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California State Assembly
Committee on Environmental Safety and Toxic Materials
Chief Consultant: Robert Fredenburg
Senior Consultant: Shannon McKinney
Senior Consultant: Paige Brokaw

Subject: Comments on September 25, 2014 Hearing

via email

Committee Members and Consultants:

Having watched most of yesterday's hearing, I am writing to comment and correct some of the misinformation that you received during the hearing and offer a suggestion for any future legislation addressing problems with DTSC.

First and foremost, it is inappropriate to lump any difficulties with the SSFL cleanup with the problems described by the other communities. Just because People's Senate chooses to lead off their report with the "1959 partial meltdown" misinformation, and claim that the established community organization had been replaced by one that "many believe to be funded by Boeing" does not make the accusation true, or show that the SSFL problems were caused by DTSC and that those problems are related to problems experienced by other communities. I strongly suggest that you separate the problems of small communities with observed health effects possibly caused by contamination from those problems associated with the SSFL cleanup. As I will show later in this document, the SSFL problems were caused primarily by excessive interference by misinformed local communities and their equally misinformed elected representatives, both State and Federal.

It appears that prompt DTSC response to requests for assistance with health studies and site cleanup is primarily hampered by a lack of resources, not disinterest or lack of concern. As was mentioned during the hearing, providing resources to DTSC is essential to their ability to respond. Adding additional oversight without adding resources to respond to such oversight will only diminish the resources available for DTSC to apply to the affected communities. My advice is to apply the resources first and then deal with DTSC structure and oversight if DTSC fails to respond adequately to the communities' needs.

I now transition to discussion of the dominant issue affecting the SSFL cleanup. It is not the misdeeds of Boeing, or DOE, or NASA. The dominant issue, as I will show, is political interference with the proper functioning of the DTSC technical staff so as to impose unnecessarily severe cleanup requirements on the responsible parties without any consideration of the risk of the contamination remaining on site or the environmental consequences of the proposed cleanups. It is ironic that the final presenter at yesterday's hearing was Dan Hirsch, who is the single individual

personally responsible for most of the problems and delays associated with the cleanup of SSFL. He expressed concern that his 25 years of activism would be wasted if the severe cleanups were not enforced. He did not say that the SSFL cleanup has been the primary source of his livelihood over that period of time. The chairman addressed him as Professor, and Brad Sherman in a private conversation with me referred to Dan Hirsch as that UCLA professor. In actuality, his position with UCSB is that of a part time lecturer teaching one class in nuclear policy. He speaks very well and comes across as an expert, but he has admitted to not having an advanced degree and there is no publically available information about his education or professional training. As far as anyone can determine, his principal job is and was for the past 25 years President of Committee to Bridge the Gap (CBG). Also, he is a self-acknowledged anti-nuclear activist. His name and organization became known to me in the early 1980's by his opposition to NASA's launching of JPL satellites using plutonium-238 sources for power. His main source of income has been from CBG and was over \$100,000 last year. CBG contributions are encouraged among the communities near SSFL and it is not unreasonable to state that his primary source of documented income is related to his SSFL activities. While this is a free country and everybody is entitled to free speech and to make their livelihood by any legal means, Dan Hirsch seems to be the only individual who makes his living from the SSFL cleanup.

Dan Hirsch has prolonged the SSFL cleanup by using misinformation and fearmongering to mislead local communities and their elected representatives. The misinformation spread by Dan and his supporters has two main components. They usually start with the 1959 SRE accident followed by claims of cancer clusters in the vicinity of SSFL. Yesterday Dan mentioned that documentation of the SRE partial meltdown was hidden by DOE (or its predecessor, the AEC) until discovered by one of his students. That is patently false. The SRE program was unclassified and its many reports were publically distributed. The documents went to many universities, industrial firms, and AEC repository libraries. The reactor and its accident were well known within the nuclear community and was never a secret. It was even included in textbooks of the time. The AEC correctly determined that no harmful radiation was released to the environment during the accident and it became non-newsworthy in short order. It was soon forgotten by the general public.

Dan and his supporters do not tell you the reactor and its building were cleaned up over a two year period, and then operated for another four years without difficulty. It ran during the 1962-65 time period when I worked on Space Reactors at a nearby facility. We did not work in a contaminated environment at that time and there is no residual contamination from SRE at this time. Moreover, since then the entire reactor and structure has been removed down to bedrock. Strontium-90 found at SSFL could not have come from the reactor because it is a high temperature material which vaporizes at temperatures much above those seen during the 1959 accident. It is also well documented by experts that cesium-137 and iodine would not have been released to the offsite environment. However, strontium-90, cesium -137, and plutonium-239 are known to be distributed worldwide from testing of atomic weapons.

Yesterday, also testifying was Cindi Gortner, who is a director of CBG and her son Davis, who is part of Peoples' Senate. They and the Rocketdyne Cleanup Coalition and Consumer Watchdog, among others, are part of Dan Hirsch's group and rather than represent diverse communities they only speak with one voice, Dan's. Cindi addressed the health issues. Earlier this year, I reviewed all of the epidemiological studies relating to SSFL, from 1990 through 2014, and the report I prepared is attached to this letter. Not one of the studies identified cancer clusters that could be attributed to contamination from SSFL. All of the observed cancers were within expected statistical variation.

The site has been fully characterized for radiological and chemical contaminants and they are no different from contamination found at other industrial sites in California that have been cleaned up using conventional EPA criteria and methods. Nevertheless, the State turned down listing SSFL as a Superfund site to force cleanup to a more stringent standard. In 2007, Boeing, DOE, and NASA agreed to clean up the site to suburban residential standards equivalent to an EPA cleanup and, since then, DTSC officials have testified under oath that such a cleanup would be protective. However, Dan Hirsch and his supporters deemed that an EPA cleanup was not good enough for SSFL.

What has never been investigated and publically discussed is the political interference of elected officials influenced by Dan Hirsch. I have documented much of that interference in a complaint that I made in 2010 to the California State Auditor and the Inspectors General of DOE, EPA, and NASA. That complaint is the second attachment to this letter. If this committee is interested in learning why DTSC is having problems with SSFL, they should request another audit based on my documentation. Debbie Raphael made a good faith effort to remove politics from the cleanup and hopefully Miriam Ingenito will continue on that path. This committee can provide the public and the DTSC staff a great service by supporting the insulation of DTSC from politics.

Last year the Community Advisory Group (CAG) was formed with a diverse group of members. I am the Technical Co-Chairman, and I was also a member of the previous DTSC SSFL Public Participation Group. In our first year we evaluated the issues and reached conclusions different from Dan and for that we have been personally attacked, rather than having an open discussion to determine the facts. For decades, Dan Hirsch controlled the SSFL story. He ran the SSFL Advisory Panel, and the SSFL Interagency Workgroup where representatives of the Responsible Parties and Regulatory Agencies were routinely harangued and threatened. Unfortunately, because of his political connections, his threats were not idle.

CBG has delayed the cleanup by their lawsuit forcing DOE to do a full Environmental Impact Statement instead of an Environmental Assessment, and then trying to prevent DOE from examining robust alternatives to the 2010 AOCs as required by NEPA. Senator Boxer successfully forced NASA to remove their NEPA alternatives in a move supported by CBG. CBG recently sued Boeing to stop the removal of debris from demolitions of buildings that had already been cleared by the regulators for unrestricted use. SB-990 caused another delay and Dan Hirsch publically took credit for it. The record of delays with no health benefit to the public speaks for itself.

Please do not further delay the cleanup of SSFL by strengthening the hand of those who politically interfere with the DTSC technical staff that is fully capable of protecting the public when they are allowed to do their job.

Thank you,



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