

Coordination & Engagement on Issues Related to the JH Baxter Facility

COMMUNITY ENGAGEMENT CORE TEAM

May 26, 2021

Facilitator's Summary

ACTION	WHO	BY WHEN
Schedule next Core Team meeting for June.	DSC	ASAP

Participants: Arjorie Arberry (Beyond Toxics (BT)), Lisa Arkin (BT), Ali and Jeremy AAsum (Community Member), Robin Bloomgarden (Community Member), Mary Camarata (DEQ), Dylan Darling (DEQ), Diane DeAutremont (Community Member), Ed Farren (ABC), David Farrer (OHA), Ann Farris (DEQ), Max Hueftle (LRAPA), Ryan Josef-Maier (Community Member), Travis Knudsen (LRAPA), Mike Kucinski (DEQ), Kelby Land (Lane County Public Health), Mashal Rahmati (BT), Diana Rohlman (OSU), Julie Sifuentes (OHS), Sheryl Stohs (US EPA), Susan Turnblom (DEQ), Sarah Wheeler (DEQ), Jon Wilson (City of Eugene), and Lin Woodrich (ABC).

Facilitation Team: Donna Silverberg and Emily Stranz, DS Consulting.

Welcome and Introductions - Facilitator, Donna Silverberg, welcomed the group to the 5th Core Team meeting. Group members introduced themselves and their affiliation. Participants included West Eugene community members, and representatives from the Active Bethel Community (ABC), Beyond Toxics (BT), City of Eugene, Department of Environmental Quality (DEQ), Lane County Public Health, Lane Regional Air Protection Agency (LRAPA), Oregon Health Authority (OHA), and Oregon State University (OSU). Sheryl Stohs, Environmental Justice Coordinator for U.S. Environmental Protection Agency (EPA), Region 10 joined the Core Team for the session and plans to attend future sessions.

There were no additional edits suggested for the April 7th meeting summary. Emily will send the most recent version of suggested edits and Core Team members will respond to her with any concerns by close of business, Friday, May 28th. If no concerns are voiced, the summary will be finalized and posted to DEQ's JH Baxter webpage. [Note: Following the meeting, OHA provided additional clarifying edits to the Core Team; no concerns were shared, and the final meeting summary will be posted.]

Donna 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, the session's focus was to reflect on where the group is now, clarify information where needed, share perspectives from community members, and consider what would be helpful moving forward for both the public meetings and the Core Team. Donna reviewed the process timeline thus far, noting that the pace slowed to allow for more time to learn and share information. She also revisited the following group discussion protocols centered on supporting the group's collaborative work together:

- Treat each other with respect;
- Listen to each other; and,
- When you speak, speak as though you are right, and listen as though you are wrong (to foster curiosity to learn where you need to know more).

Core Team members participated in a poll about their individual preferences for engaging with the group and how they learn best (see poll results attached). The group valued an environment where everyone is treated with respect, has opportunities to speak and be heard, and people care about what others have to say. Much of the group learns best by seeing graphics and pictures, others learned best by doing or discussing.

Reflecting on the past 6 months (Part I, Part II will be at the next Core Team session) - In small groups, Core Team members reflected on what they have learned, what has helped them in their work together, and what

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information they suggest should be presented to the larger public about this effort. Their input is summarized below. Note: due to time constraints, not all the responses captured below were reported-out during the meeting, however, small group recorders provided their notes after the session for inclusion in the summary.

What stands out about the information and discussions since December?

- How many different agency people are here working together with the community to understand and improve the area (and how many divisions of DEQ are involved).
 - Agency representatives are showing up and providing information.
 - The number of agencies coming together on this project feels hopeful due to the amount of power and authority in the room. This has created hope about accountability.
- The level of community distress had not previously been as apparent to those outside the community.
 - There is a need for this kind of communication with the community.
- Many in the community had been trying to get information and could not find a reliable source: this group provides that.
 - The depth and manner that information is being shared is appreciated.
 - For the community, it had been difficult to find information in the past and now it is being provided in a way that makes sense and is easy to access.
- It is challenging to find ways to communicate the complex data and history in a way that is efficient and effective for the broad community.
 - There has been a shift in how the agencies approach data sharing and confidentiality, and how it is conveyed to communities. The shift is to give data back to communities.
- There are a lot of people, agencies, and organizations coming together; this has led to a sense of power and knowledge. It is valuable to hear from the agencies, Beyond Toxics, and the community.
 - Community members are willing to spend time talking to the agencies and investing their time and energy in this project.
 - The individuals representing the agencies are compassionate and respectful; people are feeling heard.
- It is shocking how much we have learned and how much we continue to learn about JHB.
 - There is a lot going on: the dioxin study, Cleaner Air Oregon (CAO), hazardous waste, etc.; this helps explain how intense the interest is from both agencies and people impacted.
 - JHB emissions have been reduced via installation of the carbon adsorption unit and complaints have been reduced.
 - Learning the history of JHB and the distressing reality about the ineffectiveness of regulatory action. It has been easy for Baxter to operate in a way that endangers the neighborhood for a long time.
- It was surprising to learn that Oregon did not have a focus on how air pollutants impact health and that air permitting did not include health risk assessment, prior to CAO.
 - Until CAO, the community was side-lined because the focus had not been on human health risks.
 - It is good that CAO now exists.
- Accountability is key to make sure that JHB does not operate in the same way in the future.
 - For example, in the recent past, odors have been noticed around mid-night; now, their emissions behaviors are changing towards times when monitoring is not active (odors late at night are harder to report).
 - The community has been disappointed about redacted chemical reporting that makes accountability even harder.
- There is a desire to make sure that JHB employees are working in a safe environment and that property values are maintained.

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What has helped these meetings to go well that we hope will continue? What could we improve (and how)?

What has helped:

- Wide representation of agencies and community members and different interests participating.
- Some participants work together on these issues outside of these meetings.
- Developing a trusting space with open conversations.
 - Participants are compassionate and respectful.
 - The size of the group is good for getting to know each other better.
- Conversations in breakout rooms have helped things go well; they allow for information sharing and being able to answer questions in real time.
- Graphic representations and pictures are helpful, especially when combined with conversations about the issue at hand (rather than being given a flyer and a link to information).
- The process is well organized.
 - DS Consulting has done a good job of facilitating and encouraging respectful participation (e.g., developing agendas, letting everyone speak, and helping create a trusting space for discussions).
 - The opportunity to contribute to the group process and provide input on how things go.

Potential Improvements:

- Have an in-person meeting when it is safe to do so.
- Find a way to assure accountability to address concerns that, while the information shared has been useful, there will not be results.
- Getting answers to important questions: there should be answers on the horizon, through CAO and the soil testing.

What should we do next?

- Consider how to get information out to the larger community.
 - How to communicate more broadly?
 - Establish the timeline to have broader community meetings.
 - What needs to be shared?
 - This group is the test case for what information should “stick” and what is not as important.
- There are roles for followers and leaders in this group to get action.

What are 3 things we should be sure to include in any broader public gathering?

- Information and discussion about the Cleaner Air Oregon (CAO) Program and health risks.
 - Highlight that CAO provides a new structure that incorporates community input (the community’s voice matters!).
- Information and discussion around what **has** happened at JHB and details on the regulatory actions.
 - Also, what **has not** happened with permitting and penalties?
 - Why haven’t things worked up to this point to stop JHB from violating their permit?
- Explain what is going on with the dioxin investigation.
 - Provide sampling data.
- Discussion around how to hold JHB accountable.
 - Can we assure that JHB will end their historical patterns and be in compliance with their permits?
 - How does CAO ensure that JHB will stay in compliance?
- Provide information in a variety of forms to reach multiple types of learners. Provide visuals and graphics and keep information straightforward so that it is accessible to as many people as possible.

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- Tie the data to the decisions that people are making every day for their health. For example: Is it safe to play outside? Is this neighborhood safe to live in? What is the nature of the pollution? What is being done about the pollution?
- Share comprehensive information around the safety of living in West Eugene.
 - There are people who live there or are considering living there who need more information to inform their decisions.
 - West Eugene is a low-income area where some people can afford to buy a starter home or a forever home.
- What information have the agencies heard from the community members so far through these Core Team meetings? How will the agencies use the information they have gathered for policy and actions in the future?

Community Voices: Arjorie's Story - Arjorie and Mashal (Beyond Toxics) presented the story map that they created as a way to share a local community voice around the impacts of living in the West Eugene neighborhood. Arjorie grew up in West Eugene and raised her children there as well. Arjorie's daughter, Zion, was diagnosed with cancer at the age of 13. Not long after Zion, her best friend who was also raised in West Eugene developed the same kind of cancer. Arjorie's story is powerful, and best told by her; the link to the story map will be provided once it is published.

Core Team members were appreciative of Arjorie and Mashal sharing Arjorie's experience. Hearing her story brought up questions and concerns for Core Team members, including:

- Is West Eugene a safe place to live and raise a family?
- Is there any policy discussion around changing the levels of toxic pollutants that are permitted to be released in this area?
- The City of Eugene is opening land for housing development in the Northern part of West Eugene; what can be done to impact zoning and ensure that these neighborhoods will be safe places to live?
- What take-aways do the agency representatives have from the Core Team conversations and how are they going to use this information moving forward?

In response to questions, Ann shared that, within the Cross-Agency conversations, there is strong commitment to continue investigations in West Eugene, not just of JH Baxter, but all the industries in West Eugene. Regarding air toxics regulation, the changes brought about by the Cleaner Air Oregon program are significant: the program is risk-based and will be looking at impacts to human health from toxics in our air for the first time ever in Oregon. Ann also noted that strong lobbying, public input, and comments to all levels of government do matter.

It was noted that HB 3372 (as amended and if passed), would give the DEQ greater authority to take historical permit violations into account at the time of issuing new permits. It would allow DEQ to make decisions about whether a facility should be denied a permit due to repeated and harmful releases of environmental pollution.

Another significant change in the past year that was noted was that JH Baxter stopped evaporating wastewater in the retorts.

Kelby noted that Lane County Environmental Health has not been involved with environmental justice or community organizing efforts in the past. She was encouraged that getting engaged with this group and expanding their scope of work is a big first step.

Sarah Wheeler and Julie Sifuentes both agreed that more conversation about how the agencies are incorporating what they have heard from Core Team partners and how it will shape actions moving forward would be valuable. Sarah underscored that bringing this group together is groundbreaking for the agencies. She believes these efforts can be utilized in other situations, with other facilities. This work is allowing the collaborating agencies to see holistic impacts and informs their work into the future. Julie affirmed OHA's commitment that Ann mentioned

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noting that, in the past when OHA did the public health assessments and consultations, the limitations became clear, as there were many stories like Arjorie's. However, the prior health assessments did not find a lot of detectable health impacts. There is interest in continuing to work together to find opportunities, get creative, and address these concerns.

“Clearing Up” and Updates - The agencies provided information to clear up information or concerns they have heard addressed in community meetings this past month.

Updates were provided from Agency partners:

- DEQ has been working with US EPA to secure funding for a broader assessment that looks at multiple sources of contamination in West Eugene. They are still waiting for full approval; however, it is looking hopeful that there will be additional funding provided for a Preliminary Assessment in 2022. The preliminary assessment is the first step in a Superfund Cleanup process to evaluate sources of contamination; if sources are found, then the agencies would consider appropriate clean up actions.
- DEQ expects to have the soil sampling plan for soils offsite of JH Baxter within the next week. Once DEQ approves the soil sampling plan, then sampling will be conducted in the neighborhood around JH Baxter. It is expected that sampling will start in June 2021.
- In response to community input about air toxics monitoring data availability, LRAPA has added the data to their website for public knowledge. The data can be found at: <https://www.lrapa.org/148/Air-Quality> and <https://www.lrapa.org/337/Air-Toxics-Monitoring>

Mike noted that he would really like to connect directly with community-based Core Team members to hear more about their interests and concerns. He asked that people contact him to find a time to meet one-on-one (michael.kucinski@deq.state.or.us or 541-687-7331).

Donna observed that a follow-up meeting sooner than later would be helpful, to provide an opportunity for more conversation regarding the questions and concerns posed today. DS Consulting will work to schedule another session in June/early July. To plan for meetings after that session, Donna asked for input on the frequency and size of meetings: group members felt that the current size of the Core Team is useful and meetings every eight weeks or so would be beneficial. Additional information was sought but will need to be sent again via a survey since the computer on which it had been saved lost power (and data).

Donna ended the meeting by thanking Arjorie and Mashal for sharing their important story and everyone for their participation and sensitivity to the information that was shared. She acknowledged that it had been a difficult discussion and noted that there will be time at the next meeting to continue the group reflection; especially for the agencies to answer the question posed this evening: what have the agencies heard from community members and what difference is that information making to them?

This summary is respectfully submitted by the DS Consulting Facilitation Team. Suggested edits are welcome and can be sent to Emily Stranz (emily@dsconsult.co).