
Independent Review Panel

DEPARTMENT OF TOXIC SUBSTANCES CONTROL

Gideon Kracov, J.D., *Chair*
Mike Vizzier, *Vice Chair*
Dr. Arezoo Campbell, *Member*



Edmund G. Brown Jr.
Governor

Independent Review Panel Meeting Minutes September 20, 2016

1. Call to Order

Chair Gideon Kracov called the meeting to order at 5:37 p.m. at the Department of Toxic Substances Control's Chatsworth Regional Office at 9211 Oakdale Avenue, Chatsworth, CA 91311.

IRP members present: Chair Kracov, Vice Chair Mike Vizzier, and Panel Member Arezoo Campbell. A quorum was declared.

Chair Gideon Kracov led the Panel in the Pledge of Allegiance.

2. Welcome and Introductions

Chair Kracov introduced himself and asked the following individuals to introduce themselves: the IRP members; the IRP's legal counsel, Deputy Attorney General Allen Ono; IRP Program Analyst Larry Rohlfs; IRP Office Technician Mike Singh; and DTSC Audio-Visual Technician Jason Moore.

Mr. Rohlfs gave a presentation on the Independent Review Panel. A PowerPoint version of the presentation is available on the IRP website at:

http://www.dtsc.ca.gov/GetInvolved/ReviewPanel/IRP_supporting.cfm.

3. Announcements

Chair Kracov noted that there would be no video webcast of the meeting, but that there would be an audio webcast.

4. Agenda Review

Chair Kracov suggested that the Panel hold off on taking up several of the agenda items and instead do so at a meeting scheduled for the following day in Jurupa Valley.

Chair Kracov explained that the primary purpose of the meeting was to listen to, and learn from, the community in connection with the IRP's review of DTSC programs and recommendations to improve those programs, especially the Department's public outreach and public participation activities.

Chair Kracov said there would be a five-minute limit on public comments except for presentations that were scheduled in advance of the meeting.

Chair Kracov recognized the following state legislative staff members in attendance: Pam Campeau, a field representative for Assembly Member Scott Wilk; and Dusty Russell, a field representative for state Senator Fran Pavley.

5. Minutes of August 10, 2016 Meeting

The IRP did not take up this agenda item.

6. General Public Comment

Christine Rowe, a local resident, made a presentation to the IRP on public participation in the Santa Susana Field Lab (SSFL) community and other local DTSC sites. A PowerPoint version of the presentation is available on the IRP website at:

<http://www.dtsc.ca.gov/GetInvolved/ReviewPanel/SubmittedDocs.cfm>.

Ms. Rowe said that DTSC did a significant amount of public outreach in the community in the past and that its public participation meetings were very effective. However, its outreach efforts were limited of late. She said the community needs accurate sources of information that are based on solid scientific research, and that this was a role DTSC should fill. She suggested the IRP recommend that DTSC not be required to assist in creating Community Advisory Groups (CAGs), which may not be reading or responding to technical documents or considering the input of stakeholders as mandated. She said the SSFL CAG system does not really represent the community, and she recommended changes to legislation pertaining to the CAGs. She also said DTSC needs more resources for outreach as well as other responsibilities.

Chair Kracov recognized DTSC Hazardous Waste Management Program Deputy Director Antonette Cordero, DTSC Brownfields & Environmental Restoration Program Deputy Director Mohsen Nazemi, DTSC Office of Communications Chief Patrice Bowen, and DTSC Chief Deputy Director Francesca Negri.

Denise Duffield, associate director of Physicians for Social Responsibility, Los Angeles, made a presentation to the IRP on the SSFL and DTSC's broken promises. A PowerPoint version of the presentation is available on the IRP website at:

<http://www.dtsc.ca.gov/GetInvolved/ReviewPanel/SubmittedDocs.cfm>.

Ms. Duffield said that while the IRP was making reports, people on the ground were not seeing improvements. She endorsed the suggested recommendations to establish an oversight board for DTSC or continue the IRP beyond its January 1, 2018 sunset date. Ms. Duffield said that NASA and the Department of Energy (DOE) signed an Administrative Orders on Consent (AOC) agreement with DTSC to clean up their operational areas to background levels of contamination, but Boeing, which owns most of the property, refused to sign the agreement and was pushing for weaker cleanup standards. She said DOE's public scoping for its environmental impact statement contained options that violated the AOC. She said that DTSC had sanctioned the SSFL CAG, which was led primarily by people with ties to the responsible parties and was working to break the AOC. She said that DTSC was undermining the AOC. As examples, she said the Department had already approved a standard that was more lax than background and had made inaccurate or inconsistent statements about its stance on Boeing's proposed cleanup plan, which she said would leave a high level of contamination on the site. Ms. Duffield said she was not against CAGs in general, but said the DTSC-sanctioned SSFL CAG was fighting an agreement that the Department had signed. She said that the public

participation work group, which preceded the CAG, had been working well. She said that DOE gave the SSFL CAG a \$32,000 grant and that the group's leadership kept the gift a secret from its own membership. She concluded that DTSC staff was undermining the SSFL cleanup agreements, that it was poised to let Boeing get away with a weak cleanup, that it was unclear how much the DTSC Director Barbara Lee knew about what her staff was doing, that DTSC needed to uphold the cleanup agreements and ensure its project staff are following the Director's orders or replace them, and that DTSC should revoke its sanction of the SSFL CAG. Finally, she expressed concern that DTSC was hiring people who did not have experience with hazardous waste.

In response to a question from Vice Chair Vizzier, Ms. Duffield said that independent analysis of risk assessment was needed because the community did not get accurate scientific data from DTSC.

In response to a question from Panel Member Campbell, Ms. Duffield said that delays were the result of politics and incompetence and were not the fault of the community. She added that DTSC should uphold its promise to the community.

Martha Waite, a Simi Valley resident, said she was gravely concerned about DTSC's lack of commitment and objectivity in protecting the citizens of Simi Valley and the surrounding areas affected by SSFL. She said that on multiple occasions she tried to make contact with DTSC for meetings and discussions about the lack of adequate cleanup, with no response. She said DTSC should keep its promises to the community by enforcing the AOC that it signed as well as requiring Boeing to remediate to all allowable uses in the Ventura County zoning and general plan. She said DTSC's community meetings were inefficient, with little meaningful exchange with the community and false and misleading presentations.

John C. Detwiler, a Simi Valley resident and member of the SSFL Work Group, expressed concern about cancer risk from the SSFL site and said the federal government should take over the cleanup.

Abe Weitzberg, a member of the SSFL CAG, said elected officials have interfered with the proper functioning of the DTSC. He said that Dan Hirsch had persuaded residents and several public officials that their health was in danger through fear mongering. He said one of the major challenges facing DTSC was that the public did not understand the data. He suggested that DTSC expand the educational aspects of its public outreach effort.

Chair Kracov asked Mr. Weitzberg how DTSC can better communicate risk. Mr. Weitzberg responded that DTSC should be given the necessary resources to do so.

In response to a question from Panel Member Campbell, Mr. Weitzberg said Mr. Hirsch did not want SSFL to become a federal Superfund Site because he believed that DTSC standards would be more stringent than federal standards.

John Kovak, a resident of Simi Valley, said everyone would agree that SSFL is a toxic mess and has been for half a century. He said he was angry that nobody was doing anything about it.

Catherine Lincoln said she has worked with various organizations and residents in the communities surrounding SSFL for more than 25 years. She said she had met families with cancers and other strange diseases in those communities and that there was no question that there was contamination at the site. She said that DTSC entered into an agreement to clean it up, but that since then there was a public relations spin for cost avoidance. Ms. Lincoln said she mostly blamed Boeing for this. She said Boeing wanted to change the cleanup levels that were agreed to in the AOC and that DTSC appeared to be going along with the company.

Chair Kracov offered to give the next speaker, Christina Walsh of cleanuprocketdyne.org and savesantasusana.org, more than five minutes of time because Ms. Walsh said she had asked for it in advance of the meeting.

Ms. Walsh said DTSC did not speak in a language that people understood and did not come to community meetings. She said that when its representatives did come to meetings, they did not say anything. She said the divided community needs a reliable voice from the center.

Chair Kracov noted that Ms. Walsh's testimony was approaching 10 minutes and asked her if she had any suggested solutions. Ms. Walsh responded that the regulators should work and be paid like regulators. Ms. Walsh then said she felt it was impossible to continue her testimony, knocked the microphone to the floor, and left the room.

Isaac Levy, a resident of Simi Valley, complained about the slowness of the cleanup and said he wanted to know if the polluters would be paying the required penalties for not meeting the 2017 deadline in the AOC.

Cindy Gortner, a community resident, said the problem was not that there was a divided community. Rather, she said the problem was that a very large corporation, Boeing, was trying to get out of the cleanup and infiltrate DTSC. Ms. Gortner said she liked the idea of a governing board for the DTSC and recommended that the board increase the department's scientific and technical knowledge. Ms. Gortner also recommended that DTSC reconstitute the SSFL workgroup and said she did not understand why DTSC would allow a CAG that was against the cleanup agreements.

Alec Uzemeck of the West Hills Neighborhood Council and co-chair of the SSFL CAG said the problem was that the AOC was not based on good science. He said eight neighborhood councils had stated that they wanted a compromise and a cleanup done the right way. Mr. Uzemeck acknowledged that the SSFL CAG had received a grant from the DOE, but said he decided to keep it a secret because he was worried about political repercussions. He said the money had not been spent because the CAG was waiting for reports from DTSC and DOE.

Chair Kracov asked Mr. Uzemeck if he thought the CAGs were functioning well. Mr. Uzemeck said he did not think they were. He said the SSFL CAG was having problems communicating with DTSC and could use operating guidelines. Chair Kracov asked Mr. Uzemeck to submit specific recommendations on how to improve the SSFL CAG and CAGs in general.

Alice Sterling, a Simi Valley resident, expressed concern about treated auto shredder waste deposited in landfills and suggested that DTSC offer more information on its website about this subject. She said DTSC needs a more robust technical website team and that updating the website should be low-hanging fruit for Department improvements.

Teena Takata of Chatsworth said she has had problems over the years in getting answers to her cleanup questions from DTSC.

Chair Kracov asked Ms. Takata if she thought an oversight board or commission would help. Ms. Takata responded that her answer would depend on how much power the board or commission had.

Chair Kracov adjourned the meeting for a break at 8:10 p.m. and reconvened it at 8:20 p.m.

R.L. Miller, the chair of the California Democratic Party's Environmental Caucus and a resident of Oak Park, expressed concern that residents of Oak Park and Agoura are not receiving DTSC information about SSFL.

Melissa Bumstead, a Simi Valley resident, said her daughter has a rare leukemia and that she had learned about other children in her neighborhood with rare cancers. She said she began doing her own research into pediatric cancers in the area and started a Facebook group for parents of the children. She gave Panel members a cancer cluster map of her area and said the parents of the children needed more information about the safety of their community.

Vice Chair Vizzier and Panel Member Campbell discussed a possible recommendation to encourage setting aside money in supplemental environmental projects for a university to determine if hazardous waste is causing specific cancer clusters.

Bonnie Klea of West Hills said she used to work at SSFL and had been diagnosed with a type of bladder cancer that is associated with chemicals causes. She said she was included with other workers in a DOE program to compensate SSFL workers from 1948 through 1988 who had cancer. She said that almost all of the houses in her neighborhood had residents with cancers. She said that DTSC meetings were very juvenile and that she would like to see the SSFL CAG gone. Ms. Klea said she was ridiculed by the CAG when she let it know she had a cancer from working at the SSFL. She said the CAG did not have enough people at its last meeting to approve the group's minutes.

Holly Huff, a community resident, said she has lived next to the facility for most of her life and was diagnosed with leukemia in 2009. She said the community was divided, but that the division was not bad enough to stop the cleanup. She urged that the AOC be followed.

John Luker, a member of the Santa Susana Mountain Park Association and the SSFL CAG, read from testimony he gave the state Senate Environmental Quality Committee in 2014. He said that the most toxic thing about SSFL was the politics of the cleanup. He said one community faction was made up of individuals who were connected to special interests or who would gain politically or financially from the cleanup. Mr. Luker said he was part of that group for a while, but then he started looking at the data more closely. He said DTSC has limited resources and trouble keeping technically knowledgeable people on its staff. He said the DOE grant to the SSFL CAG was for the purpose of educating the community. He recommended funding for DTSC CAGs from the polluter and said that was the case with the federal Aerojet CAG. He said the SSFL CAG will let any stakeholder be a member. However, he said that the CAG received a letter from the SSFL workgroup saying that its members would not join the CAG unless they had a majority vote in the group. He said he believed DTSC withheld information about staff views of the AOC when the Department was making public presentations about the agreements.

Chair Kracov asked Mr. Luker for written recommendations to improve CAGs.

Dorri Raskin, a long-time resident near the SSFL, said she was disappointed that DTSC stopped participating with the work group, which she said represented the community. Ms. Raskin said she thought the SSFL CAG should be dissolved because it did not represent the community.

Richard Mathews of the Rocketdyne Cleanup Coalition said that he agreed with Ms. Duffield's presentation, that there had been a lack of action from DTSC, and that there was no need to modify the AOC. He said the Department simply needs to decide on the routes to remove the contaminated material and that there was some room for compromise on that subject. He said the SSFL CAG was simply an advisory body and that it has been overruled by the Los Angeles and Simi Valley city councils and the Ventura County Board of Supervisors.

Sharon Ford of San Fernando Valley Audubon and the SSFL CAG stated that NASA said that enough soil cannot be found in California to clean the SSFL site to background. She said a compromise was needed because the terms of the AOC could not be met. She said DTSC needs more technical people on its staff and that the state should get the politics and the money out of the Department.

Sue Boecker of the Ocean Protection Coalition in Fort Bragg said she had concerns about the Mill Site remediation in that town. She said DTSC staff was not communicating clearly to the public about the cleanup.

Arline Mathews of the Rocketdyne Cleanup Coalition said she understood that all nine of the fireman who worked at SSFL died of glioblastoma multiforme cancer. She said that Hal Morgenstern, Ph.D., studied mostly thyroid cancers at SSFL and concluded that the cancers would continue until the site was cleaned up. She said that one of her sons, who at one time used to go running on the Rocketdyne site, died of glioblastoma multiforme cancer. She said the people in the community who oppose the AOC were concerned about trucks rumbling by their homes to remove the contaminated soil, not the health of the community.

Marie Mason, a resident of Susana Knolls, said she had attended many meetings about SSFL over the years and that at one time it seemed like DTSC was an agency that was helping, but that over the years things changed. She said DTSC had many good employees, but that if those employees make waves, they are gone. She said the Department needed oversight. Ms. Mason said she would not be a member of a CAG that Boeing was overseeing.

Chair Kracov said some people have suggested that a DTSC oversight board or commission would allow for more transparency and for people to be heard, but that others feel that a board or commission would politicize things even more than they already were. He asked Ms. Mason her opinion. Ms. Mason responded that there are other communities across the state, often poor communities, that have similar problems, and that she would like an oversight body.

Dawn Kowalski, a resident who lived below the site, said the community and Boeing were like David fighting Goliath and implored the IRP to do what it could to help the community.

7. Chair Report

The IRP did not take up this agenda item.

8. Staff Report

The IRP did not take up this agenda item.

9. IRP Reporting Requirements

The IRP did not take up this agenda item.

10. Organizational, Operational, and Administrative Matters

The IRP did not take up this agenda item.

11. Future Meeting Schedule and Agenda Items

Chair Kracov announced that the next meeting would be the following day in Jurupa Valley at 10 a.m.

12. Closed Session

There was no Closed Session.

13. Reconvene and Report on Closed Session

There was no Closed Session.

14. Adjournment

Motion: Adjourn meeting. Panel Member Campbell moved. Vice Chair Vizzier seconded. The motion carried unanimously.

Chair Kracov adjourned the meeting at 9:45 p.m