

Community Advisory Committee (CAC) for Soil Study Wednesday, February 28th 2018 Meeting Notes

In attendance: Dr. Tammy Milillo (TM-UB), Jackie James-Creedon (JJC-CSCR, Kenmore Resident), Katie Little (KL-UB, CSCR), Anne Bazinet (AB-ToT Resident), Rich Mpelezos (RM, Buffalo Resident), Jay Farqueson (JF, Grand Island resident), Maria Tisby (MT, ToT Resident)

Absent: Dr. Joe Gardella (JG-UB), Dr. Mike Milligan (MM-SUNY Fredonia), Dr. Josh Wallace (JW-UB), Sue Mazur (SM, ToT Resident), Jeanine Justin (JJ, Grand Island Resident)

(JJC) Opened meeting, distributed a draft of the CAC contract/Memo of Understanding, described the insurance that covers the CAC members. The CAC insurance covers up to \$1 million per incident per year and includes events such as injury and anything having to do with soil sampling.

(JJC) Reviewed notes, requested clarification on item: [TM has created 130 2" maps, 130 6" maps]

(TM) A different map has been made for each chemical that was tested for.

(JJC) How many 2 inch samples were taken?

(TM) There were 65-75 2 inch samples. Every location in the pilot study was sampled at 2 and 6 inches. Random locations were selected to have additional 2 inch samples. Towards the end of 2017 sampling the number of 2 inch samples increased in response to CAC concerns.

(MT) Asked which industrial sites declined to participate.

(KL) Nearly all, except 3, industrial sites did not want to participate.

(TM) There are 65-70 Brownfield sites with data, but not all of it is worthwhile. Going through the data takes time. 1/17/18 meeting notes were approved.

(KL) Updates on UB progress:

- # samples taken – 182
- # reports delivered – 178
- # secondary permissions – 90
- # needed secondary permissions – 86
- # officially declined to submit secondary permission – 2
- Of the 4 reports that haven't been delivered:
 - 3 were in the pilot study: 2 were not reached to schedule delivery, 1 refused the report.
 - 1 was not delivered because the sample was taken at the wrong address. KL is following up with that household.

(JJC) What is the minimum number of secondary permissions needed to create the maps?

(TM) That decision is a balancing act. We could make the maps with the secondary permissions we have now, but it would be less accurate. The permissions we have now are for properties that generally show lower levels of contamination. We need more permissions to accurately show the gradients in the community.

(KL) I will be scheduling a day for the students and myself to go door to door to ask the participants to sign their secondary permission form.

(JJC) Asked for clarification on what JG had said about testing on school properties.

(TM) After speaking with the Grand Island school district and noting their interest in having more areas tested JG committed to having more school properties sampled, if they are interested, whether they are in a hotspot or not.

(JG - clarification) I am offering phase 2 sampling to schools (not just districts, since there are Catholic schools associated with churches), churches and even those organizations who were not tested in phase 1 (City of Tonawanda, Ken-Ton schools other than the Elmwood site). It is my feeling that places where groups of people gather regularly like schools and churches should be provided the information assuming they want to participate.

(JJC) Asked how many samples will be taken in phase 2.

(TM) JG will make that decision based on the budget. Original estimates suggested around 200 samples in phase 2. They will be taken at a depth of 6 inches, as in phase 1.

(JJC) Do we know where the hotspots are?

(TM) Yes, we have maps, but we can't release them until we receive more secondary permissions.

(MT) Asked how sample locations were being decided for phase 2.

(TM) Using GIS and the maps we can calculate measurable gradients and make decisions based on them.

(JJC) Inquired about the timeline for beginning phase 2.

(TM) There is no written timeline - we are limited by the response rate of participants for secondary permissions.

(RM) Inquired about what would be tested for in phase 2.

(TM) We will likely sample for fewer chemicals: PAHs and any additional chemicals that seem reasonable based on what the hotspots are.

(KL) We would like to streamline the permission form process for phase 2. The single permission form would allow us to sample a participant's lawn as well as allow us to use their data in the maps.

(AB, RM) That makes sense. Why didn't we use that process for phase 1?

(TM) The two part permission process is standard for this type of study. It helps maintain informed consent.

(KL) We will create a draft of the permission form for the next CAC meeting.

(JF) We should take more samples around TCC.

(TM) We will if the maps show that it is in a hotspot.

(JJC) Is the original data that we collected being used?

(TM) No, because it was not the same suite of tests. The data is comparatively incomplete and hard to incorporate.

(JF) Noticed that activity at TCC was causing fly ash to blow offsite. Could this confound our study?

(TM) Samples taken at 6 inches will not be affected. This is another reason to sample at 6 inches.

(JF) Inquired if testing at 6 inches would hold TCC responsible.

(TM) 6 inch samples represent historic deposition from a considerable time ago, when TCC was not using filters. The source apportionment part of the study will help to tell us who did what.

(JF) Based on the 'cradle to grave' system could TCC pass the blame to their former owner?

(TM) The framework to go after them is the same.

(KL) Distributed old (7/2017) and new (2/2018) versions of FAQ sheet. CAC should review and respond with any comments.

Questions submitted by CAC:

1- More details on the air sampling and testing scheduled for 2018

2- What are the plans for signed sampling (soil and air) from third party?*

3- Who decided that we sample for historic deposition (6 inches)?

4- Is data accessible thru FOIA?

*Clarification: This questions is based on item 2 of CAC memo: All court ordered soil testing independently reviewed by a qualified person or agency. Results must be rigorously defensible.

1. MM rearranged his budget for additional air sampling in the community.
 - a. Planning is still in preliminary stages; MM is taking the lead with JW.
 - b. Equipment has been purchased. High volume sampler, MM is currently testing it in the lab.
 - c. Do not yet have a list of chemicals that will be tested for.
2. The soil study protocols have been reviewed by the DEC and EPA.
 - a. JG asked the DEC to appoint a technical advisor, they chose Ben McPherson. If BM didn't understand his role that may be due to a lack of communication on DEC's part.
 - b. The data has been reviewed by multiple PhDs in the research group.
 - i. Does the CAC no longer trust JG?
 - c. A confidentiality agreement would have to be signed for QC&QA outside of current research team.
 - d. TM adds that we used a certified lab, standard EPA methods, and followed all human subjects protocols to ensure protocol was sound.
3. JG decided sampling is being done at 2 and 6 inches.
 - a. Pilot study validated using 6 inch samples.
 - b. After seeing hundreds of results and comparing additional locations with 2 and 6 inch data there is nothing that indicates that sampling at 2 inches would give better results than sampling at 6 inches.
4. No.
 - a. FOIA/L doesn't allow the University to break confidentiality agreements. A FOIA request may be denied on the basis of legal reasons.
 - b. Incomplete studies are not eligible for FOIA requests.
 - c. What is the purpose of seeing the data? Maps that summarize the data will be made available to the public.

**Next meeting Wednesday March 28th, 2018
3200 Elmwood, Room 210, 6pm**