

Coordination & Engagement on Issues Related to the JH Baxter Facility

COMMUNITY ENGAGEMENT CORE TEAM January 27, 2021 Facilitator's Summary Notes

| ACTION | WHO | BY WHEN |
|---|----------------|---------------|
| Create a list of the Core Team Members for team reference/coordination needs. | DS Consulting | March meeting |
| Check on City protocol for issuing building permits in areas with historic contamination (specifically in the Bethel neighborhood). | Jon Wilson | March meeting |
| Provide summary of actions taken in response to 2012 EPA air quality inspection. | Max Hueftle | March meeting |
| Provide EPA's 2012 Hazardous Waste inspection report. | Killian Condon | March meeting |
| Send Doodle poll to schedule the next Core Team meeting. | DS Consulting | ASAP |

Participants: Arjorie Arberry (Beyond Toxics (BT)); Lisa Arkin (BT); Ali and Jeremy AAsum (Bethel Community); Jenny Boyd (ABC); Killian Condon (DEQ); Dylan Darling (DEQ); Diane DeAutremont (Bethel property owner); Ed Farren (ABC); David Farrer (OHA); Ann Farris (DEQ); Max Hueftle (LRAPA); Ryan Josef-Maier (Bethel Community); James Lenhart (City of Eugene); Travis Knudsen (LRAPA); Mike Kucinski (DEQ); Thomas Price (Bethel Community); Emily Pyle (ABC); Diana Rohlman (OSU); Julie Sifuentes (OHA); Susan Turnblom (DEQ); Jon Wilson (City of Eugene); and Lin Woodrich (ABC).

Facilitation Team: Donna Silverberg and Emily Stranz, DS Consulting

Welcome and Introductions - DS Consulting Facilitator, Donna Silverberg, welcomed the group and stated that the purpose of this session is to continue to build understanding and relationships between impacted community members who are willing to work with agencies to improve the air, soil and water conditions at and near the JH Baxter facility in West Eugene. In particular, to focus on what the group knows, information still needed, and next steps.

Group members introduced themselves and their affiliation. Participants included West Eugene community members, and representatives from the Active Bethel Citizens (ABC), Beyond Toxics (BT), City of Eugene, Department of Environmental Quality (DEQ), Lane Regional Air Protection Agency (LRAPA), Oregon Health Authority (OHA), and Oregon State University (OSU). DS Consulting will create a Core Team Member list for future reference.

What do we know? Oregon Health Authority Presentation on Environmental Public Health Assessments - Todd Hudson, OHA, provided information regarding the inter-agency process to assess health and environmental risks (see OHA's PowerPoint slides, included below). He explained that the agencies focus on different types of pollution: LRAPA and OSU will be assessing air quality through the Cleaner Air Oregon and the West Eugene Air Quality study; soil quality is assessed through DEQ's soil sampling and OHA's human health consultation; and water quality is assessed by both DEQ Stormwater and the City of Eugene's wastewater program. Todd noted the differences between the environmental and health agencies' assessments:

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| Environmental Agencies (DEQ, LRAPA, City of Eugene) | Health Agency (OHA) |
|---|---|
| <ul style="list-style-type: none">• What is in the environment?• Where is it?• How much is there?• Where is it coming from?• How to control/clean-up?• Ensure compliance | <ul style="list-style-type: none">• What do measured contaminant levels mean for health risks?• How urgent does the response need to be?• Is the response adequately protective of health?• How to communicate health risks to the affected community? |

Additionally, DEQ and LRAPA provided a fact sheet detailing the variety of permits that the agencies manage (see link below).

Todd asked Core Team members to share what types of chemical exposure they consider important in terms of ‘coming into contact’ with pollutants related to JH Baxter; poll options included inhalation of air, coming into contact with soil, drinking water, eating produce from a home garden, all of these, or other. The majority of Core Team members who participated in the poll thought that ‘all of these’ types of exposure were important.

Todd explained that OHA’s community engagement process is a circular process that continues until there is sufficient information to determine potential level of risk to human health. As part of this process, OHA will conduct assessments to get information about how people are interacting with the environment and what the health risks are to them and their families, if any. The risks are specific to how, who, and how much the community is interacting with the environment.

The Core Team broke into smaller groups to review an OHA public health assessment in an interactive exercise. The interaction allowed the groups to learn more about what type of detail and information is included in these assessments.

The group shared reflections, thoughts, and concerns in the larger group. The following is a summary of what they shared:

- There was concern and frustration that violations have been occurring for years at JH Baxter and, despite ongoing notices of non-compliance, fines, and agency engagement, the pollution problem does not appear to be addressed sufficiently. Many Core Team members noted that they want to see JH Baxter take meaningful steps to clean up, and soon.
 - It was noted that there are multiple processes happening at the same time: As DEQ’s Cleanup Program considers potential soil contamination, LRAPA is conducting a Cleaner Air Oregon assessment, and DEQ’s Hazardous Waste and Storm water programs are investigating operations at JH Baxter. The latter are further along in the process and DEQ will share findings with the group when they make them public.
- Homeowners and property owners were concerned about their properties’ values being reduced because of contaminants and wondered if there was action they could take to address this concern.
 - It was noted that as part of DEQ’s assessment, DEQ will be looking to see the extent of contamination in the neighborhood.
 - As a first step, the agencies are working to understand the level of dioxin, its sources, and extent of contaminants. The initial soil data does not indicate a public health risk at this time, but they need to do more investigation.
- The agencies noted that JH Baxter has implemented clean-up activities in the past, such as installing a ground water system. More information regarding what JH Baxter has done to improve pollution controls is available in DEQ’s 2019 Record of Decision (see link below). DEQ agreed that more needs to be done and more quickly than in the past.

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- Additionally, the group expressed interest in learning more about pollution coming from various other facilities in the area. They recognized that JH Baxter is not the only contributor, thus, although it is vital to clean up JH Baxter, it will not fix the entire problem.
 - Some suggested it would be important to bring all the neighboring facilities into this conversation to allow for a holistic approach to addressing contamination.
- It was noted that the area around JH Baxter might have been polluted prior to the neighborhood being built. Jon Wilson, City of Eugene, said that he would look for information the City may have regarding historic contamination considerations when they issued the building permit. Jon will report to the Core Team with his findings.

What does the Community Need to know? - Core Team members acknowledged this is a long-term process, which may or may not result in proof of toxins at levels that require action. Regardless of whether the contamination legally requires action, the outputs are still a nuisance that affect daily life and property. Community members wondered, what course of action they have to improve the conditions? One important step is to use the LRAPA complaint line to report any strange odors or unusual smells. This information from the community helps direct LRAPA's inspections and compliance activities (link below).

Additionally, agency representatives pointed to the Cleaner Air Oregon (CAO) process (in which JH Baxter and LRAPA are engaged) as a key avenue for community engagement to assess risk and identify improvements. Lisa Arkin, Beyond Toxics, shared that the community voice needs to be reflected in this process and the CAO brings community members into decision-making and science. A request was made for a more detailed description of the CAO process to be provided at the next Core Team meeting. (See links to BT's community voices that are shared in "Pollution Stories" and the OHA's "CAO Community Engagement Toolkit" below.)

Community members also were interested in more information around risks from eating food grown in soil/gardens within the area surrounding JH Baxter. OHA provided a link to information on healthy gardening practices in areas that may have contamination in the soil (link provided below). If members have additional questions, Todd Hudson said he could help provide more detail.

What do the Agencies Need to know? Community members expressed that it is important to know that the agencies are working together to better understand the potential contamination and risks. The agencies collect different data and are now working together to share it with each other to understand the comprehensive impacts. In response to a question, agency representatives reported that they had reviewed the 2012 EPA site inspection report (which was shared ahead of the meeting). This report details primarily air quality findings from an unannounced inspection of JH Baxter. People were interested in more information regarding how/if JH Baxter made improvements after the inspection. Max noted that LRAPA was also a part of the inspection and said he would follow-up regarding actions taken. Additionally, some felt it would be good to invite EPA to the Core Team in the future to share more information from their perspective. It was noted that there was also a hazardous waste inspection in 2012 and DEQ is in the process of obtaining a copy of that report and can share that with the Core Team.

How will Community Input Be Used by the Agencies? Mike Kucinski, DEQ and Max Hueftle, LRAPA shared how the agencies will utilize input from the community in this process. Mike noted that the agencies cannot fully understand the situation without the community's help, as the neighbors are the people who are experiencing what is happening on the ground. Max noted that the CAO process includes multiple opportunities for formal community engagement, as well as informal engagement. Community members help with the decision-making process by helping to clarify exposure risks (e.g. making sure the agencies know where the nearest schools are). A group member suggested that more citizens get involved, as well as City Councilors and the Sustainability Commission.

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[Facilitator's Note: Due to time constraints, this idea was not further discussed. However, as noted at the December 10th meeting, the intent of the Core Team is to help prepare for a broader community forum in Spring 2021. The Core Team is not the same as a general public meeting, instead, it is designed for stakeholders who live in the immediate area or are representatives of advocate groups working directly with the community. Community members engaged in this group have the opportunity, in an informal setting, to inform and assist the technical representatives of the agencies that are addressing environmental issues at JH Baxter. DEQ and other agency reps are briefing elected officials through other channels as new information is obtained. Project information is available to the public via the websites below, or by contacting Dylan Darling at DEQ, or Travis Knudsen at LRAPA.]

Next Steps - The next Core Team session will be scheduled for March 2021 with a focus on the Cleaner Air Oregon program; DS Consulting will reach out to the group to find a date/time that works best via Doodle. Donna also noted that the Coordinating Agency Technical Team is meeting regularly and will bring updated information to Core Team meetings.

All members expressed appreciation for the opportunity to collaborate and engage in finding solutions. With that, Donna thanked everyone for their participation and adjourned the meeting.

Additional Resources Shared During the Session

- **For more context of DEQ's involvement with J.H. Baxter:**
<https://www.oregon.gov/deq/Programs/Pages/JH-Baxter.aspx>
- **DEQ's 2019 Record of Decision (ROD) for JH Baxter:**
https://www.deq.state.or.us/Webdocs/Controls/Output/PdfHandler.ashx?p=6585a5fb-a40b-4c9d-a279-697aba17d887pdf&s=1_FinalROD_JHBaxter_14Oct2019.pdf
- **Beyond Toxics' Voices of the Neighbors:** <https://www.beyondtoxics.org/work/air-quality-campaign/j-h-baxter-pollution-stories/>
- **The Cleaner Air Oregon/DEQ draft Community Engagement Toolkit is available for review:** <https://www.oregon.gov/deq/aq/cao/Pages/Community-Engagement-Toolkit.aspx> (English) <https://www.oregon.gov/deq/aq/cao/Pages/Community-Engagement-Toolkit-Spanish.aspx> (Spanish) Available in other languages upon request.
- **DEQ & LRAPA's Operating Permits Held by J.H. Baxter & Co. in Eugene.**
English/Spanish factsheet: <https://www.oregon.gov/deq/Programs/Documents/JHBaxterSubmittingcomplaintFS.pdf>
- **LRAPA's complaint line:** <http://lrapa.org/FormCenter/Online-Complaint-3/Online-Complaint-Form-43>
- **OHA example of human health assessment:**
<https://www.oregon.gov/oha/PH/HEALTHYENVIRONMENTS/TRACKINGASSESSMENT/ENVIRONMENTALHEALTHASSESSMENT/Documents/Portland%20Harbor%20PHA%20%2009-07-2011%20Final.pdf>
- **OHA info on gardening:**
<https://www.oregon.gov/oha/PH/HEALTHYENVIRONMENTS/HEALTHYNEIGHBORHOODS/HEALTHYGARDENING/Pages/index.aspx>

The Facilitation Team at DS Consulting respectfully submits this summary for the group. Suggested edits are welcome and can be emailed to Emily Stranz (emily@dsconsult.co).

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Environmental Health Assessment Program: JH Baxter

JH Baxter Core Team Meeting
January 27, 2021

Todd Hudson



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Overall Inter-Agency Process



Cleaner Air Oregon
West Eugene Air Quality Study



DEQ Soil Sampling
OHA Health Consultation



Water Quality Issues
DEQ and City of Eugene

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Relationship Between Health Agencies and Environmental Agencies

Environmental Agencies (DEQ, LRAPA, EPA)

- What is in the environment?
- Where is it?
- How much is there?
- Where is it coming from?
- How to control/clean-up?
- Ensure compliance

Oregon Health Authority

- What do measured contaminant levels mean for health risks?
- How urgent does the response need to be?
- Is the response adequately protective of health?
- How to communicate health risks to affected community?

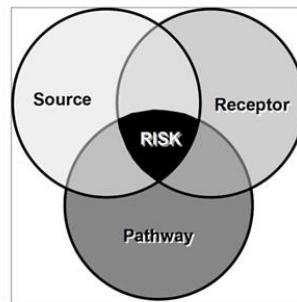
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OHA's Role with the JH Baxter site

- Air – Consulting with LRAPA on CAO
- Soil – Evaluate sampling plans and results
- Other media (such as groundwater or surface water)



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EHAP Process



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What is the Health Assessment Process?

EHAP evaluates:

- Levels of chemicals in air, soil, and water.
- If people are being exposed, how they are coming into contact with chemicals
- If these levels could cause harm, and to who
- If living near a site could affect people's health

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EHAP Products

- **Public Health Assessments** – looks at the entire site
- **Health Consultations and Letter Health Consultations** – specific issues or chemicals
- **Health Education** – site-specific information

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Break for Activity Looking at PHAs

EXAMPLE PUBLIC HEALTH ASSESSMENT: Portland Harbor "Recreational USE" PHA.

GROUP 1: CONCLUSIONS AND RECOMMENDATIONS – Pick a recommendation, and discuss the conclusion that supports it.

GROUP 2: EXPOSURE PATHWAYS – Find and discuss exposure pathways in a PHA.

GROUP 3: ASSUMPTIONS AND EXPOSURE FACTORS – Find and discuss the assumptions that were made to estimate a dose and risk.

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Topics for Discussion

- What stood out to you about the section of the PHA that your group looked at?
- Was there anything you expected to be in the PHA that wasn't there?
- Do you have any questions about what you saw?
- Are there any other thoughts or questions you would like to share/ask?

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What do you want us to know?

- What sort of activities do you worry about near your home or neighborhood where people be exposed to chemicals from the JH Baxter plant?
- What would you identify as strengths in your community? (how can we leverage those strengths so we are addressing things equitably)
- Who is not here, but you think should be here? How can we best engage or reach them?
- What do you want to know more about in upcoming meetings?

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