do not have historical burdens placed on them.

Ryan Josef-Maier (Community Member) appreciated hearing from the agencies and still has questions about how they are going to utilize what they've heard moving forward, specifically knowing that JH Baxter has disregarded regulations in the past. He noted that they cannot do the same thing over again and expect different results. Additionally, Ryan noted that other community members who are not able to take time to join the Core Team need to be communicated with in ways that work for them (i.e., via social media, large scale media, and in terms that are understandable). He was glad to hear that the agencies are thinking about reaching out to the broader community.

In terms of the time that it takes for these processes to move forward, Ryan noted that while he trusts the hearts involved, he perceives an “urgency gap” between the members of the community and the regulatory processes; although the agency folks are working hard to effectively address the concerns, the processes have been so far removed from the human experience. The community is living and breathing these issues every day. He urged the agencies to shorten the urgency gap.

On behalf of community members, Ryan asked whether it is safe for people to live near JH Baxter, specifically:

- What is the pollution?
- What is the safe level for chronic exposure?
- Are we there?
- When will we know?

Ann responded that, through this process, the agencies will determine what is being emitted from JH Baxter and at what levels. She noted that nothing in the agency regulations will allow them to say whether individual homes are safe. Instead, they WILL be able to say whether there is an ‘acceptable risk’ from the amount of regulated chemicals they find to be existing. She also cautioned that not all chemicals are regulated. Regarding urgency: the data that is currently available does not show concentrations that pose an immediate public health risk. If it did, they would have said so. The upcoming sampling will provide more information about the levels of contamination.

Julie, OHA, noted that the environmental justice movement has been considering how to assess the cumulative health risks in a neighborhood where there are multiple sources of pollution and various vulnerabilities. There has been work towards incorporating these factors into regulatory actions; however, there currently is no clear way to do this. Currently, the tools available are site specific and not cumulative. Julie noted that in the past,

Coordination & Engagement on Issues Related to the JH Baxter Facility

regulatory actions at JH Baxter and more broadly in West Eugene, have fallen short. So, the agencies have been thinking about how to leverage the different processes to best answer these questions in a way that can feed into the regulatory actions. Diana Rohlman, OSU, added that the issue of assessing cumulative effects from chemicals is a problem that is beyond regulation, it is something that scientists are also grappling with. Lisa Arkin (BT) noted that this conversation is very important and perhaps this is the group that could change how the agencies address risk assessments. She added that different communities with different vulnerabilities are impacted differently by toxins, and risk to a particular community depends on background, history, genetics, trauma, etc. As a result, she urged that OHA get rid of the ‘dose is the poison’ message and develop something more meaningful.

Moving forward, Julie offered that OHA would provide more information to the Core Team regarding the known public health risks to allow them all to dive deeper into the information available and grapple with it as a team. This would enable the group to see where there are questions that can be addressed (and how). Community members were interested in more information and conversation around known human health risks. Some offered to help plan how that information is framed and shared.

- **ACTION: Lisa, Lin, Ed, Susan, Diana, Ryan, Jeremy, Ali, Julie, and Donna will meet to prepare for an OHA human health information sharing session at the next Core Team meeting.**

What is next? – Following up on how agencies will utilize what they hear from community members, the agencies provided information around next steps in regard to JH Baxter:

Soil – Ann thanked the Core Team members who submitted comments on the draft soil sampling plan, noting that DEQ really appreciated that they took the time to provide such meaningful input. The draft plan was reviewed by the Cross-Agency Tech Team, the Core Team, and EPA and she will be finalizing the comments and working with the JH Baxter consultants to finalize the plan by June 25th. Ann noted that it is important to make sure that the plan includes the best possible technical approach to sampling, as it will directly affect people’s lives and they want to make sure there are no quality control issues.

The soil sampling plan is a JH Baxter-consultant plan intended to investigate deposition of chemicals emitted in the air from JH Baxter that fall into the soil. This plan does not look at contaminants from all sources, it is designed to look at soil that may have been impacted from air deposition. This step will tell us if contaminants have come from JH Baxter and fallen on the soil at levels that are dangerous to human health. From the Cleanup perspective, this is absolutely critical and urgent.

DEQ will be sending notification to property owners, then JH Baxter will follow-up with an access agreement; Ann is hoping that everyone will grant access. Once these steps have occurred, a public notice will be issued, and sampling will be conducted. DEQ will be there sampling with the consultants to provide oversight and take split samples which will be processed at the DEQ lab. If there are Core Team members who would like to be present for sampling of public areas, let Ann know (Lisa and Arjorie noted that they would like to attend). Ann highlighted DEQ’s need to get the best quality performance and information because the results will directly impact people’s lives and property.

Once taken, the samples will take 4-6 weeks to analyze. DEQ will look at results and then determine if there is a need for action. Ann expects DEQ will be able to report more at the next Core Team meeting. She also clarified that data would need to be shared with landowners first, and then an aggregate (with a general distribution and range of results) can be shared publicly.

Ann also noted that they will be looking into contaminated sediments in stormwater ditches and have an Engineer coming to look at the groundwater treatment system to make sure there have not been other releases.

Coordination & Engagement on Issues Related to the JH Baxter Facility

Air – Travis reported that the CAO process begins with public community sessions, and they continue as the process progresses. The first session will detail specifics to JH Baxter, such as how LRAPA measures the emissions and fugitive releases at and near JH Baxter.

LRAPA currently has a survey open requesting input from the community about how to best engage them in opportunities to learn and provide feedback to LRAPA in the CAO process. Their goal is to be sure that those in the community have an opportunity to get information and understand it. The survey link has been provided in press releases to media, on the LRAPA website CAO page, and via social media posts. Travis is also working on a flyer that will be mailed to community members. Information is available in English and Spanish. It was suggested that LRAPA also consider working directly with the community-based organizations that are already engaged with communities to help ensure communication. Another suggestion was to consider a collaborative “Clean Air Fair” to bring the community together to learn and have fun together.

Additionally, Travis reported that LRAPA issued a notice of non-compliance to JH Baxter for an asbestos violation. This violation came up as part of LRAPA’s follow-up inspections at JH Baxter. There is not much more to report at this point, but LRAPA wanted to share this as a “no surprises” update. Travis will keep the Core Team informed as things progress.

Community Engagement – Courtney Fultineer (OHA) reported that the agencies are planning for broader communication and engagement. They will have a community engagement plan available for input at the next Core Team meeting.

Human Health – Julie reported that, after hearing the community’s concerns about cancer in the neighborhood, the team at OHA reached out to the Oregon State Cancer Registry (OSCaR) program at OHA. OSCaR looked at cancer rates during the prior public health assessment in West Eugene and now have offered to look at cancer rates in West Eugene again, if there is community interest. Before requesting the data review, Julie wanted to share information on what this data is and get Core Team thoughts, concerns, and interest level. It was noted that the OSCaR analysis is based on data reported to them, so there are limitations with the data. For example, the data is based on the location of a person when they were diagnosed with cancer. As a result, it would not capture if someone lived in West Eugene their whole life and then moved out of state and then was diagnosed. The data WILL show the total number of cancer cases above or below what would be expected. It will not specify the source of the cancer. Despite these limitations, the OSCaR data review does provide more information that can fit into the bigger puzzle.

Community members expressed interest and noted that it would be good for them to be included in the process. It was requested that the data include the types of cancer plus addresses/zip codes. Due to meeting time constraints, one option suggested was to pull together a small group to consider further if/how this information might be helpful to the community and process. Another option was to look at the data together, talk about findings, methods, and then get questions/input on next steps.

- **ACTION: Bring a small group together to consider next steps in the OSCaR assessment ahead of the next Core Team meeting.**

Hazardous Waste Enforcement – Sarah Wheeler (DEQ) reported that she is working on follow-up from the compliance order, including evaluation of the secondary containment at JHB. She noted there is not yet a hearing date scheduled, but they are working with JH Baxter’s new legal counsel on some of the aspects of the enforcement action. Sarah will keep the group apprised of any progress on a settlement or hearing date.

Coordination & Engagement on Issues Related to the JH Baxter Facility

Next Steps – Donna asked for initial input on the proposed protocols she had sent to the group using the 5-Fingers of Consensus tool also shared with the group. From those present, everyone was in strong support of the proposed protocols (all 1-2's). At the next session, there will be time allotted to firm up the protocols.

The next Core Team meeting will focus on human health information and OSCaR updates, soil sampling, the community engagement plan, and the Core team purpose and protocols.

Donna ended the meeting by thanking everyone for their candid conversation and sharing. And with that, the meeting was adjourned.

This summary is respectfully submitted by the DS Consulting Facilitation Team. Suggested edits are welcome and can be sent to Emily Stranz (emily@dsconsult.co).