

COPY

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6

7  
8 UNITED STATES DEPARTMENT OF THE INTERIOR  
9 INTERIOR BOARD OF LAND APPEALS  
10

11  
12 IN RE: ) Case No.:  
13 CLEAR CREEK MANAGEMENT AREA )  
14 ) BLM REQUEST TO IBLA TO PROVIDE  
15 ) THAT ITS CLOSURE ORDER FOR THE  
16 ) CLEAR CREEK MANAGEMENT AREA BE  
17 ) IN FULL FORCE AND IMMEDIATELY  
18 ) EFFECTIVE  
19

20 The Bureau of Land Management (BLM) moves the Board to provide that the BLM decision to  
21 close the Clear Creek Management Area (CCMA) be in full force and effective immediately in  
22 accordance with 43 CFR 4.21(a)(1).  
23

24 The Environmental Protection Agency (EPA) informs BLM that it will issue a final document  
25 entitled "Clear Creek Management Area Asbestos Exposure and Human Health Risk  
Assessment" on May 1, 2008 that reports on the results of an ongoing and recently concluded  
study of human health risks from asbestos exposure at the CCMA. The BLM is informed and  
believes that the EPA report will conclude that virtually all CCMA visitor use activities within  
the CCMA Serpentine ACEC could expose the public to an excess lifetime cancer risk above

1 EPA's acceptable risk range. BLM believes that the public interest requires and prudent  
2 management necessitates the imposition of public use restrictions in the form of an immediately  
3 effective order of closure in order to mitigate unacceptable asbestos exposure.

4  
5 BLM has made a decision to temporarily close the CCMA upon release of the EPA final report  
6 on May 1, 2008. Attached is a draft of the Federal Register notice and Closure Order  
7 (Attachments 1, and 2) that will be signed by the BLM and published in the Federal Register  
8 immediately upon the release of the EPA report on May 1, 2008. The notice and order inform  
9 the public that the BLM has temporarily closed approximately 31,000 acres of public land to all  
10 forms of entry pursuant to the regulation at 43 CFR 8364.1. The closure area will be clearly  
11 posted; the closure notice will be effective on May 1, 2008 and will remain in effect until BLM  
12 completes its Resource Management Plan for the CCMA to determine if and how visitor use can  
13 occur without associated public health risks. The closure area is depicted on Attachment 3.

14  
15 BLM has previously closed the same area on a seasonal basis to public use based on preliminary  
16 asbestos sampling results. This Board reviewed an appeal from a temporary closure decision  
17 issued in 2005 by the Hollister Field Office, BLM, California. See Salinas Ramblers Motorcycle  
18 Club, et al., 171 IBLA 396 (July 10, 2007). In that decision the Board determined that had the  
19 BLM asked, it would not have hesitated to grant an immediately effective decision under 43 CFR  
20 4.21(a)(1). Based on the attached draft notice and closure order, the BLM moves the Board to  
21 provide that its temporary closure order for the CCMA be in full force and effective immediately  
22 on May 1, 2008.

23 Respectfully submitted this 29<sup>th</sup> day of April, 2008.

24  
25 Erica O. B. Niebauer

1 Erica L.B. Niebauer

2 Attachments:

- 3 1. Draft Federal Register Notice  
4 2. Draft Closure Notice  
5 3. Map

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DEPARTMENT OF THE INTERIOR

Bureau of Land Management

[CA-190-08-1220-PN]

Notice of Closure of BLM Public Lands within the Clear Creek Management Area

AGENCY: Bureau of Land Management, Department of the Interior.

ACTION: Notice of closure to all forms of entry and public use of approximately 31,000 acres of public lands within the Clear Creek Management Area (CCMA), referred to as the Serpentine Area of Environmental Concern (ACEC) and portions of adjacent BLM-administered lands, located in southern San Benito County and western Fresno County, California.

SUMMARY: Pursuant to 43 Code of Federal Regulations (CFR), subpart 8364.1, an Order has been issued by the Bureau of Land Management (BLM), Hollister Field Office, closing to all forms of entry and public use certain BLM-administered public lands. This closure is necessary to protect public land users from human health risks associated with exposure to airborne asbestos in the CCMA based upon a final report issued by the Environmental Protection Agency that concludes that public use activities could expose an individual to excess lifetime cancer risks. The order will remain in effect while the BLM completes a Resource Management Plan for the CCMA to determine if and how visitor use can occur without associated excess health risks. This closure affects approximately 31,000 acres of public lands located within the Bureau of Land Management's Clear Creek Management Area (CCMA).

DATES: The Order was issued and became effective on May 1, 2008.

FOR FURTHER INFORMATION CONTACT: Rick Cooper, Hollister Field Manager, BLM, Hollister Field Office, 20 Hamilton Court, Hollister, California, 95023. Telephone: 831-630-5010 Fax: 831-630-5055, during regular business hours, 7:30 a.m. to 4:00 p.m., Monday through Friday, except holidays.

SUPPLEMENTARY INFORMATION: CCMA is a remote area with hundreds of miles of roads and trails that were created to support historic timber harvesting and mining activities. The 63,000 acre area is a popular location for off-highway vehicle (OHV) recreation. A variety of other recreation activities also occur within the CCMA, including hunting, rock-hounding, wildlife watching, and hiking. This is a unique geological area with serpentine soils that contain naturally occurring asbestos.

BLM has issued the Closure Order in response to the results of a study conducted by the U.S. Environmental Protection Agency (EPA) that concludes public use activities could expose an individual to excess lifetime cancer risks.

#### CLOSURE ORDER:

Pursuant to 43 CFR 8364.1, BLM has issued an Order closing approximately 31,000 acres of public land to all forms of entry and public use within the Clear Creek Management Area (CCMA). The area is referred to as the Serpentine Area of Environmental Concern (ACEC) and portions of adjacent BLM-administered lands in lower Clear Creek Canyon, located in southern San Benito County and western Fresno County, California. The lands include portions of Mount Diablo Principal Meridian: Township 17 South, Ranges 11 and 12 East; Township 18 South, Ranges 11, 12 and 13 East, and Township 19 South, Range 13 East.

This closure is necessary to protect public land users from human health risks associated with exposure to airborne asbestos in the CCMA based upon a final report

issued by the Environmental Protection Agency that concludes that public use activities could expose an individual to excess lifetime cancer risks. The order will remain in effect while the BLM completes a Resource Management Plan for the CCMA to determine if and how visitor use can occur without associated excess health risks.

The following persons are exempt from the identified restrictions:

- 1) Federal, State, or local law enforcement officers, while engaged in the execution of their official duties.
- 2) BLM personnel or their representatives while engaged in the execution of their official duties.
- 3) Any member of an organized rescue, fire-fighting force, or emergency medical services organization while in the performance of their official duties.
- 4) Any member of a federal, state, or local government agencies while in the performance of an official duty.
- 5) Any person in receipt of a written authorization of exemption obtained from the authorized officer.

Private landowners within the restricted area and persons with valid existing rights-of-way, mining claims, or leases must request in writing access permission from Hollister Field Manager at the address listed below.

During the closure period the area will be clearly posted. Informational signs will be posted at main entry points to locations affected by this Order. Maps of the closed area will be posted with the Order at key locations that provide access to the closed area, and may also be obtained at the Hollister Field Office, 20 Hamilton Court, Hollister, California 95023.

Failure to comply with this order is punishable by a fine not to exceed \$1,000 and/or imprisonment not to exceed 12 months Pursuant to 43 CFR, subpart 8360.0-7.

Dated: April 3, 2008

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Rick Cooper, Hollister Field Manager

Billing Code 4310-40-P

**U.S. Department of Interior  
Bureau of Land Management  
CLOSURE ORDER**

Notice is hereby given that effective on this date and pursuant to 43 CFR 8364.1 the public lands as described below are closed to all forms of entry and public use. This closure affects approximately 31,000 acres of public lands in the Clear Creek Management Area (CCMA) referred to as the Serpentine Area of Environmental Concern (ACEC) and portions of adjacent BLM-administered lands located in southern San Benito County and western Fresno County, California. The lands include portions of Mount Diablo Principal Meridian: Township 17 South, Ranges 11 and 12 East; Township 18 South, Ranges 11, 12 and 13 East, and Township 19 South, Range 13 East.

This closure is necessary to protect public land users from human health risks associated with exposure to airborne asbestos in the CCMA based upon a final report issued by the Environmental Protection Agency that concludes that public use activities could expose an individual to excess lifetime cancer risks. The order will remain in effect while the BLM completes a Resource Management Plan for the CCMA to determine if and how visitor use can occur without associated excess health risks.

The following persons are exempt from the identified restrictions:

- 1) Federal, State, or local law enforcement officers, while engaged in the execution of their official duties.
- 2) BLM personnel or their representatives while engaged in the execution of their official duties.
- 3) Any member of an organized rescue, fire-fighting force, or emergency medical services organization while in the performance of their official duties.
- 4) Any member of federal, state, or local government agencies while in the performance of an official duty.
- 5) Any person in receipt of a written authorization of exemption obtained from the authorized officer.

Private landowners within the restricted area and persons with valid existing rights-of-way, mining claims, or leases must request in writing access permission from Hollister Field Manager at the address listed below.

During the closure period the area will be clearly posted. Informational signs will be posted at main entry points to locations affected by this Order. Maps of the closed area will be posted with the Order at key locations that provide access to the closed area, and may also be obtained at the Hollister Field Office, 20 Hamilton Court, Hollister, California 95023.

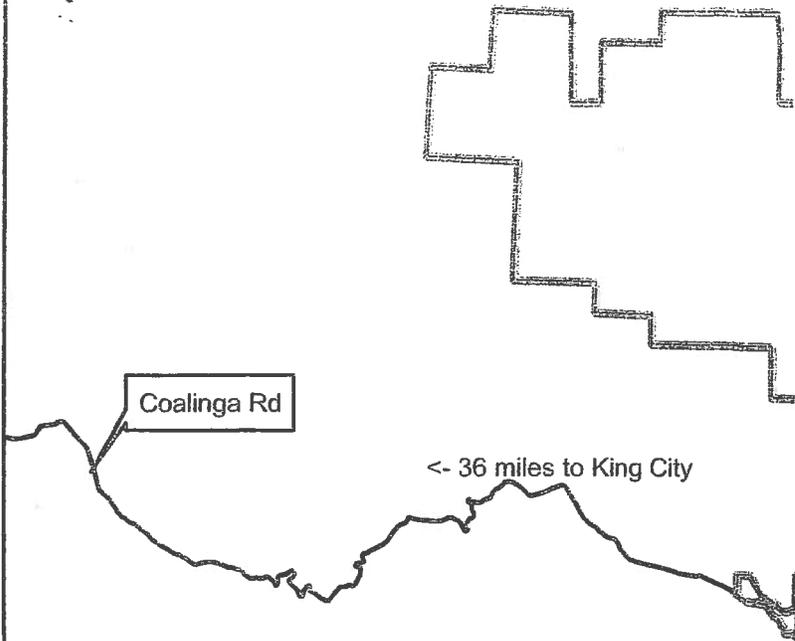
Failure to comply with this order is punishable by a fine not to exceed \$1,000 and/or imprisonment not to exceed 12 months Pursuant to 43 CFR, subpart 8360.0-7.

**BLM  
Hollister Field Office, 20 Hamilton Court, Hollister CA. 95023, 831 630-5000**

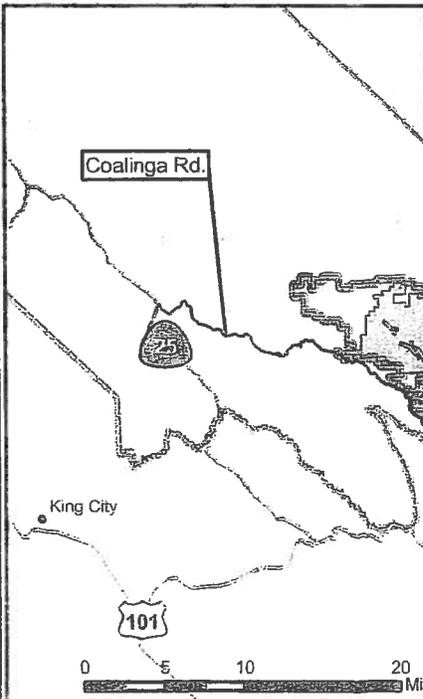
Approved By: \_\_\_\_\_  
BLM Authorized Officer, Rick Cooper,  
Field Manager, Hollister Field Office

Date: \_\_\_\_\_

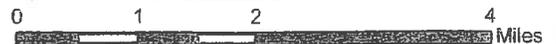
# Clear Creek Management Area (CCMA)



## Locator Maps



US Department of the Interior  
BUREAU OF LAND MANAGEMENT  
Hollister Field Office  
Hollister, California  
95031-5000  
www.blm.gov/hollister  
Date Prepared: 3/25/2008  
Project: clear\_creek\_bndry.mxd



1 CERTIFICATE OF SERVICE

2

3 RE: CLEAR CREEK MANAGEMENT AREA

4 I, the undersigned, declare that:

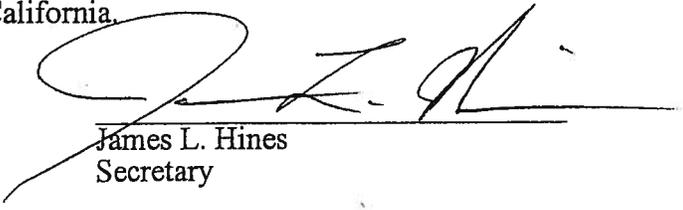
5 I am a citizen of the United States, over the age of eighteen, and am not a part to this  
6 litigation. On April 29, 2008, I served the

7 **"BLM REQUEST TO IBLA TO PROVIDE THAT ITS CLOSURE ORDER FOR THE CLEAR  
8 CREEK MANAGEMENT AREA BE IN FULL FORCE AND IMMEDIATELY EFFECTIVE"**

9 by placing a true copy enclosed in a sealed envelope via Federal Express and facsimile at  
10 Sacramento, California, addressed as follows:

11 Margaret Walsh  
12 U.S. Department of the Interior  
13 Office of Hearings & Appeals  
14 Office of Land Appeals  
15 801 N. Quincy Street, MS-300-QC  
16 Arlington, Virginia 22203  
17 Phone: 703-235-3750  
18 Fax: 703-235-8349

19 I declare under penalty of perjury that the foregoing is true and correct. Executed on the  
20 29th of April, 2008, at Sacramento, California.

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James L. Hines  
Secretary

**U.S. Department of Interior  
Bureau of Land Management**

**CLOSURE ORDER**

Pursuant to 43 CFR 8364.1, notice is hereby given that the BLM is seasonally restricting access to portions of public lands within the Clear Creek Management Area (CCMA) located in the southern portion of San Benito County and western Fresno County, California. **All public access, including motorized and non-motorized recreation use is restricted on public lands within the Serpentine ACEC from June 4, 2005 through October 15, 2005.** These lands are located in portions of T.17 S., R. 11 E.; T. 17 S., R. 12 E.; T. 18 S., R 11 E.; T. 18 S., R. 12 E.; T. 18 S., R. 13 E.; T. 19 S., R. 13 E.

This seasonal closure is necessary to ensure visitor safety and protect public land users from potential health risks associated with naturally occurring asbestos found within the restricted area. Dry soil conditions and high dust generating potential from public use activities during this time period create the greatest hazard and risk associated with exposure to asbestos.

**Except for travel on San Benito County roads, all public access and motorized vehicle travel will be allowed only by written authorization of the Hollister Field Manager.** The following persons are exempt from the identified restrictions:

- 1) Federal, State, or local law enforcement officers, while engaged in the execution of their official duties.
- 2) BLM personnel or their representatives while engaged in the execution of their official duties.
- 3) Any member of an organized rescue, fire-fighting force, or emergency medical services organization while in the performance of their official duties.
- 4) Any member of a federal, state, or local public works department while in the performance of an official duty.
- 5) Any person in receipt of a written authorization of exemption obtained from the authorized officer from the Hollister Field Office.
- 6) Private landowners with in-holdings within the restricted area who have a responsibility or need to access their property, and persons with valid existing rights-of-way or lease operations, or representatives thereof.

During the closure period, the area will be clearly posted. Closure signs will be posted at main entry points to all locations affected by this Notice. Maps of the area will be posted with this notice at key locations that provide access into the closure areas, and may be obtained with further information at the Hollister Field Office, 20 Hamilton Court, Hollister, California 95023.

Seasonal closure orders may be implemented as provided in 43 CFR, subpart 8364.1. Violations of this closure are punishable by a fine not to exceed \$1,000 and/or imprisonment not to exceed 12 months.

**BLM  
Hollister Field Office, 20 Hamilton Court, Hollister CA. 95023, 831 630-5000**

**Approved By:** \_\_\_\_\_

**Date:** \_\_\_\_\_

George E. Hill

Assistant Field Manager, Hollister Field Office, BLM



# United States Department of the Interior



## BUREAU OF LAND MANAGEMENT

Hollister Field Office  
20 Hamilton Court  
Hollister, CA 95023  
Phone (831) 630-5000 Fax (831) 630-5055  
[www.blm.gov/ca/hollister](http://www.blm.gov/ca/hollister)

May 1, 2008

*In Reply Refer to:*  
1610  
CA190

San Benito County Board of Supervisors  
County Administration Building  
481 Fourth Street  
Hollister, California 95023

Mr. Chairman,

On May 1, 2008, the Bureau of Land Management, Hollister Field Office closed a 31,000 acre area known as the Serpentine Area of Critical Environmental Concern (ACEC) in the Clear Creek Management Area to all public use. BLM is closing the area due to public health and safety concerns related to naturally occurring asbestos. The BLM wishes to discuss the implications of public use as related to road and route management for the County and BLM in this area.

The Clear Creek Management Area (CCMA) includes 63,000 acres of public land in San Benito and Fresno counties in central California. It includes part of the New Idria Formation, a serpentinite rock body which contains a 31,000 acre outcrop of naturally occurring asbestos, the largest asbestos deposit in the United States. The U.S. Department of Interior Bureau of Land Management (BLM) has designated the New Idria portion of the CCMA as the Serpentine Area of Critical Environmental Concern (ACEC). Recreational use of CCMA by hikers, campers, hunters, botanists, rock collectors, and off-highway vehicle (OHV) users disturbs soils of the ACEC, which have high levels of asbestos, creating the potential for asbestos exposure and increased health risk. The BLM is the agency responsible for administering the public lands of CCMA.

The BLM has closed the area to public use since 2005 from June 1 to October 15 each year, due public health and safety concerns. However, based upon the just released study by the Environmental Protection Agency determined the public health risks can exist year round. The EPA *activity based study* concluded that exposures measured for many recreational activities at CCMA are "above the EPA acceptable risk ranges for lifetime cancers." It also notes that children "have greater risk than adults due to higher exposure measurements [and] are of special concern because exposures occur earlier in their lives." The risk impacts recreational off-highway vehicle use, and extends to other forms of public recreation use/access in CCMA, according to the assessment. Based on this study, BLM imposed an

immediate temporary closure of a 31,000 acre in the center of the CCMA to all public use. The closure will remain in effect until BLM completes CCMA Resource Management Plan/Environmental Impact Statement.

Key facts:

1. San Benito County currently has 30.68 miles of road in the closure area.
2. The county has not maintained the roads in this area since 1994, (County resolution 94-165).
3. This open system of routes provided by the county is unpaved and generates significant dust throughout the year.
4. EPA's activity based sampling occurred on portions of the county's road system.
5. The County and the BLM share the responsibility related to public health in the Clear Creek Management Area.

BLM's challenge will be to enforce a closure on public lands with an active county road system going through the closed area. It is this challenge I wish to discuss with the Board and county staff as soon as possible. I can make arrangements for the EPA project manager for the CCMA Asbestos Exposure and Human Health Risk Assessment study to be available for this important discussion.

I have enclosed BLM's closure order, map of closed area with county roads shown, and EPA's draft executive summary.

Sincerely,

Rick Cooper  
Field Manager

Enclosure(s)



# United States Department of the Interior



## BUREAU OF LAND MANAGEMENT

Hollister Field Office  
20 Hamilton Court  
Hollister, CA 95023

Phone (831) 630-5000 Fax (831) 630-5055  
[www.ca.blm.gov/hollister](http://www.ca.blm.gov/hollister)

In Reply Refer to:  
8364 (P)  
CA-190.00

May 1, 2008

Dear Property Owner:

The Bureau of Land Management (BLM) is issuing an immediate temporary closure of 31,000 acres in the Clear Creek Management Area (CCMA), known as the Serpentine Area of Critical Environmental Concern (ACEC.) This closure to protect public health and safety from exposure to asbestos is effective May 1, 2008. The closure is in response to the release of the U. S. Environmental Protection Agency's (EPA) Human Health Risk Assessment Final Report that concludes that exposures to asbestos measured by EPA for many public use activities at CCMA are above the EPA acceptable risk range for excess lifetime cancer.

Public health and safety is always the top priority for BLM. The primary goal of these temporary public use restrictions is to reduce public exposure to airborne asbestos while BLM develops an Environmental Impact Statement (EIS) and Resource Management Plan (RMP) that considers these risks to determine long-term management objectives for the CCMA. BLM will continue public scoping started last year for the RMP for 30 days beginning in mid-May. BLM has also scheduled two public workshops (May 19 in Hollister and May 21 in San Jose) to discuss the planning process and take public comments. BLM is also hosting an informational meeting May 8 at the Convention Center in Santa Clara for EPA representatives to present health risk assessment findings to the public. Dates and times for these meetings are identified in the enclosed News Releases.

This temporary closure restricts all public use and access within the 31,000 acre area identified on the enclosed map. The closure will remain in effect until BLM signs a Record of Decision for the CCMA RMP and is pursuant to 43 Code of Federal Regulations 43 CFR 8364.1, which specifies penalties for violation of the order. BLM's Closure Order is attached and the EPA assessment is available online at [www.epa.gov/region09/toxic/noa/clearcreek](http://www.epa.gov/region09/toxic/noa/clearcreek).

*The closure does not affect your right to access your property.* However, BLM does encourage you to contact the Hollister Field Office to obtain information on reducing your risk of exposure while accessing your property. An Access Authorization Permit is enclosed; please fill out and return to the Hollister Field Office. It is expected property owners will access their property by the customary route(s) of travel, and no other travel or use will be allowed in the closed area without written authorization from the Field Office Manager. Please contact the Hollister Field Office at (831) 630-5000 for additional information.

Sincerely,

Rick Cooper  
Field Office Manager

## **Employee Asbestos Exposure Air Monitoring Plan For BLM Hollister and Ukiah Field Offices**

### **Introduction:**

Naturally occurring asbestos (NOA) is present at both Ukiah and Clear Creek Recreation Areas. NOA on BLM managed land has been recognized as a potential exposure issue since the early 1990s. Since that time personal exposure monitoring has been conducted on employees working on the Clear Creek Site. A recent OSHA inspection revealed problems with past employee exposure monitoring methods and it was determined that a new evaluation of employee exposures be conducted. The goal of this monitoring plan is to establish air monitoring procedures to collect a new data set which meets the OSHA requirements and definitively represents employee exposure levels and characterizes exposures at Ukiah. This data and relevant historic exposure monitoring data will be used to support management decisions on methods to reduce exposures. These typically include administrative measures such as scheduling work, determining alternative work methods, engineering controls such as dust suppression, enclosed cabs, and usage of personal protective equipment. Employee exposures are regulated by the Occupational Safety and Health Administration and are based on allowable airborne concentrations known as Permissible Exposure Limits. These are based on 8-hour time-weighted average exposures and are currently set at 0.1 fiber/cc with a 30 minute excursion limit of 1.0 fiber/cc.

EPA is in the process of evaluating exposure for various public use activities including motorcycle, SUV, ATV, hiking, camping. They will also address the differences between adult and child exposure. EPA risk assessment methods provide calculations of cancer risk for the specific activities over a lifetime. It differs from the occupational exposure assessment in that it does not correspond to a specific allowable airborne concentration. We are awaiting a report from EPA on the current activity based sampling project which is a continuation of an initial risk assessment work conducted by Halliburton-NUS in 1992. The December 2006 meeting with EPA indicated calculated cancer risk to the public of greater than one case per million persons for specific activities such as trailing motorcyclists. These reports will provide the basis management decisions on necessary actions to protect the public including public education of the risk.

It is important to understand the two different processes determining courses of action to protect both the employee and the public. This phase of the project will address only the employee asbestos exposure evaluation through the use of accepted occupation health methods.

### **Objectives:**

- To estimate employee exposure to naturally occurring asbestos during tasks performed by BLM employees during various environmental conditions.
- Validate methods used by BLM employees to monitor their own exposures. This includes training employees on proper sampling techniques and to providing CIH

oversight and guidance to an ongoing "in house" personal air monitoring program when necessary.

Air sampling to be conducted during the following tasks:

- Driving motorcycle, atv, suv on unpaved roads (lead and trail vehicle)
- Working or standing adjacent to unpaved road
- Sign or fence post installation
- Road maintenance using heavy equipment, dozer, grader.
- Hiking trail maintenance
- General hiking activities
- Vehicle or equipment decontamination
- General office work.
- Trash pick-up.
- Activity during high use periods.

Tasks will be monitored during differing environmental conditions and during the various seasons of the year. According to the work descriptions, most work activity at Clear Creek takes place in January through April. Therefore, multiple sampling events will occur during this time followed by a single sampling in the late summer and one in fall. This series of sampling dates will be conducted by industrial hygienists from various bureaus within DOI. Subsequent sampling for tasks with potential exposures not listed above or during differing conditions may be conducted by BLM staff with oversight from the Bureau or Departmental Industrial Hygienist. Environmental factors including wind speed, direction, temperature, soil moisture, relative humidity will be recorded. DOI industrial hygienists will track each employee being sampled and will monitor tasks, production rates, noting times of increased or decreased exposure potential. The first monitoring session will occur in late January 2007.

#### **Methods:**

Equipment: High flow personal air sampling pumps will be calibrated at 2.0 liters per minute prior to sampling and after sampling. Calibrator must be current on annual factory calibration check. Twenty-five millimeter diameter electrically conductive cowed cassettes using 0.8  $\mu\text{m}$  pore size mixed cellulose ester filters will be connected via tygon tubing to the pump. The complete sampling train should be used during calibration including use of a filter cassette from the lot of filters to be used in the field. Three separate calibration reading should be obtained both before sampling and after sampling. The average of the pre and post calibration rates will be used to calculate the total sample volume. Differences exceeding 5% will be noted in the sample documentation and brought to the attention of the project coordinators. Results will be discarded if pre and post calibration differences exceed 10%. Calibration will be done with the complete sampling train including filter cassette.

Initial sampling will be conducted inside and outside of helmets during motorcycle or ATV operations to determine the influence of turbulence and high wind speed. From the initial results and in consultation with the National Institute for

Occupational Safety and Health the decision will be made which method provides the closest estimate of actual exposure for subsequent sampling events.

In all cases the filter will be placed within the employees' breathing zones with the filter faced in a downward position. During sampling in the field, rotometers on the pumps must be checked to determine constant flow during the sampling period.

Because of the history of overloading filters, sampling time per filter must be closely monitored and filters changed as appropriate to prevent overloading.

During times of potentially high exposures, excursion limit samples should be taken for a thirty minute period for comparison to the 1.0 fiber per cubic centimeter excursion limit using a separate sampling pump calibrated to 2.0 liters per minute to allow for sufficient volume to be collected.

Data from the on-site weather stations will be recorded to characterize environmental conditions during the sampling. For areas without on-site weather stations an anemometer will be used to record temperature, relative humidity, wind speed, wind direction. Soil moisture level will be measured using a soil moisture sensor and general characteristics noted such as plant cover. Photographs will supplement the documentation. A detailed description of the tasks performed should be recorded on the sampling sheet.

Sampling cassettes will be obtained from the laboratory that will do the analysis. A unique label number will be placed on the sample cassette and the sampling start and stop times will be recorded on the sampling sheet along with the calibration flow rates. All relevant information will also be recorded on the sheet specific for the individual sampling period. Submit two blanks with each set of samples submitted to the laboratory and will come from the same lot of filters. The person sending the filters must sign the chain of custody section at the bottom of the sampling sheet which will be signed upon receipt at the laboratory. It is anticipated that all air samples will be shipped by overnight carrier.

Analysis: PCM analysis using NIOSH 7400 method will be used with concurrent TEM NIOSH 7402 analysis on samples greater than 1/2 of the permissible exposure limit or excursion limit levels to determine extent of non-asbestiform loading on filters.

**Data Interpretation:**

The OSHA regulations in 29 CFR 1910.1001 and 29 CFR 1926.58 specify a permissible exposure limit of 0.1 fibers per cubic centimeter of air for an 8-hour time-weighted average exposure. This standard pertains to fibers with a length-to-width ratio of 3 to 1 and a fiber length of greater than 5  $\mu\text{m}$ . An excursion limit of 1.0 fiber per cubic centimeter has also been established by OSHA which limits the exposure during any 30 minute period of the work shift. PCM cannot distinguish asbestos from non-asbestos fibers; therefore the TEM method may be necessary to confirm analytical results. Samples analyzed by PCM that approximate half of the regulatory limits will be analyzed

by TEM to determine asbestiform fiber concentrations. TEM analysis results should be reported in percent asbestos using the NIOSH7402 method. This percentage is multiplied by the PCM count to give an accurate asbestiform estimate.

To determine exposure during particular activities, separate filters should be used at the start of the activity. Full shift exposures will be calculated based on time spent on various activities. When comparing the results to the permissible exposure limits, the average exposure for the full work shift should be determined in accordance with the time proportions spent on each activity.

#### **Interim Protections:**

Standard work practices should be employed during the sampling period to estimate exposure levels during normal operating conditions. No unusual techniques should be implemented to create unrealistic exposure situations, nor should work practices attempt to minimize actual routine exposures during the sampling period. If the work practices ordinarily include dust suppression techniques, then these should be employed during the sampling period. During tasks which previous data indicate may result in elevated exposures, BLM personnel should wear appropriate personal protective equipment. Employees wearing respiratory protection must be properly trained, fit tested, and medically cleared to wear the respirator. All requirements of a respiratory protection program must be met.

#### **Coordination and Oversight**

Oversight for this occupational exposure sampling program will initially be provided by the DOI Health and Safety Office Industrial Hygienist. This role may be transferred to the BLM Safety Office Industrial Hygienist. Industrial hygienists from other Bureaus have agreed to provide their expertise to support this project during the various sampling events.

The site visits will include a training session with selected BLM personnel on proper sampling techniques. Ongoing sampling can be conducted by BLM staff with oversight by an industrial hygienist.

#### **Data Management:**

Sample results will be reviewed by the project industrial hygienists and forwarded on to the field offices. After each sampling session results are obtained, the industrial hygienist working with the field office management to decide on required actions to protect the employees. The BLM State office will be kept apprised of project results and outcomes. All sample results must be shared with employees at the field stations. The consolidated data along with protective measures if applicable should be sent to the OSHA area office as part of the response to the outstanding citations.



U.S. Department of the Interior  
Bureau of Land Management  
**News Release**

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For Immediate Release: May 1, 2008

CACC-08-XX

Contact: David Christy (916) 985-4474 and John Dearing (916) 978-4622

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**BLM Issues Immediate Temporary Closure of Clear Creek Management Area**

To protect public health and safety from exposure to asbestos, the U.S. Bureau of Land Management (BLM) today issued an immediate temporary closure of 31,000 acres of public lands in Clear Creek Management Area (CCMA) in southern San Benito and western Fresno counties to all public use.

BLM's action is in response to a human health risk assessment released today by the U.S. Environmental Protection Agency (EPA) that concludes the exposures measured by EPA for many recreational activities at CCMA are "above the EPA acceptable risk range of lifetime cancers." It also notes that children "have greater risk than adults due to higher exposure measurements [and] are of special concern because their exposures occur earlier in their lives." This risk impacts recreational off-highway vehicle use, and extends to other forms of public recreation use/access in CCMA, according to the assessment.

Rick Cooper, BLM's Hollister Field Manager stated, "Protecting the public's health and safety is BLM's number one priority. Based on EPA's results, we believe a temporary closure of most of the CCMA is in the public interest and we ask for the public's cooperation. With the closure in place, we will immediately move on with developing a long-term resource management plan (RMP) for the area with the public's full involvement."

BLM will continue public scoping started last year for the RMP through June 21, 2008. BLM has also scheduled two public workshops (May 19 in Hollister and May 21 in San Jose) to discuss the planning process to be held locally and in the South Bay. BLM is also hosting an informational meeting May 8 at the Convention Center in Santa Clara for EPA representatives to present assessment findings with the public. Separate announcements on these meetings have been issued.

BLM manages 63,000 acres of public lands within the CCMA which covers 75,000 acres. The area has been used extensively for OHV recreation for many years as well as hunting and rockhounding. The CCMA also encompasses the Serpentine Area of Critical Environmental Concern, the San Benito Mountain Research Natural Area, and the Pajaro, Arroyo Pasajaro and Silver Creek watersheds.

The BLM will work closely with interested parties to develop management actions best suited to the resources and the needs of the public, Cooper emphasized. This collaborative process will take into account local, regional, and national concerns. Early participation by all interested parties is encouraged and will help guide the planning process and determine the future management of public lands.

The EPA assessment is available online at [www.epa.gov/region09/toxic/noa/clearcreek](http://www.epa.gov/region09/toxic/noa/clearcreek) and BLM's closure order is posted at [www.ca.blm.gov/hollister](http://www.ca.blm.gov/hollister). The closure is pursuant to 43 Code of Federal Regulations 43 CFR 830.10, which specifies penalties for violation of the order. For further information contact the BLM in Hollister by phone (831-630-5000) or e-mail, [ca190@ca.blm.gov](mailto:ca190@ca.blm.gov).

-BLM-



U.S. Department of the Interior  
Bureau of Land Management  
**News Release**

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For Immediate Release: May 1, 2008

CACC-08-XX

Contact: David Christy (916) 985-4474 or John Dearing (916) 978-4622

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**Open House and Public Meeting Planned for Clear Creek Asbestos Health Risk Presentation**

The U.S. Bureau of Land Management (BLM) will host an open house and a public meeting May 8 in Santa Clara for the Environmental Protection Agency (EPA) to present its human health risk assessment for asbestos exposure from recreational use of BLM's Clear Creek Management Area (CCMA). BLM will also present information on its recent closure of about half the area in response to the findings.

EPA's assessment, released May 1, states that asbestos exposures measured by EPA for many recreational activities at CCMA are "above the EPA acceptable risk range of lifetime cancers," and also concludes that children "have greater risk than adults due to higher exposure measurements [and] are of special concern because their exposures occur earlier in their lives."

BLM issued an immediate temporary closure of 31,000 acres of the 63,000 acres of public lands in the CCMA, located in western Fresno and eastern San Benito counties, in response to the assessment, according to BLM Hollister Field Manager Rick Cooper. The EPA assessment is available online at [www.epa.gov/region09/toxic/noa/clearcreek](http://www.epa.gov/region09/toxic/noa/clearcreek); the BLM closure order is at [www.blm.gov/ca/hollister](http://www.blm.gov/ca/hollister).

To better accommodate the public, the agencies plan to hold two sessions at the Santa Clara Convention Center, 5001 Great America Parkway. From 3-5 pm, agency representatives will be available in an open house format, with information and maps for discussion with individuals. From 6-9 pm, there will be a public meeting in the auditorium where BLM will provide information on the closure and EPA will make a presentation on the assessment, with time allowed for the public to ask questions.

"We realize members of the public who visit Clear Creek will have concerns and questions about the human health risk assessment and closure order. This meeting will provide them a first-hand opportunity to hear the scientific information and ask questions of EPA and BLM representatives," said BLM Hollister Field Manager Rick Cooper.

In addition, BLM also will host two public "scoping" meetings, one in Hollister on May 19, and one in San Jose on May 21, to work with interested parties in developing a range of alternatives for long-term management of the CCMA. These alternatives will be analyzed in a Resource Management Plan and Environmental Impact Statement for the area, all part of a "collaborative process that will take into account local, regional, and national concerns," Cooper said. Times and locations of these meetings are available on the BLM's website.

For further information contact BLM's Hollister Field Office, 20 Hamilton Court, Hollister, Calif. 95023; telephone (831) 530-5000, fax: 831-630-5055; or e-mail, [ca190@ca.blm.gov](mailto:ca190@ca.blm.gov).

**UNITED STATES DEPARTMENT OF THE INTERIOR  
BUREAU OF LAND MANAGEMENT  
HOLLISTER FIELD OFFICE  
Clear Creek Management Area**

**Closure Access Authorization Permit  
Serpentine Area of Critical Environmental Concern**

<b>NAME:</b>		<b>PERMIT NUMBER:</b> CA-190-AP08-- 00	
<b>HOME ADDRESS:</b>		<b>CITY/STATE/ZIP:</b>	
<b>HOME PHONE:</b>	<b>OFFICE PHONE:</b>	<b>FAX NUMBER:</b>	<b>MOBILE PHONE:</b>
<b>EMAIL ADDRESS:</b>		<b>AUTHORIZED USE PERIOD:</b> Effective May 1, 2008	
<b>VEHICLE TYPE:</b>		<b>VEHICLE LICENSE #:</b>	
<b>VEHICLE TYPE:</b>		<b>VEHICLE LICENSE #:</b>	

You are hereby authorized to enter the Serpentine Area of Critical Environmental Concern (ACEC) within the Clear Creek Management Area to access your private property. **This permit and attached stipulations must be in your possession during your visit to the site.** The area is otherwise subject to access restrictions per the attached Closure Order.

The closure is effective May 1, 2008. It is intended to reduce public exposure to airborne asbestos. The Serpentine ACEC is the largest exposed body of serpentine material in the United States, and has significant concentrations of asbestos which may pose a substantial health risk.

It is understood that the authorization holder accepts and understands the risks associated with naturally occurring asbestos, and will use all measures listed in the stipulations to minimize the risk of exposure while in the Hazardous Asbestos Area.

Additional information regarding the health risks of naturally occurring asbestos is posted prominently within the area and is available from the Hollister Field Office.

It is your responsibility to ensure that all members of your party comply with the stipulations of this permit. Non-compliance with the stipulations of this permit may result in issuance of a citation and/or revocation of this authorization.

Please review the attached stipulations and site map, and contact this office if you have any questions at 831-730-7100.

Property owners shall access their property by the customary route(s) of travel, and **no other travel or use** will be allowed in the closed area without written authorization from the Field Office Manager. If you see or suspect any unauthorized use in the area, we would appreciate any information you may have.

This permit shall remain in effect until rescinded or superceded.

<b>Authorized Officer:</b>	<b>Date of Issuance:</b>
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**Access Permit Stipulations:**

1. The authorized holder will comply with the Closure Order and utilize the following techniques within the area to reduce potential exposure to airborne asbestos:
  - 1) Ensure vehicle windows are closed and air conditioning is on and in recirculation mode.
  - 2) Ensure vehicles are not following closely. Keep vehicle speed down
  - 3) Avoid driving with visible dust.
  - 4) Bag, seal, and launder all clothing separately upon leaving the area. Wash vehicle exterior upon leaving area.
  - 5) Only travel customary route to and from property; all other public use and access prohibited.
  - 6) Only engage in the activities described within this Authorization.
2. This permit is non-transferable.
3. Maintain communication with the Field Manager at 831-630-5000 necessitating any changes in conditions of this authorization.
4. Any violation of the above stipulations may result in immediate cancellation of the permit authorization.



# United States Department of the Interior

## BUREAU OF LAND MANAGEMENT

Hollister Field Office

120 Hamilton Court

Hollister, CA 95023

Phone (831) 630-5000 Fax (831) 630-5055

[www.blm.gov/ca/hollister](http://www.blm.gov/ca/hollister)



### EMERGENCY CLOSURE EFFECTIVE MAY 1, 2008 OF 31,000 ACRES WITHIN THE CLEAR CREEK MANAGEMENT AREA INFORMATION FACT SHEET

The U.S. Environmental Protection Agency (EPA) began conducting a study in 2004 on asbestos exposures experienced by CCMA users during typical recreational activities. The study was conducted to provide BLM with information to manage and minimize human health risks at the CCMA and to update a similar study conducted by the BLM in 1992.

On May 1, 2008 the EPA released the report, "CCMA Asbestos Exposure and Human Health Risk Assessment." The report stated the exposures measured by EPA for many recreational activities at CCMA are "above the EPA's acceptable risk range of lifetime cancers." It also notes that children "have greater risk than adults due to higher exposure measurements [and] are of special concern because their exposures occur earlier in their lives.

Based on the findings in the report, BLM's simultaneously enacted an immediate temporary closure on May 1, 2008 of 31,000 acres of the area to all public access/entry upon release of the EPA report while a Resource Management Plan (RMP) to determine the long-term management of the area is underway. The BLM's number one priority is to protect the public's health and safety.

Over the next two years BLM will be preparing a Resource Management Plan and Environmental Impact Statement to guide the long-term management of public lands within the CCMA. EPA and BLM will host a public meeting to discuss the results of the EPA Human Health Risk Assessment and BLM will discuss the need for the temporary emergency closure on May 8, 2008.

The Fee Program has been suspended and partial refunds will be issued to all persons who purchased a Season Pass.

#### Public Meetings

May 8, Santa Clara County Convention Center, 1000 Great America Parkway, Santa Clara, EPA and BLM, open house from 5:00 pm to 6:00 pm, meeting from 6:00 – 9:00 pm

May 19, Veteran's Memorial Hall, 649 San Benito St., Hollister, 6:00 – 8:00 pm

May 21, Martin Luther King Library, Room 225, 150 E. San Fernando St., San Jose, 6:00 – 8:00 pm

#### For More Information

Contact the Hollister Field Office at (831) 630-5000 or visit our website at [http://www.blm.gov/ca/st/office/hollister/clear\\_creek\\_management\\_area.html](http://www.blm.gov/ca/st/office/hollister/clear_creek_management_area.html)

May 1, 2008  
Press Conference

RC

**PRESS CONFERENCE (EPA FIRST) 1 TO 2 MINUTES**

**THE US EPA RISK ASSESSMENT: CLEAR CREEK MANAGEMENT AREA ASBESTOS INCREASES LONG-TERM CANCER RISK.**

AND

**BLM's RECENT TEMPORARY CLOSURE DECISION FOR CLEAR CREEK MANAGEMENT AREA**

Rick Cooper

I AM THE BUREAU OF LAND MANAGEMENT'S HOLLISTER FIELD OFFICE MANAGER. THE OFFICE ADMINISTERS MANAGEMENT ON 315,000 ACRES OF PUBLIC LAND IN THE CENTRAL COAST REGION OF CALIFORNIA.

**TODAY, BLM IS ANNOUNCING THE IMMEDIATE TEMPORAY CLOSURE OF 31,000 ACRES OF PUBLIC LAND IN THE CLEAR CREEK MANAGEMENT AREA. THIS CLOSURE ORDER IS IN RESPONSE TO EPA'S RECENTLY COMPLETED RISK ASSESSMENT.**

THE CLOSURE AREA IS WITHIN THE 75,000-ACRE CLEAR CREEK MANAGEMENT AREA (CCMA) LOCATED IN SAN BENITO AND FRESNO COUNTIES. THE AREA IS A POPULAR DESTINATION FOR OFF-HIGHWAY VEHICLE (OHV) RIDERS, ROCKHOUNDS, HUNTERS, CAMPERS, HIKERS, BOTANISTS AND NATURALISTS. APPROXIMATELY 35,000 VISITORS EACH YEAR USES HUNDREDS OF MILES OF ROADS AND TRAILS IN THE AREA.

THE 31,000 ACRE AREA IS KNOWN AS THE SERPINTIENE AREA OF CRITICAL ENVIRONMENTAL CONCERN AND IS THE LARGEST NATURALLY OCCURRING ASBESTOS DEPOSIT IN THE U.S. THE BUREAU OF LAND MANAGEMENT (BLM) AND ENVIRONMENTAL PROTECTION AGENCY (EPA) **HAVE LONG BEEN CONCERNED** ABOUT THE HUMAN HEALTH RISKS FROM BREATHING ASBESTOS DUST GENERATED BY RECREATIONAL ACTIVITIES IN THE NATURALLY OCCURRING ASBESTOS AREA.

HOWEVER UNTIL THIS MOST RECENT ACTIVITY BASED STUDY WAS COMPLETED THE CONCENTRATIONS OF ASBESTOS FIBERS IN THE DUST WERE NOT FULLY KNOWN. THESE HIGH CONCENTRATIONS COUPLED WITH THE FACT THAT ASBESTOS FIBERS COUNTED, MEASURED AND USED IN THE RISK ASSESSMENT ARE OF A SIZE AND DIMENSION THAT CONTRIBUTES TO CANCER IN HUMANS, HAVE COMPELLED BLM TO IMPLEMENT AN **IMMEDIATE TEMPORARY CLOSURE** OF A 31,000 ACRE PORTION OF CCMA.

PROTECTING THE PUBLIC'S HEALTH AND SAFETY IS BLM'S NUMBER ONE PRIORITY. BASED ON EPA'S RESULTS, WE BELIEVE A **TEMPORARY CLOSURE** IS IN THE PUBLIC INTEREST AND WE ASK FOR THE PUBLIC'S COOPERATION.

THE **CLOSURE** WILL REMAIN IN EFFECT UNTIL THE RESOURCE MANAGEMENT PLAN (RMP) AND EIS EFFORT IS COMPLETED, AND FINAL DECISIONS HAVE BEEN ISSUED FOR THE CCMA.

BLM IS AS DISAPPOINTED WITH THIS OUTCOME AS OUR PUBLIC AND OUR PARTNERS WHO HAVE WORKED VERY HARD TO FIND AN APPROPRIATE BALANCE TO THE VARIED USES AND RESOURCES IN THIS CHALLENGING ENVIRONMENT. **HOWEVER, BLM IS COMMITTED TO RESPOND ON THE SIDE OF SAFETY** IN THIS CASE.

BLM WILL CONDUCT AN ANALYSIS OF ALTERNATIVES DURING THE RESOURCE MANAGEMENT PLAN AND ENVIRONMENTAL IMPACT STATEMENT PROCESS TO DETERMINE THE TYPES OF USE THAT CAN BE AUTHORIZED AND MANAGED WITHOUT SIGNIFICANT RISK TO THE PUBLIC.

BLM HAS COMPLETED THREE (3) PUBLIC SCOPING MEETINGS FOR THE CCMA RMP IN FALL 2007. BLM HAS SCHEDULED TWO (2) ADDITIONAL PUBLIC SCOPING MEETINGS TO HEAR ADDITIONAL COMMENTS AND ISSUES, THAT MAY PERTAIN TO INFORMATION LEARNED FROM THE EPA RISK ASSESSMENT.

BLM ENCOURAGES THE PUBLIC TO PARTICIPATE IN THE LAND USE PLANNING EFFORT FOR THIS UNIQUE AND CHALLENGING AREA.



# United States Department of the Interior



## BUREAU OF LAND MANAGEMENT

Hollister Field Office

20 Hamilton Court

Hollister, CA 95023

Phone (831) 630-5000 Fax (831) 630-5055

[www.ca.blm.gov/hollister](http://www.ca.blm.gov/hollister)

*In Reply Refer to:*  
8364 (P)  
CA-190.00

May 1, 2008

Dear Interested Parties:

The Bureau of Land Management (BLM) is issuing an immediate temporary closure of 31,000 acres in the Clear Creek Management Area (CCMA), known as the Serpentine Area of Critical Environmental Concern (ACEC.) This closure to protect public health and safety from exposure to asbestos is effective May 1, 2008. The closure is in response to the release of the U. S. Environmental Protection Agency's (EPA) Human Health Risk Assessment Final Report that concludes that exposures to asbestos measured by EPA for many public use activities at CCMA are above the EPA acceptable risk range for excess lifetime cancer.

Public health and safety is always the top priority for BLM. The primary goal of these temporary public use restrictions is to reduce public exposure to airborne asbestos while BLM develops an Environmental Impact Statement (EIS) and Resource Management Plan (RMP) that considers these risks to determine long-term management objectives for the CCMA. BLM will continue public scoping started last year for the RMP for 30 days beginning in mid-May. BLM has also scheduled two public workshops (May 19 in Hollister and May 21 in San Jose) to discuss the planning process and take public comments. BLM is also hosting an informational meeting May 8 at the Convention Center in Santa Clara for EPA representatives to present health risk assessment findings to the public. Dates and times for these meetings are identified in the enclosed News Releases.

This temporary closure restricts all public use and access within the 31,000 acre area identified on the enclosed map. The closure will remain in effect until BLM signs a Record of Decision for the CCMA RMP and is pursuant to 43 Code of Federal Regulations 43 CFR 8364.1, which specifies penalties for violation of the order. BLM's Closure Order is attached and the EPA assessment is available online at [www.epa.gov/region09/toxic/noa/clearcreek](http://www.epa.gov/region09/toxic/noa/clearcreek).

Please contact the Hollister Field Office at (831) 630-5000 for additional information.

Sincerely,

Rick Cooper

Field Office Manager



# United States Department of the Interior

## BUREAU OF LAND MANAGEMENT

Hollister Field Office

20 Hamilton Court

Hollister, CA 95023

Phone (831) 630-5000 Fax (831) 630-5055

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### **EMERGENCY CLOSURE EFFECTIVE MAY 1, 2008 OF 31,000 ACRES WITHIN THE CLEAR CREEK MANAGEMENT AREA INFORMATION FACT SHEET**

The U.S. Environmental Protection Agency (EPA) began conducting a study in 2004 on asbestos exposures experienced by CCMA users during typical recreational activities. The study was conducted to provide BLM with information to manage and minimize human health risks at the CCMA and to update a similar study conducted by the BLM in 1992.

On May 1, 2008 the EPA released the report, "CCMA Asbestos Exposure and Human Health Risk Assessment." The report stated the exposures measured by EPA for many recreational activities at CCMA are "above the EPA acceptable risk range of lifetime cancers." It also notes that children "have greater risk than adults due to higher exposure measurements [and] are of special concern because their exposures occur earlier in their lives.

Based on the findings in the report, BLM simultaneously enacted an immediate temporary closure on May 1, 2008 of 31,000 acres of the area to all public access/entry upon release of the EPA report while a Resource Management Plan (RMP) to determine the long-term management of the area is underway. The BLM's number one priority is to protect the public's health and safety.

Over the next two years, BLM will be preparing a Resource Management Plan and Environmental Impact Statement to guide the long-term management of public lands within the CCMA. EPA and BLM will host a public meeting to discuss the results of the EPA Human Health Risk Assessment and BLM will discuss the need for the temporary emergency closure on May 8, 2008.

The Fee Program has been suspended and partial refunds will be issued to all persons who purchased a Season Pass.

#### **Public Meetings**

May 8, Santa Clara Convention Center, 5001 Great America Parkway, Santa Clara, EPA and BLM, open house from 3:00 – 5:00 pm, meeting from 6:00 – 9:00 pm

May 19, Veteran's Memorial Hall, 649 San Benito St., Hollister, 6:00 – 8:00 pm

May 21, Martin Luther King Jr. Library Room 225, 150 E. San Fernando St., San Jose, 6:00 – 8:00 pm

#### **For More Information**

Contact the Hollister Field Office at (831) 630-5000 or visit our website at  
[http://www.blm.gov/ca/st/en/fo/hollister/clear\\_creek\\_management\\_area.html](http://www.blm.gov/ca/st/en/fo/hollister/clear_creek_management_area.html)

**U.S. Department of Interior  
Bureau of Land Management  
CLOSURE ORDER**

Notice is hereby given that effective on this date and pursuant to 43 CFR 8364.1 the public lands as described below are closed to all forms of entry and public use. This closure affects approximately 31,000 acres of public lands in the Clear Creek Management Area (CCMA) referred to as the Serpentine Area of Environmental Concern (ACEC) and portions of adjacent BLM-administered lands located in southern San Benito County and western Fresno County, California. The lands include portions of Mount Diablo Principal Meridian: Township 17 South, Ranges 11 and 12 East; Township 18 South, Ranges 11, 12 and 13 East, and Township 19 South, Range 13 East.

This closure is necessary to protect public land users from human health risks associated with exposure to airborne asbestos in the CCMA based upon a final report issued by the Environmental Protection Agency that concludes that public use activities could expose an individual to excess lifetime cancer risks. The order will remain in effect while the BLM completes a Resource Management Plan for the CCMA to determine if and how visitor use can occur without associated excess health risks.

The following persons are exempt from the identified restrictions:

- 1) Federal, State, or local law enforcement officers, while engaged in the execution of their official duties.
- 2) BLM personnel or their representatives while engaged in the execution of their official duties.
- 3) Any member of an organized rescue, fire-fighting force, or emergency medical services organization while in the performance of their official duties.
- 4) Any member of federal, state, or local government agencies while in the performance of an official duty.
- 5) Any person in receipt of a written authorization of exemption obtained from the authorized officer.

Private landowners within the restricted area and persons with valid existing rights-of-way, mining claims, or leases must request in writing access permission from Hollister Field Manager at the address listed below.

During the closure period the area will be clearly posted. Informational signs will be posted at main entry points to locations affected by this Order. Maps of the closed area will be posted with the Order at key locations that provide access to the closed area, and may also be obtained at the Hollister Field Office, 20 Hamilton Court, Hollister, California 95023.

Failure to comply with this order is punishable by a fine not to exceed \$1,000 and/or imprisonment not to exceed 12 months Pursuant to 43 CFR, subpart 8360.0-7.

**BLM  
Hollister Field Office, 20 Hamilton Court, Hollister CA. 95023, 831 630-5000**

Approved By:   
BLM Authorized Officer, Rick Cooper,  
Field Manager, Hollister Field Office

Date: May 1, 2008



# United States Department of the Interior



## BUREAU OF LAND MANAGEMENT

Hollister Field Office  
20 Hamilton Court  
Hollister, CA 95023  
Phone (831) 630-5000 Fax (831) 630-5055  
www.blm.gov/ca/hollister

May 1, 2008

In Reply Refer to:  
1610  
CA190

San Benito County Department of Public Works  
3220 Southside Road  
Hollister, California 95023

CLEAR CREEK

Attention: Art Bliss

Dear Mr. Lowe,

On May 1, 2008, the Bureau of Land Management, Hollister Field Office closed a 31,000 acre area known as the Serpentine Area of Critical Environmental Concern (ACEC) in the Clear Creek Management Area to all public use. BLM is closing the area due to public health and safety concerns related to naturally occurring asbestos. The BLM wishes to discuss the implications of public use as related to road and route management for the County and BLM in this area.

The Clear Creek Management Area (CCMA) includes 63,000 acres of public land in San Benito and Fresno counties in central California. It includes part of the New Idria Formation, a serpentine rock formation which contains a 31,000 acre outcrop of naturally occurring asbestos, the largest asbestos deposit in the United States. The U.S. Department of Interior Bureau of Land Management (BLM) has designated the New Idria Formation portion of the CCMA as the Serpentine Area of Critical Environmental Concern (ACEC). Recreational use of CCMA by hikers, campers, hunters, botanists, rock collectors, and off-highway vehicle (OHV) users disturbs soils of the ACEC, which have high levels of asbestos, creating the potential for asbestos exposure and increased health risk. The BLM is the agency responsible for administering the public lands of CCMA.

The BLM has closed this area to public use since 2005 from June 1 to October 15 each year, due public health and safety concerns. However, based upon the newly released CCMA Asbestos Exposure and Human Health Risk Assessment (Assessment), the Environmental Protection Agency has determined the public can be exposed to high levels of asbestos at anytime during the year. The EPA *activity based study* concluded that exposures measured for many recreational activities at CCMA are "above the EPA acceptable risk ranges for lifetime cancers." It also notes that children "have greater risk than adults due to higher exposure measurements [and] are of special concern because exposures occur earlier in their lives." Based on this Assessment, BLM imposed an immediate temporary closure of 31,000

acres in the center of the CCMA to all public use. The closure will remain in effect until BLM completes CCMA Resource Management Plan/Environmental Impact Statement.

Key facts:

1. San Benito County currently has 30.68 miles of road in the closure area.
2. The county has not maintained the roads in this area since 1994, (County resolution 94-165).
3. This open system of routes provided by the county is unpaved and generates significant asbestos laden dust throughout the year.
4. EPA's activity based sampling occurred on portions of the county's road system.
5. The County and the BLM share the responsibility related to public health and safety in the Clear Creek Management Area.

BLM's challenge is to enforce a closure on public lands to protect public health and safety with an active county road system going through the closed area. I would like to discuss alternatives with the county regarding the control or restriction of public access to the county roads. One alternative that should be discussed is for the county to officially abandon the roads in the CCMA. I have sent a request to the Board of supervisors to discuss this important issue at the next board meeting.

I have enclosed BLM's closure order and map of closed area with county roads shown.

Sincerely,



Rick Cooper  
Field Manager

Enclosure(s)

**U.S. Department of Interior**  
**Bureau of Land Management**  
**CLOSURE ORDER**

Notice is hereby given that effective on this date and pursuant to 43 CFR 8364.1 the public lands as described below are closed to all forms of entry and public use. This closure affects approximately 31,000 acres of public lands in the Clear Creek Management Area (CCMA) referred to as the Serpentine Area of Environmental Concern (ACEC) and portions of adjacent BLM-administered lands located in southern San Benito County and western Fresno County, California. The lands include portions of Mount Diablo Principal Meridian: Township 17 South, Ranges 11 and 12 East; Township 18 South, Ranges 11, 12 and 13 East, and Township 19 South, Range 13 East.

This closure is necessary to protect public land users from human health risks associated with exposure to airborne asbestos in the CCMA based upon a final report issued by the Environmental Protection Agency that concludes that public use activities could expose an individual to excess lifetime cancer risks. The order will remain in effect while the BLM completes a Resource Management Plan for the CCMA to determine if and how visitor use can occur without associated excess health risks.

The following persons are exempt from the identified restrictions:

- 1) Federal, State, or local law enforcement officers, while engaged in the execution of their official duties.
- 2) BLM personnel or their representatives while engaged in the execution of their official duties.
- 3) Any member of an organized rescue, fire-fighting force, or emergency medical services organization while in the performance of their official duties.
- 4) Any member of federal, state, or local government agencies while in the performance of an official duty.
- 5) Any person in receipt of a written authorization of exemption obtained from the authorized officer.

Private landowners within the restricted area and persons with valid existing rights-of-way, mining claims, or leases must request in writing access permission from Hollister Field Manager at the address listed below.

During the closure period the area will be clearly posted. Informational signs will be posted at main entry points to locations affected by this Order. Maps of the closed area will be posted with the Order at key locations that provide access to the closed area, and may also be obtained at the Hollister Field Office, 20 Hamilton Court, Hollister, California 95023.

Failure to comply with this order is punishable by a fine not to exceed \$1,000 and/or imprisonment not to exceed 12 months Pursuant to 43 CFR, subpart 8360.0-7.

**BLM**  
**Hollister Field Office, 20 Hamilton Court, Hollister CA. 95023, 831 630-5000**

**Approved By:** \_\_\_\_\_  
BLM Authorized Officer, Rick Cooper,  
Field Manager, Hollister Field Office

**Date:** \_\_\_\_\_





# United States Department of the Interior



## BUREAU OF LAND MANAGEMENT

Hollister Field Office  
20 Hamilton Court  
Hollister, CA 95023  
www.ca.blm.gov/hollister

May 01, 2008

In Reply Refer To:  
8364.1 (P)  
CA190.38

### Memorandum

To: Mike Pool, BLM California State Director

From: Rick Cooper, Hollister Field Manager

Subject: Temporary Closure of Clear Creek Management Area

This memorandum clarifies the decision-making authority for the BLM Hollister Field Office's temporary closure of certain public lands Clear Creek Management Area to protect public health and safety under 43 CFR 8364.1.

Interior Board of Lands Appeals decision 2005-217, dated July 10, 2007, states "under 43 CFR 8364.1, BLM may issue an order to close or restrict use of designated public lands to protect persons, property, and public lands and resources." The IBLA ruling also states that "BLM may choose to use an Environmental Assessment to facilitate discussion and analysis of the closure action, but where it was not required to do so under NEPA, doing so does not create an obligation under the statute where none otherwise exists." Therefore, the Hollister Field Office prepared a reasoned analysis of the temporary closure, pursuant to 40 CFR 1501, and concluded the action is necessary to protect the public, as evaluated in the attached environmental assessment (EA CA-190-08-28). However, the Notice of Closure published in the Federal Register on May 1, 2008 (Volume 73, Number 85) was issued under the authority provided by 43 CFR 8364.1

The temporary closure is in conformance with the Hollister Resource Management Plan (RMP, 1984), as amended, the Record of Decision for the Clear Creek Management Area RMP Amendment and Route Designation (2006), and with other applicable law, regulation and policy. BLM determined that the results of the Environmental Protection Agency's Asbestos Exposure and Human Health Risk Assessment (2008) identify significant public health and safety issues from visitor use in Clear Creek Management Area. My decision is based on these findings, as documented in the attached environmental assessment (EA CA-190-08-28).

#### Attachment(s):

- 1 – EA CA-190-08-28 (10 pp)
- 2 – Closure Area Map (1 pg)

Rick  
Cooper/CASO/CA/BLM/DOI  
05/02/2008 09:46 AM

To Steve Koretoff <skorettoff@sbcglobal.net>  
cc Mike Pool <mike\_pool@ca.blm.gov>  
bcc  
Subject Re: Closure of CCMA 

Steve,

I made the decision to immediately close Clear Creek. I signed the decision on May 1, 2008. It is posted on the Hollister BLM website. BLM's request to Office of Hearings and Appeal to issue the decision full force and effect was approved April 30, 2008. Full force and effect means that an appeal of the decision will not suspend the effect of the Closure Order.

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My decision is based my confidence in the EPA assessment, my confidence in EPA, OSHA and World Health Organizations classification system for asbestos.

I believe that BLM should not authorize a use on public lands when the agency knows that the authorization will result the public being exposed to high concentrations of asbestos unnecessarily.

BLM will use the EIS and planning process to analyze alternatives for future use of CCMA.

Rick Cooper  
Field Manager  
Hollister Field Office  
20 Hamilton Court  
Hollister, CA 95023  
phone: (831) 630-5010  
Steve Koretoff <skorettoff@sbcglobal.net>



Steve Koretoff  
<skorettoff@sbcglobal.net>  
05/02/2008 07:34 AM

To Mike Pool <mike\_pool@ca.blm.gov>  
cc Rick Cooper <rick\_cooper@ca.blm.gov>  
Subject Closure of CCMA

I would like to know exactly whom made the decision to close CCMA, who was the BLM official that stamped and sign the closure. I know this came down to one person making the call on this issue and I would like to know whom that person was. I would like a timely response on this issue.

Steve Koretoff

Rick  
Cooper/CASO/CA/BLM/DOI  
05/02/2008 09:47 AM

To Simms.Mary@epamail.epa.gov  
cc  
bcc  
Subject Re: Fw: BLM/EPA Radio Interview 

Call at 831-630-5010.

Rick Cooper  
Field Manager  
Hollister Field Office  
20 Hamilton Court  
Hollister, CA 95023  
phone: (831) 630-5010  
Simms.Mary@epamail.epa.gov



Simms.Mary@epamail.epa.g  
ov  
05/02/2008 08:14 AM

To Johnson.Jere@epamail.epa.gov,  
Den.Arnold@epamail.epa.gov,  
Stralka.Daniel@epamail.epa.gov,  
Janet\_Bedrosian@blm.gov, Rick\_Cooper@ca.blm.gov  
cc  
Subject Fw: BLM/EPA Radio Interview

We're set to interview with KEAR Radio today at 10:30. He has the press releases, and asked for additional bullets which I provided below. The interviews will air in q&a format, but the show is taped --not live.

Rick -- is it alright if we call you at 10:25? What's the best number to reach you at?

Mary Simms  
U.S. EPA, Region 9, OPA  
Media Relations  
415-947-4270  
75 Hawthorne Street  
San Francisco, CA 94105

----- Forwarded by Mary Simms/R9/USEPA/US on 05/02/2008 08:09 AM -----  
Mary Simms/R9/USEPA/US

05/02/2008 08:09 AM

To jonathan@hitfastforward.com  
cc  
Subject BLM/EPA Radio Interview

Hi Jonathan,

We'll call you at 10:30 for the interview. Here are a few bullets regarding the closure and risk assessment. For BLM, Hollister Field Manager Rick Cooper will participate in the interview. For the EPA, Superfund remedial project manager Jere Johnson will participate. Please let me know if there is anything else you need prior to the call. Thanks very much for the opportunity to get this important health message out to the public.

**BLM's Main Info:**

- Based on the findings of a new study of asbestos exposure risk to visitors released Thursday by the U.S. Environmental Protection Agency, the Bureau of Land Management today issued an immediate temporary closure of 31,000 acres, BLM's #1 priority in managing the Clear Creek area is protecting public/employee health and safety.
- The CCMA Asbestos Exposure and Health Risk Assessment is an EPA document and questions regarding its content and interpretation must be addressed to EPA.
- BLM will sign the area, post information, and enforce the closure to the fullest extent possible, but public cooperation and compliance will be important to meeting the closure's public safety objectives.

**EPA's Main Info:**

- The EPA's risk assessment found an increased long-term cancer risk from engaging in many of the typical recreational activities at the CCMA.
- In areas where asbestos is present in the soil, activities that create dust also create asbestos exposure. Higher dust-generating activities produce higher exposures and, therefore, higher risks. The asbestos levels measured in the breathing zone at CCMA are in the range seen in industrial environments and are at levels of concern. Reducing or eliminating dust-generating activities in CCMA will reduce exposure and reduce the risk of developing asbestos-related disease
- Some opponents to the closure argue that chrysotile asbestos is not hazardous. But that is strongly contradicted by decades of epidemiological and public health studies. The health community, EPA, and many other international health agencies and organizations have declared asbestos, including chrysotile, to be a known human carcinogen.
- Children who ride alone or follow in the dust clouds of their parents have higher exposures and have higher risks for getting cancer than adults.

Mary Simms  
U.S. EPA, Region 9, OPA  
Media Relations  
415-947-4270  
75 Hawthorne Street  
San Francisco, CA 94105

Rick  
Cooper/CASO/CA/BLM/DOI  
05/02/2008 11:34 AM

To Janet Bedrosian  
cc David Christy/CASO/CA/BLM/DOI@BLM  
bcc  
Subject Fw: Closure of CCMA

FYI

Rick Cooper  
Field Manager  
Hollister Field Office  
20 Hamilton Court  
Hollister, CA 95023  
phone: (831) 630-5010

--- Forwarded by Rick Cooper/CASO/CA/BLM/DOI on 05/02/2008 11:34 AM ---

Rick  
Cooper/CASO/CA/BLM/DOI  
05/02/2008 09:46 AM

To Steve Koretoff <skorettoff@sbcglobal.net>  
cc Mike Pool <mike\_pool@ca.blm.gov>  
Subject Re: Closure of CCMA 

Steve,

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Rick Cooper  
Field Manager  
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20 Hamilton Court  
Hollister, CA 95023  
phone: (831) 630-5010  
Steve Koretoff <skorettoff@sbcglobal.net>



Steve Koretoff  
<skorettoff@sbcglobal.net>

To Mike Pool <mike\_pool@ca.blm.gov>



05/02/2008 07:34 AM

cc Rick Cooper <rick\_cooper@ca.blm.gov>  
Subject Closure of CCMA

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Steve Koretoff



Janet  
Bedrosian/CASO/CA/BLM/DOI  
05/02/2008 11:42 AM

To Rick Cooper/CASO/CA/BLM/DOI@BLM  
cc  
bcc  
Subject Re: Closure of CCMA 

Perfect. -- as was your quote in LATimes  
Rick Cooper  
----- Original Message -----

**From:** Rick Cooper  
**Sent:** 05/02/2008 11:34 AM PDT  
**To:** Janet Bedrosian  
**Cc:** David Christy  
**Subject:** Fw: Closure of CCMA

FYI

Rick Cooper  
Field Manager  
Hollister Field Office  
20 Hamilton Court  
Hollister, CA 95023  
phone: (831) 630-5010

--- Forwarded by Rick Cooper/CASO/CA/BLM/DOI on 05/02/2008 11:34 AM ---

Rick  
Cooper/CASO/CA/BLM/DOI  
05/02/2008 09:46 AM

To Steve Koretoff <skorettoff@sbcglobal.net>  
cc Mike Pool <mike\_pool@ca.blm.gov>  
Subject Re: Closure of CCMA 

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Rick Cooper

Field Manager  
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20 Hamilton Court  
Hollister, CA 95023  
phone: (831) 630-5010  
Steve Koretoff <skoretoff@sbcglobal.net>



Steve Koretoff  
<skoretoff@sbcglobal.net>  
05/02/2008 07:34 AM

To Mike Pool <mike\_pool@ca.blm.gov>  
cc Rick Cooper <rick\_cooper@ca.blm.gov>  
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Steve Koretoff



>  
> Mike, I know you are very busy, but could you please take a few minutes to  
> read this article.  
>  
> <http://scienceworld.wolfram.com/chemistry/Asbestos.html>  
>  
> The World Health Organization has stated that use of "Chrysotile" does not  
> pose a major health risk. The WHO findings mirror what is stated in the  
> above article. Thank you for your attention to this complex issue.  
>  
> Steve Koretoff  
>

Rick  
Cooper/CASO/CA/BLM/DOI  
05/02/2008 04:32 PM

To "Eileen Karzen" <EKARZEN@linerlaw.com>  
cc  
bcc Sky Murphy/CASO/CA/BLM/DOI@BLM  
Subject Re: Touhy Request - Supplemental Document Requests (2)  


Eileen, (for Tony Sain)

1) The EPA assessment can be retrieved online at the EPA Region 9 website, *Clear Creek Management Area Asbestos Exposure and Human Health Risk Assessment, May 2008*. This assessment is effectively the newer comparable report to the BLM PTI report.

2) Contact EPA regarding this question. It maybe on the website as well.

3) I will assume any correspondence related to Clear Creek Management Area. We can flag items beginning this date.

4) BLM's new plan is to be developed. This will be a 18 to 24 month process. I will provide our Environmental Coordinator with your contact info as an *Interested Party*.

I hope this satisfies your request.

Rick Cooper  
Field Manager  
Hollister Field Office  
20 Hamilton Court  
Hollister, CA 95023  
phone: (831) 630-5010

"Eileen Karzen" <EKARZEN@linerlaw.com>



"Eileen Karzen "  
<EKARZEN@linerlaw.com>  
05/02/2008 12:08 PM

To <rick.cooper@ca.blm.gov>  
cc  
Subject Touhy Request - Supplemental Document Requests (2)

Dear Mr. Cooper,

Please find attached correspondence of this date from Tony Sain concerning the Touhy Request - Supplemental Document Requests (2).

Thank you.

**Eileen Karzen**

Legal Assistant to James E. Doroshow and Tony Sain  
LINER YANKELEVITZ SUNSHINE & REGENSTREIF LLP  
1100 Glendon Avenue | 14th Floor  
Los Angeles, CA 90024.3503  
main: 310.500.3500



dir: 310.500.3621  
fax: 310.500.3501  
**ekarzen@linerlaw.com**  
**www.linerlaw.com**

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IRS Circular 230 Disclosure: To ensure compliance with Treasury Department Regulations, we advise you that, unless otherwise expressly indicated, any federal tax advice contained in this communication was not intended or written to be used, and cannot be used, for the purpose of (i) avoiding tax-related penalties under the Internal Revenue Code or applicable state or local tax law provisions or (ii) promoting, marketing or recommending to another party any tax-related matter addressed herein.

[attachment "20080502112017598.pdf" deleted by Rick Cooper/CASO/CA/BLM/DOI]

Rick  
Cooper/CASO/CA/BLM/DOI  
05/02/2008 04:47 PM

To Lynda Roush/CASO/CA/BLM/DOI  
cc  
bcc  
Subject Re: Fw: RECREATION WRONGLY TARGETED IN CLEAR  
CREEK CLOSURE 

Thanks Lynda.

I don't think I will be getting any awards from these folks.

Rick Cooper  
Field Manager  
Hollister Field Office  
20 Hamilton Court  
Hollister, CA 95023  
phone: (831) 630-5010  
Lynda Roush/CASO/CA/BLM/DOI



Lynda  
Roush/CASO/CA/BLM/DOI  
05/02/2008 03:56 PM

To Rick Cooper/CASO/CA/BLM/DOI@BLM  
cc  
Subject Fw: RECREATION WRONGLY TARGETED IN CLEAR  
CREEK CLOSURE

Hi Rick,

Didn't know if you had seen this, so thought I would send along.

Good Luck.....Lynda

---

## **BLUERIBBON COALITION, INC.**

### **MEDIA RELEASE**

#### **FOR IMMEDIATE RELEASE**

Contact: Don Amador  
Phone: 925-625-6287; 925-783-1834  
Date: May 1, 2008

### **RECREATION WRONGLY TARGETED IN CLEAR CREEK CLOSURE**

BOISE, ID - May 1 - Recreation groups expressed dismay at the surprise announcement that federal agencies are closing approximately 31,000 acres of public land in Central California. The Clear Creek Management Area ("CCMA"), located in San Benito County and managed by the Bureau of Land Management ("BLM"), is one of the most popular off-highway vehicle recreation sites in the West.

BLM yesterday announced it would immediately close roughly half of the CCMA as a result of a new EPA report alleging an increased long-term cancer risk associated with recreational activities in the CCMA. The CCMA contains a form of naturally occurring asbestos known as Coalinga chrysotile. Despite years of study and intensive use of the area, EPA's latest report apparently makes new findings determining the risk levels to be above the range that EPA considers acceptable.

"We dispute not only these findings, but the manner in which they have been presented and imposed upon the public," said Don Amador, Western Representative for the BlueRibbon Coalition, a recreation advocacy group. "This topic has been debated at length, and highly-motivated special interests have ruthlessly scoured any population spending even a trivial amount of time at the CCMA. The simple fact is that asbestos-related disease does not show up in any of these populations. Period. We are reviewing the EPA report to see what compels this new finding and immediate closure, but anticipate taking quick and decisive action," Amador concluded.

# # #

*The BlueRibbon Coalition is a national recreation group that champions responsible use of public and private lands, and encourages individual environmental stewardship. It represents over 10,000 individual members and 1,200 organization and business members, for a combined total of over 600,000 recreationists nationwide.*

*1-800-258-3742. <http://www.sharetrails.org>*

Rick  
Cooper/CASO/CA/BLM/DOI  
05/02/2008 06:24 PM

To Steve Koretoff  
cc Mike Pool/CASO/CA/BLM/DOI, Janet  
Bedrosian/CASO/CA/BLM/DOI  
bcc  
Subject County Roads

The County Roads are not closed at this time. BLM has authority to terminate or suspend rights of way. This provision is not applied very often with Counties.

The only difference in what was said at the Harris Ranch meeting and what is occurring now is the immediate temporary closure. The need for closure was not anticipated. As stated in all our scoping meetings, BLM would arrange for an informational meeting for EPA to explain their findings as soon as assessment was complete (May 8), and BLM would allow for additional time for the public to provide scoping comments (until June 21) after the assessment was released. Based on the closure I have added to additional scoping meetings to the schedule to allow for more discussion on the results and implications of the study to future uses in CCMA (May 19 and May 21).

The need for closure was not expected until BLM saw preliminary information from EPA. EPA's procedure for release of an Assessment is to hold the information until it can be released in its entirety in a completed form. BLM respected their procedure and did not release the information that EPA shared. BLM did not want make any announcements until we were sure EPA would release the Assessment and findings that we reviewed. When the Assessment was announced final, BLM announced its decision.

The completion of the CCMA Resource Management Plan and EIS will tell if the investment in the entrance station and campgrounds outside the asbestos area were a waste. The new decontamination facility will still be constructed to continue project work as determined by the new RMP.

All the stakeholders, agencies and partners need to utilize combined resources to select, design and develop additional OHV opportunities in this area. Now maybe a good time to leverage those resources to a positive outcome. While I am willing to keep an open mind on all potential sites, the Avenal site has T/E species issues and is an Area Critical Environmental Concern (Kettleman Hills). However, there maybe opportunities for exchanges or blocking of properties for positive outcomes in this area if landowners are willing and the USFWS saw positive habitat outcome.

Hollister Hills is expanding in size and I think State Parks is receptive to looking at other opportunities apart from Hollister Hills in the Central California Area.

Are the county roads in CCMA closed under the emergency closure? Does BLM have the legal authority to close said public roads? I am very disappointed in the way BLM has handled this and this whole process was not done the way it was explained during the Harris Ranch meeting. All of the money that was spent on the toll booth that I have never seen manned, the water truck, the Jade Mill project, the SWECO machine, and all of the countless hours of volunteer work, and the three wells that were drilled have all gone up in smoke. I don't think either of you have any idea how far back you have set relations between the OHV community and BLM. I feel like all of my hard work and personal time have been spit on. I look like an idiot to all of the OHV community which I have been encouraging to work with Rick Cooper and his staff. This is now the second "emergency closure" in Central California that has locked out the OHV community. I would suggest you get on the ball and find some replacement acres in a hurry. I am requesting that Avenal be re-opened immediately. Now that staff will not be working on CCMA those resources should be shifted to getting the problems with Avenal taken care of or getting another area opened.

Steve Koretoff

Central California RAC member

Rick Cooper  
Field Manager  
Hollister Field Office  
20 Hamilton Court  
Hollister, CA 95023  
phone: (831) 630-5010



Karl Ford/NOC/BLM/DOI  
05/05/2008 10:11 AM

To Tim Radtke/PHS/OS/DOI@DOI  
cc Rick Cooper/CASO/CA/BLM/DOI@BLM  
bcc  
Subject

History:  This message has been replied to.

Tim,  
I finally got a chance to look at Ilgren's papers. I wonder if he was associated with Union Carbide? I also came across the USGS paper on asbestos at El Dorado Hills where they critiqued EPA for using commercial asbestos methods and interpretation to noncommercial asbestos. Here is the link:  
<http://pubs.usgs.gov/of/2006/1362/>

I also came across the UC Davis epidemiological study of mesothelioma by California county which found a strong association between proximity to NOA and incidence. Here is the link the abstract:  
[http://ajrccm.atsjournals.org/cgi/content/abstract/172/8/1019?ijkey=3223828b5850580a1bc73cbf3a14188d7bcf0b1e&keytype2=tf\\_ipsecsha](http://ajrccm.atsjournals.org/cgi/content/abstract/172/8/1019?ijkey=3223828b5850580a1bc73cbf3a14188d7bcf0b1e&keytype2=tf_ipsecsha)

Karl L. Ford, Ph.D. Remediation Advisor/Toxicologist  
Division of Resource Services  
National Operations Center - BLM  
Phone: 303-236-6622  
Fax: 303-236-3508

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Rick  
Cooper/CASO/CA/BLM/DOI  
05/09/2008 12:51 PM

To "Don Amador" <damador@cwo.com>  
cc "Mike Pool" <mike\_pool@ca.blm.gov>  
bcc  
Subject Re: Possibility of getting a permit to do our own  
survey/collection 

Don,

Mike ask that I get back to you on this.

A request letter from you outlining the specifics of your proposed sampling will help me in determining what requirements I would place on the authorization for your team to sample in CCMA. I am comfortable authorizing BRC to gather information but would need your team follow standard safety protocols for working in the asbestos area.

If you hire a consultant who is certified to work in this environment they will probably know the protocols , some which you saw at the EPA presentation last night.

Thanks for stabilizing support to the May 8 meeting. EPA and BLM staff were very appreciative.

Hope to talk with you soon on upcoming planning meetings for Clear Creek .

My cell phone is 831-206-6682.

Rick Cooper  
Field Manager  
Hollister Field Office  
20 Hamilton Court  
Hollister, CA 95023  
phone: (831) 630-5010  
"Don Amador" <damador@cwo.com>



"Don Amador"  
<damador@cwo.com>  
05/07/2008 02:33 PM

Please respond to  
"Don Amador"  
<damador@cwo.com>

To "Mike Pool" <mike\_pool@ca.blm.gov>  
cc "Rick CooperBLM" <Rick\_Cooper@ca.blm.gov>  
Subject Possibility of getting a permit to do our own survey /collection

Mike,

Is there any chance that BRC could get permission to have our own team of scientists and geologists survey and/or collect dust samples in the survey area?

This could help us better understand the EPA info.

Thanks,

Don

Don Amador  
Western Representative  
BlueRibbon Coalition, Inc.  
555 Honey Lane  
Oakley, CA 94561  
925.625.6287 Office  
925.625.5309 FAX  
925.783.1834 Cell  
[www.sharetrails.org](http://www.sharetrails.org)

*May 8, 2008  
Informational Meeting  
Santa Clara County Convention Cent  
Cooper's opening remarks*

EPA/BLM MAY 8 MEETING

GOOD EVENING

AND WELCOME

THIS IS THE INFORMATIONAL MEETING ON

**BLM's RECENT TEMPORARY CLOSURE DECISION FOR CLEAR CREEK  
MANAGEMENT AREA**

AND

**THE US EPA'S: CLEAR CREEK MANAGEMENT AREA ASBESTOS  
EXPOSURE AND HUMAN HEALTH RISK ASSESSMENT.**

MY NAME IS RICK COOPER

I AM THE BUREAU OF LAND MANAGEMENT'S HOLLISTER FIELD OFFICE  
MANAGER.

BLM IS HOSTING THIS MEETING TO PROVIDE THE PUBLIC THE  
OPPORTUNITY GAIN INFORMATION AND BE BETTER INFORMED ON THE  
RECENT BLM DECISION TO CLOSE PORTIONS OF CLEAR CREEK  
MANAGEMENT AREA, AND TO PROVIDE INFORMATION WHICH WILL  
ASSIST THE PUBLIC IN PARTICIPATING IN THE ONGOING PLANNING  
EFFORT FOR CCMA.

I WANT TO THANK THE ENVIRONMENTAL PROTECTION AGENCY FOR  
AGREEING TO PARTICIPATE IN THIS INFORMATIONAL MEETING. EPA HAS  
PROVIDED SEVERAL EXPERTS IN THE FIELD OF ASBESTOS AND  
TOXICOLOGY TO PRESENT INFORMATION AND ANSWER QUESTIONS ON  
THE RECENTLY RELEASED HUMAN HEALTH RISK ASSESSMENT.

CLEAR CREEK MANAGEMENT AREA IS JUST ONE SEVERAL AREAS OF  
PUBLIC LAND THAT IS MANAGED BY THE HOLLISTER FIELD OFFICE. THE  
OFFICE ADMINISTERS MANAGEMENT ON 276,000 ACRES IN THE CENTRAL  
COAST REGION OF CALIFORNIA. (MAP ON SCREEN)

THE 75,000-ACRE CLEAR CREEK MANAGEMENT AREA (CCMA) IS LOCATED  
IN SAN BENITO AND FRESNO COUNTIES

(MAP ON SCREEN). (63,000 acres public land)

THE AREA IS A POPULAR LOCATION FOR OFF-HIGHWAY VEHICLE (OHV) RECREATION, ROCKHOULDING, HUNTING, CAMPING, HIKING, AND SCIENTIFIC RESEARCH. APPROXIMATELY 35,000 VISITORS USE THE HUNDREDS OF MILES OF ROADS AND TRAILS IN THE AREA, ANNUALLY.

THE CCMA ALSO CONTAINS THE LARGEST NATURAL DEPOSIT OF ASBESTOS IN THE U.S. THIS AREA IS ALSO THE MAIN FOCUS OF USE FOR THESE RECREATION ACTIVITIES.

**(DEPICTED BY THE RED LINE ON SCREEN).**

THE BUREAU OF LAND MANAGEMENT AND ENVIRONMENTAL PROTECTION AGENCY HAVE BEEN CONCERNED ABOUT THE HUMAN HEALTH RISKS FROM BREATHING ASBESTOS LADEN DUST WHILE RECREATING IN THIS AREA.

THE BLM AND EPA AGREED THAT ADDITIONAL INFORMATION WAS NEEDED TO ASSESS HUMAN EXPOSURES TO ASBESTOS. EPA COLLECTED SAMPLES IN 2004 AND 2005 USING AN ACTIVITY BASED APPROACH TO DETERMINE HUMAN EXPOSURES BY REPLICATING TYPICAL RECREATION ACTIVITIES. THIS DETAILED STUDY UPDATED THE BLM'S 1992 STUDY AND PROVIDED BETTER FIBER IDENTIFICATION AND MEASUREMENT DATA .

THE EPA RELEASED THE REPORT ON MAY 1, 2008.

THE ASSESSMENT SHOWS THAT HUMAN EXPOSURES TO ASBESTOS FOR MANY OF CCMA RECREATION ACTIVITIES POSE EXCESS LIFETIME CANCER RISKS ABOVE EPA'S ACCEPTABLE RISK RANGE.

GIVEN THE ASSESSMENT CONCLUSIONS REGARDING PUBLIC HEALTH AND SAFETY, I SIGNED A CLOSURE ORDER, UNDER FEDERAL REGULATIONS, ON MAY 1, 2008 AFFECTING 31,000 ACRES OF PUBLIC LANDS – IMMEDIATELY CLOSING THEM TO ALL PUBLIC USE ON A TEMPORARY BASIS.

**THIS DECISION IS ISSUED FULL FORCE AND EFFECT.**

**(MAP ON SCREEN CLOSED AREA)**

*8364.1 To protect persons, property, and public lands and resources, the authorized officer may issue an order to close or restrict use on designated public lands.*

**WHAT HAPPENS NEXT WITH RESPECT TO BLM ACTION?**

FIRST AND MOST IMPORTANT, IS THAT THIS CLOSURE IS TEMPORARY, AND WILL BE IN EFFECT WHILE BLM SEEKS THE PUBLIC'S HELP IN DEVELOPING A LONG-TERM RESOURCE MANAGEMENT PLAN FOR THIS AREA.

(PLANNING FLOW CHART)

SECOND, THE PLANNING PROCESS, INCLUDING DEVELOPMENT OF AN ENVIRONMENTAL IMPACT STATEMENT, WILL CONTINUE WITH TWO PUBLIC SCOPING MEETINGS TO BE HELD ON MAY 19 IN HOLLISTER AND MAY 21 IN SAN JOSE. THE PURPOSE OF THOSE MEETINGS WILL BE TO GATHER IDEAS ON FUTURE MANAGEMENT OPTIONS FOR THE AREA.

A DRAFT RESOURCE MANAGEMENT PLAN WILL THEN BE PREPARED AND PUT OUT FOR PUBLIC COMMENT AND REVIEW.

**A FINAL PLAN WILL FOLLOW – AND THE DECISION ON THAT FINAL PLAN WILL REPLACE AND SUPERSEDE THE MAY 1, 2008 TEMPORARY CLOSURE ORDER. TAKES 24 MONTHS**

I WANT TO CLOSE BY SAYING, I RECOGNIZE HOW DISAPPOINTING THE CLOSURE ORDER MAY BE TO THOSE WHO USE AND ENJOY THIS AREA FOR RECREATION. I HOPE YOU UNDERSTAND WHY BLM IS TAKING THIS SERIOUS STEP AND I ASK FOR YOUR COOPERATION IN COMPLIANCE WITH THIS ORDER.

I ENCOURAGE YOU TO CAREFULLY LISTEN TO EPA'S PRESENTATION, ASK QUESTIONS, OBTAIN ADDITIONAL KNOWLEDGE ON THIS VERY IMPORTANT ISSUE AND THEN PARTICIPATE IN THE LAND USE PLANNING FOR THIS UNIQUE AND CHALLENGING AREA.

I WILL NOW TURN THE MEETING OVER TO NICHOLAUS DEWAR , WHO WILL ASSIST EPA AND BLM IN FACILITATING THE REST OF THE MEETING.

NICHOLAUS

# Bureau of Land Management

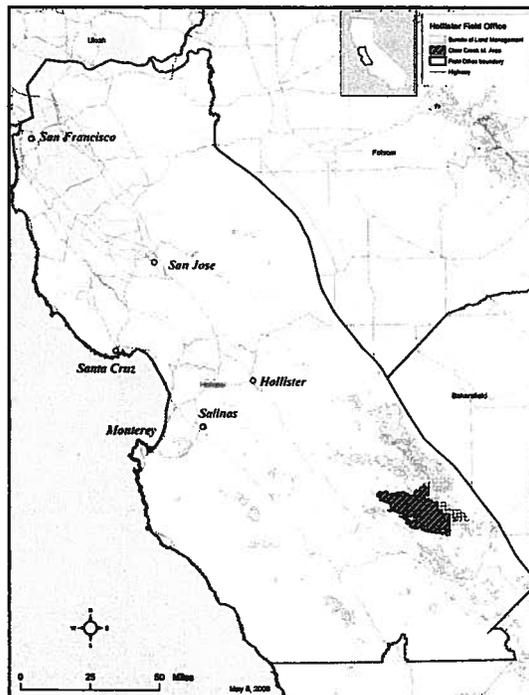


## Clear Creek Management Area Human Health Risk Presentation

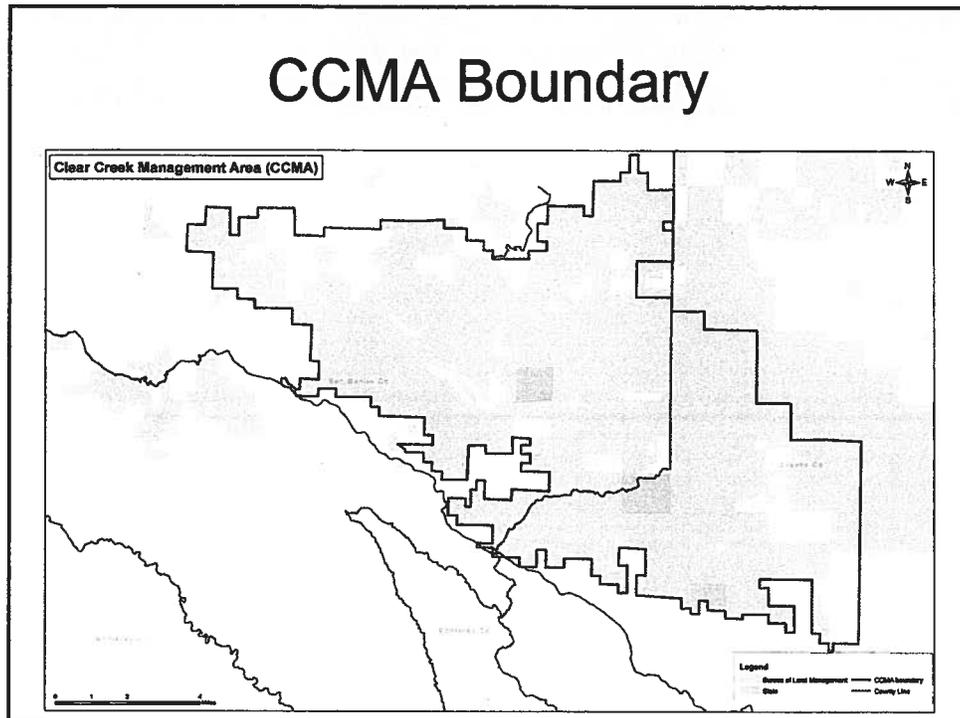
Rick Cooper, Hollister Field Manager

MAY 8, 2008

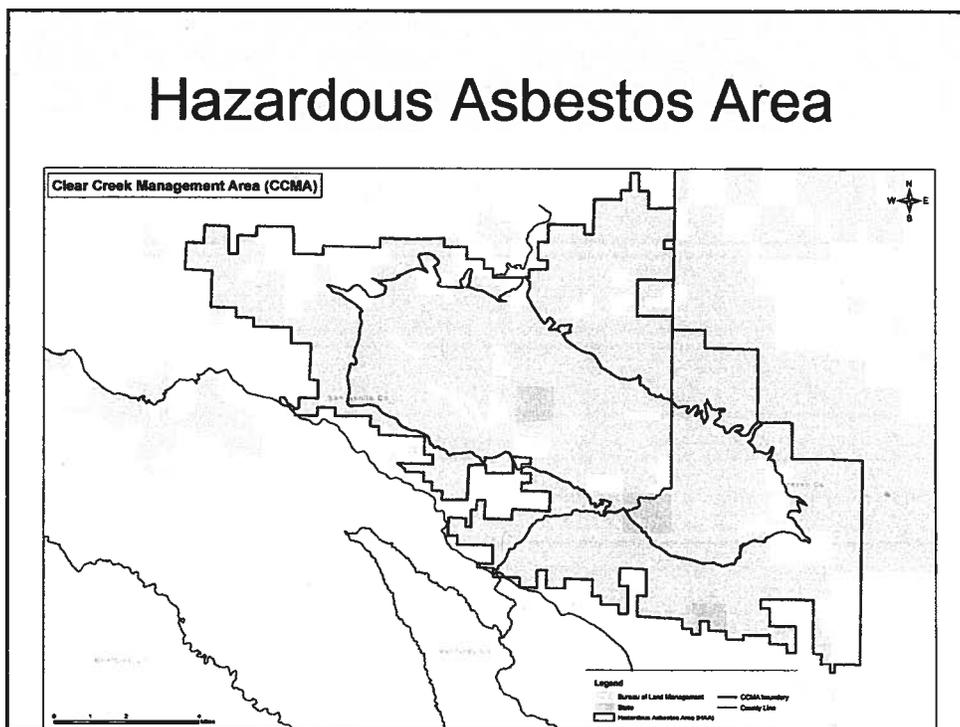
**BLM  
Hollister  
Field  
Office**



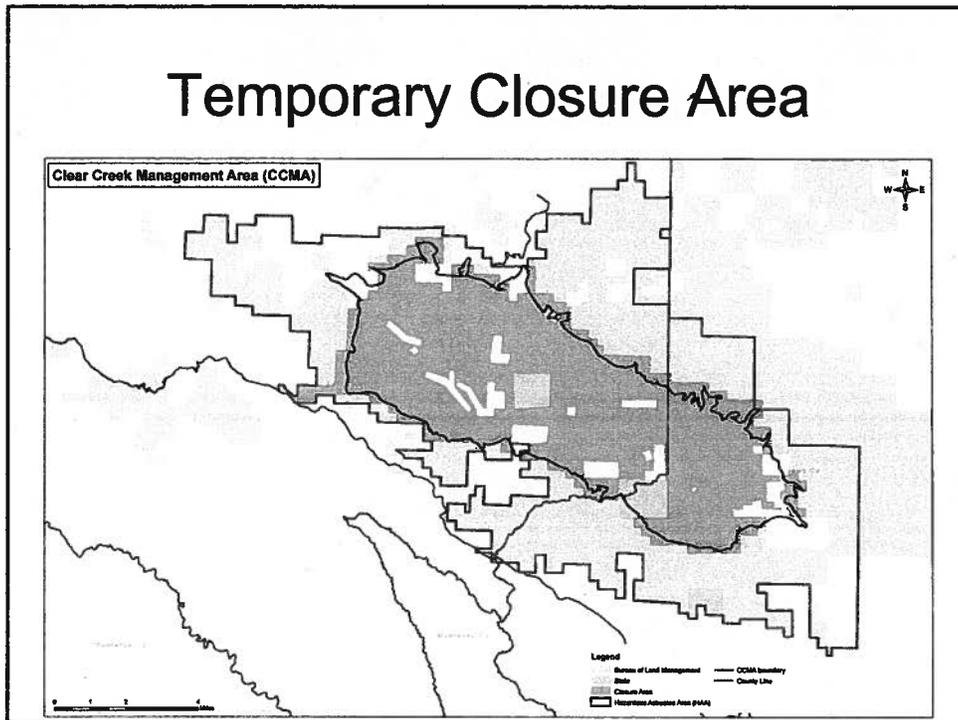
# CCMA Boundary



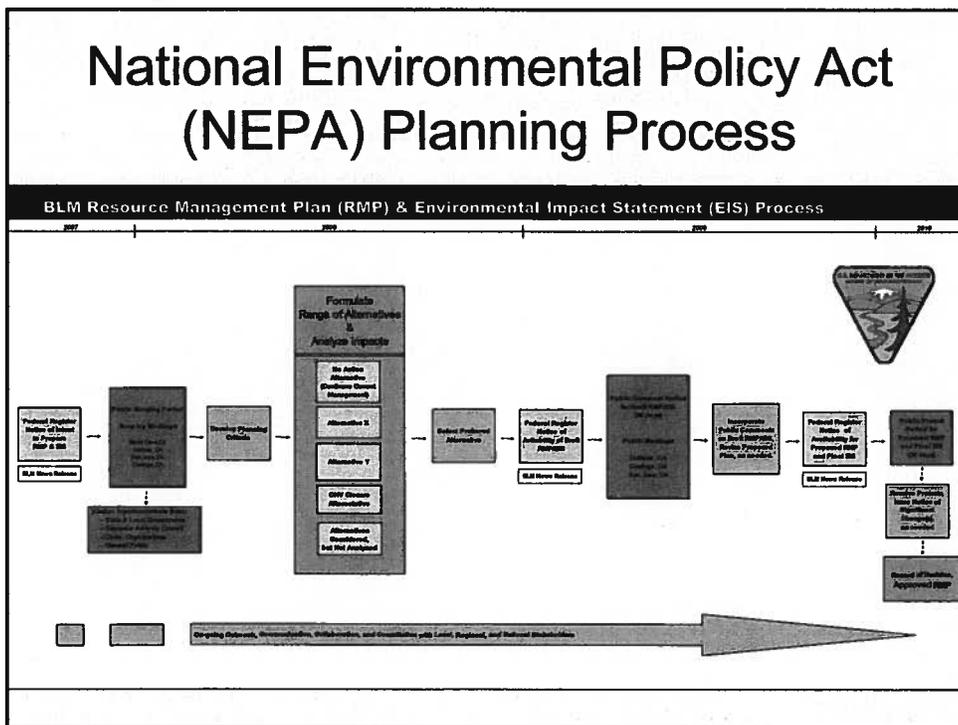
# Hazardous Asbestos Area



# Temporary Closure Area



# National Environmental Policy Act (NEPA) Planning Process



## Next Public Scoping Meetings

- May 19, 2008, 6-8 pm  
Veterans Memorial Hall  
649 San Benito St.  
Hollister, CA
- May 21, 2008, 6-8 pm  
Dr. Martin Luther King Jr. Library  
Room 225  
150 E. San Fernando St.  
San Jose, CA





Timothy  
Moore/CASO/CA/BLM/DOI  
05/14/2008 08:52 AM

To Rick Cooper/CASO/CA/BLM/DOI@BLM  
cc  
bcc  
Subject ccma risk investigations

Rick -

The following are three technical reports that contain field measurements of airborne asbestos and soil concentrations in the CCMA.

"San Benito Soil Survey" prepared by Joel Norgren located in BLM Sacramento hardcopy in Resources contact Jim Weigant 916-978-4656

"Atlas Mine Remedial Investigation & Feasibility Study" contact Region 9 EPA, San Francisco, Jere Johnson

Johns-Manville Remedial Investigation & Feasibility Study contact EPA Region 9, San Francisco, Jere Johnson

Also I gave you a hardcopy of a presentation of similar NOA studies performed by the State of California for NOA is El Dorado Hills.



Timothy  
Moore/CASO/CA/BLM/DOI  
05/14/2008 11:36 AM

To Rick Cooper/CASO/CA/BLM/DOI@BLM  
cc  
bcc  
Subject asbestos report

This EPA report describes the geology of the CCMA, it lists all asbestos mines and prospects and well as the mercury outcrops which are normally devoid of asbestos.

"Characterization of Disturbances related to mining and exploration in the New Idria /Coalinga/Table Mountain Study Region"

EPA contract #68-W9-0020, Work Assignment #20-03-9L34/35, Document Control # 239-RI3-Rt-GXAR-1

Source EPA Region 9, contact Jere Johnson



Timothy  
Moore/CASO/CA/BLM/DOI  
05/14/2008 11:51 AM

To Rick Cooper/CASO/CA/BLM/DOI@BLM  
cc  
bcc  
Subject ccma geology

**Web** Results 11 - 20 of about 9,120 for **New Idria geology** with **Safesearch on.** (0.29 seconds)

### Index to Geologic Mapping - Monterey

Dibblee, T.W., Jr. 1979, **Geologic** map of the central Diablo Range between Hollister and **New Idria**, San Benito, Merced , and Fresno counties, California ...  
[www.consrv.ca.gov/cgs/rghm/rgm/250k\\_index/Pages/monterey.aspx](http://www.consrv.ca.gov/cgs/rghm/rgm/250k_index/Pages/monterey.aspx) - 91k - Cached - Similar pages

### NEW IDRIA

California Geological Survey Logo. CGS / Regional **Geologic** Hazards and Mapping Program / ... **NEW IDRIA**, SAN BENITO COUNTY, Longitude, 0, Latitude, 0 ...  
[www.consrv.ca.gov/CGS/rghm/quakes/historical/events/19060418\\_1312/NEW%20IDRIA.HTM](http://www.consrv.ca.gov/CGS/rghm/quakes/historical/events/19060418_1312/NEW%20IDRIA.HTM) - 38k - Cached - Similar pages

### California Trip January 2003

Roadside **Geology** of Northern and Central California (Donald W. Hyndman) .... The **New Idria** region is a place where the thrust sheet has a hole in it where ...  
[www.und.edu/instruct/mineral/303Calif/](http://www.und.edu/instruct/mineral/303Calif/) - 17k - Cached - Similar pages

### Field Geology Pictures

ES109 Field **Geology** ... Below are the favorites of the **New Idria** field trip (see below for complete archive!). Click the image to see the larger image ...  
[www.mattrocks.net/fieldgeology/es109.html](http://www.mattrocks.net/fieldgeology/es109.html) - 6k - Cached - Similar pages

### Joe Tingley

Economic **Geologist**, Nevada Bureau of Mines and **Geology** (1978-present) ... 1966-67); Chief Engineer, **New Idria** Mine, **Idria**, California (1965-66; **Geologist**, ...  
[www.nbmgs.unr.edu/staff/joe.htm](http://www.nbmgs.unr.edu/staff/joe.htm) - 10k - Cached - Similar pages

### Geology and plate tectonic development: Coast Range Thrust

3.4: at Mount Diablo, Pacheco Pass, **New Idria**, and Park-field. This deformed antiformal structure (Bailey and others, 1964) is truncated on the west by the ...  
[www.johnmartin.com/earthquakes/eqsafs/safs\\_340.htm](http://www.johnmartin.com/earthquakes/eqsafs/safs_340.htm) - 4k - Cached - Similar pages

Amazon.com: Serpentine Geocology of Western North America ...

Modern geocology especially concentrates on showing how **geology** and soils affect ...

Blue Mountains, **New York**, Rattlesnake Creek, Fraser River, **New Idria**, ...

www.amazon.com/Serpentine-Geocology-Western-North-America/dp/019516508X - 182k

- Cached - Similar pages

Asbestos in a Nutshell

**idria** asbestos. Chrysotile asbestos from the **New Idria** district, California. **Geology** Guide

photo. Newsletters & RSSEmail to a friendPrint this PageSubmit to ...

**geology**.about.com/od/nutshells/a/asbestosnuts.htm - 27k - Cached - Similar pages

[PDF]

39 SERPENTINE- AND CARBONATE-HOSTED ASBESTOS DEPOSITS

File Format: PDF/Adobe Acrobat - View as HTML

\_\_\_\_\_ (in press), **New Idria** serpentinite, a land management dilemma: Engineering and Environmental **Geology**. Coleman, R.G., and Jove, C., 1993, ...

pubs.usgs.gov/of/1995/ofr-95-0831/CHAP5.pdf - Similar pages

[PDF]

COALINGITE, A NEW MINERAL FROM THE NEW IDRIA SERPENTINITE, FRESNO

...

File Format: PDF/Adobe Acrobat - View as HTML

Although the **New Idria** serpentinite body has been recognized for over ... Present address: Department of **Geology**, University of Massachusetts, Amherst, ...

www.minsocam.org/ammin/AM50/AM50\_1893.pdf - Similar pages

Rick  
Cooper/CASO/CA/BLM/DOI  
05/15/2008 10:38 AM

To Don Amador, dredilgren@aol.com  
cc "Mike Pool" <mike\_pool@ca.blm.gov>, Jim  
Abbott/CASO/CA/BLM/DOI@BLM, Janet  
Bedrosian/CASO/CA/BLM/DOI, Tom  
bcc  
Subject Re: Information request for additional data 

Don,

Apologies for taking awhile to get back to you.

To date I have only authorized access to private land owners, mining claimants or lease holders on the communication rights of way. I am not issuing blanket authorizations to organizations. So I will need specifics as to your intended purpose and need for the authorization. If you intend to sample, the person or organization doing the sampling would be the one receiving the authorization. Based on your previous email you indicated a soil survey might be the objective. I have included reference to a number of resources related to soils in Clear Creek.

With regard to your request on the EPA data, please direct that request to Jere Johnson of EPA. EPA will be able to provide the best response.

In order to make a reasoned analysis to authorize other activities in the closed area, I will need the following

- Purpose and Need for access
- A PLAN detailing specific activities that will be performed and by whom
- If they are dust generating activities, what precautions are being taken for human health and safety.

When BLM and EPA contract work we require individuals working in the area to

- 1) Complete 40 hour OSHA HAZWOPER training
- 2) Per OSHA have medical monitoring, including a chest x-ray, & fit test for respirator
- 3) Health & Safety Plan, prepared by a Certified Industrial Hygienist to include air sampling protocols (assuming you conduct air sampling)
- 4) Decontaminate vehicles & personal.

Most contractors are familiar with the requirements.

I will make my decision based on the submission. I of course will consult with my technical experts and legal counsel on your request.

I know sampling can be costly so I have attached some references you can refer to on the geology and soils in the closure area.

"San Benito Soil Survey" prepared by Joel Norgren located in BLM Sacramento hardcopy in Resources contact Jim Weigand 916-978-4656

"Atlas Mine Remedial Investigation & Feasibility Study" contact Region 9 EPA, San Francisco,  
Jere Johnson

Johns-Manville Remedial Investigation & Feasibility Study contact EPA Region 9, San Francisco,  
Jere Johnson

BLM had soil characterization study completed by Dynamac which showed asbestos concentrations by soil type. I will attach a spread sheet that BLM employee created which shows the soils sampled by Dynamac and a column which shows the percent asbestos by soil. My geologist estimates that greater than 80% of the public lands has asbestos bearing soil. This is just FYI information that BLM did internally. The soil numbers reference the soil series numbers for the "San Benito Soil Survey" by Joel Norgen (see above).



Specs for Soils.xls

As I stated in our phone call today, this is the first authorization not covered in the closure exceptions, I will need at minimum 10 days to consider the request and get feedback from my technical experts and legal counsel.

Rick Cooper  
Field Manager  
Hollister Field Office  
20 Hamilton Court  
Hollister, CA 95023  
phone: (831) 630-5010  
"Don Amador" <damador@cwo.com>



"Don Amador"  
<damador@cwo.com>

05/15/2008 07:04 AM

Please respond to  
"Don Amador"  
<damador@cwo.com>

To "Rick CooperBLM" <Rick\_Cooper@ca.blm.gov>

cc "Don Amador" <damador@cwo.com>, "Mike Pool"  
<mike\_pool@ca.blm.gov>

Subject Information request for additional data

Rick,

As you work on approving some dates for BRC et al to do a field survey of the soil etc. at CCCMA - of which we would share information once put into report form, I wanted to ask you --on behalf of our science team-- for the attached data regarding the EPA report.

Dr Ilgren  
[dredilgren@aol.com](mailto:dredilgren@aol.com)

I will be in the field thru next Tues (leave voice mess on my cell 925.783.1834), so please respond back

to both me and Dr. Ilgren regarding the availability of the requested information.

Thanks in advance for your review of this request.

Don

Don Amador  
Western Representative  
BlueRibbon Coalition, Inc.  
555 Honey Lane  
Oakley, CA 94561  
925.625.6287 Office  
925.625.5309 FAX  
925.783.1834 Cell



[www.sharetrails.org](http://www.sharetrails.org) CCMA EPA report information requested May 15.doc



# United States Department of the Interior



## BUREAU OF LAND MANAGEMENT

Hollister Field Office  
20 Hamilton Court  
Hollister, CA 95023  
Phone (831) 630-5000 Fax (831) 630-5055  
[www.blm.gov/ca/hollister](http://www.blm.gov/ca/hollister)

May 15, 2008

*In Reply Refer to:*  
CA190  
1610

Jeff Robeson  
15087 Stratford Drive  
San Jose, CA 95124

Dear Mr. Robeson,

I am responding on behalf of the Director and my office to your letter of May 6, 2008. I do understand your concern and frustration regarding the closure of a major portion of the Clear Creek Management Area (CCMA).

This was an extremely tough decision for BLM. However, our first priority must always be protecting the health and safety of the public. Based on the EPA assessment, we believe the closure is in the public interest.

Thank you for your comment regarding the CCMA. BLM will be using the comments received as part of our Resource Management Plan process for Clear Creek now underway. We encourage you to stay involved in this important effort. Please follow the progress through our website at <http://www.blm.gov/ca/st/en/fo/hollister.html>

Sincerely,

Rick Cooper  
Hollister Field Manager



Den.Arnold@epamail.epa.gov

05/22/2008 12:31 PM

To crane.dan@dol.gov

cc Brass.Brian@epamail.epa.gov, Rick\_Cooper@ca.blm.gov,  
Johnson.Jere@epamail.epa.gov

bcc

Subject 3.00 asbestos mask

Dan

At our Clear Creek Management Area public meeting ( 600 angry bikers) an electrical worker who had taken asbestos courses and gets involved in asbestos projects, indicated that he wears a 3 dollar face mask that is certified to protect against asbestos. He indicated that the bikers would be willing to wear that kind of mask if they could reopen CCMA. My knowledge is that those masks are for particulates but are not certified for light or heavy asbestos environments and the only masks that are certified for asbestos may interfere with using a bike helmet. Is my assumption correct or are there cheap asbestos masks that also do not need fitting and no facial hair!

Arnold

Arnold Den

Phone: 415 947 4191

Fax: 415 947 3583

Email: den.arnold@epa.gov



Den.Arnold@epamail.epa.gov

05/22/2008 04:21 PM

To Johnson.Jere@epamail.epa.gov,  
Brass.Brian@epamail.epa.gov, Rick\_Cooper@ca.blm.gov  
cc Herrera.Angelos@epamail.epa.gov,  
Lane.Jackie@epamail.epa.gov,  
Vreeland.Jim@epamail.epa.gov,  
bcc

Subject Fw: 3.00 asbestos mask

see Dan Crane's response to the question of an asbestos face mask, Dan is a long time OSHA asbestos expert

Arnold

Arnold Den

Phone: 415 947 4191

Fax: 415 947 3583

Email: den.arnold@epa.gov

----- Forwarded by Arnold Den/R9/USEPA/US on 05/22/2008 04:14 PM -----

"Crane, Dan -

OSHA"

<Crane.Dan@dol.g

ov>

Arnold Den/R9/USEPA/US@EPA

To

cc

05/22/2008 04:03

PM

Subject

RE: 3.00 asbestos mask

Arnold,

Unless something happened that I am unaware of, the "paper" masks are not acceptable for asbestos. Generally they cannot pass a fit test. (Certainly not if there is facial hair.) I know that the industry markets HEPA and other filters as "N95" or such, but they do not form a good enough face shield for adequate protection.

Actually, we prohibit disposable respirators for asbestos. See 29 CFR 1910.134(d)(3)(i)(A) OR the general asbestos standard:

29 CFR 1910.1001 (g)(3)(i):

"Respirator selection. Employers must:

(g) (3) (i) Select, and provide to employees, the appropriate respirators specified in paragraph (d) (3) (i) (A) of 29 CFR 1910.134; however, employers must not select or use filtering facepiece respirators for protection against asbestos fibers."

Filtering facepiece respirators are the same as dust masks.

Hope this helps.

Dan Crane

United States Department of Labor

Occupational Safety and Health Administration

Salt Lake Technical Center

8660 South Sandy Parkway

Sandy, UT 84070-6406

801-233 4964 Voice

801-233-5000 Fax

-----Original Message-----

From: Den.Arnold@epamail.epa.gov [mailto:Den.Arnold@epamail.epa.gov]

Sent: Thursday, May 22, 2008 1:31 PM

To: Crane, Dan - OSHA

Cc: Brass.Brian@epamail.epa.gov; Rick\_Cooper@ca.blm.gov;

Johnson.Jere@epamail.epa.gov

Subject: 3.00 asbestos mask

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Arnold

Arnold Den

Phone: 415 947 4191

Fax: 415 947 3583

Email: [den.arnold@epa.gov](mailto:den.arnold@epa.gov)

**NOTICE:**

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Den.Arnold@epamail.epa.gov  
05/27/2008 09:28 AM

To Rick\_Cooper@ca.blm.gov  
cc Johnson.Jere@epamail.epa.gov  
bcc

Subject Fw: 3.00 asbestos mask

History:  This message has been forwarded.

FYI, Brian managed the sampling at CCMA and EPA has used him at numerous other asbestos sites across the US

Arnold Den

Phone: 415 947 4191

Fax: 415 947 3583

Email: den.arnold@epa.gov

----- Forwarded by Arnold Den/R9/USEPA/US on 05/27/2008 09:27 AM -----

Brian  
Brass/LV/USEPA/U  
S

05/23/2008 10:27  
AM

To  
Arnold Den/R9/USEPA/US@EPA, Jere  
Johnson/R9/USEPA/US@EPA

cc

Subject

Re: Fw: 3.00 asbestos mask  
(Document link: Arnold Den)

Some of the better "dust masks" or non-elastomeric filtering face-pieces can actually be fit tested and can provide a very good fit factor. However, OSHA specifically prohibits their use for asbestos as previously indicated. Manufacturers also specifically indicate that these masks are not acceptable for asbestos.

However, the voluntary use of dust masks in atmospheres documented or known to contain levels of asbestos below the Permissible Exposure Limit (PEL) is acceptable. With CCMA as with other areas, it is difficult to "know" the exposure is below the PEL.

Additionally, one of the principle foundations of asbestos exposure control is to prevent its spread. Simply using a dust mask does not eliminate the potential for "take home" and subsequent exposure to asbestos.

The preceding statements do not constitute an endorsement of the use of non-NIOSH approved respirators in atmospheres containing asbestos.

Brian Brass  
U.S. EPA /ERT-West  
4220 South Maryland Parkway  
Building D Suite 800  
Las Vegas, Nevada 89119  
(702) 290-7081 Cell  
(702) 784-8001 Fax

Arnold  
Den/R9/USEPA/US

05/22/2008 04:21  
PM

Jere Johnson/R9/USEPA/US@EPA,  
Brian Brass/LV/USEPA/US@EPA,  
Rick\_Cooper@ca.blm.gov

To

cc

Angeles Herrera/R9/USEPA/US@EPA,  
Jackie Lane/R9/USEPA/US@EPA, Jim  
Vreeland/R9/USEPA/US@EPA, Mary  
Simms/R9/USEPA/US@EPA, Nova  
Blazej/R9/USEPA/US@EPA, Lynn  
Suer/R9/USEPA/US@EPA, Jeanne  
Geselbracht/R9/USEPA/US@EPA

Subject

Fw: 3.00 asbestos mask

see Dan Crane's response to the question of an asbestos face mask, Dan  
is a long time OSHA asbestos expert

Arnold  
Arnold Den  
Phone: 415 947 4191  
Fax: 415 947 3583  
Email: den.arnold@epa.gov

----- Forwarded by Arnold Den/R9/USEPA/US on 05/22/2008 04:14 PM -----

"Crane, Dan -  
OSHA"  
<Crane.Dan@dol.gov>

Arnold Den/R9/USEPA/US@EPA

To

cc

05/22/2008 04:03  
PM

RE: 3.00 asbestos mask

Subject

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United States Department of Labor

Occupational Safety and Health Administration

Salt Lake Technical Center

8660 South Sandy Parkway

Sandy, UT 84070-6406

801-233 4964 Voice

801-233-5000 Fax

-----Original Message-----

From: Den.Arnold@epamail.epa.gov [mailto:Den.Arnold@epamail.epa.gov]  
Sent: Thursday, May 22, 2008 1:31 PM  
To: Crane, Dan - OSHA  
Cc: Brass.Brian@epamail.epa.gov; Rick\_Cooper@ca.blm.gov;  
Johnson.Jere@epamail.epa.gov  
Subject: 3.00 asbestos mask

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Arnold

Arnold Den

Phone: 415 947 4191

Fax: 415 947 3583

Email: den.arnold@epa.gov

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Rick  
Cooper/CASO/CA/BLM/DOI  
05/27/2008 09:32 AM

To George Hill, Sky Murphy/CASO/CA/BLM/DOI, Timothy  
Moore/CASO/CA/BLM/DOI  
cc  
bcc  
Subject Fw: 3.00 asbestos mask

FYI, Response to one of the commentors at the May 8 meeting.

Rick Cooper  
Field Manager  
Hollister Field Office  
20 Hamilton Court  
Hollister, CA 95023  
phone: (831) 630-5010

--- Forwarded by Rick Cooper/CASO/CA/BLM/DOI on 05/27/2008 09:31 AM ---



Den.Arnold@epamail.epa.gov  
v  
05/27/2008 09:28 AM

To Rick\_Cooper@ca.blm.gov  
cc Johnson.Jere@epamail.epa.gov  
Subject Fw: 3.00 asbestos mask

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Brass/LV/USEPA/U  
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05/23/2008 10:27  
AM

To  
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Johnson/R9/USEPA/US@EPA  
cc  
Subject  
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Building D Suite 800  
Las Vegas, Nevada 89119  
(702) 290-7081 Cell  
(702) 784-8001 Fax

Arnold  
Den/R9/USEPA/US

05/22/2008 04:21  
PM

Jere Johnson/R9/USEPA/US@EPA,  
Brian Brass/LV/USEPA/US@EPA,  
Rick\_Cooper@ca.blm.gov

To

cc

Angeles Herrera/R9/USEPA/US@EPA,  
Jackie Lane/R9/USEPA/US@EPA, Jim  
Vreeland/R9/USEPA/US@EPA, Mary  
Simms/R9/USEPA/US@EPA, Nova  
Blazej/R9/USEPA/US@EPA, Lynn  
Suer/R9/USEPA/US@EPA, Jeanne  
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Subject

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PM

Arnold Den/R9/USEPA/US@EPA  
To  
cc  
Subject  
RE: 3.00 asbestos mask

Arnold,

Unless something happened that I am unaware of, the "paper" masks are not acceptable for asbestos. Generally they cannot pass a fit test. (Certainly not if there is facial hair.) I know that the industry markets HEPA and other filters as "N95" or such, but they do not form a good enough face shield for adequate protection.

Actually, we prohibit disposable respirators for asbestos. See 29 CFR 1910.134(d)(3)(i)(A) OR the general asbestos standard:

29 CFR 1910.1001 (g)(3)(i):

"Respirator selection. Employers must:

(g)(3)(i) Select, and provide to employees, the appropriate respirators specified in paragraph (d)(3)(i)(A) of 29 CFR 1910.134; however, employers must not select or use filtering facepiece respirators for protection against asbestos fibers."

Filtering facepiece respirators are the same as dust masks.

Hope this helps.

Dan Crane

United States Department of Labor

Occupational Safety and Health Administration

Salt Lake Technical Center

8660 South Sandy Parkway

Sandy, UT 84070-6406

801-233 4964 Voice

801-233-5000 Fax

-----Original Message-----

From: Den.Arnold@epamail.epa.gov [mailto:Den.Arnold@epamail.epa.gov]

Sent: Thursday, May 22, 2008 1:31 PM

To: Crane, Dan - OSHA

Cc: Brass.Brian@epamail.epa.gov; Rick\_Cooper@ca.blm.gov;

Johnson.Jere@epamail.epa.gov

Subject: 3.00 asbestos mask

Dan

At our Clear Creek Management Area public meeting ( 600 angry bikers) an electrical worker who had taken asbestos courses and gets involved in asbestos projects, indicated that he wears a 3 dollar face mask that is certified to protect against asbestos. He indicated that the bikers would be willing to wear that kind of mask if they could reopen CCMA. My knowledge is that those masks are for particulates but are not certified for light or heavy asbestos environments and the only masks that are certified for asbestos may interfere with using a bike helmet. Is my assumption correct or are there cheap asbestos masks that also do

not need fitting and no facial hair!

Arnold

Arnold Den

Phone: 415 947 4191

Fax: 415 947 3583

Email: den.arnold@epa.gov

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Johnson .Jere@epamail.epa.gov  
 ov  
 05/28/2008 11:59 AM

To Rick\_Cooper@ca.blm.gov  
 cc  
 bcc

Subject Fw: Emailing: asbestos-study

History: This message has been forwarded.

Jere Johnson  
 Remedial Project Manager (SFD 7-2)  
 EPA Region 9  
 75 Hawthorne Street  
 San Francisco, CA 94105  
 415-972-3094  
 415-947-3526 (fax)

----- Forwarded by Jere Johnson/R9/USEPA/US on 05/28/2008 11:58 AM -----

Arnold  
 Den/R9/USEPA/US

05/27/2008 12:55  
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 cc  
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 Emailing: asbestos-study

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Scientists call on federal government to release asbestos study

Last Updated: Monday, May 26, 2008 | 12:26 PM ET

CBC News

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Leslie Stayner, head of the School of Public Health at the University of Illinois, as well as Trevor Ogden, the chair of the panel of experts, have each written letters to Clement decrying the delay.

"It is simply unacceptable for this report to continue to be withheld from the public, while individuals who have seen the report and our comments make erroneous allegations about what it contains to suit their political objectives," Stayner wrote in his letter.

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"I want to make the record clear that nothing in the report would argue against the sensibility of an asbestos ban in Canada or for that matter anywhere else in the world," Stayner told CBC.

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The Canadian government believes asbestos is safe if handled properly and has spent nearly \$20 million in the past two decades to promote

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Quebec's asbestos industry includes Canada's only two asbestos mines. The province has one of the highest rates of mesothelioma - cancer almost always related to asbestos exposure - in the world. Asbestos has been banned by nearly every developed country, as well as a growing number of developing nations. The World Health Organization has estimated as many as 100,000 people around the world die annually from asbestos-related diseases.

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Peacekeepers, aid workers sexually abusing children: report

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Timothy  
Moore/CASO/CA/BLM/DOI  
05/28/2008 12:39 PM

To Rick Cooper/CASO/CA/BLM/DOI@BLM  
cc  
bcc  
Subject ccma decon comments -cost reduction ideas

First off -

The design and size should be as simple and sized as small as necessary if these two dictums apply :

- 1) things will break & repairs will be costly
- 2) square footage = \$\$\$

A) General Comments -

I think that a 60' x 31' building is large (it's 1891 square feet), however HDR's estimate says it 1600 sq. ft at a cost of \$691,00 or (\$43/sq. ft)

Some of the lockers and rest-rooms could be prefab and stand alone, reducing the over all building size, overall there are 6 toilets and lockers for 20 staff.

I don't think we need that much, as it's rare that we would have that many people there at once. BLM can administratively stagger workload shifts to avoid more than 4 people there at once. Lockers could be inside Cargo containers, for example A 10% reduction in size would save \$70,000, a 15% size reduction would save \$103,650.

B) Omissions -

BLM was not given the SOP's of how to operate this facility, so if we paid for this task item, we didn't get it.

Will this be given to BLM as part of the "design build"?

C) Questions -

- 1 - How is asbestos sediment removed?
- 2 -How often are air filters replaced, (HEPA)?
- 3-If BLM does the site prep is a county grading plan permit going to be needed?
- 4- BLM needs to comply with the SRWQCB for a storm water erosion control plan for the grading & construction.
- 5- On Plate "C-02" it shows a "chemical feed system" what is this for?

D) Future Needs -

In addition there still maintenance costs for this site, Central Hazmat will probably dry up for these, need to program for these funds.

The "old" Section 8 site needs to be "decommissioned" and "cleaned-up" there are no funds for this as well.

Rick  
Cooper/CASO/CA/BLM/DOI  
05/28/2008 04:19 PM

To Sky Murphy/CASO/CA/BLM/DOI, George Hill, Timothy  
Moore/CASO/CA/BLM/DOI  
cc  
bcc  
Subject Fw: Emailing: asbestos-study

FYI

Rick Cooper  
Field Manager  
Hollister Field Office  
20 Hamilton Court  
Hollister, CA 95023  
phone: (831) 630-5010

--- Forwarded by Rick Cooper/CASO/CA/BLM/DOI on 05/28/2008 04:18 PM ---



Johnson .Jere@epamail.epa.  
gov  
05/28/2008 11:59 AM

To Rick\_Cooper@ca.blm.gov  
cc  
Subject Fw: Emailing: asbestos-study

Jere Johnson  
Remedial Project Manager (SFD 7-2)  
EPA Region 9  
75 Hawthorne Street  
San Francisco, CA 94105  
415-972-3094  
415-947-3526 (fax)

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Johnson.Jere@epamail.epa.gov  
 05/29/2008 12:22 PM

To Rick\_Cooper@ca.blm.gov  
 cc  
 bcc  
 Subject Canada asbestos-study

Jere Johnson  
 Remedial Project Manager (SFD 7-2)  
 EPA Region 9  
 75 Hawthorne Street  
 San Francisco, CA 94105  
 415-972-3094  
 415-947-3526 (fax)

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Michel Arseneault, president of the Quebec Federation of Labour, in February convinced his colleagues at the Canadian Labour Congress not to call for a ban on asbestos mining until after the Health Canada study was completed and made public.

Even though that hasn't happened, the executive council of the CLC passed a resolution on the weekend on behalf of its members calling for an end to asbestos production, as well as economic transition support for the roughly 700 Quebec asbestos miners who would be affected by a shutdown of the industry.

In his letter, Stayner said that while the panel was not asked to rule on whether chrysotile asbestos can be used safely, "from a pragmatic point of view, my answer to this question would be that it [safe use] is simply not possible."

Quebec's asbestos industry includes Canada's only two asbestos mines. The province has one of the highest rates of mesothelioma - cancer almost always related to asbestos exposure - in the world.

Asbestos has been banned by nearly every developed country, as well as a growing number of developing nations. The World Health Organization has estimated as many as 100,000 people around the world die annually from asbestos-related diseases.

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Government could have planted Couillard bug: former CSIS agent

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Prince George is under a state of emergency after a rash of fires  
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Arnold Den

Phone: 415 947 4191

Fax: 415 947 3583

Email: den.arnold@epa.gov



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pic02737.gif



pic09310.gif



Alexander  
Lomvardias /CASO/CA/BLM/D  
OI

06/01/2008 06:20 PM

To Dana Sullivan/PINN/NPS@NPS@NPSX

cc

bcc Rick Cooper/CASO/CA/BLM/DOI

Subject Re: Fw: Clear Creek Closure 

Dana,

I have attached a copy of the official closure order.

As you can see the following are legally exempted.

The following persons are exempt from the identified restrictions:

- 1) Federal, State, or local law enforcement officers, while engaged in the execution of their official duties.
- 2) BLM personnel or their representatives while engaged in the execution of their official duties.
- 3) Any member of an organized rescue, fire-fighting force, or emergency medical services organization while in the performance of their official duties.
- 4) Any member of federal, state, or local government agencies while in the performance of an official duty.
- 5) Any person in receipt of a written authorization of exemption obtained from the authorized officer.

I would say this definitely covers NPS Law Enforcement and SAR Personnel ....there is a lot of SAR equipment out there now too as I recall.....

The LE Staff here, as well as SBSO and CA DFG Wardens are still actively patrolling CCMA . I believe our botanist may even be continuing with his erosion control projects .

If there is an abiding concern regarding asbestos you can always enroll those who may be entering CCMA in a Occupational Monitoring Program . Basically involves a full annual physical performed by USPHS in San Francisco at the Federal Building/Courthouse on Golden Gate Ave.

I am not a scientist or a doctor....but I will say with no vehicle traffic out there it is not as dusty as my previous patrol activity there. LE Operations would likely be focused in areas with less dusty conditions as well.

There have been various occasions in my tenure here where NPS Law Enforcement assistance has been invaluable. As always we appreciate your assistance and stand ready to support you in your operations .

Alex Lomvardias  
U.S. Law Enforcement Ranger  
Hollister, Ca. Field Office  
Bureau of Land Management  
20 Hamilton Ct.  
Hollister, Ca. 95023  
Cell: (831)-595-7331

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EMERGENCY CLOSURE 2008.doc  
Dana Sullivan/PINN/NPS@NPS



Dana  
Sullivan/PINN/NPS@NPS  
05/31/2008 02:08 PM

To: Alexander Lomvardias/CASO/CA/BLM/DOI@BLM@NPSX  
cc:  
Subject: Fw: Clear Creek Closure

alex,

can you read the below and help me make the case to the boss for us to continue working BLM land?

thanks,  
ds

Dana Sullivan  
Pinnacles National Monument  
Protection Operations Supervisor  
831-389-4486 x237

----- Forwarded by Dana Sullivan/PINN/NPS on 05/31/2008 02:07 PM -----



Albert Faria  
05/28/2008 09:02 AM  
PDT

To: Dana Sullivan/PINN/NPS  
cc:  
Subject: Fw: Clear Creek Closure

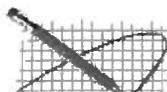
Dana,

Give me details to address this concern from Eric.

Albert M. Faria  
Chief Ranger - Pinnacles NM  
Office 831-389-4486 ext. 247  
Cell 831-801-6808  
Fax 831-389-4489

\*\*\*\*\*

----- Forwarded by Albert Faria/PINN/NPS on 05/28/2008 09:01 AM -----



Eric Brunemann  
05/28/2008 09:16 AM  
MDT

To: Albert Faria/PINN/NPS@NPS, Dana Sullivan/PINN/NPS@NPS  
cc:  
Subject: Re: Fw: Clear Creek Closure

Albert, Dana, Good Morning,

The moratorium on PINN assistance/work in Clear Creek parallels the BLM's closure area as defined on their web site (below), and their link to the attached pdf map (CCMA\_Closure\_Map.pdf).

We're paralleling what BLM (and apparently our county board of supervisors) has implemented upon the general public.

I suppose you could make a pitch that work in this closure area is okay if Rangers are properly trained re asbestos protection and you fund an employee monitoring plan for long-term health risks and exposure related illness. Maybe all that's covered by an SOP and training. That might also make an argument for hazard pay.

Is BLM letting their employees into the closure area ?

Eric

Superintendent  
Pinnacles National Monument  
5000 Highway 146  
Paicines, California 95043  
(831) 389-4486, ext. 233  
(831) 389-4485 Visitor Center  
(831) 389-4489 FAX

-----Albert Faria/PINN/NPS wrote: -----

To: Eric Brunnemann/PINN/NPS  
From: Albert Faria/PINN/NPS  
Date: 05/27/2008 06:00PM  
Subject: Fw: Clear Creek Closure

Eric,

Do you have any concerns with this issue? Dana is right, most of our interaction with BLM consists of other lands then Clear Creek.

Albert M. Faria  
Chief Ranger - Pinnacles NM  
Office 831-389-4486 ext. 247  
Cell 831-801-6808  
Fax 831-389-4489

\*\*\*\*\*

----- Forwarded by Albert Faria/PINN/NPS on 05/27/2008 05:59 PM -----

**Dana Sullivan**

To: Albert Faria/PINN/NPS@NPS

cc:

05/26/2008 03:56 PM  
MDT

Subject: Re: Fw: Clear Creek Closure

albert,

i understand why eric has made this decision but this is how it will effect our relations with BLM . can you please pass on to eric that there are many lands that are referred to as "clear creek" but are not in the closure area. all but one on the dope operations has been in lands outside the closure/asbestos area. also, the EPA has made an exception to the closure for LE use/need. can we please take this into

consideration for our operations with BLM.

thanks,  
dana

Dana Sullivan  
Pinnacles National Monument  
Protection Operations Supervisor  
831-389-4486 x237  
Albert Faria

**Al**  
**be** To: Sara Bartels/ARCH/NPS, Brett Hergert/PINN/NPS, Brian  
**rt** Janiga/PINN/NPS, Jesus Robles/PINN/NPS, Dana Sullivan/PINN/NPS  
**Fa** cc:  
**ri** Subject: Fw: Clear Creek Closure  
**a**

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All,

This means that we will no longer be able to assist BLM with staffing at Clear Creek as we have done in the past.

Albert M. Faria  
Chief Ranger - Pinnacles NM  
Office 831-389-4486 ext. 247  
Cell 831-801-6808  
Fax 831-389-4489  
\*\*\*\*\*

----- Forwarded by Albert Faria/PINN/NPS on 05/21/2008 02:59 PM -----

**Eric Brunnemann**

05/21/2008 09:19 AM MDT

To: PINN All Employees  
cc:  
Subject: Clear Creek Closure

Good Morning,

Due to the closure of Clear Creek, I have advised our management team to temporarily stop any NPS or NPS-related work in Clear Creek that involves using PINN employees on the ground. This moratorium will remain in place until further notice from me.

For more information see the BLM Clear Creek web site:

[http://www.blm.gov/ca/st/en/fo/hollister/clear\\_creek\\_management\\_area.html](http://www.blm.gov/ca/st/en/fo/hollister/clear_creek_management_area.html)

SEE attached message re BLM closure re Human Health Risk Assessment.

Thank you,

Eric

Superintendent  
Pinnacles National Monument  
5000 Highway 146  
Paicines, California 95043  
(831) 389-4486, ext. 233  
(831) 389-4485 Visitor Center



(831) 389-4489 FAX Closure.doc CCMA\_Closure\_Map.pdf



Timothy  
Moore/CASO/CA/BLM/DOI  
06/11/2008 08:06 AM

To Sky Murphy/CASO/CA/BLM/DOI@BLM, Rick  
Cooper/CASO/CA/BLM/DOI@BLM  
cc Karl Ford/NOC/BLM/DOI@BLM  
bcc

Subject Scoping CCMA RMP Asbestos Health Issues

Although the public scoping period is open until next week, some common themes have been floating around from the public meetings and various phone calls & blogs.

Planning Criteria was not specified during the public comment period, I suggest that BLM begin citation of relevant regulations to include the following:

OSHA Regulations (chrysotile/tremolite cancer connection, HAZWOPER)  
CERCLA Regulations (clean-up and risk reduction goals)  
EPA risk methodology (IRIS potency factor)  
Air Quality (Asbestos Toxic Air Contaminant Regulations)  
Water Quality (TMDL's and drinking water standards)  
BLM's Manual Handbook 1112-2 Safety and Health for Field Operations

This is not a complete list, simply things that have been suggested by the public.

Expected Issues for Response/Consideration:

EPA Risk Report - flaws  
Asbestos silt content of roads  
Tremolite/Chrysotile cancer potency factor  
Exposure scenarios (rider skills, length of time of ride, etc.)  
Epidemiology (no dead bodies)  
Alternatives for risk reduction (permits, liability waiver, eliminate children no overnight camping etc.)  
Comparison with other everyday risks  
The need for a "new" study (i.e. an OHV funded study)

Expected Issues not considered for further analysis:

Changes to EPA's risk report  
Changes to the Tremolite/Chrysotile cancer potency factor

Once all the "issues" are categorized, then the list can be fully populated and selected BLM and EPA staff can be tasked with preparing written responses.

That's just my \$0.02.





Alexander  
Lomvardias /CASO/CA/BLM/D  
OI

06/17/2008 11:13 AM

To Dana Sullivan/PINN/NPS@NPS@NPSX  
cc  
bcc Rick Cooper/CASO/CA/BLM/DOI  
Subject Re: Fw: Clear Creek Closure 

Dana,

Did you show them the CCMA Map with the red line on it?

The red line shows the Asbestos Area. The reason for the overall closure is because there are only two public routes into CCMA. Those roads and the campgrounds/staging areas are all within easy access of the Asbestos Area.

It would be impossible for us to enforce the closure without the buffer zone .

That is why the whole shooting match was put under the Closure Order .

The Closure Area does indeed include areas outside the Asbestos Area for the reason stated above .

We have observed growing activity both in the Asbestos Area and outside . We can tailor our operations is such a way as to keep your guys out of the Asbestos Area , if it is of overriding concern .

It may be time to bring Rick Cooper to the table with Albert or Mr . Brunneman.

As always I appreciate the cooperative relationship we have .

Thanks for continuing to work on this.

V/r,

Alex

Alex Lomvardias  
U.S. Law Enforcement Ranger  
Hollister, Ca. Field Office  
Bureau of Land Management  
20 Hamilton Ct.  
Hollister, Ca. 95023  
Cell: (831)-595-7331

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Dana Sullivan/PINN/NPS@NPS



Dana



Sullivan/PINN/NPS@NPS  
06/17/2008 08:37 AM

To Alexander Lomvardias/CASO/CABLM/DOI@BLM@NPSX  
cc

Subject Fw: Clear Creek Closure

help.....

Dana Sullivan  
Pinnacles National Monument  
Protection Operations Supervisor  
831-389-4486 x237

--- Forwarded by Dana Sullivan/PINN/NPS on 06/17/2008 08:36 AM ---



Albert Faria  
06/16/2008 04:31 PM  
PDT

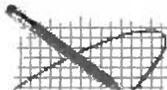
To: Dana Sullivan/PINN/NPS  
cc:  
Subject: Fw: Clear Creek Closure

See below, if you can answer these questions let me know.

Albert M. Faria  
Chief Ranger - Pinnacles NM  
Office 831-389-4486 ext. 247  
Cell 831-801-6808  
Fax 831-389-4489

\*\*\*\*\*

--- Forwarded by Albert Faria/PINN/NPS on 06/16/2008 04:30 PM ---



Eric Brunemann  
06/02/2008 01:55 PM  
MDT

To: Albert Faria/PINN/NPS@NPS  
cc:  
Subject: Re: Fw: Clear Creek Closure

Albert,

I hear Dana's point. And in the closure notice, I see the exclusion for federal and state, etc., employees doing "official duties." But why is that? How can BLM say that the public can't go in there, but these employees can? Do they not have lungs too? And what is an "official duty?"

Check me on this: Dana says the reason for all of Clear Creek's closure is simplicity of management. That the "real" closure area's area is the red zone--where the asbestos is located. However, that's not what the closure says. It says Clear Creek, and since I'm the guy who will get stuck with the medical and safety problems, and rightfully, Hazard Pay, I need to live with what I'm told.

But, if Dana can get that exact same clarification to me from BLM; i.e., that the closure in its entirety was for management simplicity, and provide me a map that shows what's safe to enter by government staff, and what's not safe to enter by government staff; and share with me any safety SOP's, etc., that BLM provides their people, then you and I will have something to hang our hats on .

Please keep in mind I do want to work with BLM, but I need to show that there is a safe demonstrable workplan that illustrates why BLM says it's okay for feds and staff to enter this area. (I could understand if BLM said it's only okay for LE to enter; but they say LE AND BLM staff and representatives. So how are all of them being educated to handle this, and why are they different than the "public"?)

Thank you for understanding,

Eric

Superintendent  
Pinnacles National Monument  
5000 Highway 146  
Paicines, California 95043  
(831) 389-4486, ext. 233  
(831) 389-4485 Visitor Center  
(831) 389-4489 FAX

-----Albert Faria/PINN/NPS wrote: -----

To: Eric Brunnemann/PINN/NPS  
From: Albert Faria/PINN/NPS  
Date: 06/02/2008 10:58AM  
Subject: Fw: Clear Creek Closure

Eric,

Will this info help determine if we can assist BLM with their Clear Creek monitoring .

Albert M. Faria  
Chief Ranger - Pinnacles NM  
Office 831-389-4486 ext. 247  
Cell 831-801-6808  
Fax 831-389-4489

\*\*\*\*\*

----- Forwarded by Albert Faria/PINN/NPS on 06/02/2008 10:57 AM -----

**Dana Sullivan**

06/02/2008 09:27 AM  
MDT

To: Albert  
Faria/PINN/NPS@NPS  
cc:  
Subject: Fw: Clear Creek Closure

albert,

i have a map of the BLM that we can look at together. even in staffing the closure area the gates themselves were well outside of the asbestos area . the closure is for all of CCMA because it is easier to manage but the asbestos area (or red zone) within the CCMA is really of the biggest concern . again, based on previous dope operations, only one operation entered the red zone. current dope observations have been outside of the red zone but still within CCMA.

hope this helps, if you need more i go get more.

dana

Dana Sullivan  
Pinnacles National Monument  
Protection Operations Supervisor  
831-389-4486 x237

----- Forwarded by Dana Sullivan/PINN/NPS on 06/02/2008 08:23 AM -----

**Alexander** To: Dana  
**Lomvardias@BLM** Sullivan/PINN/NPS@NPS@NPSX  
cc:  
06/01/2008 06:20 PM Subject: Re: Fw: Clear Creek Closure  
PDT

Dana,

I have attached a copy of the official closure order.

As you can see the following are legally exempted.

The following persons are exempt from the identified restrictions:

- 1) Federal, State, or local law enforcement officers, while engaged in the execution of their official duties.
- 2) BLM personnel or their representatives while engaged in the execution of their official duties.
- 3) Any member of an organized rescue, fire-fighting force, or emergency medical services organization while in the performance of their official duties.
- 4) Any member of federal, state, or local government agencies while in the performance of an official duty.
- 5) Any person in receipt of a written authorization of exemption obtained from the authorized officer.

I would say this definitely covers NPS Law Enforcement and SAR Personnel ....there is a lot of SAR equipment out there now too as I recall.....

The LE Staff here, as well as SBSO and CA DFG Wardens are still actively patrolling CCMA . I believe our botanist may even be continuing with his erosion control projects .

If there is an abiding concern regarding asbestos you can always enroll those who may be entering CCMA in a Occupational Monitoring Program. Basically involves a full annual physical performed by USPHS in San Francisco at the Federal Building/Courthouse on Golden Gate Ave.

I am not a scientist or a doctor....but I will say with no vehicle traffic out there it is not as dusty as my previous patrol activity there. LE Operations would likely be focused in areas with less dusty conditions as well.

There have been various occasions in my tenure here where NPS Law Enforcement assistance has been invaluable. As always we appreciate your assistance and stand ready to support you in your operations .

Alex Lomvardias  
U.S. Law Enforcement Ranger  
Hollister, Ca. Field Office  
Bureau of Land Management  
20 Hamilton Ct.  
Hollister, Ca. 95023  
Cell: (831)-595-7331

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Dana Sullivan/PINN/NPS@NPS

**Dana  
Sullivan/PINN/NP  
S@NPS**

05/31/2008 02:08  
PM

To Alexander  
Lomvardias/CASO/CA/BLM/DOI@BLM@NPSX

cc

Subject Fw: Clear Creek Closure

alex,

can you read the below and help me make the case to the boss for us to continue working BLM land ?

thanks,  
ds

Dana Sullivan  
Pinnacles National Monument  
Protection Operations Supervisor  
831-389-4486 x237

----- Forwarded by Dana Sullivan/PINN/NPS on 05/31/2008 02:07 PM -----

**Albert Faria**

05/28/2008 09:02 AM PDT

To: Dana Sullivan/PINN/NPS  
cc:  
Subject: Fw: Clear Creek  
Closure

Dana,

Give me details to address this concern from Eric .

Albert M. Faria  
Chief Ranger - Pinnacles NM  
Office 831-389-4486 ext. 247  
Cell 831-801-6808  
Fax 831-389-4489

\*\*\*\*\*

----- Forwarded by Albert Faria/PINN/NPS on 05/28/2008 09:01 AM -----

**Eric**

**Brunneman** To: Albert Faria/PINN/NPS@NPS, Dana  
**n** Sullivan/PINN/NPS@NPS  
cc:  
05/28/2008 Subject: Re: Fw: Clear Creek Closure  
09:16 AM  
MDT

Albert, Dana, Good Morning,

The moratorium on PINN assistance/work in Clear Creek parallels the BLM's closure area as defined on their web site (below), and their link to the attached pdf map (CCMA\_Closure\_Map.pdf).

We're paralleling what BLM (and apparently our county board of supervisors) has implemented upon the general public.

I suppose you could make a pitch that work in this closure area is okay if Rangers are properly trained re asbestos protection and you fund an employee monitoring plan for long-term health risks and exposure related illness. Maybe all that's covered by an SOP and training. That might also make an argument for hazard pay.

Is BLM letting their employees into the closure area?

Eric

Superintendent  
Pinnacles National Monument  
5000 Highway 146  
Paicines, California 95043  
(831) 389-4486, ext. 233  
(831) 389-4485 Visitor Center  
(831) 389-4489 FAX

-----Albert Faria/PINN/NPS wrote: -----

To: Eric Brunnemann/PINN/NPS  
From: Albert Faria/PINN/NPS  
Date: 05/27/2008 06:00PM  
Subject: Fw: Clear Creek Closure

Eric,

Do you have any concerns with this issue? Dana is right, most of our interaction with BLM consists of other lands then Clear Creek.

Albert M. Faria  
Chief Ranger - Pinnacles NM  
Office 831-389-4486 ext. 247  
Cell 831-801-6808  
Fax 831-389-4489  
\*\*\*\*\*

----- Forwarded by Albert Faria/PINN/NPS on 05/27/2008 05:59 PM -----

**Dana**  
**Sullivan** To: Albert  
Faria/PINN/NPS@NPS

05/26/20 cc:  
08 03:56 Subject: Re: Fw: Clear  
PM MDT Creek Closure

albert,

i understand why eric has made this decision but this is how it will effect our relations with BLM . can you please pass on to eric that there are many lands that are referred to as "clear creek" but are not in the closure area. all but one on the dope operations has been in lands outside the closure/asbestos area. also, the EPA has made an exception to the closure for LE use/need. can we please take this into consideration for our operations with BLM.

thanks,  
dana

Dana Sullivan  
Pinnacles National Monument  
Protection Operations Supervisor  
831-389-4486 x237  
Albert Faria

Al  
be  
rt To: Sara Bartels/ARCH/NPS, Brett Hergert/PINN  
Fa Brian Janiga/PINN/NPS, Jesus Robles/PINN/NPS, Da  
ri Sullivan/PINN/NPS  
a cc:  
Subject: Fw: Clear Creek Closure

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All,

This means that we will no longer be able to assist BLM with staffing at Clear Creek as we have done in the past.

Albert M. Faria  
Chief Ranger - Pinnacles NM  
Office 831-389-4486 ext. 247  
Cell 831-801-6808  
Fax 831-389-4489

\*\*\*\*\*

----- Forwarded by Albert Faria/PINN/NPS on 05/21/2008 02:59 PM -----

Eric

**Brunnemann**

To: PINN All  
Employees  
05/21/2008  
09:19 AM  
MDT  
cc:  
Subject: Clear Creek  
Closure

Good Morning,

Due to the closure of Clear Creek, I have advised our management team to temporarily stop any NPS or NPS-related work in Clear Creek that involves using PINN employees on the ground. This moratorium will remain in place until further notice from me.

For more information see the BLM Clear Creek web site:

[http://www.blm.gov/ca/st/en/fo/hollister/clear\\_creek\\_management\\_area.html](http://www.blm.gov/ca/st/en/fo/hollister/clear_creek_management_area.html)

SEE attached message re BLM closure re Human Health Risk Assessment.

Thank you,

Eric

Superintendent  
Pinnacles National Monument  
5000 Highway 146  
Paicines, California 95043  
(831) 389-4486, ext. 233  
(831) 389-4485 Visitor Center



(831) 389-4489 FAX EMERGENCY CLOSURE 2008.doc Closure.doc CCMA\_Closure\_Map.pdf



"SERVING THE AMATEUR COMPETITOR SINCE 1955"

**DISTRICT 36 MOTORCYCLE SPORTS COMMITTEE, INC.**



08 JUN 23 PM 1:30

RECEIVED  
U.S. DEPT. OF INTERIOR  
BUREAU OF LAND MANAGEMENT  
HOLLISTER, CA 95023

June 20, 2008

Sent via Email and U.S. Mail

Hollister Field Office  
Bureau of Land Management  
20 Hamilton Court  
Hollister, Ca. 95023  
[cahormp@ca.blm.gov](mailto:cahormp@ca.blm.gov)

RE: CCMA RMP - COMMENTS

American Motorcyclist Association District 36 Motorcycle Sports Committee Legislative Action Office, on behalf of its thousands of members it represents - does NOT agree that the closure imposed on May 1, 2008 is necessary.

Decisions made to implement this closure appear to be based on potential faulty analysis, unsubstantiated claims of harm, and lack scientific data to support the decision imposed upon recreationists.

EPA documentation provided, and the words spoken at public meeting by representatives were fraught with lack of knowledge and the ability to answer questions from the public appeared vague, and was not answered in a professional manner addressing the questions asked, but skirted like a politician who had no clue how to answer a simple, straight forward question.

As this issue has been in the "discussion phase" for decades, including the continued recreation while the EPA Super Fund Clean Up project was being completed, it is strange that BLM took the advice of another Federal Agencies recommendation at face value, yet this same agency cannot seem to document illness, death or other with fact based supporting documentation, including EPA FINAL Report "Evaluation of Risks" prepared by ICF Technologies and prepared for said same EPA Region 9 in 1994.

Nor was any reference to CARB (1986) Public Hearing Adoption of a Regulatory Amendment Identifying Asbestos as a Toxic Air Contaminant cited. Feb 10/86.

Board of Directors

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HOLLISTER, CA 95023

Nor was any reference made to EPA 1986 Airborne Health Assessment Update, Office of Health and Environmental Assessment Cited, EPA Wash. DC EPA/600/8-84/003F (June) cited as reference in the opinion piece submitted to BLM.

District 36 also agrees with Blue Ribbon Coalition Letter to BLM/Questions to EPA request for the Ilgren April 16 letter submitted regarding the validity of the agencies continue efforts to showcase the areas soils as a health risk.

District 36 also concurs on the points and authorities submitted by Blue Ribbon Coalition as submitted to the Hollister Field Office of BLM in a letter dated 6-19-06.

Additionally, BLM must acknowledge that if this closure stands, then the action will have adverse economic impact on the County of residence, the local cities and towns and overall community, and the County may suffer from economic loss due to income from OHV produced "In-Lieu" State funding submitted to the county on a 6 month basis. This funding will disappear from the counties already strained budget, as CCMA would no longer be a defined "OHV Recreation Destination" and would no longer qualify for this funding paid by the OHV community within it sales tax distribution. (ICF 06-22082-1 [1/2006] California State Parks - plus Amendment.

Additional economic harm will be felt by the communities surrounding CCMA as loss of sales for goods and services purchased in the area will diminish, harming local small business in an economic climate that is already struggling.

As the Blue Ribbon Coalition submission states, [quote]

**"BRC continues to believe the EPA report is flawed and should NOT be relied upon for agency's decision to enact an interim closure of the CCMA to all public uses during the RPP planning process."** [Un-quote]

Again, District 36 agrees with this statement, and also asks that BLM request that the Council on Environmental Quality [CEQ] [40 CFR \*1502.25] standards be called upon to insure that the NEPA process and EPA rational for decision is cross checked on behalf

08 JUN 23 PM 1:30

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recreationists that are “yet again” suffering a severe loss of a recreational opportunity for actions BLM believes to have merit based entirely upon submissions by the EPA Region 9.

Questions remain unanswered, and the continued effort to close public land owned by the public does not sit well with the public...

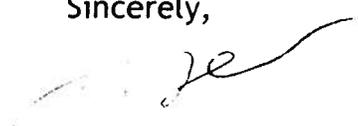
Staff at EPA and BLM have witnessed this at many meetings post the notice and invoked closure.

While District 36 disagrees with the action taken, we do consider our involvement in this process of paramount importance, and thus ask to be involved in the planning process on behalf of our membership and their families.

As well known, District 36 and its member clubs have worked and supported the Hollister Field Office of BLM for decades. This includes volunteer work of “boots on the ground” to continued financial assistance over the years exceeding \$125 million dollars in OHV Grants to BLM state agencies in all jurisdictions.

Please continue to keep District 36, its member clubs apprised of any and all changes, communications or other pertinent information as it becomes available.

Sincerely,



Dave Pickett  
District 36 Legislative Action Office Director  
President - District 36 Motorcycle Sports Committee, Inc.

**John J. Rank**

**From:** <jrank@pacbell.net>  
**To:** "BLM Hollister Field Office" <cahornp@ca.blm.gov>  
**Cc:** <jrank@pacbell.net>  
**Sent:** Friday, June 20, 2008 2:22 PM  
**Subject:** RMP for Clear Creek Management Area

08 JUN 23 PM 1:30

RECEIVED  
 U.S. DEPT. OF INTERIOR  
 BUREAU OF LAND MANAGEMENT  
 HOLLISTER, CA 95023

Date: 6/20/2008

CCMA RMP BLM Hollister Field Office  
 20 Hamilton Court  
 Hollister CA, 95023

Dear BLM Hollister Field Office,

I am writing to you in response to the Bureau of Land Management's decision to close the Clear Creek Management Area to OHV use. I am 44 years of age, and have been riding dirt bikes since I was six. I am also the past President of the Paradise Ridge Riders (and am currently the club's vice president), which has a membership of approximately 40 off-road vehicle enthusiasts, the majority of which have enjoyed riding in the Clear Creek Management Area at one time or another. Personally, I have participated at numerous enduros held at that location.

I believe the EPA report is flawed and should not be relied upon for the agency's decision to enact an interim closure of the CCMA to all public uses during the RMP planning process. I believe that new information should be reviewed by the agency and then utilized in an expeditious manner to withdraw the current closure order and, if needed, reinstate the dry-season closure on an interim basis until the RMP planning process is completed.

I urge the BLM to consult with sister land management agencies (e.g. Forest Service, CA State Parks, etc.) regarding mitigation or alternative management strategies such as adding soil or road treatments, public outreach and education, or how they handle similar low risk public health issues or if they even consider the findings in the EPA report as mandating a closure.

I think two sustainable recreation alternatives should be created and submitted for full analysis and public input during this planning process. NEPA imposes a mandatory procedural duty on federal agencies to consider a reasonable range of alternatives. 40 CFR ? 1502.14.

The BLM should consider creating two sustainable recreation alternatives and submitted for full analysis and public input during this planning process. NEPA imposes a mandatory procedural duty on federal agencies to consider a reasonable range of alternatives. 40 CFR ? 1502.14. We do not herein attempt an exhaustive outline of these alternatives, but a checklist of key concepts that they could include. Obviously the agency would need to exercise discretion to refine these core concepts, while adding additional decision elements.

ALTERNATIVE ONE ? The No-Health Risk Recreation Alternative

-Allow OHV use all year on the approximate 272 miles of routes and 400 acres of barren areas previously approved in the area's travel management plan.

ALTERNATIVE TWO ? The Acceptable Health Risk Alternative

6/20/2008

-Utilize new science submitted during the public comment period or by ongoing new scientific research (which may include an opportunity to partner with public and private interests on joint research project using improved or defensible methodology) in management prescriptions and public outreach/education.

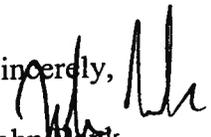
-Harden and/or clean-up hot spots such as the old industry sites at Oak Flat and Jade Mill Campground. Apply appropriate dust control measures (i.e. chip seal, or other methods) the road beds in front of the affected sites.

-Post health risk signs at public entry points and require that OHV events have warnings on their flyers.

-Allow OHV use to continue all year on the approximately 272 miles of routes and 400 acres of barren areas previously approved in the area's travel management plan, or on such other and/or additional routes/a

I appreciate the opportunity to be involved in the public planning process as a US Citizen that enjoys recreation in the CCMA. Please contact me if you have questions or wish to discuss any aspect of these comments.

Thank you and please add these comments to the public record.

Sincerely,  
  
John Rank  
5951 Almond Street  
Paradise CA 95969

# MOORE SMITH BUXTON & TURCKE, CHARTERED

ATTORNEYS AND COUNSELORS AT LAW  
950 W. BANNOCK STREET, SUITE 520; BOISE, ID 83702  
TELEPHONE: (208) 331-1800 FAX: (208) 331-1202 [www.msbtlaw.com](http://www.msbtlaw.com)

STEPHANIE J. BONNEY<sup>≈</sup>  
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BRUCE M. SMITH  
PAUL A. TURCKE<sup>†</sup>  
CARL J. WITHROE<sup>≈</sup>\*  
TAMMY A. ZOKAN<sup>†</sup>

08 JUN 23 PM 1:31  
U.S. DEPT. OF INTERIOR  
BUREAU OF LAND MANAGEMENT  
HOLLISTER, CA 95033  
JOHN J. MCFADDEN<sup>≈</sup> of Counsel  
MICHAEL C. MOORE<sup>†</sup> of Counsel

» Also admitted in California  
\* Also admitted in New Mexico  
\* Also admitted in Oregon  
° Also admitted in South Dakota  
≈ Also admitted in Utah  
† Also admitted in Washington

June 20, 2008

*Delivered via U.S. Mail and via email to [cahormp@ca.blm.gov](mailto:cahormp@ca.blm.gov)*

CCMA RMP  
BLM- Hollister Field Office  
20 Hamilton Court  
Hollister, CA 95023

## RE: Scoping Comments on Clear Creek RMP

Dear Planning Team:

Please accept these comments in response to the Notice of Intent to Prepare and Environmental Impact Statement ("scoping notice") for the Clear Creek Management Area ("CCMA") Resource Management Plan ("RMP"). These comments are submitted on behalf of our clients the BlueRibbon Coalition, as well as its numerous participating individual and organizational members, which specifically include but may not be limited to the Salinas Ramblers Motorcycle Club, Timekeepers Motorcycle Club, American Motorcyclist Association D36, California Enduro Riders Association, and the California Association of 4 Wheel Drive Clubs. Individual and/or organizational members of any of these organizations may submit their own comments, and all such comments must be separately and independently evaluated by BLM in framing the RMP analysis. Any communications regarding these comments should be directed to Paul A. Turcke at the contact information listed above and to [pat@msbtlaw.com](mailto:pat@msbtlaw.com).

## INTRODUCTION

BlueRibbon is an Idaho non-profit corporation with over 10,000 individual, business, and organizational members representing approximately 600,000 individuals nationwide. BlueRibbon members use motorized and non-motorized means, including off-highway vehicles, snowmobiles, horses, mountain bikes, and hiking, to access state and federally-managed lands throughout the United States, including the CCMA. BlueRibbon and several member organizations obtaining intervenor status and actively participated in *Center for Biological Diversity v. BLM*, Case No. C 04-4736 JF (ND Cal), in which BLM successfully defended preservationist special

interest group efforts to eliminate or drastically reduce OHV access to the CCMA. Sadly, BLM has recently chosen, upon the advice of EPA Region 9, to impose the result that anti-access advocates could not obtain in court through an ill-informed and irrationally cautious decision to effectively close the CCMA to general public visitation based upon alleged concerns about human health risk. This action presents a great risk of confusion in the RMP process, and threatens to improperly constrain decision options and focus debate on the EPA risk analysis.

Regardless of the validity of the EPA's latest report, BLM is under a legal obligation to consider viable management alternatives. Scoping is not the point in the analysis to limit potential management alternatives to the narrow choices (if any) that EPA or preservationist special interests would allow. We intend to show that EPA's latest report suffers fundamental methodological and other flaws which should render that report incapable of supporting the current "management by closure" strategy. Other reports and relevant information will demonstrate the flaws of relying on the latest EPA report, will explain EPA's potential findings of concern, will continue to demonstrate that there is virtually zero human health risk associated with *Coalinga chrysotile* asbestos, and that there are virtually no known cases of asbestos-related disease or injury associated with this area despite extensive human visitation of the site that is now the CCMA through a broad range of activities, many of which pose far greater theoretical risk of exposure than recreational activity. We urge BLM to explore a full range of options in the RMP, while at the same time undertaking appropriate and necessary parallel analysis to better understand and debunk the latest EPA report.

## **RESPONSE TO QUESTIONS PRESENTED**

We are mindful of the scoping comment form prepared by BLM and provide the following responses to the specific questions posed.

(1) Vision- what do you value most about CCMA and why? The CCMA should be managed in the true sense of multiple-use management, with particular emphasis on trail-based recreation and rock/gem collecting. Compared to many western public lands, the CCMA presents a relatively small block of lands that have undergone varied and intensive uses. The CCMA provides an important trail-based recreation opportunity in central California where relatively few others exist. Maintaining and enhancing these recreation opportunities should be the primary management goal.

In addition to these recreation opportunities, the unique features of the CCMA lend themselves to focused management. For example, unique botanical and geologic resources can be protected from and/or featured to the public through appropriate information, mapping, exclosures and similar techniques. Ideally, proper management could ensure protection of unique resources while offering an opportunity to better inform and educate visitors about those resources.

(2) The Human Environment- what are the key issues and/or concerns to be addressed in the RMP? Without discussion, and in approximate order of priority, we suggest the key issues are: (i) providing for a diverse range of recreational opportunity; (ii) complying with applicable law in managing special status species; (iii) special area designation/status; (iv) minerals and

geologic resources (commercial and/or recreational); (v) cultural resources; (vi) private property access; (vii) land tenure adjustment; (viii) vegetation/fire/fuels. 08 JUN 23 PM 1:31

We caution BLM to avoid being trapped into managing the CCMA as a distinct ecosystem or an alleged component of some larger connected ecosystem. This is not to say the area lacks outstanding natural features, areas and resources, but rather that the CCMA, for various reasons including its particular size, location and history, does not fit within management frameworks popular to some interest groups.

(3) Community benefits/challenges- As noted previously and in numerous member comments, the CCMA provides a unique recreational niche in central California. The present closure creates a recreational void while placing unanticipated pressure on other areas that, while not providing equivalent opportunities to CCMA, will likely experience increased demand from displaced publics.

The CCMA-focused recreational community has helped create and support local businesses, such as specialized motorcycle/ATV shops, in the local area. A permanent loss of recreational opportunity at the CCMA could have profound adverse effects on such businesses.

The CCMA is a unique and nationally, if not internationally, known location in recreational gemological/mineralogical circles. The same geologic forces that create the potential for EPA inquiry/confusion are also associated with many unique and prized gemstones such as benitoite, the official gem of the State of California. Any management effort should recognize and attempt to address the importance of this resource and the various associated management challenges, including public/inholder access, commercial/private activity, and relation to other recreational activities.

### ADDITIONAL INFORMATION

We wish to provide additional information as invited by the comment form.

#### A. Range of Alternatives.

Critical to the legal, political and practical success of the RMP will be a robust range of alternatives. We recommend that BLM err on the side of overbreadth in defining the range of alternatives. *See*, 40 CFR § 1502.14 (“agencies shall rigorously explore and objectively evaluate all reasonable alternatives”). Specifically, with regard to vehicle access, we recommend that BLM include options that would designate as “open” to travel the roads/trails/areas available prior to the current May 1, 2008 closure order, as well as a separate alternative that would consider additional routes/areas for mechanized access. The planning process is intended as a dynamic exercise, not an inexorable push toward fewer and more limited opportunities for human visitation to public lands.

Among the range of alternatives to be considered, we specifically propose and incorporate by reference those submitted by Don Amador, BlueRibbon’s Western Representative. BLM should be exploring all possible management solutions to any alleged

health risks associated with specific portions of the CCMA or the site in general, should adequate documentation of any risk be developed.

08 JUN 23 PM 1:31

B. EPA Health Risk Assessment.

We recognize that RMP scoping is not the place to present or expect a thorough evaluation of the May 2008 EPA Human Health Risk Assessment. We have not completed our analysis of that report, but are doing so and evaluating all options for appropriate review. We are concerned by not only the substance but timing of the report, and particularly caution BLM against limiting the scope of analysis and range of alternatives in the RMP process based on EPA's latest conclusions.

While our efforts are not complete, we believe there are numerous arguments that render EPA's analysis questionable, if not irrational. We will only outline some of these arguments at this time. In addition, in conjunction with the comments of Dr. E.B. Ilgren, which we hereby incorporate by reference herein, we wish to take this opportunity to present additional information into the formal planning record. Specifically, we incorporate by reference the preliminary results of a geological survey performed by Fowkes, Junilla and Iddings. The results of this survey suggest that amphibole material(s) in the CCMA may be localized to discrete sites, and that sites which appear to contain asbestiform amphibole are "commercial" sites which represent commercial mining activity, not New Idria serpentinite or other "natural" geologic features occurring in the CCMA.

During one or more of the scoping meetings BLM employees referred to the decision in *Salinas Ramblers Motorcycle Club et al*, Case No. IBLA 2005-217, 171 IBLA 396 (July 10, 2007) in discussing the rationale for the current closure. We wish to clarify the context of the IBLA decision and limited nature of that holding. The IBLA is an administrative review board, not part of the federal judiciary. An IBLA decision thus represents a formal determination of the Department of Interior but is not judicial "precedent" that is binding upon a judicial body or officer. Perhaps more importantly, we read the IBLA decision to be premised largely on the characterization that the 2005 "temporary" seasonal closure is designed "to avoid further or elevated risk to visitors while more data is collected to better identify and quantify the risk to human health that may be posed by airborne asbestos." *Id.*, 171 IBLA at 401. This "close to study further" rationale can not reasonably be relied upon here- the 2008 EPA report is the "better identification/quantification" promised by the agencies. Finally, while we do not agree with the IBLA's characterization of our prior arguments as "challenging [n]either the sampling methods [n]or EPA's conclusion that ORV use...increases exposure to asbestos" an attack on the 2008 EPA report and associated BLM closure order will not be subject to these criticisms. *See, id.* Put differently, our initial analysis, as summarized by Dr. Ilgren's comments submitted contemporaneously herewith, suggests bases to challenge numerous aspects of the EPA methodology including study design, field methods, sample location(s), specimen handling/identification, and statistical design/analysis. Confirmation of our initial impressions regarding any of these methodological elements will raise serious questions about the legitimacy of the EPA analysis and resultant conclusions.

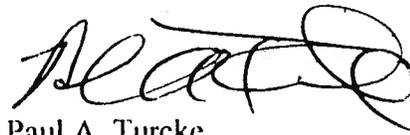
We wish to note two simple reflections on the EPA report. First, despite significant study in various contexts including by individuals and entities highly motivated to identify the existence of, and blame for, CCMA-caused "injury", there exists virtually no evidence of asbestos-related injury traceable to the CCMA. Second, EPA's current risk analysis hinges on the finding that PCME fibers appeared in an unprecedented amount in some EPA air samples. At the simplest level, EPA's conclusions are vulnerable to rebuttal of the identification of the alleged PCME fibers, or an explanation for the existence of PCME fibers which is compatible with continuing recreational (and historical) access. An example of the latter might be identification of specific sites (eg historic mining/mill or other industrial sites) containing PCME fibers that were included in the EPA sampling routes but which are not representative of typical CCMA recreational activity or which could be properly remediated so as to eliminate associated risk. We note that comparison of even the EPA's results tend to support the latter thesis, as the EPA soil samples, with limited exceptions at trivial levels, display only "short fiber" chrysotile which does not meet the PCME standard. See, EPA May, 2008 Risk Assessment at Appx. F (only 2 of 73 soil samples contained asbestos other than chrysotile, and those were identified as "<1% Tremolite/Actinolite"). In other words, even EPA's results suggest that PCME fibers are not common along CCMA routes, but arise from a limited number of "hotspots" theoretically capable of being identified and properly managed.

BLM is not obligated to follow EPA's recommendation. Rather, to use the IBLA's words, "BLM is entitled to rely on the professional opinion of its technical experts" and "those experts may be selected from within BLM's own ranks or from elsewhere, whether from within the Federal government or without." *Salinas Ramblers*, 171 IBLA at 400. We believe that reasoned analysis of the EPA 2008 report will eventually lead BLM to conclude that this is an instance where it should look to the large volume of other information regarding asbestos-related health risks and those specific to the CCMA in placing the appropriate weight, if any, on EPA's latest effort.

We appreciate the opportunity to submit these comments and look forward to participating in the ongoing process on behalf of our clients.

Sincerely,

MOORE, SMITH, BUXTON & TURCKE, CHTD



Paul A. Turcke

/PAT

cc: Don Amador, Nicholas Haris



# United States Department of the Interior



## BUREAU OF LAND MANAGEMENT

Hollister Field Office  
20 Hamilton Court  
Hollister, CA 95023  
[www.ca.blm.gov/hollister](http://www.ca.blm.gov/hollister)

June 27, 2008

In Reply Refer To:  
1703 (CA-190) P

Connie Hunt  
Director, Enforcement and Investigations  
U.S. Department of Labor  
Occupational Safety and Health Administration  
71 Stevenson Street  
Room 420  
San Francisco, California 94105

Subject: Informal Settlement Agreement  
Inspection Number: 310136742  
Inspection Date: 8/22/06-8/25/06  
Issuance Date: 08/31/06

Dear Ms. Hunt,

This Letter of Corrective Action transmits our response as to Citation 1, Item 3 has been corrected within the conditions and time frames set forth in the Informal Settlement Agreement received by BLM on September 27, 2006.

Citation 1, Item 3 – Attached is BLM's final report, entitled "BLM Employee Exposure to Naturally Occurring Asbestos at the Clear Creek Management Area (CCMA) and the Knoxville Management Area." This report was prepared by Department of Interior (DOI) Certified Industrial Hygienist Tim Radtke. Over the past 18 months, the DOI Office of Occupational Health and Safety has assisted BLM in evaluating employee exposures to naturally occurring asbestos (NOA). An interim report was sent to OSHA on January 9, 2008, characterizing the results of the first three sampling assessments. At the CCMA, employee exposures to NOA were monitored on four occasions by the DOI Office of Occupational Health and Safety. Eighty-nine samples were collected representing 429 hours of employee exposure to NOA, using accepted industrial hygiene sampling techniques. Samples were analyzed by phase contrast microscopy (PCM). The fourth round of sampling was analyzed by PCM, TEM NIOSH 7402, and TEM ISO 10312. At the CCMA, exposures were higher and employees spent more workdays on-site compared to the Knoxville site. Chrysotile was the predominant contaminant; however amphibole asbestos was detected as well. The results of sampling showed exposures varied by job task, with the highest exposures during certain equipment operation and sign installation. All

employee 8 hour time-weighted exposures were below the OSHA PEL except for one sampled during the SWECO operation. The report also includes recommendations to limit employee exposures by utilizing engineering, work practice, and administrative controls to ensure employee exposures do not exceed the PEL.

BLM will continue to implement standard operating procedures and protective measures identified in our Health and Safety Plan and this report. These include continuing medical surveillance of the CCMA workers, air sampling according to established protocols, utilization of PPE, compliance with the respiratory protection program, personal and equipment decontamination, and avoidance of soil disturbing operations during dry conditions. If you have questions concerning this report or need additional information, please feel free to call me at (831) 630-5010.

Sincerely,

A handwritten signature in black ink that reads "Rick Cooper". The signature is fluid and cursive, with a long horizontal line extending to the right.

Rick Cooper  
Field Manager

Enclosure

Final Report, BLM Employee Exposure to Naturally Occurring Asbestos at the Clear Creek Management Area and the Knoxville Management Area.

CC: CAPT Tim Radtke, DOI, CIH  
Karen Barnette, BLM DSD Support Services, CASO  
Rich Burns, BLM Ukiah Field Manager

**BLM Employee Exposure to Naturally Occurring Asbestos at  
the Clear Creek Management Area and the Knoxville  
Management Area**

**U.S. Department of the Interior  
Office of Occupational Health and Safety**



**May 2008**

## EXECUTIVE SUMMARY

Employee exposures to naturally occurring asbestos at the Clear Creek Management Area were monitored on 4 occasions by the DOI Office of Occupational Health and Safety. A total of 89 samples were collected representing 429 work hours. Eight hour time-weighted average exposures were determined. The results showed exposures varied by job task with the highest exposures during the SWECO operation, the sign installation, water truck operation. One 8-hr time-weighted average exposure during the SWECO operation exceeded the OSHA Permissible Exposure Limit (PEL). This report includes recommendations to limit employee exposures by engineering, work practice, and administrative controls to ensure exposures do not exceed the PEL. A cancer risk assessment tool is proposed for determining the number of work days permitted to stay below an acceptable risk level.

Measured exposures and the calculated cancer risk levels at the Knoxville Management Area were an order of magnitude lower than those at the Clear Creek Management Area. This is due to the lower measured concentrations and the small number of days employees are on-site. Several recommendations are specified to further reduce these exposures.

## **INTRODUCTION**

This report focuses on BLM employee exposure to asbestos at the Clear Creek Management Area (CCMA), San Benito County which is managed by the Hollister Field Office and the Knoxville Management Area in Napa County California, managed by the Ukiah Field Office. It does not address public exposures during recreational activities at these sites. Exposure to the public is address in the EPA Risk Assessment Report dated February 2008 and is part of this report.

### **Objectives:**

- To estimate employee exposure to naturally occurring asbestos during tasks performed by BLM employees during various environmental conditions using accepted industrial hygiene practices.
- Validate methods used by BLM to monitor employees' exposures. This included training employees on proper sampling techniques and providing CIH oversight and guidance to an ongoing "in house" personal air monitoring program .

Naturally occurring asbestos (NOA) on BLM managed land has been recognized as a potential exposure issue since the late 1970's. Since the early 1960's three asbestos mines have operated in the CCMA with the last mine closing in 1998. The Atlas Mine operated until 1979 and has been managed as a Superfund site since 1989. Since that time personal exposure monitoring has been conducted on employees working on the Clear Creek Site.

CCMA visitor days average around 5000 per month from October through May. Since 2005 BLM has instituted a "dry season closure" where usage is limited during the dry summer months.

According to BLM, soil concentrations throughout the Clear Creek Management Area ranged from trace levels in darker soils with higher organic material to 40% asbestos in the lighter colored sparsely vegetated soils. Although chrysotile is the predominant type of asbestos mineral present, some amphibole was detected in the air samples which were analyzed by transmission electron microscopy (TEM).

Sampling was conducted on four occasions during differing environmental conditions. According to the work descriptions, most work activity at Clear Creek takes

place in January through April. Employees spend varying number of workdays at the Clear Creek Site and are assigned through the Hollister District Office. Other than the law enforcement personnel, employees work at the Knoxville site in the range of 5 to 10 days per year.

#### **METHODS:**

In this survey, standard industrial hygiene monitoring methods were used to characterize exposures during various work activities at 4 different times of the year. Samples were analyzed by Phase Contrast Microscopy (PCM) using NIOSH 7400 method. Additionally, samples analyzed by the NIOSH 7400 method whose 8-hr time-weighted averaged exceeded  $\frac{1}{2}$  of the OSHA permissible exposure limit were analyzed by TEM to determine the percent asbestos of the constituent fibers. This factor was then applied to the PCM count to give a more accurate count of asbestos fibers. The last round of sampling was analyzed by PCM NIOSH 7400, TEM NIOSH 7402 method; and by TEM International Standard Organization ISO 10312 method. Reservoirs Environmental, Inc is the analytical laboratory used in this survey. It is accredited by the National Voluntary Laboratory Accreditation Program (NVLAP), and the American Industrial Hygiene Association (AIHA) PAT program.

High flow personal air sampling pumps were calibrated at 2 liters per minute prior to sampling and after sampling. The calibrator met the requirements for current annual factory calibration check. Twenty-five millimeter diameter electrically conductive cowed cassettes using 0.8  $\mu\text{m}$  pore size mixed cellulose ester filters were connected via tygon tubing to the pump. The complete sampling train was used during calibration including use of a filter cassette from the lot of filters to be used in the field. Three separate calibration reading were obtained both before sampling and after sampling.

In all cases the filter was placed within the employees' breathing zones with the filter faced in a downward position. During sampling in the field, rotometers on the pumps were checked to determine constant flow during the sampling period. Filter overloading was not a problem during any of the sampling events. During times of potentially high exposures, excursion limit samples were taken for a thirty minute period for comparison to the 1.0 fiber per cubic centimeter excursion limit. The air sampling

was started at the CCMA decon facility where employee report to work before entering the contaminated area. This site is approximately 20-30 minutes from the contaminated zone. This travel time to the site is part of the employees work shift and is therefore included in the eight hour time-weighted average exposure.

General weather conditions were recorded along with temperature and humidity and wind speed readings using a hot wire anemometer to characterize environmental conditions during the sampling.

BLM has been conducting personal exposure monitoring on employees since the early 1990's. A recent OSHA inspection identified some issues with past employee exposure monitoring methods and it was determined that a new evaluation of employee exposures be conducted. Throughout this period there have been some irregularities in sampling methods such as using a primary calibrator that had an expired lab certification, and some reports of not sampling with open-faced filter cassettes. The samples were all analyzed using PCM. The quality control of the laboratory was not verified. Recognizing the irregularities in the sampling methods, the data gives an indication of general exposure levels for particular jobs over past 18 years. While it is not the purpose of this report to analyze the historic data set, this data gives an indication of general exposure concentrations over the past 18 years. The overall mean 8hr time-weighted average exposure for the data set was 0.018 f/cc. Thirteen (1%) of the 1271 samples exceeded the PEL of 0.1 f/cc for 8 hr time-weighted average exposures.

EPA has completed an evaluation of exposures for various public use activities including motorcycle, SUV, ATV, hiking, camping. The report also addressed the differences between adult and child exposure and cancer risk. These risk assessment methods provide calculations of cancer risk for the specific activities over a lifetime. It differs from the occupational exposure assessment in that it does not correspond to a specific allowable airborne concentration for a specified time.

It is important to understand the different processes determining courses of action to protect both the employee and the public. Occupational exposures are regulated by an existing standard established by OSHA. This is the law which regulated all occupational exposures to asbestos in the United States. It should be noted that OSHA has modified the standard several times in response to new information about health risk from

exposure. The 0.1 f/cc PEL has been in place since 1994, and there is currently an interagency workgroup looking at research needs to further the knowledge base on asbestos toxicity. Occupational exposures throughout all workplaces use the OSHA PEL of 0.1 f/cc for an 8-hr time-weighted average exposure. The American Conference of Governmental Industrial Hygienists is a non-regulatory standard setting organization and uses 0.1 f/cc as their 8-hr TWA threshold limit value. The occupational exposure limits are established to protect a healthy working aged adult. In establishing these standards OSHA also considers the protection from adverse health outcomes as well as the impact of the regulation on the industry. In determining the risk to the public, EPA considers all age groups including the most susceptible portions of the population. The decision how much risk is acceptable also differs when considering the general population. EPA decisions are based on a acceptable risk level of 1 in 10,000 excess cancer cases. Historically, occupational standards assume a higher level of risk because of the "healthy worker" effect.

Sampling was conducted on routine work being performed at the time of the site-visit. The fence crews made up the largest workforce during the site visits and thus resulted in the most samples collected. Work varied and included hand digging post holes, operating auger, setting posts. Visits were spread over the course of the year and in differing moisture conditions. No sampling was performed during the dry season closure. Sampling was conducted during their time spent on the worksite. Since they are full work shift samples, these results represent the actual exposure the employee is experiencing during the entire work shift and does not rely on piecing together activity based exposures.

The 87 samples correspond to 429 hours of sampling time on the actual workers who routinely perform the activities below. Full shift sampling provides exposure information for all activities performed during the work-shift. For example, during motorcycle patrol, the rider will have different exposure situations such as whether they are leading or trailing a vehicle. This full-shift sampling gives a time-weighted average of all the exposure components during the work-shift and does not rely on piecing together exposures for individual activities. It is the accepted method of measuring occupational exposures and is the basis for occupational exposure limits.

### Sample Number and Activity

Activity	Samples at Clear Creek	Samples at Knoxville	Total
Motorcycle monitoring/patrol	9	0	9
Decontaminating vehicles	2	0	2
Water Truck Operation	1	0	1
Campground and Restroom Cleaning	4	2	6
Campground Area Sample	2	0	2
Entrance Station Operation	3	0	3
ATV Monitoring/Patrol	5	0	5
Fence Crew	23	0	23
Hiking/misc activity	6	0	5
SWECO trail grader	6	2	9
Sign Installation	5	0	5
LE Patrol Truck/SUV	1	2	3
Pickup truck within red zone	1	0	1
Decon	1	0	1
Heavy Equipment Operation (Dozer, backhoe, grader)	5	4	9
Transit To and From Office	3	2	5
<b>Total</b>	<b>77 (369 hrs)</b>	<b>12 (60 hrs)</b>	<b>89 (429 hrs)</b>

### CLEAR CREEK RESULTS AND DISCUSSION

Composite time-weighted averages give weighting to the sampling time for each result, therefore giving a true average exposure over the total number of minutes sampled. Taking the mean of the filter results would not give weight to those samples that correspond to a longer sampling time, but gives all results the same weighting, therefore time-weighted averages must be used for determining occupational exposures.

Eight hour time-weighted averages were calculated for each employee monitored. This approach averages the exposure over an entire 8-hr work shift regardless of the

amount of time in the contaminated area. For example, if a worker spends 6 hours in the contaminated work site and 2 hours away from the contamination:

$$\frac{(6 \text{ hrs} \times \text{exposure in contam. work area}) + (2 \text{ hrs} \times \text{exposure in outside area})}{8 \text{ hrs}} = 8\text{-hr TWA}$$

Occupational exposure limits such as the OSHA PEL are based on the concept of the 8-hour TWA. Assuming the exposure time outside of the contaminated area is less than the exposures in the red zone, the 8-hour TWA will always be at or lower than the TWA for the time sampled. Sample results during the time away from the CCMA site, such as the travel to and from the site, were below the limit of detection. Detection limits varied depending on sampling time, but for the full 8-hr work shift sampling periods sampling at 2 liters per minute, the detection limit was 0.003 fibers/cc. The short term (30 minute) sampling had a detection limit of approximately 0.04 fibers/cc.

### Clear Creek Sample Results

Activity	Number of Samples	Composite time-weighted average (total sampling time)	Mean of 8-hr time-weighted average exposures
Motorcycle monitoring/patrol	9	0.026	0.017
Water Truck Operation	1	0.039	0.025
Campground and Restroom Cleaning	4	0.021	<0.009
Campground Area Sample	2	BDL(.007)	
Entrance Station Operation	3	0.020	0.012
ATV Monitoring/Patrol	5	0.033	<0.017
Fence Crew	23	0.017	0.015
Habitat Monitoring Hiking/misc activity	6	0.014	<0.010
SWECO trail grader	6	0.061	0.054
Sign Installation	5	0.026	0.022
LE Patrol Truck/SUV	1	BDL(.008)	BDL
Decon (30 minute STEL)	1	BDL(.045)	
Heavy Equipment Operation (Dozer, backhoe, grader)	5	0.012	0.011
Transit in Pickup Truck From Hollister to CCMA Office	3	BDL(0.020 - 0.015)	BDL
Transit in pickup truck within red zone.	1	0.011	0.011

BDL: below detection limit

The highest exposure at the CCMA was during the SWECO operation. The SWECO machine is a tracked trail grader with an enclosed cab with HEPA filtration. The operator spends most of the day in the vehicle but on several occasions had to perform maintenance work on the equipment. During the sampling dates the SWECO would be stored in the red zone for use the following day. HEPA vacuuming of the cab was not routinely done. Sampling conducted in March 2007 during the extreme dry conditions resulted in an exposure at the OSHA PEL of 0.1f/cc. At that time the operator was quoted as "never seeing such dry conditions" and that "if this doesn't blow the sample, nothing will". The subsequent results showed that the samples were at the OSHA PEL. This indicates that the operator is able to identify the extreme situations to avoid operation of the SWECO during these periods. SWECO trail maintenance should never be performed during extremely dry conditions. HEPA vacuum the SWECO cab after each work shift.

The mean 8-hr TWA for sign installers was 0.022 f/cc. The highest exposures for sign installer were on the high traffic day of sampling. The most frequent task for sign installers is manually driving in the flexible reflector posts on the road side. They are in close proximity to the roadbed where exposures may be more likely due to the high traffic volume rather than the dust generated by installing the signs. Replacing the deteriorating fiberglass posts may result in glass fibers being counted on the PCM analysis. This task should be restricted to days with low traffic volume.

A separate short term exposure sample taken during decontamination of the vehicle showed a concentration less than the detection limit. A microvac sample of the motorcycle following decontamination showed 7% chrysotile in the remaining debris after cleaning. This shows that decontamination procedures do not remove all of the asbestos material. This is not surprising, but can be an educational tool for employees that decon is effective, but asbestos can still be present following cleaning. This indicates the need to thoroughly decontaminate equipment.

The decontamination station is currently located 15-20 minutes away from the contaminated area. The clean and dirty areas are not currently separated and employees exit the shower area back into the "dirty" or pre-decon area. The office space is also

accessed by employees returning from the red zone prior to decon. Ideally, the areas should be located adjacent to the contaminated zone and the traffic flow should require crossing the decon pad to enter the "clean area". Employees should also enter the shower facility on the pre-decon side and remove coveralls and shower then enter the "clean side" of the locker room and exit into the clean area. Some form of barricade or fence should separate the clean area from the dirty area. The office area with the sampling equipment should be only accessible on the clean side.

It was difficult to characterize soil moisture conditions. The use of the soil moisture meter was ineffective in characterizing the soil moisture conditions. The variability of the readings depending on location and the lack of precision of the meter made it an ineffective tool for the purposes of this assessment. Soil moisture varied greatly on north versus south facing slopes and trails. We depended on qualitative judgment of soil and environmental conditions. Using the mean concentration for the time sampled during the particular sampling trips showed a general relationship with the qualitative environmental conditions. This suggests that employees may be able to qualitatively judge and avoid extreme conditions. From discussions with employees however, dry and extreme conditions may occur at any time of the year. It should be noted that seasonal differences in asbestos concentration were not statistically significant for the PTI study. EPA also suggested no relation between season and exposure concentration, however most of their sampling was conducted in dry conditions.

#### **Environmental Conditions**

<b>Qualitative Assessment of Environmental Conditions at Clear Creek</b>	<b>Date</b>	<b>Number of Samples (all activities)</b>	<b>Mean PCM Concentration for Time Sampled (f/cc)</b>
Moderate soil moisture; 50 -60% RH; 45-55° F; moderate wind; low traffic	Jan/Feb 2007	14	0.013
Dry/dusty; low wind; high traffic	March 2007	29	0.023
Extremely dry; low soil moisture; low to moderate wind; low traffic RH 8.1%; 90 F;	May 2007	11	0.049
Moderate soil moisture; moderate	Feb 2008	13	0.012

wind; low traffic, rH 25%; 70-75 F;			
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Not including 30 minute excursion samples  
 Detection limit was used in the mean for samples that were BDL

Four of the 89 samples were subsequently analyzed by TEM to determine the percent asbestos fibers on the filter. The percentages varied from 86% (motorcycle patrol); 90% (ATV patrol); 86.6% (SWECO); 28.6% (SWECO). These percentages could be applied to the PCM count. The last round of sampling was analyzed by the TEM NIOSH 7402 method and the ISO 10312 method and reported Phase Contrast Microscopy Equivalent PCME fiber counts. Although these methods are counting fibers greater than 5 microns with 3:1 aspect ratio and a diameter greater than .25 microns, they use differing counting rules for bundles and clusters of fibers. The table below shows the variability in the results from the differing methods. The ISO method uses different rules for counting bundles and clusters. It also is looking at a much smaller area of the filter. This may account for the differences from the PCM results. The NIOSH 7402 method mimics the PCM counting rules but is able to differentiate asbestos from non-asbestos fibers. The NIOSH 7402 PCME results are more likely to be similar to the PCM counts.

Along with the PCME fiber counts, the ISO 10312 method also reports total asbestos structures detected. The results show only 2.8% of the total structures detected met the PCME definition. Most structures detected were associated with complex structures, were shorter than 5 microns, or had aspect ratios of less than 3:1.

**PCM NIOSH 7400A / NIOSH 7402 / IOS 10312 Comparison**

Sample Activity	PCM 7400	NIOSH 7402 PCME	IOS 10312 PCME
Backhoe/fencing	0.007	0.0142	0.0644
ATV monitoring	0.019	0.0229	0.077
Restroom Cleaning	0.016	0.0517	0.0517
SWECO	0.011	0.0124	0.0068
Truck in Red Zone	0.011	0.0167	0.0402
Truck to Hollister	BDL	BDL	BDL
Truck to Residence	BDL	BDL	BDL
Fence work	BDL	0.0064	BDL

Campground Area Sample	BDL	0.0067	0.0088
Campground Area Sample	BDL	BDL	BDL

**Sampling procedure review**

During the first site visit, the calibration and sampling procedures were reviewed the BLM personnel responsible for coordinating the sampling. Emphasis was placed on the use of open-faced cassettes and on keeping the calibrator current on factory calibration check. Exposures should be evaluated based on the running mean of the particular employee/task and less emphasis placed on the upper confidence limit as a decision making endpoint. Employee personal exposure monitoring should continue using PCM as the analytical method since occupational exposure limits and health outcome data including the EPA unit risk factor are based on this method of analysis.

Although not strictly required by the OSHA standard at these exposure levels, the employees should continue in the medical surveillance and respiratory protection programs. Unanticipated job tasks with potential for high exposure may arise which would be prudent for employees to wear respirators to reduce exposures.

**KNOXVILLE RESULTS AND DISCUSSION**

Operations at the Knoxville site are very limited with maintenance activities occurring 5 to 10 days per year. Law enforcement patrols occur more frequently, however employee exposures never exceeded a quarter of the PEL. Highest exposures resulted in dry sweeping cement pads in campgrounds and sweeping restrooms and during transit to and from worksite. Recommendations include HEPA vacuuming cabs of heavy equipment and of vehicles. Dry sweeping of campground pads and of restroom floors should be eliminated and replaced with hosing off with water. The exposures measured on the open cab SWECO were unexpectedly low. This was a very dusty operation and on both samples the asbestos exposures were low. Higher than expected levels were found in the vehicles used for transport to and from the site and in most cases these levels exceeded what was measured during the work at the Knoxville site. Because of the lower exposure concentration and the lower frequency of the on-site work, the risk calculations for employees do not indicate risk levels greater than the 1 in 10000 at the

Knoxville site based on the PCM data collected. If frequency of on-site work increases in the Knoxville site, the occupational risk should be recalculated. Exposure to the public was not evaluated in this report, but since on-site work exposures were considerably lower than that at Clear Creek, public exposure is expected to also be lower.

With the smaller number of samples taken and the low exposure levels during the on-site work time, we saw no apparent correlation with airborne concentration and qualitative environmental conditions for the Knoxville site.

**Recommendations for Knoxville:**

- Eliminate dry sweeping of camping pads and restrooms.
- Routinely HEPA vacuum vehicles used to transport employees to and from the worksite.
- Routinely HEPA vacuum heavy equipment cabs.

**Knoxville Results:**

Task	Date	Conditions	Sampling Time (minutes)	TWA for Time Sampled (f/cc)	8-hr TWA (f/cc)
LE Patrol Truck (window open)	5/24	Low soil moisture; Very dry/dusty; low to moderate wind; low traffic	245	BDL	BDL
Grader operator (HEPA cab)	5/24	Very dry/dusty; low to moderate wind; low traffic	338	0.013	0.009
Loader/backhoe (HEPA cab but rear window open)	5/24	Very dry/dusty; low to moderate wind; low traffic	305	0.015	0.010
SWECO (open cab)	5/24	Very dry/dusty; low to moderate wind; low traffic	343	BDL	BDL
Campground / Restroom Cleaning (dry sweeping pads)	1/30	Moderate soil moisture; 50 -60% RH; 45-55° F; moderate wind; low traffic	275	0.041	0.024
Campground / Restroom Cleaning	1/31	Moderate soil moisture; 50 -60% RH; 45-55° F; moderate wind; low traffic	262	0.014	0.017
Transit in Ford F250			227	0.021	
Loader/backhoe (HEPA cab but rear window open)	1/30	Moderate soil moisture; 50 -60% RH; 45-55° F; moderate wind; low traffic	276	0.021	0.012

Grader operator (HEPA cab)	1/30	Moderate soil moisture; 50 -60% RH; 45-55° F; moderate wind; low traffic	274	0.035	0.020
LE Patrol Truck (window down)	1/31	Moderate soil moisture; 50 -60% RH; 45-55° F; moderate wind; low traffic	273	0.007	0.004
Transit to/from site Dodge PU			213	BDL	
SWECO (open cab)	1/31	Moderate soil moisture; 50 -60% RH; 45-55° F; moderate wind; low traffic	340	BDL	0.012
Transit Dodge PU			202	0.030	

Exposures at the Knoxville site were generally lower than those at Clear Creek and employees spend much less time on-site than in the Clear Creek Area. Public usage also differs. Employee risk levels at Knoxville calculated from the personal monitoring data are an order of magnitude below the risk levels calculated at the Clear Creek site.

#### DATA INTERPRETATION

Standard work practices were employed during the sampling period to estimate exposure levels during normal operating conditions. No unusual techniques were used to create unrealistic exposure situations, nor did work practices minimize actual routine exposures during the sampling period.

BLM employee exposures are regulated under the Occupational Safety and Health Administration which established a Permissible Exposure Limit of 0.1 fiber per cubic centimeter using the PCM method of analysis. Historically this PEL has been lowered several times and current literature suggests that this level may not provide adequate protection to employees. With all of the scientific debate on the mechanism of toxicity, definition of asbestos, and definition of the physical characteristics of a fiber, and differing toxicities of the various types of asbestos, the occupational health community still relies on the established exposure limits. The OSHA regulations in 29 CFR 1910.1001 and 29 CFR 1926.58 specify a permissible exposure limit of 0.1 fibers per cubic centimeter of air for an 8-hour time-weighted average exposure. This standard pertains to fibers with a length-to-width ratio of 3 to 1 and a fiber length of greater than 5 µm. An excursion limit of 1.0 fiber per cubic centimeter has also been established by OSHA which limits the exposure during any 30 minute period of the work shift.

### Proposed Risk Assessment Tool

Exposures at or below the PEL does not imply employees are protected from adverse health effects. Since most risk assumptions follow a linear model, some level of risk still exists at and below the PEL. Tracking the risk level of employees can be a useful tool in managing exposures.

Below is the description of a proposed management tool for BLM to calculate risk levels for employees and determine the number of days an employee may work in the red zone without exceeding the 1 in 10,000 cancer risk level. It utilizes the risk calculation from EPA to be applied to employee exposures. The Unit Risk Factor is based on health outcome studies using PCM exposure data and is relevant to the PCM analytical method used in this survey.

The OSHA PEL is still used for a level not to be exceeded, however the risk calculation can be used to determine the number of days per year an employee can perform a specific job without exceeding a cancer risk of 1:10000. The proposal would use a running arithmetic mean of the exposure data collected for the individual employees. Taking the arithmetic mean of sample measurements is mathematically equivalent to compositing all samples and measuring the concentration of the mixture even though measurements are log-normally distributed. When the number of workdays corresponding to the 1:10000 risk level is exceeded, exposure can be controlled by use of personal protective equipment, or administrative controls to limit time on site. This can serve as a tool for management to control employee exposures using both the OSHA PEL and a cancer risk model.

$$\text{Excess Lifetime Cancer Risk} = \text{EC} \times \text{URF}$$

Where:

EC = Chronic Exposure Concentration (f/cc averaged over a 70 yr lifetime)

URF = Unit risk factor for inhalation of asbestos (0.23 (f/cc)'

$$\text{EC} = \frac{C_p \times \text{ET} \times \text{EF} \times \text{ED}}{\text{AT}}$$

Where:

- EC = Chronic Exposure Concentration (f/cc averaged over a 70 yr lifetime)  
C<sub>a</sub> = Asbestos Concentration in fibers per cubic centimeter (f/cc)  
ET = Exposure Time in hours/day  
EF = Exposure Frequency in days/year  
ED = Exposure Duration in years  
AT = Averaging Time of 24 hours/day x 365 days/year x 70 years.

The following equation is used to determine the maximum number of workdays (EF) at the average exposure level for that job (C<sub>a</sub>) maintaining less than a 1:10000 cancer risk. It is merely solving the above equations for EF using the acceptable excess lifetime cancer risk of 1:10000.

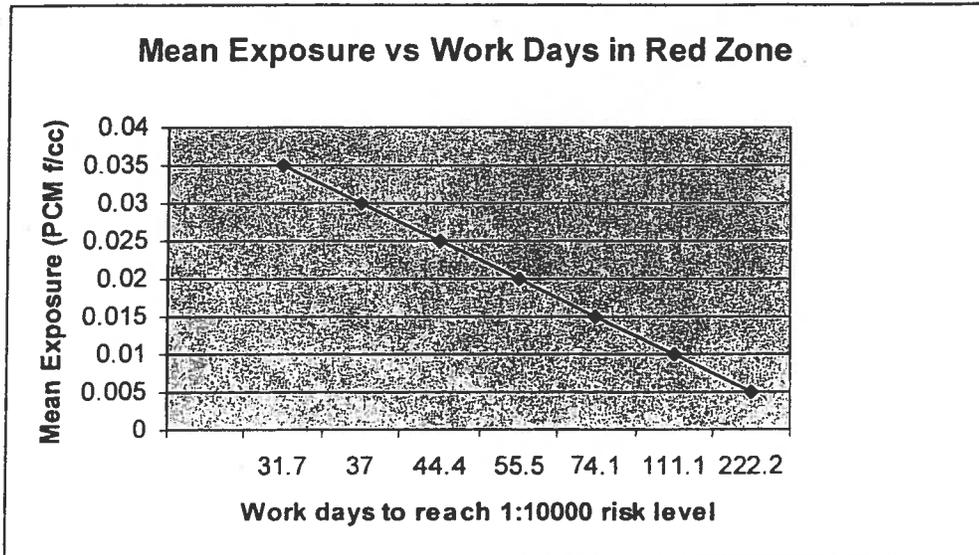
$$EF = \frac{AT \times EC}{(C_a \times ET \times ED)} = \frac{AT \times ELCR}{(C_a \times ET \times ED \times URF)}$$

Where:

ELCR = Excess Lifetime Cancer Risk (selected to be 1/10000)

Proposed employee risk Calculation: Acceptable occupational risk levels generally are greater than those defined by EPA for public risk. For workplace carcinogens, OSHA has not regulated below  $1 \times 10^{-3}$ , largely because of technical feasibility. The Supreme Court action was instrumental in defining acceptable occupational risk for OSHA. The court suggested that significant occupational risk be determined by comparing the risk in question with other common occupational risks. The court suggested that an occupational lifetime cancer risk of  $1 \times 10^{-3}$  is significant when compared to other occupational risks. For the OSHA benzene standard, the maximum estimates of individual risk for benzene are considered tolerable at the  $1 \times 10^{-3}$  risk level. On the whole, occupational cancer risk boundaries are understood to be somewhere below  $1 \times 10^{-3}$ . (Appendix B "Review of Acceptable Cancer Risk Levels, Assessing and Managing Chemical Hazards to Deployed Personnel, US Army 2004). In order to consistently apply risk factors for Clear Creek Management Area, 1 excess cancer in 10000 workers (1:10000) is proposed as an "acceptable risk level" in calculating allowable workdays on site.

For example, an employee with an average measured exposure using PCM of 0.015 fibers/cc an 8-hr time-weighted average will be able to work at the site for 74 days during the year and remain below the cancer risk level of 1:10000. When this risk level is exceeded, protective measures such as use of respirators or use of administrative controls (limiting work to days with optimal environmental conditions) could be implemented to ensure employees are protected and the work is performed.



### Exposure Control Methods

General Principles of Industrial Hygiene control exposures through a hierarchy of methods. Engineering, work practice, and administrative controls are the primary means of reducing employee exposure to occupational hazards.

Engineering controls minimize employee exposure by either reducing or removing the hazard at the source or isolating the worker from the hazard. Engineering controls include enclosing work processes or confining work operations, and the installation of general and local ventilation systems. This has been accomplished through the use of enclosed cabs, HEPA filtered air in cabs, using back-hoe auger in place of hand digging when possible.

Work practice controls alter the manner in which a task is performed. Some fundamental and easily implemented work practice controls include (1) eliminating dry sweeping, using wet methods where possible, positioning the employee away from the

visible dust where possible, and implementing thorough housekeeping and decontamination procedures.

Administrative controls include controlling employees' exposure by scheduling tasks, in ways that minimize exposure levels. Limit exposure by not working in the contaminated area during extremely dry conditions, and by performing work such as sign installation during very low traffic times.

When engineering controls, work practices, or administrative controls fail to reduce exposures to levels below the acceptable levels, or where they are not feasible to implement, appropriate personal protective equipment such as respirators must be used. Respiratory protection is viewed as the last resort in the hierarchy of control measures.

## **RECOMMENDATIONS:**

### **Clear Creek**

- Employee exposures can be controlled through administrative controls such as limiting work in contaminated area during extremely dry condition. For tasks that cannot be avoided or rescheduled, employees should wear respiratory protection. Use respiratory protection during potentially high exposure tasks such as performing mechanical repairs on SWECO or heavy equipment where heavy dust accumulation.
- Continue with employee exposure monitoring using PCM analytical methods.
- Continue with medical surveillance.
- Continue with respiratory protection program and ensure proper use of PPE whenever exposure conditions warrant.
- Restructure the decontamination facility and ensure thorough decon procedures are followed.
- HEPA vacuum the SWECO cab after each work shift.
- Evaluate the risk calculator for employee exposures. Use mean of exposure measurements for each employee as input into risk calculator to monitor employee risk level and allowable red zone work days.

### **Knoxville**

- Eliminate dry sweeping of camping pads and restrooms.

- Routinely HEPA vacuum vehicles used to transport employees to and from the worksite.
- Routinely HEPA vacuum heavy equipment cabs.
- Repeat employee exposure monitoring if work frequency or conditions change.

Rick  
Cooper/CASO/CA/BLM/DOI  
06/30/2008 08:59 AM

To Tim Radtke/PHS/OS/DOI@DOI  
cc  
bcc  
Subject Critical response to EPA report, your thoughts

Tim,

These comments came in from Blue Ribbon Coalition at the June 21 deadline for scoping. The authors are Illgren and Iddings.

The Illgren document is a critical analysis of the EPA report and the Iddings assertion is that EPA sampling was conducted on and through areas previously contaminated by asbestos from mining operations. While these assertions do not have to be addressed in a response I would interested in your thoughts on the contamination issue.

[attachment "Critical commentary on EPA CCMA doc 2008 report 20 June 08.doc" deleted by Rick Cooper/CASO/CA/BLM/DOI] [attachment "2008\_BLM\_close\_rebuttal-01.pdf" deleted by Rick Cooper/CASO/CA/BLM/DOI] [attachment "2008\_ccma\_recon\_report.pdf" deleted by Rick Cooper/CASO/CA/BLM/DOI]

[attachment "CCMA Illgren - Coalinga Amphibole paper 047657.pdf" deleted by Rick Cooper/CASO/CA/BLM/DOI]

I have also included my letter of response to OSHA for your information. Thanks for finalizing that report.

[attachment "osha\_letter of corrective action\_062708.docx" deleted by Rick Cooper/CASO/CA/BLM/DOI]

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20 Hamilton Court  
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phone: (831) 630-5010

Rick  
Cooper/CASO/CA/BLM/DOI  
06/30/2008 10:18 AM

To Karl Ford/NOC/BLM/DOI@BLM  
cc  
bcc  
Subject Comments to EPA Report from interested parties (FYI)

Karl,

These comments came in from Blue Ribbon Coalition at the June 21 deadline for scoping.

Two critics of interest are the Ilgren critical analysis of the EPA report and the Iddings assertion that EPA sampling was conducted on and through areas previously contaminated by asbestos from mining operations. While these assertions do not have to be addressed in a response I would interested in your thoughts on the contamination issue as well as the analysis of the EPA assessment .

[attachment "Critical commentary on EPA CCMA doc 2008 report 20 June 08.doc" deleted by Rick Cooper/CASO/CA/BLM/DOI] [attachment "2008\_BLM\_close\_rebuttal-01.pdf" deleted by Rick Cooper/CASO/CA/BLM/DOI] [attachment "2008\_ccma\_recon\_report.pdf" deleted by Rick Cooper/CASO/CA/BLM/DOI]

[attachment "CCMA Ilgren - Coalinga Amphibole paper 047657.pdf" deleted by Rick Cooper/CASO/CA/BLM/DOI]

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Karl Ford/NOC/BLM/DOI  
06/30/2008 02:46 PM

To Rick Cooper/CASO/CA/BLM/DOI@BLM  
cc Timothy Moore/CASO/CA/BLM/DOI@BLM  
bcc

Subject Re: Comments to EPA Report from interested parties (FYI) 

History:  This message has been replied to.

Rick,

I read the Iddings letter and am reading their report. I had to look at EPA's report online because I did not have the Appendices or Figure 1 which shows the routes they sampled. There are some issues with the approach taken by Fowkes and Iddings.

1. They did judgemental or biased sampling. They looked for either outcrops of amphibole or commercial asbestos at old mining camps and sampled at about 18 sample locations. This does not indicate how widespread any asbestos minerals are present. EPA collected soil samples in a more random fashion (3 representative samples per route and they have about 200 samples locations). EPA does not show sample locations and it would be good to have this data. Fowkes and Iddings are looking for commercial asbestos as an explanation for the amphibole forms.
2. No laboratory data are provided yet, so their classifications and conclusions are guesses.
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Karl L. Ford, Ph.D. Remediation Advisor/Toxicologist  
Division of Resource Services  
National Operations Center - BLM  
Phone: 303-236-6622  
Fax: 303-236-3508

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Rick Cooper/CASO/CA/BLM/DOI

Rick  
Cooper/CASO/CA/BLM/DOI  
06/30/2008 11:18 AM

To Karl Ford/NOC/BLM/DOI@BLM  
cc  
Subject Comments to EPA Report from interested parties (FYI)

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Rick Cooper  
Field Manager  
Hollister Field Office  
20 Hamilton Court  
Hollister, CA 95023  
phone: (831) 630-5010

Rick  
Cooper/CASO/CA/BLM/DOI  
06/30/2008 03:11 PM

To Karl Ford/NOC/BLM/DOI  
cc Timothy Moore/CASO/CA/BLM/DOI@BLM, George Hill/CASO/CA/BLM/DOI  
bcc  
Subject Re: Comments to EPA Report from interested parties (FYI) 

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phone: (831) 630-5010  
Karl Ford/NOC/BLM/DOI



Karl Ford/NOC/BLM/DOI  
06/30/2008 02:46 PM

To Rick Cooper/CASO/CA/BLM/DOI@BLM  
cc Timothy Moore/CASO/CA/BLM/DOI@BLM  
Subject Re: Comments to EPA Report from interested parties (FYI) 

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Karl L. Ford, Ph.D. Remediation Advisor/Toxicologist  
Division of Resource Services  
National Operations Center - BLM  
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Fax: 303-236-3508

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Rick Cooper/CASO/CA/BLM/DOI

Rick  
Cooper/CASO/CA/BLM/DOI  
06/30/2008 11:18 AM

To Karl Ford/NOC/BLM/DOI@BLM  
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Subject Comments to EPA Report from interested parties (FYI)

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Rick Cooper  
Field Manager  
Hollister Field Office  
20 Hamilton Court  
Hollister, CA 95023  
phone: (831) 630-5010



Johnson.Jere@epamail.epa.gov  
 ov  
 07/01/2008 09:48 AM

To Rick\_Cooper@ca.blm.gov  
 cc Stralka.Daniel@epamail.epa.gov,  
 Den.Arnold@epamail.epa.gov  
 bcc

Subject Asbestos Information

History:  This message has been forwarded.

Rick - There has been some interest in the materials that Dr. Ilgren recently provided to Mike Pool.

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(See attached file: UnionCarbideCorrReTestResults.pdf) (See attached file: UnionCarbideFibrogenicPotIPStudy.pdf) (See attached file: UnionCarbideCalidriaRatsLungsStudy.pdf)

Jere Johnson  
 Remedial Project Manager (SFD 7-2)  
 EPA Region 9  
 75 Hawthorne Street  
 San Francisco, CA 94105  
 415-972-3094



415-947-3526 (fax) UnionCarbideCorrReTestResults.pdf UnionCarbideFibrogenicPotIPStudy.pdf



UnionCarbideCalidriaRatsLungsStudy.pdf

Rick  
Cooper/CASO/CA/BLM/DOI  
07/01/2008 11:09 AM

To Janet Bedrosian  
cc Mike Pool/CASO/CA/BLM/DOI, Jim  
Abbott/CASO/CA/BLM/DOI@BLM, George  
Hill/CASO/CA/BLM/DOI  
bcc  
Subject Fw: Asbestos Information

Jan,

RE: Our conversation yesterday about Ilgren's displeasure with the distribution of a narrative he provided BLM, disputing a published report by Eligman on health history of KCAC workers asserting health problems with asbestos exposure.

Recieved this today from Jere. Refers to Ilgren's rebuttal of the Eligman article.

The sequence of events would be Ilgren sent me the rebuttal, I shared with EPA and EPA sent to Eligman. In addition, if I am not mistaken I think Steve Koretoff (Dirt Flea) linked the rebuttal to the Southbay rider forum.

Attachments from EPA are some interesting studies on rodents conducted my Union Carbide 40 years ago indicating possible health issues with Calidria asbestos. (Cal(idria))  
Asbestos from the New Idria formation.

Rick Cooper  
Field Manager  
Hollister Field Office  
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phone: (831) 630-5010

----- Forwarded by Rick Cooper/CASO/CA/BLM/DOI on 07/01/2008 10:18 AM -----



Johnson.Jere@epamail.epa.  
gov  
07/01/2008 09:48 AM

To Rick\_Cooper@ca.blm.gov  
cc Stralka.Daniel@epamail.epa.gov,  
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UnionCarbideCalidriaRatsLungsStudy.pdf



Karl Ford/NOC/BLM/DOI  
07/01/2008 11:55 AM

To Rick Cooper/CASO/CA/BLM/DOI@BLM

cc

bcc

Subject Re: Comments to EPA Report from interested parties (FYI)

History:

This message has been replied to.

Rick,

A brief note on Ilgren's comments. His main points are that:

1. Since EPA had known about the risk at CCMA for 30 years, why take action now? KF: For one, the analytical technique (PCM to TEM) has changed in response to Libby, MT Superfund site.
2. Where are the dead bodies? KF: He overexaggerates the population mortality. I assumed conservatively 50,000 visitors/year for 50 years where 50% are repeat users for a total of 1.5 million visitors time  $1 \times 10^{-4}$  cancer risk = 150 cases. the problem is that they live all over and finding the cases and attributing them to CCMA is a very difficult epidemiological problem. Recently Pan et al (2005) published a study of residential proximity to NOA and mesothelioma risk in California and found the risk of mesothelioma decreased 6.3% for every 10 km away from then nearest NOA source. Ilgren does not mention this study.
3. Lengthy discussion the chrysotile is not toxic or carcinogenic. KF: he only reports studies favorable to his position.
4. Discussion whether amphibole is present at CCMA and suggests it is only in scattered geologic environments and is not asbestiform (fibrous). Cites Iddings report about commercial asbestos from old mining camps. KF: I don't attach much credence to.
5. Technical issues relating to sampling which EPA did not elaborate on. We had some similar questions.

Karl L. Ford, Ph.D. Remediation Advisor/Toxicologist  
Division of Resource Services  
National Operations Center - BLM  
Phone: 303-236-6622  
Fax: 303-236-3508

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Rick Cooper/CASO/CA/BLM/DOI

Rick  
Cooper/CASO/CA/BLM/DOI  
06/30/2008 04:11 PM

To Karl Ford/NOC/BLM/DOI@BLM

cc Timothy Moore/CASO/CA/BLM/DOI@BLM, George Hill/CASO/CA/BLM/DOI

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phone: (831) 630-5010  
Karl Ford/NOC/BLM/DOI



Karl Ford/NOC/BLM/DOI

06/30/2008 02:46 PM

To Rick Cooper/CASO/CA/BLM/DOI@BLM

cc Timothy Moore/CASO/CA/BLM/DOI@BLM

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Rick Cooper/CASO/CA/BLM/DOI

Rick  
Cooper/CASO/CA/BLM/DOI  
06/30/2008 11:18 AM

To Karl Ford/NOC/BLM/DOI@BLM  
cc

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Rick Cooper  
Field Manager  
Hollister Field Office  
20 Hamilton Court  
Hollister, CA 95023  
phone: (831) 630-5010



Janet  
Bedrosian/CASO/CA/BLM/DOI  
07/01/2008 12:15 PM

To Rick Cooper/CASO/CA/BLM/DOI@BLM  
cc  
bcc  
Subject Re: Asbestos Information 

Thx. I called him last night and while still upset was much calmer . He said issue was other lawyer had it within 48 hours. Did not ask us to pursue, just be aware

Jan

Rick Cooper  
----- Original Message -----

**From:** Rick Cooper  
**Sent:** 07/01/2008 11:09 AM PDT  
**To:** Janet Bedrosian  
**Cc:** Mike Pool; Jim Abbott; George Hill  
**Subject:** Fw: Asbestos Information

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----- Forwarded by Rick Cooper/CASO/CA/BLM/DOI on 07/01/2008 10:18 AM -----



Johnson.Jere@epamail.epa.gov  
07/01/2008 09:48 AM

To Rick\_Cooper@ca.blm.gov  
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Rick  
Cooper/CASO/CA/BLM/DOI  
07/01/2008 12:25 PM

To Karl Ford/NOC/BLM/DOI  
cc  
bcc  
Subject Fw: Asbestos Information

FYI

Rick Cooper  
Field Manager  
Hollister Field Office  
20 Hamilton Court  
Hollister, CA 95023  
phone: (831) 630-5010

---- Forwarded by Rick Cooper/CASO/CA/BLM/DOI on 07/01/2008 12:24 PM ----



Johnson.Jere@epamail.epa.gov

07/01/2008 09:48 AM

To Rick\_Cooper@ca.blm.gov  
cc Stralka.Daniel@epamail.epa.gov,  
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UnionCarbideCalidriaRatsLungsStudy.pdf

Abandoned Mines Leads



John Key/CASO/CA/BLM/DOI

07/17/2008 12:57 PM

To Lenore Thomas/CASO/CA/BLM/DOI, James Anger/CASO/CA/BLM/DOI@BLM, Paul Summers/NOC/BLM/DOI@BLM  
cc Rick\_Cooper@ca.blm.gov@BLM, Timothy Moore/CASO/CA/BLM/DOI, TEMI.BERGER@sol.doi.gov, Richard Grabowski/CASO/CA/BLM/DOI, Leroy

bcc

Subject Fw: Discovery Request Directed to BLM - Clear Creek Management Area Asbestos

Hi Lenore Jim & Paul -

This discovery request probably pertains to all of you - please let me know if you have any documents concerning BLM's awareness and assessment of asbestos exposure at the Clear Creek Management Area over the last 30 years. Thanks.

John Key  
State Program Lead - HazMat/AML/NRDAR  
Bureau of Land Management - California State Office  
2800 Cottage Way, Suite W-1834, Sacramento, CA 95825  
(916) 978-4384; Fax (916) 978-4389; Cellular (916) 847-0608

----- Forwarded by John Key/CASO/CA/BLM/DOI on 07/17/2008 12:50 PM -----

Abandoned Mines Leads



John Key/CASO/CA/BLM/DOI

07/17/2008 11:17 AM

To Tim Smith/CASO/CA/BLM/DOI

cc John Skibinski/CASO/CA/BLM/DOI@BLM, Stephen Larson/CASO/CA/BLM/DOI@BLM, Kent Varvel/CASO/CA/BLM/DOI, Gregg\_Wilkerson@ca.blm.gov, Richard Grabowski/CASO/CA/BLM/DOI, Leroy Mohorich/CASO/CA/BLM/DOI, Richard Forester/CASO/CA/BLM/DOI

Subject Fw: Discovery Request Directed to BLM - Clear Creek Management Area Asbestos

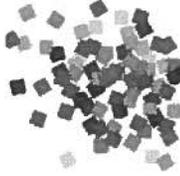
Hi Tim -

This is a head-up concerning a documents discovery request for documents related to BLM's awareness and assessment of asbestos exposure at the Clear Creek Management Area over the last 30 years. When I was the Bakersfield District Soil-Water-Air Management Program Lead from 1978 through 1989 - I collected an extensive library of asbestos scientific literature, soils survey reports, trip reports, sampling results, technical review team minutes, and management area plans - hopefully these are still available and have not been destroyed - please search for these documents and let us know what you have on hand. The initial request wants our response completed by July 31, 2008 - Temi Berger will be asking for an extension of time for us to get these documents together. If you have any questions, please feel free to contact me.

John Key  
State Program Lead - HazMat/AML/NRDAR  
Bureau of Land Management - California State Office  
2800 Cottage Way, Suite W-1834, Sacramento, CA 95825  
(916) 978-4384; Fax (916) 978-4389; Cellular (916) 847-0608

----- Forwarded by John Key/CASO/CA/BLM/DOI on 07/17/2008 11:01 AM -----





TEMI  
BERGER/SAC/SOL/DOI@SO  
L

07/17/2008 09:30 AM

To John Key/CASO/CA/BLM/DOI@BLM, Richard  
Forester/CASO/CA/BLM/DOI@BLM, Leroy  
Mohorich/CASO/CA/BLM/DOI@BLM, Richard  
Grabowski/CASO/CA/BLM/DOI@BLM

cc

Subject Discovery Request Directed to BLM - Clear Creek  
Management Area Asbestos

John, Dick, Leroy and Richard,

We received a formal discovery request seeking all documents related to: **"BLM's awareness and assessment of asbestos exposure at the Clear Creek Management Area over the last 30 years."** The Holister FO (Tim Moore and Rick Cooper) have the discovery request and will be working on it with regard to documents maintained by the FO. What is any relevant documents do we have in the State Office. Dick worked this issue for many years so he may be the best person to answer this question. Please let me know your preliminary determination as soon as possible. We have only until July 31st to produce the discovery to DOJ. In looking at documents, you need to identify any documents that you believe have not been released to the public. If you do not have a copy of the discovery, I will have it brought over to you.

Thanks,

Temi



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY  
REGION IX  
75 Hawthorne Street  
San Francisco, CA 94105

08 JUL 18 PM 12:13

RECEIVED  
U.S. DEPT. OF INTERIOR  
BUREAU OF LAND MANAGEMENT  
HOLLISTER, CA 95023

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July 17, 2008

Rick Cooper  
Hollister Field Manager  
Bureau of Land Management  
20 Hamilton Court  
Hollister, CA 95023

Dear Mr. Cooper:

In March, you provided EPA with BLM's comments on the draft Clear Creek Management Area Asbestos Exposure and Risk Assessment. We were able to incorporate many of the Bureau's comments and believe that they made the final report a stronger and more readily understood document.

Enclosed is our response to your comments. Please contact me if you have any questions.

Sincerely,

A handwritten signature in black ink, appearing to read "Jerelean M. Johnson".

Jerelean M. Johnson  
Remedial Project Manager

enclosure

**HOLLISTER FIELD OFFICE COMMENTS:**

**SECTION 1**

Comment 1:

Section 1. Second paragraph, where it says "a 31,000 acre outcrop of naturally occurring chrysotile asbestos".

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Recommendation 1:

Remove chrysotile because CCMA asbestos is not limited to this type.

**EPA Response: Recommendation adopted.**

Comment 2:

Section 1. Third and fourth paragraph mischaracterize RMP history and schedule.

Recommendation 2:

BLM suggests using the following language to describe RMP history/schedule:

"BLM's current management direction for CCMA is contained in the 1984 Hollister Resource Management Plan (RMP) and the Record of Decision (ROD) for CCMA RMP Amendment and Route Designation (2006). The Hollister RMP was updated in 2007 to re-establish goals, objectives, and management actions for BLM public lands that address current issues, knowledge, and conditions. However, the CCMA was not addressed in that document because EPA was preparing this risk assessment to provide further information on airborne asbestos emissions and the associated health risks from various types of activities in the CCMA.

If the results of the EPA risk assessment were significant, BLM agreed to expeditiously initiate a National Environmental Policy Act (NEPA) review to consider the new information and potential management responses at the CCMA. BLM and EPA agreed that this subsequent NEPA review would address general public access and recreation at the CCMA. Therefore, BLM published the "Notice of Intent to Prepare the CCMA RMP/EIS" on September 6, 2007. The purpose and need for the CCMA RMP/EIS is to incorporate the results of this risk assessment and analyze a full range of alternatives to minimize and reduce the human health risk from exposure to asbestos at CCMA. BLM will complete public scoping for the CCMA RMP/EIS approximately 45 days after the public release of this risk assessment and expects to complete the RMP/EIS process in 2009."

**EPA Response: Recommendation adopted.**

**SECTION 2**

Comment 3:

Section 2. Narrative does not explain why the 1992 health risk assessment needs to be updated except for reference to "current asbestos sampling and analytical techniques" (i.e. TEM).

Also, “goal of EPA exposure and risk assessment” should refer to the need for EPA to provide BLM with a statement of the levels of acceptable risk and excess lifetime cancer risk for activities in CCMA. (See BLM Comment #13 re: term “health protective determinations” on page 28 of the EPA report.)

**EPA Response: Recommendation adopted.**

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**Recommendation 3:**

Refer to other sections of the report for an explanation of the need to update the ‘92 health risk assessment (i.e. section 6.1 .8).

Section 1 identifies the Atlas ROD decision to work with BLM to determine if RMPs provide adequate protection of public health from exposure to asbestos. Therefore, it would be appropriate to identify (consistent with purpose and need statement) the goal to provide BLM with a statement re: acceptable risk and excess lifetime cancer risk for activities in CCMA.

**EPA Response: Recommendation adopted.**

**SECTION 3**

**Comment 4:**

Section 3. Third paragraph states "the serpentine deposits within the vicinity of the *Area* are the only known locations of..." Please clarify reference to *Area*.

Section 3. Third paragraph identifies BLM protection measures for CABA, which also includes “designation of routes and barrens open for OHV use in 2007.”

Section 3. Fourth paragraph; reference to “multi-use activities at CCMA” and “50,000” annual visitors need to be revised. Also, suggest rewording sentence re: “variety of environments and riding challenges”.

**Recommendation 4:**

Section 3. Third paragraph; BLM suggests replacing ‘*Area*’ with ‘CCMA’ because known locations of San Benito evening-primrose exist outside the Serpentine ACEC.

Section 3. Third paragraph; BLM suggests replacing “and instituted a number of administrative controls” with “and designated routes and barrens open for OHV use in 2007 to protect public land resources.”

Section 3. Fourth paragraph; BLM annual visitor use in CCMA is approximately 35,000. Suggest use of the term “botanical research” instead of “botany” as an existing use; and replacing “variety of environments” with “variety of riding opportunities and challenges”.

**EPA Response: Recommendation adopted.**

## SECTION 4

### Comment 5:

Section 4.1 .5. Report states "the analysis was performed per ISO 10312, with the following specifications:"

### Recommendation 5:

Need to explain why specifications were necessary because these changes contribute to a higher estimate of risk than would be expected without the specifications identified in the report

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**EPA Response: An explanation was added. The specifications were necessary to assure that the analyses recorded the fiber size most closely associated with health outcomes.**

## SECTION 5

### Comment 6:

Section 5.2.1.1. Typo in the second to last sentence.

### Recommendation 6:

Delete the word "is".

**EPA Response: Recommendation adopted.**

### Comment 7:

Section 5.3. Third paragraph. Where EPA provides a definition for the acceptable risk range, BLM requests clarification on the level of concern that *may* and/or *will* require action; and to what levels PLM would be required to reduce the exposure and resulting risk (i.e. 1 x 0.0001)?

### Recommendation 7:

Please identify the legislative authority (i.e. CERCLA, CAA) and/or EPA policy (Superfund program) that states "exposures which are calculated to cause more than 1 in 10,000 excess cancers are considered to be of concern and may require action".

**EPA Response: Recommendation adopted.**

## SECTION 6

### Comment 8:

Section 6.1.3. Last sentence. Suggest adding more information on the special concerns regarding the risk of exposure to asbestos for children because of the amount of family recreation associated with OHV use in CCMA.

### Recommendation 8:

Suggest including discussion of the health risk associated with exposure during early stages of respiratory development and other concerns unique to children.

**EPA Response: Recommendation adopted.**

Comment 9:

Section 6.1.5. Last sentence describes "an emerging consensus... that amphiboles may present a greater health risk." Public comments will reflect (warrant a discussion of) the body of knowledge that is increasing with regard to toxicity of chrysotile versus amphibole forms of asbestos.

Recommendation 9:

Suggest referring to the reader to Section 6.2.2 for more information on toxicity parameters, ~~and/or identify statutes that mandate government agencies regulate all forms~~ of asbestos under the same authority.

**EPA Response: A citation was provided in the final section 6.5 regarding the health risk of amphiboles and the information in section 7 on toxicity parameters was revised. There are no statutes that mandate that all forms of asbestos be regulated under the same authority.**

[No comment 10]

Comment 11:

Section 6.1.8. This section describes the difference between results of studies, but doesn't explain *why* the new report is more accurate/precise, and/or why the 1992 PTI report was considered inadequate based on current sampling and analytical techniques (i.e. PCM vs. TEM analysis).

Recommendation 11:

Refer to (or re-iterate) EPA comments and concerns regarding the adequacy of the 1992 PTI report raised during the BLM route designation process. Include a discussion of the difference between PCM and TEM analysis.

**EPA Response: Additional language was added to section 6.8 to discuss the difference between PCM and TEM analysis.**

Comment 12:

Section 6.2. This section describes a combination of uncertainties (i.e. recreational vs. occupational exposure; lack of consensus on a causative form or dimension most correlated with asbestos disease) that warrant a definition and/or discussion of naturally occurring asbestos (NOA).

Section 6.2 also needs to address uncertainties regarding PCM and TEM analysis (ref; Atlas ROD, Appendix 1), and PCME (if possible).

Recommendation 12:

Please expand on the discussion of naturally occurring asbestos on page 26 of the report where EPA identifies uncertainty regarding NOA "that exists in various forms and weathering states".

Reference Appendix 1 of the Atlas ROD for uncertainties regarding current sampling and analytical techniques. A discussion of uncertainty regarding phase contrast microscopy equivalent may be necessary to minimize and reduce public comments and/or confusion about assumptions used to derive the PCME.

**EPA Response: The uncertainty section was expanded and re-organized to make the information more clear.**

Comment 13:

Section 6.2 .2. Page 25. The last two paragraphs on page 25 make clear that “no distinction in toxicity due to mineralogy” was considered during risk calculations, and that “there is no consensus on the exact causative form or dimension is most correlated with asbestos disease”. See comment above on Section 6.1.5.

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Page 27. This section (6.2.2) concludes the report and presents a significant amount of information that may be improved structurally by adding additional subheadings to help the reader locate specific interests (i.e. link between toxicity and age).

Page 28. The term "health protective determinations" appears for the first time at the end of the report. Because of its use to sum up the uncertainties, BLM request that EPA clarify what "health protective" means, and perhaps insert the term and/or definition upfront in section 2 as part of the goals of the EPA exposure and risk assessment (i.e. to provide health protective determinations for BLM to consider in preparation of resource management plan for CCMA).

Recommendation 13:

Page 25. In order to reduce confusion/opposition to these statements, EPA may need to include more supporting information/arguments. For example, identify the authority (CERCLA/Superfund, etc.) that provide guidance for addressing different forms of asbestos; and/or mention that “recent rulings by the Ninth Circuit Court of Appeals (US v. Grace Co.) support EPA policy (and US Department of Justice arguments) that all forms of asbestos are harmful to public health and safety. Therefore, the risk calculation made no distinction in toxicity due to mineralogy”, etc.

Page 27. Suggest subheadings: 6.2.2.1 Mineralogy and Morphology, 6.2.2.2 Risk Calculations, 6.2.2.3 Age.

Page 28. If the term "health protective determinations" is associated with (or interchangeable with) the term "acceptable risk range" identified in section 5.3 and 6.1.7, please clarify. BLM and EPA can work together as cooperating agencies to evaluate health protective determinations for BLM to consider during preparation of the CCMA RMP/EIS.

**EPA Response: The uncertainty section was expanded and re-organized to make the information more clear.**

#### **DENVER NATIONAL OPERATIONS CENTER COMMENTS:**

##### **Risk Assessment Methodology**

1. From discussions with analytical microscopists who perform both the NIOSH 7400 and the 7402 methods, they find a close relationship between fiber counts using these two methods. Does EPA have an explanation for the wide difference between historical PCM results and the PCME results? Does EPA feel it was due to the analytical method or the

field sampling variables such as moisture conditions, activities, etc? (ref; HFO Comment 12)

**EPA Response:** EPA addressed the comment in section 6.8 of the final report, which concludes:

**Some of the difference in the BLM and EPA sample results is probably attributable to the differences in the PCM and TEM analytical methods and the rules that each method employs for counting asbestos structures. PCM uses an optical microscope which magnifies the sample approximately 450 times. TEM uses an electron microscope that can magnify the sample 10,000 to 20,000 times or more. The greater magnification means that the TEM method can see asbestos structures much thinner than the 0.25 micron diameter visible by PCM and can see structures more clearly on a filter from a dusty environment. TEM can also determine whether a structure seen on the filter is actually asbestos and what type. In addition, the counting rules for PCM and TEM are different. The ISO 10312 TEM method has stringent counting rules that state, for example, that individual discernable fibers which are part of an attached group be counted individually, whereas the PCM methods would count the group as one structure. So, even when the results of TEM analysis are sorted for the PCME fiber size criteria, TEM may report more fibers. Hwang et al compared analytical methods and reported a correlation coefficient between direct TEM methods and PCM methods of 0.87 with values 3 to 15 times higher for TEM.**

**It should also be remembered that the TEM results reported by EPA are consistent with the earlier CCMA work done by Pendorf and Wenk and sampling at CCMA conducted by the EPA Office of Air Quality Planning and Standards in 1981.**

**Hwang, C-Y and Wang, Z.M, *Comparison of Methods of Assessing Asbestos Fiber Concentrations*, Archives of Environmental Health, Vol 38, 5-10, 1983**

2. EPA uses similar activity-based sampling as has been performed previously at the CCMA. The major difference in this report is the use of a different analytical method TEM (ISO 10312). Neither laboratory nor its certifications were identified. Conversations with experts and even this report suggests that TEM reports higher concentrations than does PCM. Does EPA have comparable datasets to show have the two different methods compare? The IRIS cancer slope factor is probably based on PCM, so use of TEM may overestimate risk.

**EPA Response:** The EPA air samples were analyzed by EMSL Analytical, a participant in the National Voluntary Laboratory Accreditation Program of the National Institute of Standards and Technology. As discussed above, TEM can see fibers of much smaller dimension than those seen with PCM. EPA only used the PCM equivalent (PCME) fibers counted on the CCMA air filters in the risk assessment. This is standard practice for EPA risk assessments at asbestos sites using activity-based sampling. While we did not do PCM analysis of the CCMA samples, it is generally expected that the ratios of fibers detected using PCM and TEM are highly variable and site-specific.

3. When looking at the sampling data from a previous draft in table A1, the measured value is below the "limit of detection". How is this possible?

**EPA Response:** What is reported at the "detection limit" is the 95% upper confidence interval of the Poisson distribution of the sensitivity with no fibers detected. That is, three times the sensitivity. The sensitivity as defined in the ISO 10312 procedures is dependent on the total area of the filter, the proportion of that area analyzed, and the volume of air passed through the filter. This is not a "detection limit" as would be presented for a quantitative analysis of a constituent in a medium. ~~Once there are fiber counts, the upper end confidence level becomes meaningless.~~

#### **Dry Season vs, Wet Season Sampling Results**

4. Data seems to be skewed toward the dry months. Of the 454 samples all but 29 samples were taken during the dry season closure when employees are not routinely on-site. Fence building data was only collected on one occasion in the dry season when employees are typically not working on-site.

Recommendation: BLM requests EPA analyze a subset of "moist" and "wet" season samples *only* (i.e. exclude September samples) to improve characterization of health risk during the OHV Use Season.

**EPA Response:** When we began our sampling, the dry season closure did not exist. It was started in response to the September 2004 EPA sampling data. Prior to that time, employees were routinely on-site during the summer months.

As Table 1 (attached) shows, 180 of the 457 samples collected by EPA were collected during the current open season. Of the 256 samples analyzed, 129 or 50%, were samples from the open season.

EPA did do an analysis of the moist and wet samples compared to the entire data set. The analysis is attached as Table 2. As you can see, only camping and hiking had winter mean levels significantly below those of the sample set as a whole.

5. The data quality objectives were not identified for the risk assessment. If the sampling had been correlated to soil moisture levels, it would have been more beneficial than just precipitation. For example, the November 4 period designated by EPA as "moist" had greater asbestos concentrations than some "dry" periods.

**EPA Response:** The soil moisture data was not included in the draft risk assessment reviewed by BLM. In the final assessment, soil moisture data are presented in Appendix F. The soil moisture data generally correlate to the generic descriptors selected by EPA for presentation of the data (dry, moist, wet) but more detailed analysis of the relationship of soil moisture to asbestos air concentration was not performed. The soil moisture samples represent the moisture at a discrete geographic location while the air samples were collected by riding over a wide area of differing soil types and microclimates.

6. Are the precipitation data shown in Figure 2 from the onsite met station?

**EPA Response: The precipitation data came from three California Department of Water Resources stations in the CCMA area: Hernandez (HDR), Santa Rita (SRI), and Idria (IDR).**

7. Soil sampling is mentioned on page 9, but the Appendix F was not provided. Where did the samplers ride and how do asbestos concentrations correlate to soil samples? Did they ride in areas of lesser asbestos concentrations or just high areas? Page 24 indicates this as a possible source of uncertainty.

Note: This comment and others illustrate the need for all assumptions and uncertainties to be described in the report.

**EPA Response: The information on soil sample collection is contained in Section 4.2 of the report and the results are given in Appendix F.**

8. Inspection of Figure 4 shows the skewed distributions for the moist condition ATV rider and SUV rider. Most measurements were in the <0.25 fibers/cc range, but there are several values 4-5 times higher than the majority of the samples. These were trailing riders. Were there only two riders to have a lead and a trailer? Were they all riding at the same time and place? Why didn't this condition show for motorcycle riders? Figure 5 shows a similar but less striking pattern, showing a significant bimodal distribution between lead and trailing child riders. Some other potentially useful variables important to BLM are the following distance, number of riders, speed, etc.

**EPA Response: Appendix B of the final report contains information on trailing and leading riding, spacing, and other sampling conditions. Sampling events had both lead and one or more trailing riders. The riders followed the same route at the same time. Increased asbestos concentrations were found in the samples for trailing motorcycle, ATV, and SUV drivers/riders.**

9. Were the SUV driver/riders actively on trails/hillsides or just on the main road?

**EPA Response: SUV driving was only on the main road as shown in Figure 1 of the final report.**

#### **BLM Employee Exposure**

10. Page 16, High Estimate of 200 days per year. This seems unreasonable since the CCMA is closed much of the year in the dry season.

Recommendation: BLM requests EPA modify the high exposure and low exposure estimates for 'BLM Worker Scenarios' to 120 days and 60 days, respectively.

**EPA Response: Recommendation adopted. The original 200 day per year exposure was conducted at the request of BLM. In the final report, the exposure was changed to 60 and 120 days.**

11. Using the mean for all dirt bike data in estimating employee risk for motorcycle riding by LE officers assumes the rider will be the trailing bike (mid or tail) 2/3 of the exposure time. From discussions with the employees, this is not the case.

Recommendation: BLM requests EPA analyze motorcycle riding by LE officers as LEAD ONLY to improve characterization of the health risk. Also suggest replacing title of "BLM employee" scenarios with something that describes the type of activity rather than who is conducting the activity.

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**EPA Response: Recommendation adopted.**

12. Since BLM has actual full shift data on the employees, NSTC proposes that BLM use the ongoing full shift data in calculating employee risk.

Note: As cooperating agencies, BLM and EPA need to determine if this would be appropriate. This can be done by BLM (in the RMP/EIS) and can give an ongoing risk calculation based on the actual employee exposure data.

**EPA Response: This work will be done by BLM.**

**Risk Calculations & UCL**

13. Table E1, page 8 of 297: "Unit risk factor should not be used if the concentration exceed  $4e-2$ ". We need an explanation of why this unit risk factor should not be used and why it is used in this report.

**EPA Response: Information regarding the limitations of using the risk factor for concentrations above  $10^{-2}$  is included in the final report and is specifically discussed in section 7.2.5 Limits of Models.**

14. Should be some discussion in the report on the short sampling time periods. I estimated from the data from a previous draft that the sample times were typically around 60 minutes. Sampling time seems to be short compared to the time that is being used in the risk calculations. I would have more confidence in the data if the sampling times were closer to the duration of the activities.

**EPA Response: EPA believes that the sampling periods were sufficient to provide a representative sample. The most important factor was the geographical representativeness of each sampling activity. The sampling periods provided enough air flow to assure that the analytical sensitivities were appropriate for the activity samples.**

15. Data validation of the useability of the results was not provided. Appendix C referred to on page 7 was not provided. What did the blanks show?

**EPA Response: The blanks were ND for asbestos fibers. While some information on laboratory QA/QC and data management is found in the final report in Appendix D, additional information is being compiled and will be transmitted to BLM when it is completed.**

16. Page 10 and computation of means and 95% UCL. It is understood that EPA guidance has a preference for arithmetic means and 95% UCL, however, the limited information available to me suggests the data are probably log-normally distributed. If true, the arithmetic mean and 95% UCL may overestimate the true concentrations. I would like to see the distributions evaluated and, if appropriate, log means and log UCLs using the Land H method used.

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**EPA Response: ~~Tables G-1 to G-5 of the final report contain information on the~~ evaluation of the data distribution and the appropriate distribution used to calculate the UCL for each data set.**



Sky  
Murphy/CASO/CA/BLM/DOI  
07/28/2008 03:27 PM

To Rick Cooper/CASO/CA/BLM/DOI@BLM, George Hill/CASO/CA/BLM/DOI@BLM  
cc Dan Byrne/CASO/CA/BLM/DOI@BLM, Bruce Cotterill/CASO/CA/BLM/DOI, Bruce Delgado/CASO/CA/BLM/DOI@BLM, David  
bcc

Subject rationale for scope of RMP/EIS

Rick/George/et. al.:

Please review the language I added to the final draft scoping report section 3.0 Planning Considerations (below).

HFO staff are also encouraged to review the final draft scoping report (attached) for discussion at next week's AEM. Key sections for review include Current Resources Conditions, Planning Considerations, and Planning Criteria.

The rationale for maintaining the Temp. Closure is based on the language from the 2007 IBLA ruling regarding BLM's reliance on EPA data, and the rationale for limiting scope of the RMP/EIS to CCMA boundary is policy-based.

Because the IBLA ruling notes that the development of an EA is not required to issue closure under 43 CFR 8364.1, there's currently no reference to the NEPA document that was prepared by the HFO in the rationale for the Temp. Closure. This is because the Scoping Report should/will direct public attention to the CCMA RMP/EIS as the appropriate document to address the issues and concerns regarding impacts of asbestos and loss of OHV recreation, which is also the conclusion reached in the Temporary Closure EA prepared by HFO..

Otherwise, the 'final' draft scoping report is ready for review by EPA and CASO.

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### **3.0 Planning Considerations**

#### **A. Issues Outside the 'Scope' of the CCMA RMP**

Some issues raised during scoping will not be addressed in the CCMA RMP/EIS because they are either outside the scope of this planning effort or are outside the authority of the BLM.

#### *Temporary Closure of Clear Creek Management Area*

Several comments received by the Hollister Field Office requested that BLM remove the Temporary Closure order issued on May 1, 2008, which closed 31,000 acres in the Serpentine ACEC to all public use in response to new information provided in the EPA Asbestos Exposure and Health Risk Assessment (2008). The EPA study determined that visitor use on public lands in CCMA can increase the long-term risk of cancer from exposure to asbestos.

The Federal government has concluded that all forms of asbestos are hazardous to humans, and that all can cause cancer; although the chrysotile form found in the

Serpentine ACEC is deemed to be less harmful than those in the amphibole family of minerals (U.S. Department of Health and Human Services, Public Health Service, Agency for Toxic Substances and Disease Registry, *Toxicological Profile for Asbestos*). Despite the public health and safety risk identified in the EPA study, many public comments reflect the concerns that the BLM excluded the public from the decision-making process and that the Temporary Closure will affect the current development of the CCMA RMP/EIS.

While the Hollister Field Office remains aware of these concerns and other issues raised during the public scoping process, the closure order will remain in place during the preparation of CCMA RMP/EIS based on the following rationale.

The closure of public lands in the Serpentine ACEC was reasonable and considered all relevant factors because BLM chose to rely on EPA as it's expert on the subject of airborne asbestos, which is considered the lead agency with respect to public health and safety relative to asbestos. BLM acknowledges that there are disagreements in the scientific field regarding the health risks of naturally occurring asbestos; however, EPA and other Federal, State, and local agencies whose missions relate directly to public health support the BLM's decision to avoid further elevated risks to visitors while an environmental impact statement is prepared to analyze a range of alternatives that meet the purpose and need for the CCMA RMP, as outlined in Chapter 1 of this Scoping Report.

Furthermore, BLM's authority to manage public lands includes discretionary authority to close public lands to protect persons, property, and public lands and resources. Under 43 CFR 8364.1(a), BLM may issue an order to close or restrict use of designated public lands, and that authority is independent of the initial designation of off-highway vehicle use in the land use planning process.

#### *Establishing New Off-Highway Vehicle Recreation Areas Outside of CCMA*

Many clubs and organizations also requested that BLM consider establishing new areas for off-highway vehicle recreation on BLM public lands in CCMA, and on other public lands in the Hollister Field Office, including BLM-administered lands and California State Parks like Henry Coe.

While the Hollister Field Office will consider establishing new off-highway vehicle recreation areas in CCMA, the scope of the RMP/EIS will be limited to BLM-administered lands in the 75,000 acre CCMA based on the following rationale.

The purpose and need for the CCMA RMP/EIS is based on the EPA Asbestos Exposure and Human Health Risk Assessment. BLM acknowledges there are concerns about the loss of public lands available for OHV use, but the CCMA RMP/EIS will analyze a range of alternatives including the 'no action alternative', which would allow OHV use to

continue at the same levels prior to the closure order issued on May 1, 2008.

Pursuant to the National Environmental Policy Act, 40 CFR 1506.1(c) says, "While work on a required program environmental impact statement is in progress and the action is not covered by an existing program statement, agencies shall not undertake in the interim any major Federal action covered by the program which may significantly affect the quality of the human environment unless such action:

- (1) Is justified independently of the program;
- (2) Is itself accompanied by an adequate environmental impact statement; and (3) Will not prejudice the ultimate decision on the program. *Interim action prejudices the ultimate decision on the program when it tends to determine subsequent development or limit alternatives.*"

In lieu of these considerations, BLM has determined that it is appropriate to maintain the scope of the current RMP/EIS within the 75,000 acre CCMA. Furthermore, the section above provides that BLM and the California State Parks Motor Vehicle Recreation Division can work cooperatively outside of the CCMA land use planning process on the potential to establish new off-highway vehicle recreation areas in the Hollister Field Office. However, any proposal developed for this purposes would need to be accompanied by an adequate environmental impact statement, and the existing resources allocated to the CCMA RMP/EIS are dedicated to addressing the purpose and need outlined in Chapter 1 of this Scoping Report.

[attachment "draft\_scoping\_report\_072808\_final.docx" deleted by Rick Cooper/CASO/CA/BLM/DOI]

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Rick  
Cooper/CASO/CA/BLM/DOI  
08/04/2008 01:33 PM

To <RBento@KRAFT.COM>  
cc Christine Sloand/CASO/CA/BLM/DOI@BLM, Sky  
Murphy/CASO/CA/BLM/DOI@BLM  
bcc  
Subject Condon Peak Hunting Access

Mr. Bento,

Christine Sloand asked that I respond to you regarding BLM's decision to close public access to Clear Creek Management Area. I have attached a copy of the Closure Notice which provides some rationale for the closure. I have also attached an EPA news release on this subject and a map of the closure area.

The closure was put in place to limit the public's exposure to asbestos. The Environmental Protection Agency's 2008 assessment of the public's exposure to asbestos in the Clear Creek Management Area indicated the levels of asbestos exposure for adults and children were at levels usually only found in industrial settings. Calculations indicated the exposures significantly increased the public's lifetime risk to cancer.

The BLM issued an immediate temporary closure based on the EPA Assessment, while BLM completes and Environmental Impact Statement and develops a Resource Management Plan for the Area. Access to Condon Peak Area will be addressed in this Plan. However, in 2008 and in 2009 access to the area for the public will only be allowed via the Condon Peak trail access which is non motorized. Motorized access through the asbestos bearing formation in the Clear Creek Management Area will not be allowed.

As you stated, some of the adjacent landowners have private roads leading to BLM lands and roads outside the Asbestos area. This affords them easier access to the public lands outside the asbestos area while the temporary closure is in place. This is an unfortunate consequence which BLM hopes it can resolve through the plan process.

If you have additional questions please contact me. Email is best for the next week as the Hollister Field Office voicemail system is out of service for a week. If you call please call the 831-630-5000 office number and ask for me.



clear\_creek\_bndry.pdf



ccma\_closure\_order\_April01.08.doc



CCMA\_Press\_Release.doc

Rick Cooper  
Field Manager  
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Rick  
Cooper/CASO/CA/BLM/DOI  
08/04/2008 06:01 PM

To Sky Murphy/CASO/CA/BLM/DOI  
cc  
bcc  
Subject Fw: Condon Peak Hunting Access

Access issues for RMP

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----- Forwarded by Rick Cooper/CASO/CA/BLM/DOI on 08/04/2008 06:01 PM -----



<RBento@KRAFT.COM>

08/04/2008 02:29 PM

To <Rick\_Cooper@ca.blm.gov>  
cc

Subject RE: Condon Peak Hunting Access

Mr. Cooper, first and foremost I appreciate your response. This situation is a very delicate one to say the least. The only problem with this, well there are several problems. I have done things the right way for many years and last year was the worst that I have seen it at Condon Peak. The hunting club hunters came in from the "private" roads and came up to Condon and totally trashed Condon. From beer cans to trash to fires place pits smoldering. I pick up as much trash as my jeep could hold and put out the fires. Now, for a second, put yourself in my shoes. If you had gone up there, who would come to mind as trashed the place. Most thinking would be the public hunters. It made me sick to my stomach to see this and I reported it. I e mailed you guys and Christine e mailed me back, very nice person. Mr. Cooper I have a wife and kids and have worked hard for everything I have, and appreciate the time in the field that I can get, with my dad and daughter. I cannot afford the "big" money hunts, and I really do envy the guys who can, but have some respect for the Condon. My family has hunted Condon since Grant Squier owned and could go through the gate from Los Gatos Canyon road, but a series of land changing hands and people cutting fences and poaching all the families got kicked out. I have met and talked to Dave Teig and he was finally fed up with the poaching and the fence cutting so we had to go through clear creek to hunt. I do not blame Dave Teig for doing what he had to do one bit. As a landowner, he did what he had to do. I went and played by the rules, I do the right thing, but now I am being told I cannot hunt Condon. This is very disturbing to me, actually it breaks my heart to not be able to go there. Hell, I got my first deer there. I hope we can work something out to where I could hunt it again someday.

Thanks ...Rick Bento

-----Original Message-----

From: Rick\_Cooper@ca.blm.gov [mailto:Rick\_Cooper@ca.blm.gov]  
Sent: Monday, August 04, 2008 1:33 PM

To: Bento, Rick A.  
Cc: Christine\_Sloand@ca.blm.gov; Sky\_Murphy@ca.blm.gov  
Subject: Condon Peak Hunting Access

Mr. Bento,

Christine Sloand asked that I respond to you regarding BLM's decision to close public access to Clear Creek Management Area. I have attached a copy of the Closure Notice which provides some rationale for the closure. I have also attached an EPA news release on this subject and a map of the closure area.

The closure was put in place to limit the public's exposure to asbestos. The Environmental Protection Agency's 2008 assessment of the public's exposure to asbestos in the Clear Creek Management Area indicated the levels of asbestos exposure for adults and children were at levels usually only found in industrial settings. Calculations indicated the exposures significantly increased the public's lifetime risk to cancer.

The BLM issued an immediate temporary closure based on the EPA Assessment, while BLM completes an Environmental Impact Statement and develops a Resource Management Plan for the Area. Access to Condon Peak Area will be addressed in this Plan. However, in 2008 and in 2009 access to the area for the public will only be allowed via the Condon Peak trail access which is non motorized. Motorized access through the asbestos bearing formation in the Clear Creek Management Area will not be allowed.

As you stated, some of the adjacent landowners have private roads leading to BLM lands and roads outside the Asbestos area. This affords them easier access to the public lands outside the asbestos area while the temporary closure is in place. This is an unfortunate consequence which BLM hopes it can resolve through the plan process.

If you have additional questions please contact me. Email is best for the next week as the Hollister Field Office voicemail system is out of service for a week. If you call please call the 831-630-5000 office number and ask for me.

(See attached file: clear\_creek\_bndry.pdf) (See attached file: ccma\_closure\_order\_April01.08.doc) (See attached file: CCMA\_Press\_Release.doc)

Rick Cooper  
Field Manager  
Hollister Field Office  
20 Hamilton Court  
Hollister, CA 95023  
phone: (831) 630-5010

Thomas  
Meagher/CASO/CA/BLM/DOI  
08/27/2008 11:47 AM

To Rick Cooper/CASO/CA/BLM/DOI@BLM, David  
Slibsager/CASO/CA/BLM/DOI@BLM  
cc  
bcc  
Subject Fw: Clear Creek Asbestos Abatement

History:  This message has been replied to.

Hi Hollister - This numbers, at first glance , look pretty reasonable. Too bad we have to chop so much. I'll run some alternatives and lets talk soon. Thanks, Tom M  
— Forwarded by Thomas Meagher/CASO/CA/BLM/DOI on 08/27/2008 11:45 AM —



"Tom EAI"  
<tom@erickammoninc.com>  
08/27/2008 05:32 AM

To <David\_Slibsager@ca.blm.gov>  
cc <Thomas\_Meagher@ca.blm.gov>, "Jane Amante"  
<jane@erickammoninc.com>  
Subject Clear Creek Asbestos Abatement

Dave/Tom attached is the spread sheet I'm using to summarize pricing. This is much more detailed than the proposal form. I'm hoping the detail is helpful to you and not a hindrance. These prices are based on the designed plans.



Let me know your thoughts. Thanks, Tom  BidView.xls



Karl Ford/NOC/BLM/DOI  
08/29/2008 08:45 AM

To John Key/CASO/CA/BLM/DOI@BLM  
cc Timothy Moore/CASO/CA/BLM/DOI@BLM, Rick  
Cooper/CASO/CA/BLM/DOI@BLM, Glenn  
Harris/CASO/CA/BLM/DOI@BLM, gswayze@usgs.gov  
bcc

Subject Fw: Trona and possible As association

John,

Do you have any info on Trona/Searles Lake and arsenic? We know it is elevated, but I don't have any references. Also, Gregg is interested in mapping tremolite at CCMA (see bottom). I am going to copy Tim Moore in case he or Rick Cooper wants to follow-up.

Karl L. Ford, Ph.D. Remediation Advisor/Toxicologist  
Division of Resource Services  
National Operations Center - BLM  
Phone: 303-236-6622  
Fax: 303-236-3508

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— Forwarded by Karl Ford/NOC/BLM/DOI on 08/29/2008 09:40 AM —



Gregg Swayze  
<gswayze@usgs.gov>  
08/29/2008 09:31 AM

To kford@blm.gov  
cc George N Breit <gbreit@usgs.gov>  
Subject Trona and possible As association

Hi Karl,

Thanks again for a great HAZWOPER refresher course. I hope we (USGS folks) can attend your Jan. refresher.

Anyway I wanted to follow up on your comment during the refresher regarding high As in Trona, CA. I mentioned that As seems to have an affinity for the mineral trona, perhaps because it is mobile over the relatively high pH range in which trona precipitates. My USGS colleague George Breit and I spent a week last July measuring the As content of salts (including Trona) at the Ash Meadows Wildlife Refuge in SW Nevada with a portable XRF unit. George is a geochemist who does a bit of As-related research. He is the one who pointed out the potential for As enrichment in Trona.

In general we are interested in studying the distribution of potentially toxic metals in dust. Arsenic is one we are focused on in the southwestern U.S. I was wondering if you could provide more details of the Trona, CA arsenic story. It would be kind of neat if the presence of this mineral could be used as a proxy for locating sources of mobile potentially As-enriched dust.

Thanks,

Gregg

P.S. I'm sending you a copy of my AVIRIS-California asbestos study which was submitted to Geology. Also included is a reprint describing the use of AVIRIS at Leadville to map acidic mine waste. I sure would like to map the Clear Creek Recreation Area for sources of tremolite. Can't get the BLM to pay for it but maybe if you guys put some pressure on the EPA they will finally give in.

--

-----  
Gregg Swayze, Ph.D.  
Research Geophysicist  
U.S. Geological Survey  
MS 964 Box 25046  
Denver Federal Center  
Denver, CO 80225

Street Address:  
U.S. Geological Survey  
Bld. 20 Room C2019  
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Kipling and 6th  
Denver, CO 80225

Office: (303) 236-0925  
Fax: (303) 236-3200

email: [gswayze@usgs.gov](mailto:gswayze@usgs.gov)  
Web site: <http://speclab.cr.usgs.gov>  
-----

Rick  
Cooper/CASO/CA/BLM/DOI  
09/04/2008 04:21 PM

To Gordon Brown <gordon.brown@stanford.edu>  
cc Gail Mahood <mahood@stanford.edu>,  
rick\_cooper@blm.gov  
bcc George Hill/CASO/CA/BLM/DOI; Sky  
Murphy/CASO/CA/BLM/DOI@BLM  
Subject Re: Access to Clear Creek Area, San Benito County for  
Stanford University Field Trip on Oct. 25-26, 2008 

Professor Brown,

I cannot authorize your field trip into the closed area. The temporary closure has been put place to reduce exposure of the public to asbestos. The closure will stay in affect until the Clear Creek Management Area EIS/RMP has been completed. The status of the closure will determined based upon the final decisions from this EIS.

I am sorry that creates an inconvenience for you and your students. We anticipate completion of the EIS in December 2009.

Rick Cooper  
Field Manager  
Hollister Field Office  
20 Hamilton Court  
Hollister, CA 95023  
phone: (831) 630-5010  
Gordon Brown <gordon.brown@stanford.edu>



Gordon Brown  
<gordon.brown@stanford.edu  
>  
09/03/2008 07:09 PM

To rick\_cooper@blm.gov  
cc Gail Mahood <mahood@stanford.edu>  
Subject Access to Clear Creek Area, San Benito County for Stanford  
University Field Trip on Oct. 25-26, 2008

Dear Mr. Cooper,

I spoke with Sky Murphy at your Hollister Field Office by telephone today about possible access to the Clear Creek Area, San Benito County, for a Stanford University field trip that Prof. Gail Mahood and I wish to lead on Oct. 25-26, 2008.

I have been a professor at Stanford University since 1973 and have been doing field studies and leading field trips in the Clear Creek Area since then. Some of my graduate student and I are currently doing field studies of the New Idria Mercury Mine site in collaboration with Dr. James J. Rytuba of the U.G. Geological Survey, Menlo Park, CA Office. I believe that Jim Rytuba currently has a BLM contract for part of this work at the mercury mine. In addition, I have organized and led an annual field trip for my undergraduate class on Earth Materials (Geological & Environmental Sciences 102) for the past 27 years, and I wish to do so again this Fall, specifically on the weekend of Oct. 25-26. I have attached a very abbreviated version of the field trip guide that I prepared and used for this field excursion last year to give you an idea of what we would like to do on this trip, including localities we would like to

visit. I had to remove most of the text and all of the figures from the guide because it is too large to send as an email attachment to your server. However, I will send the full field trip guide to you by regular mail. As you will see in looking through even the abbreviated version of this guide, the mineralogical and geochemical diversity of the Clear Creek Area make it one of the premier field trip sites for mineralogy and petrology students in the US if not the world, and it would be impossible for us to duplicate the learning experience for our students anywhere else in California or Nevada over one weekend. Therefore, I hope we can work something out with you that would allow me, Prof. Gail Mahood, and our class of about one dozen Stanford undergraduates to visit the Clear Creek Area on Oct. 25-26.

By way of background, I am a professor of mineralogy at Stanford University and have carried out extensive studies of the various asbestos minerals throughout my professional career, starting when I was an assistant professor at Princeton University and continuing to the present. I have served as a consultant for Johnson & Johnson and Whittaker, Clark and Daniels (the largest talc producer in the US) on asbestos problems and most recently I am serving as an expert witness on asbestos mineralogy for the Liner, Yankelevitz, Sunshine & Regenstreif Law firm in Los Angeles, which is representing Union Carbide in current litigation concerning the KCAC mine. You can view my CV at the following Stanford University website: [http://pangea.stanford.edu/people/cv\\_nav.php?personnel\\_id=69](http://pangea.stanford.edu/people/cv_nav.php?personnel_id=69)

I would be happy to talk with you about my request by telephone or to visit you at your field office in Hollister, if that would be better.

Thanks for considering this request.

Sincerely yours,

Gordon Brown

--

Gordon E. Brown, Jr.  
D.W. Kirby Professor of Earth Sciences and  
Professor of Photon Science, SLAC

Mailing Address:  
Department of Geological & Environmental Sciences  
Bldg. 320, 450 Serra Mall  
Stanford University  
Stanford, CA 94305-2115  
U.S.A.

Telephone Number: 650-723-9168  
Fax Number: 650-725-2199  
E-mail Address: [gordon.brown@stanford.edu](mailto:gordon.brown@stanford.edu)  
Brown Group Website: <http://pangea.Stanford.EDU/research/saag/>  
Stanford EMSI Website: <http://pangea.Stanford.EDU/research/emsi/>



FIELD TRIP GUIDE TO NEW IDRIA.Short.doc



James  
Anger/CASO/CA/BLM/DOI  
09/26/2008 07:46 AM

To Rick Cooper/CASO/CA/BLM/DOI@BLM  
cc  
bcc  
Subject Fw: SD Briefing on Alternatives

History:  This message has been replied to.

Hi Rick,  
Would you mind my sitting in on this call as well?...  
(Feel a bit left out since I brought Tim R. into the works!?)

Jim Anger  
State Occupational Safety and Health Manager  
BLM - California  
janger@ca.blm.gov  
(916) 978-4521  
<http://web.ca.blm.gov/ss/safety/index.html>

----- Forwarded by James Anger/CASO/CA/BLM/DOI on 09/26/2008 07:45 AM -----



Louis Russell  
Rowe/WO/BLM/DOI  
09/26/2008 07:28 AM

To Edward Perez/WO/BLM/DOI@BLM, "Rick Murphy"  
<rdmurphy@fs.fed.us>, "Tim Radtke"  
<Tim\_Radtke@ios.doi.gov>, "James Anger"  
<James\_Anger@ca.blm.gov>  
cc "Janine Velasco" <Janine\_Velasco@blm.gov>  
Subject Re: Fw: SD Briefing on Alternatives 

Rick:

I'm the new Chief for Safety and Health for BLM, sitting in Sandy Guches' chair. We have added a very capable PHS officer to the national office staff as an Industrial Hygienist and Occupational Health Manager, with a skill set similar to Captain Tim Radtke. Commander Edward Perez has also been a CA certified Asbestos Project Manager, and has been a safety and occ hlth manager with EPA, etc. I would like to offer Commander Perez's services for this project, in addition to assistance you are currently receiving from Captain Radtke. To that end, with your concurrence, Ed will call in on your conference call. You may reach Ed Perez at 202 254-3319 (office) or 202 236-9181 (cell). You may reach me at (202) 254-3319 (office) and (703) 994-5816 (cell) 24/7.

Regards,  
Louis Rowe  
Edward Perez

----- Original Message -----

**From:** Edward Perez  
**Sent:** 09/24/2008 01:45 PM EDT  
**To:** Tim Radtke  
**Subject:** Re: Fw: SD Briefing on Alternatives

Thanks Tim. I'll call in Will you be on the call?

CDR Edward Perez USPHS  
Occupational Health Manager  
Tel: 202-254-3322  
Cell: 202-236-9181  
Tim Radtke/PHS/OS/DOI@DOI

Tim  
Radtke/PHS/OS/DOI@DOI  
09/23/2008 05:03 PM

To Edward Perez/WO/BLM/DOI@BLM  
cc  
Subject Fw: SD Briefing on Alternatives

FYI, - some info on the CCMA asbestos issue

----- Forwarded by Tim Radtke/PHS/OS/DOI on 09/23/2008 03:02 PM -----

Rick  
Cooper/CASO/CA/BLM/DOI  
@BLM  
09/23/2008 01:15 PM

To Karl Ford/NOC/BLM/DOI@BLM, Tim  
Radtke/PHS/OS/DOI@DOI  
cc Sky Murphy/CASO/CA/BLM/DOI@BLM, George  
Hill/CASO/CA/BLM/DOI  
Subject SD Briefing on Alternatives

Tim and Karl

Hollister Interdisciplinary team has taken the first step in the development of Alternatives for the CCMA RMP. The Alternatives reflect the range of alternatives communicated to BLM through the scoping process. We are developing a list of reasonable/sustainable mitigation measures for consideration with any of the alternatives. We look forward to any suggestions you have with respect to remediation/mitigation measures that can be used.

We will brief the SD on Wednesday October 1 at 10 am. Call in on the California SD Bridge number 1-888-233-9486 712093#

Following this meeting we will be communicating with EPA as to their technical analysis related to Air Quality and Human Exposure and Risk associated with each alternative .

Sky Murphy will send you the briefing package .

Rick Cooper  
Field Manager  
Hollister Field Office  
20 Hamilton Court  
Hollister, CA 95023  
phone: (831) 630-5010



Timothy  
Moore/CASO/CA/BLM/DOI  
09/30/2008 12:09 PM

To George Hill/CASO/CA/BLM/DOI@BLM, Rick  
Cooper/CASO/CA/BLM/DOI@BLM, Karl  
Ford/NOC/BLM/DOI@BLM, Tim Radtke/PHS/OS/DOI@DOI

cc

bcc

Subject Some considerations on dust control and asbestos risk in  
CCMA

I am researching the past performance on conventional dust controls on unpaved roads to reduce the asbestos emission and reduce the risk.

Here are some of the nuggets I have found so far.



Issues associated with dust suppression in CCMA.docx



John Key/CASO/CA/BLM/DOI  
10/09/2008 12:01 PM

To Rick\_Cooper@ca.blm.gov@BLM, Timothy Moore/CASO/CA/BLM/DOI  
cc Richard Grabowski/CASO/CA/BLM/DOI, Leroy Mohorich/CASO/CA/BLM/DOI, Robert Nauert/CASO/CA/BLM/DOI@BLM

bcc

Subject Fw: DOI ICR interview questions and assessment forms for ICRs at Topoc, Atlas Asbestos, and ID Phosphate.

History: This message has been forwarded.

Hi Rick & Tim -

In the monthly HazMat State Office Program Lead conference call this morning - it was announced that there was going to be a pre-audit and a department audit (internal control review) of three central HazMat fund sites including the Atlas Asbestos National Priority List site - we should expect this pre-audit visit and audit during the 2nd or 3rd quarters of FY 2009 - if you have any questions, please feel free to contact me - as I receive more information on these pre-audits and audits, I will share them with you.

John Key  
State Program Lead - HazMat/AML/NRDAR  
Bureau of Land Management - California State Office  
2800 Cottage Way, Suite W-1834, Sacramento, CA 95825  
(916) 978-4384; Fax (916) 978-4389

----- Forwarded by John Key/CASO/CA/BLM/DOI on 10/09/2008 11:50 AM -----



Keith Tyler/WO/BLM/DOI  
10/09/2008 11:48 AM

To John Barber/SAFO/OR/BLM/DOI@BLM, Geoffrey Walsh/WO/BLM/DOI@BLM, Greg Goodenow/COSO/CO/BLM/DOI@BLM, John Key/CASO/CA/BLM/DOI@BLM, Ken Henke/WYSO/WY/BLM/DOI@BLM, Lowell Jeffcoat/UTSO/UT/BLM/DOI@BLM, Peter Bierbach/MTSO/MT/BLM/DOI@BLM, Robert Kelso/NVSO/NV/BLM/DOI@BLM, Wayne Svejnoha/AKSO/AK/BLM/DOI@BLM, William L Harris/AZSO/AZ/BLM/DOI@BLM, Billy Lacewell/NMSO/NM/BLM/DOI@BLM, Steven W Moore/ISO/ID/BLM/DOI@BLM, Timothy Moore/CASO/CA/BLM/DOI@BLM, Cathy Wolff-White/LHFO/AZ/BLM/DOI@BLM  
cc Miyoshi Stith, Nancy Dean/WO/BLM/DOI@BLM, George M Stone/WO/BLM/DOI@BLM, Erinn Shirley/WO/BLM/DOI@BLM, Robert B Jolley/WO/BLM/DOI@BLM, Kris\_Doebbler@blm.gov  
Subject DOI ICR interview questions and assessment forms for ICRs at Topoc, Atlas Asbestos, and ID Phosphate.

All,

Attached, please find subject forms and interview questions the DOI Office of Environmental Policy and Compliance's (OEP) Environmental Cleanup and Liability Team plans on using to conduct their Internal Control Reviews(ICRs) at Topock, Atlas Asbestos, and Idaho Phosphate BLM CHF sites in FY 09. This is the info I promised to send out during today's monthly SOPL call.

Robert Jolley and I are going to try and do a pre-ICR (for want of a better name) this year - before the DOI does their ICRs at the above sites.

Hopefully, these forms will also give you some ideas on the formation of the BLM CHF Working Group and the kinds of peer review, legal reviews, tech transfer, knowledge base etc, we hope to develop. The overall goal of the group would be to facilitate communication among all project managers and the BLM WO, and in turn satisfy the oversight and accounting requirements of the DOIs Central Hazmat Fund , and OMB.



CHF ICR Interview Questions.doc CHF ICR Bureau Protocols.doc

Thanks again, I look forward to the formation of what I know will be a great group.

Keith Tyler  
Environmental Protection Specialist (EPS)  
NRDAR, CHF, EDL, ESF #10 WO Contact  
WO-280, Environmental Quality and Protection  
202.452.7723 (D)  
202.641.5511 (M)  
202.653.9075 (X)  
Keith\_Tyler@blm.gov

(((e>`.,.,.~.,.,.><(((e>

Rick  
Cooper/CASO/CA/BLM/DOI  
11/25/2008 12:53 PM

To Timothy Moore/CASO/CA/BLM/DOI  
cc  
bcc  
Subject Re: Fw: Attachments 

Tim,

I need to discuss a table you prepared on costs of various techniques and materials to reduce asbestos dust.

Rick Cooper  
Field Manager  
Hollister Field Office  
20 Hamilton Court  
Hollister, CA 95023  
phone: (831) 630-5010

**Rick  
Cooper/CASO/CA/BLM/DOI**  
12/03/2008 09:53 AM

To Jere Johnson  
cc George Hill/CASO/CA/BLM/DOI  
bcc  
Subject Analysis of Mining Activity in the HAA

Jere,

One of the many decisions I will need to weigh for CCMA is: leave the lands in the HAA open for mineral entry (mining could occur) or to withdraw HAA lands from mineral entry. Does EPA have information on the costs associated with clean up of the asbestos mines on public lands .

Does EPA have any formal position as to the authorization of mining activities in the HAA ?

Rick Cooper  
Field Manager  
Hollister Field Office  
20 Hamilton Court  
Hollister, CA 95023  
phone: (831) 630-5010

Rick  
Cooper/CASO/CA/BLM/DOI  
12/09/2008 08:27 AM

To "Greene, Daphne" <dgreene@parks.ca.gov>  
cc  
bcc  
Subject Re: FW: Kettleman ACEC, CCMA Refunds 

On second thought.

Can I just tell Steve that the OHV Division would be the appropriate to get that type of information .  
Eventually that information is derived through your audits .

Rick Cooper  
Field Manager  
Hollister Field Office  
20 Hamilton Court  
Hollister, CA 95023  
phone: (831) 630-5010  
"Greene, Daphne" <dgreene@parks.ca.gov>



"Greene, Daphne"  
<dgreene@parks.ca.gov>  
12/08/2008 10:43 PM

To <Rick\_Cooper@ca.blm.gov>  
cc  
Subject FW: Kettleman ACEC, CCMA Refunds

Hi,  
Please let me know if you need any assistance in answering this note. In particular, the part  
about use of State OHV funds.

Thanks Rick.

---

**From:** Steve Chappell [mailto:steve@apgi.com]  
**Sent:** Monday, December 08, 2008 4:29 PM  
**To:** Rick\_Cooper@ca.blm.gov  
**Cc:** mike\_pool@ca.blm.gov; Greene, Daphne; Donald Amador; Jim\_Abbott@blm.gov  
**Subject:** Re: Kettleman ACEC, CCMA Refunds

Mr. Cooper-

Let me address your points.

First, what recordation exists that the Annual Pass Holders actually used 1 day that they were  
deducted for?

To my investigation, none exists, nor is there any record of annual pass holders entrance, stay or  
exit.

This is an assumption made on behalf of the BLM Hollister Field Office, not fact.

The statement that the Annual Pass holder received a Full Refund as you stated below is

incorrect.

The assumption that Annual Pass Purchasers should be penalized for a day pass when they already committed to an annual pass which was PAID IN FULL is a nullity in the public view. All annual passes should be refunded IN FULL without further delay, not a partial payment based on an assumption sir.

Next, where are these published 16 Miles of OHV routes, exactly?

Where is the mapping for them as well?

Why is there not an ongoing day in and day out active plan to increase those "16" miles to a more suitable

Next, you stated;

"If it were determined that OHV use could not continue in CCMA due to public health and safety concerns, the BLM is committed to exploring other opportunities in the Field Office boundary.

My question is opportunities for what? Where are the OHV opportunities right now within your field office boundary and when will they be mapped, marked and opened beyond CCMA?

You further stated:

BLM is not however required to replace mile for mile routes that could be lost due to restrictions imposed on use in CCMA."

I am unclear what those restrictions are, and who they would be imposed by?

Clearly the EPA is not the regulating body of CCMA, it is the BLM. The BLM has created no restrictions beyond the seasonal closures and now an emergency closure based on assumptive studies. It is also now known that the EPA requested the BLM to remove asbestos laden stove pipe and materials that had been used decades ago in furnace areas on the CCMA properties that were not removed per OSHA or National Standards for Federal Lands and workers. Part of the asbestos findings by the EPA were in part found in those peripheral areas were known for industrial (not naturally occurring) asbestos had laid for decades. This now possibly implicates that the BLM itself is responsible for the Asbestos findings by the EPA, and was forced to close due to faulty removal of a "real" Asbestos hazard on the property under the BLM management. Who managed the removal of industrial laden Asbestos Materials at CCMA?

Where was the Material transported to, by whom and under what authority for compliance?

Clearly, the OHV community has stepped forward to the BLM with many solutions to the issues at hand, including remapping the CCMA Area to areas which are not marked as hazardous areas. The community has also asked the BLM that if the BLM is unable to manage a mixed used land area which includes OHV use, as well as Hunting, Hiking and Rock Hounding, then maybe the

BLM should strongly consider at this junction working with the State of California or private interest groups including the OHV community to relinquish management of the lands to a party(ies) that may be better suited for this type of mixed use area.

Last. The community of OHV users would like full disclosure on the disposition of California OHV Funds that were given to the BLM Hollister field office to advance on any issues that would keep CCMA open for OHV use. Since the BLM has effectively closed CCMA under this temporary closure, and the OHV Funds are Tax Payor contributed, those funds should either be used to remediate the CCMA soil issues and re-open CCMA for OHV immediately, purchase surrounding areas that can expand the "16" miles of OHV trails you claim now exist, or return the fund to the state OHV division so they can purchase and or improve the well run OHV Facilities now under their management.

Kind regards,

Steve "Papi" Chappell

On Dec 8, 2008, at 3:37 PM, [Rick\\_Cooper@ca.blm.gov](mailto:Rick_Cooper@ca.blm.gov) wrote:

Steve Chappell,

Hope all is well with you.

The State Director forwarded your communication to me on the Kettleman area and the refunds.

The reason the Hollister Field Office is without a significant route network for OHV is due to the temporary closure put in place by BLM in May 1, 2008. BLM is committed to completing a land use plan which will make final decisions for this area, and thereby determine what types, intensity and duration of uses can occur in the CCMA.

Under the current closure Hollister Field Office has only 16 miles of routes available to Off-road Vehicles.

If it were determined that OHV use could not continue in CCMA due to public health and safety concerns, the BLM is committed to exploring other opportunities in the Field Office boundary. BLM is not however required to replace mile for mile routes that could be lost due to restrictions imposed on use in CCMA.

The Kettleman Area you referred to, off of Jayne Avenue in southern Fresno County, was not a designated OHV area. To the contrary, it was a designated Area of Critical Environmental Concern (ACEC), 1984 Hollister Resource Management Plan (RMP). The designation has remained in affect and was carried forward in the 2007 Hollister RMP. The OHV use which was occurring in the area was not authorized and was in fact resulting in trespass on private lands adjacent to the BLM. The Fresno County Sheriff's Department had been making efforts to curb the trespass on private land. BLM coordinated with Fresno County Deputies to inform people recreating in the area, that the area was closed Off-Highway travel. BLM posted the ACEC boundary along the county road and finally had to fence it to control OHV use on threatened and endangered species habitat in the ACEC. BLM efforts in the Kettleman area were to re-establish the protective measures for threatened and endangered animal and plants for lands in the 23 year old ACEC.

BLM did provide a full refund to all that purchased an annual pass. Annual pass holders were charged for one day of use. That charge was deducted from the annual fee price. The annual fee less the one day charge equalled the annual pass holders full refund.

Should you have additional questions please contact me.

Rick Cooper  
Field Manager  
Hollister Field Office  
20 Hamilton Court  
Hollister, CA 95023  
phone: (831) 630-5010



Timothy  
Moore/CASO/CA/BLM/DOI  
12/16/2008 02:20 PM

To johnson.jere@epa.gov  
cc George Hill/CASO/CA/BLM/DOI@BLM, Rick  
Cooper/CASO/CA/BLM/DOI@BLM  
bcc

Subject Fw: Some considerations on dust control and asbestos risk  
in CCMA

For our conference call on Thursday, do you have any further ideas or discussion that would be helpful in including the CCMA EIS regarding NOA dust suppression mitigation ?

Does EPA have a generic dust suppression control & verification plan that could be written for the CCMA ?

I have some chemical suppression products that have been "reviewed" via the internet but are uncertain as to their actual effectiveness in a quantifiable asbestos health risk reduction , do you have any suggestions?

We have a contractor (Weston Solutions) that could do some further research on this topic, if we have any further ideas, assumptions or conclusions after the BLM/EPA conference call on Thursday.

----- Forwarded by Timothy Moore/CASO/CA/BLM/DOI on 12/16/2008 02:08 PM -----



Timothy  
Moore/CASO/CA/BLM/DOI  
09/30/2008 12:09 PM

To George Hill/CASO/CA/BLM/DOI, Rick  
Cooper/CASO/CA/BLM/DOI, Karl Ford/NOC/BLM/DOI, Tim  
Radtke/PHS/OS/DOI  
cc

Subject Some considerations on dust control and asbestos risk in  
CCMA

I am researching the past performance on conventional dust controls on unpaved roads to reduce the asbestos emission and reduce the risk.

Here are some of the nuggets I have found so far.



Issues associated with dust suppression in CCMA.docx



Timothy  
Moore/CASO/CA/BLM/DOI  
12/30/2008 01:03 PM

To blminfoline@westinsolutions.com  
cc  
bcc Rick Cooper/CASO/CA/BLM/DOI  
Subject help line request

I would like some assistance on the NESHAPs under the Clean Air Act, specifically what criteria for dust suppression or control is mentioned for unpaved asbestos mines and associated exploration roads ?

We have 224 acres of asbestos exploration roads and 89 acres of asbestos exploration pits, so what is the regulation regarding visible dust from use of these areas ?