

Newtown Creek CAG Meeting

May 4, 2016

6:30 P.M. – 8:30 P.M.

Polish Slavic Center, Basement Auditorium

176 Java Street, Brooklyn, New York, New York

Meeting Attendees: 45 people (see attendee list in Appendix)

Agenda

Introduction: Welcome, Review of Agenda, Logistics

CAG Business

Update from Potentially Responsible Parties (PRPs)

- Anchor QEA
- New York City Department of Environmental Protection (NYC DEP)
- U.S. Environmental Protection Agency (EPA)

Presentation from New York State Department of Health (NYS DOH) – Health Outcomes

Review – *James Bowers*

Community Conversation about Presentations

Introduction

CAG co-chairs Willis Elkins and Ryan Kuonen welcomed attendees, reviewed the agenda, and provided background context on the CAG and the Steering Committee.

Media representatives, elected officials, and PRPs present:

- Anchor QEA
- NYC DEP
- U.S. EPA
- Carolyn Maloney's Congressional Office
- Newtown Creek Group
- Queens Ledger/Brooklyn Star Newspaper Group

CAG Business

- The Steering Committee currently has 14 members from Brooklyn and Queens. One seat is open. The Steering Committee nominated Laura Hoffman to join the Steering Committee. The CAG approved her nomination with a vote.
- Willis explained the community vision document handout to the CAG. The document is important because EPA will develop its list of cleanup alternatives based on the risk assessments and the community vision for the clean up. He asked that people email the Steering Committee their comments on the document.
- The next CAG meeting is scheduled for July 6, 2016. The agenda has not been set yet.

Update from PRPs

The Steering Committee has asked the PRPs to provide brief updates on their recent activities at every CAG meeting.

NYC DEP

- Eileen Mahoney introduced herself and Mikelle Adgate. Mikelle is NYC DEP's community outreach staff member for DEP projects at Newtown Creek.
- Mikelle further introduced herself. In January, she transitioned into public affairs and communications for NYC DEP. She now works on issues such as combined sewer overflows (CSOs) and stormwater programs to improve water quality in the New York City Harbor.
- She gave an update on the Newtown Creek Nature Walk. It is currently in the bidding process for construction, which will begin between May and August 2017. Completion is anticipated by late 2018 or early 2019. New York City has committed \$17 million for phases two and three of the Nature Walk. Phase 2 will consist of a series of walkways over Whale Creek. Phase 3 consists of landscaped open space on a demapped portion of Kingsland Avenue.

Anchor QEA – Jim Quadrini

- Jim explained that Anchor QEA is the lead technical consulting group that NYC DEP has contracted with for Newtown Creek work. Anchor QEA has over 17 years of experience working with contaminated sediment sites across the United States.
- Anchor QEA is responsible for the remedial investigation (RI) study for Newtown Creek.
- During the last four years, Anchor QEA has collected field data from over 100,000 locations regarding issues such as point source discharges.
- Anchor QEA is currently reviewing the data, which adds up to over 1 million measurements, and processing the information to understand the chemical and biological processes occurring throughout Newtown Creek. Once the analysis is complete, results will be documented in an RI Report. The process will then move to the remedial stage to address the contamination and feasible remediation strategies.

EPA – Stephanie Vaughn

- EPA is overseeing all aspects of the RI investigation and report writing to ensure they are being conducted in a scientifically sound manner. EPA will be using all information from the PRPs and the community to come up with the best solution for Newtown Creek.
- EPA did not have an update to share since the last CAG meeting.

NYS DOH Presentation – Health Outcomes Review – James Bowers

To view the presentation, click on the presentation title above. Presentations are also available on the Meeting Notes & Presentations page of the CAG website. The below bullets briefly summarize the presentation.

- NYS DOH began collecting data for this study in 2012, after the CAG requested it. Conditions of the study were agreed upon by the CAG and NYS DOH at that meeting. The review can answer the following question: Are people within a half-mile radius of Newtown Creek experiencing levels of health outcomes different from people in other areas of New York City?
- James' presentation covered the study's methodology, limitations and results.

- The study looked at birth outcomes and cancer rates among residents within a half-mile of the creek. The results did not identify any elevations in cancer rates and birth outcomes related to unusual exposure surrounding the creek. This does not mean that fish consumption and swimming advisories for the creek should not be followed. Residents should still limit their fish consumption and should not swim in the creek.
- The comment period for the review will be open until July 19, 2016. NYS DOH will respond to all comments. No timeframe has been set for the release of the final document.

James responded to several questions from CAG members:

Q: This is not the study the community wanted. We wanted a cluster study and a door-to-door survey; this type of study cannot prove that specific environmental exposures caused elevated health problems in the community. The summary states that the study results provided no evidence of elevated cancer rates due to exposure. This public message is deceitful because a study of this kind does not address autoimmune diseases and other health outcomes in the community. With every new development project, contaminated sediments are being unearthed and we are being re-exposed. This issue needs more attention.

A: I understand your concern, but we cannot go door-to-door for 60,000 people. The goal of the study was to find out if there are elevated birth outcomes and cancer rates among residents within a half-mile of the creek. We are not seeing increases in specific health outcomes closer to the creek where people might be more likely to be exposed, and lower levels further from the creek.

Q. Can you clarify the role of the study in relation to the Superfund process?

A. The study is not formally part of the Superfund process. The study began before Newtown Creek was listed on the National Priorities List (NPL). We do not anticipate that it will play a role in the process.

Q. The report states that preterm births are elevated. Lead is a substance of concern linked to preterm births. Elevated levels of lead have been found in communities around the creek and in the creek. Can you speak to that connection?

A. The numbers represent levels of risk that might impact a baby going to full term. Looking at risk elevations – 17 percent within a quarter-mile of the creek – other risk factors play into this, such as a mother's age, socioeconomic status and other factors. Lead is an issue, but we do not have reliable data about the kind of lead exposure that people are experiencing. It depends on so many factors.

Q. Don't we have data on childhood lead poisoning in New York City?

A. Yes, but not at the individual level. I cannot tie those lead results to birth certificates. We would need individuals to be linked to lead records to make accurate causation statements.

Q. You can use the U.S. Census tract.

A. That does not give us information about individuals. I would have to look at whether the Census tracts with elevated lead levels correlated with Census tracts with preterm births. The study can be done but it will only prove there is a correlation, not a cause and effect. To get cause and effect, you have to look at individuals and tie their lead levels to preterm births.

We did the study at the community's request with full explanation of its limitations. While the study we were able to do did not meet all the requests from the CAG, the CAG agreed to the study design, and that is the study we did. This is the best study we could do to address the concerns. We looked at a half-mile and a quarter-mile for given health outcomes for given years. This is that study. It is not deceitful. I am sorry it is not what you want, but it is what we agreed on.

Q. So there are some elevated cancer rates.

A. We saw both – elevations and decreases.

Q. Was some sampling done? Is it possible to do sampling?

A. Yes, we could sample. The question is – what do we look for and why are we looking for it? Is it related to Newtown Creek or to contamination from other sources such as highways, urban living and industry. How can we know what to tie the health outcomes to (i.e., what are we looking for)?

Q. Workers are not part of your study?

A. Anyone that is part of it would have lived in the study area at the time of the records.

Q. What does it take to have a study including workers?

A. Lots of resources, buy-in from companies and workers. It would be difficult.

Q. Why didn't the report talk about the issue of lead, like it did other risk factors? It seems it was downplayed as a potential role in preterm births. Polychlorinated biphenyls (PCBs) and other endocrine disruptors have been linked to types of cancers, but the report does not say much about potential connections between health outcomes and other risk factors and exposures.

A. The information we have from the NPL process does not indicate closed exposure pathways – where people come into contact with these things outside of eating fish or swimming in the creek. We don't have information about other exposure methods such as aerosolizing off the creek.

Q. We know that, historically, there was exposure given industry in the study area. From reading the report, it seems to me that there was not much discussion evaluating those potential exposure sources and how they could have contributed to elevated health outcomes.

A. Good point – give that to us. Tell us what you want to see. I want to generate questions and concerns that we need to answer, that can make this a better project. Even if we cannot make it perfect.

Q. Why is the fish consumption advisory currently the same as the East River advisory?

A. There is no impassable barrier to restrict fish going in and out of Newtown Creek, so the advisory is considered the same for the whole creek and river.

Q. Is that your sole criterion for that decision? No barrier?

A. No. There are other places in the state where parts of a river are contaminated downstream of a specific site which might change advisory downstream.

Q. This is a Superfund site. Downstream!

A. We cannot tell which fish have been living in Newtown Creek.

Q. Shouldn't we err on the side of precaution for the community? You have data comparing Newtown Creek to other non-Superfund sites. Can't you analyze it to see the difference between them?

A. We have no information that indicates that fish stay in the creek. You cannot assume that fish caught in Newtown Creek at that time did not spend most of their life elsewhere.

Q. So it is the policy of the State of New York that even with evidence that fish in Newtown Creek test as being more contaminated than those in East River, you will not issue a different advisory. Let's get that on the record.

A. I do not know if the fish data from Newtown Creek are different from the East River fish data. That is a good question that we can address.

Q. We asked for that answer about two years ago. Two years ago we were told, we have no data, but since fish swim between the creek and the river, advisories should be the same. We agreed that this would be looked into.

A. I can't speak to what was agreed to at that time, as I was not at that meeting.

When fish data become available to the city, the city looks at advisories and differences. If the data is the same year after year or if they do not have data to evaluate, then they do not change the advisory.

Q. So what do we need to do to get the advisory looked at? Do we need to write to NYC DEC?

A. The city evaluates the fish advisories annually. If the advisories need to change, that will be evaluated when the data are available.

A. (EPA) There is some data available from the draft health risk assessment. The state has access to the data. The community will have access to it in upcoming months.

Q. The report discusses central nervous system birth defects and states that they were not statistically significant?

A. This is a statistics problem due to small populations. When you have very rare outcomes, the difference between one and two can make all the difference. If you expect 1/62,000 and you get 2/62,000, you are looking at a doubling. But you will be left with a range of uncertainty as to what the true risk factor should be. You do not get half cases of cancer. Rounding up to one case leaves you with elevated risk and lots of uncertainty.

Q. What was the expected rate?

A. There were three cases observed and 1.8 expected, with very large uncertainty.

Q. Is this data shareable?

A. Technically, yes. You can access the data used in the study. You have to request it from the same place we request it from (e.g., the state cancer registry, vital records, etc.).

Q. So NYS DOH did not maintain the dataset?

A. Yes, we did. But because of confidentiality issues, we do not all have access to the data. To conduct the study we had to request access.

Q. You confirmed that this study does not affect the Superfund process. Will NYS DOH recognize the study's limitations and that it cannot be the final word about cancer rates in the area, considering all the evidence of cancer clusters here in Greenpoint and Brooklyn?

A. We recognize that the study is limited in that we can only answer that one question. Despite those limitations, this study is scientifically rigorous enough that elevations and decreases are real. That does not mean that there is cause and effect going on. There are other factors at play. What we have done, while limited, strongly answers that specific question. I do not know about other data for cancer clusters in other places. We have looked at all cancer diagnoses within a half-mile of the creek. Based on that, we saw statistically significant elevations and decreases.

Q. For the record, the CAG at the time agreed to the study design in terms of health outcomes that were being evaluated and such – I was there – although many of us were disappointed that some health outcomes were not going to be evaluated. Looking at the primary conclusions in the report's executive summary – and considering that other environmental exposures were not evaluated – it seems an overstatement to say that these outcomes are not related to other environmental exposures.

A. That is a fair comment. We used the proximity to Newtown Creek as a proxy value for environmental exposures. We know there are many factors in play and that we do not have good information on them.

Q. It seems like a pretty strong statement to say that these outcomes were not related to environmental exposures. You are overstating the conclusion given that the study did not look at other environmental exposures.

Q. We want to know what opportunities there are, besides constraints, for where we can go from here. As a resident, I want to walk out of the meeting knowing what I am exposed to and what my children will be exposed to and what needs to be done.

A. This meeting does not address what people are exposed to. The State Health Department did that kind of study seven years ago. EPA is currently doing something similar. I do not know what is available in the city in terms of soil testing, but it may be a way to gather information.

Willis wrapped up the meeting, reminding everyone that the commenting period for the NYS DOH Health Study will be open until July 18, 2016. The CAG will be submitting comments and will put a link to the study on the Newtown Creek website.

APPENDIX A

List of Meeting Attendees

Ana Orozco, HORT

Annel Hernandez, NYC-ESA

Benjamin Fang, Queens Ledger/Brooklyn Star

Brian Paul, NYC Council

Chuck Nace, EPA

Newtown Creek Superfund Community Advisory Group (CAG)

www.newtowncreekcag.wordpress.com

Damien Lawyer, NCA
Ed Babor, Office of Congresswoman Carolyn Maloney
Eileen Mahoney, NYC DEP
Emily Mijatovic, Assemblyman Lentol
Emma Kazaryan, Columbia University
Evelyn Matchbchak, Resident
Fay Nauratil, NYS DOH
George Geist
Heewon Kim, Resident
Henry Sanchez, The English Kills Project
Jan Mun, NCA
Jean Tanler, BOC
Jen Hitchings
Johnanna Phelps
Jim Bowers, NYS DOH
Jim Quadrini, Anchor QEA
Kamal Siag, NYS DOH
Krysia Solheim, Skeo Solutions
LaShaun Lesley, PDRC
Laura Hofmann, Barge Park Pals
Leah Archibald, Evergreen
Lilia Courner, CUNY
Lisa Bloodgood, CM Levin
Lupe Todd, NCG
Marc Laraia, Newtown Creek Group
Meredith Hayes, The Intelligence Group
Michael Leete, Resident
Michael McCrispy, Resident
Mikelle Adgato, NYC DEP
P Fend, Ocean Earth
Peter Ciavarella, Queens College
Rachel McBeth, Resident
Rita Pasarell, NAG
Ryan Kuonen, CAG/CB #1 Brooklyn, CAG co-chair
Sarah Durand, LaGuardia Community College
Sean Dixon, Riverkeeper
Stephanie Vaughn, EPA
Tyquana Parsons, Newtown Creek Group
Wanda Ayala, EPA
Willis Elkins, North Brooklyn Boat Club, Newtown Creek Alliance, CAG co-chair