



June 21, 2012

James A. Bowers, MPH
Research Scientist
NYS Department of Health
Bureau of Environmental & Occupational Epidemiology
547 River St.
Troy, NY 12180

Dear James,

In response to your recent request to participate in an additional meeting to resolve confusion over what will be included in the Newtown Creek Area Health Outcomes Review, I prepared the attached memo to capture the input that has already been solicited from Newtown Creek Alliance (NCA), summarized from our letters and internal notes. At this time, it is our hope that such a record will resolve any persistent confusion over the scale and scope of study that the community desires.

Given the recent creation of the Newtown Creek Superfund Community Advisory Group (CAG), and in the interest of not overburdening the community with superfluous meetings, it is my recommendation that we move this conversation into the CAG framework.

I have shared the meeting dates that you suggested with the CAG members and EPA, and it is my hope that we can structure our next meeting around this issue.

Sincerely,

A handwritten signature in black ink, appearing to read "Kate Zidar".

Kate Zidar
Executive Director
Newtown Creek Alliance
www.newtowncreekalliance.org

Cc:

NYS Commissioner of Health Nirav R. Shah, M.D., M.P.H.
EPA Associate Assistant Administrator for Environmental Justice Lisa Garcia
EPA Community Involvement Coordinator Wanda Ayala
Congresswoman Nydia Velázquez
Congresswoman Carolyn Maloney
NYS Senator Martin Dilan

NYS Senator Michael Gianaris
NYS Assemblyman Joe Lentol
NYS Assemblyman Vito Lopez
NYS Assemblywoman Cathy Nolan
NYC Councilman Steve Levin
NYC Councilwoman Diana Reyna
NYC Councilman Jimmy Van Bramer
Democratic District Leader Lincoln Restler
Democratic District Leader Tom Bornemann
Newtown Creek Superfund CAG Co-Chair Ryan Kuonen

Enclosures: 1

Memorandum

To: Stakeholders of the “Newtown Creek Area Health Outcomes Review”

From: Newtown Creek Alliance

Date: June 21, 2012

Re: Community Input

The purpose of this memo is to create a record of the input that has already been solicited from Newtown Creek Alliance (NCA) since 2007 on the issue of developing an epidemiological study for communities neighboring Newtown Creek. This material has been summarized from our letters and internal notes, and includes our recommendations moving forward.

A Timeline of Community Input

In a January 2007 letter to New York State Department of Health (DOH), NCA asked “to expand the scope of the proposed epidemiological study of residents living above the Greenpoint oil spill, or conduct a concurrent study, to examine the health status of, and illness prevalent in, the several neighborhoods surrounding Newtown Creek.” At this time we also sought DOH assistance “to develop an external advisory group (involving medical researchers, epidemiologists, and public health experts) to validate the results of the proposed study. This advisory group could play the role of explaining the research findings to the communities involved as well as advising the community about epidemiological studies in general.”

NCA began meeting with DOH research scientist James A. Bowers (JB) to begin outlining what could be included in the health study. NCA notes from a March 2008 meeting with DOH document that over a year later, “DOH has not taken a single step”. At this time, NCA reiterated our requests that DOH:

1. Identify an appropriate person to bring who is more capable of working with community groups;
2. Generate a list of independent consultants who the department can help us approach as objective advisors;
3. Provide a list of environmental exposures created from state data and information, to compare with one we generate;
4. Provide a list of all known and suspected health effects caused by or correlated with the types of environmental exposures present in the Newtown Creek Neighborhoods; and
5. Create an account of the conversation JB will have with the cancer surveillance unit.

NCA notes from an October 2008 meeting indicate early confusion over the proposed geographic scope of the study, a confusion that persists even today. NCA members found that at this time the “map does not include features agreed upon” and that in the future, the “map will include a half mile radius from Newtown Creek” as well as a “similar radius surrounding Greenpoint Oil Spill & relevant related hot spots that are known to involved agencies.” At this time, DOH indicated that they were actively collecting

information for a baseline study of health info and related known hot spots, and there was a mutual consensus that the baseline study should be generated immediately.

Throughout this discourse, NCA members have asked for known health issues to be addressed in the study, including brain diseases, autoimmune disease and asthma. In an email between NCA member Laura Hofmann and JB in November 2008, it was indicated that DOH was “continuing to examine whether it is feasible to utilize hospitalization data to get a handle on rates of autoimmune disease in this area”. At this time it was still unclear what range of health issues would be included in the baseline study and what hot spots, if any, had been identified.

By April of 2009 our internal emails indicated overall frustration with the multiple meetings that were not producing results. NCA members reached out to local elected officials and community board members for support, hoping to improve the pace of the work.

In an email exchange of May 2009, one NCA member stated, “I personally believe that we as a small community group have given DOH (the folks in charge of protecting human health) enough input to enable DOH to be able to move forward with a basis for a study at a reasonable pace...As we've said many times, we're not the experts. By now, we should be seeing a more collaborative effort happening on the State's end. And the State itself should be embracing the larger community.” To this statement, JB responded, “ I have indeed collected the information DOH needs to move forward with the health statistics review. The steps we've agreed upon still stand. As I stated before, it is now just a matter of working through our prior commitments before we can work on Newtown Creek.”

At this time, the community thought we were waiting for these “prior commitments” to be addressed, so that the Newtown Creek study could proceed in turn. In September 2010, the Newtown Creek was listed as a Superfund site, requiring the DOH, with oversight from the Agency for Toxic Substances and Disease Registry, to conduct a Public Health Assessment (PHA). This document very narrowly focused on exposure pathways with creek sediments and water (and in a very limited way air), but did not include any of the epidemiological analysis the community had been asking for. During the public comment period for the PHA, many community members expressed frustration at the lack of progress with the health study that had been previously requested.

Initially there was some confusion between the two distinct studies. However, within the PHA, there is a reference to the epidemiological study. The PHA states, “DOH is in the process of conducting a Health Outcomes Review for the Newtown Creek area because of community concerns about possible exposure to chemicals from the Greenpoint oil spill or in the creek. No exposure to chemicals has been documented and the outcomes reviewed are not related to exposure to the pathogens likely to be present in the creek. A Health Outcomes Review is a type of study that uses currently available data to evaluate rates of specific health outcomes in a defined geographic area to determine if rates are elevated. The Newtown Creek area Health Outcomes Review will evaluate cancer, birth

defects and other adverse birth outcome rates in an area within 1/4 mile of the creek as well as an additional area of Greenpoint near the Greenpoint Petroleum Remediation Project. This study area was chosen with input from community members. Data from the DOH Cancer Registry, Congenital Malformation Registry and Vital Statistics will be used to conduct the Health Outcomes Review.”

Simply put, this statement does not reflect the input of the community. NCA members are concerned with toxic exposures related to the creek, its sediments, as well as the multiple landside plumes and cleanup sites. We have not seen any analysis of hot spots or a toxics inventory that would underpin the assertion that there are no chemical exposures. We have asked the DOH to think creatively and proactively about using available information such as emergency room data and even sick time information to capture the sizable working population on Newtown Creek. As described, the review will only capture cancer and birth information, not including brain diseases, autoimmune disease or asthma as the community requested. And finally, a ¼ mile buffer around the creek does not adequately capture the residential populations neighboring Newtown Creek. Such a catchment area would be predominantly industrial area, and without any strategy in place to analyze public health in the working population, we don't see what useful information this review, as described here, could possibly provide.

Our Recommendations Moving Forward

- We recommend that a new DOH staff person is allocated to Newtown Creek who can come to the situation with enthusiasm and creativity. We have worked the same staff now for five years with no progress. It is time for a fresh set of eyes on this issue.
- NCA will provide the leadership needed to develop an external advisory group (involving the EPA, medical researchers, epidemiologists, and public health experts) to validate the results of the proposed study. We ask that DOH provide us with recommendations for this group.
- A properly designed health study must begin with a baseline assessment of potential toxic exposures in the study area (including materials present in known plumes, at brownfield cleanup sites, known toxic releases, etc.) with some understanding of their potential cumulative and catalytic effects on public health.
- A properly designed health study will capture diseases recommended by community members through first hand and anecdotal knowledge of existing clusters of those diseases.
- We recommend that the study area include a half-mile radius around Newtown Creek as well as a similar radius surrounding Greenpoint Oil Spill and other hot spots.
- A meaningful partnership between community stakeholders and public agencies will be mutually respectful, collaborative and productive.