

**Southwest Clean Air Agency
Instafab Public Hearing Transcript
SWCAA Office June 14, 2017 6:30 PM**

Uri Papish: The hearing will be recorded to maintain an official record. Today is June 14th. The time is 6:30 p.m., and we are at the Southwest Clean Air Agency office in Vancouver Washington. My name is Uri Papish, Executive Director of the Southwest Clean Air Agency. I am the presiding officer for this hearing. As such, I am taking comments on behalf of SWCAA.

If you haven't done so already, those wishing to provide comments on the record, you must fill out a yellow sheet indicating that you would like to speak.

The purpose of this meeting is to take public comments on SWCAA's draft Air Discharge Permit - 17-3221 for Instafab Company. The job of the presiding officer is to hear and acknowledge comments but not to respond to them.

After the public comment period, SWCAA will prepare a comment response document. This full recording will be available upon request. When we call your name, come up to the front here. We will call two names at a time for people who filled out sheets to testify. Then we'll ask you to state your name for the record, prior to giving testimony.

We also are going to limit the time and we will have a timer up here to help you track what your time is.

And I apologize if I mispronounce anybody's name.

So, can we have Leo come up? And Will Filbeck?

Will Filbeck: Want us to take a seat?

Uri Papish: Yes.

Traci Arnold: This might be getting a lot of feedback from this.

Uri Papish: Oh that's ...

Traci Arnold: There might be a lot of feedback.

Uri Papish: Okay.

Leo Dekalb: How you been, Will?

Will Filbeck: Doing good buddy.

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Uri Papish: Okay. Please state your name for the record and then provide your testimony.

Leo Dekalb: Can he go first, I'm a little shy.

Uri Papish: Yes, he can.

Will Filbeck: Will Filbeck, GM with Instafab. The only thing I want to state is prior to Brian showing up as an introduction to Southwest Washington Clean Air, we were actually completely unaware your agency even existed. You know? It's probably on record, if not you can check, I even questioned Brian as to his legitimacy, until I checked.

Once we found out the legitimacy and you came to our facility, we have done nothing but cooperate and comply with anything and everything that you have asked us to do and will continue to do so if you ask us to make any other changes according to state laws.

Uri Papish: Thank you.

Leo Dekalb: My names Leo Dekalb I'm a union ironworker, and I was here basically to learn about what you guys do, pretty much where I'm at. So, I'm here to learn.

Pretty much half of what I believe Will here, he's an old friend of mine, so I used to work for him. But, no disrespect, but I believe half of what you said right now. But that's my opinion of it from experience.

I see you guys are here for all of us as a community, and I live in Washington myself. I'm happy to meet you guys. That's pretty much all I have to say.

Uri Papish: Great, thank you.

Thanks.

Leo Dekalb: Thank you for your time.

Uri Papish: Okay, we have a Huy and D? Great, can you both come up?

D. Pei Wu: I have a question for you. I think we can put the testimonies in an order, and then I think we're going from the bottom of the stack for us, because we put them in reverse, so that the first...

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Uri Papish: Potentially?

D. Pei Wu: Yes, would that be okay if I wait till the end and then like, maybe ... I mean, I can do it now.

Uri Papish: Well, we usually select randomly. It's kind of a lottery. We just randomly shuffle the list so that there's no particular order.

D. Pei Wu: Fantastic. I mean you've got the two Asians at the table, so ...

Uri Papish: That was a coincidence!

D. Pei Wu: That is a coincidence!

Uri Papish: But yes, that's how we do it.

D. Pei Wu: That's great, no problem.

Uri Papish: How we do it is random shuffling so it's not like all people in favor or against are together, we just mix it up.

D. Pei Wu: Thank you. That's fantastic.

Uri Papish: So, which one of you would like to go first?

Huy Ong: I can go first.

Uri Papish: Okay.

Huy Ong: Hello, my name is Huy Ong, I'm the Executive Director of OPAL Environmental Justice, Oregon. OPAL builds powerful environmental justice and civil rights in our community. We organize communities of color and low-income people to achieve a safe and healthy environment in the places where we live, work, learn, pray and play.

Normally OPAL doesn't do work on issues outside of our home state, however, we have very good reasons to be here today, to draw attention to Instafab, and to ask you to hold them accountable for their behavior.

For starters, Instafab is pumping toxic chemicals into the air and air knows no boundaries. Air toxics and particulate can travel over vast distance, making Instafab emissions an Oregon issue.

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We are concerned about the cumulative health impacts of the release of these toxic chemicals and their combined effects with other toxics and particulates in the air.

Air toxics is not the only thing being created at Instafab that makes its way to Portland. This business owner fabricates components that are used in Portland and across Oregon in construction for clients such as Chimet and Kaiser.

Many of the workers at Instafab live in Oregon. Instafab does not provide their workers' health insurance, so Oregon taxpayers will foot the bill when Oregon workers get sick because of their unsafe working conditions.

Harboring at the boundaries of two states has also protected Instafab from scrutiny, the kind of scrutiny I hope this agency should provide.

So, we have plenty of reasons to be here. As a regional leader on environmental justice issues, OPAL stands in solidarity with all impacted communities. Workers, those who live near the source of emissions, those impacted at a distance, and everyone who feels concerned about air, soil and water quality.

Environmental justice requires community input into decisions impacting them. So, it is great that you are having this forum. The question is ... from here is, will it change anything? Will this agency listen to what the public says today or is this a forum to just say "We had a forum"? Is this a real public process?

I'll stop here.

Uri Papish: Thank you.

Huy Ong: I should have read faster! I also publicly submitted it too.

D. Pei Wu: Yes.

Uri Papish: Great.

Traci Arnold: I'm not sure how to shut that off.

Uri Papish: D.?

Leo Dekalb: I broke it!

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D. Pei Wu: I get a soundtrack, that's great.

Traci Arnold: We'll all just dance.

Uri Papish: Nobody's ever gone over time before.

You're up D.

Traci Arnold: Jeez. One thing....

D. Pei Wu: All right. Good evening my name is D. Pei Wu, I have a PhD in Environmental Policy and Management from The University at California - Berkeley. So, I'm here testifying today in the role of someone who has done work nationally on environmental justice and environmental racism issues. And especially worked at the intersection of educating workers and community members about the environmental health impacts of toxic air pollutants as well as water, and you know the solid waste and groundwater contamination kinds of issues.

And so, I think, thank you so much for taking these issues seriously. We really appreciate it. I think you're going to hear throughout, hopefully a relatively short evening that we do think that there are some issues with, and you know, we've already started hearing them. Just some of the, maybe discrepancies in what's actually happening on the ground. What the workers witness, and what's in the permit.

That's nobody's fault, but it's a great chance to get to clarify what's happening.

I want to share, especially for our members who are here today, that the impact of the particulate matter is of significant concern, absolutely. The health impacts of solvents, and I need my computer to come up.

The health impacts, highly toxic solvents are used in metal treatment processes, including ethylbenzene, toluene and other components. Human exposure to these compounds has been linked to reproductive, respiratory, and heart problems, as well as smaller babies.

So, we are concerned both about acute as well as chronic health impacts. In addition, you know that welding operations often produce vapors of toxic heavy metals including chromium and hexavalent chromium, which is implicated in cancer risks and we're also of concern with Bullseye Glass in Southeast Portland, another small point source, but that, you know, really got the community's attention.

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And then, you know that galvanizing poisoning happens on the job. The workers know about the acute impacts of galvanizing poisoning but we also are concerned about the long-term impacts of all of the things that happen in that galvanizing process and how that impacts community health as well as worker health. And I'm sorry I'm going over, but the last thing that you'll hear tonight from other folks in more detail is that we are concerned that by trying to contain the welding fumes and reduce the community impact, we totally agree with that, but it may actually cause more impact on worker health and to do the best that you can to work with, whether it's WISHA or other agencies to minimize the health impacts on both sides of the, you know, the walls of the facility.

So, thank you again so much for your time.

Uri Papish: Yes, thank you.

It looks like we have a John Williams and Mike Williams.

John Williams: Another Williams?

Uri Papish: Is that another coincidence?

D. Pei Wu: And there's no relationship?

Uri Papish: No relation?

John Williams: Do you want to go first?

Mike Williams: Why don't you?

John Williams: It doesn't matter to me. You want to go, go ahead.

Uri Papish: Who's John?

John Williams: Okay, alphabetical order.

I'd like to thank you very much for issuing the permit and holding the hearing. As you can see, a lot of folks, they need to come and speak. They really aren't that good with pen and paper.

Traci Arnold: Can you state your name?

John Williams: I'm sorry?

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Uri Papish: Please state your name for the record.

John Williams: Oh, I'm sorry. My name's John Paul Williams.

I'm going to hand in written comments, but in my spoken comments I want to focus on a single issue, which has become overarching. I looked at this California Air Resources Board report, they looked at hexavalent chromium, sort of regulating chromium plating. And as part of this study, they say even a small amount of hexavalent chromium can result in a substantial cancer risk. Staff found that as little as two grams of annual emissions would yield an estimated cancer risk of ten per million people exposed.

Two grams! Instafab, according to the permit, emits 45 grams. On the face of it, this looks like a significant and adverse impact that 2 grams produce that kind of increased cancer risk. What are 40 grams going to do?

I feel like a health risk assessment of the hexavalent chromium emissions should be conducted before this permit's issued. I'd like to hand in the relevant page and the title from the chromium study.

Also, am I to understand the ownership of the facility has changed and feel the new ownership should be on the permit. So, I'll hand in the real estate papers also.

Uri Papish: I'll take those.

John Williams: Thank you very much for your time once again.

Uri Papish: Great. Thank you. Mike?

Mike Williams: My name's Mike Williams. I've lived in Vancouver for six years. I had recently worked at Instafab for four years as a foreman. And I just wanted to bring up the fact that sometimes when we're grinding, we use these grinding wheels that throw off a considerable amount of dust and particles. And, like, if you were to walk into the shop and the sunlight was shining in there, it's just a cloud of sparkles that are floating through the air in there. It's really bad, us breathing that stuff all day long.

And also, this company does a lot of pre-galvanized stuff. Do a lot of welding on it and grinding on it. And when it gets fired up in there, you can't hardly see across the shop it's so thick. And that stuff's getting emitted back out into the air.

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And also on this hood and filter, that hood, as of Friday or Monday it was, I went over and took a picture of it, and it's still up there. I don't know if they've taken care of it recently, but it doesn't seem like they're taking this issue very seriously, to me.

So, I'd like to thank you.

Uri Papish: Thank you.

Mike Williams: Thank you for your time.

Thanks for your testimony.

Uri Papish: Okay, we have Ben Piksa and Brandon Nelson, if you guys can come up. We'll have Ben go first.

Ben Piksa: All right.

Hi, hello everyone. My name is Ben Piksa, I'm a resident of Washington State. I'm here before you because I want to talk about the fumes around welding stations. I'm told that the proposed permit says that enclosures will be used to reduce emissions of welding fumes. I hope that doesn't mean that the welding areas will be sealed even more, and make the dust and haze much worse.

I have experience working in shops, and I can tell you right now, in a shop working where you have welders in different areas, it's impossible to enclose them fumes from individuals.

You know, I've worked in responsible welding shops, where they've had individual booths with hoods, ventilation fans, and that's great. And from what I've been told, that this is a, well the welding is in an open shop. So, I don't know how you would enclose welding fumes throughout the shop.

And so, with that, I'd like the agency to require a filter, like a bag house or other device to reduce the amount of welding fumes that are emitted to the outside air, rather than further enclosing the welding areas.

And I'd also like to say too that the gentleman who spoke earlier about, you know, he didn't know who you guys were, they didn't know the rules and regulations, and right there, you know, if Instafab is a responsible shop contractor, they should know the rules and regulations.

Thank you.

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Uri Papish: Thank you.

Brandon Nelson: Once again I'd like to thank you guys for hearing us. My name's Brandon Nelson, I've worked in the area for over 20 years. I worked at Instafab for 2 years.

And while I was there, at Instafab, at least, while I was there, we wiped down tube steel with solvents. Xylene or thinners to get the oil and grease off of them. And the rags were thrown into a washing machine and washed and then dried.

So, I wanted to know what kind of emissions those toxic fumes were drying and exposing that into the air. And if that was not considered in the permit I would like you guys to look into that and put it in there.

And that's all I have.

Uri Papish: Thank you.

Ben Piksa: Thank you for your time.

Uri Papish: Okay, we have a Tom Pearson and Laramie Lexow.

I'll ask that you guys go in order that you came up. Is Tom going first?

Tom Pearson: Alrighty.

Good evening, my name is Tom Pearson I was a project manager for Instafab. I started there, what was it? July of 2014 and worked there until about September of 2015. Long-time resident of Vancouver, Washington. I wouldn't say long time, probably been there 4 years or so. I've been in the steel industry for roughly about 12 years total.

Fabrication, it's a dirty job. You know, we've got guys walking out-of-there daily with, you know, grinding soot all over them, oil, grease, you know. They're black from head to toe.

Some guys, you know, they bring their own change of clothes in to come in and work. I frequently went into the shop to check the status of my jobs, update managers on some of my projects and checking on material orders that's out in the shop.

During my time at Instafab I believe there was continuous air contamination and including water as brought up earlier. Many time's you

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could smell some of the solvents used. He talked about, he would show his purchase material orders from different contractors. Well, if he has 5, or 6 different areas to where he gets his stuff, you know, are all those included in there as well?

You know, they were talking about the haze, there was a thick haze throughout there, especially in the winter time. They do keep the door shut because they want to keep the cold air out and stuff like that. Summer time, when it gets hot outside, they keep anywhere from 2 to 3 bay doors open, most of the time of the day.

I go out there, you can see soot stacked up on some of the outside steel, that's over by those doors, and this is just from constant blowing.

Let's see here. It was pretty much common practice to leave the doors open whenever it's, you know, hot outside and you get a nice breeze going through there. But with all the soot and stuff that's out there, my hands would be black just from going through there and that's with daily sweeping.

So, it just shows the kind of particles that are up there. I've run out of time. I've got more in there, but I'll submit this in to you as well.

Uri Papish: Okay, thank you.

Laramie Lexow: All right. My name is Laramie Lexow I am a longtime resident of Vancouver, I was actually born in the bowls of Oregon and I was raised, went to high school, went through all my school in Vancouver. I currently live less than three miles from the shop.

The environment and Vancouver as a community means a lot to me and there's a few things I want to address. First off, I'd like to say, both state and federal Supreme Courts have held up that ignorance is not exemption from the law. And now that we have on record that they willingly did not know, they did not know about this, which means they weren't responsible in the first place to be operating, I just want that to be on record.

Additionally, as I'm reading through this draft permit, I see that all spray coating must be performed with properly operating high transfer spray equipment, including but not limited to spray guns. Now, in my time that I actually personally worked at Instafab, I worked there for 2 years, give or take. I would notice that, their painters, I knew several of their painters on a personal level and they would bring in their own equipment, because the equipment provided by Instafab Company was subpar. And now

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you're requiring Instafab to actually provide this stuff, but it doesn't say that ... I want to see language in this permit that Instafab is required to provide that equipment so that the workers aren't having to come in with their own equipment, destroying their own stuff so Instafab Company can make a buck off of those men and their equipment.

I think that's very important. The company should be held accountable for the tools that they're asking their men to use and for the tools that they are using to be in compliance with this draft.

Thank you.

Uri Papish:

Thank you.

Okay, the last two we have here is Christopher Lowe and Jordan Reimer? Are you Jordan Reimer? Christopher first.

Christopher Lowe.:

Okay.

My name's Christopher Lowe. I'm here testifying on behalf of Oregon Physicians for Social Responsibility and Portland Jobs with Justice. In my written testimony, I have more about why.

One particular thing we want to stress is that both the failure of Instafab to comply with regulations to get this kind of permit in the past and a record of extensive workplace safety violations, for which they were fined over \$30,000 in 2016, suggests to us that there's a kind of record of regulatory evasion and this is not a good actor or a trustworthy actor.

And that therefore, they should be held to a stricter standard of investigation and compliance oversight than just the sort of average, which is what I'm getting out of your technical document.

We also have several specific requests. We're aware that Instafab workers have provided evidence that emissions levels reflected in the draft don't necessarily match their experience. We would ask that the draft, the implementation be delayed until that discrepancy can be investigated.

Portland - PSR in particular is interested in the draft language which reflects that you made a choice not to use federal standards, that you could have independently used and we think that the final should explain a little more about why you made that choice and what it means that you're not using the federal standards you chose not to use.

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Finally, we would like to request that you actually develop a compliance plan jointly with Washington Labor and Industries that gets to this question of both sides of the wall. That we are both organizations that are concerned about worker safety and community safety. And we think that in terms of the justifications of your power laid out in the technical document, that there is space in there for you to actually create a compliance plan where you're working on both the worker safety and the community safety aspects.

And we think that the record of this company warrants such cooperation. There's language that I quoted in my written testimony about that.

Uri Papish: Thank you.

Jordan Reimer: All right. My name's Jordan Reimer, I was a past employee of Instafab. One big thing that I've listened to today was we were never told about, just the possibilities of like, the particulates of just grinding or galvanizing or the welding. A lot of people that were in that shop, I wasn't a shop person, but I went in there every single night. I had to pick up my own parts, well, I walked into those areas not knowing when the doors are closed, I had to open up the back doors that you said were always supposed to be open, I had to take my truck and back it in there. I had to go in, open up the doors, go into the shop when they were working twelves or into the night.

Well, the things that you saw maybe during the day time weren't actually being carried out through all their shifts. And I definitely didn't know about what I'm actually walking into. If that was actually hazardous myself, I live right around the corner from Instafab. I still live there. And all those particulates, that they emit. They show maybe a "face" that they're able to comply with what you want, but what about those days that you aren't around the corner, and taking pictures, and seeing what they're doing. the doors are open. If the doors are a big deal, they have many other doors that are opened up during the daytime that you maybe don't know about.

And then like, galvanized, they don't tell their people, because I was a worker there, and not knowing that galvanized can actually hurt me, will actually stay with me is a big thing. People need to know what's going to hurt them in their job place. They don't explain any of that to the employees. Like, field side or the shop side.

Thank you.

Uri Papish: Thank you.

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That's it. Does anybody else have a yellow sheet? Deana Williams?

Deana Williams: It's actually pronounced "Dee-na".

Uri Papish: Oh, sorry.

Deana Williams: I hate correcting people. I'm sorry.

D. Pei Wu: Can I just sit here as just moral support? I won't say anything.

Uri Papish: That's fine.

D. Pei Wu: All right, thank you.

Deana Williams: So, my name's Deana Williams, and I'm a spouse of a former employee there, Mike Williams. And in the 4 years that Mike was working there, his health deteriorated bad. He would come home coughing to the point to where he would vomit.

September of 2015 he actually had a lung collapse. He was in the hospital for a period of 7 days where they actually had to put a chest tube in, bring the lung back up. It then collapsed a second time, and that required a pretty major surgery.

The doctors had asked what type of work Mike does and I explained it to them. The first thing they asked me was what sort of chemicals he was around, and does he wear a respirator. And I told them I didn't think so and you know, they were puzzled by that.

At the time that Mike worked there, his weight was 117 pounds. Since he stopped working there, he's healthier. He's not coughing anymore, he's gained 30 pounds. He's still being seen by the doctors because we do still have the fear of the lungs and what long-term damage those chemicals have done.

So, I stress to you guys, don't let anybody else go through this. Because we have to go through this every day wondering what long-term effects this is going to have. So, I just really hope that you guys think about that.

And I appreciate it, thank you.

Traci Arnold: Thanks.

Uri Papish: Thank you.

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Do we have anybody else wanting to testify? Because that was the end of our cards here.

All right. Well, thank you all for coming this evening. We really appreciate you taking the time and coming down here and providing us with testimony.