

May 4, 2022

Remarks for Public Comment

ACHD Board of Health Meeting
Gold Room, Room 410 (4th floor)
Allegheny County Courthouse
436 Grant Street
Pittsburgh, PA 15219

Dear ACHD Board Members and Leadership:

I am Matthew Mehalik, Executive Director of the Breathe Project. Thank you for this opportunity to comment on ACHD's Clean Air Fund.

Today the Board of Health will consider proposals for allocations from the Clean Air Fund. The Board may be unaware of the process whereby these proposals emerge for consideration. ACHD continues to have issues with transparency, communications, and good governance with this fund. I hope the Board can improve its oversight and governance of it.

There was confusion among the Clean Air Advisory Committee during its April 11, 2022, meeting about this fund. Confusion about where proposals come from; who gets to submit them; when submissions can be made; how the submission process works; and how submissions are advanced for consideration in the committee. It is telling when the Air Advisory Committee Members themselves do not understand how this process works. The members were not clear on whether they needed to review these proposals themselves or whether ACHD administration managed that process.

This confusion and opacity are apparent to any organization that has approached ACHD with ideas for access to this fund. For years some community groups have been requesting funds for air cleaners to protect people's health in polluted communities. These requests are met with runarounds, excuses, stonewalling, and redirection. The only clear suggestion is "Email Jayme," and that means entering an opaque process.

There are no guidelines to prohibit serial polluters from accessing the fund and making decisions about the fund. On April 11, US Steel brought forward a request for funds to replace a locomotive. This is a company that has received at least 14 enforcement orders and paid \$9.03 million in penalties going back to April 2019, about \$375,000/quarter. These penalty monies are the source of the Clean Air Funds. Under what standard should this company be allowed to gain access to penalty funds they paid? Under what standard should members of the Clean Air Advisory Committee come from a serial polluting company as well as their main legal counsel be able to vote on such proposals coming forward to use these funds?

Lack of transparency and governance issues create apparent conflicts of interest, all of which would continue to remain largely hidden. They are the foundation for the pay-to-pollute relationship that defines perverse incentives at ACHD, such as bad settlement agreements and pools of money that penalized polluters apparently get a say in how they are used, even for their own purposes.

These same perverse circumstances resulted in the harassment of a proposal for a \$30,000 planning proposal for local universities to study health impacts of pollution. All of the US Steel industry representatives and their Basbst-Calland attorney CAF members voted against or abstained from supporting this benign initiative. What does it say when ACHD's Air Advisory Committee members vote against the understanding of health impacts from pollution, the very core mission of ACHD and the Clean Air Act itself?

What does it say when a US Steel representative gets to chair the Pollution, Prevention, and Education subcommittee? This is putting the fox in charge of educating the hens in the henhouse. Meanwhile, requests to add a watchdog organizational representative from GASP to the P2E and Air Advisory committees continues to be denied despite GASP's serving in that role for many years in the past?

Lastly, ACHD's operations director floated the concept of expanding ACHD's access to Clean Air Funds for operational purposes from 5% per year to 50% per year. That is the difference between \$500,000 and \$5 million. This is clearly self-serving and against the spirit of the Clean Air Fund's purpose and further reenforces the impression of pay-to-pollute at the agency. Polluters essentially would pay for a significant portion of ACHD's operations.

Clearly there are problematic governance, transparency, and communications issues at ACHD that the Board needs to address without delay. Meanwhile, the agency is taking victory laps about attainment of outdated 2012 standards while during the first 124 days of 2022 our region's air ranked among the top 10 worst places in the country for at least a portion of the day 58 times (about half of all days) and was ranked as #1 worst air 18 of these times (15% of all days). ([EPA Highest NowCast AQI Locations](#)). These data clearly transcend ACHD's opacity and governance issues, which badly need addressing.

Sincerely,

Matthew M. Mehalik, Ph.D.