

Midwest Environmental Justice Organization

Date: Dec. 17, 2010

**Re: Verona Road/US 151 Reconstruction Project
Project ID 1206-07-03, SPES-F, NH 14 ()
SDEIS Public Comment Period**

Dear Mr. Barta and Mr. Lynch:

The Midwest Environmental Justice Organization (MEJO—formerly the Madison Environmental Justice Organization) works with people from diverse communities to collectively address environmental and human health issues that are important to them. While we are interested in issues that negatively affect the health and environments of people from all backgrounds, we focus in particular on environmental and health issues that place the most risks on minorities, low-income, and other vulnerable communities (children, elderly, handicapped).

Last spring I was asked by the Verona Road Justice Coalition to give a talk to their group about the potential health impacts of the planned WisDOT highway expansion. In preparing my talk, I read over the key DOT documents on the project, written over the many years this project has been in planning. I was rather shocked to see that they barely mention significant public health impacts that will result from the proposed projects—and in particular those resulting from increased air and noise pollution.

I also learned while talking to people living in the Allied-Dunns Marsh communities that DOT representatives hadn't mentioned these obvious and critical potential health impacts of the planned highway expansions in their extensive meetings with them over the years.

Even worse, community members said that they have felt, and continue to feel, unheard and disrespected overall in their interactions with WisDOT representatives. Many feel that their neighborhood is being dismissed because it is perceived as a troubled, isolated area with race and class challenges. Yet defying the common perceptions of the Allied-Dunns area, members of this community that I have been working with (most of whom have lived there for many years or decades), have strong commitments to their neighborhood and don't feel that it is the isolated, bad area that it is often portrayed as. However, if it was a more upscale, privileged neighborhood, they suspect, the highway expansion probably wouldn't be considered—and if it was proposed, the community's perspectives and questions would be much more respected (and acted on). Indeed, locating projects or entities that cause environmental or human health risks in places that have the fewest resources and capacities to fight it, usually areas with higher proportions of minorities and poor, follows classic pattern of environmental injustice.

Downplaying and/or ignoring critical public and environmental health risks resulting from this project, one that will put minority and poor communities most at risk, violate the DOT's mandate under Executive Order 12898 to make decisions that do not have adverse environmental and

health impacts to minorities and lower income communities. Further, a core principal of environmental justice is meaningfully and respectfully engaging affected communities in decisions and policies. Therefore, in not doing so, the WisDOT is further violating its environmental justice mandate.

Below, along these lines, I outline some of the aspects of the human health impacts of this project that the WisDOT is ignoring or downplaying.

Air pollution will put an already at risk neighborhood even more at risk

There is little controversy that traffic-related air pollution (TRAP) can cause illness and early death, particularly in people exposed to high levels of TRAP because they live near large roads and highways. Numerous scientific studies show that pollutants emitted from vehicles can have significant health impacts for everyone, but particularly for vulnerable populations such as children, elderly, and people with existing diseases. Traffic-related air pollution is well known to be associated with increased rates of asthma, respiratory problems, cardiovascular problems, neurological problems, adverse birth outcomes, and more. The increased noise that will result from more traffic is also known to cause developmental, learning and other health problems, especially in children.

The Allied-Dunn's neighborhood is already at risk for higher levels of these health problems because of the high proportions of lower income and/or minority people living there. These groups, for a number of reasons, tend to have higher rates of respiratory and cardiovascular problems, as well as other health problems. This neighborhood also faces many other significant socio-economic challenges (e.g., because of lack of health insurance, good medical care, poor diets, etc)--which further exacerbate their vulnerability to air and noise pollution-related health problems.

Key air pollutants are ignored and/or inappropriately discounted in the SDEIS

Oddly, the WisDOT documents only consider one contaminant, carbon monoxide, that will result from increased traffic pollution. The documents then discount CO as not being a concern based on "preliminary air quality monitoring" showing that no location will be exposed to more than 75% of any ambient air quality standard. Other air pollutants that will certainly increase substantially as a result of the highway expansions and that are known to cause health effects—such as fine and ultrafine particulates (PM2.5), ozone, mobile source air toxics (MSATs), nitrogen and sulfur oxides, are barely or not mentioned in WisDOT documents and when they are mentioned they are discounted for reasons that are questionable, contradictory, and/or unethical. We outline some of these issues below.

OZONE. According to the SDEIS, ozone does not need to be addressed because the county is not designated as "non-attainment or maintenance for ozone." This is an inappropriate reason not to address the localized and broader increases in this serious pollutant, increases that are inevitable with this project. While Dane County may not currently be in non-attainment for ozone, it does have elevated ozone levels regularly (and usually several ozone action days every year). Ironically, these road expansion projects will only make it more likely that the county will be in non-attainment in the future. Most importantly, regardless of attainment or non-attainment,

the highway expansions will add to ozone levels in the Allied-Dunns neighborhood, putting people there at risk for ozone-related health problems.

MSATS (Mobile Source Air Toxics). MSATs include diesel particulates, benzene, formaldehyde, acetaldehyde, 1, 3 butadiene, and numerous more. Traffic air pollution also contains numerous toxic heavy metals. Many of these are known or suspected carcinogens, neurotoxins and/or developmental toxins. The EPA estimates that mobile (car, truck, and bus) sources of air toxics account for as much as half of all cancers attributed to outdoor sources of air toxics.

The SDEIS claims that “this project is considered to have low potential MSAT emissions,” because it does not qualify as “having no or very minimal changes in MSAT emissions but is “not expected to be associated with meaningful differences in emissions for project alternatives.” These rather confusing statements seem to suggest that the current levels of MSATs in the neighborhood may already be high (they likely are based on existing roads/traffic) but based on models, they are not expected to change “meaningfully” with the various alternatives (or something like that, though it is unclear).

Regardless of what these claims are intended to mean, the SDEIS goes on to note that each of the models these claims are based on “*has technical shortcomings or relies on uncertain science that prevents a more complete determination of the MSAT health impacts of this project.*” This suggests that WisDOT models cannot really say what the MSAT impacts of this project will be because the models used to predict them are limited. We suggest, therefore, that key MSATs should be monitored now and regularly into the future as this project progresses, to get actual numbers rather than using models (see our recommendations below).

The assumptions and claims in the SDEIS qualitative assessment of MSATs are also highly questionable and contradictory. The document admits that “the VMT estimated for each of the Build Alternatives is higher than that for the No Build Alternative because *the additional capacity increases the efficiency of the roadway and attracts rerouted trips from elsewhere in the transportation network.*” (p. 4-176). So it admits that more traffic will come through the neighborhood. But then it claims that emissions will “likely be lower than present levels in the design year as a result of EPA’s national control programs that are projected to reduce annual MSAT emissions by 72 percent between 1999 and 2050” (p. 4-176). This is unrealistically hopeful, speculative reasoning at best, given that extensive past evidence suggests that projected reductions in emissions more often than not do not come to pass (for a variety of technical, economic, and/or political reasons). Even if emission reductions happen, they are usually more than offset by increased traffic and driving (which the SDEIS admits will be facilitated by the expansions). Depending on the President currently in office, and economics, political priorities for federal agencies often change dramatically and sometimes this means that environmental standards get more lax or all environmental controls/standards are thrown out entirely (e.g., under Republican administrations).

Of course, even if these hoped-for emissions reductions do come to pass, 2050 is a very long time away. If reductions in MSATs are achieved by that time, this will not help the people in this neighborhood before then. They will be exposed to these highly toxic pollutants for decades. For

some of these pollutants and especially vulnerable groups, all that matters is short-term exposures (e.g., fetal and early childhood exposures can cause permanent harmful effects such as pre-term births, developmental problems, etc).

Tellingly, the document also admits that “the additional travel lanes incorporated in the Preferred Alternative will have the effect of **moving some traffic closer to adjacent homes, schools, and businesses**, therefore under the Build Alternative there may be **localized areas where ambient concentrations of MSATs could be higher...the localized increases in MSAT concentrations would likely be most pronounced along the expanded roadway sections.**” However, it then claims that “this increase will likely be offset because of increases in speeds and reductions in congestion (which are associated with lower MSAT emissions) and notes that “MSATs will be lower in locations where traffic shifts away” and that on a regional basis vehicle and fuel regulations and fleet turnover “will cause region wide MSAT levels to be lower than today.” However, again, we strongly question these rationales for discounting concerns about increasing MSATs. The expanded roads in this project will fill up with more and more cars and trucks, and this will likely more than offset any decreases in MSAT emissions.

In sum, then, the SDEIS actually admits that those closest to roads (most likely the least privileged in the community), will likely be exposed to higher MSATs from the proposed projects, but then based on questionable reasoning suggests that overall MSATs will decrease over time. Yet even if regional-level MSATs do decrease over time, which again is highly unlikely based on past evidence, this does not ameliorate the increased MSAT exposures in this neighborhood and especially among those right next to the roads.

PM 2.5. The one short paragraph about PM 2.5 (p. 4-177) says that Dane County is in attainment, suggesting that the DOT doesn’t need to address this pollutant. However, in 2010, Dane County had numerous air advisory days for PM 2.5, and is likely very close to non-attainment now even if it has not been declared officially or in recent years. Moreover, we again stress that expanding roads within the county and attracting more traffic will only increase levels of PM 2.5, pushing Dane County to non-attainment for this pollutant sooner or later.

Also, we think using the ever-changing attainment/non-attainment classification as a criteria for whether or not this pollutant needs to be addressed by DOT is unethical in that it is not based on protecting public health. Regardless of whether or not Dane County is in attainment, PM 2.5 is associated with significant respiratory, cardiovascular, and other health effects, even at levels below standards. PM 2.5 should be monitored now and ongoing (real-time if possible) as these projects progress. Even the DNR letter submitted on Jan 14 2009 by the DNR’s Transportation and Air Quality Planner, and included in the SDEIS (p. 4-179) notes that **“Despite the indirect source permit exemption, we believe that the Verona Road West beltline interchange is a project of significant air quality concern and requires additional analysis. Since the project is in close proximity to a number of sensitive receptors and has a high percentage of heavy diesel traffic, DOT should conduct a particulate matter (PM 2.5) hot spot analysis and NO2 analysis for the project.”**

GREENHOUSE GASES. Most of the contaminants emitted in TRAP will also contribute significantly to climate change, which the SDEIS admits, even describing some of the key

detrimental outcomes that Wisconsin could face from climate change. Oddly, the document implies that the project will reduce emissions of greenhouse gases by reducing congestion and that more fuel efficient vehicles in the future will also help reduce emissions. Again, as discussed above, these rationales are nonsensical, since the expanded highways will lead to more driving and traffic that will likely offset future increases in fuel efficiency (improvements that may not come to pass).

Also, air pollutants emitted from the increased traffic in this area due to the road expansions proposed in this project **will add significantly to the overall air pollution in Dane County and the region** for decades to come. The facilitation of more and more traffic from these road expansions can only go in one direction—more and more air and water pollution.

Bike and walking paths are great, but expose people to more pollution

While the WisDOT SDEIS proposes many improvements related to bike paths, bike and bus connectivity, and other such efforts (that we strongly support), we want to highlight the contradictions in building more bike paths and walkways, etc., right next to large roads and highways that are being expanded to accommodate more and more traffic. Ironically, bikers and walkers will be exposed to even more pollution as they exercise outside—and it is well known that while exercising hard, more pollutants are inhaled. This is particularly ironic and unjust since those using these paths—primarily people in the neighborhood—are less likely to have cars. So while more privileged people from other parts of the city and state use the highways to zoom as quickly as possible through the neighborhood, the pollution from their cars will be inhaled by people without cars who are walking and biking in the neighborhood--whether by choice to exercise and do their parts to reduce pollution, or simply because they cannot afford a car.

The WisDOT has already discounted requested air monitoring and health impact studies

As of last week, the WisDOT had already discounted the request by the neighborhood and the city for air pollutant monitoring—primarily by deferring to studies that might produce some reports far in the future and that may have limited or no relevance to the Verona area. For example, Larry Barta from DOT notes in his written response to the request for monitoring, that the FHWA, EPA, and other state DOTs are studying MSATs at Las Vegas and Detroit. He claims that the “upcoming reports and analysis” will provide “a much better understanding of how and where MSATs should be tested and/or monitored in Wisconsin” and “may lead to changes in federal guidance on the monitoring of MSATs.” Data and reports that might happen at some undefined date far in the future, based on analyses in other cities, and that might or might not lead to some “changes in federal guidance on the monitoring of MSATs,” will do little to nothing to help the Verona Road area now or in upcoming years as this project moves forward. Many of the key air pollutants could be measured right now (and ongoing) if the political will was there to do it—in other words, if government agencies really cared about assessing exposures and health impacts in this at-risk neighborhood and doing everything possible to mitigate and prevent them. The DOT does not need to wait for future reports based on studies from other cities to do this.

The DOT also writes off requests to weatherize homes to mitigate sound and air pollution impacts, as well as the recommendation that DOT work to secure a grant for a Health Impact

Assessment—by saying in both cases that “grants are available.” Presumably DOT is implying that some undefined people in this neighborhood, with few to no resources, capacity, or political power should somehow apply for these grants on their own? This suggestion is either highly naïve or purposely disingenuous. People in this neighborhood have little capacity to apply for and administer these grants, and moreover, they would need the active cooperation from DOT and other agencies such as DNR, Public Health Madison Dane County, and the WI Department of Public Health to even have a chance of getting them. Government agencies like the DOT and others have the capacity, responsibility, and power to take the lead on initiating and administering these grant projects, *with the active and meaningful collaboration with the neighborhood.*

The WisDOT has the political clout and the responsibility to work with the WI DNR, University of Wisconsin researchers (some of the top air quality researchers in the world are there), and other responsible environmental and public health agencies in the city and state to monitor air pollutants and noise, to do health impact studies with the neighborhood, and to find ways to prevent health harm based on these studies. **But clearly the health of this neighborhood isn’t a high priority for the DOT.** Other responsible agencies (local and state public health), oddly, seem to be missing in action.

Unethical reasons to discount air pollution health impacts

We agree with comments of the ADNA/DMNA about the questionable ethics of DOT claims that they do not need to address significant air pollutants because they believe they are meeting their minimal legal and/or regulatory requirements. Decisions to ignore health effects of known serious air pollutants on vulnerable people are unethical and in violation of core principles of environmental justice regardless of existing air quality standards—which many public health experts think are not nearly protective enough. Numerous scientific studies show that health effects related to air pollutants can occur well below existing standards. Moreover, everyone living very close to these expanding roads will be exposed to higher levels of these pollutants, in certain locations and times probably higher than standards. People of color and poor, and children, who are likely to be closest to these roads, will be most at risk regardless of legalities and standards.

In line with the comments above, MEJO recommends that WisDOT do the following:

1. First and foremost, the WisDOT should regularly and respectfully engage communities and neighborhood associations (especially ADNA and DMNA) in the areas of the planned highway expansions by listening to, discussing, and *meaningfully addressing* their perspectives and very valid concerns about a number of aspects of the project, as outlined in the ADNA/DMNA comments to the city. MEJO also supports these thorough comments based on these neighborhood association and community members’ extensive experience and knowledge about the Verona Rd area.
2. As suggested in the City of Madison, the WisDOT should work with the WI DNR to monitor air quality in adjacent neighborhoods, including regular reporting and a monitoring station. This should be implemented as soon as possible and should include *ongoing* air quality monitoring of PM2.5, MSATs, NOx and SOx in the neighborhood—to get baseline data and to track changes as this project moves forward. The nature and extent of current and potential public exposures to

traffic-related air pollutants in the Verona Rd area cannot be adequately assessed or addressed without such monitoring. This monitoring should be accessible and shared regularly with the neighborhood, public health and environmental agencies, and political decisionmakers.

3. The WisDOT should assure that sound walls and other noise barriers wanted by the neighborhood are actually constructed in all the areas needed as identified by the community throughout all phases of the project.

4. The WisDOT should place bike paths and walking bridges where the ADNA/DMNA have suggested they should go. These are the people who live there and know best where they like to walk and bike, what will work and not work, and what is likely to be safest. Their knowledge and experiences on these matters should be top priorities when making decisions about these issues.

5. WisDOT should work with Public Health Madison Dane County (PHMDC) and the Wisconsin Department of Health Services to compile existing and gather needed health data for the neighborhood, particularly on diseases and conditions related to air pollution (e.g., respiratory problems, cardiovascular problems, birth outcomes) and noise.

6. The WisDOT should initiate and gather resources, working with public health agencies, to do a health impact study (HIS), in active collaboration with members of the affected neighborhoods in order to better understand the full effects of the policy decisions about this highway expansion on people's health and well-being. The responsibility for the initiation and writing of the Health Impact Study should not fall on the neighborhood that will be most affected by his project. Expecting them to find resources to assess how they are affected and how to ameliorate these problems is unethical and irresponsible. This is the responsibility of the entities that have the power to plan and carry out the proposed projects.

7. The information from the air monitoring and health impact study described above should be used to make decisions that minimize negative health impacts on the neighborhood to the fullest extent possible in all of the planned projects (again with the full engagement of interested community and neighborhood members).

8. WisDOT should develop and implement strategies to eliminate the perceived need for future phases of this project. Along these lines, we agree with the Allied-Dunns Neighborhood Association and the Dunns-Marsh Neighborhood Association that the WisDOT should consider a moratorium on this project, if not now then for future planned phases, to provide more time for government agencies, including public and environmental agencies, and political decisionmakers, working with the neighborhood, to do broader transportation planning related to the Verona/Beltline corridor and find ways to facilitate less driving and healthier neighborhoods. The WisDOT should embrace transportation options that protect public health and the environment by facilitating fewer—not more—cars and trucks, that increase rather than decrease the quality of life in the Allied-Dunns neighborhood.

Finally, looking at the bigger picture, we ask that our government agencies, leaders, and policymakers **stop planning transportation options based on the assumption that there is no**

choice but to build more and bigger highways. As a society, we should be going in the opposite direction. It is well documented now that building more and bigger highways only facilitates more driving and hence more traffic. When bigger highways are built they quickly fill up with more cars and trucks. This expensive strategy in long-term transportation planning, one that has dire consequences for public and environmental health, is out-dated and needs to change.

We ask, instead, that our political leaders and government agencies leaders make it top political priorities to improve mass transit—buses, trains, light rail, etc.—as well as developing other policies to get people to get out of their cars. We ask that they create policies that encourage less polluting ways to transport food and other goods—and more importantly, policies that facilitate more localized food systems and economies.

Thanks for considering our comments. Please feel free to contact me with any questions.

Sincerely,

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