

Memo

To: Mayor Khan and the City Council
From: Larry Agran, City Councilmember
(A second is needed)
Date: March 15, 2022
Re: Seeking Immediate Injunctive Relief from All American Asphalt

At the conclusion of a Special City Council meeting (Closed Session) on February 22, the City Council voted (in Open Session) to direct City staff to pursue a settlement with All American Asphalt (AAA) for it to relocate outside of Irvine, and to prepare a mitigation plan to provide immediate relief for the affected Irvine community. This came after my request on January 20 for the City to provide “immediate relief to protect the entire community.”

Since then, AAA’s operations have continued to pose health hazards to Irvine residents — particularly those living in North Irvine — in violation of state and federal law. In self-reported data, AAA itself acknowledged releasing *hundreds* of pounds of benzene and formaldehyde into Irvine’s air in 2020 alone.¹ According to the Centers for Disease Control and Prevention (CDC), formaldehyde is a human carcinogen causing nose and throat cancers.² Benzene exposure is known to cause anemia and leukemia and damages bone marrow.³ There is *no* “safe” level of exposure to these emissions.

It is time we follow the guidance of UCI experts, air monitoring regulators, and law professor and State Senator Dave Min and seek *immediate court-ordered injunctive relief from All American Asphalt’s operations*. As a City, we must protect residents from the harms that AAA causes residents daily until it has relocated to a new plant site. We must also consider adding resources for special counsel to assist our case.

Please “second” my second request to place this matter on the March 22nd City Council agenda.

¹ Greg Wolffe. “All American Asphalt – Air Toxics Study.” Yorke Engineering, LLC, August 31, 2021, <https://legacy.cityofirvine.org/civica/filebank/blobdload.asp?BlobID=33511>.

²Agency for Toxic Substances and Disease Regulation. “Formaldehyde and Your Health.” U.S. Department of Health & Human Services, accessed March 10, 2022, <https://www.atsdr.cdc.gov/formaldehyde/#:~:text=At%20low%20levels%2C%20breathing%20in,and%20changes%20in%20lung%20function>

³Centers for Disease Control and Prevention. “Facts about Benzene.” U.S. Department of Health & Human Services, 2022, [https://emergency.cdc.gov/agent/benzene/basics/facts.asp#:~:text=\(Long%2Dterm%20exposure%20means%20exposure,increasing%20the%20chance%20for%20infection](https://emergency.cdc.gov/agent/benzene/basics/facts.asp#:~:text=(Long%2Dterm%20exposure%20means%20exposure,increasing%20the%20chance%20for%20infection)

cc: City Manager
City Clerk
City Attorney