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RE: Comments of Carol Ann Pass, on  
On Behalf of East Phillips Improvement Coalition, EPIC

**East Phillips Improvement Coalition (EPIC)**  
**Additional Public Comments on the Hiawatha Project**

**This Statement is on behalf of the East Phillips Improvement Coalition (EPIC), the neighborhood organization serving East Phillips, regarding Xcel's routing of overhead High Voltage Transmission Lines through the East Phillips neighborhood regarding their implications for the health of neighborhood children and families .**

**We find the Draft Environmental Impact Study seriously flawed with information limited and partisan in scope, offering only information in agreement with Xcel Energy's company plans as they currently stand. We find a lack of objectivity, scientific depth, breadth of research and thoroughness. Given the community they are approaching as host for this project, this is remarkable. This is, undoubtedly the most fundamental issue for residents and businesses, especially given the heightened awareness of the community to its already serious pollution, toxic waste and health issues emergent from these factors and its attendant poverty, especially in Phillips' children.**

East Phillips Neighborhood is bounded on the east by Hiawatha Avenue, on the west by Bloomington Avenue, on the south by Lake St. and on the north by 24<sup>th</sup> St. in south Minneapolis. It is a key neighborhood through which Xcel's High Voltage Transmission Lines are proposed to pass and is an urban core neighborhood of about 4,800 residents. As one of the four quadrants of the Phillips Community, it is a part of an area of about one square mile with a total population of almost 20,000 people. The Phillips Community has 7,016 children under the age of 18, 40% of whom live below the poverty level. A large proportion of these children and families live very near the proposed route of the Power Lines. The four neighborhoods are all very challenged by poverty, an already polluted landscape, limited education, large numbers of linguistically-isolated immigrants and an overall minority population of approximately 70%. Yet, surprisingly, many are homeowners and own small businesses. These are the very people of focus in the MPCA Environmental Justice Policy, as well as a variety of other Justice Policies, some of them Federal.

Phillips residents have had a continuous battle against a variety of major health challenges for as long as many of us remember. Neighbors have had to battle the existing and usual toxic remnants of an old industrial city neighborhood: lead, in East Phillips case arsenic, asthma-producing particulate matter and numerous other toxic site and pollutants. Studies and remediation have still not undone this damage and we still encounter the tragedy of childhood retardation from lead poisoning.

However, residents have also had to fight a steady stream of new polluting and health-damaging industries whose agencies have attempted to place in our already encumbered and health challenged community. There has been the Hennepin County Garbage Transfer Station, a major project for gathering most of Hennepin County's garbage, bringing vast numbers of garbage trucks through the neighborhood, defeated in 1999, the Midtown EcoEnergy Burner, bringing 37% more asthma-producing particulates and "a major source of hazardous air pollutants" (MPCA Technical Document, Nov. 2007, page 2) defeated in 2008, the expansion of the City Asphalt Plant, defeated in 2008, and the Metro LRT Car paint-spraying shop, defeated in 2009.

In each case, residents found that even when it was clear that these new industries would seriously exacerbate the already existing health challenges of the very high density of the minority and other children here, still investors, many elected officials and others continued to offer strong resistance to stopping these projects. The human dimension and the environmental justice issues were consistently and systematically ignored and suppressed. In the case of the biomass burner, only when a law was passed which prohibited its construction, and when the City Council and Mayor withdrew support, and when Xcel energy no longer would offer a power purchase agreement did the investment group give up on the project. From every appearance, the fact that the biomass plant would add significantly to the health challenges of a large population of minority and low-income children was never publically acknowledged nor did it appear to figure in the investors' decision to divest themselves of the project.

We have also become keenly aware of the chronic neglect, comparative low capital funding, and the overwhelming struggle of people in these minority and low-income neighborhoods. We have experienced first hand the impact, struggle and challenges some large corporate entities have brought to the Phillips neighborhoods and are aware of the low priority the health of the children of many ethnicities have for many large companies.

Given this history, it should come as no surprise that the EPIC organization and the East Phillips Community members who are familiar with the DEIS are deeply disappointed in the brevity and character of its remarks concerning health and safety.

### ***The Problem of 'Conflict of Interest' and the lack of scientific objectivity presented:***

First, upon researching the websites of the DEIS preparers, we could find no public health expertise or expressed public health concerns. Perhaps these things are on these websites, but we only found attention to efficiency and cost control, a "getting the job done" approach with minimal "costly delay". Both SRF and EMR, the preparers, from appearances fail to discuss health concerns or possible community losses on their web sites, nor did we find listed experts in managing public health issues, though they deal with projects that have major population health impacts. We also found no consideration or expert sources listed regarding ethical or environmental justice issues. Again, the emphasis was on pushing ahead with minimal delay. This would suggest a defensive posture toward ethical concerns, not a progressive effort to anticipate and respond to such concerns openly. Sadly, when this is the case, the community is usually pressed into an adversarial stance, which they may not prefer, but cannot avoid.

Second, the quotes cited in the DEIS appear to have been selected less for scientific objectivity or fairness to the evidence, than to support this same approach of pushing ahead and side-stepping public health concerns instead of meeting them with honesty. For example, while the DEIS (pg. 239) quotes the World Health Organization as stating that "exposures below the limits recommended in the INNIRP (1998) EMF Guidelines, covering the full frequency range from 0-300GHz, do not produce any known adverse health effect. However, there are gaps in knowledge still needing to be filled before better health risks can be made." (WHO 2009) It appears there is more to be said here. David Carpenter cites in his direct testimony for a different Xcel Energy case that the 2007 WHO Report states the epidemiological data "show an association between ELF magnetic field exposure and an increased risk of childhood leukemia". It would have been more objective and fair to include this and other quotes as well, since they are available on both sides of this issue. (See the Midtown Greenway Website for David Carpenter's testimony).

Also while the National Institute of Environmental Health Sciences (NIEHS, 1999 ) is cited as concluding that “ELF-EMF cannot be recognized as entirely safe because of weak scientific evidence that exposure may pose a leukemia hazard”, the DEIS preparers conclude that this is not sufficient “to warrant aggressive regulatory concern”. Again, the Carpenter testimony cites the “fairly consistent pattern of a small but increased risk with increasing exposure that is somewhat weaker for chronic lymphocyte leukemia than for childhood leukemia.”(NIEHS, 1999) The U.S. National Academy of Science Report (1997) states that “the link between power line wire-code rating and childhood leukemia is statistically significant (unlikely to have arisen by chance) and is robust” in the sense that removing a study from the group does not alter the conclusion that an association exists.” Carpenter makes the point in his testimony that “all three of these reports have accepted the demonstration of a statistically significant relation between elevated magnetic power line fields and childhood leukemia.” This is never clearly stated or even recognized by the DEIS preparers. It is never offered to the public reading the EIS for their consideration, yet this may be the most important issue addressed in the whole manuscript.

Some remarks: 1) why is the consistency of statistical significance of this link between EMF exposure and childhood leukemia never really discussed in the DEIS and quotes to this effect never made available to the public even when they are sometimes found in the same documents cited by the DEIS? 2) The second disturbing fact about the DEIS handling of this information is the statements discrediting the implications of the consistency of statistical significance by claiming that, because a mechanism for the effect of this exposure has not been found, claiming any causality is suspect. It has been pointed out that scientists do not know the mechanisms of many cancers, but we often use statistical consistency showing that greater exposure to a possible source leads to greater occurrence of a disease to “determine a causal relationship” (Carpenter, P.7) and frequently to set public policy.

If increasing proximity and/or increasing length of exposure or both consistently increases the risk of childhood leukemia, even slightly, this would seem enough to err on the side of caution and regulate EMF more aggressively. We do this with regard to many diseases, especially possible pandemics, using epidemiological studies and watching trends of appearance to determine the possible source of a disease. If we find consistency with a conjunction of possible sources, this helps to narrow the possible causes. We do this in the early stages of seeking causes for many diseases. Childhood leukemia is in the early stages of determining causality and determining a source usually precedes determining a mechanism. Determining a consistent pattern of greater likelihood with greater exposure to EMF is critical in the quest for discovery of a cause and also for the protection of our children. The question would appear to be: how certain do we have to be to change what we are doing, and that relies on how important the issue or possible consequences are to us.

### ***Mitigations:***

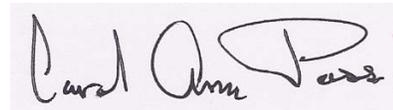
Given the health and economically challenged character of the neighborhood’s people, especially its children, an application of the Precautionary Principle should be in order. (cited in Carpenter, Reviews on Environmental Health, Vol.23,NO.2, 2008, pg. 93)“This principle provides justification for public policy actions in situations of scientific complexity, uncertainty and ignorance, where there may be a need to act in order to avoid, or reduce, potentially serious or irreversible threats to health or the environment , using an appropriate level of scientific evidence, and taking into account the likely pros and cons of action and inaction “. The 7016 children of Phillips, 40% of whom live in poverty, approximately 70% of whom are ethnic and racial minorities, we think application of the Precautionary Principle and erring on the side of caution is mandatory. **The power lines, if they are constructed at all, must go underground at a safe depth on a safe route where we can count on almost no exposure at all.**

In addition, while the DEIS compiles a great deal of valuable information, the EPIC board believes that a DEIS prepared by those who have a large stake in having this project happen is not the best way to avoid the results that a ‘conflict of interest’ would produce. Much is spun in the direction of efficiency in producing the product, not in the efficacy of a just result or in the highest interest of

protecting public health. We have to believe it is possible to accomplish both, though with a greater time frame and possibly not with corporations beholden in any way to Xcel. We are not paid experts with a great deal of resources, and yet we think with regard to some of these issues we could do a better job, especially with both the issues we have considered here, the objectivity of both the economic issue and the public health issue and the ethical issues in both cases.

We do not believe an adequate and responsible job has been done on these concerns sufficient to seriously protect the many children living here and anything less is unacceptable. Our conclusion as a Board and many in the community is that the level of expertise, objectivity, good science and ethical astuteness in these critical aspects of an EIS document would be better served by an outside consulting firm with no connection to the companies engaged in producing the project or in some cases even research by the community itself. This is too important to the community to have a product clearly so conducive to serving the aims of Xcel Energy and SRF.

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A handwritten signature in black ink on a light-colored background. The signature reads "Carol Ann Pass" in a cursive, flowing script. The first name "Carol" is written in a larger, more prominent hand, while "Ann" and "Pass" are written in a smaller, more compact hand.