



January 8, 2021

Mr. Dean Baker, MD, MPH
Professor Emeritus
Center for Occupational and Environmental Health
Division of Occupational and Environmental Medicine
University of California Irvine
100 Theory, Suite 100
Irvine, CA 92617

Subject: Response to letter regarding American Asphalt facility

Dear Mr. Baker:

Thank you for your recent letter regarding exposure and risk assessment of the All American Asphalt facility. I appreciate your engagement and the efforts of your colleagues and residents as we all work towards protecting the health of Irvine residents. Through the air sampling work underway by you and your UCI colleagues, the professionals at the Southern California Air Quality Management District (AQMD), and the City, we will gather important data about the plant emissions and potential health impacts can be addressed. AQMD has begun to publish the results of its testing on its website and the City will be sharing results as soon as they are available. I would encourage you and your colleagues to share your testing results as well so that we can work collaboratively towards a common goal.

As I am sure you know, AQMD is the state agency designated with oversight of fixed source emissions such as those at the All American Plant. The City has been in regular contact with AQMD, through both staff and elected officials, to ensure that the agency is doing everything within its designated authority to identify potential health risks and enforce appropriately. The City has successfully encouraged AQMD to hold public meetings, so that the agency can hear directly from concerned residents, expand local air sampling to attain reliable data about plant emissions, and expedite its permitting review of mitigation equipment. We will continue to hold AQMD accountable for enforcing its regulations and protecting public health.

Although oversight and enforcement of emissions is not within the City's purview, the City has taken significant and unprecedented steps to evaluate the health risk at the plant and to protect residents. The City has commissioned an extensive and comprehensive ambient air monitoring program. The City's evaluation is more detailed than other monitoring efforts underway by either UCI or AQMD; analyzing for over 120 chemical compounds specifically identified due to their association with rubber asphalt

Mr. Dean Baker, MD, MPH
January 8, 2021
Page 2

processing equipment and operations. This sampling methodology also follows standards set by AQMD and the Environmental Protection Agency (EPA) that will facilitate the evaluation of potential health risks, odor nuisance, and exceedance of regulatory limits. The scope of work for this effort has been shared publicly and the City has sought specific input on the scope of work from members of the community and the UCI team that is assisting. This effort is about halfway complete and detailed results will be posted on the City website at www.cityofirvine.org/community-development/all-american-asphalt-update as soon as they are available. The City will hold a public meeting to discuss the results of the testing program once it is complete. Again, I strongly encourage you and your UCI colleagues to share the air sampling data that you have collected as well.

The City has also commissioned an audit of the All American Asphalt facility. Although the land use approvals and environmental clearance for the plant were processed by the County, prior to City annexation, the City is underway on a comprehensive review to ensure that the plant is operating consistent with all relevant land use and other regulatory permits. Similar to the air sampling, the results of this audit will be shared publicly when the audit is complete. Additionally, in July of 2020, the City filed a lawsuit against All American Asphalt on behalf of residents. This legal action provides another tool to gather additional information and pursue remedies for the public nuisances caused by the plant. The City's complaint for public nuisance abatement as well as the response to complaint from All American Asphalt are posted on the City's website referenced above.

I very much appreciate your efforts and those of other residents and stakeholders on behalf of the community on this issue. As I have outlined above, the City has taken significant and unprecedented steps to protect the health of its residents in an area where it does not have direct enforcement authority. The City is committed to vigorously pursuing a resolution of the odor issues and protecting public health and will continue to share information regularly on this matter with the public on the City website so that we can work collaboratively.

Sincerely,



Farrah N. Khan
Mayor, City of Irvine

cc: Irvine City Council
Marianna Marysheva, Interim City Manager
Pete Carmichael, Director of Community Development

December 16, 2020

The Honorable Farrah N. Khan
Mayor of the City of Irvine
Council members of the City of Irvine
1 Civic Center Plaza
Irvine, CA 92606

Re: All American Asphalt facility – exposure and risk assessment

Dear Mayor Khan and Council members:

I am writing to recommend and urge the Irvine City Council to establish an independent scientific oversight panel to provide advice and technical recommendations to the City and its contractors, other agencies and stakeholders, and community residents regarding assessment of potential toxic chemical exposures and health risks to nearby residents of the All American Asphalt facility in north Irvine. It is essential that the exposure assessment be robust and comprehensive in order to fully characterize potential health risks. It is also important that the process of conducting the exposure assessments, interpreting the findings, and developing a health risk assessment be open and transparent, so the impacted residents can be confident that the City and its agents are acting in their best interests. An independent scientific oversight panel can help ensure that the technical assessments are robust and valid.

As background, I am a Professor Emeritus of Medicine and Public Health at UC Irvine. I served as Director of the Center for Occupational and Environmental Health for more than two decades. Representatives of residents living near the All American Asphalt facility and Non-Toxic Neighborhoods contacted me about odor complaints and health concerns among residents due to toxic air emissions from the facility. I also referred them to other UC Irvine professors with expertise in environmental exposure science, including Professor Jun Wu and Professor Donald Blake. During the past several weeks, the professors or their colleagues and I have met with City of Irvine representatives and contractors engaged to perform an exposure and risk assessment of the All American Asphalt facility. We reviewed the contractors' scope of work. In addition, Professor Wu and colleagues provided direct reading instruments to nearby residents to allow measurement of the total volatile organic compound (VOC) and fine particulate matter exposure. The findings have documented elevated exposure to VOCs in communities near the facility with substantial variation across sampling locations and over time. Based on our review of the scope of work and these initial findings, we believe the air monitoring exposure assessment plan proposed by the City contractors is not sufficiently robust to fully capture the spatial and temporal variations of the toxic chemical exposures or characterize potential health risks to nearby residents.



Therefore, we recommend that the City establish an independent scientific oversight panel to provide its professional assessment and technical recommendations to the City, other stakeholders, and the community residents. This recommendation is based on sound public health principles and practice, such as the use of independent expert panels by the National Academy of Sciences and, as reported in the news, an advisory panel to the Food and Drug Administration to review the safety and effectiveness of the novel coronavirus vaccinations. This oversight committee is needed because so far there has not been robust exposure monitoring in the community nor has the decision-making process been sufficiently open and transparent to address the concerns of impacted residents.

The scientific oversight panel would perform a technical review of the environmental monitoring and health risk assessment plan proposed by the City's contractors. It would allow Professor Wu and other experts to provide their specific technical recommendations to the community residents, City officials and staff, South Coast Air Quality Management District, and the consultants in a public setting. The panel should also provide technical review and oversight of the contractor's environmental and health risk assessment tasks implementation, which would require that the City mandate that the panel and stakeholders have full access to the sampling data and health risk assessments assumptions and calculations. The panel should meet as soon as possible and again as needed in a public venue with appropriate social distancing to present its technical reviews and allow the public to comment and ask questions.

I suggest that UC Irvine professors with particular expertise in environmental exposure sciences, environmental epidemiology, toxicology, and health risk assessment should be appointed to the panel. I am willing to recommend names of potential panel members. In addition, we could recommend professors from UCLA and USC who also have outstanding scientists with these areas of expertise.

Sincerely,



Dean Baker, MD, MPH
Professor Emeritus

cc: Council members Tammy Kim, Mike Carroll, Anthony Kuo, and Larry Agran
City Manager's office
Kevin Lien, M.D. and Lesley Tan, Stop Toxic Asphalt Pollutants in Irvine
Kim Konte, Non-Toxic Neighborhoods
Professor Jun Wu, Professor Donald Blake

