

November 18, 2016

Community Environmental Advisory Committee (CEAC)
City of Minneapolis Sustainability Office
350 S. 5th Street, Room 315M
Minneapolis, MN 55415

Public Health Advisory Committee (PHAC)
Minneapolis Health Department
250 South 4th Street, Room 510
Minneapolis, MN 55415

Dear Chair Anna Abruzzese (CEAC), PHAC Co-Chair Karen Soderberg (PHAC) and members of the CEAC and PHAC committees:

This letter is to share our support for and concerns about the draft recommendations (dated November 8, 2016) you are proposing to the City Council Health Environmental Community Engagement Committee regarding tires as ground cover. We understand that PHAC and CEAC intend to finalize the recommendation on November 29, 2016 and December 8, 2016 respectively. We hope you will consider our comments as you make your final decision.

Play It Safe Minneapolis is a group of community members with backgrounds in toxicity, zero waste and nursing. We are also parents of children in the Minneapolis Public Schools and have been working since 2015 to remove waste tires from all 47 playgrounds in Minneapolis. As we continue to discuss this matter with the Minneapolis School Board and staff, we have appreciated the invitation to be part of your process to explore this issue in depth and form recommendations to guide the Minneapolis City Council.

We are deeply grateful for the time and effort committee members and staff—especially the Waste Tire Subcommittee—have put into this process and for their earnest discussion and thoughtful inquiries. We received a copy of the draft recommendations and attended the CEAC meeting on November 10, 2016, to hear discussion. What follows are our questions and concerns about these recommendations.

Our concerns about a “Wait and See” approach

We all agree that waste tires contain a variety of toxic chemicals and substances and that when children come in contact with these chemicals they are exposed to them (by breathing, ingesting or touching them). We also know that children are at greater risk than adults because, according to the World Health Organization, they are constantly growing and their central nervous, immune, reproductive, and digestive systems are still developing. They behave differently from adults and have different patterns of exposure. And, they have little control over their environment.

As you have learned, what we do not know for certain is the level of exposure and results of that exposure. In your draft recommendation you have grappled with what to do with this uncertain

risk. Many of you have expressed the wish for a study that would show an indisputable link to specific health harms before taking action.

The approach you are discussing now largely reiterates the 2008 CEAC and PHAC recommendations, despite the fact that we have new science validating concerns about these materials and that communities worldwide are taking action to remove these materials. Furthermore, in that time, the US Environmental Protection Agency (EPA) and the US Consumer Products Safety Council (CPSC) have revised their original claims of safety. We would like to see Minneapolis among the forward-thinking cities pro-actively protecting the health and environment of its citizens. Though it is tempting to take a “wait and see” approach, the risks associated with tire mulch and crumb rubber—and the ready availability of non-toxic alternatives—justifies taking action now, rather than kicking the can down the road.

Here’s why a “wait and see” approach is impractical and inappropriate:

1. Definitive science is not and will not be available.

The current “science” on the risks of chemicals to human health is not only limited—its methods are so reductive, rudimentary and incomplete **that they give virtually no meaningful guidance to support decision-making.** In the case of rubber mulch, even if existing science provided some predictive value about the effects of these chemicals on humans, **half of the 96 chemicals found in this material by the Yale School of Engineered have no safe levels established for humans at all, let alone children.** At the very least, common sense suggests that we should not immerse children in materials on which we have no safety data at all.

The requirement to prove a product is “unsafe” is an outmoded framework for assessing risk that is failing our communities. Because of the dearth of science on these issues and the limits of that science, **conclusive links to specific harms are nearly always established after the fact—sometimes decades after the fact—as evidence of actual harm is compiled.** In the past, we have spent decades accumulating evidence of harm. We now accept that DDT, cigarettes, Thalidomide, BPA all caused harm. But in each of these cases, policymakers were urged to wait until “all the evidence was in.”

2. A “Wait and See” approach places all of the burden on the public.

“Wait and see” approach, which is commonplace in the U.S., places the burden of proving products safe or harmful on men, women, and children who have nothing to gain by assuming this risk and, in many cases, sustain health harms because of this. At the same time, all financial gains generated by these products are enjoyed exclusively by the industries that create them. As the citizens advisory committee, we ask that you heavily weight the interests of the citizens, over those of industry or the parks and schools as institutions. If you do not, who will?

3. The precautionary principle is a useful tool in these cases.

One approach this committee could take is the precautionary principle, as was mentioned in the 2008 PHAC recommendations. The precautionary principle essentially means that **when the health of humans and the environment is at stake, it may not be necessary to wait for scientific certainty to take protective action.** The principle implies that there is a social

responsibility to protect the public from exposure to harm, when scientific investigation has found a plausible risk.

Under the precautionary principle, the committee could require that industry carry the burden of proof and be required to establish the safety of their products. Of course, the mountain of data needed to even begin to establish safety would be cost-prohibitive. Given that this proof of safety is not feasible at this time, the city would require that proven, safe materials are used instead.

In the case of rubber mulch, engineered wood fiber is a proven, widely-used, safe alternative, which equally meets all of the priority concerns around performance and is not exceedingly more expensive. As for crumb rubber, safe alternatives are also available. **We support your recommendation that the city lend all of its political influence, power, and support so that the Park Board can find and fund alternative, non-toxic solutions to current and future proposed synthetic fields.**

What a true moratorium would mean

Though we believe Minneapolis should follow the precedent of other cities and counties that have implemented bans on waste tire products, a true moratorium would be an improvement over the status quo. **A true moratorium must include (and should certainly not exempt, as was discussed on November 10) the city's recent and historic funding of the neighborhood parks 20-year plans.** The suggestion to exempt this \$11 million in new funding per year for parks from a city moratorium on crumb rubber will allow for the installation of new crumb rubber fields, rendering a moratorium ineffective. For example, the "premier fields" included and approved in the South Service Area Master Plan for Powderhorn and Pearl Parks (and all other premier fields in all other area plans) should use alternatives that are known to be non-toxic.

This approach would be consistent with the park's own Citizen Advisory Committee (CAC) recommendations in the South Area Vision:

21f. Ensure that safe, non-toxic materials are used in the construction of any premier fields or play area surfacing in the parks. (page 48)

25. Explore use of sustainable construction methods and materials, even if initial and ongoing costs may be higher, in order to improve environmental performance in the long run. (page 53)

Address disproportionate impact on low-income and communities of color

We are discouraged that there is no acknowledgement included in your recommendations to address the inequity of the impact of toxins (like waste tire products) on high-density, low-income, indigenous communities, immigrant communities, and communities of color. At each of the CEAC, PHAC, and sub-committee meetings on this topic, we heard clear concerns from many committee members that are not reflected here.

The eight crumb rubber fields in city parks are all located in high-density neighborhoods—the same neighborhoods that the city's Green Zones Workgroup have been considering for Green Zones designation. (Minneapolis has convened a Green Zones Workgroup to develop

recommendations to address the fact that, according to the City of Minneapolis website: “Low-income communities and people of color in Minneapolis experience unequal health, wealth, employment, and education outcomes, and also are overburdened by environmental conditions such as traffic and stationary pollution sources, brownfield sites, blight and substandard housing.”

As the park staff have been planning each park in Minneapolis, starting with the South Service Area, they have been making strides to address racial inequities that exist in Minneapolis. Crumb rubber fields have been seen as a way to provide underserved neighborhoods with “premier” fields that can withstand heavy use with less maintenance. We understand that it is difficult to hear that these fields, which were once touted as safe by the US EPA and the US CPSC (but no longer), are now only adding to that inequity, not solving it. These fields have placed toxic products in neighborhoods already overburdened. A moratorium on crumb rubber does nothing to address this issue.

Include water contamination and heat islands

Waste tire products contaminate storm water and wastewater systems and create heat islands in our city. Both of these issues were mentioned in the 2008 CEAC recommendations and in our initial presentation to the committee. **Neither of these issues is included in your recommendations, nor discussed during your process. Without examination of these environmental and health issues, we believe your recommendations are incomplete.** Play It Safe Minneapolis remains committed to our offer to help find academic, community, and industry experts that meet your standards to discuss these issues with you.

Engage in public education

We applaud the committee’s recommendation that the City engage in raising awareness about the EPA and MDH recommended precautions people must take for themselves and their children when playing on crumb rubber and tire mulch. Until this material is removed and no longer used, all efforts to educate the public on potential risks and precautions are not only critical, but ethically required. Play It Safe Minneapolis welcomes any opportunity the City sees for partnership in this area.

Thank you again for your time and attention to this issue and our concerns about your pending recommendations. As always we are available to answer any questions you may have. You can contact Dianna Kennedy at (651) 248-2672 with questions, comments, or concerns.

Sincerely,

Play It Safe Minneapolis
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Nancy Doyle Brown
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CC: Margaret Schuster, Health Department, administrator for PHAC
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