February 4, 2016

Benjamin H. Grumbles
Secretary of the Environment
Maryland Department of the Environment
1800 Washington Blvd
Baltimore, MD 21230

Dear Secretary Grumbles:

We are writing to ask that Maryland Department of the Environment (MDE) impose a moratorium on new facilities with lead air emissions in the southern Baltimore area, including Curtis Bay, until the state develops and implements – with meaningful community and stakeholder input – a lead monitoring plan. We are also asking that MDE review the Energy Answers incinerator permit, issued nearly six years ago, and find it no longer valid. This permit allows Energy Answers to emit 1,000 lbs. of lead annually into the air through its smokestacks, less than a mile from where children will be attending two public schools.

We are making these two requests for four reasons. First, the scientific community now agrees that there is no “safe” threshold for Blood Lead Levels (BLL).¹ As you are aware, at low levels of exposure, lead produces a range of adverse effects in humans, including a diminishment of IQ and a range of neurobehavioral problems. Lead is particularly damaging to fetuses, infants and children. Lead is more easily absorbed into their bodies, and their tissues are more vulnerable to the damaging effects of lead. Children are more likely to get lead dust on their hands and put their fingers or lead-contaminated objects into their mouths.² Population-wide, lead exposure can have significant negative economic and public health consequences.

¹ The US Environmental Protection Agency (USEPA) has recognized that, based on science, no level of lead exposure is considered safe, because some of these health effects, particularly changes in the levels of certain blood enzymes and in aspects of children’s neurobehavioral development, may occur at blood lead levels so low as to be essentially without a threshold. See USEPA, “Residual Risk Assessment for Secondary Lead Smelting Source Category,” EPA-HQ-QAR-2011-0344-0160, December 2011, http://www.regulations.gov/#/documentDetail?D=EPA-HQ-OAR-2011-0344-0160f, p.45.
Second, the southern Baltimore area, including Curtis Bay, has multiple sources of lead emissions, and a long history of facilities emitting lead into the air. Exposure to lead occurs not only through inhalation but also through contact with lead particles in dust and outdoor soils. Minimizing lead emissions is particularly important because elemental lead will not decay; it will stick to soil particles, where it can persist for hundreds of years, if not longer. Lead in the soil comes not only from smokestacks, but from the legacy of leaded gasoline and leaded paint, which is why lead dust in soils is often higher near roadways and older homes.

Third, in addition to this history of lead emissions, MDE has permitted the proposed Energy Answers incinerator in Curtis Bay to emit unacceptable amounts of toxic pollutants into the air, including 1,000 lbs. of lead annually. This is unacceptable. These emissions will occur in an area that has some of the highest toxic emission burdens in the country. After the events in Flint, Michigan, the public is now aware of the environmental injustice of allowing high lead levels in lower income, minority communities.

Fourth, in our June 23, 2015 comments to MDE on Maryland’s Ambient Air Monitoring Plan (The Plan), we expressed our concerns about the quality of the monitoring, collecting and reporting of lead emissions in the southern Baltimore area. We concluded that lead emissions data is extremely limited and contradictory, and thus it was difficult if not impossible to make definitive statements on the potential health risks caused by further lead emissions (see Attachment A). We believe that MDE, in denying our request for a 60-day extension to make comments on The Plan, relied on a very narrow and overly technical interpretation of U.S. Environmental Protection Agency (EPA) regulations, and did not properly consider likely real-world health impacts of past, present and future lead emissions in these communities (see Attachment B).

Thank you for considering our requests. We would welcome an opportunity to work with you on the development of a lead monitoring plan for the areas in question and await your decision on the Energy Answers permit.

Sincerely,

Gwen DuBois, MD, MPH
Board Member, Chesapeake PSR

Tim Whitehouse
Executive Director