

# DAILY READING FILE

The SLAM Coalition of Bayview Hunters Point Community Organizations

Advocates for Environmental Human Rights  
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REF  
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OFFICE OF THE  
EXECUTIVE SECRETARY

March 22, 2011

Ms. Lisa Jackson, Administrator  
US Environmental Protection Agency  
1200 Pennsylvania Avenue  
Ariel Rios Building, Room 3400  
Washington, DC 20460

Dear Administrator Jackson:

We have brought to your attention the deeply disturbing email correspondence between Mark Ripperda, EPA Region 9 Remedial Project Manager for the Hunters Point Naval Shipyard Superfund Site, and the Lennar Corporation, which plans a major redevelopment project on the site. The correspondence reveals a conspiracy to manipulate data and present false statements to the Bayview Hunters Point community regarding the health risk of exposures to asbestos laden dust released during heavy grading and excavation activities by the Lennar Corporation. The actions by Mr. Ripperda not only compromise the integrity of the EPA, but may have put residents and workers at risk of asbestos exposure.

As you know, we issued a report on March 21, 2011 that publicly exposed the email correspondence. In this report, we urge you and other governmental authorities to take appropriate action that includes an investigation of this matter.

How the EPA handles this matter is of utmost concern to us. However, the statement that Jared Blumenfeld, EPA Region 9 Administrator for the Pacific Southwest, issued to the media on March 21, 2011 appears defensive rather than objective; creates confusion as to whether you or he will lead the investigation into this matter; and makes assertions that are, at best, called into question by Mark Ripperda's email correspondence.

According to Mr. Blumenfeld's statement, he "initiated a comprehensive review of this matter." Please clarify for us whether you have opened an investigation into the matter, as urged by our coalition, or delegated to Mr. Blumenfeld the responsibility of conducting a review.

Additionally, Mr. Blumenfeld's statement to the media contains the following assertions that are called into question by Mr. Ripperda's email correspondence.

#### Assertion #1

At the request of the community, EPA conducted a study on naturally occurring asbestos and dust releases related to the City's development on that parcel. EPA issued a report based on our study, titled "U.S. EPA's Final Review of Dust/Naturally Occurring Asbestos Control Measures and Air Monitoring at the Former Hunters Point Naval Shipyard and Response to Comments," in June 2010. EPA stands by the science and conclusions provided in that report.

The credibility of the "U.S. EPA's Final Review of Dust/Naturally Occurring Asbestos Control Measures and Air Monitoring at the Former Hunters Point Naval Shipyard" and any other EPA documents that Mr. Ripperda contributed to developing are highly questionable in light of the email correspondence with representatives of the Lennar Corporation, as well as Daniel Stralka, EPA Region 9 Toxicologist, Arnold Den, EPA Region 9 Senior Science Advisor, and John Chesnutt, EPA Region 9 Federal Facility Response Section Chief. In the email correspondence, Mark Ripperda discusses plans for manipulating asbestos monitoring data to show little or no health concern; steps for avoiding activity-based sampling of asbestos; and the preparation of talking points with local officials that avoid the topics of health assessments and shut-down days on redevelopment activities.

**Assertion #2**

As the Agency has stated in the past, the EPA does not have a position on the proposed development plans at the Hunters Point Naval Shipyard Superfund Site.

This assertion entirely misses the point that Mr. Ripperda's statements, regardless of their veracity, do represent the EPA and, therefore, indicate that the EPA does in fact have a position on the proposed development plans at the Hunters Point Naval Shipyard. In one email, Mr. Ripperda determined that he needed to change his communication with "the greater community" by adding "a statement that EPA sees no reason to stop the development." See email from Mark Ripperda to Rob Balas, Principal of Iris Environmental, Inc., a consultant to the Lennar Corp., cc: Amy Brownell, San Francisco Department of Public Health, and Jeff Austin, Lennar Corp. Employee, Nov. 4, 2009 9:25 am [emphasis added]. In this email message, Mr. Ripperda states "I'm not sure how to create a basis for this conclusion however, for the general public" and invites a consultant to the Lennar Corporation to provide "any written narrative or bullet list that you think might work."

Following this email, Mr. Ripperda has often stated to the public and city officials that "EPA sees no reason to stop the development." In fact, during the July 13, 2010 appeals hearing convened by the San Francisco County Board of Supervisors, a city official repeated this statement as justification for supporting the Lennar Corporation redevelopment plan, and Mark Ripperda confirmed the accuracy of this statement, which was pivotal in winning approval by a majority of the Board of Supervisors. At the conclusion of the hearing, one supervisor explained that his vote for approval of the development project was based on the EPA statement that there is no reason to stop the development.

We look forward to your response to our concerns.

Sincerely,

Monique Harden & Nathalie Walker, Co-Directors & Attorneys  
Advocates for Environmental Human Rights

Alicia Garza, Co-Executive Director  
People Organized to Win Employment Rights (POWER)

cc: Mr. Mathy Stanislaus, Assistant Administrator, EPA OSWER