

September 24, 2012

Debbie Raphael
Director
Department of Toxic Substances Control
1001 "I" Street
Sacramento, CA 95814

Dear Director Raphael:

We write to regretfully inform you that we, representing the great majority of the community that has worked for so long for a full cleanup of the contaminated Santa Susana Field Laboratory (SSFL), have **lost all confidence in you and your department**. Ever since your appointment as Director, the Department of Toxic Substances Control (DTSC) has reversed course and taken numerous actions to undercut the cleanup and to do what Boeing, the company responsible for the pollution at the site, wishes. **DTSC seems to now be a wholly owned subsidiary of the polluter it is supposed to be regulating. Rather than control toxic material, DTSC appears to be intent only on protecting the polluter.**

SSFL is, as you know, contaminated with radioactive and chemically toxic materials from decades of sloppy operations as a nuclear and rocket testing facility, including a partial reactor meltdown. For years, the Boeing Company, which owns and operates much of the site, has resisted cleaning up SSFL. To this end, Boeing has historically pushed to: remove regulators who were diligent in requiring compliance with cleanup requirements; shut down the longstanding SSFL Inter-Agency Work Group, the primary forum for the public learning what is going on at the site and for pressing for full cleanup; create instead a Community Advisory Group (CAG) that would be dominated by the tiny minority of the community that works with Boeing in opposing the cleanup, part of the long tradition of "astroturfing," polluters creating fake grassroots groups to lobby for the polluter; and take over many of DTSC's regulatory functions, particularly arranging to have Boeing have significant influence over the state's environmental review.

At 5:00 pm Friday—the time when government officials who are doing something disreputable try to bury the news—you issued an announcement saying in essence you were going to give Boeing its wish list, creating precisely the CAG it has long sought, while shutting down the existing community advisory bodies, and removing as SSFL Project Director the last person at DTSC who was one of the main authors of the cleanup agreements. Earlier in the week it was revealed that, having allowed Boeing to pick and contract with the state's EIR contractor, that contractor was recommending the state take actions that you have conceded would be contrary to the SSFL cleanup agreements.

Boeing is very pleased. The community that wants the cleanup is furious. You have betrayed us.

The Removal of Rick Brausch as SSFL Project Director

In the 1990s, DTSC's Project Director insisted that Boeing install a cap compliant with the regulations over the sodium burn pit, where radioactively and chemically contaminated items had been burned for decades. Boeing didn't want to do it, so it went to DTSC top officials and offered to provide money to DTSC to hire several additional personnel if DTSC would remove the Project Director. DTSC did as Boeing demanded; the Project Director was removed; his replacement immediately approved Boeing's request to not have to appropriately cap the burn pit.

Boeing has long wanted the removal of Rick Brausch, who has been for the last several years the DTSC Project Director. He was instrumental in the negotiation of the Agreements on Consent (AOCs) with NASA and the Department of Energy (DOE). which Boeing opposed, and has been a consistent force pushing for full cleanup of SSFL. With Cal-EPA Secretary Linda Adams and Deputy Secretary Patty Zwarts gone, Brausch is the last person left at DTSC who was deeply involved in accomplishing and trying to implement those cleanup agreements that Boeing wishes to see unravel.

You have now removed Brausch as Project Director, transferring his responsibilities to someone who came to DTSC out of industry and is viewed as far more cozy with polluters. You did not even have the courtesy to announce this directly. DTSC's Friday 5:00 p.m. release buries this at the bottom, where it lists the DTSC SSFL team. Brausch is no longer listed as Project Director, but merely relegated to an "advisory role," and it is indicated that the project is now overseen by Stewart Black.

The Shutdown of the SSFL Inter-Agency Work Group

For twenty-two years, the SSFL Inter-Agency Work Group has been absolutely critical to the community. It has been the primary mechanism for coordinating cleanup activities across the various agencies, who otherwise can work at times at cross purposes. This is the place the public, news media, and elected officials and their staffs have relied upon for over two decades as their primary source of information, on a quarterly basis, to be updated about the status of the cleanup, the findings of radiation and hazardous materials monitoring, and problems arising in moving the cleanup project forward. And it has been an essential mechanism for holding the agencies' feet to the fire when, as has often happened, there are actions contemplated that might not be in the best interests of the public and the cleanup. It has been a singularly important institution, one that the community and elected officials fought hard to have established and repeatedly defended from efforts by Boeing to have it shut down.

You suspended it a year ago. For the last year, there have been no quarterly meetings. Despite critical developments in the cleanup, there has been no way for the general public to learn about them. For example, EPA found significant radioactive contamination in the area where the partial meltdown had occurred, with cesium-137 levels as high as a thousand times background. Normally, that would be presented at a meeting of the Inter-Agency Work Group. But you have shut down those meetings, so the general public could not learn of it directly. During this period,

NASA, as you know, proposed actions regarding its Environmental Impact Statement that DTSC stated would be in violation of the AOC. That clearly should have been disclosed and discussed at a Work Group meeting; yet you had suspended the meetings, so it couldn't be. For a year now there has been this vacuum while you figured out what to do about the Work Group.

More than two hundred people submitted a petition to you, describing its importance and calling for its reinstatement. At 5:00 pm Friday, they finally got their answer: Despite some very misleading language, you have decided to permanently end the SSFL Inter-Agency Work Group, which for two decades was the main venue for the public, elected officials, and the media to learn what is going on at the site. As cover, you say you will meet with members of the now disbanded Work Group to discuss some new forum that you say will be "fundamentally changed" from the long-standing SSFL Inter-Agency Work Group. Indeed, it won't even keep its existing name; you intend to call it a "Community Work Group." You shut it down a year ago, and you refuse to reinstate it as is. Instead, you insist on permanently closing it and creating something new, with a different name, that you say will be fundamentally different.

More than two hundred people sent you a petition calling for reinstating the SSFL Inter-Agency Work Group as it is and opposing the establishment of a CAG. Instead you have done the opposite, even though this is far more than signed the CAG petition.

For two decades, Boeing and its predecessors have pushed for this outcome, which the community and its elected representatives have strenuously resisted. Boeing has long opposed the Work Group, because it represents the great majority of the community, those that want the cleanup, and has been effective in pushing for the AOCs and for Boeing to be required to clean up the toxic mess for which it is responsible. Once again, under your Directorship, Boeing wins, and the community loses.

The Creation of a CAG, Long Desired by Boeing

It has now become standard practice for polluters to try to set up "Community Advisory Groups" that they dominate; in fact news broke just recently about a controversy involving PG&E's domination of the CAG for the cleanup of the chromium-6 contamination at Hinkley that was made famous by Erin Brockovich.

Indeed, the idea of a CAG for SSFL arose several years ago when a senior manager for Boeing's SSFL remediation project left Boeing's employ and began suggesting he would petition to form a CAG. Resistance was met, however, for a CAG in which the prime visible moving force was a recent Boeing official.

Boeing hired a firm, with the clever name Renewable Resources Group, to identify prospective targets for SSFL astroturfing. They met with one individual in particular to urge her to push for a CAG. Boeing executives subsequently asked to meet with her directly; at that meeting the CAG idea was discussed and Boeing executives offered to fund her CAG if she were to request one. Thereafter she wrote Boeing saying she had done a lot of thinking since the meeting and would request a CAG, that she would need support for the CAG request, and that she accepted

their offer to fund the CAG. In the months thereafter she kept Boeing informed of her progress in advancing the CAG. Her initial CAG petition was not accepted by DTSC, but, now that you have become Director, a new petition from the same person has been approved.

This CAG is a long-held Boeing dream, now created with your assistance. No doubt you and Boeing would like some supporters of the AOCs to apply to be on the CAG, so that one or two token representatives can be on a panel otherwise dominated by those working with or parallel to Boeing to frustrate the full cleanup. We decline to be used to provide a gloss of credibility on a thoroughly non-credible and destructive undertaking.

Three thousand eight hundred comments were received from the public in support of the cleanup agreements signed prior to you coming into office; about 15 commenters were opposed. You have now agreed to set up a sham community advisory group composed largely of opponents of thorough cleanup, working in parallel with Boeing's interests, thus giving Boeing the cover it has long wanted in order to assert that the community doesn't want most of the contamination cleaned up. It is shameful.

You argue that you are required to assist in the formation of a CAG if you receive a petition with fifty signatures. Two years ago your Department took precisely the opposite position, when it rejected a CAG petition from the same individual. All that has changed is that you are now the DTSC Director, and Boeing once again has direct influence. Your argument about being required to act is further undercut by the fact that you not merely approved the CAG, you also shut down the existing community advisory bodies, the SSFL Inter-Agency Work Group and the Public Participation Group, and removed as SSFL Project Director the only person left who had been involved in bringing about the cleanup agreements you are now threatening.

Letting Boeing Have Significant Control Over the State's Environmental Impact Report

You have also allowed Boeing to pick and contract for the state's contractor to produce the state's Environmental Impact Report. Talk about letting the fox run the chicken coop! You may argue that a Memorandum of Agreement with Boeing was entered into prior to you taking office, but the Department under your directorship has repeatedly been urged to revise the MOA and declined to do so. You may argue that the state exercises final say on the selection and direction of the EIR contractor; however, the contractor chosen for this phase was Boeing's top recommendation, hardly coincidental. The contractor was recommended by and is contracted with Boeing, creating clearly conflicted loyalties. And indeed, that contractor has already issued recommendations for the state to take at least one action that you, in writing, have stated would violate the AOCs, undercutting your repeated claims that you remain fully committed to the AOCs. [The Boeing-selected contractor has now recommended that the state not do a joint Environmental Impact Statement/Report with NASA and DOE, even though you wrote NASA, on September 19, 2011, that "the AOC compels ... a joint EIS/EIR document."]

We now face a state EIR being written by a Boeing contractor that will undoubtedly propose weakening the cleanup. We seem to have returned to the "bad old days" when Boeing largely directed the activities of its regulator, rather than the other way around.

We Will Continue to Fight for Full Cleanup

Boeing has purchased very powerful lobbyists and public relations consultants, including Winston Hickox, Peter Weiner, Bob Hoffman, Charlie Stringer, and Gary Polakovic, several of whom are close to the Governor. We recognize that we represent merely the “little people,” everyday folks who live near this polluted facility, whose families face the risk of cancer and other ailments from the decades during which Boeing and its predecessors have succeeded in avoiding cleanup obligations. Your actions indicate to us that in your eyes we don’t count, that it is only the powerful like Boeing that matter, that you will do what they want you to, no matter who among the unpowerful gets hurt by it.

We will continue to fight for cleanup. We fought long before you became Director, and we will keep fighting long after you cease being Director. But, tragically, we now have not merely Boeing as our adversary, but the Director of the Department that should be working to protect us.

Sincerely,

SSFL Inter-Agency Work Group Members

Marie Mason*
Susana Knolls Homeowners Association
involved in SSFL struggle for 23 years

Barbara Johnson*
Rocketdyne Cleanup Coalition
involved in SSFL struggle for 23 years

Sheldon C. Plotkin, Ph.D., P.E.*
Southern California Federation of Scientists
involved in SSFL struggle for 33 years

Bonnie Klea*
former SSFL worker/advocate for
the sick workers
involved in SSFL struggle for 17 years

Daniel Hirsch
Committee to Bridge the Gap
involved in SSFL struggle for 33 years

* also serve on PPG

Public Participation Group Members

William Preston Bowling
Aerospace Contamination Museum of
Education
involved in SSFL struggle for 10 years

Jimmy Hara, M.D.
Physicians for Social Responsibility-LA
involved in SSFL struggle for 33 yrs (PSR’s
involvement)

Rev. John Southwick
Radiation Rangers
involved in SSFL struggle for 6 years

Devyn Gortner
Teens Against Toxins
involved in SSFL struggle for 3 years

Holly Huff
involved in SSFL struggle for 23 years

Margery Brown
involved in SSFL struggle for 6 years

Core SSFL Activists

Dawn Kowalski
involved in SSFL struggle for 23 years

Dorri Raskin
involved in SSFL struggle for 23 years

George and Eleanore Rembaum
involved in SSFL struggle for 23 years

Jeanne Londe
involved in SSFL struggle for 23 years

Denise Duffield
involved in SSFL struggle for 8 years

Cindi Gortner
involved in SSFL struggle for 3 years

Eric Estrin
involved in SSFL struggle for 3 years

cc:

Cal-EPA Secretary Matthew Rodriguez
Cal-EPA Deputy Secretary Miriam Ingenito
OPR Director Ken Alex
Congressman Elton Gallegly
Congressman Brad Sherman
Senator Fran Pavley
Assemblymember Julia Brownley
Assemblymember Bob Blumenfield
Assemblymember Betsy Butler
Supervisor Zev Yaroslavsky
Supervisor Michael Antonovich
Supervisor Linda Parks
Supervisor Peter Foy