

Public Comments Received on the Bullseye Glass Public Health Assessment

On June 30, 2021, the Oregon Health Authority (OHA) released a [Public Health Assessment for the Bullseye Glass Company](#) and [sought public comment](#) on that draft. More background information about the OHA's work related to the Bullseye Glass Company in Portland, Oregon is available on our website [here](#).

The final draft of the Public Health Assessment will attempt to incorporate comments where possible and will include a new appendix that summarizes comments by theme. In that appendix, OHA will respond to each theme, explaining where in the final document that theme of comments was incorporated or explaining why that theme of comment could not be incorporated into the final Public Health Assessment.

This document contains the public comments OHA received in the form that OHA received them. OHA has not modified these comments in any way. Entries have been numbered for easier reference and are listed/numbered in no particular order. The program within OHA that did this work is called the Environmental Health Assessment Program or EHAP. Commenters sometimes referenced OHA and sometimes EHAP in their comments.

Comment #1 – Jennifer Young

Very disappointed about the process and the document that came out of the discussion with the public. The process was flawed in arriving at the concluding document of EHAP. Not everyone has the same physiology, the same genetics. As a severe asthmatic with COPD (I've never smoked) who has lived just a few blocks from Bullseye Glass, your findings indicating that the unhindered, long term operations at Bullseye could have harmed the health of people breathing it...." is not a truthful statement: over time long term exposure *would have* harmed the public's health, and in this neighborhood, continued operations will cause some disease. Emissions will greatly impact my breathing going forward and contribute to my poor health, that and unregulated diesel emissions coming from Powell Blvd./U.S.26 and contribute to a greater toxicity in the air in southeast Portland. Your job is not primarily regulating industry, but protecting the health of the public. As an agency who heavily relied on "trained noses" to detect toxic emissions, without the public's input, you at EHAP and DEQ would still be paying people to sniff-out cadmium and arsenic from the air and minimizing the true, toxic-air quality in neighborhoods. This assessment is flawed and I reject its conclusions from an industry who feels it's unwritten mission is to promote business health and not the health of all Oregonians.

Comment #2 – Eric Durrin representing Bullseye Glass

Please accept these public comments:

Bullseye appreciates that OHA has found that our current operations do not present a health risk. Bullseye supports the OHA conclusion that no further action is recommended. OHA's Public Health Assessment verifies that operations at Bullseye Glass do not pose a public health concern and confirms that the emissions control systems installed in 2016 are effective.

We agree with OHA that air quality data collected near Bullseye Glass in 2015 was flawed and inadequate to evaluate potential health risks. As OHA's factsheet states, its assessment is subject to significant limitations, numerous uncertainties, assumptions, judgments, and limited data sets.

Inadequate data from the past should not be used to hypothesize what might have happened in the future, especially considering OHA's factsheet states its assessment is subject to significant limitations, number uncertainties, assumption, judgement, and limited data sets.

Bullseye would like to clarify several technical points:

1. OHA is correct (page 18) when it points out that the EPA noted an exclusion for periodic furnaces when enacting the NESHAP 6S. OHA is also correct when it points out that "Consistent with past EPA interpretation at similar facilities, DEQ determined that Bullseye Glass did not have to meet the requirements of NESHAP 6S." However, OHA is incorrect when they say (page 20) that EPA "determined" that NESHAP 6S applies to Bullseye Glass.

2. OHA mentions the chronology of events in early February 2016 (pages 18-19). While formal agreement might have been documented on February 19, 2016 regarding the suspension of use of cadmium, arsenic, and hexavalent chrome, in fact, Bullseye halted use of these materials unilaterally on February 1, 2016.

3. OHA says (page 20) that EPA responded to a request for interpretation from DEQ in two ways.

a. OHA says that the EPA "determined in April 2016 the NESHAP 6S standards mentioned above apply to batch art glass manufacturers such as Bullseye Glass". This is wrong. The letter from the EPA states, "Please note that this response is a non-binding regulatory interpretation based on information provided by Oregon Department of Environmental Quality (Oregon DEQ) and information gathered by EPA. This response should not be considered an applicability determination, nor does it represent final Agency action". The EPA further states, "Oregon DEQ may, in its discretion, consider this interpretation and any other relevant information it has in determining the applicability of Subpart SSSSSS to any facilities in its state."

b. OHA says that the EPA "adopted a schedule for facilities to come into compliance with that standard." In fact, the EPA has not required any other art glass manufacturer in the United States to meet the NESHAP 6S requirements. Other art glass manufacturers in other states have not been required to meet the NESHAP 6S requirements or to operate with a Title V permit.

4. OHA makes several risk calculations (page 50-51) that quantify and chart cancer risks. These calculations are based on unusable data. OHA acknowledges that the data has "significant limitations" (Page 28) and is so poor in quality that it cannot be used for analysis of "long periods" of time. The calculations do not have sufficient declarations about the insufficient data used in the calculations. While OHA mentions that the future long-term risk information is "hypothetical" (page 28), the charts and graph does not provide adequate warning to the reader to clarify that the information has no basis in real-world data. The charts and graphs should make it clear that the information is "hypothetical and derived from data deemed unusable for predictions". Without proper disclaimers, the PHA conveys a scientific significance that is unsupported.

We concur with OHA's determination that "no additional recommendations" (page 73) is appropriate. OHA's conclusions allow us to focus on making world-class colored art glass, as a small business started and proudly operated in Oregon.

Regards,

Eric E. Durrin

Controller

Bullseye Glass Company

Comment #3 – Marny Spoons

As a member of the community closely surrounding Bullseye Glass, I chose to be a part of the Community Advisory Committee for this PHA with hopes that I would come away with a clear understanding of the health impacts I and my loved ones had endured due to Bullseye getting away with raw dogging it for 42 years in our neighborhood. I hoped to have a clear path forward about what remediation and healing could be beneficial for the soil, for my own body and those of members of my family, and what we might expect in the years to come. It took courage for the community to show up like this, to stand present for the truth. Many who showed up were already in the trenches of serious health impacts themselves and as caretakers of loved ones experiencing mysterious ailments of many kinds, many severities.

Now that the PHA has been completed, I feel like this whole experience was eye opening only in the sense that my trust of state agencies has dwindled exponentially. The experience of being a part of this committee became about neighbors, understandably with heightened concern, asking for answers and being told over and over why we couldn't have them. When we showed up to trouble shoot and brainstorm solutions, we were told more reasons why those solutions would not work. When we asked for common sense to be applied for answers, we were told that it was contrary to science. Over the six years— yes, six years— of waiting for this PHA to be completed, often with a full year between communication, we numbed to our own collective trauma. We dwindled in numbers. We disorganized. Even writing this is a slog because the seed of “What’s the use?” has been planted in my head. I recognize it as a trauma response and I’m fighting it, but it’s there.

I do not endorse this PHA. I do not accept it.

We as a group were told that the data collected for this PHA were not routinely collected, that they had not had any idea how important these data would turn out to be, that nothing could be done now because Bullseye is filtering now, thanks to the state agencies. We were told that materials balancing would not be an option, for various reasons that changed every time we asked for it. We were told that we would be provided with a public forum to speak our piece. We were told that they fought hard for us. We were told that we would probably be fine. We were told we were being provided with closure.

I’m personally not feeling this closure, but I know that, for some in this community, closure has looked like death.

Marny Spoons

Comment #4 – Charlene Howe

Bullseye worked to reduce potentially harmful emissions immediately and has been a good neighbor treating others in the neighborhood as they would want to be treated.

Bullseye has continued to monitor the situation and has, thankfully, kept jobs here in America rather than another glass company who moved to Mexico.

Charlene Howe

Comment #5 – Joseph Clyde

Hello

I am concerned about this whole deal, blaming the glass company and the fact that Kinder Care child care facility is within 300 feet of the Union Pacific Rail Road Brooklyn Intermodal Yard and the Bullseye Glass manufacturer. It is a problem with expanding numbers of residents that move into industrial areas for cheaper rents, but then start to have issues with the existing businesses.

I am thinking there should a shared responsibility taken in part by the City of Portland as they must have some sort of licensing for Kinder Care to operate a child care center in such a heavy industrial zone. Perhaps a mediator should be appointed by the state to help determine a solution to these issues. It should be pointed out the rail road is a heavy polluter of diesel soot and other components such as brake dust and other chemicals compounds as well.

It seems Bullseye is just the tip of the iceberg, the part that got someones attention, but there are many more issues waiting to be brought to the surface.

Sincerely, Joseph Clyde

Comment #6 – Chris Eykamp and Marny Spoons

These comments are OHA’s summarized notes from a conversation with these two individuals that they requested to have included in the record as public comment on the Public Health Assessment. The summary includes some direct quotes from these individuals from follow-up emails related to the conversation.

1. Tables 11 and 12 (page 63)
 - a. These tables are currently confusing – need clarity on assumptions that can be made based on the confidence interval
 - b. Revised per Chris’s email on 8/20: “A quick amendment to what we discussed yesterday about the report tables listing data from the cancer registry. Rather than (or in addition to) presenting ratios, I think it would be clearer to have a row that says "this is the range of cases we would expect to see" that incorporates all the math; then we could clearly see the range of expected cases would be 10-18 (for example) and the reported number was 15, and it would be clear that it fell within the range. It may still be useful to report the ratio data, but also to show

how that leads to the 10-18 range. Given the concern with cancers, I think this table will get referred to a lot, and clarity is essential to avoid potential misunderstanding and consequent angst.”

2. Oregon State Cancer Registry rate results (page 60)
 - a. The sentence, “All diagnoses of cancer in Oregon must be reported to OSCaR...” should be corrected to specify that all diagnoses of *certain types of cancer* must be reported to OSCaR.
3. Exposures to lead
 - a. The current report's conclusions about lead are falsely reassuring (page 56). The report states that “lead was measured above the NAAQS...on two consecutive days” and concludes that the two-day exposure is unlikely to harm health. However, the report also states that there is no “safe” level of lead exposure. This feels like an inherent contradiction. It is safe to assume that these are not the only two days where the facility emitted lead above NAAQS. Stronger conclusions could be made about how this could have impacted the health of individuals living near the facility (e.g., “If days like this existed prior to DEQ’s monitoring, there would have been health concerns.”).
 - b. The Summary Factsheet should mention lead exposure since it was a concern for the community and because there is no “safe” level of lead exposure.
4. Report conclusions
 - a. The report should contain more background information to help qualify stronger conclusions. It is important to *qualify* conclusions because there is not enough available data to *quantify* conclusions. Stating that “there is insufficient information to determine X” is dissatisfying.
 - i. Specifically, the report should contain more background information about NAAQS to help qualify conclusions on lead exposure.
 - b. It is currently unclear who this report is benefiting. The report contains statements that are falsely reassuring, and that makes the conclusions seem misleading. There is a gap between what the community knows and what the report concludes, and this creates a problem with the report’s credibility.
 - i. It is known that Bullseye used uranium, but this is not reflected in the data analyzed by DEQ in February 2016.
 - ii. The report’s omission of chromium data due to quality assurance problems is misleading and biased by making the risk seem lower than it likely was. Instead of concluding “We don’t know, so we can’t make an assessment,” the report should state “We don’t know for sure, but here are the range of possible outcomes or impacts.”
 - c. Statements like “We cannot conclude...” or “It is not possible to know...” are dissatisfying to the community, and the community will not believe this. These conclusions leave much unsaid and requires the community to infer the actual risk. There should be better answers for why we cannot know these things. It is defensive for OHA to say that some conclusions may overestimate risk.

5. Data sources

- a. Fire marshal records and historical Bullseye production records should have been examined to inform past emissions. This data should be included in the PHA. If that is not possible, the report should directly address why this information wasn't included.

To: Oregon Health Authority, Public Health Division

Other than those residents living in the area, I did not see in the Public Health Assessment Initial and Public Comment Release study that those working in businesses in the neighborhood of Bulls Eye Glass were surveyed regarding their health.

My office is located [REDACTED] and I have been working at this location for over [REDACTED] years. I am not aware of any contact made at my office or other neighborhood businesses however it does seem that eight to ten hours of daily exposure during working hours is somewhat comparable to that of residents that work out of the area for eight to ten hours each day. It is not clear, and likely cannot be determined, during what time periods during the day or evening that Bulls Eye was emitting which chemicals into the air.

I believe there was an increased occurrence of bladder cancer in those living in the Uroboros Glass neighborhood but have not seen a corresponding study in the Bulls Eye Glass area.

I understand that in 2016, Bulls Eye took measures to reduce or eliminate emissions but it is unclear, since 1974, how long they have been contributing arsenic and cadmium emissions to the atmosphere and adjacent properties.

I don't believe cancers instantly occur after a short period exposure to these two chemicals and as noted in the Public Health Assessment Initial and Public Comment Release by the Oregon Health Authority, Public Health Division report,

"Cancers caused by exposure to environmental contaminants usually have long latencies".

Also, under Conclusion 1:

"Lifetime exposure to the level of arsenic and cadmium measured in the air near Bullseye Glass in October 2015 could have posed an elevated risk of lung and bladder cancer to people living in the area",

and

"Exposures lasting a year or more to levels of cadmium measured in October 2015 could have increased the risk of kidney damage."

While I understand it is difficult to track some related health issues, I have recently been diagnosed with bladder cancer and some reduced kidney function so am obviously curious if there have been or will be any follow-up studies to establish a relationship between the Bulls Eye arsenic and cadmium emissions and bladder cancer and/or other types of cancer.

Conclusion 9 in the OHA report notes: *“There was no statistically significant increase in bladder cancer or lung cancer rates in the three census tracts around Bullseye glass from 1999 to 2013.”*

“OHA evaluated lung and bladder cancer data for three census tracts around Bullseye Glass. OHA did not find any evidence that reported bladder and lung cancer rates for these census tracts were any different than predicted for the population size.”

As the report noted, *“Cancers caused by exposure to environmental contaminants usually have long latencies”* so it does seem that it would be important for the OSCaR to discover if there are statistically significant increases in bladder or lung cancer for a look-back from 2013 through 2022 for area residents as well as long term workers in the area. Appendix C in the report does mention workers but generally refers to Bulls Eye Glass Workers and suggests that this is a matter for OSHA work hazard issues.

From Table Executive Summary

““Potential” means OHA concludes the cancer risk from exposure could be high. In this case, arsenic and cadmium are why there is a “potential” risk of cancer.”

I am interested to know if further studies of this area are planned to assess long term health effects for all of those living and working in the community through 2022 that may be related to the Bulls Eye Glass emissions released through 2016 and if not, why.

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Eastside Portland Air Coalition

June 5, 2022

via electronic mail to
Environmental Health Assessment Program, Oregon Health Authority

Re: Bullseye Glass Draft Public Health Assessment

The community surrounding Bullseye Glass wants one thing: to understand and to have confirmed the health impacts stemming from 42 years of Bullseye's unfiltered toxic emissions. Because this Public Health Assessment was flawed from the outset and because the drafters did not offer anything but speculation on potential impacts, we repudiate this PHA in full.

The community's primary need for accurate information is to inform how we address and correctly manage health concerns that emerge or to mitigate the impacts of health problems that await us in the future. We are all well-researched by now in the longterm health impacts of Hazardous Air Pollutants, and common sense makes it clear that decades of unfiltered toxic HAPs pluming via air and rain drainage into a residential neighborhood, surrounded by schools and low-income housing, will have health impacts from chronic lung and kidney problems to cancer and death.

Although we had a case to sue the Department of Environmental quality for gross negligence, we did not pursue this and instead chose to establish a working relationship to change DEQ culture and industrial regulations at Bullseye and statewide going forward.

The ongoing partial success and frustrations with Cleaner Air Oregon - in particular, heel-dragging and stonewalling by regulated industries - makes the failure of this health assessment to address community concerns all the more disappointing.

We are extremely disappointed that materials balancing was not used as a tool for this assessment. Surely Bullseye keeps logs of everything they do in a day and the recipes used. Proprietary concerns could easily be addressed by confidentiality between regulators and the offending industry and/or by a consolidation of daily usage like the emissions inventories now required by CAO. Materials balancing would have provided a highly accurate picture of what was coming out of the stacks.

This PHA went through many permutations, was stalled for too long, and was disrupted by various failures at the Department of Environmental Quality, haggling between EPA and ATSDR, and the toothless responses of the Oregon Health Authority. The recommendations by the community group organized by OHA to establish the parameters for this PHA were routinely disregarded or dismissed as untenable. And the result of all this time and effort is now shrouded in the protective cloak of "uncertainty" and pressure on the community for "closure". In short, we did not have high hopes for this assessment. The final draft is thoroughly disappointing even as it comes as no surprise.

EPAC formally repudiates this Public Health Assessment. We feel it was a sorry waste of public resources and agency time and, like many a PHA devoted to industrial pollution, is a complete fail by our protective agencies.

for Eastside Portland Air Coalition:

Marny Spoons
Cindy Young
Jessica Applegate
Jennifer Jones
Katharine Salzmann