Illinois Dunesland Preservation Society

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Jeffery C. Camplin's Testimony for Illinois Dunesland Preservation Society in Front of the House Committee on Science and Technology's Investigations and Oversight Sub Committee, March 11, 2009

http://science.house.gov/publications/hearings_markups_details.aspx?NewsID=2376

If the link goes to a Congressional web site default, it will need to be typed into your browser.

Written Testimony of Mr. Camplin and Illinois Dunesland

http://democrats.science.house.gov/Media/file/Commdocs/hearings/2009/Oversight/12mar/Camplin_Testimony.pdf

American Society of Safety Engineers' Press Release

http://www.asse.org/newsroom/release.php?pressRelease=1190

For Immediate Release **Contact:** Diane Hurns, 847-768-3413, dhurns@asse.org

ASSE IL MEMBER WARNS OF ASBESTOS EXPOSURE AT CONGRESSIONAL OVERSIGHT HEARING

WASHINGTON, D.C. (March 12, 2009) — The issue of the public's possible exposure to asbestos on an Illinois State beach and alleged oversight by the Department of Health and Human Services' Agency for Toxic Substances and Disease Registry (ATSDR) will be the focus of Jeffery C. Camplin's, Certified Safety Professional (CSP), and Certified Professional Environmental Auditor (CPEA), of IL, testimony today before the House Committee on Science and Technology's Investigations and Oversight Sub Committee about alleged problems and mistakes made by ATSDR. Camplin noted ATSDR's alleged failure to properly identify and communicate the threat of asbestos at Illinois Beach State Park in Waukegan, IL, has exposed millions to possible illness.

According to the U.S. Environmental Protection Agency (EPA), asbestos is the name for a number of naturally occurring fibrous minerals with high tensile strength, the ability to be woven, and resistance to heat and most chemicals. Asbestos fibers have been used in a wide range of manufactured goods, including roofing shingles, ceiling and floor tiles, paper and cement products, textiles, coatings, and friction products such as automobile clutch, brake and transmission parts. However, exposure to airborne friable asbestos may result in a potential health risk because persons breathing the air may breathe in asbestos fibers. Fibers embedded in lung tissue over time may cause serious lung diseases including: asbestosis, lung cancer, or mesothelioma.

The purpose of the House hearing is to examine problems with ATSDR public health reports and how they have been developed. Congress is investigating possible mistakes made on the part of the ATSDR and its failure to identify the threat of asbestos in an Illinois Beach State Park public health announcement released in 2000.

Camplin, an American Society of Safety Engineers (ASSE) member active on many committees including serving as past ASSE Environmental Practice Specialty Administrator, is concerned that the public's health is at continued risk due to the ASTDR.

"We are here today to demand accountability for the harm caused to public health by the inexcusable and deliberate behavior of ATSDR staff in downplaying elevated levels of toxic microscopic asbestos along the entire Illinois Lake Michigan shoreline," Camplin said. "I am concerned about the lax behavior and misuse of science by ATSDR/Centers for Disease Control (CDC) leadership and concerned as to why ATSDR purposefully downplays the chronic asbestos exposure to millions of Illinois citizens each year."

Camplin began his testimony by noting in 1993 he took his wife and three young children to Illinois Beach State Park, located on the Lake Michigan shoreline north of Chicago. After building sand castles and burying each other in the sand, his wife noted how the car, the children's hair, their ears, and shoes were

full of sand. The sand ended up in their home, the laundry room, etc.

"However, it wasn't sand," Camplin said. "It was asbestos contamination my family and millions of other families had experienced. And today, years later despite efforts to protect the public, our Dunesland Preservation Society research indicates that ATSDR violated its mission to serve the public by purposefully not using valid science, by not taking responsive public health actions, and by providing untrustworthy health information."

Camplin noted the cleanup of an asbestos Superfund site done years ago at the south end of the Illinois Beach State Park allowed trillions of asbestos fibers to be released from an unfiltered pipe into Lake Michigan from that time and still to this very day.

"The incompetency of this cleanup allowed large areas of asbestos-contaminated lake sediments to be dredged and dumped on and off shore at heavily visited public beaches. Then, I believe, rigged data was generated to conclude the massive asbestos contamination created was not hazardous to the millions of citizens who frequent these areas," Camplin said. "Current science discredits and invalidates all of ATSDR's past asbestos human health evaluations in Illinois, including the 'rubber stamp approval' for the Illinois Beach State Park and at hundreds of others sites throughout the nation. Yet the agency does not acknowledge this fact."

Just this week, ATSDR issued a "Health Consultation" alert which, Camplin noted, fails to warn the public about the deadly microscopic amphibole mineral fibers ATSDR found in beach sand and air. The ATSDR communication, Camplin states, invites families to a shoreline (IL State Beach) chronically contaminated with asbestos…as long as they don't touch the visible pieces of asbestos. "These pieces of asbestos gets on people, on our children, in our cars, in our homes and ultimately into our lungs," Camplin said.

During his testimony, Camplin noted several examples that caused alarm including the ATSDR questionable testing times during the year, the finding of tremolite asbestos fiber at Chicago's Oak Street beach – a fiber that devastated the town of Libby, Montana – yet ATSDR found no elevated risk to human health at this beach, and more.

"The dredging of toxic asbestos contaminated sand continues in Illinois spreading increased risk of mesothelioma cancer rates that are already elevated when compared to the national average," Camplin said. "How high must the body count get?"

Founded in 1911, the Des Plaines, IL-based ASSE is the largest and oldest professional safety society and is committed to protecting people, property and the environment. Its more than 32,000 occupational safety, health and environmental professional members lead, manage, supervise, research and consult on safety, health, transportation and environmental issues in all industries, government, labor, health care and education. For more information please go to www.asse.org.
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Addendum - Three of the major health effects associated with asbestos, from the EPA, exposure include:
Asbestosis – Asbestosis is a serious, progressive, long-term non-cancer disease of the lungs. It is caused by inhaling asbestos fibers that irritate lung tissues and cause the tissues to scar. The scarring makes it hard for oxygen to get into the blood. Symptoms of asbestosis include shortness of breath and a dry, crackling sound in the lungs while inhaling. There is no effective treatment for asbestosis.
Lung Cancer – Lung cancer causes the largest number of deaths related to asbestos exposure. People who work in the mining, milling, manufacturing of asbestos, and those who use asbestos and its products are more likely to develop lung cancer than the general population. The most common symptoms of lung cancer are coughing and a change in breathing. Other symptoms include shortness of breath, persistent chest pains, hoarseness, and anemia.
Mesothelioma – Mesothelioma is a rare form of cancer that is found in the thin lining (membrane) of the lung, chest, abdomen, and heart and almost all cases are linked to exposure to asbestos. This disease may not show up until many years after asbestos exposure. This is why great efforts are being made to prevent school children from being exposed.

EPA notes, exposure to asbestos increases your risk of developing lung disease. In general, the greater the exposure to asbestos, the greater the chance of developing harmful health effects. Disease symptoms may take several years to develop following exposure.

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ORAL TESTIMONY OF JEFFERY CAMPLIN

Good morning. I would like to thank the sub-committee members and staff for holding such an important hearing on the lax behavior and misuse of science by ATSDR/CDC leadership and staff. My name is Jeffery Camplin, and I am president of Camplin Environmental Services, Inc., a safety and environmental consulting firm based in Rosemont, Illinois. My chosen research specialty is asbestos. I have been a volunteer for the Illinois Dunesland Preservation Society since 2003, investigating why ATSDR purposefully downplays the chronic asbestos exposures of millions of Illinois citizens each year.

My story begins in 1993 when I brought my wife and three children (2-3 years old) to Illinois Beach State Park, located on the Illinois Lake Michigan shoreline north of Chicago. After building sand castles and burying each other in the sand I heard my wife exclaim, "Look in the car, it's full of sand. It's in the kids' hair, in their ears, and in their shoes… it's everywhere." Sand eventually ended up in our laundry room as well. Little did I know at the time that my wife along with millions of other families should have been saying, "Look at the asbestos contamination from the beaches. It's in our car, it's on our kids, and it's in our home."

I have been working for the last six years with Mr. Paul Kakuris, President of the Illinois Dunesland Preservation Society. Our research indicates that ATSDR has violated its mission to serve the public by purposefully not using valid science, by not taking responsive public health actions, and by providing untrustworthy health information. Specifically:

- ATSDR has become a complacent agency, choosing to produce outdated, inferior work products when they know that more valid science exists.
- When ATSDR's ethics and competence are challenged, a great wall of arrogance and denials appears from their leadership to strenuously fend off requests for accountability.
- ATSDR also takes advantage of the public's gullibility to trust in an Agency that is ethically bankrupt.

The egotistical leadership and complacent culture of this once great agency needs a total overhaul. However, that is not enough: **We are here today to demand accountability for the harm caused to public health by the inexcusable and deliberate behavior of ATSDR staff in downplaying elevated levels of toxic microscopic asbestos along the entire Illinois Lake Michigan shoreline.**

Evidence demonstrates the USEPA and the State of Illinois, along with ATSDR, bungled the cleanup of an asbestos Superfund site at the south end of Illinois Beach State Park, allowing trillions of asbestos fibers to be released from an unfiltered pipe into Lake Michigan to this very day. Their incompetency also allowed large areas of asbestos-contaminated lake sediments to be dredged and dumped on and off shore at heavily visited public beaches. Federal agencies and the State of Illinois then generated rigged data to conclude the massive asbestos contamination they created was not hazardous to the millions of citizens who frequent these

areas. Illinois is well known for nurturing a culture of public officials with less than honest and ethical behavior. Illinois officials seized upon the opportunity presented by the complacent culture at ATSDR to protect their unethically symbiotic agendas. They obtained "rubber stamped" approval of their intentionally flawed federal and state reports.

In order to conceal the unethical behavior of their staff, ATSDR will tell you that "the science is still developing" while they knowingly continue to use severely flawed and outdated asbestos risk assessment methods. What they don't tell you is that current science completely discredits and invalidates ALL of their past asbestos human health evaluations in Illinois and at hundreds of others sites throughout the nation. Yet, ATSDR stubbornly refuses to acknowledge this fact.

Just this week, ATSDR has arrogantly issued another "Health Consultation" which intentionally fails to warn the public about the deadly microscopic amphibole mineral fibers they found in beach sand and air. Instead, ATSDR's recklessly continues to invite families to a shoreline chronically contaminated with asbestos… that is as long as they don't touch the visible pieces of asbestos debris during their visit. Yet there is no recommendation to the public regarding the microscopic asbestos that get on our kids, get in our car, get in our homes, and ultimately enters our lungs. Maybe Dr. Frumkin can explain his staff's findings that deceitfully conceal this hazard from the public.

Examples of other indiscretions by ATSDR include:

1. ATSDR generated beach asbestos exposure results in 2006 that the USEPA identified as potentially harmful to human health. ATSDR dismissed the criticism by the USEPA along with our ethics violation charges and published the report stating the beaches were safe anyway.
2. In over a decade of testing, ATSDR has never performed or reviewed any air sampling data that was obtained during the hot, dry, dusty months of June through Mid-August. They intentionally test outside the beach season when the beaches are damp and cooler.
3. ATSDR found no elevated risk to human health from the rare but virulent asbestos fiber called tremolite found on Chicago's Oak Street beach. Tremolite asbestos-contamination has already devastated the town of Libby, Montana with one of the highest mesothelioma cancer rates in the nation.

The fraudulent findings of ATSDR created a welcome permission slip for the continued dredging of toxic asbestos contaminated sand in Illinois. Spreading the contaminated dredge material on the shoreline increases the risk of mesothelioma cancer rates in Lake and Cook counties along Lake Michigan that are already elevated when compared to the national average. How high must the body count get before ATSDR admits there is a problem?

In 2004, then Illinois State Senator Barrack Obama best summed up our feelings when asked by a reporter about the asbestos contamination along the Illinois shoreline: Our current President said at the time,

"We can't have our kids swimming in areas that might be contaminated with asbestos." He then stated they should consider shutting down the asbestos-contaminated shoreline.

Precautionary protections are necessary to address this continuing public health disaster and egregious violation of the public trust from getting any worse.

- The first urgent step is for ATSDR to acknowledge that their past studies are flawed.
- Next, limit the public's exposure to the asbestos-laden shoreline beaches until scientifically valid exposure assessments can be completed in an open, inclusive, and transparent manner.
- The final step is to hold all parties liable for their actions. ATSDR officials (Mark Johnson, Jim Durant, John Wheeler, and Howard Frumkin), along with State of Illinois and USEPA officials must be held accountable for their egregious and potentially criminal behavior that has resulted in millions of innocent families being unwittingly exposed to deadly amphibole asbestos fibers.

On behalf of the Illinois Dunesland Preservation Society and the citizens of Illinois, I want to thank you for this opportunity.

I will now address any questions you may have.

Illinois Dunesland Preservation Society

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House Subcommittee on Investigations & Oversight
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RE: March 12, 2009 Subcommittee Hearing on ATSDR
Illinois Dunesland's Statement on "Human Impacts of Scientific Fraud in ATSDR/CDC's Studies and Consultations"

We would like to thank the subcommittee for choosing to review these important issues. Our country needs to know, in an open and transparent manner, what ATSDR/CDC's scientific fraud translates into and how their arrogant and cavalier behavior has adversely affected humanity. The IMPACT that ATSDR/CDC's scientific fraud has on the public's health and safety has not been FORMALLY addressed by the House Subcommittee on Investigations & Oversight. Further information can be found about these concerns on our web site, http://illinoisdunesland.org/.

President Obama, his family, and millions of others have used the asbestos contaminated Illinois shoreline and believed the "experts'" announcements in the media that the beaches are safe. Therefore, shouldn't the President and the public know about the scientific fraud, those potential exposures, and how they impact their health and safety?

The City of Chicago has concealed from the International Olympic Committee that asbestos has contaminated its beaches http://www.illinoisdunesland.org/pdf/Chicago_Water_Bureau_Asbestos_Study.pdf**. Wouldn't the IOC want to know about ATSDR/CDC's scientific fraud and its potential impacts on public health, too?**

The exposure of the public to asbestos, including amphiboles, on Illinois's beaches is more than the epidemics in Libby, MT and El Dorado, CA combined. The irony is that the end purpose of ATSDR/CDC is to protect the public's health and safety. EWG (Environmental Working Group in Washington) has found Illinois's Cook and Lake counties along Lake Michigan to rank in the top ten nationally in mesothelioma deaths with no naturally occurring asbestos in the area. The deaths are substantially underestimated.

45 miles of Illinois's (and apparently Indiana's) shoreline on Lake Michigan have been impacted by ATSDR/CDC's misconduct. ATSDR/CDC has continued to cover up the asbestos contamination through conflicts of interest, willful scientific fraud, manipulation of their studies, and through their consultation to other agencies. The manifestation of this behavior impacts the health and safety of millions of people who visit all the asbestos-contaminated beaches in Illinois (and Indiana) and have been exposed to inhaling airborne, microscopic asbestos.

The subcommittee should formally investigate the manifestations on the public health, the intent, and motivations of ATSDR/CDC's "cooked" reports on asbestos. ATSDR/CDC shares

responsibility in the contamination of the entire Illinois/Indiana shoreline because of the agencies' apparent scientific fraud and manipulation of their testing protocols, reports, and consultations. Millions of unwitting beach users are exposed to inhaling invisible, airborne asbestos - including amphiboles. These massive exposures to asbestos affect many millions of people in Illinois and Indiana.

The seriousness of ATSDR/CDC's misbehavior and the resulting exposure of all the people of Illinois/Indiana and the tourists who visit these beaches are incalculable. The agency knowingly allowed their corrupt science and immoral conduct to manifest the deadly results. They failed to protect the public health/safety and the environment which is their responsibility.

John Villarreal lived in one of the coastal towns and walked the beaches several times a month. At 38 years old, he discovered he had mesothelioma and died within two or three years. His only known exposure to asbestos was on the beaches he loved to walk. His case is one of many non-occupational deaths due to asbestos.

Some of the examples of the way ATSDR/CDC "conducted" or "consulted," including activity-based testing are:

- **Turning cassette testing units backwards to collect less asbestos**
- **Placing a weather station near a building to block the true wind velocity during a test; when it is too windy, test results are then further skewed**
- **Removing testing samples from a study, thereby eliminating their impact**
- **Extensive conflict of interest between ATSDR/CDC and USEPA; officials would change "hats" and review each others' work (See 2007 & 2008 Inspector General complaints that will be posted on our web site this month.)**
- **ATSDR/CDC stood by while state agencies only warned the public about chunks of asbestos (RACM) on a fraction of the contaminated beaches while having full knowledge that millions of people were being exposed to inhaling these deadly, invisible fibers when they visited all the beaches and then disturbed the sand. In response to this void, Dunesland's consultant, Jeffery C. Camplin, produced an Asbestos Tips Flyer http://asbestosbeach.com/uploads/IBSP_Asbestos_Flyer_final_version_9-3-04.pdf, warning of airborne asbestos and safety tips to protect the public. The state refused to place the flyer in the information display racks at the state park. Dunesland filed a First Amendment lawsuit http://illinoisdunesland.org/Asbestos2.html in federal court.**

It is unconscionable that ATSDR/CDC had years of involvement in lulling other agencies and the citizens of Illinois/Indiana into an apparent false sense of security with their willfully "rigged" science which facilitated millions of people on all Illinois (and apparently Indiana) beaches into being exposed to inhalation of deadly, invisible asbestos fibers, including amphiboles. The resulting contamination has spread over the entire Illinois/Indiana shoreline. ATSDR/CDC and its officials should be held accountable for their actions and the expenditure of millions of tax dollars while willfully carrying out their scientific fraud and ignoring the responsibilities which the agency and officials were charged to perform.

Because of the life-threatening risks to the public health and the growing epidemic of asbestos contamination, we request that the subcommittee hold additional hearings to investigate how ATSDR/CDC's fraudulent practices impact public health and the environment. Further review of the agencies' intent and motivations in committing such practices is imperative. It appears that they have become a puppet of special interests.

Sincerely,

Paul A. Kakuris

TODAY'S
Aggregate & Mining Solutions
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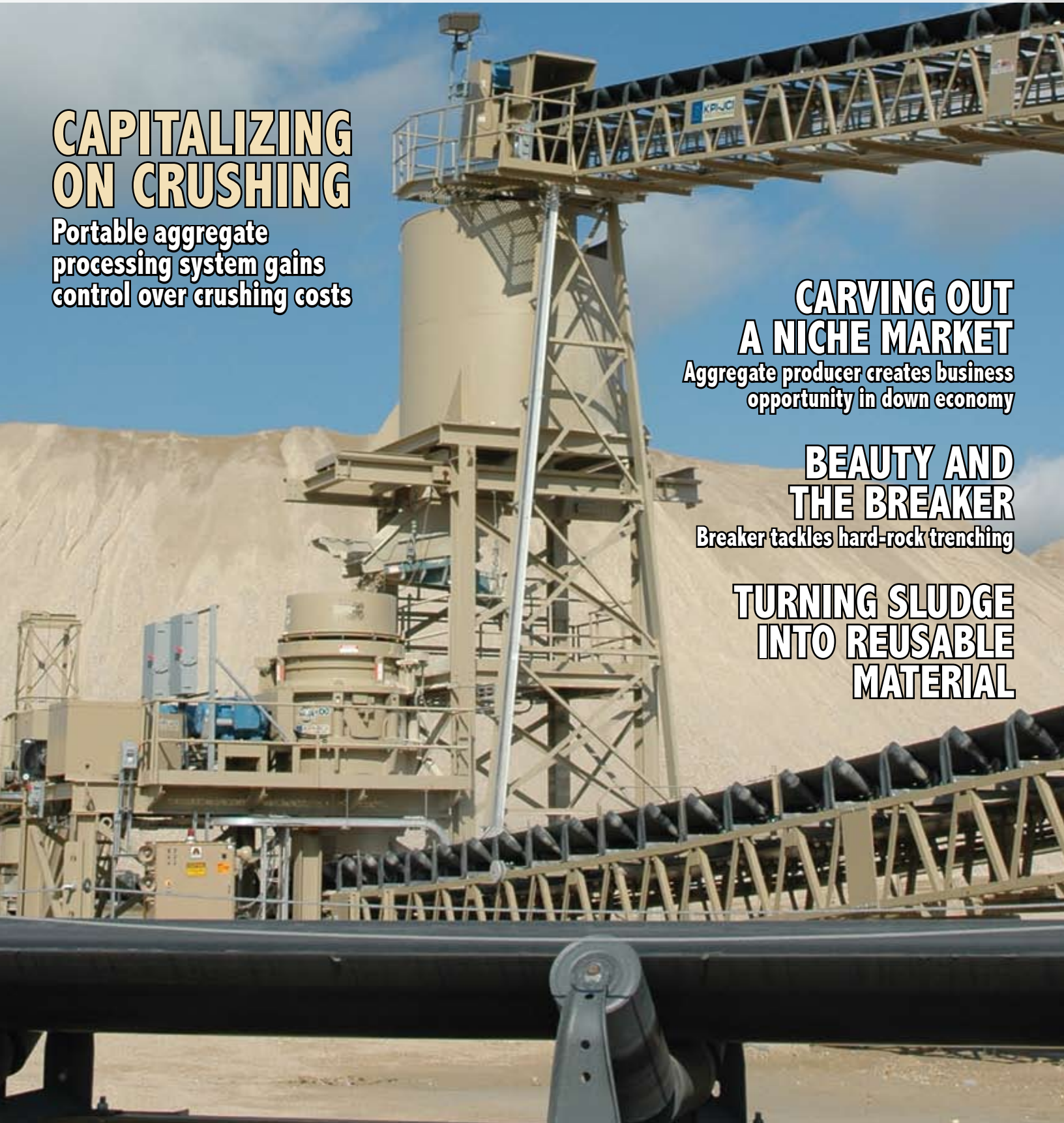

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Naturally Occurring Asbestos: Controversy Relating to "Risk Fiber"

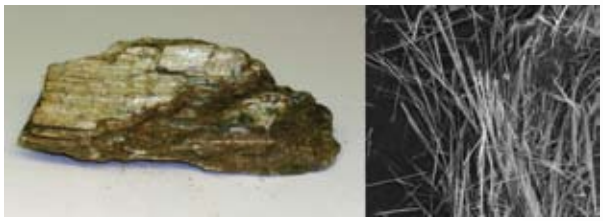
Asbestos has been a highly visible regulatory issue in the mining and aggregate industries for over 3 decades. During the mid- to late-20th century, many advances were made in the scientific understanding of worker health effects from exposure to asbestos fibers. Research indicates that other elongated mineral particles (EMPs) or fibers have characteristics similar to asbestos: when inhaled they can cause serious diseases in exposed workers. There are many additional questions and areas of confusion and scientific uncertainty that still remain concerning the unintentional disturbance of asbestos during aggregate and mining operations. For instance, due to the mineralogical complexity of the asbestos minerals, the scientific literature contains various inconsistencies in the definition and application of the term asbestos for health protection guidance and regulatory purposes in the aggregate and mining industry. What is needed is a more scientifically supported definition of a "risk fiber" to better protect the aggregate and mining industry, as well as public health.

DEFINING EMERGING ISSUES WITH ASBESTOS IN MINING

There are no operating asbestos mines in the United States, although a few operating mines currently have asbestos in the ore; so asbestos continues to be an issue in the aggregate and mining industry. Some of the issues pertaining to asbestos in mining include: 1) a recently reduced worker permissible exposure limit to asbestos fibers; 2) proposed research agenda designed to expand the definition of regulated asbestos; 3) the identification of the "risk fiber;" 4) proposed federal legislation banning asbestos-contamination in sand, gravel, stone, and mining industries; and, 5) regulatory enforcement against mining executives for "knowingly" exposing workers to asbestos fibers. All of these issues struggle to address the unintentional disturbance of naturally-occurring asbestos and other toxic minerals fibers during aggregate and mining operations.

MSHA REDUCES ASBESTOS EXPOSURES

Knowledge of health risks associated with asbestos has taken a strange twist over the last decade. The term asbestos is a generic designation referring usually to six types of naturally occurring mineral fibers that are or have been commercially exploited. These fibers belong to two mineral groups: serpentines and amphiboles. The serpentine group contains a single asbestiform variety: chrysotile; five asbestiform varieties of amphiboles are known: anthophyllite asbestos, grunerite asbestos (amosite), riebeckite asbestos (crocidolite), tremolite asbestos, and actinolite asbestos (Virta, 2002). Asbestos was found to cause health-related problems with work related to airborne exposures during their mining, manufacturing, and construction.



Asbestiform tremolite, El Dorado County, California, seen in hand sample (left) and scanning electron micrograph (right). (USGS photo).

Jeff Camplin testifying at a Congressional Investigative Subcommittee in March, 2009, on the government's failure to accurately identify "risk fibers" when conducting risk assessments of asbestos-contaminated soils. (Photo from the U.S. House of Representatives).

Current scientific data indicates that the asbestos permissible exposure limit (PEL) was not sufficient to be protective of miners' health. The Mine Safety and Health Administration's (MSHA) initial asbestos regulations date to 1967 and are based on the Bureau of Mines (MSHA's predecessor) standard of 5 million particles per cubic foot of air (mppcf). Other Federal agencies have addressed this issue by lowering their asbestos PEL. For example, the Occupational Safety and Health Administration (OSHA), working in conjunction with the Environmental Protection Agency (EPA), enacted a revised asbestos standard in 1994 that lowered the permissible exposure limit to an 8-hour, time-weighted average of 0.1 fiber per cubic centimeter (f/cc) of air and the excursion limit to 1.0 f/cc of air as averaged over a 30-minute sampling period. MSHA adopted these more protective exposure standards in 2007.

NEW ASBESTOS RESEARCH PROPOSED

Current definitions and analytical protocols for addressing worker exposure to asbestos by NIOSH, EPA, MSHA, and OSHA are not defensible as protective of human health based upon current science. The current definitions of asbestos in regulations and analytical protocols include many fibers and minerals that are not toxic and omit fibers and minerals that are toxic. This is a great concern for those who protect

workers' safety and health. The National Institute for Occupational Safety and Health (NIOSH) is the Federal agency responsible for conducting research and making recommendations for the prevention of worker injury and illness is undertaking a reappraisal of how to ensure optimal protection of workers from exposure to asbestos fibers and other EMPs. As a first step in this effort, NIOSH convened an internal work group to develop a framework for future scientific research and policy development.

STAKEHOLDERS FOCUS ON "RISK FIBERS"

Both the American Society of Safety Engineers (ASSE) and the National Stone, Sand & Gravel Association (NSSGA) made comments to NIOSH concerning the definition of what kind of fibers are included in the evaluation of worker exposures to asbestos. As mentioned above, the current definitions of asbestos in regulations and analytical protocols count many fibers and minerals that are not toxic to health while omitting fibers and minerals that are or may be toxic. Specific issues that require attention by new research are the comprehensive examination of mineralogical, chemical, and physical properties of the asbestos minerals involved in the published epidemiological or medical case studies that will result in the identification of a "risk fiber." Once this definition of what fibers constitute a risk to workers is clarified, there can be new and revised sampling and analytical methods developed that are designed specifically to identify those toxic properties in bulk and air samples which affect human health. Worker risk cannot be accurately assessed until research defines what type and size fibers present a risk to human health.

AMPHIBOLE ASBESTOS CONCERNS

Asbestos regulations of the EPA, MSHA, and OSHA do not differentiate between the various types of asbestos minerals. New research indicates that the amphibole mineral could be hundreds of times more toxic than previously thought. However, regulatory agencies treat all asbestos fibers equally in potency and significantly under-estimate the health risk to workers when fibrous amphiboles are present. To complicate matters, only five of nearly 90 amphibole minerals are regulated. NIOSH is proposing research into other unregulated mineral fibers (specifically amphiboles) which may also pose an unreasonable risk to worker health.

The regulated "airborne asbestos fibers" definition does not explicitly encompass other asbestiform amphiboles or other fibrous minerals that have been associated with health effects similar to those caused by asbestos. But the definition does include several non-asbestiform minerals, which further complicates the relationship between regulatory compliance and true worker protection. Again, the issue still revolves around defining the "risk fiber." The aggregate and mining industry must pay attention to the emerging research on the toxicity of these "other" fibrous minerals and a revised definition of "asbestos."

PROPOSED ASBESTOS LEGISLATION

A bill is pending in the U.S. House of Representatives (already approved by the Senate in 2007) titled the "Ban Asbestos in America Act of 2007." The proposed asbestos ban seeks to eliminate a large category of remaining asbestos-containing materials that are still legal to use in the U.S.: non-friable asbestos product (which contains a binder or hardening agent). The vast majority of these products include asbestos flooring, roofing, and cement products. The proposed legislation also seeks to redefine RACM (Regulated Asbestos-Containing Material) from containing greater than 1 percent asbestos to containing 0.25 percent or greater concentrations of asbestos. Additionally, the legislation seeks to impact the aggregate and mining industry by including materials unintentionally contaminated with asbestos, including sand, gravel, stone, and other mining operations. According to Jeff Camplin, asbestos "contamination" should not be regulated until there is better clarification of the risk fiber.

REGULATING CONTAMINATION WITHOUT REGULATIONS

As mentioned above, defining asbestos contamination is being considered in new federal legislation. However, the U.S. Department of Justice indicted the company W.R. Grace and five former managers charging them with knowingly exposing workers and the community of Libby, Montana, to asbestos and related diseases. W.R. Grace operated a vermiculite mine and mill in Libby from 1963 until 1990 that was found to be contaminated with asbestos and other toxic amphibole fibers. In May, 2009, Judge Molloy and a federal jury acquitted W.R. Grace and its managers of all charges, dealing the EPA a huge blow in attempting to regulate unregulated asbestos contamination. The acquittal followed a $250,000,000 settlement in 2008 between W.R. Grace and the EPA for clean-up of asbestos contamination at the mine site and town of Libby, Montana. The settlement was the result of the lawsuit filed by the EPA against W.R. Grace in March 2001 to recover its investigation and cleanup costs under the Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA), commonly known as the "Superfund" law.

The trend towards regulating and legislating inadvertent "asbestos contamination" in commercial products is just beginning. Those in the aggregate and mining industry should pay close attention to federal and state legislation aimed at defining contamination. Any new definitions of the terms "asbestos fibers" and "asbestos contamination" should be supported by sound science aimed at identifying the "risk fiber." ■

WANT MORE?

Jeffery C. Camplin, CSP, CPEA, is president of Camplin Environmental Services, Inc. He has taught EPA asbestos abatement training courses for over 20 years. Jeff is an internationally recognized author and speaker on asbestos safety and health risks. He co-authored the comments on the NIOSH Asbestos Roadmap on behalf of the American Society of Safety Engineers. Jeff can be contacted at mundycamp@aol.com.

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VOLUME 8 • NUMBER 3

Congress Investigating ATSDR

Is ATSDR becoming a complacent agency, choosing to produce outdated, inferior work products?

BY **JEFFERY C. CAMPLIN,** CSP, CPEA

On March 12, 2009, Environmental Practice Specialty (EPS) member and past EPS administrator Jeffery C. Camplin provided testimony to the Investigations and Oversight Subcommittee of the House Committee on Science and Technology, which convened a hearing to examine the Agency for Toxic Substances and Disease Registry (ATSDR) (http://science.house.gov/Publications/hearings_markups_details.aspx?NewsID=2376).

Protecting the public's health from potential exposures to toxic substances is not an easy task. It can be scientifically challenging, time-consuming and resource-intensive.

The investigative subcommittee examined ongoing problems at ATSDR, including specific cases where local community members, scientists and physicians criticized the agency's scientific methods, conclusions and lack of follow-up actions. The hearing consisted of three panels and eight witnesses,

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including Dr. Howard Frumkin, ATSDR Director. Individuals who have either worked for or with the agency in the past, including the former ATSDR ombudsman, provided their insight into the cause of systematic problems at the nation's public health agency and potential remedies.

Camplin's testimony at the hearing explored why ATSDR has refused to change portions of a health report, described by EPA as "questionable" and "misleading," regarding asbestos contamination on several beaches on the Illinois Lake Michigan shoreline. A medical expert at the hearing also claimed that ATSDR has refused to acknowledge a link between environmental contamination and a cancer cluster in Pennsylvania despite persuasive evidence.

In addition, a British scientist described the flawed methods ATSDR used to investigate depleted uranium (DU) exposures among residents in Colonie, NY, and how he and colleagues succeeded in discovering DU exposures among 20% of the resident population they tested there. A resident from Midlothian, TX, known as the cement capital of the world, also explained how and why he and the local community have lost faith in ATSDR's ability to independently and scientifically investigate the health problems that the town's population, particularly its children and animals, have suffered from what they believe have been caused by 1 billion pounds of toxic emissions the town's industries have unleashed into the environment since 1990.

Background

In 1980, Congress created ATSDR through the enactment of the Comprehensive Environmental Response, Compensation and Liability Act of 1980 (CERCLA) (Public Law 96-510), commonly referred to as "Superfund." CERCLA authorized EPA to clean up nationally identified toxic waste (Superfund) sites and Section 104(i) required the Department of Health and Human Services' (DHHS) Public Health Service to establish a new agency to carry out health-related activities at these waste sites. Thus, ATSDR was created to help determine the potential human health consequences of releases of toxic chemicals at these sites. Although ATSDR was created with the best of intentions, it had a difficult beginning and has struggled ever since.

Past Investigations

ATSDR studies have had problems for more than two decades. When the U.S. Government Accountability Office (GAO) reviewed the quality and usefulness of ATSDR's health assessments in 1991, it found that the initial mandate assessments "were seriously deficient overall." Although follow-up assessments were improved over the earlier assessments, GAO's expert reviewers "continued to find deficiencies in evidence or analysis,

Camplin's Testimony: A Summary

The purpose of the House hearing was to examine problems with the way ATSDR has developed public health reports in the past. Congress is investigating possible egregious mistakes on the part of ATSDR and its failure to identify the threat of asbestos in the Illinois Beach State Park public health announcement, released in 2000. This may be a prime example of ATSDR's dysfunctional scientific process, according to the committee. Camplin, an active ASSE member and past ASSE Environmental Practice Specialty administrator, is concerned that the public's health is at continued risk due to ASTDR.

"We are here today to demand accountability for the harm caused to public health by the inexcusable and deliberate behavior of ATSDR staff in downplaying elevated levels of toxic microscopic asbestos along the entire Illinois Lake Michigan shoreline," Camplin said. "I am concerned about the lax behavior and misuse of science by ATSDR/CDC leadership and staff. I have been a volunteer for the Illinois Dunesland Preservation Society investigating why ATSDR purposefully downplays the chronic asbestos exposures by millions of Illinois citizens each year."

Camplin began his testimony by noting that in 1993, he took his wife and three children (2-3 years old at the time) to Illinois Beach State Park, located on the Lake Michigan shoreline north of Chicago. After building sand castles and burying each other in the sand, his wife noted how the car, the children's hair, their ears and shoes were full of sand. The sand ended up in their home, laundry room, etc.

"However, it was not sand," Camplin said. "It was asbestos contamination my family and millions of other families had experienced. And today, years later despite efforts to protect the public, our Dunesland Preservation Society research indicates that ATSDR violated its mission to serve the public by purposefully not using valid science, by not taking responsive public health actions and by providing untrustworthy health information."

such as unsupported conclusions." GAO concluded that ATSDR needed to improve its quality controls and to establish "some independent peer review." It found that ATSDR should involve local communities more in developing assessments.

The GAO panel also found that the reviewed reports contained "1) inadequate descriptions or analyses of health risks; 2) failures to indicate whether communities had been exposed to contaminants; 3) overly general recommendations; and 4) inattention to the sufficiency of data." One of the GAO panel members said that "regardless of the wide diversity of sites that we studied, [the assessments] come up with the same conclusion: that there is a potential problem." Out of the 951 initial assessments ATSDR conducted, it found just 13 sites as posing a "significant health risk."

Recent Investigations on Formaldehyde in FEMA Trailers

Last April, the Subcommittee on Investigations and Oversight held a hearing on ATSDR. The hearing examined how the agency produced a scientifically flawed and misleading health consultation on the health hazards of potential formaldehyde exposures by survivors of Hurricanes Katrina and Rita living in travel trailers provided by Federal Emergency Management Agency (FEMA).

Last September, the subcommittee issued a detailed staff report on the investigation, which found that "the leadership of ATSDR obfuscated their role in reviewing and approving the February 2007 health consultation and attempted to abdicate their own responsibility for the agency's fundamental failure to protect the public's health. Most disturbingly, as the agency's troubled response to the formaldehyde fiasco unraveled, the leadership of ATSDR attempted to shift blame for the inappropriate handling of the incident to others, primarily [whistleblower Dr. Chris] De Rosa and his staff."

Unfortunately, the poor scientific integrity of ATSDR's formaldehyde health consultation and the weak leadership at the agency that permitted the production of this misleading report, that went uncorrected for so long, keeping the public in harm's way for a year longer than necessary, was not an isolated incident.

Basis of March 2009 Subcommittee Hearing

Investigating environmental public health issues is a difficult and daunting task and the past problems GAO identified have not disappeared. Reviews of the FEMA trailer health consultation on formaldehyde, as well as other health reports from ATSDR, appear to suggest the agency has never recovered from the initial problems that overshadowed its birth. Internally, many ATSDR employees have told the subcommittee over the past year that the agency lacks appropriate quality controls, it conducts inadequate analyses of health risks to local com-

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Camplin noted the cleanup of an asbestos Superfund site conducted years ago at the south end of Illinois Beach State Park allowed trillions of asbestos fibers to be released from an unfiltered pipe into Lake Michigan from that time and still to this very day.

(From left): Chairman Brad Miller and Jeff Camplin

"The incompetency of this cleanup allowed large areas of asbestos-contaminated lake sediments to be dredged and dumped on and off shore at heavily visited public beaches. Then, I believe, rigged data was generated to conclude the massive asbestos contamination created was not hazardous to the millions of citizens who frequent these areas," Camplin said. Current science discredits and invalidates all of ATSDR's past asbestos human health evaluations in Illinois, including the "rubber stamp approval" for the Illinois Beach State Park and at hundreds of others sites throughout the nation, Camplin stated.

"Yet the agency does not acknowledge this fact," he noted.

ATSDR issued a "Health Consultation" alert, which, Camplin noted, fails to warn the public about the deadly microscopic amphibole mineral fibers ATSDR found in beach sand and air. The ATSDR communication, Camplin stated, invites families to a shoreline (IL State Beach) chronically contaminated with asbestos, as long as they do not touch the visible pieces of asbestos. "These pieces of asbestos get on people, on our children, in our cars, in our homes and ultimately into our lungs," Camplin said.

The committee's next step is to look at remedies that may help ensure ATSDR issues public health documents in the future based on sound science and valid investigations that thoroughly address the concerns of citizens worried about possible health effects from potential exposures to environmental contaminants.

During his testimony, Camplin noted several examples that caused alarm, including ATSDR's questionable testing times during the year and the finding of tremolite asbestos fiber at Chicago's Oak Street beach, yet ATSDR found no elevated risk to human health at this beach and more.

"The dredging of toxic asbestos-contaminated sand continues in Illinois; spreading increased risk of mesothelioma cancer rates that are already elevated when compared to the national average," Camplin said. "How high must the body count get?"

Camplin listed precautionary protections in his testimony, including limiting the public's exposure now to the asbestos-laden shoreline beaches until scientifically valid exposure assessments can be completed in an open and transparent manner.

Testimony of Problems with ATSDR

DU Contamination in Colonie, NY

Professor Randall R. Parrish, Ph.D., is the head of the British Geologic Survey's Natural Environment Research Council's (NERC) Isotope Geoscience Laboratories in Nottingham, England and Professor of Isotope Geology at the University of Leicester. In 2007, he was the lead author of a peer-reviewed journal article that investigated DU inhalation exposures in Colonie, NY, home to National Lead, Inc., which produced depleted uranium for U.S. military munitions from 1958 to 1984, when the site was closed due to violations of environmental emission standards.

In 2006, the federal government completed a $190 million cleanup of the site. A 2004 ATSDR health consultation found that past emissions from the site "could have increased the risk of health effects—especially kidney disease—for people living near the plant" and found that "the combination of inhaling DU dust and cigarette smoke could have increased the risk of lung cancer." But because the plant had ceased operating, ATSDR concluded that "no apparent public health hazard" existed. In addition, it rejected a request to conduct a health survey because it would not "answer the community's questions about whether or not the plant impacted their health."

However, in 2007, Professor Parrish and researchers at the University of Albany—using a newly developed method—detected DU exposures in 100% of the former workers at the site they tested and in 20% of the residents they tested, in addition to DU in the soil found miles away from the site. Parrish's paper reported that the "ATSDR health consultation concluded that further investigations were unjustified because it would be impossible to determine the incidence of DU contamination after such a long period of time since the inhalation hazard no longer existed." But Parrish's paper showed it was possible and the authors recommended that ATSDR conduct a follow-up study with a larger group of nearby residents to access their "potential health outcomes."

Although ATSDR's mission statement says it "serves the public by using the best science," scientists at ATSDR told subcommittee staff that they are unswayed by Parrish's findings and say they do not see a need to reexamine Colonie, NY, residents for potential DU exposures. They say that the amount of depleted uranium detected in the residents was so small that it would not result in any health hazard, thereby confirming the conclusions of their earlier health consultation. Parrish says this argument does not take into account what these individuals were exposed to in the past. He says that with further analysis of his work, scientists can attempt to calculate the cumulative exposures of individuals to help determine what their exposures were in the past and what the health risk to them might be today.

Vieques Island, Puerto Rico

For years, ATSDR has investigated potential environmental hazards on and off the coast of the island of Vieques in Puerto Rico. The U.S. Navy engaged in live bombing practice activities on and off the coast of Vieques from 1941 to 2003, spreading munitions containing DU and other toxic chemicals into the sea and local ecosystem. In November 2003, ATSDR issued a summary of its work on the island. "Residents of Vieques have not been exposed to harmful levels of chemicals resulting from Navy training activities at the former Live Impact Area," ATSDR concluded. "It is safe to eat seafood from the coastal waters and near-shore lands on Vieques," they said.

Many independent scientists and health experts question those findings. Professor James Porter, Associate Dean at the Odum School of Ecology, University of Georgia, found that unexploded munitions from the U.S. Navy around the island were, in fact, leaking toxic cancer-causing substances into the ocean, endangering sea life. Porter found that sea urchins and "feather duster worms" closest to unexploded bombs or bomb fragments off the coast of Vieques had high toxic levels.

Porter cautioned that he performed a "point-source study," meaning he took measurements close to the residual bomb materials and that ATSDR has performed "broad-spectrum" tests that measure toxic chemicals in a much wider arena. That explains the discrepancies in what Professor Porter found and what ATSDR discovered. Although Professor Porter cautioned that it is still unclear what sort of impact these toxins have had on the dinner plate, some studies have shown that residents on Vieques Island have a 23% higher cancer rate than those on the main island of Puerto Rico. Other studies have found that plants on the island have high concentrations of lead, mercury, cadmium, uranium, cobalt, manganese and aluminum. Vieques residents question the integrity of the studies conducted by ATSDR, as do many Puerto Rican and other independent scientists.

Kelly Air Force Base, San Antonio, TX

Issuing public health documents that fail to include relevant information are based on incomplete or deficient investigations or omit critical public health data can contribute to the environmental exposure of the public. In 1999, an ATSDR report that examined cancer incidence around the Kelly Air Force Base in San Antonio, TX, found increased levels of liver and kidney cancer as well as leukemia. However, none of ATSDR's studies on the former Air Force Base linked the illnesses to the toxins from the base that have leached into these neighborhoods.

In a critique of ATSDR's report, Dr. Katherine Squibb, a toxicologist at the University of Maryland, found that the agency's conclusions were based on minimal information. Some Air Force studies ATSDR relied on for its conclusions failed to measure important exposure pathways and ATSDR failed to conduct an adequate assessment of whether or not some chemicals migrated off-base. "It is questionable as to

whether ATSDR's conclusion that no public exposure to contaminants occurred through the domestic use of groundwater in the past is correct," wrote Squibb.

In a 2002 critique of another ATSDR report on the Kelly Air Force Base, Squibb found that ATSDR did not evaluate cumulative risks of exposure for certain chemicals. She also told a local reporter that ATSDR examined health risks from exposure to soil from a part of the base only after the site had been cleaned up and remediated. "It does not appear that ATSDR has considered health risks associated with soil that migrated from this site prior to remediation," said Squibb. Seven years after Squibb's comments, the issues of offsite contamination at Kelly Air Force Base were still swirling around the local community. "I do not know much about science," one local resident said, "but there are 13 homes on this block and 11 of those families have had someone die from cancer. That is what is bothering me," he said. "Where did that come from?"

Trichloroethylene Groundwater Contamination in Elkhart, IN

In March 2009, ATSDR released a draft Public Health Assessment (PHA) on groundwater contamination from trichloroethylene (TCE) and other chemicals at what is known as the Lusher Avenue Site in Elkhart, IN. Contamination in the area has stretched back to the mid-1980s and last year, EPA designated it a Superfund site and placed it on the National Priorities List (NPL). Potential sources of environmental pollution in the area include a rail yard, pharmaceutical manufacturer, plastic and metal fabrication plants and a musical instrument fabrication facility. The area has a population of 2,597 people, including 286 children age 6 or younger.

In 1989, EPA established a drinking water standard or Maximum Contaminant Level (MCL) for TCE of 5 parts-per-billion (5 ppb). Municipal water systems are required to test water for TCE concentrations every 3 months. If any levels exceed the MCL, they are required to notify the public via newspapers, radio, TV networks and other means and to provide alternative drinking water supplies to the public. In the past, TCE contamination in the drinking water systems in Lusher were discovered in many of the several hundred private wells in the area. Residents were provided with alternative water supplies or filtration systems were installed. A new round of sampling in 2005 and 2006 found some wells had TCE levels of up to 700 ppb, exposing an estimated 200 people to these contaminants.

ATSDR's health assessment concluded that "most adverse health outcomes are not anticipated at Lusher because the TCE concentration in most private wells is less than 100 ppb." However, ATSDR's own 1997 toxicological profile on trichloroethylene cites several studies showing associations between exposures to much lower levels of TCE exposure and health effects, such as neural tube defects. In addition, it cites another study of residents in Tucson, AZ who were exposed to TCE levels between 6 and 239 ppb. The study found that the children of mothers who lived in this area in their first trimester of pregnancy were 2½ times more likely to develop congenital heart defects than children of mothers not exposed to TCE during pregnancy. Yet, the ATSDR health assessment says that there have been exposures at the Lusher site as high as 700 ppb. "However, most TCE exposures at Lusher were and are less than 100 ppb and indicate little to no risk for heart defects in newborns."

ATSDR's assessment says, "People drinking well water, which contains TCE at levels greater than 300 ppb, have an increased risk of developing cancer." It bases this assertion on another ATSDR study that examined a cancer cluster in Woburn, MA, in 1986 and found that there were more than twice as many childhood cases of leukemia as expected while the TCE contamination in the water was only 267 ppb. How ATSDR now justifies asserting that there is no increased risk of cancer below 300 ppb or that there is no risk of heart defects in newborns from the exposures in Lusher appears to be scientifically unfounded and misleading.

The Public Health Assessment also failed to mention a 1994 study cited in ATSDR's own toxicological profile of trichloroethylene. The study found that in a review of 1.5 million residents in 75 towns monitored for TCE levels between 1979 and 1987, females exposed to drinking water in excess of the EPA maximum contaminant level (MCL) of 5 ppb had a significant elevation of total leukemias, including childhood leukemias, acute leukemias and non-Hodgkin's lymphoma.

ATSDR's report also failed to mention that a 1996 study by the Massachusetts Department of Health found that the risk of leukemia in the group of Woburn, MA, women exposed to TCE in utero was 8 times higher than a control group. While none of these studies in and of themselves are conclusive evidence of clear links between TCE exposures and these specific health problems, they are part of the scientific public health record on these issues. Omitting them from a public health document that is trying to assess the public health threats from TCE to the community in and around the Lusher site appears shortsighted and scientifically misleading.

In the end, ATSDR's conclusions on the Lusher site seem fuzzy at best. Inconsistencies in other ATSDR reports have been a long-standing frustration by both local communities and other federal agencies, particularly EPA. In its conclusions on the Lusher site, ATSDR wrote, "ATSDR categorizes the site as a past public health hazard. Due to uncertainties concerning sources, continuing migration of contaminants and private well use, the site could pose a future public health hazard. Currently, exposure has been mitigated or lessened through provision of alternate water and filter systems for private well users with contaminated water. However, there may be private wells that still need to be tested." Until ATSDR begins to focus on the scientific integrity and basic clarity of its public health documents with renewed energy, care and focus, the agency will continue to be mired down. ✪

Congress Investigating ATSDR

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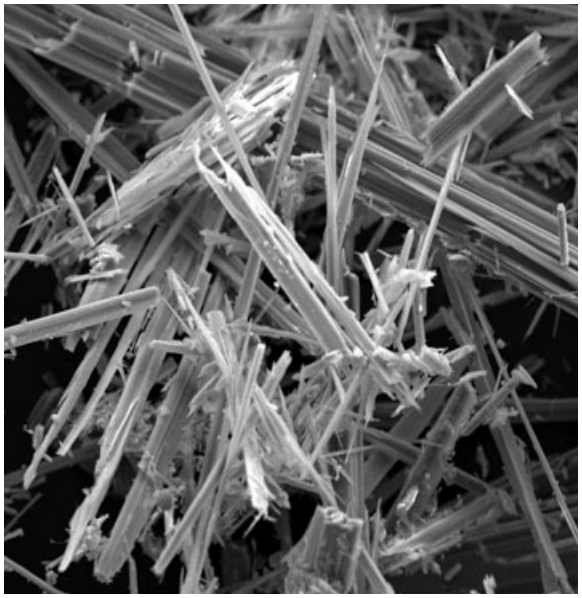
munities and they often do not collect and analyze the most relevant and revealing data about potential environmental health hazards.

Local communities expect state or federal public health agencies to identify the cause of their specific health concerns, provide medical or other support and eradicate the environmental hazard. In some cases, it is difficult to establish a definitive link between specific toxic exposures and health problems. In other cases, it may be difficult to quantify an actual health problem and in some instances, the scientific evidence may not identify any problem let alone the specific cause of a health problem. However, in many cases, ATSDR seems to get the science wrong, ignores community complaints or both.

Asbestos Beach: Illinois State Beach Park & the Illinois Lake Michigan Shoreline

Camplin testified at the March subcommittee hearing. He has been a volunteer technical consultant to the Dunesland Preservation Society in Illinois since 2003 where he has been investigating asbestos contamination on the Illinois shoreline of Lake Michigan. He has filed several complaints with ATSDR regarding the inadequacies of their studies of asbestos contamination at the Illinois State Beach Park in the northeast corner of Illinois where there has been a long history of asbestos-containing materials and fibers washing up on the shoreline of Lake Michigan for more than a decade.

The Johns-Manville Corp. built a large plant on the shore of Lake Michigan that produced insulation products containing asbestos beginning in the 1920s. The plant, which included a 150-acre asbestos disposal area containing approximately 3 million cubic yards of asbestos-containing waste, was declared a Superfund site in 1983 and ceased operations in 1998. The asbestos disposal area was covered with soil to prevent its spread, but since then seven areas with asbestos-containing material from the plant were discovered offsite. Around the same time as the plant's closure, asbestos debris began washing up along the shoreline at the Illinois Beach State Park, the state's most popular park with 2 to 3 million visitors per year.



In the summer of 2006, ATSDR used grading equipment to churn up the sand and air filters to capture and measure any potential asbestos fibers. The tests discovered fibers of amphibole asbestos, the most toxic kind of asbestos.

In May 2000, the Illinois Department of Public Health, under a cooperative agreement with ATSDR, released a public health assessment regarding asbestos contamination at the state park. The report found that asbestos-containing material had been found scattered along the beach at the park and that material containing "low asbestos levels" had been discovered, but not at levels that would be expected to cause adverse health effects in park workers or visitors. The report concluded that "no apparent public health hazard exists related to asbestos contamination at Illinois Beach State Park."

However, the discovery of asbestos material on the public beach at the state park never ceased. In March 2006, portions of the state park were cleared of asbestos. In the summer of 2006, ATSDR used grading equipment to churn up the sand and air filters to capture and measure any potential asbestos fibers. The tests discovered fibers of amphibole asbestos, the most toxic kind of asbestos.

In 2007, ATSDR wrote a draft health consultation based on its findings, which said no health hazard existed from the asbestos. In April 2007, local EPA officials submitted written comments of the report to ATSDR. The letter, written by Brad Bradley, EPA's remedial project manager in the agency's Region 5 section and EPA's lead asbestos expert covering Illinois, Indiana, Michigan, Minnesota, Ohio and Wisconsin, was addressed to Mark Johnson, ATSDR's regional representative in Chicago, on behalf of the entire EPA Region 5 staff. The letter identified 13 items they believed needed clarification or correction—many of which were not subtle editorial fixes but significant issues revolving around safety and health issues and the scientific integrity of the ATSDR report.

The letter said many of ATSDR's statements were "misleading," "questionable," and contained "inconsistencies." "The paragraph on page 12, which states that 'Based on the bulk analysis of sand samples collected, the sand in [and] of itself does not appear to pose a significant source of asbestos fibers' is a little misleading," wrote Bradley. "The air samples near the beach grading equipment were significantly elevated; therefore, this would indicate that there might be a problem with this statement," he wrote. The final ATSDR health consultation read, "Based on the bulk analysis of sand samples collected, the sand does not appear to pose a significant source of asbestos fibers." The public health agency ignored EPA's concerns about the public's health.

Camplin Testimony

Camplin testified that ATSDR has violated its mission to serve the public by purposefully not using valid science, by not taking responsive public health actions and by providing untrustworthy health information.

Specifically, he found that:

•ATSDR has become a complacent agency, choosing to produce outdated, inferior work products when it knows that more valid science exists.

•When ATSDR's ethics and competence are challenged, a great wall of arrogance and denials appears from their leadership to fend off requests for accountability.

•ATSDR also takes advantage of the public's gullibility to trust in an agency that is ethically bankrupt.

Camplin concluded by stating, "The egotistical leadership and complacent culture of this once great agency needs a total overhaul." ATSDR Administrator Dr. Howard Frumkin illustrated the claims of arrogance made by Camplin when testifying to the subcommittee when he stated, "I am proud of the excellent work we do at hundreds of sites nationally. I recognize that even excellent work has room for improvement."

Investigative Subcommittee's Conclusion

Protecting the public's health from potential exposures to toxic substances is not an easy task. It can be scientifically challenging, time-consuming and resource-intensive. Subcommittee staff suggests that legislative fixes may be necessary to address longstanding structural, procedural and technical issues that appear to have hampered ATSDR's effectiveness and have harmed the communities it is supposed to protect. More than anything, it is apparent that no fundamental changes will occur until the nearly thousand employees at the National Center for Environmental Health and ATSDR, most of whom are truly dedicated and committed to protecting the public's health, have leadership that they can follow. The longer ATSDR continues to pursue its role in protecting the public's health as it has for the past three decades, issuing deeply flawed scientific reports, not responding to the concerns of local communities and approaching potential environmental exposures with a mindset that endeavors to disprove any link between the public's ill-health effects and potential exposures to environmental contaminants or toxins, the more people will suffer.

The March 2009 House subcommittee report on ATSDR concluded, "After four years leading ATSDR, not only has Dr. Frumkin taken no effective steps to confront those issues, on some specific cases, he has contributed to the problems detailed in this staff report. In many instances, ATSDR seems to represent a clear and present danger to the public's health rather than a strong advocate and sound scientific body that endeavors to protect it. Without a leader able and willing to confront those issues, the public's health will continue to be harmed." ✪

Jeffery C. Camplin, CSP, CPEA, *is president of Camplin Environmental Services Inc. in Rosemont, IL. He is a past Environmental Practice Specialty administrator and chair of the Council on Practices and Standards' Body of Knowledge Committee.*

SPCC Rule Amendments Delayed

By **Erin Polich**

EPA is delaying the effective date of the final rule that amends the Spill Prevention, Control and Countermeasure (SPCC) regulations published in the Federal Register on Dec. 5, 2008.

The amendments, originally delayed until Apr. 4, 2009, have now been further delayed and will not take effect until Jan. 14, 2010.

The revised rules finalized in December 2008 are intended to clarify, tailor and streamline certain requirements for facility owners or operators who are required to prepare and implement an SPCC plan.

Those subject to the SPCC rule include owners and operators of non-transportation-related facilities that drill, produce, process, refine, transfer, distribute, use or consume oil or oil products and could reasonably be expected to discharge oil to U.S. navigable waters or adjoining shorelines. An exception to this rule is wastewater treatment facilities.

Additionally, to allow for full public debate, EPA has opened the regulation's amendments to public comment. To comment, visit http://www.regulations.gov.

This extension and the December amendments do not remove any regulatory requirements already in place for SPCC compliance. The current compliance date for SPCC is Jul. 1, 2009.

Questions on SPCC or the amendments should be directed to Steve Sawyer at ssawyer@gabrielenvironmental.com or (773) 486-2123. ✪

Erin Polich *is assistant business manager for Gabriel Environmental Services in Chicago, IL. She is a recent graduate of Fordham University and is pursuing a master's degree in public health at Boston College.*