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February 8, 2010

BLM Hollister Field Office
Attn.: CCMA RMP/EIS
20 Hamilton Court
Hollister, CA 95023

This is a response to the BLM's draft EIS concerning the CCMA area. I will be addressing the Purpose and Need statement.

1. Wording in the DEIS. "The EPA's CCMA Asbestos Exposure and Human Health Risk Assessment (2008) provides significant new information that must be incorporated into a land use plan to evaluate the public health risk associated with BLM land use authorizations.."

Response

1. The EPA's report is an assessment, not a statement of fact. The report frequently states that the risks could be higher or could be lower. There are no CEQ (Council on Environmental Quality) regulations that require the BLM must respond to an assessment.

2. CEQ regulation 1502.24 **Methodology and scientific accuracy** states "Agencies shall insure the professional integrity, including scientific integrity, of the discussions and analyses in environmental impact statements." Please review the attached emails, received under the FOIA (Freedom of Information Act) regarding my following statements. The first email, 04/11/2008, from Rick Cooper to Arnold Den and Jere Johnson of the EPA casts serious doubts about the scientific accuracy of the EPA report. Rick Cooper writes that the EPA has been **consistent** in mentioning that the risks could be much lower and perhaps **zero**. When the final EPA risk assessment was released, the words "and perhaps zero", were omitted. Mr.

Cooper has no scientific background in toxicology and therefore is not qualified to dispute any findings of the EPA.

3. In the same email Mr. Cooper writes that the BLM will be asked about making an emergency closure based on a model that may not accurately portray the risks to the public. Remember, this email is dated April 11, 2008. This shows that Mr. Cooper has predetermined the decision to close CCMA before the final EPA report was released and requested wording removed to augment his decision.

4. The second email from Karl Ford (BLM Toxicologist) to Mr. Cooper raises more doubts about the scientific accuracy of the EPA assessment. Mr. Ford writes "Instead, I have looked at EPA's IRIS database, NIOSH and WHO sources whose job it is to compile the world's literature. They all include chrysotile as a carcinogen although they usually acknowledge it is not a potent form." Section 1500.1 (b) Purpose of the CEQ regulations states "NEPA procedures must insure that environmental information is available to public officials and citizens before decisions are made and before actions are taken. The information must be of high quality. Accurate scientific analysis, expert agency comments, and public scrutiny are essential to implementing NEPA." The EPA's risk assessment for the CCMA relied on data that was derived over twenty years ago. The risk assessment classifies chrysotile and amphiboles as having the same carcinogenic affect, when studies have shown (see references attached) chrysotile is less potent. This led the EPA to overestimate the risks in CCMA. They also violated Section 1500.1 (b) by not using later studies (that Mr. Ford reviewed) showing the relative risks of the two minerals (chrysotile and amphiboles).

5. Omitted from the EPA assessment were any epidemiology studies on the people that recreated, worked, or lived in proximity to CCMA, the very people that would be effected by exposure. The CEQ clearly states the need for quality science, which is lacking in the EPA assessment.

Solution

In order to correct the deficiencies of the EPA assessment with regards to the EIS, it needs to be abandoned. Remove any mention of asbestos dangers/risks/assessments from the EIS.

Sincerely yours,

James Strenfel

McDonald JC. Epidemiology of Pleural Cancer. 1993

Gardner MJ Follow up study of workers manufacturing chrysotile asbestos cement products 1996

Jennifer S. Pierce, Meg A. McKinley, Dennis Paustenbach Critical Reviews in Toxicology 2008.

Rick
Cooper/CASO/CA/BLM/DOI
04/11/2008 01:42 PM

To Arnold Den/R9/USEPA/US@EPA, Jere Johnson
cc Karl Ford/NOC/BLM/DOI@BLM
bcc Janet Bedrosian/CASO/CA/BLM/DOI
Subject Uncertainty in model

Jere and Arnold,

Just reading through the executive summary. The last paragraph places some doubt as to the adequacy of the model used. The risks could be lower or 0. I am aware that EPA has been consistent in mentioning this and it was in the previous draft.

> *Uncertainty related to the toxicity parameters of the risk assessment includes the application of the IRIS and OEHHA asbestos toxicity models, which were developed from epidemiological studies of occupational exposures, to infrequent and episodic recreational exposures.* ***This uncertainty could mean that the actual risks could be much lower than those estimated in the CCMA assessment and perhaps zero.*** *Another uncertainty, adjustments for early-lifetime childhood exposures, could mean that the actual risks are higher than those estimated in the report.*

I am sure BLM will be asked "why make an emergency decision on a model that may not accurately portray the risks to the public?"

The basis for the decision is the model's depiction that most of the activities exceed the acceptable risk range of 1 in 10,000.

Any thoughts on a reponse

Rick Cooper
Field Manager
Hollister Field Office
20 Hamilton Court
Hollister, CA 95023
phone: (831) 630-5010

Rick
Cooper/CASO/CA/BLM/DOI
04/11/2008 01:42 PM

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phone: (831) 630-5010

Karl Ford/NOC/BLM/DOI
06/30/2008 02:46 PM

To Rick Cooper/CASO/CA/BLM/DOI@BLM
cc Timothy Moore/CASO/CA/BLM/DOI@BLM
bcc
Subject Re: Comments to EPA Report from interested parties (FYI)

History: This message has been replied to.

Rick,
I read the Iddings letter and am reading their report. I had to look at EPA's report online because I did not have the Appendices or Figure 1 which shows the routes they sampled. There are some issues with the approach taken by Fowkes and Iddings.
1. They did judgemental or biased sampling. They looked for either outcrops of amphibole or commercial asbestos at old mining camps and sampled at about 18 sample locations. This does not indicate how widespread any asbestos minerals are present. EPA collected soil samples in a more random fashion (3 representative samples per route and they have about 200 samples locations). EPA does not show sample locations and it would be good to have this data. Fowkes and Iddings are looking for commercial asbestos as an explanation for the amphibole forms.
2. No laboratory data are provided yet, so their classifications and conclusions are guesses.
3. Both EPA and Fowkes and Iddings sampled along the main road, plus EPA sampled many more miles of routes off the main road (see Figure 1 of EPA report) for ATV/motorcycle and hiking. I tend to think the area composite airborne samples from these more remote locations would not be influenced by what are truly tiny remnants of the mining camps. In addition, I doubt much commercial asbestos was used because the weather is fairly mild and some of the camps may have predated common asbestos use. Commercial asbestos began in 1879, was incorporated in some city building codes by 1900 and was popular by 1950.
4. I have not evaluated the various studies Iddings and Ilgren have cited. That would be a fairly big effort to look not only at these but the rest of the literature. Instead, I have looked at EPA's IRIS database, NIOSH and WHO sources whose job it is to compile the world's literature. They all include chrysotile as a carcinogen, although they usually acknowledge it is not a potent form. If you would like me to, I will acquire the studies and review them. I believe Ilgren and Iddings represent a minority view on the carcinogenicity of chrysotile. Several of the studies cited by Iddings did not appear to address long term exposure or carcinogenicity.
5. I haven't read Ilgren's report yet, but I will do so in the next few days.

Karl L. Ford, Ph.D. Remediation Advisor/Toxicologist
Division of Resource Services
National Operations Center - BLM
Phone: 303-236-6622
Fax: 303-236-3508

Rick Cooper/CASO/CA/BLM/DOI

Rick Cooper/CASO/CA/BLM/DOI
06/30/2008 11:18 AM

To Karl Ford/NOC/BLM/DOI@BLM
cc
Subject Comments to EPA Report from interested parties (FYI)