

1 JOHN J. SANSONE, County Counsel, County of San Diego
By TIMOTHY M. BARRY, Senior Deputy (State Bar No. 89019)
2 RODNEY F. LORANG, Senior Deputy (State Bar No. 93078)
LAURIE J. ORANGE, Senior Deputy (State Bar No. 115134)
3 1600 Pacific Highway, Room 355
San Diego, California 92101-2469
4 Telephone: (619) 531-6259 Facsimile (619) 531-6005

5 Attorneys for Plaintiffs People of the
State of California ex rel. County of San Diego
6 Air Pollution Control District and the San
Diego County Department of Environmental Health
7

8 **IN THE SUPERIOR COURT OF THE STATE OF CALIFORNIA**

9 **IN AND FOR THE COUNTY OF SAN DIEGO**

10 PEOPLE OF THE STATE OF CALIFORNIA)
ex rel. COUNTY OF SAN DIEGO AIR)
11 POLLUTION CONTROL DISTRICT; and)
the SAN DIEGO COUNTY DEPARTMENT)
12 OF ENVIRONMENTAL HEALTH)

13 Plaintiffs

14 v.

15 MOHAMED AFCARI, individually and)
doing business as Master Plating; and DOES)
16 1 through 20, inclusive,)

17 Defendants.

No. GIC784868
Action Filed: March 18, 2002

DECLARATION OF ROBERT BLAISDELL
Ph.D., IN SUPPORT OF PLAINTIFFS'
REQUEST FOR TEMPORARY
RESTRAINING ORDER; PRELIMINARY
INJUNCTION AND PERMANENT
INJUNCTION

DATE: March 25, 2002
TIME: 8:15 a.m.
Dept: 73
ICJ: Hon. S. Charles Wickersham
Trial: None Set

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19 I, Robert J. Blaisdell, Ph.D., declare as follows:

20 1. I make this declaration based upon my own personal knowledge, except for
21 matters set forth herein on information and belief, and as to those matters, I believe them to be
22 true, and if called upon to testify herein, I could and would competently testify to the facts
23 contained herein.

24 2. I am employed as a Senior Toxicologist, at the State of California, Office of
25 Environmental Health Hazard Assessment (OEHHA). A copy of my C.V. is attached.

26 3. In my position as the Chief of the Exposure Modeling Unit, I supervise the
27 Exposure Modeling Unit in the Air Toxicology and Epidemiology Section at OEHHA. I am

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1 responsible for providing exposure modeling and toxicology expertise.

2 4. The California Air Resources Board (ARB) identified hexavalent chromium as a
3 toxic air contaminant pursuant to Health and Safety Code sections 39657 and 39660 et seq. in
4 1986, in consultation with OEHHA (OEHHA was formerly a division of the state Department of
5 Health Services (DHS); references to DHS in older statutes and reports now refer to OEHHA.)
6 and after the review by the Scientific Review Panel for Toxic Air Contaminants.

7 5. The ARB Staff Report (dated December 9, 1985) recommending identification of
8 hexavalent chromium as a toxic air contaminant (included in Plaintiffs' Notice of Lodgment as
9 Exhibit "38") accurately discusses the finding later made by ARB that hexavalent chromium is a
10 substance that "may cause or contribute to an increase in mortality or an increase in serious
11 illness, or which may pose a present or potential hazard to human health," and is thus a toxic air
12 contaminant. That Staff Report accurately discusses OEHHA's conclusions, which were also
13 accepted by the Scientific Review Panel, that hexavalent chromium is a human and animal
14 carcinogen, and that it should be treated as a substance without a carcinogenic threshold (that is,
15 there is no scientific evidence to support identification of an exposure level below which
16 carcinogenic effects would not occur).

17 6. Among carcinogenic substances identified as toxic air contaminants, and for
18 which emissions must be quantified in the Air Toxics Hot Spots program, the cancer potency
19 factor for hexavalent chromium is extremely high. The OEHHA document "Technical Support
20 Document for Describing Available Cancer Potency Factors" dated April, 1999 (excerpts of
21 which are included in Respondents' Notice of Lodgment as Exhibit "37") presents the unit risk
22 factors and cancer potency values of the carcinogenic substances identified as toxic air
23 contaminants, including hexavalent chromium, at pages 2-6. That document also discusses the
24 human epidemiological studies and animal studies that demonstrated that inhalation exposure to
25 chromium results in an increased risk of cancer mortality (pages 210-215).

26 7. Studies indicate that inhalation of hexavalent chromium over an extended period
27 of time causes lung cancer. (NOL, Exh. "37".) In addition to ARB's identification of
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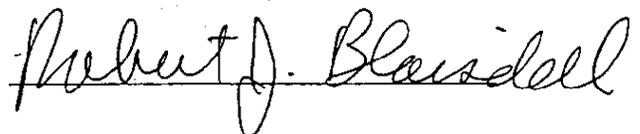
1 Hexavalent chromium as a toxic air contaminant, the United States Environmental Protection
2 Agency ("EPA") has identified it as a "hazardous air pollutant."

3 8. I have been participating since early February of this year with ARB staff and San
4 Diego County Air Pollution Control District (APCD) staff in their air monitoring project near
5 two chrome plating facilities located on Newton Avenue in the Barrio Logan area of San Diego.
6 I am familiar with the results obtained by ARB's monitoring study in December, 2001, and with
7 the monitoring data collected by ARB and APCD so far since February 5, 2002. The increased
8 risk of cancer mortality associated with the ambient concentrations of hexavalent chromium
9 measured in those studies is in a range in which risk managers would agree action should be
10 taken to reduce the risk.

11 It should be noted that in this case, air monitoring data are available only for a short
12 period of time. It is possible that hexavalent chromium levels may be lower or higher at other
13 times of the year due to different meteorological conditions. The two chrome platers on
14 Newton Avenue have been operating for a considerable number of years. If these two facilities
15 were operating prior to the current pollution control device requirements of the ARB's Air
16 Toxics Control Measure, it is quite possible that hexavalent chromium levels in the Newton
17 neighborhood may have been higher in the past. It is possible that air concentrations could be
18 somewhat higher at locations not being monitored by ARB. Cancer risk is scientifically
19 regarded as proportional to lifetime dose. Given the uncertainty about current and past
20 exposures, and the range of risk indicated by the ARB monitoring data, it would be a prudent
21 public health measure to take immediate steps to reduce current exposure and thus long term
22 cancer risk.

23 I declare under penalty of perjury under the laws of the State of California that the
24 foregoing is true and correct.

25 Executed this 16 day of March 2002, at Oakland, California.

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ROBERT J. BLAISDELL

Office of Environmental Health Hazard Assessment
1515 Clay St
Oakland, CA 94612
(510) 622-3142
BBLAISDE@OEHHA.CA.GOV

EDUCATION

Ph.D. Pharmacology and Toxicology. University of California, Davis. Dissertation: Effects of Taurine and Niacin Upon Pulmonary Lysyl Oxidase, Collagenase Activities and Collagen Crosslink Formation in Bleomycin Induced Pulmonary Fibrosis. Degree: 12/93.

M.A. Biology with emphasis in Cell and Molecular Biology. California State University, San Francisco. Thesis: Regulation of 3-Hydroxy-3-Methylglutaryl Coenzyme A Reductase in Compactin Treated Chinese Hamster Ovary Cells. Degree: 1/83.

B.A. Zoology. University of California, Berkeley. Degree 8/73

PROFESSIONAL EXPERIENCE

Senior Toxicologist, Chief of the Exposure Modeling Unit, Air Toxicology and Epidemiology Section, Office of Environmental Health Hazard Assessment (OEHHA), California Environmental Protection Agency. 11/01-Present

I supervise the activities of the personnel in the Exposure Modeling Unit and provide scientific and management supervision of their projects. I coordinate updates of the Air Toxics Hot Spots Risk assessment Guidelines Part IV, Exposure Assessment and Stochastic Analysis. I supervise staff evaluating exposure patterns of infants, children and adults. I supervise staff working on indoor air exposure issues.

Staff Toxicologist, Air Toxicology and Epidemiology Section, Office of Environmental Health Hazard Assessment (OEHHA), California Environmental Protection Agency. 11/98-11/01

I am a contributing author, and co-project leader for the Technical Support Document, Exposure Assessment and Stochastic Analysis (TSD) project. This document will be used as guidance for stationary source air pollution multipathway exposure modeling for California's Hot Spots Program and in other California risk assessment programs. I reviewed and coordinated the efforts of some of staff that worked on the project. I helped develop the empirical exposure distributions presented in the Food Consumption, Fish Consumption, and Daily Breathing Rate chapters. These distributions include

children's exposure distributions for the first nine years of life that quantify the higher exposure of children relative to adults on per kg body basis. I presented scientific results from the TSD at several national scientific meetings. I worked with Scientific Review Panel members to ensure that the Panel's concerns were addressed prior to approval and presented an overview of the TSD to the entire Scientific Review Panel. I gave a presentation summarizing the TSD to the California Air Pollution Control Officer's Association and the CAPCOA toxics committee. I received a California Environmental Protection Agency Certificate of Recognition for my work on the document.

Associate Toxicologist, Air Toxicology and Epidemiology Section, Office of Environmental Health Hazard Assessment (OEHHA), California Environmental Protection Agency. 5/94-11/98.

I reviewed stationary source air risk assessments submitted for California's Hot Spots program. I participated in the development and review of chemical-specific risk assessments.

I participated in OEHHA's response to the Pershing school (Sacramento) indoor air crisis. I helped prepare public information fact sheets based on indoor air monitoring results. I participated in the public meeting at Pershing School to address the concerns of parents.

Senior Research Associate, American Lung Association of California, (Contract employee for OEHHA), 3/92 to 5/94

I reviewed stationary source air risk assessments submitted for California's Hot Spots program. I participated in the development and review of chemical-specific risk assessments.

Toxicologist, ENSR Corporation, 3/88-2/90.

I managed risk assessment projects. I prepared site-specific risk assessments, project proposals, and chemical-specific risk assessments. I wrote project proposals, managed the budgets my projects and worked with clients. I coordinated staff work on my projects.

PROFESSIONAL ACTIVITIES

Member, Society for Risk Analysis

Treasurer of the Northern California Chapter for Society for Risk Analysis

PUBLICATIONS

Marty, M. A., Blaisdell, R.J., Broadwin, R., Hill, M., Jenkins, M. and Shimer, D. Distributions of daily breathing rates used in California's air toxics hot spots risk assessments. (Accepted for publication in Human and Ecological Risk Assessment).

Blaisdell, R. J., and Giri, S. N. Mechanism of antifibrotic effects of taurine and niacin in the multidose bleomycin-hamster model of lung fibrosis: Inhibition of lysyl oxidase and collagenase. *J Biochem Toxicol* 10: 203-210, 95.

Blaisdell, R.J., Schiedt, M.J., and Giri, S.N. Dietary supplementation with taurine and niacin prevents the increase in lung collagen crosslinks in the multi-dose bleomycin model of pulmonary fibrosis. *J Biochem Toxicol.* 9:79-85, 94.

Giri, S.N., Blaisdell, R., Rucker, R. B., Wang, Q., and Hyde, D.M. Amelioration of bleomycin-induced lung fibrosis in hamsters by dietary supplementation with taurine and niacin: Biochemical mechanisms. *Environ. Health Perspec.* 102 (Supl 10): 137-147, 94.

Marty, M.A., Alexeeff, G.A., Collins, J.E., Blaisdell, R.J., Rosenbaum, J. and Lee, L. Airborne Emissions from industrial point sources and associated cancer risks of selected carcinogens in California. In The Emission Inventory: Perception and Reality. Proceedings of an International Specialty Conference. Pasadena, CA October 18-20, 1993, pp 1086-1097.

Kun, E., Romaschin, A. K., Blaisdell R. J., and Jackowski, G. ADP-Ribosylation of Nonhistone Chromatin Proteins in Vivo and Actin in Vitro and Effects of Normal and Abnormal Growth Conditions and Organ-specific Hormonal Influences. in Metabolic Interconversion of enzymes. 1980, ed. Helmut Holzer. Springer-Verlag: Berlin, 1981 pp 231-291.

Kun, E., Romaschin, A. D., and Blaisdell, R. J. Subnuclear Localization of Polyadenosine-diphosphoribosylated Protein. in Developments in Cell Biology, Vol. 6, pp 121-130, ed. Smulson, M. E., and Sugimura, T. 1980.

ABSTRACTS AND PRESENTATIONS

Produce (Exposed, Leafy, Protected, and Root), Meat (Beef, Chicken and Pork), Dairy, and Egg, Consumption Distributions for Children Ages 0-9 R. J. Blaisdell, R. Broadwin, M. A. Marty, and M Hill (Abstract, December 2000 Society for Risk Analysis Meeting.)

Breathing Rate Distributions for Evaluating Children, Adult and 70-Year Exposure Duration Scenarios in the California Air Toxics Hot Spots Program. MA Marty, B Blaisdell, M Hill, R Broadwin, S Hurley, D. Shimer and P. Jenkins. (Abstract, October 2000 International Society for Exposure Assessment Meeting)

Avidity Bias Correction for the Santa Monica Bay Seafood Consumption Study (1994)
S Dawson and R Blaisdell (Abstract, October 2000 International Society for Exposure
Assessment Meeting)

Development of Probabilistic Risk Assessment Guidelines for California's Hot Spots
Program. Presentation, Northern California Chapter Society for Risk Analysis, October,
1998.

Powell, S. and Blaisdell, R. Statistical Issues in Exposure Assessment. Presentation,
Joint Statistical Meetings, August 1997.

Blaisdell, R.J., Hill, M., Marty, M.A., and Melenzyer, K. Produce consumption
distributions for stochastic risk assessment. Presentation at the Joint Meeting of the
Society for Risk Analysis and International Exposure Society, December, 1996.

Howd, R.A., Rabovsky, J., Rosenbaum, J.S., Hill, M.D., Melenzyer, K., Blaisdell, R J.,
and Marty, M. A. Dermal exposure estimates--suggested variables and distributions.
Abstract, Joint Meeting of the Society for Risk Analysis and International Exposure
Society, December, 1996.

Marty, M.A., Blaisdell, R J., Hill, M.D., Melenzyer, K., Hurley, S., and Jenkins, P.
Distribution of daily breathing rates useful for risk assessment of airborne contaminants.
Abstract, Joint Meeting of the Society for Risk Analysis and International Exposure
Society, December, 1996.

Hill, M., Blaisdell, R. J., Marty, M. A., and Melenzyer, K. Meat and dairy products
consumption distributions for stochastic risk assessment. Abstract, Joint Meeting of The
Society for Risk Analysis and International Exposure Society, December, 1996.

Hill, D.M., and Blaisdell, R.J. Angler-caught fish consumption distributions for anglers
and the general public for improved probabilistic risk assessment. Abstract, Society for
Toxicology Meeting, March, 1996.

Blaisdell, R.J. and Watson, J. Modulation of HMG-CoA Reductase Activity by Reduced
Carbon Flow to Isoprene Products. Abstracts of the 34th Annual Meeting Council on
Arteriosclerosis, November 1979.

TECHNICAL REPORTS

Air Toxics Hot Spots Program Risk Assessment Guidelines Part IV, Technical Support
Document, Exposure Assessment and Stochastic Analysis, 9/00

REFERENCES

George V. Alexeeff, Ph.D., Deputy Director for Scientific Affairs, Office of
Environmental Health Hazard Assessment, 1515 Clay St., Oakland, CA 94612 Tel. (510)
622-3202

Melanie A. Marty, Ph.D., Chief, Air Toxicology and Epidemiology Section, Office of
Environmental Health Hazard Assessment, 1515 Clay St., Oakland, CA 94612 Tel. (510)
622-3154