

**The Minutes of the
Air Improvement Resources
Executive/Advisory Committees Meeting
Alamo Area Council of Governments
Wednesday, January 27, 2010, 9:00 a.m.
Al J. Notzon Board Room
8700 Tesoro, Suite 100, San Antonio, TX 78217**

Executive Committee Members

Chair Jay Millikin, Commissioner Comal County
Vice Chair Nelson Wolff, Bexar County
Mayor Bruce Boyer, City of New Braunfels
Councilman Jim Tremblay, GBCCC
Judge Marvin Quinney, Wilson County
Judge Diana Bautista, Atascosa County
Commissioner Ann Reissig, Kendall County
Commissioner Jim Wolverton, Guadalupe Co.

Advisory Committee Members

Forrest Mims, Guadalupe County

Technical Committee Members

Nick Page, SABCMPO
Renee Green, Bexar County
Ken Zigrang, TxDot
Nick Page, MPO
Kristen Bettis, SAMHD (alt.)
Kyle Cunningham, SAMHD
Peter Bella, AACOG

Guests

Debra Engler, SAWS
Scott Erickson, MPO
Dub Smothers, Citizen
Joe Eutizi, San Miguel Electric
Dan Richwine, TXI
Sally Basurto, CoSA
Golda Weir, Bexar County

AACOG Staff

Gloria Arriaga, Executive Director
Dean Danos, Deputy Director
Steve Smeltzer, Environmental Manager
Brenda Williams, Program Coordinator
Annette Prosterman, Trans. Spec.
Berti Vaughan, Administrative Asst.

1. Meeting called to Order

Chairman Jay Millikin called the meeting to order and asked for a roll call.

2. Roll Call

Dean Danos, AACOG Deputy Director called the roll and declared a quorum.

3. Citizens to be Heard

Three citizens signed up to speak before the committee. The verbatim comments from Dr. Pamela Wood, Mark Langford, and Rosemarie Ramos, Ph.D are available at the end of these minutes. Also included are remarks related to their presentations.

4. Approval of Minutes for April 1, 2009

The Chairman asked for a motion to approve the April 1, 2009 minutes. Mayor Boyer made the motion to approve the minutes. Councilman Tremblay seconded the motion. Chairman Millikin asked for a vote from the floor. The motion passed.

Chairman Millikin informed the committee that he along with Gloria Arriaga, Executive Director of AACOG, had the opportunity to spend a half hour with Julián Castro, Mayor of San Antonio, on December 29 to discuss the EPA's proposed changes in the ozone standards. Chairman Millikin said the Mayor was very interested in the subject and appreciative of the proactive work of the Air Improvement Resources Committee.

5. AIR Public Education/Outreach Update

- A. **Action Item:** Consideration and possible approval of the 2010 Air Quality Stewardship Award winners as recommended by the AIR Public Education Committee.

Brenda Williams presented an outreach report update. She discussed the summary of the 2009 Outreach and Education Campaign. She said that in spite of a small staff, Air Quality messages were promoted at eighty events, setting a new record. She said the last section of the report provided a sample of outreach events and current outreach projects. One of those projects addresses electric vehicles and recharging infrastructure. She reported that a number of major auto manufacturers will be rolling out electric vehicles and hybrid programs beginning late this year and into 2011. Clean Cities Coordinator Chris Ashcraft is working with other local agencies to help establish recharging infrastructure for these vehicles. She reminded the committee of the April 9, 2010 Fresh Air Friday Event.

Annette Prosterman announced the 2010 Air Quality Stewardship Award nominations made by the AIR Public Education Committee:

Educational Category: Palo Alto College

Large Business Category: Sea World

Medium Business Category: Pearl Brewery (Silver Ventures)

Small Business Category: Green Vegetarian Cuisine

Dr. Prosterman added that in addition to these Air Quality Stewardship Award recommendations, the AIR Public Education Committee requests Honorable Mention recognition of the following organizations for their many environmental efforts:

- H-E-B
- Spurs Entertainment
- The Cove
- Ace Technologies

- City of Live Oak

Chairman Millikin asked for questions. There were none. He asked for a motion on the recommendations. Mayor Tremblay motioned for approval for the 2010 Air Quality Stewardship Award winners as recommended by the AIR Public Education Committee. Judge Bautista asked if the motion included the honorable mention recognitions. Chairman Millikin replied yes. Judge Bautista seconded the motion. Chairman Millikin asked for the vote. The motion passed unanimously.

6. Ozone and Particulate Matter Update

- A. **Action Item:** Consideration and possible approval of Request Sent to TCEQ's Executive Director to expedite verification of 2009 ozone monitoring data.

Mr. Bella gave the ozone report. He reviewed the three year averaging method that is required under the national ambient air quality standards for ozone to determine whether or not the region is in compliance with the ozone standard.

Mr. Bella reported that particulate matter remained within the standard but would have to be monitored closely.

Mr. Bella referred the committee to a letter drafted and approved by the AIR Technical Committee asking TCEQ expedite the quality assurance of the 2009 ozone data. Mr. Bella explained that once the data was finalized by TCEQ, then the region could say with absolute firmness that the current standard has been met. He said the letter addressed the concept that this community has met the clean air obligations under federal law for the current standard and we want to be able to state that to EPA, TCEQ, and importantly, to the citizens of our community.

Judge Wolff reminded the committee of the challenges addressed since 2004 when the EAC was ratified. He recalled the numerous efforts since implemented that have helped the region stay in attainment. He encouraged continuing to intensify energy reduction and voluntary efforts regardless of what EPA did to the standard.

Chairman Millikin complemented Judge Wolff in his willingness to invest county resources into voluntary controls such as buying electrical vehicles, using engineering design for energy reduction, and other important programs that resulted in cost benefits.

Councilman Tremblay remarked that the letter notes the region's air quality achievements and agreed that it be sent forward.

Chairman Millikin commented that the letter placed the efforts of the committee on the record as well as the businesses, the environmental community, the greater San Antonio region, and the governmental entities all who worked to achieve the standards. He asked for a motion to send the letter to Mark Vickory, Executive Director of the Texas Commission on Environmental Quality. Judge Bautista made the motion. Councilman Tremblay seconded the motion. The Chair asked for the vote. The motion passed unanimously.

7. Update: Region, State, Federal Actions.

A. EPA's Proposed Revisions to the federal 8-hour average Ozone Standard.

- 1) Review of the Proposed Revision and of the Non-attainment Planning process.

Mr. Bella presented information through a power point on proposed revisions to the federal 8-hour average ozone standard in Texas and the United States. His presentation emphasized the proposed ranges contained in the proposal and their impact to the region. He discussed the proposed timeline outlining the comment period and designation of attainment or nonattainment by EPA.

- 2) **Action Item:** Consideration and possible approval of comments to EPA regarding proposed revision.

After discussion Mr. Bella went over draft resolution comments for their consideration. Judge Wolff suggested that the statements should reflect a commitment to continue local voluntary efforts to improve the air quality in San Antonio. Chairman Millikin concurred with Judge Wolff and added that he supported the tightening of the standards if we were given credit from the EPA for transport. Ms. Green suggested that the technical committee draft a revision of the resolution and add in the "Whereas" section voluntary efforts and a commitment to continue to expand those voluntary efforts and to add positive statements for the continuation of reductions in ozone.

Chairman Millikin agreed and added the critical need to express their concern over transport in the region in the resolution. Chairman Millikin asked the committee for their support in sending the resolution back to the technical committee to add comments.

Councilman Tremblay asked for a statement for conducting a well-designed epidemiological study with federal funding. Renee Green said the stumbling block has always been with the funding of that type of study. Chairman Millikin commented he agreed with exploring that request.

Discussion was held on the March 22 deadline for EPA comments. It was determined that the resolution needed to be sent back to the technical committee for revisions and that the AIR Executive Committee meet on March 3 for approval of the revised resolution in order to meet the March 22 suspense date.

A motion was made by Councilman Tremblay to postpone approval of the resolution until the technical committee had the opportunity to revise the resolution based upon the comments at the table. Judge Quinney seconded the motion. The motion passed.

8. Business of the AIR Executive/Advisory Committees.

A. Action Item: Consideration and possible approval for AIR Advisory Committee Membership: Noe Cisneros, representing HOLT CAT.

Mayor Boyer moved to approve the nomination. Judge Bautista seconded the motion. The motion unanimously passed.

B. Action Item: Consideration and possible approval of 2010 Meeting Schedule.

Judge Quinney motioned for approval. Mayor Boyer seconded the motion. The motion unanimously passed.

C. Update: Extension of current Ozone and Meteorological Monitoring Maintenance and Operations contract through 2010-2011 approved by AACOG Board on December 2, 2009.

Mr. Bella reported that the current ozone and meteorological monitoring contract was approved for extension through 2010-2011.

9. Next Meeting Date: Wednesday, March 3, 2010

10. Adjournment:

With no further business to conduct, the meeting was adjourned.

Citizens to be Heard Comments during Air Executive Committee Meeting of January 27, 2010:

Comments by Dr. Pamela Wood:

My name is Dr. Pamela Wood. I am here today, speaking as a concerned citizen and also on behalf of the South Texas Asthma Coalition. I am a general pediatrician with over 25 years of experience in patient care and clinical research in childhood asthma.

There is overwhelming evidence from thousands of scientific studies that:

- Ozone has an adverse effect on lung health in all individuals
- Vulnerable populations (children, the elderly and individuals with heart or lung disease) are particularly sensitive to the effects of ozone
- In children, higher levels of ambient ozone are associated with decreases in lung function, increased respiratory symptoms, asthma exacerbations (including hospitalizations and emergency department visits), and school absences
- Childhood exposure to ozone may affect lung function in adulthood and may increase the risk of developing asthma
- These health risks occur even at relatively low levels of ozone.
- There is no "safe" level of ozone

I support the EPA proposed revision to the National Ambient Air Quality Standard (NAAQS) for ground-level ozone.

Children are more vulnerable to the health effects of ozone because their lungs are still growing and developing and because they breathe faster than adults and are more likely to exercise outdoors during periods of peak ozone exposure.

Asthma is a chronic disease that affects the small airways in the lungs. These airways are 10-100 times more sensitive to airway irritants. These airways (tubes) are extremely sensitive to ozone, which causes both narrowing of the airways (an immediate effect) and inflammation (a delayed effect that increases over time). While a given individual may not experience symptoms on every exposure to ozone, the scientific evidence shows significant adverse effects at a community level.

I would like to turn your attention to the evidence that is available from well-designed, rigorously performed research studies. (See attached pages) These studies offer a glimpse into the overwhelming evidence of the health effects of ozone exposure, even at low levels and to the improvements in health that can be expected when air quality improves.

In conclusion, based on the scientific evidence, I support the EPA proposed revision to the National Ambient Air Quality Standard (NAAQS) for ground-level ozone and urge the city of San Antonio to work diligently to achieve the best possible air quality for our citizens in order to protect the most vulnerable members of our community.

References:

1. O'Connor GT, et al. Acute respiratory health effects of air pollution on children with asthma in US inner cities. *J Allergy Clin Immunol* 2008;121:1133-9.
2. Friedman MS, et al. Impact of changes in transportation and commuting behaviors during the 1996 summer Olympic Games in Atlanta on air quality and childhood asthma. *JAMA* 2001; 285:897-905.
3. Gent JF, et al. Association of low-level ozone and fine particles with respiratory symptoms in children with asthma. *JAMA* 2003;290:1859-1867.
4. Gilliland FD. Outdoor air pollution, genetic susceptibility and asthma management: opportunities for intervention to reduce the burden of asthma. *Pediatrics* 2009;123:S168-S173.
5. Trasande L, Thurston GD. The role of air pollution in asthma and other pediatric morbidities. *J Allergy Clin Immunol* 2005; 115:689-99.
6. American Academy of Pediatrics. Ambient air pollution: health hazards to children. *Pediatrics* 2004; 114:1699-1707.

Discussion following Dr. Wood's remarks:

Councilman Tremblay asked Dr. Wood if she and her organization would endorse an epidemiological study of respiratory effects upon children at the local level.

Doctor Wood replied that she would not support another study because those studies have already been done all over the country at various levels of ozone. She said that as a scientist she was willing to look at that existing evidence and say we do not need to specifically study this problem in the community because we have evidence from all over the country and all over the world.

Mr. Mims responded by saying the studies that she cited were from Boston, New York, Chicago, Dallas, Seattle, Tucson and Atlanta. He asked if she was aware that San Antonio does not have the same ozone situation that those cities have.

Doctor Wood replied that she was aware and called their attention to the relatively low levels of average ozone in the graphs. So they were not talking about cities with huge ozone problems. She pointed to Dallas being one of those cities and although not San Antonio shared some characteristics in terms of industry situations. She commented that she was not an air quality

specialist she was a scientist and a physician and she could comment upon the medical evidence for the affects of ozone on the health of individuals.

Mr. Mims asked that she reconsider the need for a study here. It was his opinion that a study was strongly needed locally. He said being compared to Atlanta, which had persistent high ozone problems whereas San Antonio had a few spikes a few times a year.

Dr. Wood said there other studies that look at isolated spikes of ozone and even those isolated spikes have adverse affects on health. She cited several studies and said the existing evidence was strong enough to convince her. However if someone wanted to spend hundreds of thousands of dollars to conduct an epidemiological study she would support that.

Councilman Tremblay asked if she was familiar with the Health Department's statement.

Dr. Wood said she was familiar with data provided by the Health Department but it was not a scientific study.

Comments Made by Mark Langford:

Good Morning, My name is Mark Langford, citizen of San Antonio, owner of a small business for 26 years, editor of OzoneInformation.Com and MyWeatherPage.Com, but most importantly today, a person who has suffered from asthma for over 50 years.

I want to first of all apologize to this group and our audience. According to the EPA, I will be filling this room with copious quantities of CO₂ as I deliver this speech for the next several minutes. As most of you may know, the EPA has now declared that CO₂ is a pollutant and will now be regulating that gas in the future.

Speaking of regulation, if the EPA is successful in lowering the 8-hour ozone average down to 60-70 ppb, they will also be regulating almost every small, medium and large cities throughout the country. If this new standard is adopted, AACOG might as well shut down this division of operations, because all of this work will be futile and a total waste of taxpayer dollars.

Why?

As Peter Bella and Steven Smeltzer can show you, there is absolutely nothing San Antonio can do to achieve this new standard when our winds blow from the East or NE and transported pollution from natural and unnatural sources stream into our area. Ask Peter to show you the high ozone days that have occurred on Sundays through the past 15 years. On Sundays, there are 57% fewer vehicles on the road and most manufacturing and non-retail businesses are closed. This demonstrates that even if we got our 57 percent of our residents to not drive to work, we would still not be able to stay within the new ozone averages.

Ask Peter Bella to show you the ozone recordings for Seguin. Seguin has a population of around 25,000 and is almost an hour east of San Antonio, yet they will not be able to stay within attainment if this new standard is adopted. And of course, neither will any suburban areas near San Antonio, including New Braunfels, Fair Oaks, San Marcos...the list goes on.

And San Antonio is not alone. If this committee will go to "Google Alerts" and create an alert for ground level ozone, you will be stunned on the volume of stories being published throughout our country right now on cities that are questioning how they will keep from going into non-attainment.

So. Why is the EPA considering this new standard? Good question. As usual, they maintain they are doing this to "Save the Children and asthmatics" like me. Unfortunately, I believe the Federal Government has come up with a novel way to control and regulate almost the entire country without having to pass any "cap and trade" legislation.

And "Saving the Children and Asthmatics"? According to a 2002 report from the CDC, the highest asthma rates in Texas are found in Midland-Odessa with a 28% rate, yet as far as I know, they have no ozone problems in that area. In fact, I don't even think they have an ozone monitor. On the other hand, one of the lowest asthma rates in Texas is Houston, the ozone capital of Texas, with a less than 10% rate of asthma. As you look at the national numbers, you will see no correlation between asthma rates and ozone. There are just as many small towns with high rates of asthma as there are large cities with high ozone.

As Forrest Mims has asked the Air Executive committee on numerous occasions, we need a local study done on respiratory hospitalizations during high ozone events, as compared with any other summer day. We need to also look at respiratory hospitalizations compared with winter. I am not alone with experiencing my worst asthma during pollen filled dry, cold air days during the winter and spring months. In fact, unfortunately I have been using my Albutural way too often over the past several weeks, during the worst of this cedar season and the very cold weather we have experienced.

So, what are we to do about this? Will we simply sit idly by and let the Federal Government regulate our future growth or will we do as the environmental groups have so successfully done in the past and sue the EPA to make changes. The only way for change is to quickly join a class action lawsuit with hundreds of cities and states and fight this unfair takeover by the Federal Government. There are many holes in the research, including studies done on asthmatics without considering pollen counts, using ozone counts of 250 ppb. On test subjects, not including the CDC report on asthma rates, unfair treatment of cities located in the south, who climatically have more 90 degree plus days than northern cities and a total lack of consideration for biogenic sources of volatile organic compounds, such as trees and kudzu plants. Most importantly, it will be a standard that cannot be achieved. That alone should be proven unconstitutional. Since when can any government create a law that cannot be obeyed?

Comments Made by Dr. Rose Ramos:

Thank you for letting me make a few comments. My name is Dr. Rose Ramos, I am a public health scientist with a Ph.D and a Masters in public health. My expertise is in environmental epidemiology. I trained at the University of Pittsburgh, Pittsburgh, Pennsylvania and I conducted my post doctoral research at the National Institute of Environmental Health Sciences, the NIH Institute that supports the EPA and many of the validation studies that the EPA relies on for regulatory purposes. I want to make comment about the threat of non-attainment and how the threat of non-attainment has affected many cities. But from a public health perspective I view this as an opportunity to develop model initiatives that can draw on expertise across many disciplines that we have here in San Antonio and Bexar County.

The latest in buzzwords in dealing with environmental challenges has been what direction the city is going with respect to attainment. This has many implications relative to each jurisdiction need. San Antonio and Bexar County have many attractive features for businesses working to relocate within San Antonio and Bexar County for a new home or relocating their corporate home. You have great family living; plenty of land and low taxes are the first few things that come to mind. But threats to healthy living especially if it impacts children could override the aforementioned benefits. As a scientist I do support the proposed standards due to the overwhelming evidence that supports the lung disease research studies that have proven that damage at the cellular level can be caused by persistent ozone exposure even when the ozone exposure is at levels below the current regulatory standards. However as I mentioned the threat this non-attainment could open opportunities for additional environmental epidemiology studies and I think I heard mentioned that there is a need. We are not Atlanta, we are not Boston, we are not Pittsburgh, Pennsylvania. We have very distinct topographical challenges. We are proximate to Mexico so we do receive unwillingly some of the poor air quality due to burning seasonal fires and also we are close to the desert. The desert is encroaching and if you look at USGS maps the desert has encroached onto San Antonio consistently over the last fifty years. So this could be an opportunity to investigate the

local sources of pollution and especially a particulate matter speciation study. These are studies that actually characterize the sources of PM and ozone precursors. These studies could be reconciled with local health data that we already have; hospitalization and emergency room and acute care needs data. It is very likely that the ozone precursors in San Antonio are very different from what the ozone precursors that are being observed in Pittsburgh, Boston, Chicago, LA, Atlanta, etc. I will not belabor the point that Doctor Wood mentioned regarding published studies thus far in this topic. But I think there's an opportunity here where we can all work together. The threat of non-attainment is from the business man's perspective could be the "death nail" of the coffin. But as a public health scientist I view this of more than opportunity and perhaps this is the time to be pro active to make a paradigm change in the way we are making our transportation choices, our land development choices and provide this opportunity so that other cities that are facing the same threat of non attainment can adopt this model for their interest as well.

Discussion following Dr. Ramos' remarks:

In response to Dr. Ramos' comments Mr. Mims thanked her for suggesting a study. He said he had been proposing this since 2002 and thought the implementation of a study was even more critical now.

Councilman Tremblay welcomed Dr. Ramos' suggestion of a study and asked if she thought they had an obligation to conduct one.

Dr. Ramos responded that, as one of the ten largest cities in the United States, we have an obligation to perform a study.

Mr. Bella asked if Dr. Ramos did both support the lowering of the ozone standard and as well as support the concept of a study to understand the impact. He asked to verify his understanding of Dr. Ramos' conclusion that she both supported the lower standard and agreed with the health impacts due to ozone, the risks presented by the lower ozone concentrations noted in the lowered standard.

Dr. Ramos replied that yes, there is substantial evidence that has been conducted on humans and animals at the NIH to support the EPA regulation. The evidence finds that persistent exposure to levels of ozone either at or below the current standards still correlates with cellular damage in the lung.