

## **DRAFT MEETING SUMMARY**

### **Community Environmental Working Group**

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#### *“Striving for Continuous Environmental Improvements at Intel”*

**Date:** June 18, 2014  
**Time:** 5:00–7:00 p.m.  
**Location:** Corrales Senior Center

#### **Members Attending**

John Bartlit, NM Citizens for Clean Air & Water  
 Mike Williams, NM Citizens for Clean Air & Water  
 Hugh Church, American Lung Assoc. in NM  
 Dennis O’Mara, Corrales resident

Edward Pineda, Rio Rancho resident  
 Frank Gallegos, Intel (substitute for Sarah Chavez)

#### **Non-Members Attending**

Natasha Martel Jackson, Intel  
 Lynne Kinis, Corrales resident

#### **Facilitator**

Mark Bennett, Facilitator

CJ Ondek, Recorder

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#### **HANDOUTS**

- Draft Agenda
- Draft Meeting Summary, May 2014
- Action-Item Progress Report, June 2014
- EHS Activity Reports
- Draft letter from Dennis O’Mara
- Corrales Comment article on ATSDR report

#### **PROPOSED AGENDA**

- Welcome, Introductions, Announcements and Brief Items
- EHS Report and EPA 114 Update
- Review Action Item Progress Report
- Improving CEWG’s Ability to “Improve Community Dialogue”
- Discussion of ATSDR Draft Release by NMED to Intel
- Updated Accomplishments Review
- Other Business
- Adjourn

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## **WELCOME, INTRODUCTIONS, ANNOUNCEMENTS, AND BRIEF ITEMS**

John Bartlit opened the meeting by stating the CEWG mission, which was to work towards continuous environmental improvements at Intel and improved community dialogue. Introductions were made.

### Agenda—Revisions and Approval

No comments.

### Meeting Summaries—Revisions and Approval

No comments.

### ATSDR Update

John Bartlit said on June 13 he spoke with Peter Kowalski, who reported that progress on the draft continued. The latest draft version had gone through several layers of review within the ATSDR. After revising the draft as per the comments, it would next go to the Associate Director of Science in the ATSDR division of Community Health Investigations, and then to the external peer review, which typically required about a month. Mr. Bartlit noted that the peer review team was assembled. The final report would not be available in July but mid-August was a possibility.

### Regulatory engineering update

Frank Gallegos said Intel had a meeting set with NMED on June 26 to talk about regulatory engineering and how they could work together. The meeting would involve NMED's Sandra Ely and Daren Zigich, John Bartlit, Intel's Frank Gallegos and Andrew Moen and possibly Richard Goodyear of NMED. They would look for common projects to pursue together.

### Code Red Updates

Dennis O'Mara said he was working on a long-term effort to conduct a Sandoval County-wide education campaign on Code Red, which, if it happened, would occur in 2015. Mr. O'Mara hoped to have a draft next month. He instructed the meeting facilitator, Mark Bennett, to take the item out of the agenda until further notice.

### Other announcements

- Edward Pineda asked if recent changes in Intel production would affect the CEWG. Frank Gallegos said he was not aware of anything that would change Intel's support.

Dennis O'Mara read the letter he wrote and sent to NMED regarding his concern on the perceived breach of process around the draft ATSDR report released to Intel. Mr. O'Mara said he felt strongly that NMED needed to be called on what they did, whether it was an honest mistake or not. Mr. O'Mara said he would update the group on any response. Below is the letter:

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Ryan Flynn, Cabinet Secretary  
New Mexico Environment Department  
525 Camino de los Marquez, Suite 1  
Santa Fe, NM 87505-1816

Dear Mr. Flynn:

As a resident of Corrales I am greatly concerned about the pollution of our air by Intel's Rio Rancho plant. That is why I am a member of the Community Environmental Working Group (CEWG) sponsored by Intel with the expressed purpose of pursuing continuous environmental improvement at Intel. I emphasize and make completely clear, however, that I am sending this letter as a private citizen, not as a CEWG representative, and that it in no way represents the positions or opinions of the CEWG. In fact, the consensus among CEWG membership is that it should not be sent at all. Nevertheless, I believe so strongly that this message needs to be conveyed that I am writing it totally on my own.

I wish to express my disappointment with your department's decision to release to Intel the draft report from the federal Agency for Toxic Substances and Disease Registry (ATSDR) regarding the health impacts of Intel's pollution. This action is clearly beyond the standard operating procedure outlined by ATSDR which I believe your staff had to understand but chose to ignore. Furthermore and more important, your department has violated the trust of the people in the community surrounding Intel who have been awaiting the release of the final version of this report for over *nine* years.

Surely your staff understood they should not share the draft with Intel (or any other organization for that matter). Every page contained a note that the content should not be cited or quoted beyond the organizations and individuals who were invited to comment. I am given to understand that your staff needed to obtain information from Intel regarding the permitting process, despite the fact that your department is the permitting agency! That being the case, could they not have asked Intel for the specific information they needed without sharing the report? Intel, being aware of the community's lack of trust, could have declined to accept a copy of the report. Their failure to do so only adds to the mistrust that already exists within the community.

My concern exists at several levels. First, the scenario you have created by giving Intel the draft report allows for the possibility that Intel staff could have provided your department with feedback beyond your alleged questions about permitting and that NMED therefore could have incorporated Intel's feedback into its comments without attributing them to Intel. Thus, we have the possibility of the company being regulated

actually participating in the role of regulator. This report is intended to represent the unbiased opinion of an outside federal agency (ATSDR) about the potential health effects of Intel's pollution on the population residing near the plant. In no way should any of Intel's opinions, positions, thoughts, or ideas be incorporated into this report. They, like we the residents, are free to offer those *after* the report is published. As I mentioned at the April meeting of the CEWG, NMED's comments back to ATSDR may have been contaminated by Intel. Thus, I believe that ATSDR should refrain from including *any* of NMED's comments into the final report, and that thought has been conveyed to ATSDR.

Next, by giving the draft report to Intel in advance, you are allowing them many weeks to prepare to discredit any of the content with which they disagree. I speculate that by now, numerous Intel staff have reviewed the draft, held meetings to discuss it in detail, and have prepared draft press releases, talking points, FAQ's, web site postings and the like. All the while, community members have waited patiently these many years for the report to be released while honoring the process that your department has ignored. This is wrong and totally unfair.

Finally, as a result of your actions, this report may very well be found wanting by members of the community (for whom it has been intended all along). That is because community members will realize the *possibility* that it may have been manipulated by the long arm of Intel with NMED's complicity. I do not see how we can be assured that Intel has not inappropriately inserted itself into the comment process.

Government agencies and officials at all levels are expected to avoid any conflict of interest as well as the APPEARANCE of conflict of interest. While no evidence exists to indicate anything untoward occurred here, the appearance of a conflict is self-evident.

Once again, let me express to you my dismay at the irresponsible conduct of your department regarding this matter. The citizens who are impacted by Intel's pollution and who expect your department to protect their interests deserve better than this. I look forward to hearing your and/or your staff members' views on this issue, and I challenge you to prepare your response without notifying or consulting Intel.

Sincerely yours,

Dennis J. O'Mara

CC:

Daren K. Zigich, PF

Peter Kowalski, MPH, CIH

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- Lynne Kinis said if someone did something a little bit outside of the rules and they could get away with it, then the next time they might try to push a little further. Therefore, it was necessary to call them on it every time to let them know it was wrong. She said she did not agree with a passive approach because it did not help the residents' health, and now there were even more health issues within the village. She asked how people learned if they weren't told about their mistakes. She said she was tired of sitting here and having "outsiders" tell her how she should operate as far as dealing with NMED and "the corporation up the hill." CEWG members were not affected by Intel's pollution, Ms. Kinis said, but community members have been breathing it, smelling it and dealing with it for years. She said years ago she suggested taking the word "community" out of the CEWG's name, because their work was not about the community. The community suffered. So if the community felt anxious and a little bit pushy, it was because they were suffering from the pollution. She reiterated that the CEWG should send a group letter first to NMED and then second Intel. She asked how to stop something if it weren't named and the finger pointed where it belonged.
- Mike Williams said as an outsider he'd be happy to resign. Lynne Kinis said she wanted him to take action not to resign. She said she appreciated his hard work and honesty. When people lived it, they tended to get emotional about it. Ms. Kinis said to her the issue was kicking the can down the road.
- Hugh Church asked what Ms. Kinis meant by "reaction in the village," and asked if she interviewed other people in the village and from whom she got her information. (the issue of what is 'village', 'community', 'local development' etc. has been discussed before, and not necessarily to conclusion). Ms. Kinis replied that she got her information from living it and from her neighbors; her residential area was in close proximity to Intel and they got the brunt of the emissions. Other people went to Jeff Radford of the *Corrales Comment* to talk about issues, questions and illnesses; he kept a record of who had self-disclosed to him.
- Edward Pineda suggested doing a more thorough job of working for a community. He believed the letter Mr. O'Mara wrote was good and should reviewed by the acting chair and possibly sent to other authorities for review. He also suggested publishing an article in the *Corrales Comment* to say the CEWG was still in operation and invited the public to participate in meetings.
- Natasha Martell said Intel placed monthly ads in the *Albuquerque Journal*, Rio Rancho paper, *Corrales Comment*, and the *Alibi* every month before each meeting. Edward Pineda asked if they could put more helpful information in the ads, including welcoming the public.

- John Bartlit said one of his action items was to invite Peter Kowalski to a CEWG meeting to discuss the final report. Mr. Kowalski was very receptive to the idea of coming to discuss the final report, and this presented a good opportunity to invite the public to the CEWG meeting.
- As per Mr. Pineda's request, Mark Bennett asked the group if they would look again at Mr. O'Mara's letter to test if there was a change in opinion. John Bartlit said he was willing to discuss the letter any time, but that his general position would not change. If he were to send a letter, it would be to suggest worthwhile actions.
- John Bartlit reported on another of his action items, which was to invite NMED to CEWG meetings. He called Sandra Ely, who was interested and picked the topic of "next generation compliance in New Mexico." She brought the issue to her supervisor, who said no to the suggestion. Mr. Bartlit said he did not know why. Dennis O'Mara said there were different approaches, such as the carrot and the stick, and his approach was the stick only. He said if the CEWG choose to refer to it or use his letter in any way, or to disassociate even further from it, that was fine. He also suggested extending the olive branch a bit with writing a second letter.
- Mark Bennett said he would discuss with the agenda committee adding an agenda item around writing a different letter to NMED.

**ACTION ITEM:** Mark Bennett will discuss with agenda committee adding an agenda item on drafting a new NMED letter.

#### **EHS REPORT AND EPA 114 UPDATE**

Frank Gallegos read through the EHS report. Inspections and meetings this month were a wastewater audit with ABCWUA. Intel had a crane on site to do a roof replacement, which may have generated some odors. Also, an open dumpster outside the building caught on fire, and Intel called the Rio Rancho Fire Department. Investigation of the fire's root cause was currently underway. Intel Rio Rancho communicated the fire to all other sites. Mr. Gallegos continued that Intel received information requests from other regulatory agencies. Examples include a monthly ammonia discharge report, and an employee retirement and replacement report. Intel received a call from Zone 2 at 12:25 am on 6/5 in regards to dry cleaner type smell and responded. Mr. Gallegos phoned the complaint number and left a message on voicemail; no one had called back. The EPA still has not responded to the EPA 114 report.

**ACTION ITEM:** Frank Gallegos would report to the group the fire investigation results.

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## ACTION ITEM PROGRESS REPORT

Mark Bennett asked the group to report on their action items.

- Frank Gallegos reported as follows: Item 1: Nothing to report. Item 2: The next regulatory engineering meeting between Intel and NMED was scheduled for June 26. Item 3: He had nothing to report on Oregon's response to supercritical CO<sub>2</sub>.
- Item 4: Dennis O'Mara reminded that Sarah Chavez had posed the question to the Oregon facility, and they would be looking into modeling condensation between tools and vents.
- On Bryan Burrows action items: Frank Gallegos said Items 5 and 7 required further discussion. Item 6: Dennis O'Mara reminded that this action item was about staging a drill that involved a scenario that spilled into the community, and whether an outside observer could be present. Frank Gallegos said he would check with Bryan Burrows on these issues. Dennis O'Mara said as far as he was concerned, they were done with Mr. Burrows Items 5 and 7, but to keep Item 6 about the drill. John Bartlit said it would be useful for the CEWG to be involved in the drill, either in planning or observing.
- John Bartlit reported on several action items, some of which were not on the report. He said he completed Items 8 (Ask Peter Kowalski, ATSDR, about screening levels, 13 (formally and verbally request draft report from Peter Kowalski on behalf of the CEWG), and 14 (Invite Mr. Kowalski to attend the CEWG to present and discuss the ATSDR report). Kowalski recommended screening levels for chlorine and hydrogen chloride. Bartlit also completed and reported previously on calling the NMED Air Quality Bureau to make presentation.
- Hugh Church informed Frank Gallegos about Sarah Chavez's action Item 9, "Continue to provide updates on an air-monitoring pilot at Intel." Mr. Church said this involved placing ambient air quality monitoring equipment at different locations in the city. John Bartlit said it was related to regulatory engineering. Frank Gallegos said he would follow up on this for next meeting
- Mark Bennett said he did not complete the one click document access for the Web site, but he would try to get it done for next month (Item 12).

**ACTION ITEMS:** Mark Bennett will delete Items 5, 7 as well as all other completed items. Frank Gallegos will follow up on Item 9.

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## **IMPROVING CEWG'S ABILITY TO IMPROVE COMMUNITY DIALOGUE**

Mark Bennett talked about his experience with community dialogue, especially in those situations with negative histories and around trust and mistrust. How did you get people to talk in these situations? He shared handouts for members to read and consider. He asked the group to think about what it would take to build trust. The handouts were: 1. Understanding trust; 2. Building trust (where the rubber meets the road); and 3. A series of handouts on improving community dialogue.

- Mr. Bennett said he welcomed any phone call or emails with questions on these handouts. Edward Pineda said meaningful dialogue without trust did not happen. Mr. Bennett asked the group to consider the information in these handouts and whether they wanted to place this topic as a future agenda item. He also welcomed feedback from group members on facilitating to build trust.

**ACTION ITEM:** Group members present will read through handouts and reflect on what trust and dialogue means for the CEWG.

## **DISCUSSION OF ATSDR DRAFT RELEASE BY NMED TO INTEL**

John Bartlit said he asked Peter Kowalski about releasing the ATSDR draft report in advance to the CEWG. He reported that Mr. Kowalski said it would take about a week to get approval and set a new precedent to ATSDR procedures. Mr. Bartlit reminded that the crux of the problem was the wording "Predecisional draft—do not cite or quote," which was stamped on every page on the report. Mr. Kowalski did not send a separate letter with instructions to not distribute. So the problem was the wording "do not cite or quote" was not the same as "do not distribute." Mr. Kowalski told Mr. Bartlit that he wished he were "clearer." Because of complications around asking ATSDR to set a precedent of what they normally did as well as the timing, the idea evolved to get the report directly from NMED.

- John Bartlit asked the group what they wanted to do with the draft report if they received it in advance. Did they want to refuse to look at it? It was a dilemma similar to what Intel faced. How would they want to deal with it? He reminded they would get the draft version released early to Intel along with the final report at the time of the final report's release. The question was did they want to review the current draft before then.
- Mark Bennett reminded that the group had much discussion about the concern of whether Intel's receiving the draft report early gave them an advantage around public relations.



The second concern was whether Intel's comments might influence the final draft in a way that was invisible to the public. John Bartlit reminded that the CEWG had Intel's written comments on the draft report, which was posted in a document on the CEWG Web site.

- John Bartlit proposed to ask Intel not to release a press release around time of final report. If they eliminated this possibility, then that also eliminated the CEWG's concern around Intel's having an unfair advantage around public relations. Natasha Martell said right now Intel did not intend to issue a press release around the final ATSDR report. She also reiterated the offer for Intel to assist CEWG with their press release, for example, around providing background information and reminded that Intel did provide the CEWG with their draft comments in the interest of transparency.

The group then went on with a general discussion about how to prepare for and handle the release of ATSDR's final report and compare it with the draft that NMED released to Intel in a timely manner.

- Dennis O'Mara suggested that the CEWG obtain a copy of the draft closer to when the final report was released, and then create a subcommittee to review the draft outside of CEWG meetings to make some kind of assessment. Mark Bennett mentioned Lynn Kinis's interest in a careful review of Jeff Radford's article and parsing it with the draft as a way to prepare a press release when the final report was released. John Bartlit reminded that the ATSDR would not accept CEWG comments on the draft version.
- The group agreed that obtaining a copy of the draft version that NMED released to Intel closer to the actual release of the final report and then empowering a small subcommittee to review the two versions in detail might be an ideal way forward. The group also agreed to continue the discussion.

## REVIEW OF UPDATED ACCOMPLISHMENTS

Mark Bennett said he reviewed all meeting summaries since September 2013 to add to and update the list of CEWG accomplishments. He said he put a number of "items in process" into final language, and he had trouble finding any new accomplishments. He asked for the group to guide him to define accomplishments and suggested more energetic language, when necessary. For example, the only possible accomplishment he found in 2014 came from the Craig Taylor dialogue, which was sent to Intel research people. He also said that a recommendation was put forth to change the accomplishments list to a calendar year—January to December—rather than mid-year—end of July.

**CONSENSUS:** The group agreed to changing the CEWG Accomplishments to an

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annual calendar cycle

**ACTION ITEM:** Mark Bennett will circulate the updated list of accomplishments to the group for their feedback, especially around crafting language.

**MEETING ADJOURNED**

**CONSENSUS DECISIONS:**

1. The group agreed to changing the CEWG Updated List of Accomplishments to an annual, end-of-year calendar cycle rather than a mid-year cycle.

**NEXT MEETING**

July 16, 2014, 5 to 7 p.m., Corrales Senior Center

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