

Coordination & Engagement on Issues Related to the JH Baxter Facility

COMMUNITY ENGAGEMENT CORE TEAM

Meeting 11
January 25, 2022

Meeting Summary

Participants for all or part of the meeting: Ali & Jeremy Aasum (Community Member/BT), Arjorie Arberry-Baribeault (BT), Lisa Arkin (BT), Mary Camarata (DEQ), Killian Condon (DEQ), Dylan Darling (DEQ), Steve Dietrich (LRAPA), David Farrer (OHA), Todd Hudson (OHA), Ed Farren (ABC, Community Member), Don Hanson (DEQ), Max Hueftle (LRAPA), Travis Knudsen (LRAPA), Mike Kucinski (DEQ), Kelby Land (LCPH), Emily Pyle (ABC), Brian Richardson (City of Eugene), Diana Rohlman (OSU), Charlie & Jonathan Sterling (ABC), Susan Turnblom (DEQ), Sarah Wheeler (DEQ), Jon Wilson (CoE), and Lin Woodrich (ABC).

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

Welcome and Introductions - Facilitator, Donna Silverberg, welcomed the group to the 11th Core Team meeting. Group members introduced themselves and their affiliation. Participants included West Eugene community members, and representatives from the Active Bethel Community (ABC), Beyond Toxics (BT), City of Eugene (CoE), Oregon Department of Environmental Quality (DEQ), Lane County Public Health (LCPH), Lane Regional Air Protection Agency (LRAPA), Oregon Health Authority (OHA), and Oregon State University (OSU).

Donna welcomed the group to the Core Team meeting and noted that today's session was intended: to share and discuss results from residential yard soil sampling required by DEQ; to provide an update on next steps for DEQ's Cleanup Program and Oregon Health Authority; and to provide an opportunity for discussion and brief updates from all members.

Follow-Up From Last Session – Core Team members offered updates and follow-up on information from the previous session.

- Mike Kucinski, DEQ, reported that DEQ and LRAPA were contacted by JH Baxter's attorney who informed the agencies that the west Eugene plant will be shutting down operations at the end of January. The attorney indicated that they are looking for a buyer and have informed their clients and suppliers that they will no longer be making wood products as of January 31st. Reports from agency representatives in the area confirmed that raw materials are being loaded up and shipped out, and there does not appear to be much product onsite anymore.
- Regarding clean up and environmental compliance: JH Baxter will still be required to clean up the contaminated soils on and off site (see soil sampling results below). Even though closing operations, the facility will be required to maintain compliance with permits with state and local agencies regarding storm water, groundwater, and hazardous waste on-site. JH Baxter will keep a small staff crew working onsite to manage this work moving forward. Steve Dietrich, LRAPA, reported that he asked JH Baxter to provide their written plan moving forward with their air permit. It is not certain if they plan to maintain their air permit or shut down completely and LRAPA wants this information in writing.

Coordination & Engagement on Issues Related to the JH Baxter Facility

There are a lot of details that still need to be clarified. DEQ assured the Core Team that the soil clean-up is a high priority and will get done. Mike noted that the highest levels at DEQ had said two principles should guide the work moving forward: transparency and urgency. He also noted that JH Baxter retains the responsibility to cover the costs of clean up. Mary Camarata, DEQ, said that there are programs (such as the “brownfield” program she manages) that can be accessed for clean-up resources, if funds were to be an issue in the future. There also are avenues to help clean-up residences if JH Baxter were not able to do so in a timely manner.

Regarding the contested case, Sarah Wheeler, DEQ, told the group that JH Baxter’s decision to close their operations does not change the process or JH Baxter’s liability. She noted that DEQ has alleged violations that JH Baxter has appealed, and that case is still proceeding. Regarding the clean-up liability, if the property were to be sold, the new owners would also take on liability for on-site contamination. In such a case, it would mean there are then two entities (JHB and the new owner) responsible for ensuring that the property is cleaned to DEQ standards.

Also, if the facility plans to dispose of any on-site hazardous waste, they would need to report that to DEQ and follow a proscribed process. DEQ will assure that JH Baxter is aware of the processes and requirements.

Soil Sampling Results & Next Steps – Susan Turnblom, DEQ, presented results from the recent soil sampling of residential yards and background locations (see PowerPoint slides below). Susan recapped that sampling occurred in 7 residential yards, 6 background sites, and the JH Baxter property. The residential sampling sites chosen for this round of sampling were determined based on predominate wind directions and where DEQ expected to see chemicals from JH Baxter depositing in soil. A press release with the soil sampling results was released by DEQ on 1/13/22 and can be access here:

<https://www.oregon.gov/newsroom/Pages/NewsDetail.aspx?newsid=64761>

Susan clarified that all samples were analyzed for a variety of chemicals associated with processes at JH Baxter, including: arsenic, chromium, copper, zinc, polycyclic aromatic hydrocarbons (PAHs), and pentachlorophenol (PCP or Penta). Results from these tests came back below background concentration levels and/or health-based clean-up levels.

The samples also were analyzed for dioxin. Some of the dioxin results (6 of 7 residential samples) were higher than DEQ’s statutory clean up level of 4.7 parts per trillion (ppt). The residential yards closest to JH Baxter had the highest levels of dioxin in their soils. DEQ will require clean-up of soils that are above 4.7 ppt, as long-term exposure of dioxin at this level can lead to health impacts. Three of the residences sampled had dioxin levels above 40 ppt, which is DEQ’s ‘accelerated clean up’ level recommended by Oregon Health Authority. Yards within this range will need to be cleaned up as soon as possible. Yards with dioxins between 4.7-40 ppt also will require clean up, however, the timeline is not as immediate.

Susan noted that she has personally reached out to all of the families who had their soil sampled and OHA has offered to provide individual risk assessments for those families. This will provide tailored advice, in addition to the advice that was provided via the soil sampling letter.

Regarding the offsite background samples, 5 of 6 had levels of dioxins lower than 4.7 ppt; one site, Trainsong Park, had levels of dioxin over 40 ppt. The City of Eugene has temporarily closed the park. The high levels of dioxin are not anticipated to be associated with JH Baxter, however, the City of Eugene and DEQ will be taking more samples to get a better understanding of the source why and where the soils have elevated dioxin levels.

Coordination & Engagement on Issues Related to the JH Baxter Facility

Due to the soil sample results, DEQ will require that JH Baxter and their consultants take additional soil samples in residential yards near the facility. The next phase of soil samples will happen in “step out” residences (marked in orange in the PowerPoint slides below). Mike noted that DEQ is missing contact information for some of the “step out” residences. Arjorie and Lin offered to help DEQ get in contact with neighbors.

- **ACTION:** Susan will reach out to Arjorie and Lin to get the missing contact information.

Some Core Team members expressed concern that 6 months is too long to wait for clean-up, specifically if there are children living in the residences. DEQ explained that it is challenging to do the soil removal and it has to be done correctly. Soils with dioxins cannot be removed if the soil is too wet or too dry, so there is a seasonal sweet spot they will hit. Given the complexities of cleanup, 6 months is actually fast. Mike noted there IS a push from both the community and DEQ’s leadership to get the cleanup done quickly and he will pass along the Core Team’s concerns to his leadership.

There also was interest of some community members for additional sampling at Lark Park. Susan noted that Lark Park was sampled a year and half ago and the dioxin results were below the 4.7 ppt, which is below the residential health-based criteria. David Farrer, OHA, said that the residential health-based criteria assumes that people have “daily contact” with the soil, and typically people do not frequent the park this regularly. The agencies have concluded that there is not an immediate health risk from being at Lark Park. Lisa Arkin, Beyond Toxics, stressed that community members are concerned about Lark Park and asked DEQ to consider the request for additional sampling.

Regarding onsite contamination, Core Team members expressed concern about the JH Baxter employees who are exposed to contaminated soils. Mike explained that DEQ investigated the contamination, and a risk assessment was conducted. He also said that the steps to remediate the onsite contamination are explained in DEQ’s Record of Decision (ROD). Lisa noted that Beyond Toxics has received input from JH Baxter workers who are concerned about the harmful conditions. Mike said that Occupational Safety and Health Administration (OSHA) is responsible for regulating the safety of the workers and that DEQ will connect with OSHA to make sure they are aware of the soil testing results from the facility. Sarah Wheeler, DEQ, added that when DEQ inspectors are onsite and see a worker safety issue, they do report to OSHA.

- **ACTION:** Mike will relay the Community member’s concerns regarding the urgency of conducting clean up actions to the DEQ leadership. He also will reach out to OSHA to ensure they are aware of the soil sampling results at the JH Baxter facility and report back to the Core Team.

What does this mean to you and your neighbors? – Todd Hudson, OHA, explained that another “next step” is for OHA to evaluate human health risk from exposure to the dioxin. OHA is in the process of taking the soil sampling results and analyzing them for human health risks, which will be made available to community members this spring. Todd provided background information on the potential effects of dioxin in soils (see PowerPoint slides below).

Todd explained that 4.7 ppt is based on a one in one million risk of developing cancer if exposed to dioxin for 26 years continuously (this risk is in addition to what the American Cancer Society determines to be “background” cancer rates: 1 out of every 3 women, and 1 out of every 2 men are expected to develop cancer in their lives). In addition to considering the risk for developing cancer, OHA also will look at the risk of non-

Coordination & Engagement on Issues Related to the JH Baxter Facility

cancer health effects in children who play outside every day. The 40 ppt health screening level signals the levels of dioxin that are hazardous for children. The 40 ppt screening level comes from ATSDR studies and errs on the side of caution.

Todd noted that dioxins are persistent in the environment and our bodies. He emphasized that, so far, the soil testing has not resulted in any levels of dioxin that pose an imminent or fast-acting risk to health. At the levels of dioxins found, the health concern stems from “repeated exposure for over a year or more”. At high doses (thousands of times higher than the current soil samples) dioxin can cause damage to the liver and nervous system, and even can be fatal. Smaller doses over a longer period of time can affect the immune system, the nervous system, endocrine system, and reproductive function. Children are especially susceptible to dioxin exposure given their small body mass and their propensity to ingest soil, a primary means of exposure.

The OHA health risk assessment assumes that an adult is in contact with the dioxins and ingesting at least a small amount daily for 26 years. Similarly, for children, it assumes they are ingesting the dioxins (from the soil) daily from birth to the age of 21. If someone is exposed with less frequency than this, their risk factors are lower. Core Team members asked about what the cumulative effects of dioxin in soil and dioxin in the air might be. Todd explained that dioxin can accumulate in fatty tissue, and the risk of inhalation of dioxin is very small compared to the risk of getting dioxin-contaminated soil in one’s mouth. He continued that having the soil sampling results are the best way to accurately determine the health risks.

OHA and DEQ provided guidance to residents on how to limit exposure. Measures include removing soiled shoes before entering the house, wet-mopping instead of sweeping, and avoiding digging or other activities that expose or kick-up soil. Todd and David noted that using grass, landscape fabric, mulch, and other ground covers in the yard will also limit exposure. David noted that these practices are good to follow for everyone living in an urban environment.

Core Team members asked for more information on risks associated with gardening and whether dioxins would pass through a vegetable or fruit grown in contaminated soil. Todd and David said that the risk would come if there is soil on the plant when it is ingested. They suggested washing plants thoroughly or, when possible, peeling them prior to eating them. Additionally, common gardening practices such as mulching or adding compost will help limit risk, as dioxin will adhere to these materials, making it less likely to be consumed.

Regarding the background soil sample taken from Trainsong Park: The dioxin levels came back at 71 ppt which was a surprise. As mentioned, the City of Eugene, DEQ, and OHA are working to get more information on the source and extent of contamination. Todd noted that, although the City closed the park, it is not likely that someone would have health effects from visiting the park due to the frequency of visits and limited access to bare soils (much of the park is covered in grass or bark chips). Core Team members were concerned about dioxin exposure in the baseball diamond, as that is bare soil. Don Hanson, DEQ, noted that a large number of single-soil samples from throughout the park were taken and combined into the “sample”. DEQ will be sampling the park again to determine where the contamination is located in the park and they plan to test the baseball diamond. Based on those findings, DEQ and the City will decide next steps; this may or may not include sampling residences around the park.

Coordination & Engagement on Issues Related to the JH Baxter Facility

Arjorie mentioned that she knows someone who lives near Trainsong Park who is getting her soil tested; Arjorie will let the team know the results. Lin mentioned that ABC is working with the defunct Trainsong Neighborhood Group to help reestablish the group; Dylan asked that Lin help connect DEQ with the group.

- **ACTION:** Arjorie will report on the soil sampling of the resident near Trainsong Park.
- **ACTION:** Lin will help connect Dylan with the Trainsong Neighborhood Group.

In response to a question, Diana Rohlman, OSU, updated the team on the OSU air monitoring study, which utilized stationary air monitoring sensors and wristbands that were worn by community members. The research seeks to determine what chemicals people are being exposed to who are living in the area around JH Baxter. The wristbands absorb chemicals from the air which then can be analyzed, along with the data from the stationary monitoring sites in peoples' yards. The monitoring was conducted in October. Diana has received and is looking at preliminary data now. She will share the results with the Core Team after they have been analyzed.

Communication to broader community – Travis Knudsen, LRAPA, reported that the agencies intend to have a public meeting and would like to plan with close Core Team dialogue. Specifically, they are looking for more input from the community representatives regarding what information has been valuable in Core Team sessions that should be carried forward to a public meeting. The inter-agency Communications Team hopes to talk with the community representatives about how the Core Team could work together to get as many people as possible to attend the public session. Regarding timing, the agencies are thinking that it would be valuable to meet with the public sooner, rather than waiting for additional soil sampling.

Core Team Community representatives provided the following input:

- People are scared and want to know if their homes are impacted. Provide clarity on the next steps and prioritization for soil testing. Also, provide resources for how people outside of DEQ's required testing area can get their soil tested, if they wish to do so.
- Have the map of the affected area available; note roads to help orient people.
- ABC was having a recycling drive Saturday Jan 29th and is willing to share information from the agencies, if desired. If so, email Emily Pyle.

If there are additional insights to share with the agencies regarding what has been helpful, or how information can be easily communicated, please send your thoughts to Donna.

The next Core Team meeting will be planned for 5-6 weeks out, likely in early March (after the public meeting).

With that, the meeting was adjourned.

This summary was prepared by the DSC Consulting facilitation team. Comments or suggested edits should be sent to emily@dsconsult.co

Coordination & Engagement on Issues Related to the JH Baxter Facility

DEQ Presentation:

J.H. Baxter & Co. Wood Treatment Facility

Off-Site Soil Sampling Results

Jan. 25, 2022

Susan Turnblom Oregon Department of Environmental Quality



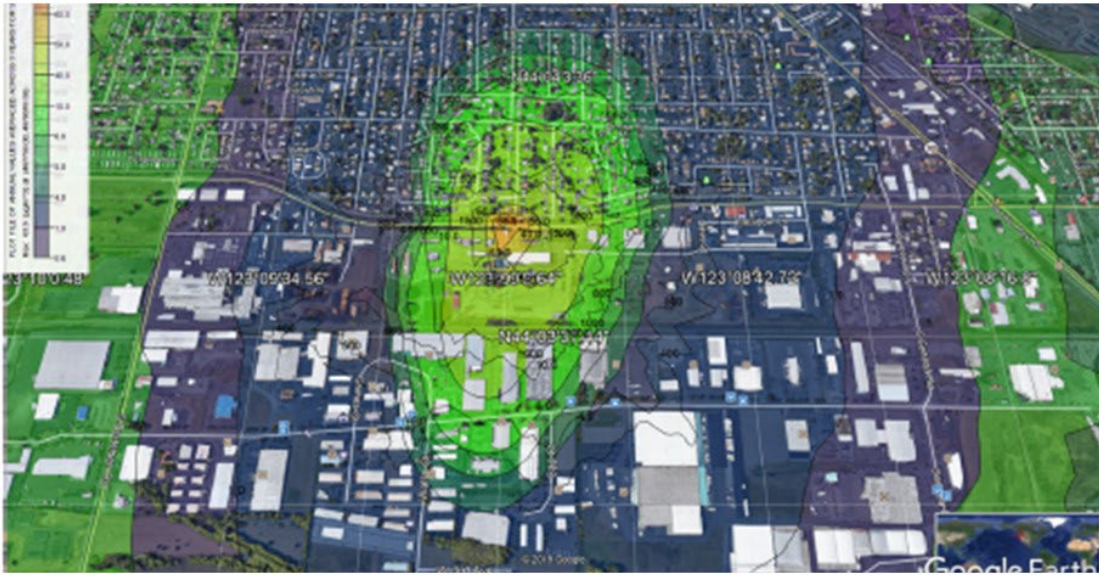
J.H. Baxter & Co. Wood Treatment Facility

- Seven residential yards sampled September and October 2021
- One yard sampled December 2021
- Six background locations sampled September and October 2021
- One background location sampled December 2021
- Two samples collected from J. H. Baxter & Co. property

Susan Turnblom Oregon Department of Environmental Quality

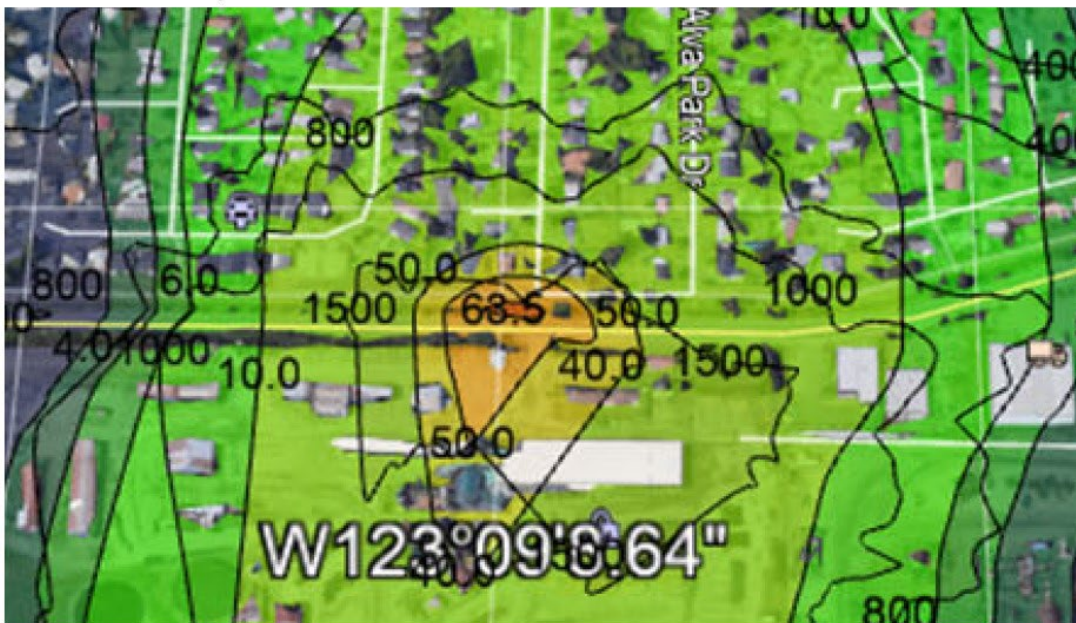


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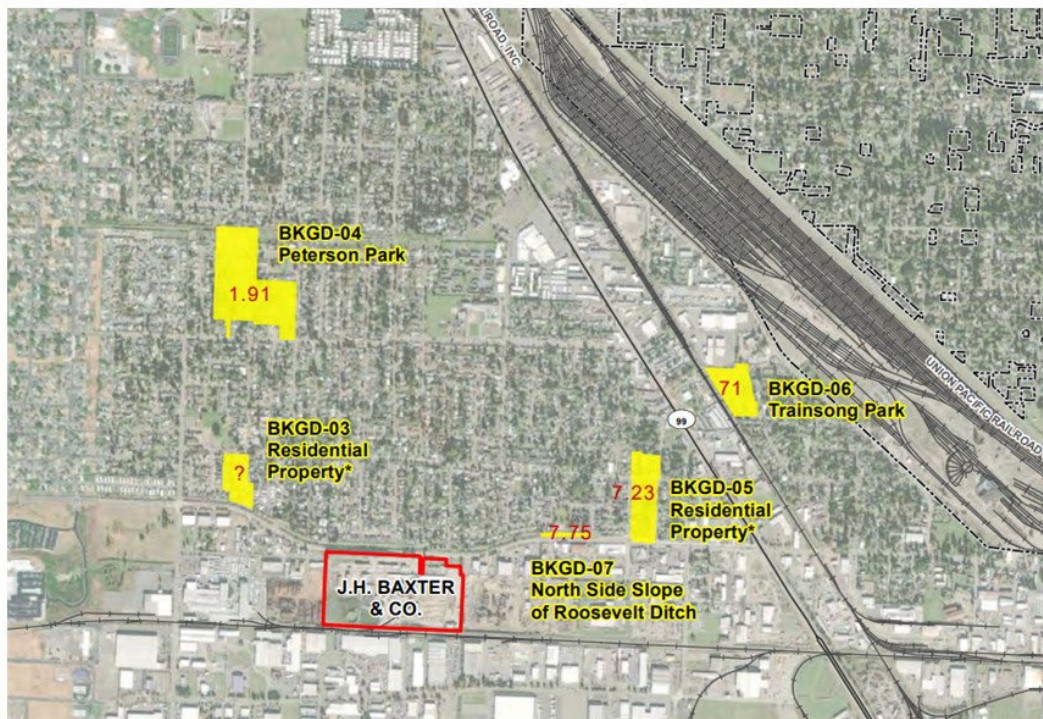


LRAPA Predominant Wind Direction Analysis
Baxter's Air Emissions

LRAPA Predominant Wind Pattern Analysis of Baxter's Air Emissions



Coordination & Engagement on Issues Related to the JH Baxter Facility



Chemicals Analyzed in Soil Samples

Arsenic, Chromium, Copper, Zinc

- **All below background concentrations**
 - Arsenic 18 mg/kg; max detected 10 mg/kg
 - Chromium 100 mg/kg; max detected 39.5 mg/kg
 - Copper 140 mg/kg; max detected 47.4 mg/kg
 - Zinc 200 mg/kg; max detected 122 mg/kg

Polycyclic Aromatic Hydrocarbons (PAHs)

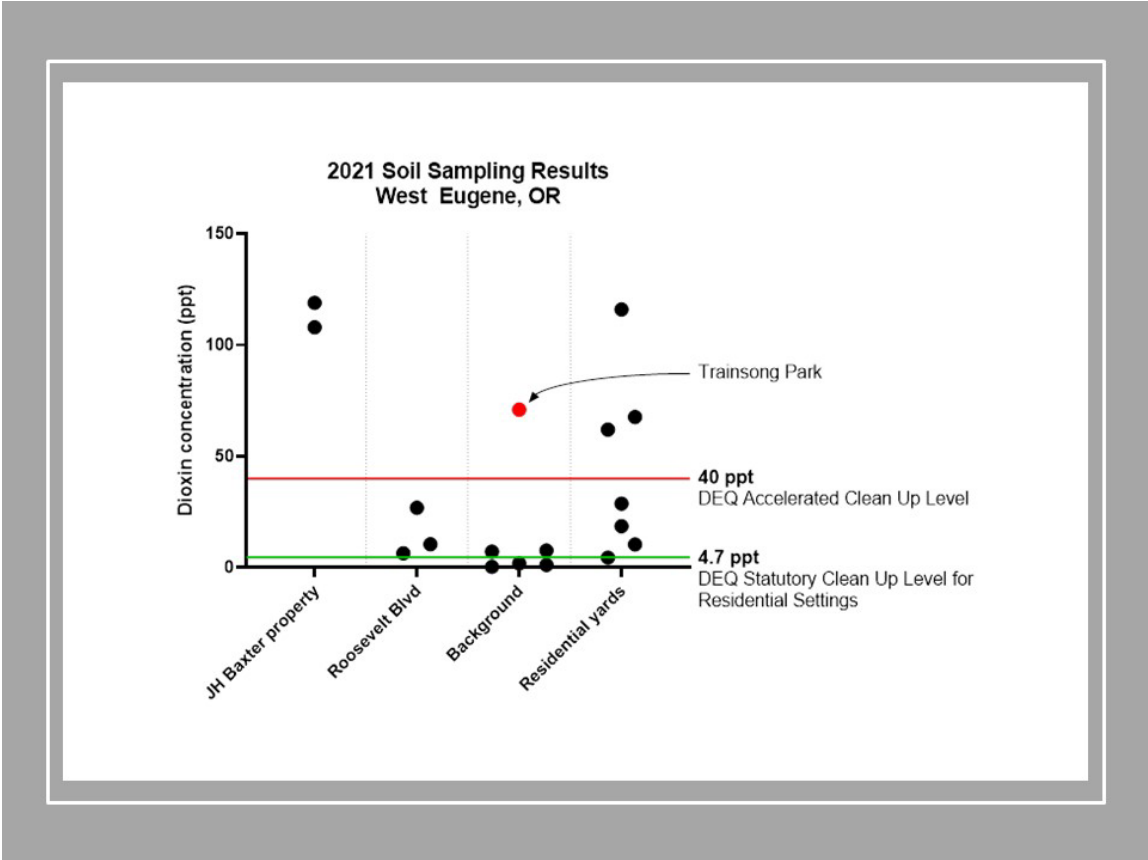
- **All below health-based cleanup levels**
 - Benzo(a)pyrene 0.11 mg/kg; max detected 0.0225 mg/kg

Chemicals Analyzed in Soil Samples

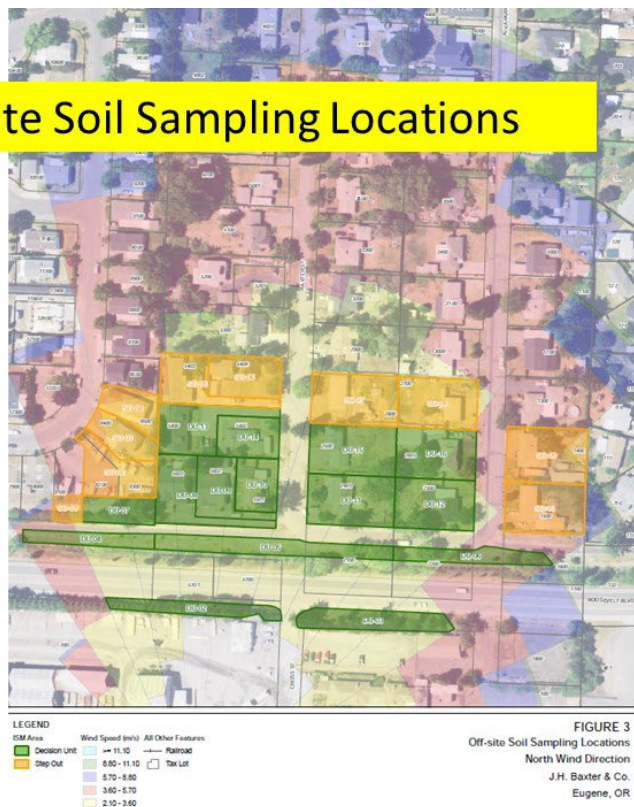
Pentachlorophenol (PCP or Penta)

- **Below health-based cleanup level**
- 1 mg/kg; all samples were non-detect

Dioxins and furans (dioxins)



Off-Site Soil Sampling Locations



J.H. Baxter & Co. Wood Treatment Facility

Next Steps

- DEQ requiring step out residential soil sampling in 16 yards.
- Cleanup of yards above 40 ppt required within 6 months.
- Cleanup of yards between 4.7 ppt and 40 ppt required when extent of contamination known.

J.H. Baxter & Co. Wood Treatment Facility

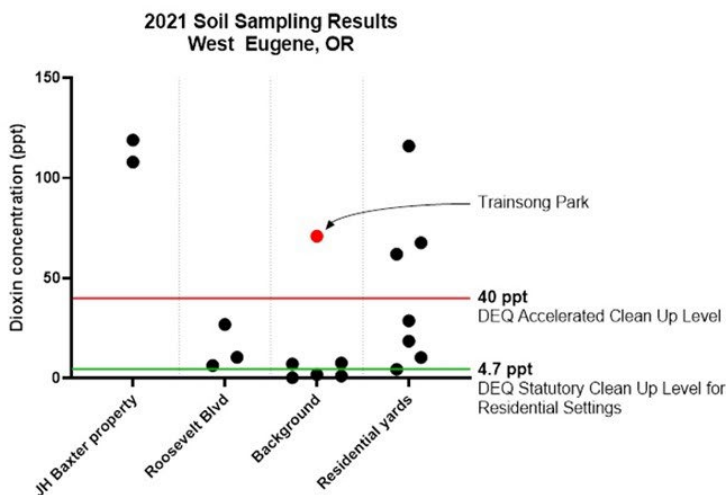
Next Steps continued

- Oregon Health Authority (OHA) will evaluate all new data.
- Ongoing coordinated technical and community engagement efforts.
- DEQ will sample Trainsong Park to better understand the elevated dioxins found there as a separate project.

Susan Turnblom Oregon Department of Environmental Quality



OHA Presentation



Public Health Division
Environmental Public Health



1

What screening/clean up levels mean

4.7 parts per trillion – for cleanup

- One out of one million cancer risk

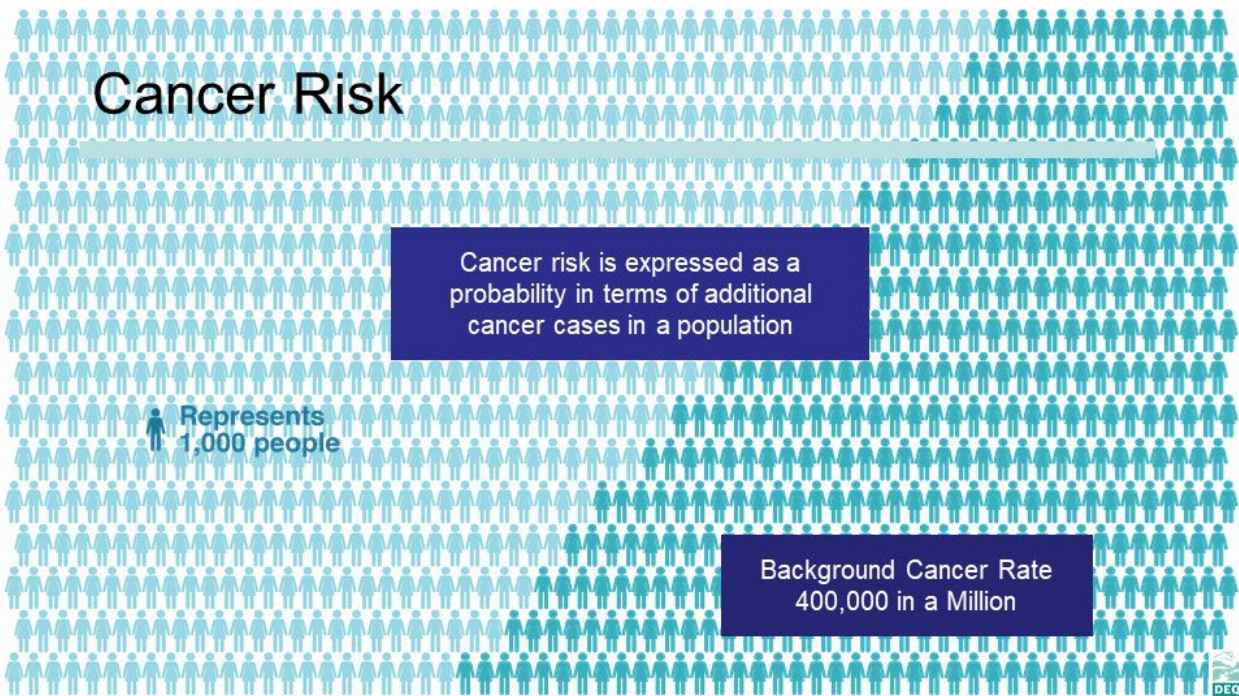
40 parts per trillion – used to identify risks to health

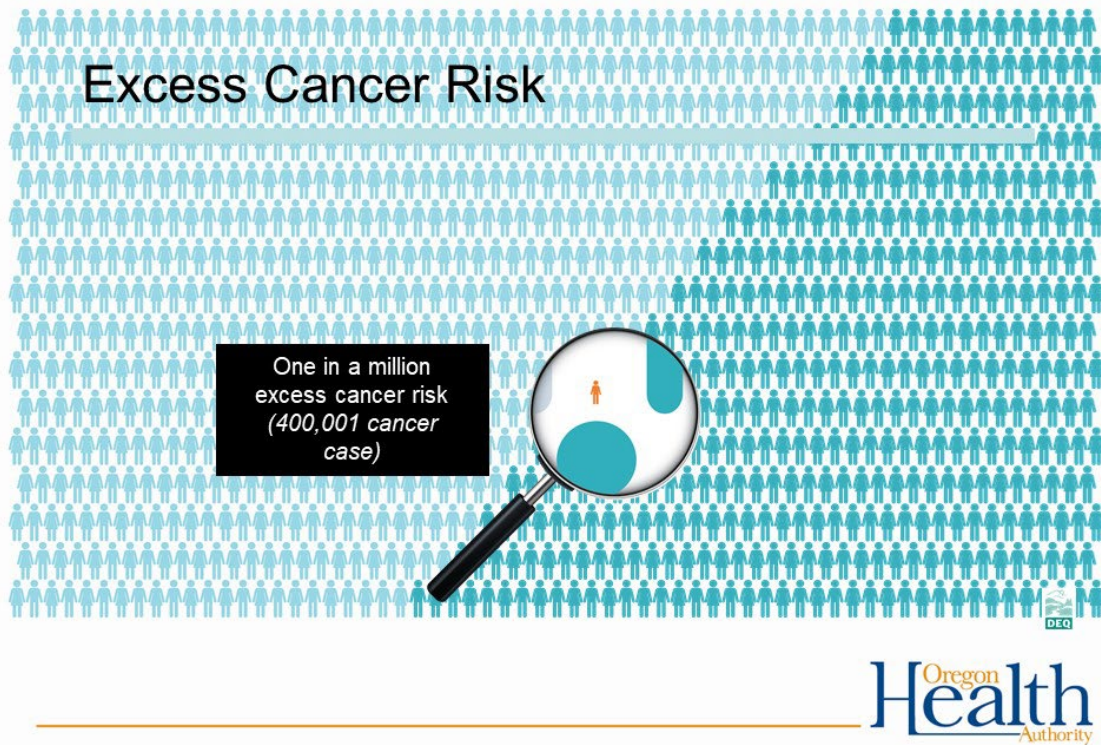
- based on hormone changes and reduced sperm count

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2





Dioxin

- A class of many chemicals with long names (like *2,3,7,8-tetrachloro-para-dioxin*)
- A high dose (levels that aren't seen here) can be extremely toxic, can damage the liver and nervous system
- Smaller amounts over time can impair the immune system, the developing nervous system, the endocrine (hormone) system, and affect reproductive functions.
- Developing fetus is the most sensitive to exposure
- A probable human carcinogen (EPA)
- Persistence in the environment

How we evaluated risk

Exposure Factor	Residences	Trainsong Park
Concentration	116 ppt to below cleanup level	71 ppt
Soil Ingestion per day	100 mg/day (adult) 200 mg/day (child)	100 mg/day (adult) 200 mg/day (child)
Days per year	350	104
Total years	26	26
Body weight, lifespan, skin surface area, amount of uncovered skin	various	

For properties affected by dioxin:

- Dioxin binds to soil.
- Wipe feet and remove shoes before entering your home.
- Remove visible dirt from pets.
- Wash hands after doing things in the yard (landscaping).
- Reduce dust indoors (damp-mopping, vacuuming).
- Choose areas that have landscape covering above the soil.
 - Landscape fabric, wood chips, grassy areas, gravel
- Don't dig holes or leave piles of soil.
- Avoid coming into contact with bare or loose soil.

Trainsong Park

- Concentration of dioxin: 71 ppt.
- People are exposed in the park fewer times per week than in their backyard.
- It is unlikely that an adult or child who regularly uses Trainsong park will experience health problems.
- Eugene closed the park so they can determine the dioxin source and further evaluate park conditions.
- Surfaces covering the soil make exposure less likely.

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8

Oregon Health Authority's next steps:

- Write a health consultation

Questions?

- Please put them in the chat
- Email me at todd.hudson@dhsosha.state.or.us

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9