

Bay Area Air Quality Management District  
939 Ellis Street  
San Francisco, California 94109

APPROVED MINUTES

Advisory Council Public Health Committee Meeting  
12:30 p.m., Wednesday, March 10, 2004

- 1. Call to Order – Roll Call.** 12:21 p.m. Quorum Present: Linda Weiner, Chairperson; Diane Bailey, Elinor Blake, Jeffrey Bramlett, Victor Torreano, Brian Zamora.
- 2. Public Comment Period.** Dennis Bolt, Governmental Coordinator, Western States Petroleum Association, stated that last year the Committee had inquired if Bay Area refineries had data on refinery employee health. The Chevron refinery has three decades of cancer research data which could be provided in a presentation or mailed. Chairperson Weiner replied that these data can be reviewed when the Committee resumes its review of optical fence line monitoring.
- 3. Approval of Minutes of February 23, 2003.** Mr. Torreano moved approval of the minutes; seconded by Mr. Zamora; carried unanimously.
- 4. Committee Discussion of Presentations Given at its February 23, 2004 Meeting Regarding Cumulative Risk Assessment and the Precautionary Principle.** Chairperson Weiner stated that the Committee will be providing comments on the District's Toxics New Source Review (TNSR) rule. At the last meeting, Amy Cohen of the Golden Gate School of Law Environmental Justice Clinic (ELJC) provided recommendations on the TNSR program. The ELJC more recently discussed these with District executive management, and on March 24 the District will respond to the ELJC on the feasibility of their implementation. The District also plans to conduct a pilot study in a Bay Area high-risk community to obtain data on cumulative risk.

Mr. Bramlett noted that while the concept to not do more harm than good when implementing a new program is of long standing in the occupational, public health and medical professions, it is incorrect to suppose that this notion is not of interest to the business community. The National American Industrial Hygiene Association has a "Sustainability and Stewardship Work Group" with which such Bay Area companies as Gennentech and Kaiser Permanente are associated.

Chairperson Weiner called for public comment, and Mr. Bolt stated that recent newspaper articles have expressed concerns about how jobs are shifting to other states from California and overseas from the United States. California sends influential economic and investment signals in the United States and abroad, and the precautionary principle sends a negative message. Lack of education and poverty pose the greatest public health risks, and these are at issue in the current business climate in California. Advisory Committees must broadly address issues beyond a single policy and evaluate societal costs. Cal/EPA will address how precaution might be exercised in regulation, and the business community can be a part of this process. Cumulative risk assessment is a different issue and the business community supports the research to ensure that this type of analysis is correctly conducted.

Lowering the District's stationary risk threshold levels and stationary source emission standards—which are the most stringent in the world—conflicts with Smart Growth strategies to site affordable housing near transit hubs and attract the investment and development of business in the community. The California Air Resources Board (CARB) estimates that 85% of the cancer risk from particulate matter (PM) derives from mobile rather than stationary sources. Socio-economic improvements and health improvements are also linked.

Chairperson Weiner responded that Smart Growth is not incompatible with the precautionary principle, and data have not been presented confirming that the exodus of businesses from the Bay Area is occurring. Health studies of low-income areas with multiple stationary and mobile sources show disproportionately high incidences of respiratory disease. The Committee's charge was not to look at root causes but direct causes, and that poverty and poor education drive people to low-income neighborhoods saturated with multiple sources of air pollution, and that is what directly causes respiratory diseases. The precautionary principle suggests that since people continue to become ill, the burden should be shifted from the public to prove there is a problem to the permittee to prove there will not be a problem. Bay Area communities have recently become better organized, but the District also has limited resources. The Committee should develop recommendations that both arenas find workable.

Ms. Bailey expressed concern that current hazard indexes and cancer risk levels are too low, and repeated references to “sound science” can become a ploy to delay the implementation of cumulative risk assessment, for which analytical tools do exist. Chairperson Weiner added that there are multiple stationary sources in the high risk communities identified by the ELJC. Peter Hess, Deputy APCO noted that in these communities there are also numerous mobile sources such as ships, trains, and diesel truck traffic, for which emissions data must also be collected.

In reply to questions, Mr. Hess explained that staff responds to citizen complaints via inspector visits, conducting a source test, reviewing the emission inventory, conducting monitoring where necessary and contacting public health department staff. Mr. Zamora noted that while this approach addresses acute issues, the connection between the District and the medical community on chronic issues is unclear. It is difficult to make decisions in the absence of information. Support for the precautionary principle must derive from the medical, scientific, community and regulatory arenas, or it will find difficulty making progress toward adoption.

Ms. Bailey replied that there is sufficient data on the link between air pollution and health. The siting of new sources, and not moving existing ones, is at issue; and the District has control over the siting of new sources. The tools that now exist are sufficient to conduct cumulative risk assessment at the screening level. The Committee should consider recommending that benchmark levels be set at the level that triggers Best Available Control Technology (BACT).

Mr. Hess noted that major resources would be needed to subject the 2,500 annual permits issued by the District to cumulative risk assessment. Brian Bateman, Director of Engineering, added that policy questions are raised by re-setting benchmark concentrations for the permit process. While there are guidelines at the state level on assessing the significance of incremental risks for facilities, there are no guidelines on cumulative risks from new projects in a neighborhood. These would have to be set before the District could conduct cumulative risk assessment. Policy questions are raised by any redefinition of acceptable/unacceptable levels of risk. Unless and until the broad and significant policy issues have been addressed by all the stakeholders, it would be premature to incorporate cumulative risk assessment into the District's permit program. The Committee may wish to explore the policy implications and offer its advice.

Mr. Bateman added that the threshold for a new or modified source to install BACT is one in a million or greater for cancer risk. There is no specific limit for non-cancer effects although there is a project risk cap that must be kept under a hazard index of 1. In practice, emission levels for criteria pollutants to trigger BACT is 10 pounds per day, and for toxic chemicals the guidelines from the Office of Environmental Health Hazard Assessment (OEHHA) are tailored to each specific chemical. The level for requiring stringent controls is itself already based on a low level of risk because, once the controls are in place, the risk is greatly reduced. Permit conditions ensure compliance with emission control requirements. The ELJC is requesting a lowering of the facility incremental risk threshold by an order of magnitude, from 10 to 1 in a million. Lowering of the threshold from 10 to 1 in a million for gasoline dispensing facilities would prohibit the installation of any new gas station in the Bay Area.

Scott Lutz, Manager, Toxics Evaluation Section, stated that the cancer risk threshold for dry cleaners is 100 in a million and work is in process to reduce this risk to 10 in a million through the use of non-toxic chemicals and a prohibition of the use of perchloroethylene (perc). A state law recently passed will impose a tax on perc and fund the use of alternative chemicals.

Ms. Blake urged that the Committee keep apprised of the dialogue between District executive management and the communities. Ms. Bailey suggested the Committee also make recommendations on new sources near severely impacted neighborhoods. While the process between the District and environmental groups is encouraging, the District should become a leader pursuing cumulative risk assessment with the assistance of other agencies that are also reviewing this issue. Chairperson Weiner noted that the need to develop data on cumulative risk provides the basis for supporting the pilot program.

Mr. Bramlett observed that the discussion has developed along the lines of substantive extremes and that certain process matters are more at issue and require further discussion. Ms. Blake stated that the Committee's charge is to evaluate and make recommendations on the TNSR rule, which raises issues regarding cumulative risk assessment and the precautionary principle, along with the Cal/EPA EJ recommendations. She suggested the Committee craft a statement on cumulative risk assessment and the precautionary principle based on statements from the regulatory, business and environmental communities. Chairperson Weiner and Ms. Bailey offered to write the first draft. Mr. Hess added that staff would like to present the pilot program to the Committee for review and comment. It will be also presented on April 28, 2004 to the Board Budget & Finance Committee.

Chairperson Weiner stated at the next meeting the Committee will review (a) a draft statement on cumulative risk assessment and the precautionary principle, (b) the District's response to the ELJC recommendations on the TNSR rule-making, (c) the cumulative risk pilot program. In May and June the Committee can conduct further review of these items.

- 5. Report on the February 24, 2004 California Air Resources Board (CARB) Environmental Justice Stakeholders Meeting.** Ms. Bailey stated that CARB sponsors an EJ Stakeholders Group that has developed statewide complaint resolution protocols and a bi-lingual public participation guidebook. It most recently revised the air quality/land-use handbook that will make local planners more aware of the air quality impacts of land-use decisions. It will be submitted for adoption to CARB in May. The text is available at <http://www.arb.ca.gov/ch/aqhandbook.htm>.

Ms. Bailey added that Hotspots Analysis and Reporting Program (HARP) would provide on-line software for cumulative risk assessment. It is available to the public and was released at the end of last year. The other model is the Community Health Air Pollution Information System (CHAPIS). Mr. Hess noted that CHAPIS is being beta-tested and although its one kilometer grid resolution is detailed, it still lacks data on ships, trains and certain area sources.

Mr. Bateman noted that as a modeling tool used for cumulative risk assessment in a TNSR program, HARP lacks input data and must be populated with data on source description, emissions, facility boundary lines and proximate buildings. It also requires a text-based input as it lacks graphical interface and requires continual updating. HARP is also tied to a specific, and soon to be obsolete, Industrial Source Complex (ISC) air dispersion model.

Ms. Bailey replied that input files are available for current air dispersion models. HARP and CHAPIS render possible the switch from the ISC to a newer EPA air dispersion model. Mr. Bateman noted that source inputs for terrain and meteorology are not available and would have to be collected and developed. Mr. Hess added that resources must be balanced: inspectors that collect and follow-up on initial survey data cannot conduct inspections simultaneously. Perhaps this Committee can recommend a community to be studied. Mr. Bateman noted staff has estimated the cost for a cumulative risk study for the entire Bay Area. Chairperson Weiner replied that the ELJC has recommended that a single community be studied and could give a presentation on its community selection recommendation at a future Committee meeting.

Mr. Hayes offered to have the Technical Committee review the available tools for conducting cumulative risk. Ms. Blake suggested that he instead participate as a member of the public in meetings of the Public Health Committee, due to the Technical Committee's full schedule. Ms. Bailey added that she is trained to conduct air dispersion modeling and risk analysis and could contribute that expertise to the Committee.

6. **Discussion of Priorities for Committee Work Plan for 2004.** Chairperson Weiner noted that Mr. Bolt has offered to provide data on a Chevron study of the health of refinery workers and can provide a speaker. The Committee will also review indoor air quality this year. For guest speakers, Ms. Blake offered to invite Jed Waldman at the State Health Department, and Mr. Torreano offered to invite a National Energy Management Institute staff member. Chairperson Weiner added that the Committee will also identify communities affected by construction sites.
7. **Committee Member Comments/Other Business.** Mr. Bramlett stated that a Center for Disease Control study on asthma is available at [www.cdc.gov/mmwrpreview/mmwr.html](http://www.cdc.gov/mmwrpreview/mmwr.html).
8. **Time and Place of Next Meeting.** 1:30 p.m., Monday, April 19, 2004, 939 Ellis Street, San Francisco, California 94109.
9. **Adjournment.** 2:02 p.m.

James N. Corazza  
Deputy Clerk of the Boards