

To the E.P.A., Environmental Appeals Board,

The response I received to my petition for review from the E.P.A. apparently dismisses my petition as not relevant.

I offer you that both arguments I set forth are both relevant and to this very day unresolved:

- 1) The lack of spill response is completely relevant.
 - a) The E.P.A., in my limited understanding, does not issue air permits that have negative impacts on minority populations, yet there is no clearer situation where this is about to occur.
 - b) These air permits, through the industrial activities that they exhaust, complete a project that will threaten or destroy an intact minority subsistence culture through contamination.
 - c) These giant exhaust tubes do not have demonstrated, proven oil spill response surrounding them or supporting them.
 - d) The air permits are the final permitting hurdle for a project that has a gigantic failing – there is no demonstrated spill response. Issuing this air permit, by association, will open massive liability to an intact system to a company with recent worldwide documented environmental failing on the ocean and on land. The spill response is relevant because the operation of such air permitting activities is based within a project lacking any demonstrated containment capability. The base of the permit, the floating project itself, has failed to physically demonstrate in any way they have spill response abilities, and thus the air permit portion is failing by association.
 - e) The only documented spill response drill in our icy waters was a complete failure. The boom failed, and even the workers acknowledge on the video to chalk it up as a failure. This is what I know to be their ability. If industry could actually respond in a drill, wouldn't they have demonstrated that? Shell itself recovered single digit percentages of their recent North Sea spill. That is free of ice. How could they ever respond in our waters? Can we see it first please?

Throughout the entire commenting period I have repeatedly asked why the E.P.A. does not, in the very least, require a demonstration of their response.

-I ask the Environmental Appeal Board again:

Why do you not require them to show us their true response ability? WHY? You ask us to tolerate their presence and to trust their spill response, yet, even though you know of their history internationally, you do NOT require them to show us their response capability!

A simple request that logically and morally the board MUST address!

The industry must demonstrate their response and THEN model industrial activity according to their true capabilities (isn't this standard throughout industry?! Yet the EAB, through its issuance of this air permit, trusts the oil industry on paper, and not from proven physical demonstrations. We must see their response ability!

The United States Coast Guard, government experts on the subject, is saying publicly the industry has no containment ability.

Does the EAB want to remain ignorant of the true physical oil spill response abilities of the exhaust tube platforms from which you are about to give air permits?

In the nuclear industry there are so many layers of containment, and they must have been proven. Proven safety in an energy industry. Simple. A basic moral imperative must compel the EAB board to understand the TRUE abilities of the industry in all of the various ocean conditions, and this can only be accomplished through tests and drills.

Test drills simply would end the debate over whether they can or cannot respond to a large oil spill. What more real, undeniable data could be then test drills?

If you, the EAB, believe that they can safely operate in our waters, then issue this air permit – but for the sake of thousands of Inupiat subsistence users, you **MUST** have them show us their true response levels in clear, windy, broken ice and sheet ice conditions.

After this entire process, after all these years, surely there must be at least one test?

There was – it was a failure!

And that was it.

And now you, a group of people in Washington D.C., are going to make permanent cultural changing decisions for us based on PAPER studies from a mega-corporation.

If you are a logical thinking board, you will acknowledge the fact that the response is unproven and thus unknown. You must ask them to show their touted spill response, for an entire ocean culture will hang on your decision.

The truth is within the drills. EAB must know the truth.

- 2) The contamination of toxins through the air permits via exhaust and/or other methods of byproduct release are physiologically threatening and culture changing. Again, the EAB through the EPA does not (or is compelled not to) issue permits that have negative impacts on minority population, yet there is a direct large release of hundreds of thousands of pounds of fine or small particulate into our ocean via the exhaust that settles down onto it.

Through the process of biomagnification (the concentration of toxins up the food chain), seemingly small amounts of toxins manifest in higher and higher amounts at each level of the food chain. The immense amount of exhaust through this air permit will introduce unprecedented levels of toxins. These toxins will manifest in our bodies through our consistent consumption of marine mammals and fish from the ocean.

From a logical perspective, is the introduction of 600,000 lbs of emissions in our subsistence zone acceptable? Introducing emissions into our subsistence zones means introducing it into our bodies. Period.

I ask the board to consider that our main food source, the Bowhead Whale, swims while it opens its giant mouth filled with baleen and filters out the ocean. Filters it. And then we eat them. So whatever they filter we end up ingesting through consumption. These are facts – they will pollute, the animals will absorb it, and we will ingest it.

What amounts are acceptable?

What levels in our food blubber will cause illness?

Where are the specific studies of chronic toxic effects of those specific toxins in blubber?

What are the long term effects of this amount of toxins to an indigenous marine mammal diet?

What are the long term effects of breathing this amount of toxins in our cold climate?

What are the long term effects?

Simple questions that deserves simple clear answers.

I imagine that a single pound of particulate exhaust, solidified, might fill a grocery bag. Imagine dumping that whole bag of exhaust particulates in a lake or a pond – it would pollute it and create an unsafe eating environment to that body of water. The industry asks permission to dump 600,000 lbs into our food zone.

600,000 lbs.

Without a clear and long term understanding of toxin concentrations in humans consuming marine mammals from a contaminated area, how are we to really know the health effects? The reality is that we do not.

We do not understand the long term effects. The industry does not understand the long term effects. The EAB cannot presume to know the long term effects as they have not occurred.

The speculative outcome of these permits is perilous to our minority population – it can only get worse, not better. To clarify – the EAB must choose between:

- a) An intact cultural society, through the protection of their breathing and the integrity of marine food source that has remain intact for millenia
- b) Industrial activity with several unknowns – specifically an unproven response system and immense projected pollution in an active subsistence zone

It is understandable, in the perilous economic times we exist in, that our country looks towards new energy sources. But the economic pressures of mega corporations and the political pressures of a chaotic administration cannot force the EPA, and by extension the EAB, to overlook basic principles that founded the EPA – the long term protection of environment for future use.

I want an equal voice in this process. I have not had equal time to adequately research and respond as other parties have. I want to have an equal voice. I concede that I do not possess the legal skills and writing skills of the other parties. I do not have a legal team or office to assist me. I do not have the financial backing of billionaire corporations. I do have a conviction that forces me to ask the questions that must be asked of the same two questions that I have always asked the EPA:

- 1) What are the industry's real response abilities (and why is it unproven)?
- 2) Can we get a better understanding of the exhaust we will ingest?

These are two very simple questions from an Inupiaq whose children will be forced to literally eat your decision.

I humbly beg the Environmental Appeals Board grant me oral argument. I missed out on a few communications that would have made a large difference in my ability to respond effectively.

I appreciate your consideration and again beg the EAB to hear my comments in oral argument. A decision of this magnitude warrants a small amount of time from your Board. Please allow my argument.

The truth is in the drills.

In complete respect,

Daniel James Lum

I, Daniel Lum, certify that on November 22, 2011, I emailed this document to counsel for all parties.