United States Department of the Interior

BUREAU OF LAND MANAGEMENT
Hollister Field Office
20 Hamilton Court
Hollister, CA 95023
www.ca.blm.gov/hollister

In Reply Refer To
1703/CA1936

MAR 21 2008

Tony Sain
Linder Law
100 Glendon Avenue, 14th Floor
Los Angeles, CA 90024-3503

Dear Mr. Sain:

I am forwarding you the responses to your *Touhy* request under 43 C.F.R. § 2.84. These responses are similar to the information request previously provided to you, via email.

1. My understanding is that the asbestos-hazard warning signs up at Clear Creek Management Area ("CCMA") were put up at EPA's request because EPA was concerned that foot/bike/vehicle traffic at/near the New Idria deposit was stirring up dust that EPA deemed carcinogenic. Did BLM ever do any studies of its own to decide that New Idria's chrysotile was carcinogenic or harmful to human health, or did it just rely on the studies or word of other agencies (e.g., EPA)?

BLM did place signs circa 1978, based upon published studies funded by BLM and performed by University of California at Berkley. This study was published in Science in 1979. EPA listed the Atlas Superfund site in 1984. In 1992 BLM funded a Human Health Risk Report for the CCMA.

2. What was the internal BLM decision-making process regarding the warning signs like? Was there a single person who decided to put up the signs? If so, who (name, position)? When? Was there any kind of public comment process about posting the signs or any inter-agency decision-making about the signs, or did BLM just decide on its own to put them up?

In this case, a potential hazard had been identified, BLM decided to inform the public of the potential hazard. It was an agency decision to put up the signs, see response to your question #4. There was no public comment process on the sign placement nor it's language.

3. When were asbestos warning signs first posted at CCMA?

Some time in November 1977, see attachments #1, #2 & #3.

COPY FOR YOUR INFORMATION

4. What was BLM's reasoning for putting up the warning signs (e.g., why did it feel warning signs were warranted)?

If a hazard has been identified and is known to a Federal agency, under the Federal Tort Claims Act, liability defense may based upon using this knowledge and informing the public of these hazards, 28 USC Section 2680(h).

In November, 1979 published data (Science Vol. 206) of a BLM funded study concluded that ..."dustfall along roads and trails being used recreationally in the Clear Creek area of San Benito County was found to be 90 percent of more chrysotile asbestos. Personal samplers worn by motorcyclists ...showed concentrations 0.3 to 5.3 fibers/milliliter. ...To our knowledge this is the first demonstration of asbestos exposures of this magnitude, in size ranges known to be pathogenic, resulting from natural deposits not associated with mining, milling, or industrial use."

5 What person or position selected the warning language used on the signs?

Unknown, but could have been the then BLM Folsom District Manager.

6. Has the warning language changed over time? If so, what previous warning language was used?

Yes, earlier signs (circa 1977) said ... "Caution – soils, dust and water in this area may contain asbestos which may be hazardous to health".

Signs were updated (circa 1993), to say... "Caution – soils, dust and water in this area contain asbestos which could be hazardous to health".

7. The signs say that the asbestos dust "could" be hazardous to health; they do not say that asbestos at New Idria "is" hazardous to health. Why did BLM decide to refer to the asbestos there as a potential hazard rather than a known or actual hazard?

See our response to your questions #1 and #4.

8. What is the "hazard" to "health" that the warning signs reference? In other words, what are the signs trying to warn readers about (i.e. what could happen if the signs are ignored)?

Please refer to our fact sheet that is attached (enclosure #4) and is also referenced in our response to your question #11.

9. I've heard that off-roaders come up there every weekend and that they often rip down these warning signs. If that's true, how often would you estimate that BLM has found these signs ripped down over the years? How many signs have been ripped down over the years? By people?

These are very large signs and have been replaced due to vandalism less than 5 times in 15 years.

10. How many of these warning signs are posted at CCMA and where are they located (e.g. on a map)?

There is a public (county) road that bisects this area (CCMA). Along this county road BLM has placed two large wooden warning signs (approx. 60" x 32") that inform's the public about the asbestos. BLM also has 5 information boards located along this same road that has more detailed asbestos information on poster sized laminated paper (approx. 32" x 48").

11. Does BLM or any government agency that you know of receive calls or emails from concerned citizens after they have seen the signs? If so, what does the agency tell these worried citizens?

BLM does occasionally receive telephone calls about the warning signs. BLM has worked the EPA and others to develop a fact sheet, this has been enclosed, see attachment #4..

12. Does BLM or any government agency that you know of receive complaints from recreational visitors to CCMA about areas restricted from use because of asbestos? If so, what do these recreational visitors say?

Many comments were received by BLM in response to the Clear Creek Management Area Proposed Resource Management Plan Amendment and Final Impact Statement. Photocopies of these letters and BLM's response can be provided at an additional cost.

13. How would you describe these recreational visitors in terms of why they come to CCMA, how long they've been coming, and how often they come?

Many of the reasons public came to the CCMA was the perceived lack of regulations and entrance fees that are enforced at the nearby State of California Hollister Hills Vehicle Recreational Area (SVRA). However since January 2008, entrance fees are being collected at the CCMA and regulations are being enforced at the CCMA, however not at the same magnitude as at the Hollister Hills SVRA.

Some visitors have anecdotally mentioned that they have been visiting the CCMA for 10-15 years, some of this has been reported in the 1990 EPA Sunnyvale meeting, as was used in BLM's 1992 Human Health Risk Assessment for the Clear Creek Management Area. Additional data may be contained in EPA's 2008 Clear Creek Risk Report, when it is finalized next month.

14. **Are there any long-term recreational visitors to CCMA that you have contact information for? If so, is there anyone (or any non-governmental organization[s]) we might be able to contact to get more information about recreation at CCMA over the years?**

Salinas Ramblers is a motorcycle club with a web site, they have been involved with the CCMA for a very long time, almost 30 years.

15. Is there any kind of medical monitoring program underway at CCMA? Was there? If so, by whom? If so, whom can we contact for more information about the results?

Under OSHA, the medical monitoring program is required (HAZWOPER 1910.120) for those employees who work in a regulated area where asbestos exposure may be above the PEL and are required to wear respirators.

The "results" of the medical monitoring is protected under the Privacy Act. of 1974, 5 USC Section 552a.

16. It is our understanding that the Atlas mine site at the New Idria deposit is an EPA Superfund site that EPA is actively trying to remove from the Superfund list ("de-list"). Why was Atlas made a Superfund site? KCAC mine is nearby: why was KCAC not made a Superfund site?

EPA made these decisions; you need to contact that agency for their justification.

If you need any further clarification regarding these responses, you may contact either myself or Tim Moore.

Sincerely,

Rick Cooper

Rick Cooper
Hollister Field Manager

cc: T. Berger CASO ✓ Sent 3/28/08

U.S. DEPARTMENT OF THE INTERIOR
BUREAU OF LAND MANAGEMENT
CALIFORNIA STATE OFFICE

B.L.M. NEWSBEAT

JANUARY, 1979

A VOLUNTEER from the Salinas Ramblers Motorcycle Club is helped in strapping on gear to collect dust samples during a test conducted by the University of California, Berkeley, to determine asbestos levels.

Winter Follow-up Slated In UC Asbestos Study

The U.S. Bureau of Land Management will contract with the University of California, Berkeley, for further study of the incidence of chrysotile asbestos in dust and in water in BLM's Clear Creek Recreation Area about 125 miles southeast of San Francisco.

Al Thomson, BLM's Folsom District Manager, said a report from the University from an initial study made this summer showed a high concentration of asbestos fiber in dust and water in an area used by motorcyclists, other off-road vehicle users, hunters, campers and rock collectors.

Thomson said the follow-up study, recommended by the University, will seek to determine the effect of

(Continued on Page 2)

Gregg Commends Desert Plan Public Involvement Activity

By John Frye
BLM Public Affairs

Frank Gregg, Director of the U.S. Bureau of Land Management, said he is impressed "with the care used in approaching the public and the subsequent communications" being carried out in preparation of a comprehensive multiple-use plan for the California Desert.

"Such efforts will build public confidence," he said, "and, along with wisdom and justice, will make the Desert Plan succeed."

Gregg spoke at a meeting of the California Desert Conservation Area Advisory Committee which held a series of public seminars at Riverside November 30-December 2.

"Both Secretary of the Interior Andrus and I place high priority on the planning work behind done here on the desert," he said. Gregg said this work could be an indicator of what can be done in other areas, but he said the primary emphasis is management and protection of desert resources.

Conflicts are more visible and striking in the desert than in eastern forest areas, Gregg noted, because of the wide range of interests here. He expressed appreciation to committee members who gave of their time and to bureau employees who proved BLM capable of dealing with real issues and managing resources.

The director also said that current economic and political trends will continue pressure on BLM to do things better at less expense.

The Advisory Committee is mandated by Con-

(Continued on Page 3)

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ATTACHMENT 2

UC Asbestos Study

(Continued from Page 1)

rainfall on dust levels. The study will cost approximately $5,500.

Some highlights of the initial report, made by the University's School of Public Health and the Department of Geology and Geophysics are:

"The fibers in the Clear Creek area are unquestionably of diameters and lengths known to be hazardous to human health. The concentrations are in a range which if inhaled frequently, as on many consecutive weekends, could produce detectable effects in some individuals.

"Some of the counts exceed the concentrations permissible in industry for even brief exposures, i.e., 15 minutes. One would not expect the wearing of makeshift personal protection, such as handkerchiefs or cloth, used by some of the cylists to remove enough fibers for safety. Only respirators approved by the National Institute for Occupational Safety and Health for fibers could be counted upon.

"In spite of the foregoing, one is not warranted in predicting an epidemic of asbestosis, lung cancer, or mesothelioma in those who have used the area recreationally in the past few years.

"Since the intermittent users of the Clear Creek Area have probably not developed lung burdens of chrysotile asbestos in any way comparable to those of industrial workers, even those working under current standards, it is not likely that they will show an abnormal pattern of disease and there is no need to create a panic or undue alarm.

"Bureau of Land Management employees who have had more sustained exposure should have these facts entered into their records and should be studied for evidences of pulmonary fibrosis."

The University posed the question: Should continued used of the 43,000 acre area for recreation be permitted?, and said:

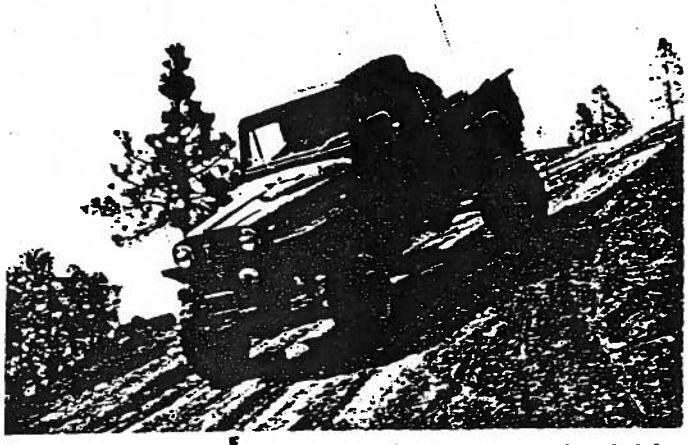
- "In our opinion, the answer is 'no.' In spite of the fact that exposures to date are unlikely to have permanently harmed those who have used the area, it would not be prudent to continue such exposures indefinitely.

"It would also be inconsistent with Federal policy to permit exposures as described in this report, while requiring industry to reduce occupational exposures to two fibers per cubic centimeter of air."

Thomson noted that more than 60 percent of the recreational use in the area is at times other than summer when dust from vehicle use is more intense. He said further study during the rainy season, usually from November to May, will provide information needed for future decisions about use of the area.

Approximately 1,500 motorcyclists and other off roaders used the area regularly in 1977. Total recreation use amounted to about 36,000 visitor use days. (A visitor use day equals one person staying for 12 hours.) About 30 percent of the use occurred on six major holiday weekends.

A MOTORCYCLE churns dust in the Clear Creek area and the rider goes into a dust cloud left by the cyclist preceding him. The University of California says the dust contains a high concentration of asbestos.



STEEP BARE HILLS are popular with 4-wheel drive vehicle operators as well as motorcyclists. The soil is serpentine and contains asbestos fibers identified as hazardous to human health. This photo was taken during the 1978 Molina Ghost Run.

Thomson said signs were posted in the area in November and December, 1977, warning that soils, dust and water in the area might contain asbestos which could be hazardous to health. He said the signs will be up-dated to warn that the area does have high levels of asbestos in the dust and water.

He also noted that use of the area has dropped 18 percent since the signs were posted, but he said that could be attributed in part to a wetter winter and a hotter summer this year than usual.

Members of the Salinas Ramblers Motorcycle Club assisted the University in the study by wearing sample collectors in simulated race events.

UC panelists urge Clear Creek closure

Closure of the Clear Creek area for public recreation has been recommended by a University of California research group because of the high concentration of potentially hazardous asbestos in the area.

The study by the UC researchers was commissioned last year by the U.S. Bureau of Reclamation which administers the Clear Creek area as a recreational site. Nearly 40,000 motorcyclists, other off-road vehicle enthusiasts, hunters, campers and rock collectors are estimated use Clear Creek's 53,000 acres annually.

ASBESTOS

Natural asbestos deposits lie within the Clear Creek recreation area and the study was authorized by BLM in view of growing evidence linking asbestos exposure, especially in industrial settings, with cancer cases.

The investigation by UC School of Public Health and Department of Geology and Geophysics researchers was initiated to ascertain how much surface asbestos exists in Clear Creek, especially in the dust kicked up and inhaled by motorcyclists. Presence of the mineral in the area was long known as it has been mined commercially in the southernmost county for many years.

To assist the study, members of a Salinas motorcycle club wore sample collectors in simulated races, and the analysis of those samples prompted the researchers' recommendation.

The UC scientists found asbestos fibers of diameters and lengths known to be hazardous to human health and some counts exceeding concentrations permissible in industry for even brief exposures.

CAUTION

Cautioning against "panic and undue alarm," the researchers said it is unlikely anyone visiting the area has suffered permanent harm because of exposure to asbestos fibers. Unlike industrial workers, they pointed out, recreationalists have had only intermittent exposure to asbestos on visits to Clear Creek, but they cautioned that it would not be prudent to continue such exposures indefinitely.

The researchers warned that motorcyclists should not expect facial handkerchiefs to filter out enough asbestos fibers for safety as they ride the Clear Creek slopes. "Only respirators approved by the National Institute for Occupational Safety and Health for fibers could be counted upon," they said.

The study also pointed out that it would be inconsistent with federal policy to permit exposures such as those found in the Clear Creek area while requiring industry to reduce occupation exposures to far lower levels.

DECISION

Decision on whether to close Clear Creek to public use will be made after completion of further UC studies which are now in progress, a BLM spokesman said.

Signs posted last year to warn that soils, dust and water in the area might contain asbestos which could be hazardous to health will up updated to warn of high levels of asbestos in dust and water, it was indicated.

Winter opening seen

The Clear Creek area has been a favorite exploration site for rockhounds for many years and this morning Kent Sperber, long-time member of the Hollister Gem and Lapidary Club and local representative to the Rock Club Federation, was queried by the Free Lance on his reaction to the recommendation of UC researchers that Clear Creek be closed to the public because of potential health hazards from concentrations of asbestos.

Sperber said that he was aware that the study was going on and noted that a further "winter" survey is being made now. He indicated the initial study was made during a dry period.

"There's definitely a lot of asbestos in the air," Sperber said, attributing it primarily to the dust kicked up by cyclists. He expressed the view that continued public use of Clear Creek for camping and rockhounding "would be o. k. if they don't stir up the dust."

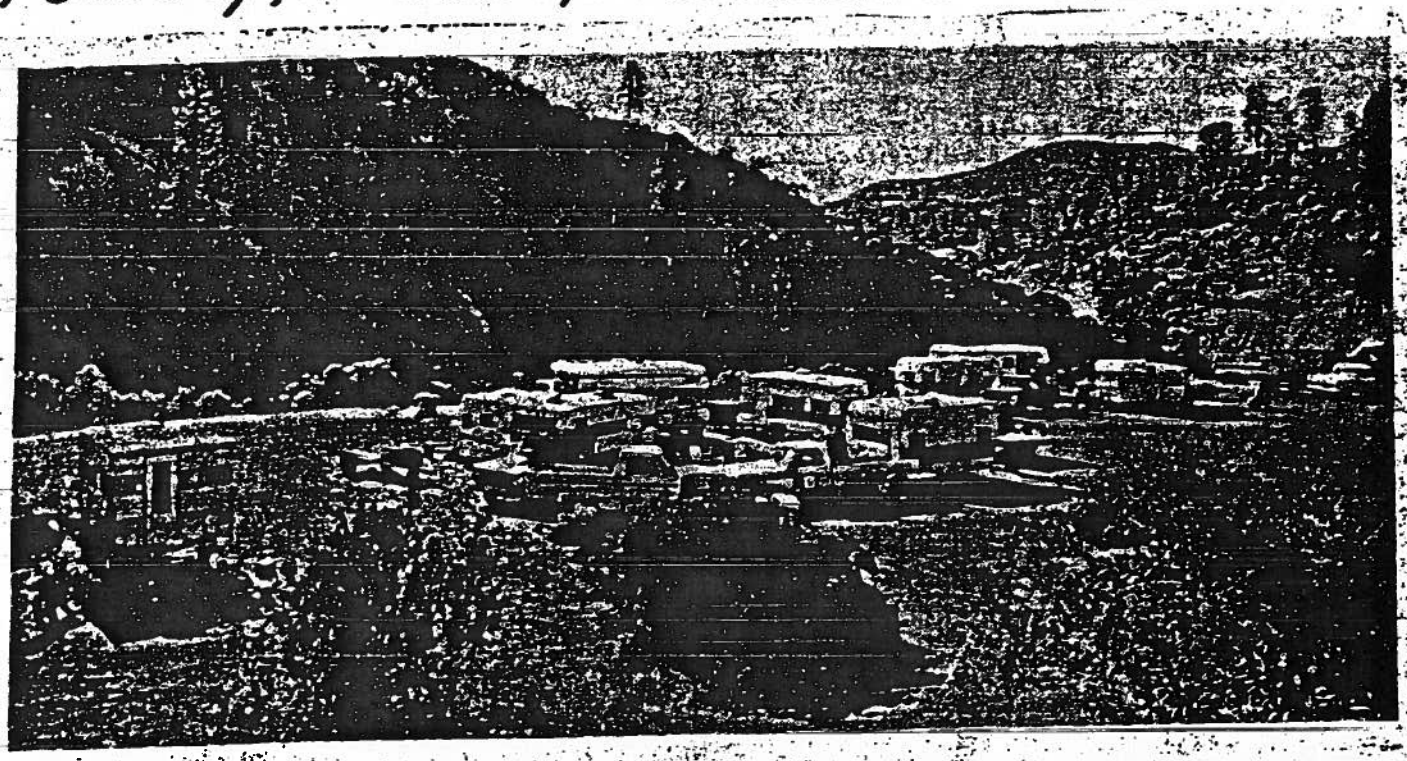
Sperber anticipates that the Bureau of Land Management will hold public hearings "as they usually do" before any decision on closure is reached. Depending on the outcome of the studies, he suggested, BLM's ultimate decision might be to close Clear Creek in the summer and leave it open in the winter.

Evening Free Lance
Hollister, CA. Fri. 12/29/78

ATTACHMENT 2

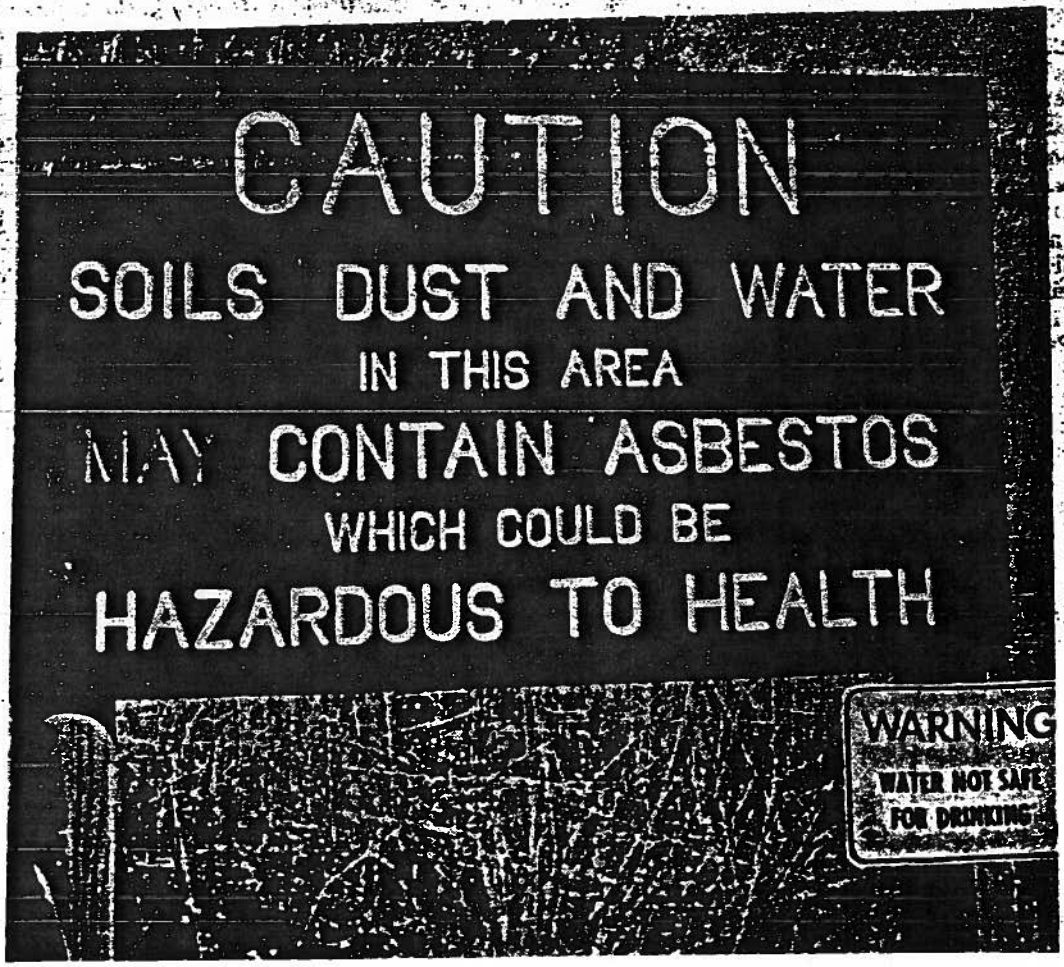
ATTACHMENT 3

Hollister Evening Free Lance
Tuesday, January 2, 1979



Clear Creek asbestos hazards

Whoever scrubbed the word "may" from this Clear Creek Recreation Area sign is apparently right, according to recent studies conducted by UC Berkeley and requested by the Bureau of Land Management which administers the well-used recreation area in southern San Benito County. The study shows high levels of potentially hazardous asbestos in the area and there is discussion now of possibly closing the area. No date for proposed public hearings have been set. Despite the warnings, the 53,000 acre recreation area remains extremely popular with rock collectors, campers, hunters and especially recreation motorcyclists. Even on a cold New Year's Day, campers attest to the



ASBESTOS IN THE ENVIRONMENT AT THE CLEAR CREEK MANAGEMENT AREA

What is Asbestos?

- Asbestos is a group of six different fibrous minerals which occur naturally in soil and rock in some areas.
- Asbestos fibers are hard to see with the naked eye.
- Chrysotile asbestos is the main type found in the Clear Creek Management Area (CCMA).
- Asbestos fibers are resistant to heat and have been used in a variety of man-made products for insulation and heat-resistance.
- Asbestos fibers are very tough and stay in the same harmful form in the environment for a long time.

Why is there Asbestos in CCMA?

- CCMA is located on a formation of naturally occurring serpentine rock and soil which contains high concentrations of asbestos
- Asbestos mining activities in the area also contributed to the asbestos at CCMA
- In areas where there is naturally occurring asbestos from serpentine rock, the percentages of asbestos in the soil range from 1% to as much as 50% in areas where asbestos has been mined.

Why does Asbestos enter the environment?

- During geological processes, the crushing of serpentine rock results in asbestos which is more readily available to the environment.
- The mining industry and roads built to support the mining have broken up the asbestos causing it to disperse.
- Asbestos fibers are also dispersed in the environment by wind and water.
- Asbestos fibers stay suspended in the air for lengthy periods but ultimately settle onto the soil.

How does Asbestos get into my body?

- Asbestos fibers in the air can get into your lungs when you breathe.
- Asbestos fibers that get into your mouth can be swallowed into the stomach.
- Asbestos fibers are not likely to penetrate the skin.

ATTACHMENT 4

How much Asbestos is too much?

- Low levels of asbestos are not likely to be harmful to your health.
- Asbestos is measured by the number of fibers (f) that are present in a cubic centimeter (cc) of outdoor air, or f/cc.

How might my family or I be exposed to Asbestos while visiting CCMA?

- If you ride dirt bikes or motorcycles, camp, hunt , or hunt for rocks, you can be exposed to asbestos fibers on dusty trails, especially during the dry season.
- Because motorcycles raise considerable dust, if you watch motorcycle races, you may inhale asbestos fibers.
- If you are camping, especially in dry, dusty areas, you could be exposed to asbestos fibers which are in the air, dust and soil in the camping areas.
- Water in the creeks in CCMA may contain asbestos fibers and heavy metals.
- Asbestos fibers in dust and mud from CCMA can remain on your clothes and vehicles when you leave CCMA.

You can find out the concentration of asbestos in the outdoor air at CCMA by calling the Clear Creek Hotline at (831) 630-5060. You will hear the latest recorded information about the airborne asbestos concentrations and weather conditions. If you would like clarification about the meaning of the asbestos reading, call the Hollister Office of the Bureau of Land Management at (831) 630-5000.

How could Asbestos affect my health?

Most of the information on the health effects of asbestos in humans comes from studies of people who were regularly exposed to high levels of asbestos in the workplace. Any exposure to asbestos involves some risk, but for people who are exposed to low levels of asbestos for short periods the risk should be minimal.

However, asbestos has been known to cause cancer in humans who have been exposed to high levels on a regular basis. The two most common cancers found in these situations are lung cancer and mesothelioma, a rare cancer of the lining that surrounds the lung and stomach.

Smoking and Asbestos Exposure

Smoking cigarettes dramatically increases the chance of getting lung cancer from asbestos exposure.

The non-cancer health effect most commonly associated with high levels of asbestos exposure is asbestosis which is scarring of the lung tissue.

- If you have asbestosis, your lungs cannot expand or contract like normal lungs, which make it difficult to breathe.
- Asbestosis is only seen in people who received regular, high level exposure to asbestos.
- Both cancer and asbestosis can take twenty to thirty years or more to develop after exposure.

Is there a medical test to determine whether I have been exposed to Asbestos?

There area no tests to determine effects from low level asbestos exposure.

- Chest X-rays are only useful for identifying damage from exposure to asbestos from much higher exposure than you would receive from a visit to CCMA.
- Because asbestos-related diseases take many years to develop, effects from recent, low dose exposure cannot be seen on a chest x-ray.

Precautions to take when visiting CCMA

- Avoid areas where it is dusty or windy.
- Never drink the water from the streams or springs.
- Wash any vehicle that has been used at CCMA before returning home.
- Wash clothing worn at CCMA separately from you other clothes.
- If digging in dry dirt, try to minimize the amount of dust that is distributed.
- Do not ride Off Highway Vehicles (OHVs) around the campground. They create dust.
- If riding an OHV in a group, spread out along the trail, and doesn't ride in another rider's dust.

Before visiting CCMA

Call the Hotline at (831) 630-5060 to get recorded information about airborne asbestos concentrations and weather conditions. If the weather is hot, dry and dusty, avoid CCMA. If you would like clarification about the meaning of the asbestos fiber reading, call the Hollister Office of the Bureau of Land Management at (831) 630-5000.