

NATIONAL ENVIRONMENTAL JUSTICE ADVISORY COUNCIL

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In the matter of the:

JOINT MEETING of the

HEALTH AND RESEARCH SUBCOMMITTEE
and the WASTE AND FACILITY SITING
SUBCOMMITTEE of theNATIONAL ENVIRONMENTAL
JUSTICE ADVISORY COUNCILRegarding Mossville,
Calcasieu Parish, Louisiana

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VOLUME III

Thursday, May 25, 2000

Omni Hotel at CNN Center
Atlanta, Georgia

The JOINT SUBCOMMITTEE meeting of the NATIONAL

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ENVIRONMENTAL JUSTICE ADVISORY COUNCIL regarding
Mossville, Calcasieu Parish, Louisiana, convened, at 4:30 p.m. on
Thursday, May 25, 2000.

APPEARANCES

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MR. KENT BENJAMIN, DFO
MS. MARINELLE PAYTON
MS. VERNICE MILLER-TRAVIS
MS. BRENDA LEE RICHARDSON
MR. JERRY CLIFFORD
MS. DONNA GROSS McDANIEL
MS. PAT HARTMAN
MR. EDWARD FLYNN
DR. HENRY FALK
MR. HAROLD MITCHELL
MR. GREGG COOKE
MR. MICHAEL DIBARTOLOMEIS
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DR. KEN ORLOFF
MR. CHARLES LEE
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MS. MARY NELSON
MS. PAT COSTNER
MS. PAT HILL WOOD
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PROCEEDINGS

(4:00 p.m.)

INTRODUCTION

BY MR. BARRY E. HILL

MR. HILL: Goodafternoon, everyone. We're about ready to begin the joint subcommittee meeting of the NEJAC regarding the Mossville situation in Louisiana.

What we thought would be helpful is to talk about what this is, what we are intending to do as a result of this meeting, but also at the same time talk about what it is not.

This is intended to be a discussion, a dialogue, a full and fair opportunity for everyone to be heard regarding this particular issue. It's intended to be a robust discussion and to be constructive. It must also be very focused because we're trying to elicit some of the issues, the concerns, the problems involving this particular situation.

It's also intended to be an information-gathering session, and more importantly, we want to focus on what are the next steps. That's what this is intended to be.

Let me talk about what it is not. It is not a beat-up session on the government, whether or not it's the Region 6 or the ATSDR, CDC or beating up on the community. That's not what the intention is. We said that we wanted it to be constructive and very productive.

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This is not a negotiation session. There is no effort to try to bridge any gaps, to try to negotiate anything as a practical matter.

This is not a mediation session either. We're not functioning as dispute resolution specialists or anything of the sort.

This is not a consensus-building session whereby as a result of this session there is going to be agreement with respect to everything that's going to be done.

This is also not a decision making session on the part of the NEJAC or these two subcommittees. Remember, it's an information-gathering session.

Finally, it is not a battle of chronologies as far as what may have happened from the perspective of any of the stakeholders because that doesn't necessarily lead to anything that's productive and that's focused and that's constructive.

So that's what this session is, and that's also what this session is not.

As we proceed, one of the things that's important, since this is being recorded, is that you must identify yourself before you begin to speak. I was the one who committed the first sin. My name is Barry Hill. I'm the Director of the Office of Environmental Justice. So don't make my mistake.

I am functioning as a co-DFO in this situation and I'm going to try

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to facilitate the discussion -- not to control the discussion but to facilitate it, and we will see how things proceed.

Let me turn it now to Kent Benjamin, and then we'll have some words from the two chairs of the subcommittees. Kent.

INTRODUCTION

BY MR. KENT BENJAMIN

MR. BENJAMIN: Thank you. My name is Kent Benjamin. I am the Designated Federal Official to the Waste and Facility Siting Subcommittee and, as Barry said, I'll be sort of co-DFOing this meeting.

What that really means is that they all voted and agreed to make me the bad cop. So, what the bad cop does is he sits next to the person keeping time. Because we have such a large group and such a complex set of issues and discussions, we're going to stay very close on time, especially also because it's been a very long day and week already.

I'm going to go through sort some of the roles and expectations for the different folks here in the meeting today so that we all start with the same set of understanding of the ground rules. Okay?

First -- and I think most of you probably have the agenda in front of you -- the group representing Mossville will have 20 minutes to make their presentation. Then representatives of USEPA Region 6, the Agency for Toxic Substance and Disease Registry, the Louisiana

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Department of Health and Hospitals -- Louisiana Department of Environmental Quality will not be here -- the Louisiana Chemical Association -- those groups, other than the groups representing Mossville, they will have a total of ten minutes to make a presentation. The folks representing Mossville will have 20 minutes.

There will be no questions and answers during those presentations. At the conclusion of all of those presentations, there will be about an hour of questions and answers. During that hour the NEJAC members of the two subcommittees will have an opportunity to ask one question and one follow-up each.

So, if we manage to get through that series of questions and still have time left, then we can do a second round. Okay?

After that, if the members decide they want to continue, then we can have up to about a half an hour for the subcommittees to decide how they want to proceed to address this issue, whether that's with a working group or some other activity, resolution, recommendation, whatever, to follow on to this discussion.

Now here is the lengthy information from our legal team.

The NEJAC subcommittee members will be asking concise questions. They will not be making speeches, because, again, we have very tight time. We want to get as many people's questions in so that the panelist who will be answering questions that -- like we've had the

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last day or so, all the panelists will be sitting here and the NEJAC members can ask any of the panelists a question during the question and answer period.

They're going to pose questions to specific folks that they want to ask, and the panelists are please asked to give direct and concise answers so that, again, we can get as much information exchanged as possible so that the NEJAC members have the information that they need to go forward on this effort.

Regarding the audience, the public is here as observers of the process but they're not invited to participate in the process. This is a discussion between the NEJAC and the panelists that have been invited to address them.

Unfortunately if there's any disruptions that occur, we'll have to ask whoever is being disruptive to leave. If we have some unfortunate incident where there is a major disruption, we'll have to curtail the meeting because the point of the meeting -- is to have light --

(Laughter.)

MR. BENJAMIN: -- is to shed light on this subject and to have a productive conversation that will lead us toward meaningfully addressing of the concerns that the residents of Mossville have raised to the NEJAC over the last several years.

Around the room you'll notice when the lights come back up, there

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are several flip charts. Those flip charts set ground rules. We're not actually going to vote on the ground rules; these are just the ground rules.

The first rule is no speeches. That's mainly for the NEJAC folks.
(Laughter.)

MR. BENJAMIN: Thesecond rulefor everyone is to be courteous. There will be no interrupting of speakers during their presentations, whoever that may be. If there are any disruptions, again, we'll end the meeting. Again, only the NEJAC members may ask questions of the presenters.

Finally, to repeat, this is a FACA meeting which is open to public observation but not public participation.

We want to keep to those rules and we can have a really productive and positive meeting. With that, I'll pass the microphone over to the two co-chairs.

INTRODUCTION

CO-CHAIR MS. MARINELLE PAYTON

MS. PAYTON: Thank you. Good evening everyone. Let me welcome you to this joint session of the National Environmental Justice Advisory Council's Health and Research and Waste and Facility Siting Subcommittees.

I would just like to take a moment to say -- well, yes, I broke the

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rule. My name is Marinelle Payton. I am chair of the Health and Research Subcommittee.

I would like to take a moment to say that the meeting came about from a request of Greenpeace to the NEJAC Health and Research Subcommittee to consider the Mossville dioxin exposure study. As a result of that request, we do have this joint session today.

I'd also like to just briefly comment on that the whole purpose of the meeting is to discuss the exposure assessment study. That was the request that was made by Greenpeace.

I'm not going to keep you very long. Perhaps Vernice Miller would like to make a few comments.

INTRODUCTION

CO-CHAIR MS. VERNICE MILLER-TRAVIS

MS. MILLER-TRAVIS: I'm Vernice Miller and I'm the chair of the Waste and Facility Siting Subcommittee of the NEJAC. We have had conversations with Mossville Environmental Action Now and Residents of Lake Charles and Calcasieu Parish, Louisiana formally on the record since 1996. The community has come to us asking us for some intervention and some support.

We view today's meeting as a major step in trying to respond proactively on behalf of the National Environmental Justice Advisory Council to the issues that have been brought to us for the past four

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years by this community.

So we want people to know that it has been many years in the making that these issues have been percolating through the NEJAC and brought to the NEJAC, and now we think that we are at the appropriate time because the issues are urgent and public health issues have arisen that we really need to try and weigh in in a more proactive way and a more collaborative way to try and give some support both to the communities that are trying to address these issues as well as to the agencies that are also trying to address these issues but have asked us for leadership, for intervention, for support and for guidance on how to address and resolve the issues that have arisen in Mossville, Louisiana, in Calcasieu Parish and in Lake Charles.

I wanted to give people a historical context, that this conversation did not arise last month; this conversation did not arise last year. We have been talking about these issues since 1996, and today represents a major step forward in trying to bring together many of the affected parties in a collaborative discussion to take us forward to try and bring about some resolution of the concerns, the public health concerns, that have arisen in this community.

So, with that, shall we proceed, Mr. Chair?

MR. HILL: Sure. The first presenter is Jerry Clifford who is the Deputy Regional Administrator of Region 6. He is going to provide an

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overview of the situation so that everyone can get an idea as to where the City of Mossville is as a practical matter. Jerry.

MR. SMITH: Excuse me. Could you explain the order of things?

MR. HILL: Yes. Well, as Kent Benjamin had said earlier, the Mossville Environmental Action will have 20 minutes; EPA will have ten minutes; ATSDR will have ten minutes; so on and so forth. But we thought it would be helpful for people who have not been in Mossville, Louisiana -- in other words, members of the various subcommittees, to have a basic idea as to where Mossville is as a city. That's all.

MR. SMITH: So, I just want to be clear -- so Jerry Clifford's presentation is in addition to the other presentations?

MR. HILL: It's just a geography lesson essentially. So, yes, it's in addition to.

MR. SMITH: It's in addition to.

MR. HILL: Yes.

MR. SMITH: Okay. Mr. Chairman, I don't want to start off in a negative way but I do want to register -- and everybody needs to understand this -- that if you look at the totality of time that is being allotted to these presentations, all of the federal agencies and the Louisiana Chemical Association have one hour to make their case. We have 20 minutes.

That's not fair, and I want to say it. I wish that some adjustment

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could be made. I knew that this was going to be the case. As you know, some of us have registered this. I think it is patently unfair to have this imbalance of time in terms of presentations.

At the same time, however, I want to indicate my appreciation for what's happening here -- it's extraordinary -- but I do want to register that.

It's going to be very difficult for us to deal with what we need to deal with in our collective time. That's a great imbalance.

MR. HILL: Your concerns are noted.

Jerry.

PRESENTATION BY MR. JERRY CLIFFORD

MR. CLIFFORD: Thank you, Barry. My name is Jerry Clifford. I'm the Deputy Regional Administrator for EPA's Region 6 Office in Dallas.

To my left is Gregg Cooke, the Regional Administrator for our office in Dallas, and we have a number of other folks in and around the audience that I might be calling on when we get to questions and answers to help respond to some questions.

In deference to the issue that Mr. Smith raised, Barry, I can -- I will cut my ten minutes down to five minutes when I get to speak so that my total will remain at ten minutes.

In terms of where Mossville is -- it's below the map --

(Laughter.)

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MR. CLIFFORD: There we go. For those of you in other parts of the country who aren't familiar with Louisiana, Mossville is in the southwest corner of Louisiana. It is in the Calcasieu Parish.

The parish itself, as of the 1997 Census, had about 180,000-plus individuals residing in that parish. It is about a thousand -- a little over a thousand square miles.

Mossville, Louisiana is an unincorporated portion of the Calcasieu Parish approximately 900 to 1,000 persons living in that community. It's located -- actually, why don't we go to the next slide.

On the top, around the circle, is the general area. Since it's unincorporated, there aren't specific boundaries that we were able to draw. But that's the general location in the Lake Charles/Calcasieu Parish community located between the communities of Westlake and Sulphur, Louisiana.

There are about 200 relatively large industrial facilities in this area. There are over 800 regulated facilities in the entire area of Calcasieu Parish, in this area (indicating). The largest ones, as you can see their names indicated by the red triangles, are on there. The gray areas, including that which is inside the Mossville circle, is where most of the residents reside.

You can see -- if we could go quickly on to the next slide -- what I wanted to point out is that Mossville is an example -- a good example

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-- of where we have residents living adjacent to large industrial complexes and are being exposed on a daily basis to all kinds of chemicals that I'm sure folks from Mossville will be happy to explain to you in a few minutes both from air pollution and water polluting, fugitive emissions, flaring, et cetera, et cetera.

The industries in this area are made up of refineries, petrochemical facilities producing industrial organics and chemical preparation facilities in this area.

There are fishing advisories -- if I could go to the next slide. Again, showing the community of Mossville at the top of this slide, roughly below the railroad tracks that go east/west just below Mossville on this slide -- just below that in the estuary beginning at Lake Charles, there are fishing advisories because of chemical contamination of fish.

The parish itself -- this is, I believe, not the most recent TRI data, but the one before -- the one we just released in March, I don't have that -- roughly 13,000 tons of VOCs get emitted into the atmosphere annually in this area. They generate more than 13 million tons of hazardous waste just in this parish alone. That's 13 million tons of hazardous waste. And report -- this is reported to the Emergency Response Notification System that we manage -- in excess of 500,000 pounds per year of accidental releases into the atmosphere and into the environment.

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The red dots on this basically show where we have collected historical sampling in this particular area. I just wanted to show you that. There's been significant chemical contamination in the estuary, the largest being a reportedly somewhere between a five- and six million-gallon spill of ethylenedichloride in the upper right portion of this map between Lake Charles and Prien Lake.

The next slide, please. There are seven RCRA-regulated facilities that are subject to corrective action, and at each of those seven facilities there is groundwater contamination. I just wanted to let folks know where that is.

In the upper-right hand corner there is a Superfund site called the North Ryan Superfund Site. I am told that that private party has just broken ground on the clean-up of that site. It's a coal gasification facility -- a former coal gasification facility, coal tar being the primary contaminant of concern up there at North Ryan.

I believe that was -- Warren, that's it for our slides, right? So I'll stop there.

I just wanted to give the members of both subcommittees sort of a basic understanding of where Mossville is, where Calcasieu is, and the location of residences to large industrial facilities and other regulated facilities.

So, Barry, I'll turn it back over to you. Thank you.

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MR. HILL: Thank you. Damu Smith, are you ready?

MR. SMITH: I'm always ready.

MR. HILL: All right.

STAKEHOLDER PRESENTATIONS

MOSSVILLE ENVIRONMENTAL ACTION NOW, INC. (M.E.A.N.)

PRESENTATION BY MR. EDGAR MOUTON

MR. MOUTON: My name is Edgar Mouton. I'm a long-time resident of Mossville, Louisiana. I'm also the President of the Mossville Environmental Action Now, Incorporated.

I would like to first thank the NEJAC panel for inviting us and giving us the opportunity to present our case, let you know what our problems and our needs are in Mossville.

That's all I'm going to say at the present time and I'm going to turn it over to Ms. Pat Costner.

(Pause.)

MR. MOUTON: I also formed the Mossville Community and the Mossville Environment Action Now. I have Ms. Dorothy Felix, which she's the newest member of our organization and she's my vice president. And also have Pat Hartman from Mossville, which both parties are both long-time residents of Mossville. We all grew up together and went to school together. So we really have seen the changes that have happened to our community.

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She is a member of the Concerned Citizens of Mossville, a different group, but we're all working together.

MR. HILL: Welcome.

MR. MOUTON: I'll turn it over to Ms. Costner.

GREENPEACE INTERNATIONAL PRESENTATION BY MS. PAT COSTNER

MS. COSTNER: Thank you. I'm Pat Costner with Greenpeace International and I will just give a very brief overview of the situation in Mossville as far as dioxin and PCB contamination. I will go through it rapidly, but everything -- all of the slides that I will show you already have in the report.

If we could go to the first slide, please.

Now, just recently -- this is from EPA. I want to draw your attention to the second green bullet under point 4, cancer risks to the general population, are now in the ten to minus third to ten to the minus two range from background dietary exposure.

The other green bullet, "it is likely that part of the general population is at or near exposure levels where adverse effects can be anticipated." This is EPA describing the situation as far as dioxin contamination in the U.S. population at large. Next slide, please.

The bar on the left is the average concentration of dioxins and dioxin-like PCBs in the blood lipid of 28 people from Mossville. The bar

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on the right is the average concentration in the U.S. population based on a control, a group of data gathered by ATSDR. As you can see, the Mossville people have levels that are roughly three times higher than the general population.

I can let you draw your own conclusions as far as EPA's finding on cancer risks. Next slide, please.

This is dioxin levels in breast milk, eggs and soils from Mossville compared to the U.S. Beginning with the bar on the left -- they only analyzed one sample of breast milk -- that's the dioxin level in that one Mossville breast milk sample. The bar next to it, the red and blue bar, is the approximate U.S. general average.

The four small bars -- and, as you can see, again, the Mossville level is about 30 percent -- the one sample was about 30 percent higher than what can be construed as the average in the U.S.

The four small bars are the dioxin levels in eggs. The first red bar is an egg from a chicken that was a free ranging chicken in Mossville. The second bar was free ranging chickens in California in an uncontaminated area. The third yellow bar was a supermarket egg from Kansas City. The fourth small blue bar was a collection of commercial eggs from California. As you can see, the Mossville yard eggs had on the average higher levels of dioxins than any of the others.

Now, on the right, the three bars on the right, are the soil samples.

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The first large bar is Mossville's soils average. The second red and blue bar is the U.S. urban soil average. The small red and blue bar is the U.S. rural average for dioxins in soil.

As you can see, in all of these cases the levels in Mossville, both in the one breast milk sample and the yard eggs and in the soils are in some cases substantially higher than those found in other areas. The next slide, please.

This shows the data for each of the 28 individuals, the yellow and orange bars. The bright green bar is the average from ATSDR's comparison group. The pink bar is the average for Mossville. This just gives you an idea of how the levels ranged throughout those 28 individuals. Next slide, please.

As you may know, there are 17 so-called dioxins of toxic concern. This is a profile of the concentrations of those. The red bars are the profiles for Mossville. The green bar is the profile for the general U.S. population.

As you can see, there is a considerable difference in the profile for Mossville. This suggests that there are unique local sources contributing to the dioxin level, the dioxin contamination, in the people of Mossville. Next slide, please.

This slide shows body burden levels at which health effects have been found in studies with laboratory animals and Vietnam vets and in

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workers. I won't go through these in detail, but just to point out to you that each of the little blue dots -- except for the one on the extreme left which is the average level in humans according to the World Health Organization -- all the rest represent studies either in laboratory animals or in humans in which health effects have been documented.

The Mossville body burden data are the red dots. And, as you can see, in that range they are both above some of the levels at which effects were seen in animals, and certainly on the right as well, and only slightly below. For example, the one line that shows -- the longest line is a study that found reduced testosterone levels in male workers. As you can see, the Mossville data comes very close to that. The next slide, please.

This is the profile of the dioxins in breast milk from Mossville compared to a study by Schecter of U.S. samples. Again, you can see that the profile for the Mossville breast sample is substantially different. The next slide, please.

This is just another look at the dioxin levels in the eggs. The orange bars are the Mossville. You've already seen this data, so the next slide, please.

These are the dioxins in soils once again. Again, the orange bars are the Mossville data, the red and blue bars are the U.S. average for both urban and for rural soils. The next slide, please.

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And these are our recommendations, which I will not go through. What we would recommend that is a priority for Mossville is for all of the agencies involved to act as aggressively and as cooperatively as possible to identify and eliminate the local sources of dioxins, be they primary sources as in facilities where dioxins are being generated and released, or be they reservoir sources such as soils and sediments.

MR. MOUTON: With all of that in mind I will try to explain why we have been fighting for so long. What has been said and what we have seen here tells me that something should have been done a long time ago. But our fight and our concern -- we want to know why it has taken these agencies so long to come into Mossville to do something concrete.

If the people want to get out, move them out. If the people want to stay, make it convenient for them to stay and that's by having some medical program put in place for them.

We have a lot of people sick. There's a lot of people with some type of illness, lungs, or some with cancer that I know of. There's a lot of sick people there that the doctors don't know what's wrong with them.

You know, when you go to the doctor's they say go home and take two aspirin and call me next week -- well, we get a lot of that, but these people are taking this money out of their pocket paying for the doctors to tell them this.

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And we have been asking these agencies to help Mossville. We feel like the thing that will help Mossville is a health clinic, a permit moratorium, clean water, clean air.

They seem continually to stall, for some reason or another. They give us the impression that we do not know what our needs and wants are. They want to run the show; they want to take control.

It's just like they were in our community last week, the week before last. We asked them not to come because we were not prepared for them. So they choose to come on their own and they literally had things in such an uproar you would not believe what went on at the meeting. Half the people got up and left because of the confusion.

This is why we asked them not to come. We know how to program our people, we know how to talk to them, and we know how to let them know what to expect and what not to expect.

But those are the kinds of things that we have been putting up with since I've been involved in this environmental issue. We asked the NEJAC board if there is anyway if you or someone from your office can do something to put in these agency's minds that we are in a serious, serious situation. This is not a playing situation.

I feel and a lot of my board members feel that there has been enough samples, knowledge of what is going on -- the report that Mr. Clifford just gave a few minutes ago. To me it's obvious what needs to

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1 be done not yesterday, but today.

2 We hope and pray that the NEJAC board, along with the federal
3 and state -- and mainly our state agencies -- will see that we will get the
4 necessary help for our people -- medical, relocation, or whatever it may
5 take.

6 And also we need to tighten, enforce the laws -- the existing laws
7 need to be changed on air polluting and that needs to be done ASAP
8 because that is the problem that we are having in Mossville seven days
9 a week. They said that they released 1,300 tons. I feel like it's worse
10 than that because there's more than 500 tons that released accidentally
11 or for some other ungodly reason.

12 I'll give you a prime example. There is a Citco oil refinery in
13 operation as we speak. They had been having problems for the last two
14 weeks bringing this unit up. In my home I had the (inaudible) on, which
15 is pretty air tight, for a sound wise. And where I live it's exactly two and
16 a half miles from Citco and the noise is unbelievable with that distance.
17 You can imagine what it's like with the people that lives a half a mile or
18 a mile from that facility.

19 This is the kind of stuff that we have to put up with daily. I know
20 that for a fact that when you are trying to start up a unit and you're
21 having problems, that you're only supposed to do it for four hours, cut
22 it down and try another approach in bringing it up. But these laws are

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1 being broken monthly, weekly and daily. And if they have not gotten it
2 up yet, that same problem is going on as we speak today.

3 So this is the kind of stuff that we have to put up with, and the
4 agency does not feel -- at least, that's the way they show us -- they do
5 not feel that we have any right to say anything. And that is wrong. That
6 is wrong.

7 That is just in our neighborhood. If you would go to the people that
8 live around where I live, there's many, many more people that live there,
9 but they seem not to care. Nobody is saying anything. We have five
10 schools less than a mile from these facilities on the west end. If we go
11 to the east end, we have six, a high school, junior high, and K through
12 5 and nurseries. And they even live closer than that.

13 This is stuff that we live with every day. We ask the agencies to
14 participate in a permit moratorium. Oh, that's a bad word, to use "permit
15 moratorium." But industry has to learn -- and I do know for a fact that
16 with the new technology that's out on the market today, they could run
17 these units a lot more efficient if they would spend the money to do it.

18 As I grew up in Mossville, I remember when the plants were built
19 as a child. My father helped build a lot of those plants. It is terrible.
20 We had beautiful green woods around us and we did all the fishing that
21 we ever wanted. But they did not care anything about that. And that is
22 the same thing today. Thank you.

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1 MOSSVILLE ENVIRONMENTAL ACTION NOW, INC. (M.E.A.N.)

2 PRESENTATION BY MS. DOROTHY FELIX

3 MS. FELIX: My name is Dorothy Felix, and I'm the Vice President
4 of Mossville Environmental Action Now, Incorporated.

5 I would like the NEJAC subcommittee members to know that I am
6 very frustrated with the lack of progress and the countless distractions
7 and stall tactics of the government agencies.

8 As a life-long Mossville resident, I have seen the refineries move
9 into our neighborhood and slowly change things for the worse. We've
10 had to live with spills and accidents basically from day one.

11 I have heard questions about whether the high levels of dioxin in
12 the blood of our people is old or new. We all know that it is both. My
13 grandparents were contaminated, and so were my parents. I am still
14 being contaminated, and so are my children and my grandchildren.

15 Although there is nothing that I can do about the past
16 contamination of Mossville, I am determined to stop the poison from
17 further killing our people, and that is why I'm here today.

18 As a representative of my community I want to tell you how
19 frustrating it has been for me to see the agencies resist our plea for
20 help. Instead of focusing on the work that needs to be done, they have
21 tried to engage us in petty and unfounded discussions and accusations.
22 They have insulted some of us and repeatedly insinuated that M.E.A.N.

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1 Incorporated organization does not represent the Mossville community.
2 The have called us puppets of Greenpeace and implied that we are
3 unable to think for ourselves.

4 This is open racism and we will not tolerate it anymore. We will
5 continue to call on Greenpeace, and particularly on Mr. Damu Smith, for
6 any help we need because he and others have proven themselves to
7 be the only outside friends we have now.

8 Before we called on other environmental organizations we had
9 requested help from the agencies. Do not blame us for the Louisiana
10 state agencies' unwillingness to do their job and the foot-dragging of the
11 federal agencies. They had many chances to answer our letters and
12 cooperate with us because we have been more than willing to start the
13 work.

14 In our letter from July 6, 1999 we requested that the agencies help
15 us establish very specific work groups that we feel will help our
16 community. We have never received an answer.

17 During a conference call in July of 1999 we asked the government
18 agencies to accept our work groups and to suspend their work groups.
19 We also asked them to continue the testing and investigating they were
20 doing at that time. To this day we have not heard from them or seen
21 any test results --

22 MR. BENJAMIN: Time.

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MS. FELIX: -- and don't even know if they have done any testing. According to some, the only environment that is clean is the water, but we have not been given any documents to prove this claim.

In his summary report, Dr. Peter Orris very clearly wrote that the contamination of Mossville comes from a local source. Yet some agencies want to research and test for another five to ten years, looking in all different directions.

In order for the people in my community to have cleaner environment and less illness --

MR. BENJAMIN: Excuse me. Your time has expired.

MR. HILL: How much more do you need? How much more time do you need to finish your statement?

MS. FELIX: About three or four minutes.

MR. HILL: All right, why don't you go ahead and do it, please.

MS. FELIX: Okay.

MR. SMITH: When Kent said the time was up, the time is up, right?

MR. HILL: Just go ahead and do it.

MS. FELIX: In order for the people in my community to have a clean environment and less illness and death, I want to make the following recommendations and results. And I strongly urge the panel members and everyone listening today to actively help me.

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In order for us to work with any member of the agencies, I request that all insults and insinuations stop immediately and not be used as stall tactics anymore.

I request that the state agencies take an active role in the clean-up of the Mossville environment.

I request help from the agencies in the immediate relocation and fair compensation of those Mossville residents that want to move and get out of harm's way.

I recommend that the Mossville Environmental Justice Workgroup process that has been established with the help of ATSDR continue immediately after we return home from this meeting.

I request help from ATSDR and the Louisiana Department of Health and Hospitals with the setting up of an environmental health clinic and health services in Mossville within one month.

I request that EPA and the Louisiana Department of Environmental Quality stop all new permits to those that have been proven to be the worst polluters of the community of Mossville until these industries have installed the best and newest equipment available to prevent accidents and emissions.

I request that all the polluting industries install real-time monitors on their property and that the EPA and state agencies do the same in Mossville and that our organization is given the data from these

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monitors.

I request that all the agencies meet with us as soon as possible with very detailed plans on how they intend to assist us with all the issues that we have outlined in our letters to them. This Mossville technical and legal meeting must be attended by the state agencies as well.

We don't want any personal phone calls from the agencies to any of us. We need face-to-face meetings.

Please take my request seriously and give us all the help you are able to give. We will continue asking for help until we receive environmental justice and the respect for our civil rights.

Thank you.

MR. HILL: Thank you.

(Applause.)

MR. HILL: Our next speaker is Jerry Clifford from EPA Region 6.

U.S. ENVIRONMENTAL PROTECTION AGENCY, REGION 6

PRESENTATION BY MR. JERRY CLIFFORD

MR. CLIFFORD: Thank you, Barry. I just wanted to spend a moment letting folks on the committee know about all the activities that the region, in conjunction with a lot of headquarters folks and ATSDR -- the resources that we're expending in various areas to deal with a lot

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of the issues, although clearly not as quickly as we or the community would like them to be addressed in that area.

Sam Coleman is our Enforcement Division director and as an outcome of actually a NEJAC meeting in North Carolina several years ago, he started to step up EPA's enforcement activities in the Lake Charles/Calcasieu area.

Subsequent to that, I attended the Oakland NEJAC meeting where a presentation was made to Vernice of the Hazardous Waste Siting Group from members of the Calcasieu area raising a lot of these issues, primarily the flaring issues and the accidental releases.

As a result of that, we went back and sort of reassessed what resources we were expending in the Calcasieu area and have stepped up our activities quite considerably. Let me just run through those quickly.

We agreed to meet on a quarterly basis with the community in the area and have been doing that for I think it's been a year now. Quarterly meetings to talk about issues that the community raised to our attention. Although we clearly aren't able to address every issue that's raised to our attention, we have been able to address many of them.

We continue to schedule these quarterly meetings and we are joined at times by the Agency for Toxic Substances Disease Registry. And, clearly, ever since we started, we've been joined by the Louisiana

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Department of Environmental Quality.

One of the concerns was, was the contamination getting into the drinking water systems, and so we did a survey of the public drinking water supplies, did an analysis of volatile organics followed by another analysis for dioxins after we learned of the dioxin problem there, and found no violations of NCLs in any of the sampling and analysis that we did of the public drinking water systems.

In addition to that, with the Louisiana Department of Health and Hospitals and the Louisiana Department of Public Health, we conducted -- I believe it may be the first comprehensive program evaluation of a public drinking water system under the Safe Drinking Water Act.

Although we didn't anything in that evaluation with the state public health agencies that would be considered a violation of the Safe Drinking Water Act, we did find some problem areas and the local municipalities are in the process of addressing it if they haven't already addressed many of those things that were found through that comprehensive program evaluation.

We've handed out for all the members at the table a summary of the enforcement activities prior to the North Carolina NEJAC meeting. We, EPA, were probably conducting on the order of six inspections in that area every year; since that time, as you can see from the handout, we've significantly stepped up our inspections. Many of them are

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multimedia inspections. And as you can also see, there's been several enforcement actions coming out of those inspections.

In addition to our inspection and enforcement activity, the Department of Environmental Quality has stepped up their inspections and their enforcement as well. I think the combination of the state and EPA enforcement activities in that area has probably increased far greater -- I'd say probably an order of magnitude more -- than any other area certainly in our region.

For those of you who don't know, it includes Louisiana, Texas, Arkansas, Oklahoma and New Mexico.

On the Superfund side, we attempted to work with the state to get private parties to conduct a remedial investigation of the estuary. I showed you the potential contamination in the estuary early on.

As a result of that failed attempt to get industry to step up to the plate, we are now funding a remedial investigation of that estuary, working closely with DEQ, the Louisiana Department of Natural Resources, the USGS and NOAA to find the contamination in that estuary.

We have linked our sampling and analysis to what I'll trigger in a minute, the dioxin exposure work that Ms. Costner was talking about earlier so that we are now taking sediments -- doing analytical samples of sediments for dioxin and will be doing some analytical sampling -- I'm

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sorry, sampling and analysis for dioxin of fish tissue in the future.

Just in case people don't know how expensive it is, we're looking at probably a \$6 million RI/FS in this estuary.

On the air monitoring side we have been working with the Department of Environmental Quality --

MR. BENJAMIN: Time.

MR. CLIFFORD: -- and industries of late to expand the air monitoring effort.

MR. BENJAMIN: Time.

MR. CLIFFORD: All right. Let me -- 30 seconds?

About a year and a half ago community members through the public meetings raised our attention that they had some blood -- some dioxin blood samples in analysis that we up to that point were unaware of.

We looked at the information that was presented to us, we contacted ATSDR and ATSDR collected their own samples. I think that's probably a good segue, Kent, into ATSDR's discussion of the dioxin exposure evaluation.

Thank you.

MR. HILL: Thank you, Jerry. ATSDR.

AGENCY FOR TOXIC SUBSTANCE AND DISEASE REGISTRY

PRESENTATION BY DR. HENRY FALK

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DR. FALK: Thank you very much. My name is Henry Falk. I'm Assistant Administrator at ATSDR. I want to thank Barry Hill and the subcommittee chairs for organizing this session, and I would just express my commitment for ATSDR to participate in this session, as well as in a number of other sessions that we have been participating in.

I want to thank the Mossville Environmental Action Now people for their comments. I heard what you said.

With me is Reuben Warren who heads our Office of Urban Affairs, and Ken Orloff to my right, who is a senior toxicologist in our Exposure Investigation Section and who worked on the dioxin presentation that Pat Costner discussed.

Now, I want to use a portion of my time to have Ken fill in some comments that he wants to make about the exposure investigation, then I'll do some closing comments.

PRESENTATION BY DR. KEN ORLOFF

DR. ORLOFF: Thank you. I'm Ken Orloff, a toxicologist in the Exposure Investigation Section.

We became involved in Mossville and in Calcasieu Parish back in the fall of 1998. At that time the EPA Region 6 gave us some blood dioxin data. Those data had been collected by a law firm in the area and they tested 11 people and they pooled blood sample for dioxins.

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We evaluated those results and determined that there was evidence that three of those individuals in the pooled sample had somewhat elevated dioxin levels. At that point we decided the situation warranted further investigation.

We traveled down to Calcasieu Parish -- we, being staff from ATSDR and the Louisiana Department of Health and Hospitals. We met with representatives of CLEAN, representatives of M.E.A.N. We met with representatives of Mossville and other community groups within Calcasieu Parish.

We also talked with the families of all of those individuals that had the previous high blood dioxin tests. As a result of those discussions, we decided that there was sufficient evidence to look into this further and we decided to do an exposure investigation.

We focused on the community of Mossville because it was a relatively small, geographically-defined area. The person with the highest blood dioxin level was in fact a resident of Mossville.

The citizens of this community had expressed a high level of health concerns over exposure to chemical contamination in the environment since the community is surrounded by numerous chemical production facilities. In fact, it's right across the road from a large vinyl chloride monomer plant.

So we went back to Mossville. We solicited their participation and

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asked for them to help us select appropriate participants. The criteria were that they be adults and long-term residents of the community. We tried to screen out those people who might have any occupational exposures. We asked for 25 people; they submitted to a list of 28 individuals, and we did in fact test all 28 of those people.

The blood samples were collected and delivered to the National Center for Environmental Health Laboratory, the CDC's lab in Atlanta. When we got those results back, we traveled back down to Mossville. We had one-on-one consultations with all of the participants in the exposure investigation. We answered their questions; explained what the results meant.

At that time we also extended to them an opportunity to meet with an independent board-certified physician from the Association of Occupational and Environmental Health Clinics to review their medical records and have a further medical consultation to them. Those medical consultations were in fact conducted in the summer of 1999.

At the time we released the results to the EI participants, we also issued a draft EI report that was put out for public comment, a 60-day public comment period. All the comments that were received were individually addressed and incorporated into our final report which was issued November 1999.

Just to summarize the salient findings of that report, we do agree

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with many of the remarks made by the representatives at Greenpeace. That is, out of the 28 individuals that were tested, we considered 17 of them to be significantly elevated in their blood dioxin level. By significantly elevated, they exceeded a ninety-fifth percent prediction level as compared to our comparison population.

We also agree that looking at the profile of dioxin congeners in those people that were elevated, they were different than our comparison population. So, therefore, not only are there quantitative differences, but there are also qualitative differences in the dioxin levels in certain individuals from the Mossville community.

Now, as to what sort of follow-up actions are appropriate, we think the most important thing to determine is are there ongoing exposures.

Looking at the Mossville data, one significant finding was that all of the people that had high levels were 47 years of age or older, which could suggest that exposures occurred in the past rather than the present. But in fact, we don't know whether there are still sources of dioxin out there in the environment; therefore we think it's important to do further testing.

As EPA has already mentioned, they and the Louisiana Department of Environmental Quality are doing additional testing for dioxin and various environmental media to see if there are ongoing sources. If such sources are identified, then we think it's important to

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stop those releases, if releases are occurring, or clean up the contaminated areas if such are identified.

We've also made some other recommendations to address some of the health concerns of the community. Both ATSDR, the state, and the EPA, have volunteered to do certain activities. Those activities are discussed in our exposure investigation report and maybe we can discuss some of those further during the discussions here today.

So, I'll stop right there.

DR. FALK: Thank you, Ken. Let me say that I think that this particular investigation can be described as a concrete step. I think it has been helpful. It has highlighted a problem that is part of the reason why we are congregated here talking about this issue.

I think there is some merit to what has been done in terms of the exposure investigation. Nevertheless, that's a very limited study. First off, it's only 28 people.

Secondly, I guess I would almost say I'm embarrassed to have a study with single samples of breast milk or two soil samples or three egg samples. I mean, they were collected for various reasons at the time of the study -- people requested that the samples be done, or whatever -- but that hardly constitutes a study.

So I think the main point that we can glean from this really relates to the blood samples. The rest of it certainly needs further

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environmental evaluation.

But more than that, we don't know where the dioxin came from in these 28 people. I don't know how many other people in Calcasieu Parish might have an elevated dioxin level. And so in my mind at least there is a need and a value to doing further sampling to understand what the extent might be. These 28 people might not be the highest people in terms of the dioxin exposure levels.

So I think a lot of thought needs to go into that. I mean, that is something that with a dialogue with people in the community and other agencies, there needs to be some thought as to what the next steps are in terms of the dioxin sampling. Certainly we're very interested in the environmental sampling being done by EPA to link those two together.

Finally, I would say we're all frustrated, I think, in terms of the difficulty of the dialogue in recent months, and I look forward to improvements in that. I think that relates to the people here -- and there are other groups in Calcasieu Parish, as has been mentioned. You know, somehow we have to figure out how to come up with an inclusive dialogue that everybody participates in. And so we look forward to the suggestions and comments that are made here today.

Thank you.

MR. HILL: Thank you, Henry. Thank you, Ken.

The Louisiana Department of Health and Hospitals.

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LOUISIANA DEPARTMENT OF HEALTH AND HOSPITALS

PRESENTATION BY DR. JOSEPH SEJUD

DR. SEJUD: I'm Joseph Sejud and I'm the Medical Director of the Section of Environmental Epidemiology and Toxicology with the Louisiana Department of Health and Hospitals.

To begin, I'd like to thank the NEJAC for bringing me and my colleague, Dionne Dugas out here today to speak to this body.

As the preceding speakers have indicated, there's a whole spectrum of issues in Calcasieu Parish and surrounding Mossville. In the Department of Health and Hospitals our role in all these issues is somewhat circumscribed. We only deal with the exposure investigation in Mossville and what it signifies, what do the dioxin levels in Mossville mean and what is the appropriate public health response.

Throughout this case we have been grappling with the problem of decision making under uncertainty, dealing with scientific issues that are at the forefront of environmental science and toxicology.

So in trying to assess what the exposure investigation means, we have had to consider, with great prudence, issues of validity of the EI results -- and I mean validity in a number of senses. There was a relatively small sample size of 18 individuals. How do you generalize those data to Mossville at large and to the Calcasieu Parish area at large?

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We also have been trying to compare the values in the EI to the comparison values that have been developed. This is somewhat difficult because there are age differences between the 28 individuals sampled in Mossville and the comparison population, and as some of you may know, dioxin in humans is related to age.

Also, the issue of currency of the exposure, whether it is ongoing or historic, or both. And given the levels found in the 28 individuals, and if we assume that they are representative of what is going on in the area, what are the health implications thereof.

It is not our prerogative to act solely on the basis of animal research, although that research is very provocative and we try to remain abreast of it.

So under the circumstances, we have been trying to navigate this situation and I think the one thing that we can all concur on here is a sense of frustration at the glacial pace with which this process has been moving. And I'm hoping that our presence here today can affect some change in that regard.

Although the efforts in the region have been halting, we have been planning our course in the Department of Health and Hospitals of our response to this issue. Some of our work is underway and some of it will shortly commence. I would like to relate what those things are that we are attempting to do.

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We have already begun a health statistics review for cancer and other health outcomes in the Calcasieu Parish and we are developing a residential needs assessment which we will plan on conducting in the Mossville community, and we are undertaking efforts to facilitate health care access in the Mossville and Calcasieu area under the Children's Health Insurance Program and the Medicaid Program in Louisiana.

I think that I should specifically address the request of establishing a health clinic in the Mossville community. It certainly would be a desirable thing; however, in Louisiana, I must inform you all, that we are operating under tremendous financial constraints at present.

The state is projected to run a \$390 million budget deficit in the next fiscal year. This is in a state whose constitution specifies that that can't happen, that you have to have a balanced budget.

The number one contributor to the state deficit is the Louisiana Department of Health and Hospitals, and the number one cost source in our agency is the provision of health care services through our Medicaid match and the CHIP program.

So we have been informed by the legislature, a member of which you see striding over there, that there will be no new programs this year. So whatever our personal -- or my personal -- preferences would be on this matter, it is simply not within our power to do.

That is all I have to say. Thank you.

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MR. HILL: Thank you. The Louisiana Department of Environmental Quality, they're not here, but they sent a letter. Would you please their letter, Vernice.

MS. MILLER-TRAVIS: It's dated May 25, 2000, addressed to Vernice Miller-Travis, Chairperson of the Waste and Facility Siting Subcommittee.

"Dear Ms. Miller-Travis, on behalf of the Louisiana Department of Environmental Quality I wish to offer our regrets for not being able to attend this conference. The Louisiana legislature is currently in session and there are numerous matters that require that we be present during this session.

I would like to note that we have been and are currently working with our state and federal counterparts, as well as all of the stakeholders, to address the environmental and health concerns expressed by the communities in Calcasieu Parish.

We hope that you have a successful conference and look forward to working with you in the future. Sincerely, J. Dale Givens, Secretary, State of Louisiana Department of Environmental Quality."

MR. HILL: Thank you, Vernice.

We now have the Louisiana Chemical Association.

LOUISIANA CHEMICAL ASSOCIATION
PRESENTATION BY MR. EDWARD FLYNN

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MR. FLYNN: Thank you, Mr. Chairman. Good afternoon, my name is Edward Flynn. I'm the Director of Health and Safety Affairs for the Louisiana Chemical Association. Thank you for the opportunity to allow me to be here and to represent the chemical manufacturers in Louisiana.

LCA is a nonprofit corporation representing 70 chemical manufacturers operating at 105 sites throughout the State of Louisiana. While I don't have a formal presentation for the NEJAC this afternoon, I do have some comments that I would like to offer.

First, I think it does represent a significant step and progress in the inclusive process that the NEJAC uses to have all of the stakeholders here. My attendance here is on behalf of the LAIA organization, the Lake Charles Area Industry Alliance, which is 22 LCA-member companies that operate in Calcasieu Parish.

In terms of the exposure investigation document that was done by ATSDR, the LCA, as well as a related organization, the Chlorine Chemistry Council, a business unit of the Chemical Manufacturers Association, did submit comments on the document, and I'd like to refer briefly to some of the comments that were submitted.

Number one, with regard to the blood samples of the people in Mossville, the two issues from our perspective were whether the samples are elevated relative to the national reference ranges, and the

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second is if the levels are elevated, what are the possible sources. These are things that have been briefly touched upon by previous speakers.

The bottom line conclusion from the Chlorine Chemistry Council was that the Mossville samples were not unusual in any way, that some fall above the ATSDR reference range, but the fingerprint was normal and that there were no obvious nearby sources. Vinyl chloride and the PVC production fingerprints were dissimilar from the blood samples, as is the fingerprint produced in the PVC combustion.

The comments went on to further state that additional environmental sampling in the area and in nearby areas does need to be conducted. So I want to make that point clear, that the industry does endorse further environmental sampling to be done with a process such as this to make sure that all the data are made publicly available before any final conclusions can be drawn.

In terms of the demographics and environmental aspects of the exposure investigation document, LCA went on to say that the blood serum levels of the population that was sampled could be the result of exposures that occurred years earlier.

The failure of the egg or the soil samples to show significant levels of dioxin -- TEQs confirmed that the current exposures are not elevated, although it is a limited sample size.

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I do want to go on to make the point that the previous speaker referred to an EPA document, the Dioxin Reassessment Document. Just to note for the record, that document is a preliminary EPA draft document that has not been formally released or subjected to the Agency's own scientific critique process, and that caution should be taken with respect to drawing conclusions at this point from what continues to be a draft EPA document that could be subject to significant change before it's finally published.

I want to also talk about some of the recommendations and follow-up actions that the industry is in favor of with respect to some of the questions that were posed to participants here at this meeting today. Specifically, the question: What action should be taken to address the elevated dioxin levels found in some people living in Mossville? Again, just to reiterate, we need to first determine if the levels really are elevated.

We do not believe that representative data for the United States population -- that we don't have representative data for the U.S. population showing dioxin levels by age. There are some data for specific populations in other countries.

The most important thing in our opinion to do would be to support the CDC's efforts to collect dioxin serum samples as part of the national health and nutrition examination study, the NHANES IV study. And

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these data, which we anticipate to be available in the fall of this year, should provide a baseline for comparison to the data in Mossville.

Also, to realize that the current samples are not necessarily representative of Mossville or the surrounding area in general -- we would be in favor of a sampling strategy that would be statistically valid in applying to blood samples and any environmental samples, be they air, soil or food, that need to be collected to complement the blood measurements.

Also, the congener patterns for all samples should be compared to those of the EPA and USDA surveys of beef, pork, poultry and fish, in addition to those of industrial emissions.

And for those persons who give blood samples as part of a statistically-representative sampling program, there should be the collection of additional health and lifestyle information collected as well. Job history, residential history, and other information, should be collected to determine the potential exposure sources.

I just want to go on to say that the chemical industry in Louisiana, both in Lake Charles and along the Mississippi River, does hope and wish to grow and expand but only with the support of the public.

There is not one LCA-member company that likes to receive bad publicity and negative attention and be viewed as a renegade or outlaw kind of company. If there is anyone in the room who thinks that there

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is a corporate philosophy of we don't care, I want to state for the record that that's fundamentally wrong.

I don't work at a chemical plant and I don't live across the street from a chemical plant. But, I mean, I live in Baton Rouge and I live within three miles of several chemical plants.

There are people who work at the plants, many of whom live in communities near the plants, but many of whom work and are committed to making sure that -- the one thing that they want to do more than anything else is to be able to go home at night to be with their wives or their husbands or their children, their families.

So, the focus on responsibility and stewardship and safety and a desire to be a good corporate citizen are real and meaningful because the corporations are not foreign faceless entities; they are made up of Louisiana men and women who live in Addis and Romeville and Convent and Plaquemine and Sulphur and Westlake.

There is a genuine desire on the part of the industry to try and improve things throughout the state, and I think that's what my attendance and representation here today is an attempt to jump start.

I want to thank the NEJAC for the time. That's all I have.

MR. HILL: Thank you, Ed.

We really appreciate the presentations you made. Now we are going to have a dialogue --

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MS. FELIX: Please --

MR. HILL: Yes?

MS. FELIX: I'm sure everyone heard Mr. Smith note that we had a very short -- we had a limited time for our presentations. So at this point I'm requesting that the panel please allow us another six minutes to get our views across because the focus was on Mossville, as you remember, and we did not express all our views.

MR. HILL: Okay.

MS. FELIX: So, if you please. I don't think that would bore too many people.

MR. HILL: Well, why don't we do this, because you were given additional time --

MS. FELIX: Yes, we were, and we understand that.

MR. HILL: -- and during the course of the conversation you really have an opportunity to express your views and concerns from the community's perspective.

MS. FELIX: Yes.

MR. HILL: Remember, the purpose is to try to have a dialogue. So let's try to do that at this particular point.

MS. FELIX: We understand all that.

MR. HILL: Okay.

MS. FELIX: We had a couple of people that did express their

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views, but everybody don't talk as fast as the others and we had two people that did not get a chance to say anything. So, five minutes I don't think would burden anyone, if you will allow that.

MR. HILL: What's the --

MS. PAYTON: Mr. Hill, excuse me. Since LDEQ didn't show up, I would suggest and recommend that we give them their time.

MS. FELIX: Thank you.

(Applause.)

MR. HILL: Okay. You wanted five minutes?

MS. FELIX: Yes, please. Six minutes.

MR. HILL: Okay. All right.

MS. FELIX: Thank you.

MR. SMITH: Mr. Chairman, I wanted to point out that behind the flowery language and the exhaustive reports about all the wonderful things that the agencies have been doing in Calcasieu Parish -- and I do want to say from the outset that there are a number of the things that have occurred in Calcasieu Parish by the agencies -- but I also want to say that behind the scenes there has been a concerted orchestrated effort by elements among the agencies to undermine at every turn the work that Mossville Environmental Action Now and its allies have been doing in support of the community there.

I want to specifically remind those who are here that the Agency

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for Toxic Substances and Disease Registry initiated a work group process in April or May of 1999 to respond to the health crises in Mossville.

At the time that they began that work group process, the community wrote to John Abraham and other representatives of the federal agencies and asked for a conference call to discuss how they would respond. Those letters were ignored and the agencies commenced to organize work groups in the community without having consulted with M.E.A.N. and other elements of the community.

The fact that this occurred created tension from the outset in this process, which is why Mossville Environmental Action Now wrote a letter to the agencies demanding that the work group structure that was proposed be amended.

The organization never called for a permanent suspension of the work group process. They called for a temporary suspension but asked that the work that the agencies were doing go on.

The agencies responded -- this was a letter of July 6th -- it took two and a half months, the entire summer, for the agency to respond, and once they did respond, they rejected the proposals made by me.

In October of 1999 a conference call was held to discuss this matter, to ask that the agencies take a fresh look at the demands of M.E.A.N. They agreed to do that, and on November 1st, 1999 they met

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in Mossville and there was an agreement that there would be a work group process put forward in response to the community's demands.

The agency representatives were supposed to go back and consult, but the bottom line was that at that time the Agency for Toxic Substance and Disease Registry, led by the Office of Urban Affairs which was appointed to do the work in responding to the community, met with the community. Between November 1st and December 31st, 1999 this process was underway, promises were made to come and meet in the community.

These meetings never occurred. I want you all to look at this document that we distributed around. It says, "confirming Mossville Environmental Justice Working Group meeting." This e-mail came from Dr. Reuben Warren from the Office of Urban Affairs.

If you will look carefully at the date, you will see this was one week before meetings were scheduled in the community. At the last minute these meetings were canceled. The exposure investigation meeting was canceled. The meeting on the work groups were canceled.

The reason this happened was because the agencies don't want to work with Mossville Environmental Action Now. They want to subvert the process, which is why they came to Mossville the other day to have their own meeting without working with Mossville Environmental Action Now.

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This document which we have distributed documents -- it's not just a chronology -- there's a paper trail here which documents everything we are saying about how the agencies have stalled the process, frustrated the process, despite of all the flowery rhetoric.

I'm going to end right there because there's not much more time.

MS. HARDEN: I just want to pick up on -- well, actually, can we have Pat Hartman go?

MS. HARTMAN: Sir, if you say nothing is wrong with the water in Mossville, why did you give us a system if nothing was wrong with it? They gave us a new system in Mossville. We had well water. The water was so contaminated; that's when the water came in.

One other thing. How can water stop at a railroad track? They bought half of the community out but not the rest. They said the water stops -- the contamination stops at the railroad track. I want to know what place can you find where the water stops at the railroad track. Tell me, please.

And when you all came to your meeting on May the 16th, yes, we did stop you all. We asked you all not to come because we weren't prepared. Then when you came you wanted to disrespect us by taking us into different rooms. You come and ask us to a town meeting -- when have you ever heard tell of a town meeting being separated? Divide and fall. Together we will stand.

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MS. HARDEN: I just wish that when the government agency officials were here today -- whereas we're frank with you all, as we have been -- what Dr. Falk did not tell you was that he acknowledges that the agencies have been very poor in their response to the Mossville community. But he didn't say that today; he did say that in an April meeting we had several weeks ago.

What Bob (sic) Sejud of LDHH didn't say was that even though his agency may be coming up with budget shortfalls, it hasn't stopped the Department of Health and Hospitals from writing letters to the local press criticizing the community of Mossville and attacking a consultant who worked for ATSDR who looked at the raw data and concluded that local sources are likely responsible for the high levels of dioxins in people's blood.

MR. BENJAMIN: Time.

MS. HARDEN: He also didn't say that in his response to a symptom survey conducted by Dr. Marvin Legator out of the University of Texas medical branch in Galveston that showed that out of 100 Mossville residents who were surveyed, 99 percent of them -- 99 percent of them had symptoms that were related to environmental toxic exposure.

MR. BENJAMIN: Your time has expired.

MS. HARDEN: Time? Okay.

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QUESTIONS AND ANSWERS

MR. HILL: Why don't we start with the recommendations that the community put up on the screen as a way to try to begin to have a constructive dialogue.

The first recommendation: Identify and eliminate the local sources of dioxin and the dioxin-like contaminants that are found in the blood and breast milk of Mossville residents, the soils of their homes and their food sources.

Jerry, is there anything that the agency can do with respect to addressing that particular recommendation?

MR. CLIFFORD: As Dr. Falk indicated, the thing that we all agree needs to be done is to identify the sources, if there are any -- continuing sources of dioxin exposure.

We don't know what they are today. And that was the subject of sort of the next effort on the part of ATSDR and EPA and LDEQ and LDHS, was we need to figure out an environmental sampling protocol and plan to identify where the sources are, the goal being that if we are able to identify them, then we can figure out what the next step is, which would be to eliminate those sources of exposure.

MR. HILL: And then as far as the second bullet is concerned: As the primary sources of dioxin and dioxin-like chemicals are identified and eliminated, take all the appropriate actions to reduce exposures

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from any remaining reservoir sources such as soils and sediments.

I guess the first and second bullets are closely related.

MR. CLIFFORD: Absolutely. Until we find out what -- we need to collect probably more human blood samples and do some additional analysis in the Calcasieu area to see where else we have residents with elevated dioxin in their blood.

And using that in combination with the environmental sampling, our hope is we'll be able to identify any sources of ongoing exposures to dioxin.

MR. HILL: Jerry, what about the third bullet: Appropriate actions include remediation of such reservoir sources to protect and preserve the rights of Mossville residents to maintain their chosen levels of food, self-sufficiency through gardening, animal husbandry, hunting and fishing, without the threat of dioxins, dioxin-like chemicals and related toxic contaminants.

MR. CLIFFORD: I might defer part of this response -- or at least in addition to my response -- to Dr. Falk or Ken from ATSDR.

I'm not a dioxin expert but my understanding is that we all have dioxin in our systems and there is dioxin in animals. And so to the extent that we are able to find -- if we were to find elevated levels in fish, clearly we would probably need to do something more than simply issuing health advisories in that area.

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Again, I think all those are related. We have to identify sort of the extent of the human exposure today, to the extent we can. We need to concurrently with that effort identify the sources of dioxin that might still exist in the community.

Then, that joint information ought to guide all of us into what appropriate solutions might be available to address the exposures.

MR. HILL: Jerry, do you have any plan with respect to accomplishing those three particular bullets?

MR. CLIFFORD: No, we don't. We have plans to do what I just said. We are hopeful that part of this effort will get the agencies involved in both the exposure side of the investigation and the environmental monitoring and analysis side of the investigation back to the table with affected residents in the Mossville area, as well as the broader Lake Charles area, so that we can develop such a plan in conjunction with community input.

MR. HILL: Henry, what do you say?

DR. FALK: I don't have any problem with the thrust of those three recommendations.

I think what I've tried to say in terms of what ATSDR can contribute is that in terms of identifying sources of the dioxin in people, one needs to ultimately do some correlations between levels in people and levels in the environment and try to establish what the linkages are.

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So I think, you know, we have expressed a willingness -- I don't have a formal quantity because I think that needs to be discussed further, as I said. For example, you know, should one sample more intensively in the Mossville area? Should one sample in all of Calcasieu Parish, as was mentioned before? Should one focus on areas near sediments or areas around plants?

I mean, one has to have a strategy for how to do that, and I think that has to be thought through. Obviously that's a group strategy.

You know, I don't want to be technical, but I notice three things -- when you use words like "eliminate," can you eliminate everything? I don't know the answer to that. You know, that's up to the people that do remediation and so on. But I certainly can agree with, you know, what I think is the main thrust of those three recommendations.

MR. HILL: Henry, when you say group strategy, does that include the community?

DR. FALK: Yes. Absolutely. I mean, I don't want to offer -- I'm not offering a plan for how to do that sampling. I think that ought to be discussed, you know, with the other agencies, with the community. Clearly they must be involved in that.

You know, I'm simply saying that there are multiple possibilities and one needs to think that through carefully.

MR. HILL: Damu, is it possible that you can get together with

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ATSDR and the EPA to work out this group plan as far as strategy is concerned addressing those first three bullets?

MR. SMITH: I think it's possible but first there has to be an understanding of a set of protocols about how the agencies not only coordinate their response cooperatively among themselves in responding to the community's concerns and needs, but also how the agencies behave towards the community.

There is a fundamental lack of disrespect -- lack of respect, I'm sorry -- towards the organization that has been the driving force in that community to try to pull together -- let me just take 30 seconds to say this.

If you look carefully at the book that we put together, you will see the flyers and the announcements and all of the things that this organization has been doing. All Mossville Environmental Action Now and Concerned Citizens of Mossville have been asking is to sit down with the agencies and work together. But when you have an attitude and a mind set like the Louisiana agencies have of non-recognition of not wanting to work with M.E.A.N. because they have problems with M.E.A.N.'s concept of freedom of association, then you're going to have a frustrating process like we've had for the last 14 months.

The public participation protocol issues are fundamental to getting at how we're going to proceed in this process.

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MR. HILL: Damu, at this particular point, as you know, we're just talking to two the federal agencies. I'm asking whether or not with those two federal agencies there's a way that you can get together to come up with this collective strategy. With the federal agencies.

MR. SMITH: Yes, I think we can.

MR. HILL: Okay.

MR. SMITH: I think we can, but as long as they allow the Louisiana agencies to tell them what to do, then we're not going to be able to move.

MR. HILL: Okay. But assuming that ATSDR and the EPA do not take instructions from LDEQ or a state agency, can you get together? Yes or no? And will you get together? Yes or no?

MS. FELIX: Okay, Mossville is involved in this too.

MR. HILL: Okay.

MS. FELIX: We can get together if we make an agreement on our terms -- we don't want them to tell us that they're coming to our community a certain date. We have to plan for this, and we will meet with them and discuss it. Sure we can get together with them.

MR. HILL: Okay.

MS. FELIX: We want to get together with them. We will get together with them.

MR. HILL: Okay.

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MS. FELIX: So let us make an agreement to get together and set a date.

MR. HILL: Yes, ma'am?

MS. COSTNER: I think it's -- in listening to what the agencies are putting forward --

MR. HILL: Uh-huh?

MS. COSTNER: -- I think it's very important to make the distinction between dioxin sources and pathways of exposure. For example, fish sampling will tell you a pathway of exposure. It does not necessarily tell you the sources.

Now, EPA has put out a series of dioxin inventories. Now, those dioxin inventories identify the kinds of facilities that are known to be sources of dioxin.

Now, we know and the Louisiana Chemical Manufacturers Association knows, that many of these facilities in the Mossville vicinity fit among those categories.

It would seem to me to be reasonable if EPA asked these facilities to document their air releases of dioxins, their releases of dioxins to the water, their releases of dioxins to the soil -- it seems to me that these are reasonable sets of data to ask these facilities to acquire and to put forward.

MR. HILL: Pat, the process through which you guys go through in

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order to try to reach agreement, that's up to you. What I'm simply trying to do is to get you to the table because at this particular point obviously you haven't been talking with each other and this is what's necessary, particularly with the federal agencies being here right now.

We're going to talk about the state agencies and others at some point, but what we're trying to do is to not solve everything at all but just trying to address the fact that Henry is here and Jerry is here.

MS. COSTNER: Let me rephrase. We also have a stakeholder here who has not been here before, right?

MR. HILL: Right, LDEQ.

MS. COSTNER: Which is the Louisiana Chemical Manufacturers Association.

MR. HILL: Okay.

MS. COSTNER: And the speaker has said quite clearly that they want to act responsibly. I'm sure that they want to be good members of the community and so it would seem possible to have some kind of commitments made from that direction.

MR. HILL: Okay. Why don't we turn it over to the members of the subcommittee for you to ask questions, particularly about these first three bullets, that we can pick and choose some of these things so we could make some progress. Yes? You have your card up?

MR. HOLDEN: I'm sorry, you just threw me off there a little bit, Mr.

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Presiding Officer. And I was not, you know, going to look at the three bullets. I had a question that I really needed to ask.

MR. HILL: Sure.

MR. HOLDEN: I know you wanted to deal with the federal agencies first, but --

MS. MILLER-TRAVIS: Introduce yourself, please.

MR. HOLDEN: Okay, I'm sorry. I'm Representative Kip Holden from Louisiana. I'm a member of the Louisiana legislature that we're not stopping programs to take people's lives.

I have, I guess, a question as to under our Department of Public Health whether or not based on what was said do we -- you're not making any correlation between animal science and the effects that may occur in humans? Is that my understanding of what you said?

Well, if you can, I'm trying to get an understanding of how you are deciding whether or not you will take an objective look at the complaints of the residents in Mossville.

DR. SEJUD: Well, specifically confining this discussion to dioxin, there is marked interspecies variability in the toxicity of dioxin. So to extrapolate a public health practice based on animal studies in another species, at the risk of being mistaken, is what we wanted to avoid.

So, we do find a correlation between the results in animal studies and toxicology in the human species, but that correlation is not

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complete.

MR. HOLDEN: The follow-up question is: You know, this is not the first time in Louisiana that the Office of Public Health has encountered some problems with -- maybe "credibility" is a strong word -- but a lack of trust from the residents of an impacted area, primarily the latest one, other than Mossville, was Gran Bois -- I'm wondering what it is going to take for this agency to take a critical look at information provided by credible sources and begin to move faster to address the concerns of not only people of Mossville but people of other areas as well.

DR. SEJUD: I'm going to turn this over to Ms. Dugas to answer that question.

MS. DUGAS: I'm Dionne Dugas, I'm Director of the Section of Environmental Epidemiology and Toxicology for the Department of Health and Hospitals in Louisiana.

I really would like to address Dr. Sejud's comments because I know he was speaking medically as a physician and he in no way intended to say that protecting the public health of the citizens of Louisiana is not our primary goal.

I understand your reference to Gran Bois, but those issues are really -- I don't think you should assume that we did not do the best job and did not apply the best public health practices in those sites.

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We would be more than happy to discuss this later with anyone -- with you and anyone else that you would like. We would go anywhere in the state to address the concerns that you've expressed. But I want you to know that we do our very best to protect everyone in Louisiana. And thank you for your comments.

MR. HOLDEN: That's my two question limit, Mr. Chairman. Thank you.

MR. HILL: Okay. Next was Neftali Garcia Martinez.

MR. MARTINEZ: Yes, Neftali Garcia Martinez. I am a chemist and biochemist and I have worked in the environmental area for 30 years.

First of all, looking at the chronology of events presented by the group M.E.A.N., I am seeing here that in three months it will be three years since they obtained or were able to see the results of dioxin levels in their blood. So it's strange that almost three years after this happened that we still don't have the results of air samples -- analysis and fish sample analysis.

How could we know what sources are out there if we don't examine the environment.

MS. MILLER-TRAVIS: Who are you addressing your question to?

MR. MARTINEZ: The question is to EPA mostly and the Louisiana Department of Environmental Quality.

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Why has it taken so long to take samples in the area and why it has taken so long to distinguish between different industries, because we know some of them could be the sources based on the type of chemicals they use and the type of chemical processes that they have in their plants.

MR. CLIFFORD: We just started our sampling effort on the water side in the sediments back in December of this past year as a result of the Superfund investigation.

So, we are going to get the results of that -- we did some screening analysis to help us target where we ought to do some detailed analysis. The screening analysis is in. We followed-up with the sediment sampling, and that data should be back mid-summer.

I was just asking when our data would be back on the fish tissue sampling when I realized that this question was being directed towards me. Pam, I can't remember what the date was.

(Inaudible discussion between Mr. Clifford and Pam.)

MR. CLIFFORD: I'm told we should get the first fish tissue analytical results this July.

MR. MARTINEZ: How about the air samples? And how about the study of the industries in the area and the types of raw materials they use for the chemical processes, including combustion of waste?

MR. CLIFFORD: I think we probably do have data in terms of that

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1 which is being emitted through stacks. So that air monitoring data we're
2 probably getting.

3 I don't know that we've yet set up specific air toxics monitors to
4 monitor dioxin, but let me ask.

5 We don't?

6 PARTICIPANT: Not yet.

7 MR. CLIFFORD: Not yet. When will we? If I could have
8 somebody

9 PARTICIPANT: (Inaudible.)

10 MR. CLIFFORD: We are not doing any air monitoring today for
11 dioxin. We've been working with the state to get some new monitors up
12 and we will have them, the first ones, up this summer as well.

13 MR. HILL: But, Jerry, I mean, you said that as far as the first three
14 bullets are concerned you are committed essentially to doing all that
15 you can with respect to environment sampling in trying to identify the
16 sources of the dioxin, even though, as you say, it was identified three
17 years ago. At this particular point he's saying on the record that he is
18 going to move as quickly and as effectively as he possibly can to
19 identify the various sources of the dioxin.

20 Am I right, Jerry?

21 MR. CLIFFORD: It wasn't three years ago. I can't remember the
22 date that we first got the results of ATSDR's blood sampling, but that

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1 wasn't three years ago.

2 MR. MARTINEZ: No, I'm talking about the results of the Mossville
3 people. They say here that on August 28, 1997 they got the first results
4 of the presence of dioxin in blood.

5 MR. BENJAMIN: Next is Mike Taylor, or whoever's card that is
6 near Mike Taylor.

7 MR. CLIFFORD: Yes, that's right. It may not be possible, given
8 the time, but I just thought that -- sorry.

9 MR. TAYLOR: Dorothy Felix had a number of her own
10 recommendations which I assume represent M.E.A.N.'s concerns, and
11 I thought a very simple thing that we could do for her beyond what
12 you're doing here, which obviously is the most important thing, is have
13 each of the agencies that are responsible simply go down that list and
14 say, "We're going to do it by" -- a date -- "we're not going to do it
15 because" and/or "we can't do it yet because."

16 You know, you've got them all assembled here and I don't know if
17 we really have time, but maybe the answer is they'll submit those
18 requests in writing and then each of the agencies will fill in the blanks.

19 I think it would be a start at trying to answer some of their
20 questions.

21 MR. HILL: I think that's a good idea. Thank you.

22 MR. BENJAMIN: Did any of the agencies want to respond to that?

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1 (Pause.)

2 MR. BENJAMIN: Do you want us to come back to you on that?

3 MR. CLIFFORD: Let me make sure that I understand. The
4 question is --

5 MS. MILLER-TRAVIS: The question is that recommendations that
6 Ms. Felix put on the table -- she listed about six things that they wanted
7 at the end of her presentation. And Mike Taylor just said, can we -- or,
8 she listed a number of things and Mike Taylor just said, can we get
9 some direct responses from the agency to her request from the
10 Mossville Environmental Action Now of that list of things.

11 MR. HILL: Would you mind reading your requests again?

12 MS. FELIX: Okay. They are -- I requested the state agencies take
13 an active role in the clean-up of the Mossville environment.

14 I request help from the agencies in the immediate relocation and
15 fair compensation of those Mossville residents that want to move and
16 get out of harm's way.

17 I recommend that the Mossville Environmental Justice Workgroup
18 process that has been established with the help of ATSDR continue
19 immediately after we return home from this meeting.

20 I request help from ATSDR and the Louisiana Department of
21 Health and Hospitals with the setting up of an environmental health
22 clinic and health services in Mossville within one month.

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1 I request that EPA and the Louisiana Department of Environmental
2 Quality stop all new permits to those that have been proven to be the
3 worst polluters of the community of Mossville until these industries have
4 installed the best and newest equipment available to prevent accidents
5 and emissions.

6 I request that all the polluting industries install real-time monitors
7 on their property and that the EPA and state agencies do the same in
8 Mossville and that our organization is given the data from these
9 monitors.

10 I request that all the agencies meet with us as soon as possible
11 with very detailed plans on how they intend to assist us with all the
12 issues that we have outlined in our letters to them. This Mossville
13 technical and legal meeting must be attended by the state agencies as
14 well.

15 And we don't want any personal phone calls from the agencies to
16 any of us. We need face-to-face meetings.

17 MS. MILLER-TRAVIS: Ms. Felix, did you say something about
18 cessation of personal insults? Wasn't that in your list too?

19 MS. FELIX: Okay, that was not in the outline, but, yes, that was
20 -- okay, let me go to that part. Okay, I did skip that.

21 In order for us to work with any member of the agencies, I request
22 that all insults and insinuations stop immediately and not be used as

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1 stall tactics anymore.

2 (Applause.)

3 MR. HILL: Well, the one thing that has been agreed to is that the
4 federal agencies and M.E.A.N. and Greenpeace will sit down and begin
5 to communicate and discuss some of these things and come up with a
6 strategy.

7 I understand what you're saying as far as the state agencies are
8 concerned -- and LDEQ, as you know, is not here at this particular point
9 -- but we can say that the federal agencies will meet.

10 MR. BENJAMIN: Carlos Porras.

11 MR. PORRAS: I want to -- first of all, I just wonder about my lack
12 of understanding as to why it took so long. But I think the real question
13 is for the agencies -- not Damu and Mossville as to whether they want
14 to work with the agencies -- the question really appears to be will the
15 agencies work with Mossville.

16 (Applause.)

17 MS. FELIX: Right. Yes, that's it. That's it.

18 (Applause.)

19 MR. BENJAMIN: Do the agencies want to answer that? I think we
20 already did, though. I think they just said that they would.

21 MR. PORRAS: I didn't hear any response from ATSDR

22 MR. BENJAMIN: All right. Well, let's get ATSDR and Region 6.

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1 DR. FALK: You want a response to that last question about why
2 it took so long?

3 MR. HILL: It seemed to me it was more of a statement --

4 DR. FALK: Right.

5 MR. HILL: -- but if you can respond to the statement.

6 DR. FALK: Yes. And I'll take some of the blame for this.

7 I guess in my own mind what needs to be done involves Mossville
8 and the Mossville community and it needs to be after discussions. I
9 fully agree, I said before that we would commit to those sessions. I
10 don't have a problem with that.

11 I think part of my problem all along has been that ultimately the
12 discussions involve at some point more than just Mossville. I mean, if
13 we talk about doing dioxin sampling in all of Calcasieu Parish, there are
14 other people in Calcasieu Parish who may have their own community
15 groups and so on. As well as, you know, organizing that kind of work
16 within the state, does involve the state health department.

17 So I will take, you know, blame for the fact that in my mind I have
18 thought about a process that really ultimately is inclusive of all those
19 groups. That may not be possible at the beginning, and if it isn't, we
20 start smaller.

21 But eventually -- you know, I don't want to -- the ideal form is not
22 some kind of shuttle diplomacy where we discuss the study with one

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1 group and then discuss it with another group and then with another
2 group. But if we have to, you know, have separate discussions with
3 everybody at the beginning or all the way through, that's fine. We're
4 happy to talk to Mossville.

5 It's just been hard to get everybody to the table at one time. But
6 that's maybe not necessary. You know, if that's not necessary, it's not
7 necessary.

8 MR. BENJAMIN: The process that people will be specifically
9 asked questions, and those people will answer. And the process is that
10 the NEJAC people will get one question and follow-up unless and until
11 we have an entire full round.

12 So let's get a response from Region 6 to the question of will they
13 work and meet with Mossville.

14 MR. HILL: Jerry?

15 MR. CLIFFORD: Absolutely.

16 MR. BENJAMIN: Okay. Next was Marinelle Payton.

17 MS. PAYTON: One of the things I heard someone mention was
18 where should you start as far as actually looking for sources.

19 I just want to suggest that we start at Mossville. The reason being
20 because that was the initial exposure study. And I'm concerned about
21 the health of the people in that area, in particular the 28.

22 I just have a question for ATSDR. Is there any plan for follow-up

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1 for those 28 persons in the initial study?

2 DR. FALK: I think Ken mentioned that after the results became
3 available that ATSDR arranged to meet with those people as well as to
4 arrange for Dr. Peter Orris to come and meet with that group.

5 I think in terms of further sampling or follow-up, that's yet to be
6 determined. I mean, that has to be discussed with everybody. And so
7 whether one looks at the very same 28 people or other people or what
8 additional testing might be done with the 28 people is open for
9 discussion.

10 MR. BENJAMIN: Marinelle, did you have a follow-up?

11 MR. HILL: Do you have a follow-up?

12 MS. PAYTON: Yes, thank you.

13 I asked that question because someone also made the comment
14 that they questioned whether or not the results are actually true. And,
15 of course, that concern can be eliminated by just doing the follow-up
16 study.

17 Also, their comments regarding age. I also heard people, you
18 know, doubting whether or not these results are true because we know
19 that dioxin accumulates with age.

20 Based on Pat Costner's tables where we're looking at the U.S.
21 average, I'm assuming that the age of the persons in the Mossville area
22 were age-adjusted matched for that in the U.S. population. If that's the

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case, then we don't have a question of whether or not this was just something due to accumulation with age because all of the studies were done equally across the board.

In reference to considering whether or not this is an old exposure or if there's been acute exposure, we can easily eliminate that concern by just looking at children. I would like to know why children were not included and I also would like to know what the range, the age range, was of those persons that were tested.

DR. FALK: Let me just say a few quick things about that. One is that that is not a national average U.S. in the sense -- I think someone mentioned before the enhanced -- may come up with average levels in the U.S. That's based on a series of comparison populations over the last several years in studies that have been done where the comparison populations were not exposed, and it's just the best available data to compare it to.

So it's not a formal national representative sample in terms of the U.S. average, but it's the best that we could do and it's the most recent data. We didn't want to compare the data in these 28 people to maybe higher levels in past years, and actually the levels in these 28 people are more striking when you compare it to where the levels have fallen in recent years.

We did not have children. The youngest was 18.

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We have done this at other Superfund sites where the issue has come up if there is recent exposure, and yes, looking at children would be a possibility. I have to -- you know, we have to -- I don't want to make the commitment to do that on the spot because I really want to find out what is available in terms of comparative levels in other children and I just don't know enough myself personally, without going through this technically, to say that.

But in terms of -- you're correct in terms of age adjustments for an average level. What we found in looking at the individuals is that of those that were elevated, they were above 47 years of age.

So, you know, one of the things that I think would be appropriate to look at would be at younger people and, actually, whether they're children, teens, 20s or 30s, all of those might be relevant.

MR. BENJAMIN: Vernice and then Peggy and then Jane.

MS. MILLER-TRAVIS: I have a brief announcement on behalf of Jerry Clifford. Jerry has to go soon, he has to catch a plane back to Texas, so I want to ask the subcommittee members if you have additional questions for Jerry, you should try and put them on the table now. But there will be EPA Region 6 staff who will remain after Jerry leaves and you can also ask them. But if you want more direct interaction with Jerry about specific things, you need to ask him those questions now; he's probably going to have to leave in about 15 or 20

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minutes. So I just wanted to put that out there.

My question is not necessarily for Jerry but it is in -- in the context of the conversation that we had yesterday with all of the public health folks and health and science people we talked about the tremendous gaps in data and all of the research that needs to be done so that we can make some better recommendations about how to capture and address the exposures that are happening not just to the folks in Mossville but to impacted communities all over the country.

Everyone had a lot of suggestions about what needed to be done but there wasn't a plan. We are now trying to talk about a plan. I think that plan needs to include the people the people who were at the table yesterday and those other federal agencies, as well as the impacted communities and the state agencies. We need a plan.

To keep talking around this and talking around this, as Neftali said, three years, four years, is not helpful to anybody. So I would like to know that we're going to come out of this room with at least the skeleton a plan of how we're going to go forward. So that's recommendation number one.

Recommendation number two sort of involves the Louisiana Chemical Association. I'm trouble by some of the things you said, and I'm troubled by the fact that what you suggested --

MR. BENJAMIN: No speeches.

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MS. MILLER-TRAVIS: -- what you suggested needed to happen in terms of being able to accurately assess whether or not the folks in Mossville are being adversely impacted is a multi-million dollar assessment.

You said to check all food sources, to check all air samples, all water samples. To check a cross-section of the population in Mossville and in other parts of the country.

I don't know, but I don't think the CDC's budget is that big that they can do the kind of national assessment that you've talked about.

So I want some recommendations from you about how we can address some of those issues on a smaller scale and if the Louisiana Chemical Association is willing to ante up some money to help us get to that point.

MR. FLYNN: I appreciate your comments. I don't think that I can provide you with the kind of answer that you kind of answer that you may be hoping for.

At the moment I think the best that I can probably do is to serve as a conduit to bring that kind of message back to the management and to the board of directors and pose that question to those people who can properly give you -- give the NEJAC -- an answer. I would certainly pledge to convey that information.

MS. MILLER-TRAVIS: I appreciate that.

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MR. FLYNN: You're welcome.

MR. BENJAMIN: Peggy.

MS. SHEPARD: I'd like to direct my question to the Mossville residents.

How has the medical follow-up been on those citizens who had elevated levels? Has it been sufficient? And has relocation been satisfactory for the residents who took that option? How has the treatment been?

MS. HARTMAN: No. Nothing has been done. That was my question. The 28 people that were tested, they came and talked, and nothing has been done.

One of their people said on the 16th that there is no cure for dioxin. I said, what's going to happen? You're going to die.

So how should we feel? You're telling us we're going to die. You can't come give us any kind of service or something? Like I told the man, give us an aspirin or something, do something for us.

And the 28 people, well, what about the rest of us?

MS. SHEPARD: I thought I heard in an earlier presentation from one of the agencies that people have been referred for medical follow-up with physicians.

MS. HARTMAN: A conversation, is that medical treatment? Talking? Conversation? That is not medical treatment.

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MS. SHEPARD: Oh, so --

MS. HARTMAN: The people are dying. We have the obituaries here where people are dying. People are sick. Some of the same people that they tested are sick, very sick.

MS. SHEPARD: So I'd like to ask what are the ethical considerations here when you have data that shows there are key individuals with these elevated levels and you have taken no action?

MS. HARTMAN: That's what we want to know. What action is going to be done? They want to meet with us. Unless they can tell us something, why do they want to meet with us for? Give us some kind of results.

MS. SHEPARD: Could I get a response from the agencies?

MR. MOUTON: I would like to make a statement on that before you get a response.

I'm going to give you a prime example of what we have been up against. Sure, they wanted to test some people in Mossville. Sure, they got their tests. After they got their tests, then instead of them bringing it to Mossville, they took it to Baton Rouge to Governor Foster's office.

He jumps up and makes the remark that he's going to know something within 90 days. That 90 days is still going on and the poor people that they tested, those people are sicker now than they ever

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were.

The point that I'm trying to make here is some people, as long as they don't know they have the illness, they don't worry about it. But once they find out they have the illness, they continue to worry about it. And worry brings them down.

It's really a shame the way our state and local governments do human beings. They have more concern about the dollar than the health of the people. But yet and still, the people that have the bad health, nine times out of ten some of those same people, such as myself -- I worked in a chemical plant. I worked in it and I've seen so many of my colleagues that reach their retirement and they don't get the first check from these chemical plants.

So, where is it that the chemical plants get the idea that it's nothing out there's that's happening to the people. If they would check their own employees -- their own employees -- they will see what dioxin is and other chemicals in their blood.

I worked there 28 years and the only thing I came away with is sugar diabetes and bleeding kidneys, which I still have today. But yet and still, it's nothing wrong. I think it's a bunch of hogwash that chemist --

MR. BENJAMIN: Peggy, I believe that your question was directed to the Department of Public Health --

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MS. SHEPARD: Yes.

MR. BENJAMIN: -- as far as providing some kind of access to health care.

What can you do?

MS. DUGAS: Our state health officer has directed us to kind of provide a parish profile on what is available in the Calcasieu Estuary in terms of existing facilities, the number of physicians -- we estimate there are around 300 physicians in that area. We have our mapping of primary, secondary and tertiary care facilities with highways. We hope to do a community needs assessment so that we can determine who has access to health care.

In terms of providing a clinic for specific treatment of dioxin, he has said that we do not have the resources to do that.

MS. SHEPARD: Are you telling me that there are 17 people --

MR. BENJAMIN: Wait.

MS. SHEPARD: May I ask her?

MR. SEJUD: I'd like to elaborate on that.

As I think has been revealed here, there is no particular treatment for dioxin exposure. Once it's in the body, it cannot be removed. So the treatment on a public health level is to prevent future exposures, which we are attempting to determine the source to do.

As to whether exposure to dioxin is linked to other health outcomes

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and would indicate more vigilant screening for those outcomes, we simply don't know.

As far as ensuring access, the Department of Health and Hospitals is committed to maximizing access of all of Louisiana's residents to health care. And part of the purpose of the Residential Needs Assessment would be to see how the Mossville and Calcasieu population is served in terms of health care access.

MR. BENJAMIN: Okay. We have 15 minutes. The next person is Jane and then Denise, Kate and Rose Marie.

MS. SHEPARD: Will dioxin lead to --

MR. BENJAMIN: Peggy, you had several follow-ups.

MS. STAHL: I have a slightly different tack to take and, Jerry, unfortunately I'm going to hit you before you get on the plane.

With regard to the increase enforcements initiative that you've identified for the area, you've also identified several exceedances of the Toxic Ambient Quality Standards or UNs -- the Louisiana DEQ have identified those exceedances.

This is going to be a complex question, okay, Ken?

MR. BENJAMIN: We have 15 minutes.

MS. STAHL: Is there follow-up being done with regard to those exceedances and perhaps a broadening of the spectrum to see what other exceedances or violations or high levels of emissions might exist?

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Have there been penalties assessed and, if so, have those penalties been directed back to the community --

PARTICIPANT: No.

MS. STAHL: -- and if not, why not with regard to the penalties in the first instance, and whether or not you would consider directing them back to the communities?

MR. CLIFFORD: Let's see. First, the violations are of the Ambient Air Quality Standards of the state and the Ambient Air Quality Standards which we have no authority to take any action on at EPA. They're not the National Ambient Air Quality Standards; they're the state. Unfortunately, the Louisiana Department of Environmental Quality isn't here since they would be the appropriate entity to respond to that question.

With respect to the enforcement actions that we have both been taking, DEQ and EPA, yes, there have been penalties. We anticipate there being more penalties because of the increased enforcement activity in that area.

The agency has what we call a supplemental environmental project policy which enables us to -- we can't ask a facility to do this, but if I were to assess you with a \$10,000 penalty, if you were to approach us and, say, offer to offset -- take \$5,000 of that penalty and rather than give it to us, in which case it goes to the U.S. Treasury, use it in some

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manner at the local level, whether it's at your facility or in the community, to address a particular issue that has a nexus to the particular violation, we could accept that.

We have gotten some supplemental environmental projects out of the penalties in Louisiana. We have internally established a workgroup on SEPs within our region and we're attempting to work with communities to identify a host of potential SEP projects that we could then present to companies in these types of enforcement discussions and settlement discussions to give them an idea of the kinds of things they could volunteer in the way of doing things that would affect the local community and impact locally emission reductions in a manner that would allow them to offset a portion of the penalty.

So, you are absolutely on target. Our policy isn't as broad as we would like to see it in order to help us. For instance, to take penalty money to establish a health clinic is probably a larger stretch under our policy.

I'm not familiar with the state's policy. I have our Division Director for Enforcement, Sam Coleman, here and Sam may have an understanding of the state's SEP policies.

Sam, do you want to comment on that? I don't know that they have a policy.

MR. COLEMAN: The State of Louisiana does have a

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supplemental environmental policy that provides essentially the same benefits that we do at EPA. They actually have the ability to set up what they would call environmental trust funds where dollars can be put in and then drawn out by non-profits or other organizations for projects that would specifically benefit some portion or some organization or have some other environmental benefit.

They've worked on a number of those and they're continuing to do that now in the Lake Charles area. So it's something that they're actively pursuing.

MR. HILL: So, Sam, is there a possibility that a health clinic could be established under the SEP policy?

MR. COLEMAN: I think it's a real possibility. I think that the details and how exactly it all fits together is something that we need to talk about with the state folks, with ATSDR and with the community, and the Louisiana Department of Health and Hospitals. I think it's definitely something that we need to talk to them about and see if we can't work out the details.

MR. HILL: Because under the circumstances, since the state has a \$390 million deficit, since they don't have any money for health facilities, this may be a possibility.

Would you be supportive of that, the Department of Public Health ? Okay. You said yes?

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PARTICIPANT: Yes. Yes.

MR. BENJAMIN: Denise Feiber.

MS. STAHL: Do I get a follow-up? I'm sorry, one little follow-up, but it will be a mean one, though, because I'm going to turn --

MR. BENJAMIN: You all have nine minutes, so how it --

MS. STAHL: It will be quick, mean but quick.

I would suggest, by the way, that you stretch as best you can with those SEPs.

Turning to -- this might be mean and it might not -- is there an expected date for a dioxin standard either ambient or action level?

PARTICIPANT: Is that mean?

PARTICIPANT: Is that mean? Yeah. People have been waiting. (Simultaneous conversation.)

MS. STAHL: I think it's a bigger EPA question.

MR. HILL: Dwain. Dwain Winters. You don't want to identify yourself?

(Laughter.)

MR. HILL: Would you come to the microphone. But talk fast.

DR. WINTERS: I didn't hear the question because I was literally waiting for Jerry to leave for the airplane since I'm on the same plane. So, if you could repeat the question.

MS. STAHL: My question is -- and it's particularly in light of the

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fact that a draft EPA report was referenced earlier -- is there a plan and a date for the establishment of a dioxin standard either ambient standard or an action level standard?

DR. WINTERS: We do not have plans for setting an ambient standard or an action level standard. Traditionally for a pollutant like this we would not.

The principal pathway of exposure is through the diet, not through ambient air inhalation or through water ingestion. So it would not be the mechanism by which we would normally begin to address this kind of pollutant.

MR. BENJAMIN: Okay, Denise Feiber. Now, we established the process. The subcommittee is going to ask questions to the panelists. And we only have like six minutes left, so we need to go this way. So if somebody wants to ask a question to --

MS. COSTNER: I just need to respond to her. There is a misunderstanding --

MR. BENJAMIN: We need to stay on this because we still have a lot of folks and time is running out.

MS. COSTNER: But the misunderstanding is I did not reference a draft document. What I referenced was a leaked document that Dwain's name is on.

MR. BENJAMIN: Okay. Denise Feiber.

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MS. FEIBER: My question is --

MR. CLIFFORD: I have a 7:50 plane. So let's see how close we can cut it. Was there another question for me?

MR. BENJAMIN: No, there was no question. It was just Denise Feiber's turn to speak.

MR. HILL: Denise Feiber?

MS. FEIBER: Yes, here I am.

MR. HILL: Okay.

MS. FEIBER: My question is, can the community participate in the development of a sampling strategy and how can that be done expeditiously? How can the sampling strategy be put together expeditiously so that they can move forward on something?

MR. HILL: And that's directed to Henry?

MS. FEIBER: It would be directed to whoever would be handling the sampling strategy.

MR. HILL: Okay.

DR. FALK: In terms of blood sampling -- I'm assuming that's one part of the sampling -- that would be directed to ATSDR -- the answer is yes, and I wouldn't do it any other way. So we will have to get together after --

MS. FEIBER: I guess I needed to clarify. I thought the sampling strategy would be for, you know, the air, soil, water.

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DR. FALK: That's EPA.

MS. FEIBER: EPA, right.

MS. PHILLIPS: I'm Pam Phillips. I'm with the Superfund Division in Region 6. We have been actively involving all of the different communities in our sampling plans. Before we went out and did the sediment sampling, we had a series of community meetings, both open houses and meetings where we talked about what we were doing and gave people the opportunity.

We also piloted putting all of our draft scope of work on the Internet for people to be able to download and send us comments. We got over 500 hits with people downloading our scope of work and giving us comments on what they wanted us to look at through our sediment sampling.

What we're planning to do with the ecological sampling that we're going to be starting this summer is we're going to do a similar process. We're going to go out with our draft scope of work and ask people to give us comment. Since we'll be sampling over several months we will have opportunity for people to come in and give us comment all along.

And to enable the community to be able to comment on our sampling in a more educated manner what we're trying to do is put all 1,200 samples that we've collected over this past winter in electronic format so that either they can download it from our Web page or we can

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put it on CD-ROMs and send it to people. If we have to put it on paper, we're talking about a couple of thousand pages.

So that's what we're trying to do to involve the community.

MR. BENJAMIN: Okay. We're going to take the last three people I have on my list. Please make your question brief, and no follow-up. So, the next person is Kate McGLOON.

MS. McGLOON: Mine is very brief.

It sounds like this happened in the past so it probably isn't possible to respond to this per se. I'm not sure which agency this actually addresses to.

Several comments were made about letters from the community that were not responded to in the past and I guess I'd just like to make a recommendation or a suggestion or ask for commitment for some kind of a more reliable system so that the residents at least get their letters responded to, if that's the case.

MR. BENJAMIN: Okay. Next is Rose Marie Augustine.

MS. AUGUSTINE: Oh, it's all right. Go ahead.

MR. BENJAMIN: Okay. And finally Veronica Eady.

MS. EADY: My question is for the Department of Health and Hospitals. And this is kind of I think a follow-up to what Peggy Shepard had asked.

When you find evidence of an exposure such as the one is

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Mossville, what is your ethical duty or obligation to follow-up and see that that exposure is stopped? And I'm using this case where there is safe level of dioxin exposure. What is your ethical obligation -- your agency's -- to follow-up, and what steps are being taken towards relocating since there is no safe level of exposure -- the people that the exposure was found in?

DR. SEJUD: We're not sure yet whether there is a safe level of dioxin.

MR. BENJAMIN: No, that's not the question.

MS. EADY: The question is, what is your agency's ethical obligation to follow-up and act when you have information, such as this dioxin exposure, and what steps are being taken since -- to relocate?

DR. SEJUD: Yes. I'll take a stab at it.

MS. EADY: Okay.

DR. SEJUD: Well, we've been presented with data indicating a biomarker of exposure -- that is dioxin -- and it shows that people in Mossville have been exposed apparently to higher than average levels of dioxin.

What the health implications of that finding are, we don't know. So our ethical obligation is to consider what the health implications might be and to act accordingly.

If there is danger, we should respond, and would. If there is not

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danger, to respond when there is none and to label people as harmed, might not be in the best interest.

MS. HARDEN: In terms of the ethical obligation question, I think it's a very important one here. We have audio cassette of Dionne Dugas and other members of the Louisiana Department of Health and Hospitals caught on an answering machine -- an audio cassette -- laughing when they first were dealing with the lawyers who had commissioned the first dioxin test done, and making statements that they were going to cover and suppress this information. I'm getting it FedExed to me tomorrow and --

MR. MOUTON: And we're going to send you all copies of the tapes.

MS. HARDEN: So, ethical obligations -- these are the unethical responses by the state department.

MR. BENJAMIN: Okay, our question and answer period is now expired. We're going to let Barry and our two chairs sort of sum things up and talk about our next steps.

MR. HILL: Before the chairs sum things up I want to make a request.

Do you have a plane to catch, Henry, right now?

DR. FALK: I live here. I can stay until tomorrow morning.

MR. HILL: Oh, okay.

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(Laughter.)

MR. HILL: But you guys have a plane to catch right now.

PARTICIPANT: It leaves at 8:20.

MR. HILL: Okay. Do you have a plane to catch right now? Okay.

Is it possible -- with Charles Lee -- that you can stay here after this session and just talk and see where you go from here as far as next steps are concerned? Is that possible? Henry? Okay.

MR. SMITH: It's possible, but I think the NEJAC committees need to make some recommendation.

MR. HILL: They will. They will. Okay? Charles? Okay.

MR. LEE: I'll stay.

MR. HILL: Okay. Vernice.

MS. PAYTON: I'm just going to have to make a comment. I'm sorry. I'll let Vernice make the closing remarks -- I won't even make the closing remarks just to comment on the last question.

As a physician, I almost raised from my seat especially when the question was asked about the ethical considerations to people that have high levels of dioxin in their blood. I mean, we know about the many, many related health outcomes to dioxin exposure.

And in populations where we have people with three times -- well, where we have a level -- I know, no speeches -- but when we have levels so high, we know that there is a great potential for these health

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outcomes. And we know the list, right? I'm talking to the representatives of the LDHH.

Almost every symptom imaginable from neurological, dermatological, respiratory, all kinds of cancer, carcinoma. So there is an ethical consideration. I just had to say that.

DR. SEJUD: Well, I have to say that review --

(Applause.)

DR. SEJUD: -- of the existing scientific evidence shows that there is insufficient proof of the effects of dioxin on health at levels below 300 to 400 parts per trillion.

MS. PAYTON: I'm going to suggest that you do a little bit of --

DR. SEJUD: -- and that's in ATSDR's exposure investigation and we rely for them for their technical support, and that is how they have counseled us.

MS. MILLER-TRAVIS: Let me try to not go down this path because you will not be comfortable if we continue this conversation, so we're not going to continue this conversation on this --

(Applause.)

MS. MILLER-TRAVIS: You are right, and one of my subcommittee members has shared that there is a great degree of difference of opinion on this subject matter. But I wish you had been with us here yesterday to hear the conversations from the federal public health

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agencies about the need to do more even in the absence of conclusive scientific evidence that says that people are being harmed.

Even if you don't have conclusive scientific evidence you cannot wait, you cannot wait. And it is a question of ethics. You cannot wait until hundreds of people die --

(Applause.)

MS. MILLER-TRAVIS: -- before you begin to act.

(Applause.)

MS. MILLER-TRAVIS: No, we're not having any more conversation. And I'm sorry, I'm abusing the prerogative of the chair to say things that I shouldn't be saying.

DR. SEJUD: I agree.

MS. MILLER-TRAVIS: So we'll close the meeting.

You agree that I'm abusing the prerogative of the chair?

DR. SEJUD: I thought we said no speeches.

MS. MILLER-TRAVIS: Well, I'm sorry, but you know, you're in my meeting.

Anyway, let's go to the conclusion.

(Applause.)

NEXT STEPS

MS. MILLER-TRAVIS: The conclusion is that we suggest on behalf of the NEJAC that there be a process where joint members of

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these subcommittee, as well as members from the Air and Water Subcommittee, be brought together to form a working group of the NEJAC to further discuss these issues, to provide technical assistance and expertise -- as you've heard around this table, there are scientists and physicians who sit at this table who are NEJAC members who may be able to bring some further understanding about this issue that you all obviously need.

You cannot figure this out by yourselves and that's the reason we had this meeting today, because we want to share with you our expertise, our industry expertise, our public health expertise, our community expertise, our legal and scientific expertise. That is the purpose of the NEJAC and we want to give those resources to you all free of charge to help you try and figure your way out of this situation.

And so we are going to form a working group and -- the two subcommittee plus the Air and Water Subcommittee are going to form a group to work with you, to provide consultation, to be the resources that you need that you clearly don't have all of the resources that you need to figure this out. We want to add some resources so that you can call on us in any way that we can be helpful.

We hope you will call on us, but we will be calling on you to further this discourse.

That is as far as we have been able to get because we haven't

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been able to have any conversation jointly. As subcommittee members, we're going to have to talk about this this evening. We're going to have to talk about this tomorrow in the NEJAC because this needs to be a recommendation and a resolution that goes to the full Council in terms of how we move this issue and institutionalize this issue as a working group of the NEJAC.

This is not going to -- by any means we have not reached any conclusions, we have not resolved anything. We hope we have taken some steps forward with the federal agencies, and with the state agencies we still have to do.

We hope the community has felt somewhat affirmed, but there's a lot of work to be done and we, the NEJAC, commit to work with you in trying to reach some resolution on these issues.

And I'm sorry, but there's no more that we can add because we have not had a chance to decompress and unpack these issues and talk about strategy. But that is what we are recommending as an interim step.

Further, from work group will probably come direct recommendations about how we can help you, but first we have to form the recommendation, the NEJAC Council has to approve the construction of that work group, and then we can go forward with some process.

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1 I'm sorry to end on such an inconclusive note, but we do need to
2 bring this conversation to a close so that we can have that conversation
3 going over there and the NEJAC members can talk about some further
4 strategy.

5 MR. SMITH: Ken, I don't have a comment. We have copies of the
6 late EPA dioxin report that we'd like to give to everybody here.

7 MR. BENJAMIN: Okay.

8 MS. PAYTON: I'd like to suggest that we applaud Mr. Mouton.
9 He's -- is it 86? How old is Mr. Mouton?

10 PARTICIPANT: 64.

11 (Laughter.) (Applause.)

12 MS. PAYTON: I applaud you for your years of work in Mossville.

13 MR. MOUTON: I'm 64.

14 MR. BENJAMIN: I would like to thank all of the members of the
15 two subcommittees for staying through this marathon session. We will
16 be scheduling conference calls and other discussions to follow-up on
17 this, but I think that was an agreement, that we have concluded.

18 (Applause.)

19 (Whereupon, at 6:30 p.m., the meeting in the above-entitled
20 matter, was adjourned, to reconvene on Friday, May 26, 2000.)

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