BRC Questions to the OHMVR Commission Regarding CCMA
April 5, 2011

I deeply regret not being able to attend the upcoming OHMVR Commission meeting regarding CCMA. Unfortunately, I had emergency knee surgery last week and am still unable to travel. BRC believes there are still many unanswered questions regarding the closure of CCMA to all public uses and the ongoing decision-making process surrounding that event. Knowing many others in attendance at the meeting will have a lot of questions, BRC will only ask several overarching questions in the interest of time and fairness to others.

On March 9, 2009, President Obama issued a Memorandum on Scientific Integrity underscoring that the “public must be able to trust the science and scientific process informing public policy decisions.”
http://www.whitehouse.gov/the_press_office/Memorandum-for-the-Heads-of-Executive-Departments-and-Agencies-3-9-09/

Follow up memos from EPA Administrator, Lisa Jackson, and Interior Secretary Ken Salazar, reaffirmed the need to foster honesty and credibility in science conducted and used by the Agencies.
http://blog.epa.gov/administrator/2009/05/12/memo-to-epa-employees-scientific-integrity/


ISSUE ONE - Scientific Integrity of the Decision/Science Used to Issue the May 1, 2008 Emergency Closure Order

Based on the attached email obtained by FOIA, it appears that the Department of Interior's scientific integrity policy has been compromised by EPA. When BLM questions EPA as to why BLM should make an emergency land management closure decision based on a risk analysis model so low that it is “perhaps zero”, EPA responded by simply removing the phrase.
President Obama has specifically said the public must be able to trust the science. How can the public agencies pledge to uphold the public trust when there are so many unanswered questions? How do the EPA and BLM intend to incorporate the aforementioned presidential and agency scientific integrity directives into the current CCMA decision-making process when there is clear evidence that important parts of the EPA study just disappeared from the draft to the final study?

Despite noted flaws in the science, EPA and BLM moved forward with the May 1, 2008 emergency closure. BLM has continued to use flawed science as a foundation to the subsequent NEPA planning process. (See attached 4/11/09 Memo from Rick Cooper to Arnold Den et al.)

ISSUE TWO: Faux Liability Issue

BRC is concerned BLM created an artificial liability for itself (and hence the taxpayer) in its initial decision to issue an emergency closure order and in subsequent planning documents without any consideration for other viable and reasonable means of addressing what, if any risk, may exist. BRC is also concerned this faux liability, if not addressed, could be used by the agency to somehow support any of the anti-access alternatives.

BRC Legal Department’s 4/19/1010 Letter on Liability Issue

BRC thanks the OHMVR Commission for reviewing these comments and for your help in obtaining answers to these questions from OHMVR staff, scientists, federal or state agencies, or Congress.

Respectfully submitted,

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Any thoughts on a response range of 1 in 10,000.

The basis for the decision is the model’s depiction that most of the activities exceed the acceptable risk. Portrait the risks to the public.

I am sure BLM will be asked “why make an emergency decision on a model that may not accurately higher than those estimated in the report. Adjustments for early-lifetime childhood exposures, could mean that the actual risks are those estimated in the CMA assessment and perhaps zero. Uncertainty, this uncertainty could mean that the actual risks could be much lower than epidemiological studies of occupational exposures, to influenza, and episodic recreational exposure to the INIS and OEHHA asbestos toxicity models, which were developed from uncertainty related to the toxicity parameters of the risk assessment includes the application. Reaching this and it was in the previous draft. Just reaching through the executive summary. The last paragraph places some doubt as to the adequacy. Here and Arnold.