

March 2, 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 the pending release of updated regulations proposed for the US Steel Clairton Coke Works. My comments pertain to the process by which these regulations have been crafted to their present form- a process that greatly favors US Steel and marginalizes voices from the larger community that experiences ongoing harms from pollution from this facility.

ACHD held a public hearing on January 20, 2021 and heard from dozens of Allegheny County constituents about suggestions and improvements to these regulations.

Imagine the shock of many to learn that during a January 18, 2022 ACHD Air Regulation Subcommittee meeting, almost one year later, that ACHD was going to completely sideline ALL of that public testimony while at the same time announce that it had sat down with US Steel in December 2021 and January 2022 in crafting the regulations that are being brought forward to the Board of Health today for release to public comment.

This announcement built upon the situation where the public only learned in a Pittsburgh Business Times article on January 7, 2022 about the Allegheny County administrative appeals hearing dismissal of much of the prior draft's regulations as exceeding the authority of ACHD because of ACHD's own poor settlement agreement from 2019. This Business Times article appeared over a month after the actual ruling in December of 2021. Not only that, but no public mention of this administrative appeal outcome took place at the January 5, 2022 ACHD Board of Health meeting. Why not? Did the public not deserve to know about this decision?

At the January 2018 ACHD regulations subcommittee meeting the ACHD operations director was asked if the Board of Health was ever informed about the outcome of the administrative appeal ruling. The operations director replied, "yes, through the proper channels."

Apparently, the "proper channels" do not include Allegheny County community members with large public health stakes in the Clairton Coke Works coke oven regulations.

There is a transparency problem with how these regulations are being handled. Apparently, the public's efforts over the past year don't count at all, and the public does not even deserve to know that they have been sidelined, perhaps until today. They must start over again today, from zero, if the board releases the updated regulations for

public comment. In contrast, US Steel has had direct access to ACHD since early December in crafting what is being released today. This is after US Steel sued ACHD to stop the prior regulations.

At the previous Board of Health meeting, I provided comment that more dialog needs to occur between ACHD and community members. I have reached out to both the ACHD Director and Operations Director requesting more dialog. Community members and environmental groups are eager to have this dialog and not be sidelined. It appears that US Steel does not suffer these same hindrances.

Sincerely,

Matthew M. Mehalik, Ph.D.