

*This document summarizes information received at a meeting on the Framework for an Agreement between the Michigan Department of Environmental Quality and the Dow Chemical Company held March 17, 2005. Three similar meetings are being held in Midland, Saginaw, and Bay City to discuss the Framework. The DEQ will compile and respond to the questions after all four meetings have been completed so that one document can group and effectively respond to the issues raised. The notes and responses to questions from all meetings will be posted in the DEQ website as the documents become available*

**COMPILED NOTES SUMMARY**  
**Tittabawassee Dioxin Community Focus Group Meeting**  
**Horizons Center, Saginaw**

**March 17, 2005**

**COMMENTS BY DEPARTMENT OF ENVIRONMENTAL QUALITY (DEQ) DIRECTOR STEVE CHESTER (During Introduction and Throughout Meeting):**

Chester noted the purpose of the meeting was to convene a cross section of community stakeholders who will provide their input about how to involve them and other affected parties in Dow's corrective action process. Meeting organizers wanted to "pick the brains" of attendees to learn the best ways to get the community involved other than public meetings and hearings. He reviewed a presentation that explained the Framework for an Agreement Between the State of Michigan and The Dow Chemical Company (Framework) for resolving the dioxin/furan situation in Midland, along the Tittabawassee River, the Saginaw River, and Saginaw Bay.

Additional meetings will be held for stakeholders in the Midland, Saginaw River, and Saginaw Bay areas on April 6, 7 and 14, 2005.

In response to a participant question, Chester noted the Framework does not address all Dow Scope of Work for Remedial Investigation deficiencies but it is a good starting point. Dow's operating license remains the controlling document under the Framework.

When asked about the timeframe, Chester responded he does not know how long the process will take. He noted the process for the lower Saginaw River/Saginaw Bay would probably take a longer time because of its complexity. He said the Tittabawassee River situation is likely to be resolved before the Saginaw River/Saginaw Bay situation.

In response to a question about River cleanup, Chester said there is not a specific plan at this time for River cleanup but the Framework does consider it and leaves room for possible action, depending on the scope and nature of the problem.

Chester noted, in response to a question, that risk assessment is being considered as cleanup options are weighed.

When asked if he felt the research studies that are underway would be sufficient for truly characterizing the area, he said no. He felt the data is very helpful, but is not nearly enough for a complete characterization of the area. Characterization of the contamination will be conducted during the Remedial Investigation. He noted that an independent science advisory panel, Toxicology Excellence in Risk Assessment (TERA), will analyze the bioavailability study

data necessary for possible development of a cleanup level other than Michigan's 90 ppt generic residential soil direct contact criteria.

Members of the general audience were invited to write their questions on a 3x5 card and submit them for answers. It was suggested that all questions and answers be made available to the participants.

#### **COMMENTS BY DEQ DEPUTY DIRECTOR JIM SYGO:**

Sygo explained how properties were identified for Priority 1. He indicated that not all properties in those areas have had soil testing, but aerial photography from the March 2004, 7-10-year flood event was used to identify the Priority 1 and 2 properties. Frequently flooded properties are expected to have dioxins/furans at or near the Agency for Toxic Substances and Disease Registry (ATSDR) 1,000 ppt level. He also said it was likely that some properties in the Priority 2 areas may have levels over 1,000 ppt, but that residents of those properties are not thought to be as exposed as those in Priority 1 areas.

#### **PARTICIPANT COMMENTS (Organized by Topic):**

##### DEQ Community Advisory Panel (CAP)

The DEQ CAP was the subject of several questions and comments, mostly related to why the CAP was suspended eight months ago without explanation and why it has not been reinstated.

Chester noted the DEQ CAP should be considered supplemental to the stakeholder involvement process. He asked the group for feedback about stakeholder involvement in the DEQ CAP, how it should be formatted and other considerations.

One Tittabawassee River resident said they and many of their neighbors were unaware of the DEQ CAP until after it was convened, that they did not understand who is represented on it, and suggested the reinstated DEQ CAP should include all stakeholders who live along the Tittabawassee River.

One stakeholder felt the CAP could include stakeholders with property all the way to the Saginaw Bay.

One person felt the DEQ should have full control of the CAP and Dow should not be involved with DEQ in that endeavor.

One person noted that if the CAP is reinstated there should be better defined meeting parameters, outcomes and expectations. Parameters should be set so people know who is a member of the DEQ CAP. The same person suggested a review of the stakeholder involvement process in other communities that have faced similar situations to see if there are effective, workable models that could be used locally (e.g., previous Natural Resources Damage Assessment (NRDA) in Bay City, Green Bay, and Hudson River).

If the CAP is reinstated, there should be a representative of Dow who can answer questions at that time, rather than at the next meeting.

General sentiment seemed to be in favor of reinstating the DEQ CAP.

## Regarding Information and Information Sharing

One person felt the notification process was inadequate for this meeting and requested better notification.

Stakeholders indicated they need time to "soak in" information related to the given topic of the meeting. They indicated a desire to make informed decisions and suggested all meeting materials should be sent well in advance of the meeting.

One person commented and others agreed that there needs to be an objective, third-party communication process that keeps stakeholders up-to-date on current happenings. The communication should be something all parties agree upon. A newsletter was given as one option. Several people were in support of mailings to homes. One person suggested television coverage of major events that could be aired on local public access channels (Saginaw was mentioned as an area that does not have adequate local public access programming). A debate was suggested. In general, multiple methods for reaching people should be used.

Electronic updates are not the best way to reach a diverse cross-section of people, according to some. Others stated that the public needs hard copies, not e-mails or web sites.

Several participants identified the need for more information, but available in simple terms, especially regarding the Framework and corrective actions.

One person expressed concern that after major studies, Dow has put out misinformation and the DEQ staff/scientists seem to be unable to respond. Has there been some change in policy? Chester replied that this was not a fair characterization (e.g., the DEQ responded on the Wild Game Study) and that he hears this comment as a call for both parties to provide objective, accurate information to the public as the process moves forward.

Multiple times, one resident raised the issue of video/audio taping the meetings as a way to guard against any possible secrecy. Other participants disagreed that the meetings should be taped and were against it.

It was suggested that multiple meetings, held at various times of the day and on various days of the week, be held to ensure everyone has access to information. Participants should be welcome any time they can attend. Meetings should be convened at public places and have a lot of advance notice of dates and times.

Reinstate wider meetings conducted by DEQ, not Dow.

Governmental units should be involved as stakeholders.

A neutral facilitator should be used.

DEQ staff should be present to answer technical questions. Also, there should be a single point of contact at DEQ for all stakeholder questions and issues.

James Township Hall was offered as a meeting location and it was requested that a "road show" be taken to James Township; the township office offered to assist with doing a mailing in order to provide complete coverage of the area.

More Priority 1 residents should have been invited to participate in the focus group meeting. Chester responded that a cross section of stakeholders was invited to the initial convening focus group meetings. The intent was not to invite all of the Priority 1 people - more will be brought in later to bigger meetings, such as town hall meetings.

Forum is good opportunity to ask questions. Questions stimulate more questions, People want answers, too.

#### Regarding Stakeholder Identification

How were invitees notified of the meeting?

What was the process for determining which stakeholders were invited?

Involve the "silent majority" along the Tittabawassee River.

Stakeholders were identified as anyone who is impacted or feels they are impacted by the situation.

Stakeholders should include those people in Midland/Saginaw Bay areas who drink the water from Saginaw Bay.

Stakeholders that cannot speak for themselves - the River, children, wildlife and others - should be considered by finding appropriate representatives for them.

#### Miscellaneous Comments

One person requested the process for addressing the facility designation be sped up because peoples' homes are their biggest investments and they don't want their properties to be considered facilities.

One person repeatedly asked for a guarantee from Chester that the process going forward would remain open and transparent.

One person asked that the results of Michigan State University's study on public involvement be publicized. A researcher from that project was in the audience and stated that the small group process they used was well received and that the report on the study would be completed within the next few months.

One person stated they have been farming about 300 acres in the floodplain for years and haven't been aware of any dioxin-related problems.

One person asked why closure was not being reached on the Tittabawassee River area before the Saginaw River and Saginaw Bay.

One person opined that burning plastic trash, forest fires and even smoking hams creates dioxins; many of his neighbors are in their 70s, 80s, and 90s and they've lived along the river for a long time; that there used to be a slaughter house where Freeland Festival Park is today; and that the Tittabawassee River is full of logs, therefore hard to clean up.

Has the DEQ decided anything yet about how a cleanup might be done and when it might be completed? Is there anything in the Framework to address relative risk versus benefits of potential remedies?

DEQ needs to address "all" issues – such as the Saginaw River dredge spoils Confined Disposal Facility - not just those identified in the Framework.

One person suggested that every person in attendance answer (in writing) three of the questions on the back of the agenda and that these questions should also be asked in the newspaper:

1. 'Where are the best locations and the best times to hold events to most effectively involve community members?

2. How can we most effectively inform the public of activities to be conducted under the Framework on an on-going basis? What tools should we use to do so? How often (or when) should we use these tools?

3. How can we most effectively gather information on an on-going basis from the public on activities proposed to be conducted under the Framework? What tools should we use to do so? How often (or when) should we use these tools?

#### **CLOSE OF MEETING**

Participants were invited to send their comments directly to Jim Sygo at the DEQ, P.O. Box 30473, Lansing, Michigan 48909.

The next focus group meetings will be held on April 6, 7, and 14, 2005.

Compiled from notes taken by Stacey Trapani (Trapani Communications, Inc.), John Musser (Dow), Terry Walkington (DEQ), and Cheryl Howe (DEQ).

## Questions and Comments from the March 17, 2005 Meeting

Meeting participants and observers were invited to submit questions or comments in writing to the DEQ during or after the meeting. The following written questions and comments were received.

Three similar meetings are being held in Midland, Saginaw, and Bay City to discuss the Framework. The DEQ will compile and respond to the questions after all four meetings have been completed so that one document can group and effectively respond to the issues raised.

The following questions and comments received as the result of the March 17, 2005 meeting are listed as submitted (unedited):

- (1) Stakeholders are from our children to our elderly, wildlife, and livelihood. I have numbers to prove that the DEQ can't be trusted in telling the truth.
- (2) Is there an appeal process, if the actions taken in Priority 1 residents' property is not acceptable?
- (3) I am also very much in support of reforming to the DEQ CAP – however, Dow should be a participant, active and communicative. In the past, the Dow representative was unresponsive, often deferring responses to future meetings and at those future meetings the response was still unavailable. Dow has to invest in the process when it's open as well as behind closed doors. Can the Framework insure this?
- (4) If Dow was a tobacco company, would it be allowed to publicize cases of the lucky two-pack-a-day smokers who lived to the age of 96? Dow and its lackeys who spout about the lucky people who have been exposed to Dow's dioxin without visible harm should be ashamed of themselves for the harm that they are causing to children and families, because they give uninformed people the impression that dioxin is not dangerous.
- (5) Framework  
Dow Chemical? Corning? Semi-Conductor?  
DEQ  
Do all 3 Dow's use the tipp?  
Water Shed Saginaw licensed mixing basin was the Gordonville Bridge in 1960.  
Where is it now?
- (6) MDEQ is a governmental agency of the state of Michigan and should be working on behalf of the health and safety of the citizens of the state. Dow is a private corporation which exists for the benefit of its stockholders. How can this be reconciled? With a joint agreement? Conflicting interests?
- (7) I of course tried to BS my way out of being responsible. I wasn't allowed to. Of course I had no money or power to lobby and market my goodness. Dow has been able to do what I couldn't. Did I learn the wrong lesson as a child? I am having great difficulty understanding this incredibly convoluted process to avoid cleaning up a dangerous mess. Dow is being allowed irresponsibility.

- (8) When I was a kid and made a mess I had to clean it up. I didn't have anyone intervene on my behalf allowing me to leave my mess for someone to determine just how bad a mess it was. I was taught to be responsible even if I suffered consequences. That is how I learned and developed a conscience.
- (9) The CAP seems to be very similar in nature to the Community Advisory Group, or CAG, concept at EPA on Superfund sites. The most effective group of citizens' groups I've known is the Pine River Superfund Citizens Task Force. The citizens set the agenda, they invite EPA and the MDEQ → And the press to all meetings to provide an open public record of every meeting. There was contention at the beginning – but now they've come together, and they're effective. If the papers come to every meeting, the ongoing story will be told. It will get better here, too.
- (10) What do the people who oppose Dow want? Money? How long have they lived in area? What age group are they in? Their normal living dope-alcohol etc. and other lifestyles can affect them more than rivers. – I have lived in the area 74 years. The rivers now freezes, it did not for many years. Raw sewage went into Saginaw River for 50 years!
- (11) I am a stakeholder. May 1995, I purchased my home on the floodplain. May 2000, I purchased the adjoining lot to build a new home – loved the area and location. July 2000 the Dow dioxin became public. I am in limbo – 5 years now! Now what am I to do? Why did I NOT get an invitation?
- (12) If I was to sell my home do I need to state that my property is contaminated with dioxin?
- (13) How many years of these useless chat sessions do you intend to substitute for rescuing watershed residents from Dow's toxic waste?
- (14) Clean up the river NOW. Public health demands **ACTION**, not obfuscation.
- (15) 1) How were participants selected to attend the four meetings?  
2) How will distant stakeholders be selected (i.e.: anglers who are most exposed) – wildlife  
3) What do you hope to gain from the public participation process.  
4) Why did you go behind closed doors for seven months/