

STAKEHOLDERS SPEAK UP
A Summary of Community Views at the National Forum on Vapor Intrusion
Philadelphia, Pennsylvania—January, 2009

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The National Forum on Vapor Intrusion, sponsored by U.S. EPA in Philadelphia January 12-13, 2009, brought together the largest group yet of vapor intrusion public stakeholders from across the country, along with a few hundred regulators, consultants, and others. Fourteen of those stakeholders described in varying detail their experiences with vapor intrusion investigation and response. Some of the stakeholders have years of experience with vapor intrusion, while others have only been familiar with the issue for a few months.

The most striking common theme was that the stakeholders at the forum are frustrated with the rate of progress at their sites. Even where they have good relations with regulators and other officials, they pointed out shortcomings in their response programs. Perhaps this is partly a function of self-selection. People completely satisfied might be less interested in attending such a forum. Nevertheless it's important that government people recognize that their communities may give them lower grades than they give themselves.

Agency presentations at the forum explained that states and EPA regions do not have a uniform approach to vapor intrusion, and the stakeholders reacted with confusion. Some called for a uniform framework against which they could evaluate activities in their own communities. They recognized the need to adapt that framework in response to local input, but particularly in states with weak programs they want to be able to reference a final EPA Vapor Intrusion Guidance. Mary Moore, a stakeholder from Phoenix, Arizona, said her state still would not initiate a vapor intrusion investigation at the Superfund site in her community until EPA finalizes its guidance, and Barry Durand, a community member from Asheville, North Carolina wished that EPA and state officials at his site—none of whom attended the forum—would act as protectively as some of the regulators at the forum.



At a three sites, at least—North Carolina, Arizona, and Maryland/DC—stakeholders were perplexed by the relationship between state regulators and U.S. EPA. It seemed clear that EPA needs to clarify when and where it can exert authority over state agencies, both at sites on the National Priorities List and those that are not.

Stakeholders also expressed concern that there is no clear national action level for indoor air exposures to common contaminants PCE and TCE. Mike Schade, a New York City activist who lives above the Meeker Ave. PCE plume in Greenpoint, Brooklyn, noted that New York's standard for PCE exposure is much less protective than EPA's Regional Screening Level. EPA is working on an interim policy for TCE exposure, but that was announced near the end of the forum, after the stakeholder meeting, so there was no discussion of that policy.

Significantly, most of the stakeholders highlighted the impact of vapor intrusion investigations and mitigation on property values. As I've said before, the health impact of vapor intrusion is uncertain and in most cases manifests itself over many years. The impact on property values, however, is usually immediate and catastrophic. Contamination stigmatizes and drives down the value of property. Mike Barry, from the Modock Springs site in Victor, New York, reported that homes above the TCE plume there have seen sold substantially below their non-polluted value and that others were "not able to sell."

The activists who attended the forum advocated reductions in property tax assessments to reflect the reduced values. Debra Hall, from Hopewell Junction, New York, explained how the polluter at her site, Hopewell Precision, received a significant assessment reduction because of pollution that it caused, but that homeowners whose values were driven down by the water pollution and vapor intrusion barely received any adjustments. Mike Barry proposed more than assessment adjustment. He and his neighbors are pursuing a Property Value Protection Plan, in which the responsible party and government agencies would reimburse homeowners for lost equity due to site contamination. Their State Senator has pledged funds, but they are still negotiating with local officials and the responsible party at the site.



Several stakeholders also blamed the fear of declining property values for the refusal of many homeowners in their communities to cooperate with investigations by allowing subslab soil gas or indoor air testing. That is, if there is no evidence of vapor intrusion or mitigation (subslab depressurization system) in place, they figure potential buyers won't

consider the property stigmatized. Carol Meschkow, from Long Island, said that some people in her town didn't want her even to talk about contamination because it might impact property values. Similarly, I received warning calls in Mountain View, California, where I live, when I first did news interviews about vapor intrusion several years ago.

Presenters did not understand why agencies are so reluctant to test indoor air. Jane Horton, also of Mountain View retold how her home was sampled only after the MEW Superfund Study Area plume boundary was redrawn—after remediation of the large regional plume was reportedly 75% complete, measure by mass reduction. She proposed:

With all the variability in soils and preferential pathways, it should be mandated that indoor air testing happen for any inhabited building within several hundred feet of volatile organic contamination, and that the perimeter for testing expand outward until no contaminated indoor air is found.

Mike Schade and his landlord are trying to find a firm to independently test the air in his building.

Activist presenters expressed concern that regulatory agencies sometimes decide against installing mitigation such as sub-slab depressurization based upon too few samples. As Debra Hall illustrated with a table of TAGA (EPA's Trace Atmospheric Gas Analyzer) results taken a week apart in her home, indoor air samples can vary significantly over time and space. Mike Barry and his neighbors convinced his State Senator to fund mitigation for homes where the Department of Environmental Conservation would not. He insisted:

While my soil vapor intrusion results indicate minimal exposure, my well is known to have the highest contamination of any private well and because no clean up plan has been published, I demand that a vapor mitigation system be installed at my house. I will no longer play Russian Roulette with my family's health.

Some presenters, such as Buddy Andrade from New Bedford, Massachusetts, described the impact of vapor intrusion (or its potential) on economic development, but more participants focused on health issues. From Mountain View to Asheville to Victor, community members have noticed what appear to be disproportionately high cancer and other disease rates, but health studies rarely provide any acknowledgement that people have been affected. Dawn Phillip of New York Lawyers for the Public Interest and Debra Hall both emphasized the risk of exposing children to TCE in their schools and athletic facilities.

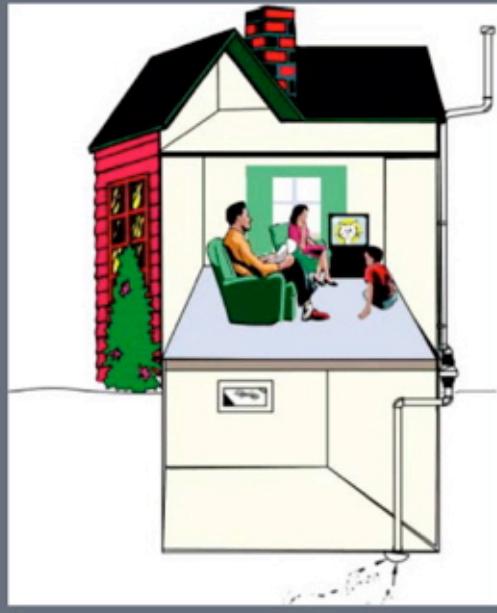
At site such as Hopewell Junction, Asheville, and Victor, stakeholders expressed concerns that polluters are not being held fully accountable for cleanups. It appears to them that regulators are less likely to spend money on investigation, mitigation, and remediation where the funds come from taxpayer-funded accounts, rather than deep-pocketed responsible parties.

Like some of the other speakers at the Forum, public stakeholders called for source remediation, not just mitigation, as the solution to vapor intrusion. They recognize that reducing groundwater contamination to levels no longer posing a vapor intrusion risk may take decades, but they don't trust mitigation approaches to remain protective in the long run. Peter Strauss, who acts as a technical adviser to several community groups, explained how the Center for Public Environmental Oversight's (CPEO's) "Technology Tree" <http://www.cpeo.org/tree.html> provides user-friendly access to information about remediation technologies. Al Rodriguez, General Counsel in the Bronx, New York Borough President's office, described the under-construction Mott Haven schools campus, where the

local community united to insist both on a robust cleanup plan and that long-term site management be part of that plan, to protect against and monitor vapor intrusion. Other presenters, such as Debra Hall, said that they want assurances that mitigation systems are indeed reducing indoor contamination to acceptable levels. Jane Horton suggested:

If there is indoor air contamination found, sampling should be ongoing until the groundwater is cleaned up. If there is no contamination found, there is still the potential for new vapor intrusion pathways to happen. My belief is that testing for both detected and non-detected TCE contamination in the indoor air should take place every six months.

The Social Zone above the Vadose Zone



Since a number of audience members in Philadelphia were community involvement experts from EPA and other agencies, there was extensive discussion of the best ways to engage communities, both in the overall oversight of response activities and in gaining rights of entry to sample in and under homes. Endicott resident Peter Little, an Applied Anthropologist, described the importance of the "Social Zone above the Vadose Zone." He explained how understanding site history—in the Endicott case, deindustrialization—is often the key to community attitudes. Demographic factors, such as age, education, ethnicity, and immigration status all influence community response. For example, Polish immigrants in Greenpoint apparently do not feel comfortable cooperating with government agencies, so they have refused rights of entry. I suggested that community-based organizations could bridge the communications gap.

As described above, recognizing residents' health and property value concerns, issues that environmental regulators do not normally address, may be key to establishing trust. Dawn Phillip, Mary Moore, and Al Rodriguez all emphasized that communities need independent technical consultants. Jane Horton and Mary Moore discussed the importance

of community advisory groups, but Moore reported that state officials have not convened the such meetings at her site for months. Some of the presenters reported that it has been useful to tailor public meetings to site conditions. Teddi Lopez said that block meetings, rather than larger area-wide meetings, proved successful at the Chillum site on the Maryland-DC border. Mike Barry said house meetings were valuable in Victor.

Overall, stakeholder presentations in Philadelphia reinforced the understanding that public participation, while necessary in all toxic cleanups, is particularly important at vapor intrusion sites because regulators and consultants, like the vapors they are chasing, must intrude into people's homes. It is essential that those charged with leading investigations and responses consider the perspectives of occupants—residents, employees, and school families. When people learn that some company has released volatile compounds into the environment, and that those compounds may have polluted the air in their buildings and possibly their drinking water for years or even decades, they are unlikely to be satisfied with technical descriptions of vapor intrusion and the techniques for measuring it. They want their fears and concerns about health and property values acknowledged, and many—generally not represented at the forum—want to be assured that cooperating in the investigation will not make their personal financial and living situations worse.