

**FMC MIDDLEPORT
CAP SUMMARY NOTES
SEPTEMBER 2, 2004**

MEMBERS present: Barb Albone, Rebecca Schweigert, Kathleen Casey, John Shuttleworth, and Sharon Smith

PROSPECTIVE MEMBERS present: Christa Lutz, Larry Lutz, Dick Westcott, and Brian Yaiser

FMC Representatives: Patt Fagan

Agency representative: Mike Hinton, DEC

Facilitator: Ann Howard

Ann welcomed everyone, especially our guests, and opened the meeting at 6:15 p.m. She explained that the agenda is set by the members and explained how future members were chosen to be invited (based on occupation, etc.). Those present introduced themselves and related their connection to the CAP. Ann provided an overview of CAPs in general and the mission statement of this CAP. The July 8 summary notes were given to guests for their information.

The importance of two-way communication was stressed, along with the observation that all opinions are welcome even if they are disagreeing points of view. We are not representatives for FMC or the agencies. Barb said she is glad to attend these meetings so when she is asked questions by residents she can answer them as they don't always understand what is said at public meetings.

The July 8 notes were approved as written and Patt was authorized to post them on the website.

Patt explained the plans for the Labor Day celebration in the Village on September 4. She has reserved a bounce house and it will be set up in front of the Methodist Church. It will be open from 12 pm to 4 pm. She has pens for handouts and t-shirts for CAP members who will be manning the booth. She also has handouts that explain the difference between the "trigger" number and the "remediation" number based on arsenic testing. Rebecca explained that at the June 14 public meeting, a question was asked that dealt with this issue, but the response was difficult to understand. At the July meeting it was discussed, and she was asked to prepare an explanation differentiating the two numbers. Those present read through the handout and critiqued it. After some discussion, a few changes were made to clarify some issues. It will be printed and handed out at the CAP booth on September 4.

Discussed recruitment efforts.

- Sean Kinsley suggested that Jared Taft take his place as a liaison from the school. Mr. Taft is the new vice principal at the Jr./Sr. High and in the process of moving here from NYC. Decided he is not a good candidate at this time as he is unfamiliar with the issues and will be too busy settling into a new job. Ann will ask Mr. Kinsley for another suggestion. As retired teachers, Christa and Larry Lutz would be an excellent source for a suggestion. They will think about it and suggest some names.
- Dick Dujenski was interested, but as he lives in Florida six months a year, he felt he couldn't be

- an active enough member. Those present agreed with this assessment.
- Rob Richards is interested in joining as a representative from the Middleport Police Department. There was some confusion about follow up contacts, so he wasn't present. Rebecca will verify with him that he is interested and advise him of the next meeting.
 - Patt received some no's from other invitations sent out. She will give Ann the list.

We discussed the need to develop member profiles at the July meeting. As requested, Ann developed a form for members to use to capture biographical information. She handed around a couple of brochures from other CAPs that include member profiles. These brochures had different styles - one had brief description of member activities and the other had extensive bios. We also discussed the possibility of member profiles' being included in future newsletters. Ann observed that profiles allow people to understand why others join a CAP, as that is a frequent questions she gets during recruitment efforts. After much discussion, it was decided that people usually won't read long descriptions, so short is best. Members will take home the form and return it at the October meeting. Ann asked if she could share some of our feedback regarding this issue with her other CAPs, as none of them have really considered the effectiveness of their brochures, i.e., long vs. short profiles.

John Shuttleworth gave the plant update in Brian Vain's absence, due to illness.

- FMC has been running triple shifts on two products due to higher than budgeted demand.
- They have hired 8-10 people over the summer because of this increase in production. All new hires are from temp. agencies, who have worked as a temp for FMC and then have been hired permanently.
- During the week of Sept. 13 they will have a 3.5 day corporate safety audit. They have been preparing for this as it is quite intense.
- During the week of Sept. 20 they will shut down the majority of the plant to do preventative maintenance. They were unable to perform this last year and paid for it with problems this year.
- The wastewater treatment plant tower is scheduled for painting in the imminent future.
- A plant tour was given to members of the fire department.

Patt gave the update on sampling:

Results of the tributary and culvert sampling have been forwarded to the agencies. Property owners will be informed of results after the agencies complete their review. Mike advised that the agencies' validation of these samples isn't complete yet. About 10 percent of the samples were divided between the agencies' lab and FMC's lab.

FMC has submitted data to the agencies from samples taken at the railroad property north of the canal. FMC has posted no trespassing signs. Larry asked if this area wasn't remediated in the past. Some work was done in 1988 and 1996. FMC now owns the property outright and wants to take care of it regardless of who might have cause contamination. Previous remediation efforts were temporary; FMC wants permanent measures taken.

Sampling of historic air deposition area will begin September 7. Patt advised that of the 263 targeted

properties, 10 homeowners have refused access and 35 have not yet responded. The Agencies Responsiveness Summary concerning this sampling program is now available at the library. Mike explained that this is the agencies' responses to residents' questions that arose from the June 14 meeting. Only 3 residents attended the information session held on August 23 at the high school. Results of the biomonitoring study were given at a public meeting held on August 10 at the elementary school. The conclusion was that there is no significant exposure to arsenic from the soil in the area. There were close to 30 residents at this meeting and some good questions were asked. None of the litigants in the lawsuit against FMC attended the meeting. There was media coverage by local newspapers and television stations. They had been sent a statement inviting them to attend and explaining what it was about. Patt advised that she has copies of the study or copies of the executive summary available to interested CAP members. It was noted that the agencies observed the study but didn't participate in it.

The bioavailability study is going forward. Monkeys will be fed soil from Middleport and the excreted amount will be noted. This will determine what percentage is being absorbed. Mike advised that this number will be used in the risk assessment as part of the RFI process. Right now the default number is 100 percent. FMC had an in vitro bioavailability study done in the 1990's with results showing that 20 percent of the arsenic was being absorbed. The agencies recommended a study based more closely on human consumption.

The majority of the agency updates were included in the sampling update. Mike observed that a lot of misinformation is floating around about the plant and remediation. At the August 23 meeting a resident advised that he had heard that FMC produced agent orange and that FMC is buying property to tear it down. Patt suggested a rumour "question and answer" to dispel the myths out there. This may be a future project, but Ann advised that it could keep rumours alive if not handled right.

Dick asked Mike what information test results are compared to if there is no data of how much arsenic in soil is dangerous. Studies have been done about arsenic in water and air, but nothing about soil. Mike explained that the risk assessment and the bioavailability study will help determine this. Dick said that the agencies need to take into consideration the historic use of properties as several are on old farms and factory sites that probably used arsenic. Mike said this is taken into consideration. Dick asked if the population was larger and no company was around to pay the costs, would the agencies still be pursuing clean up. Mike said that this has happened in the past. Clean up efforts were taken at Arsenal Park in Buffalo, even though there were lower levels of arsenic and no company to be held responsible. It was paid for from the superfund. This led into a discussion about Hickory Wood in the Buffalo area. Mike said that no hazardous substances have been found there. Ann said that there are federal and state regulations at work here in Middleport.

Sharon apologized for the lack of youth representation. One invitee had choir practice and the other four had soccer practice. Even though they are all busy, at least one should be able to attend each month.

Meetings will continue on the first Thursday of the month, as that works for most members.

Ann asked our guests for some feedback on the meeting.

Christa said that she is very interested in attending future meetings. She was involved in the MIC spill in the 80's and her husband and son were tested. She lives in the area and now has time to attend meetings. Larry agreed with her observations. Dick said that he wants more information about all of the issues. He finds what is written in the papers about this disgusting. Being a CAP member will allow him to get answers from sources rather than 2nd or 3rd hand. Brian agreed with this assessment and added that the area needs every advantage to grow. Things like this without the proper knowledge being available bring down the value of the area. Ann suggested a briefing on the price protection plan might be good to do in the future.

The next meeting was set for Thursday, October 7, 2004 at 6 pm. The agenda will include setting an orientation for the November meeting; creating "talking points" for CAP members; and a newsletter update.

There being no further business, the meeting adjourned at 7:45 p.m.

Respectfully submitted,

Rebecca A. Schweigert
CAP member