The Honorable Jerry Muenzer
Supervisor, District Four
San Benito County Board of Supervisors

Testimony on H.R. 1838 "Clear Creek National Recreation Area and Conservation Act"
114th Congress (2015-2016)
Subcommittee on Federal Lands
Wednesday, December 9, 2015

Chairman McClintock, Ranking Member Tsongas, and members of the subcommittee, I am Jerry Muenzer, District Four Supervisor of San Benito County where the Bureau of Land Management (BLM) Clear Creek Management Area (CCMA) is located. I appeared before you in 2012 testifying in support of H.R. 3641, the "Pinnacle National Park Act." Since approval of H.R 3641, the National Park continues to be an economic driver and tourist attraction for our County and the region. Being able to responsibly provide access for our youth and future generations to the natural resources and history of our area has been priceless. I am pleased to have the opportunity to appear before you today on behalf of the County and my District to express our enthusiastic support of H.R. 1838, the "Clear Creek National Recreation Area and Conservation Act" as I believe H.R 1838 would provide the same economic benefits, access, and experiences for current and future generations, similar to what H.R. 3641 has accomplished.

Over the last fifty years off-highway vehicle (OHV) recreation has become an integral part of the region and our County's economy and culture. When BLM closed CCMA in 2008, there were almost a half a million people visiting our county annually to enjoy OHV recreation at both CCMA and Hollister Hills State Vehicular Recreation Area (HHSVRA). The elimination of responsible OHV recreation at CCMA was misguided and the result of information based on inaccurate risk models.

Over the last several years the San Benito County Board of Supervisors aired grievances related to the 2008 closure of CCMA and the 2014 Record of Decision (ROD). Our concerns were based on the detrimental local implications; negative impacts to the economy and environment; the lack of varying recreational opportunities; and the impingement upon personal freedoms and individual choice. There have been no known cases of illness or deaths associated with the inhalation of naturally-occurring asbestos and OHV recreation at the CCMA. The decision to eliminate OHV recreation and almost all activities in CCMA has had significant regressive fiscal impacts on the County and region which includes Santa Clara, Monterey, Santa Cruz, and

Fresno counties - impacts we cannot afford to suffer when the perceived risk is not actually present.

The closure has directly threatened our local authority by limiting access to county roads, and has severely restricted the once vast recreational opportunities that were allowed in the 30,000 acres of route networks and open space. In the last seven years, the County has lost the potential for nearly 400,000 visits to areas of the CCMA once open to OHV recreation (BLM Recreation Management Information System, Visits and Visitor Days by RMA). This legislation would restore a primary economic driver for San Benito County, protect resources while providing a legal OHV opportunity, and give back access that never should have been taken away from our community and the public. It would also reduce the impacts of overcrowding at HHSVRA and other areas throughout the County and region - overcrowding is important to avoid as it creates potential for environmental degradation.

I applaud the BLM for recognizing the need for additional scientific assessments and studies through adaptive management criteria as stated in the 2014 ROD. One relevant and recent example is the preliminary risk assessment given to the OHMVR Commission on October 28, 2015, which reveals quite different results when compared to the 2008 EPA risk assessment. This new risk assessment, conducted by the International Environmental Research Foundation, collected ***more*** motorcycle based air samples than the 2008 EPA study **AND** samples were collected during the third year of California's historic drought. The assessment found that riding a trail motorcycle at CCMA for 5 eight-hour days per year for ***thirty years*** yielded a risk in excess cancer deaths in association with asbestos as **1 in 500,000** (International Environmental Research Foundation, 2015). The EPA and BLM risk criteria for allowing an activity at CCMA must be less than 1 in 10,000 in excess cancer deaths to support a public health risk worthy of closure (U.S. Environmental Protection Agency, 2008). The risk is 50 times lower than any limits required by BLM!!! Once finalized, this new risk assessment further supports with science the urgent need for H.R. 1838 and reopening the CCMA to OHV recreation.

As described in Chapter 3 of the BLM's Final Environmental Impact Statement, the values described by the public regarding the CCMA are nature, freedom, responsible recreation, family, and friends (Hollister Field Office, 2013). Prioritizing environmentally responsible OHV recreation at CCMA creates opportunities for joint partnerships at the local, state, and federal level and shared opportunity for all kinds of recreation. CCMA is unique because its resources and previous recreation opportunities. For example, California's official state gem, Benitoite, is found only in this area. "These resources provide natural beauty, solitude, and freedom from the structure and regulations of urban areas. In all recreational opportunities, scenic values are

often cited as an important resource to the participant's recreation experience. Virtually all recreation activities are dependent upon availability of access…" (Hollister Field Office, 2013).

Without access by foot and by motorized recreation, many recreational experiences and education opportunities regarding our area are lost. Not only is this a loss for the OHV community, but members of our community who are otherwise unable to walk or hike by foot, such as the many men and women who have fought and were injured while on duty in U.S. Armed Forces.

The CCMA can be a model of multiple recreational uses being managed together, meeting the recreational needs of the community at large. I, with broad support from our County and our Cities, support H.R. 1838 that gives back local access rights to San Benito County and provides our community and its neighbors a recreational opportunity that is worth, and has already received, national recognition as an OHV recreation destination.

Works Cited

International Environmental Research Foundation. (2015, October 28). Retrieved December 2015, from Update: Asbestos Exposures Associated with Motorcycle Riding and Hiking on Asbestos Containing Soils: Risk of Asbestos-Related Cancer: http://ohv.parks.ca.gov/pages/1140/files/10-staff-rpt-ccma_ierf_update-102815.pdf

BLM Recreation Management Information System, Visits and Visitor Days by RMA. (n.d.). BLM Recreation Management Information System.

Hollister Field Office, U. D. (2013, March). *Clear Creek Management Area Proposal Resource Management Plan and Final Environmental Impact Statement.* Retrieved December 2015, from http://www.blm.gov/style/medialib/blm/ca/pdf/hollister/planning.Par.4747.File.dat/4-CHAPTER_3-Affected_Environment.pdf

U.S. Environmental Protection Agency, R. 9. (2008, May). *Clear Creek Management Area Asbestos Exposure and Human Health Risk Assessment.* Retrieved December 2015, from http://ohv.parks.ca.gov/pages/1140/files/ccma_epa-asbestos-exposure-risk-assessment.pdf

Attachments

1. IERF OHMVR Commission Report Update, October 28, 2015
2. September 2015 Letter of Support for H.R. 1838, San Benito County Board of Supervisors
3. 2008 Risk Assessment Risk Estimation Range
4. BLM Visitation Numbers 1998-2008 and 2014

OHMVR COMMISSION MEETING
Folsom, CA 95630

October 28, 2015

STAFF REPORT: International Environmental Research Foundation (IERF) Report Update

STAFF: Rick LeFlore, Environmental Program Manager

SUBJECT: Clear Creek Management Area (CCMA): Update of Asbestos Exposures Associated with Motorcycle Riding and Hiking on Asbestos Containing Soils: Risk of Asbestos-Related Cancer

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Summary

In May 2013, the OHMVR Division entered into agreement with the IERF to determine adequate and accurate health-based risk analysis of asbestos present in serpentinite rock and soil at the CCMA in San Benito and Fresno Counties, California. This work is additional and complementary to work previously performed by IERF at CCMA in 2010. At that time, ambient and activity-based (motorcycle trail riding) air samples were collected and later analyzed to determine if particles collected on membrane filters were asbestos related and what the airborne concentrations of this mineral may be. A risk assessment analysis was performed based on the data generated, and IERF issued a report of its findings on March 8, 2011. In general, based on the findings, it was determined that there are times and conditions during which motorcycle trail recreation can be performed at CCMA when off-highway vehicle (OHV) enthusiasts would not be exposed to unacceptable high levels of airborne asbestos.

The purpose of the subsequent study report is for IERF to analyze additional air samples collected during other months than previously studied, when OHV recreation is traditionally popular at CCMA. An additional risk assessment has been performed using a larger number of air samples collected over the months that IERF did not previously sample. A final risk analysis and report was to be delivered by September 2014. After the September 25, 2015, OHMVR Commission meeting, OHMVR Division staff requested an update from IERF on the status of its efforts. The update, dated October 15, 2015, is attached as part of this staff report and is incorporated as reference.

Discussion

The October 15, 2015, update is not to be inferred as a conclusionary risk analysis and assessment, as IERF has additional research and write-up work yet to be performed in order to fulfill terms and conditions of the existing agreement. As stated in the attached update, IERF collected 34 additional motorcycle air samples over 2-day periods in November and December 2013 and January and March 2014 (results for 31 of these samples are listed on Table 1 in the attached report). Sample strategies were identical to those performed in the earlier IERF study as follows: each motorcycle ride was about 20 miles, one in the morning and another in the afternoon over two days. Air samples were collected on the first two motorcycle riders, while additional riders followed, taking videos of the two lead riders using helmet mounted GoPro cameras. Two additional air samples were collected on the last motorcycle rider on the final day of air sampling in March 2014.

Preliminary review of the Table 1 fiber exposure data shows mean exposure of the lead rider in this study is about two times higher than what was found in the previous study. The mean of 13 air samples collected on the lead rider was similar to that found in the previous study; however, one sample was markedly higher. The rider trailing the lead rider had a 10-fold high fiber exposure than found in the earlier study, wherein the two riders had about the same exposure to airborne fibers. The update notes that the trailing rider's increased exposure was not a consistent finding, as on some rides the lead and trailing rider had similar exposures.

Distinction is made in the update that not all the airborne fibers are "chrysotile" asbestos. The Table 1 fibers are airborne mineral fibers five microns or greater in length, with length to width ratios of 3:1 or greater.

At this point, the IERF study shows exposure to airborne mineral fibers at CCMA "could be a factor of 10-fold higher than the earlier estimates … or about two asbestos-related cancers per million lifetimes."

Commission Action

For information only

Attachments

Attachment 1: Update: Asbestos Exposures Associated with Motorcycle Riding and Hiking on Asbestos Containing Soils: A Risk of Asbestos-Related Cancer, October 15, 2015

Update: Asbestos Exposures Associated with Motorcycle Riding and Hiking on Asbestos Containing Soils: Risk of Asbestos-Related Cancer

Prepared for

Off-Highway Motor Vehicle Recreation Division
Department of Parks and Recreation
Sacramento, California

By

International Environmental Research Foundation
New York, New York
www.ierfinc.org

October 15, 2015

Background:

The International Environmental Research Foundation (IERF) study started with the collection of activity-based air samples in the Clear Creek Management Area (CCMA) over two days in April, 2010. The air samples were collected from two activities (motorcycle riding and hiking) and the ambient air to determine the background concentration of airborne asbestos in CCMA. Eight air samples were collected on two motorcycle riders during four rides. Each ride was about 20 miles and consisted of two riders, the trailing rider was instructed to follow at a distance sufficient to avoid any visible dust generated by the lead rider. The asbestos exposure of the two riders was statically identical and their exposure was 0.013 fibers per milliliter (f/mL). Half the fibers were chrysotile asbestos and the others had elemental compositions consistent with tremolite (another mineral that can occur as asbestos). Assuming the asbestos exposure measured and riding at Clear Creek 5-days per year; Wilson *et al.*, 2011 calculated the risk of asbestos-related cancers using two current models of the United State Environmental Protection Agency (EPA 1986, IRIS). The maximum lifetime excess risk from 5-days of motorcycle over a year at CCMA is approximately 0.18 asbestos-related cancers risk per million people exposed (Wilson *et al.*, 2011).

The air samples collected in April, 2010 were collected over two consecutive days and rain had occurred just prior to our arriving (Wilson *et al.*, 2011).

Update:

In Phase II of the IERF study thirty-four additional motorcycle air samples were collected at CCMA over 2-day periods in November & December 2013 and January & March of 2014. Of the 34 air samples collected on the motorcycle riders during the second phase of this study, the results for 31 of these air samples are shown in Table 1. The sampling strategy was identical to the samples collected in April of 2010 (Wilson *et al.*, 2011). Each motorcycle ride was approximately 20 miles, one in the morning and another in the afternoon over two days. Although air samples were collected on the first two motor cycle riders, additional riders were following, taking videos of the two lead riders using helmet mounted cameras. In addition, on the final day of air sampling in March 2014, two additional air samples were collected on the last motorcycle rider (Table 1).

A preliminary review of the currently available fiber exposure data shown in Table 1, indicates the mean exposure of the lead rider in the second phase of this study is approximately 2-fold higher than in the earlier study. Among the fourteen air samples collected on the lead rider, one was markedly higher - 0.16f/mL - without this air sample, the mean of the other thirteen was 0.015f/mL similar to the earlier study in April 2010 (Table 1). The rider trailing the lead rider had a 10-fold high fiber exposure than in the earlier study where the two riders had about the same exposure to airborne fibers (Wilson *et al.*, 2011). The increased exposure to the trailing rider was not a consistent finding as on some rides the lead and trailing rider had very similar exposures.

As in the earlier study not all the airborne fibers are chrysotile asbestos. The fibers counted in Table 1 are airborne mineral fibers five microns or greater in length with length to width ratios of 3:1 or greater. From the information currently available at this point in the IERF study the exposure to airborne mineral fibers at CCMA could be a factor of 10-fold higher than the earlier estimates in Wilson *et al.*, 2011 or about 2 asbestos-related cancers per million lifetimes.

References

Environmental Protection Agency. Airborne Asbestos Health Assessment Update. EPA-600-8-84/003F; 1986.

Integrated Risk Information System (IRIS). Asbestos. Retrieved from http://www.epa.gov/iris/subst/0371.htm/

Nolan RP, Langer AM: Concentration and Type of Asbestos Fibers in Air Inside Buildings In: The Health Effects of Chrysotile-Asbestos: Contribution of Science to Risk-Management Decisions, Canadian Mineralogist, Special Publication 5, pp. 39-51, 2001.

Wilson R, Kelse J, Nord GL, Nolan RP, Langer AM. Preliminary Analysis of the Asbestos Exposure Associated with Motorcycle Riding and Hiking in The Clear Creek Management Area (CCMA) San Benito County, California, International Environmental Research Foundation, New York, NY, March 8, 2011.

Table 1. Summary of the air samples collected and analyzed to date for Phase 2 of the Clear Creek Management Area Asbestos Risk Assessment by the IERF. The air samples were prepared by direct-transfer and analyzed by analytical transmission electron microscopy (ATEM).

Air Sample Type	**№ of Air Samples Analyzed**	**№ of Air Sample Where no Fibers were Detect**	**Concentration of Airborne (Fiber/Milliliter)**
Lead Motorcycle Rider	14	8	0.026
Second Motorcycle Rider	15	1	0.12
Last Motorcycle Rider	2	1	0.012
Hiker	5	3	0.046
Ambient Air	7	5	0.0060
Motorcycle Riders, April, 2010	8	4	0.013
Control			No Fibers Detected
Background of Asbestos in the Ambient Air in US (Nolan and Langer, 2001)			**<0.0012**
Background of Asbestos in Ambient Air Worldwide (see WHO, 1986)			**<0.001 and 0.01**
United States Occupational Safety and Health Administration (OSHA) Asbestos Permissible Exposure Limit (PEL)			**0.1**

World Health Organization (1986) *Asbestos and Other Natural Minerals, Environmental Health Criteria* 53, International Programme on Chemical Safety, Geneva, page 12.

COUNTY OF SAN BENITO
BOARD OF SUPERVISORS

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Margie Barrios	Anthony Botelho	Robert Rivas	Jerry Muenzer	Jaime De La Cruz
District 1	District 2	District 3	District 4	District 5

September 22, 2015

The Honorable Rob Bishop, Chairman
House Committee on Natural Resources
1324 Longworth House Office Building
Washington, D.C. 20515
Fax: (202) 225-5929
Email: jason.knox@mail.house.gov

VIA EMAIL AND MAIL

Subject: Request for Hearing on H.R. 1838

Dear Chairman Bishop:

Please accept this request for a hearing from the San Benito County Board of Supervisors ("County") in regards to H.R. 1838, the Clear Creek National Recreation Area and Conservation Act.

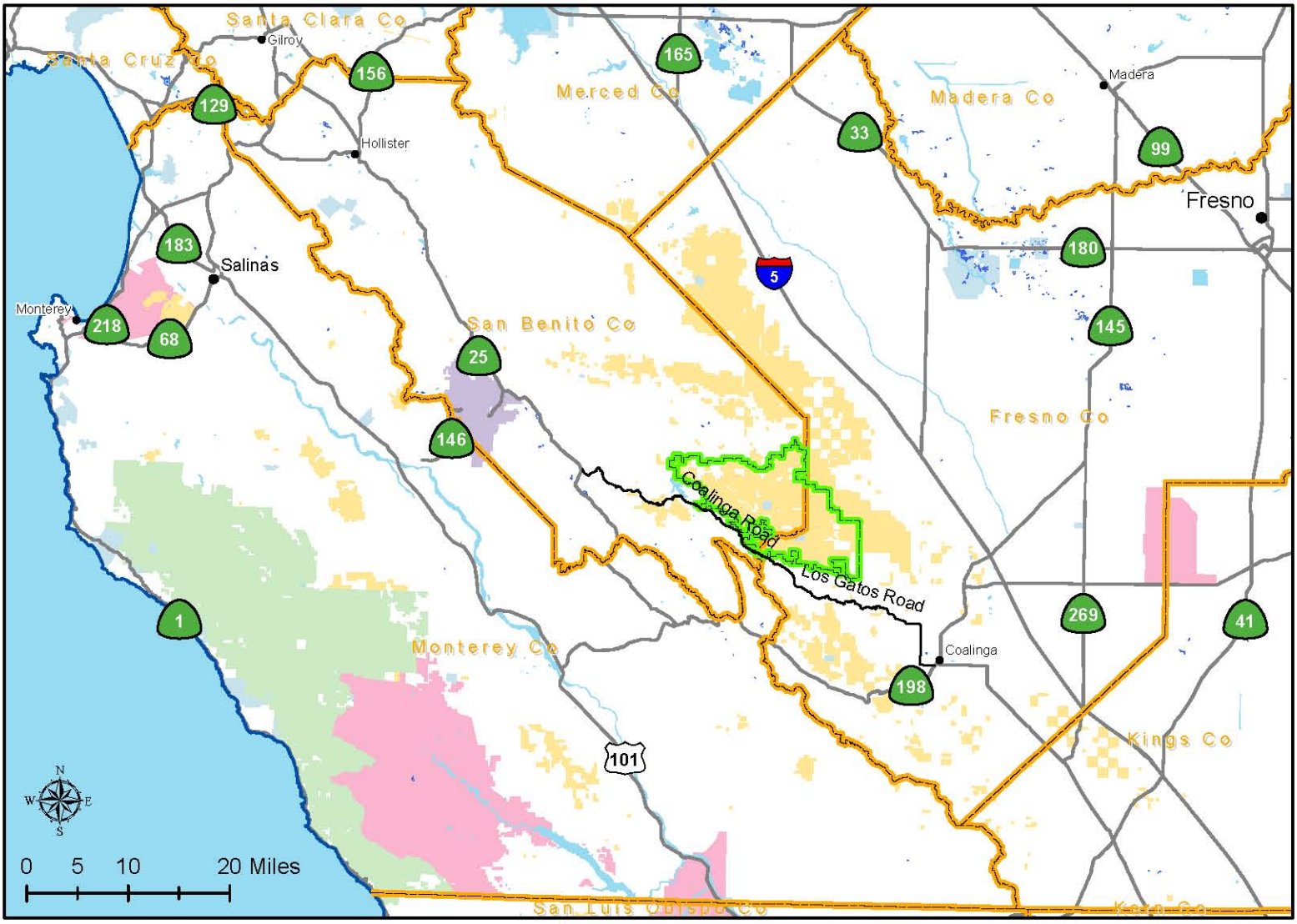
The County believes this bipartisan land-use legislation will benefit both motorized and non-motorized recreation on a regional basis, and will help restore an important economic driver in our local community.

Portions of the Clear Creek Management Area were closed in 2008 based on questionable rationale related to exposure to asbestos. During the closure period the California Off-Highway Motor Vehicle Recreation (OHMVR) Commission hired an independent science firm to perform a risk assessment study which concluded that management prescriptions could be implemented to allow off-highway vehicle use without exposing the public to unacceptable risks. According to a recent report given to the OHMVR Commission on May 29, 2015, more recent independent studies conducted in 2013 and 2014 by the International Environmental Research Foundation will be released at the end of this year. This new information could provide further insight on possible management prescriptions for the area.

We urge you to move H.R. 1838 through the hearing process.

Respectfully,

Margie Barrios, Chair
San Benito County Board of Supervisors
cc: Congressman Sam Farr
Congressman David Valadao
Congressman Jeff Denham



Map 1 Legend

CCMA boundary

Land Status

AGENCY

- Bureau of Land Management
- US Forest Service
- National Park Service
- Military
- State

US Department of the Interior
BUREAU OF LAND MANAGEMENT
Hollister Field Office
Hollister, CA 95023
(831)630-5000
www.ca.blm.gov/hollister
Date Prepared: 12/07/2011
M:\gis\master\basic\planning\CCMA\RMP\FEIS

5.2.1.2 Exposure Time, Frequency, and Duration (ET, EF, and ED)

Exposure Time (ET) values were generated for each activity as needed for input into Scenarios 1 – 7, given the time allocation for each activity in each scenario. As discussed in Section 5.1.4, Exposure Frequency (EF) values for Scenarios 2, 3, and 5 were set at 1, 5, and 12 days per year and at 1, 5, and 12 weekend visits per year for Scenarios 1 and 4. EF values for worker Scenarios 6 and 7 were set at 1, 60, and 120 days per year. The Exposure Duration (ED) was set at 30-years for the Adult and Child/Adult (12 years child + 18 years adult) calculations, consistent with the recreational exposure determination in the RAGS Supplemental Guidance. The ED for the Child exposure was 12 years.

5.3 Risk Estimations

It is important to note that this risk assessment presents quantitative estimates of excess cancer risk over a lifetime based on the defined exposure scenarios. The scenarios have been designed to represent current and future exposures for recreational users of CCMA. The risk estimates are for an individual within a population and do not predict actual health outcomes.

Excess lifetime cancer risks were estimated for Scenarios 1 through 7 for Adult exposures and for Scenarios 1 through 4 for Adult/Child and Child exposures, using both the IRIS and OEHHA toxicity values and the mean and 95% UCL of the mean asbestos exposure concentrations measured by EPA. Each age range and scenario therefore has twelve calculated risk numbers which can be used to bracket the range of potential Excess Lifetime Cancer Risks.

The EPA Superfund program defines the acceptable risk range for exposure to a carcinogen, like asbestos, as 1 in 10,000 (10^{-4}) to 1 in 1,000,000 (10^{-6}) excess lifetime cancer risk.[4] Exposures which are calculated to cause more than 1 in 10,000 excess cancers are considered to be of concern and may require action to reduce the exposure and resulting risk.

Appendix G contains the risk calculation results for each of the scenarios by age using both IRIS and OEHHA toxicity value. The results are summarized in Tables 3 through 5. For comparison, Table 6 summarizes the cancer risk for an adult population with 30 years of exposure to ambient air at CCMA.

Table 3: Summary of Excess Cancer Risk Ranges for Adults for Scenarios 1 through 7

Table 4: Summary of Excess Cancer Risk Ranges for Child/Adult for Scenarios 1 through 4

Table 5: Summary of Excess Cancer Risk Ranges for Children for Scenarios 1 through 4

Table 6: Summary of Excess Cancer Risk Ranges for Adult 30-Year Exposure to CCMA Ambient Air

[4] 40 CFR Part 300, National Oil and Hazardous Substances Pollution Contingency Plan, section 430(e)(2)(i)(A)(2), "For known or suspected carcinogens, acceptable exposure levels are generally concentration levels that represent an excess upper bound lifetime cancer risk to an individual of between 10^{-4} and 10^{-6} using information on the relationship between dose and response..."

Visits and Visitor Days By RMA

Fiscal Year Range

Oct 01, 1998 - Sep 30, 2008

Bureau of Land Management
Recreation Management Information System

18 November 2014

California

LLCAC09000 - Hollister Field Office

Clear Creek, Special, ID:LLCAC09000 - 02

Site	Property #	Primary Site Type	Visits	Visitor Days
Clear Ck Staging Area 3	09153.000	Staging Area	16,604	44,404
Clear Ck Staging Area 5	09154.000	Staging Area	11,655	30,011
Clear Ck-Indian Hill	09155.000	Staging Area	23,042	56,249
Clear Ck-Oak Flat Campground	01150.000	Campground	66,229	147,307
Clear Ck-Staging Area 1	09151.000	Staging Area	14,501	38,288
Clear Ck-Staging Area 2	09152.000	Staging Area	15,463	41,086
Clear Ck-Staging Area 6	09156.000	Staging Area	14,619	38,631
Dispersed-Clear Creek	00000.000	Dispersed Use	270,485	333,692
Total for Clear Creek, Special, ID: LLCAC09000-02(8) Sites			432,598	729,668
Total for Matched for LLCAC09000 - Hollister Field Office(8)Sites			432,598	729,668
Total for Matched for California(8)Sites			432,598	729,668
Total for Matched: (8) Sites			432,598	729,668

Visits and Visitor Days By RMA

Fiscal Year Range

Oct 01, 2013 - Sep 30, 2014

Bureau of Land Management
Recreation Management Information System

18 November 2014

California

LLCAC09000 - Hollister Field Office

Clear Creek, Special, ID:LLCAC09000 - 02

Site	Property #	Primary Site Type	Visits	Visitor Days
Clear Ck Staging Area 3	09153.000	Staging Area	0	0
Clear Ck Staging Area 5	09154.000	Staging Area	0	0
Clear Ck-Indian Hill	09155.000	Staging Area	0	0
Clear Ck-Oak Flat Campground	01150.000	Campground	0	0
Clear Ck-Staging Area 1	09151.000	Staging Area	0	0
Clear Ck-Staging Area 2	09152.000	Staging Area	0	0
Clear Ck-Staging Area 6	09156.000	Staging Area	0	0
Dispersed-Clear Creek	00000.000	Dispersed Use	7,100	9,041
Total for Clear Creek, Special, ID: LLCAC09000-02(8) Sites			7,100	9,041
Total for Matched for LLCAC09000 - Hollister Field Office(8)Sites			7,100	9,041
Total for Matched for California(8)Sites			7,100	9,041
Total for Matched: (8) Sites			7,100	9,041