



GROUP AGAINST SMOG & POLLUTION
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Remarks for Public Testimony

Joint PA Senate and House Democratic Policy Committee
Hearing on US Steel Clairton Coke Works Explosion, Air Quality, and Community Notification Issues
Clairton Municipal Building
551 Ravensburg Blvd
Clairton, PA 15025

February 7, 2019

Dear Chair Boscola and Distinguished Members of the Pennsylvania Senate and House:

Thank you for the opportunity to speak at this joint Senate-House Democratic Policy Committee hearing. My name is Rachel Filippini and I am the executive director of the Group Against Smog and Pollution.

For fifty years we've worked through education and advocacy to improve air quality throughout southwestern Pennsylvania. For fifty years, U.S. Steel's Clairton Coke and Edgar Thomson facilities have been part of – or *the* cause of – air quality problems in our region. Their chronic failure to comply with health-based air quality regulations has burdened the residents of the Mon Valley and beyond. The Christmas Eve fire at Clairton Coke is just the latest in a long line of insults to the community.

While a part of today's discussion should be about the fire at Clairton Coke and how to ensure the community is better-informed and protected should such an incident occur in the future, I believe the discussion needs to focus on US Steel's air pollution problems and the devastating health consequences the Mon Valley community has experienced for decades.

The anger and frustration you are hearing from your constituents – and reading about in the newspaper and on social media – is not just about the fire, the poor air quality it created, and the initial lack of information provided to the public. This anger, anxiety, and frustration are the results of residents enduring decades of air pollution while seeing enforcement of law that has – to date – proven ineffective.

While some industries struggle with compliance from time to time, the County Health Department, EPA, and US Steel have been engaged in court battles or settlement negotiations continually for the past 48 years. Major settlements with US Steel occurred in 1979, 1993, 2007, 2008, 2014, and 2016. According to the ACHD, after the 2016 judgement, emissions from the plant actually got worse. Overall compliance with local air laws declined from 94% in 2014 to just 75% last year. What would happen if everyone obeyed red lights 75% of the time?

In a 60-day notice to sue Clairton in 2016, the environmental organization Citizens for Pennsylvania's Future documented that Clairton Coke Works had over 6,700 air pollution violations between January 1, 2012 and May 31, 2015. That's an average of over five times a day, every day for nearly three and a half years.

According to the ACHD June 2018 Enforcement Order against U.S. Steel,¹ in addition to its decreased rate of compliance, U.S. Steel employees were actually taking actions that skew or disrupt inspectors' observations.

¹ https://www.alleghenycounty.us/uploadedFiles/Allegheny_Home/Health_Department/Programs/

Specifically, the U.S. Steel employees were walking in front of inspectors and applying a mud-like mixture to emission points so they could obscure the emissions. ACHD inspectors also observed partial pushing of coke from ovens to avoid the potential violations otherwise associated with a complete pushing of coke. ACHD inspectors also observed the removal of flue caps thereby diverting emissions that would have otherwise traveled to the combustion stack, where the emissions are monitored. By removing the flue caps in this manner, U.S. Steel effectively avoided violations attributable to stack emissions. ACHD inspectors also observed offtake pipe caps being cracked open on a sealed oven. By doing so, emissions that would have been released by the door areas are diverted away from inspectors conducting a door inspection; thereby avoiding potential door inspection violations.

These are not actions taken by a company trying to be a good neighbor, by a company trying to do better. These are actions taken by a company trying to deceive our regulators. These are actions taken by company that has a total disregard for the community where they operate.

U.S. Steel's troubles extend beyond the Clairton Coke Works. In November of 2017, the Health Department and the federal Environmental Protection Agency issued a joint Notice of Violation against US Steel's Edgar Thompson Works and now the US Department of Justice is also involved.

Over and over and over again U.S. Steel breaks the law and it is the community that suffers. They suffer by way of asthma attacks, heart attacks, strokes, cancer, and premature death. According to the Center for Healthy Environments and Communities at the University of Pittsburgh, Allegheny County ranks in the top 2% of counties in the U.S. for cancer risk from air pollution.² The two census tracts with the highest cancer risk are located in or near Clairton and reflect the contribution from the nearby U.S. Steel Clairton Coke Works and other facilities.³ When EPA first determined that coke oven gas was a carcinogen, its 1984 Assessment of Coke Oven Emissions relied heavily on research of high mortality rates for coke oven workers in Allegheny County.⁴

Aside from the mortality caused by air pollution, I want to be sure you understand the daily burden and ill-effects caused by air pollution. Most often our immediate interactions with the air are through our noses. Even when the skies look clean, our noses can tell there is a problem because of foul smells. There have been, for instance, over 740 air quality complaints via the SmellPGH app from February 2nd to February 5th, that is nearly 200/day. A frequent complaint we hear is the over-powering smell of rotten eggs, or hydrogen sulfide (H₂S). U.S. Steel's Clairton Coke Works is by far the largest emitter of H₂S in the county, emitting more than 109 tons in 2017.⁵ GASP documented that the state standard for H₂S has been violated fifty times a year on average over the past six years at the Liberty Borough monitor in the Mon Valley. Just this past weekend, the 24-hour average H₂S readings spiked to 22 ppb; that is more than 4 times the standard of 5 ppb. These noxious odors disrupt sleep; discourage people from spending time outdoors; can irritate the eyes, nose, and throat; and generally, make life extremely unpleasant.

I'm sure you have all noticed the recent spate of extremely poor air quality days. The ACHD has been doing a better job in the last month informing the public about poor air dispersion days. These are days when air pollution does not easily disperse allowing fine particulates, sulfur dioxide, and other hazardous air pollutants to

Air_Quality/ACHD-USSteel-Enforcement-Order-062818.pdf

² <http://www.chec.pitt.edu/documents/PRETA/CHEC%20PRETA%20HAPs%20Report.pdf>

³ <http://www.chec.pitt.edu/documents/PRETA/CHEC%20PRETA%20HAPs%20Report.pdf>

⁴ US EPA, "Carcinogen Assessment of Coke Oven Emissions," EPA/600/6-82/003F (NTIS PB84170182), 1982. Available online: <https://cfpub.epa.gov/ncea/risk/recorddisplay.cfm?deid=47897>. Research of Allegheny County coke workers discussed extensively in "Epidemiologic Studies" section of Chapter VI.

⁵ A Department of Environmental Protection's eFACTS online data portal

remain trapped closer to the ground for extended periods of time. On these poor air quality days, people, especially those with asthma or other chronic respiratory or cardiac conditions are told to take extra precaution and limit outdoor activity. The burden of protection should not fall exclusively on the public. These days are predicted in advance, so what steps can industry take to limit their impact? Can coking times be extended, for instance during low dispersion days?

We believe that ACHD must do a better job of holding U.S. Steel accountable, but so too must our local and state leaders.

For the state leaders in attendance today:

1. I concur with Dr. Gentile that, “an efficient and effective protocol must be developed to ensure that the public is made aware in a timely manner of both acute threats to public health and specific, appropriate actions to undertake to ensure protection of their health.”
2. Require a full accounting of the cause of the fire and steps US Steel will take to ensure something similar will not happen in the future.
3. Empower the Health Department to be a strong enforcement agency and ensure that they are taking all steps necessary to protect public health. The health department’s charge is to protect, promote, and preserve the health and well-being of all Allegheny County residents, particularly the most vulnerable. Support them when they take strong enforcement action against any polluter and call them out when they do not.
4. If the laws on the books aren’t strong enough to protect public health then do your part to help strengthen them.
5. Ensure your local offices are equipped to handle community concerns. Meaning if your constituents call with an air quality concern-you and your staff know how to help them?
6. Industry lobbyists have the time and resources to visit their government officials. In general, the public does not. Make sure you have or seek out information on all sides of an issue including the public health and environmental impacts.

Eventually the damage from the fire will be fixed and the plant will be back up and running as it has in the past. I hope you will remain as interested in improving air quality in Allegheny County in six months, one year, five years from now as you are today.

There is a lot to love about the Pittsburgh region. We have top-rated universities, world-class health care, abundant cultural and natural amenities, and winning sports teams. Unfortunately, air quality is not something Pittsburghers love or brag about. Let’s attack our air pollution problem like we would any other public health threat.