

MEETING SUMMARY

of the

PUBLIC COMMENT PERIOD

of the

NATIONAL ENVIRONMENTAL JUSTICE ADVISORY COUNCIL

**December 11 and 12, 2000
Arlington, Virginia**

Meeting Summary Accepted By:



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**CHAPTER TWO
SUMMARY OF THE
PUBLIC COMMENT PERIOD**

1.0 INTRODUCTION

During its meeting in Arlington, Virginia, the Executive Council of the National Environmental Justice Advisory Council (NEJAC) held two public comment periods, the first on Monday evening, December 11, 2000 and the second on the evening of Tuesday, December 12, 2000. During the two sessions, 36 individuals offered comments.

This chapter presents summaries of the testimony the Executive Council of the NEJAC received during the public comment periods and the comments and questions that the testimony prompted on the part of the members of the Executive Council. Section 2.0, *Focused Public Comment Period Held on December 11, 2000*, summarizes the testimony offered on that date related to progress the Federal government has made in integrating environmental justice into its policies, programs, and activities, in a manner consistent with the provisions of existing laws and Executive Order 12898. It also summarizes the dialogues between presenters and members of the Council that followed those presentations. Section 3.0, *General Public Comment Period Held on December 12, 2000*, summarizes the presentations on general environmental justice issues offered on that date, along with the dialogue those presentations prompted.

Opening the meeting of the NEJAC, Mr. Haywood Turrentine, Birmingham Urban Impact Board and chair of the Executive Council of the NEJAC, thanked members of the council and the public who had traveled considerable distances to attend the meeting. Mr. Turrentine pointed out that individuals who wished to present comments are required to register in advance. He requested that, to ensure that every person on the schedule would have an opportunity to speak, commenters adhere to the guidelines outlined in the meeting materials. Each organization would be allowed only five minutes to make a presentation, he explained, regardless of the number of representatives of the organization in attendance. Mr. Turrentine added that members of the Executive Council would have the opportunity to ask questions and share observations in response to the presentations.

**2.0 FOCUSED PUBLIC COMMENT PERIOD
HELD ON DECEMBER 11, 2000**

This section summarizes the comments presented to the Executive Council during the focused public comment period held on December 11, 2000, along with the questions and observations those comments prompted among members of the Executive Council.

Comments are summarized below in the order in which they were offered.

**2.1 Jerome Balter, Public Interest Law Center
of Philadelphia, Philadelphia, Pennsylvania**

Pointing out that the U.S. Environmental Protection Agency (EPA) had made no progress in preparing its interim guidance for compliance with the requirements of Title VI of the Civil Rights Act of 1964, Mr. Jerome Balter, Public Interest Law Center of Philadelphia, Philadelphia, Pennsylvania, explained that the new proposal promulgated in June 2000 in the Federal Register is more confusing than the original. The guidance is flawed, he charged, and it penalizes communities that suffer from environmental injustices.

While Mr. Balter requested that EPA develop a new guidance with the intent of enforcing civil rights, he added that EPA cannot be depended on to do so properly. Mr. Balter stated that the NEJAC should develop its own proposal, one that examines the public health of communities; deals with elevated cancer rates, birth defects, and deaths in contaminated communities; and will be understood easily by members of communities. He added that EPA does not investigate complaints about permits. Why should affected communities submit complaints to EPA, he asked, when the agency takes no action on them. Mr. Balter also stated that the handling of environmental justice issues by state agencies should be investigated.

Mr. Luke Cole, Center on Race, Poverty, and the Environment and chair of the Enforcement Subcommittee of the NEJAC, informed Mr. Balter that the Enforcement Subcommittee had investigated the proposal and was to discuss it further throughout the week's sessions.

2.2 Connie Tucker, Southern Organizing Committee for Economic and Social Justice, Atlanta, Georgia

Stating that she would like to compliment EPA Region 4 for working to curb environmental racism, Ms. Connie Tucker, Southern Organizing Committee for Economic and Social Justice, Atlanta, Georgia, explained that senior managers within the region's Waste Management Division and the Environmental Accountability Division are confronting the problems in environmental justice communities and engaging communities in the development and implementation of collaborative solutions. EPA Regions 4 and 5 are cleaning up more sites than any other region, she continued, explaining that eight years ago, Region 4 was reputed to be one of the "most racist" regions in the country. Major progress has been made in the region, she stated. Ms. Tucker pointed out that the enforcement roundtable meeting held in Region 4 resulted in the criminal prosecution of owners and managers of LCP Company in Brunswick, Georgia. She then applauded Mr. Timothy Fields, Assistant Administrator, EPA Office of Solid Waste and Emergency Response (OSWER), for his leadership in providing redress in such cases as the permanent relocation of a minority community in Pensacola, Florida. She also lauded Mr. Barry Hill, Director, Office of Environmental Justice (OEJ), EPA Office of Enforcement and Compliance Assurance (OECA), and Mr. Charles Lee, OEJ and Designated Federal Official (DFO) of the council, for fostering the development of the Interagency Working Group on Environmental Justice (IWG). While those achievements represent significant progress, she continued, much more must be done to ensure that agencies follow the letter of Executive Order 12898 and establish environmental justice in all programs.

Ms. Tucker explained that the continued burning of nerve gas by the U.S. Department of Defense (DoD) in Anniston, Alabama is an environmental injustice. The community already has been exposed to intolerable levels of polychlorinated biphenyls (PCB), lead, and toxic metals, she said. In addition, she continued, it is an injustice to expose the citizens of communities in the vicinity of the Defense Depot, Memphis, Tennessee, to warfare chemicals released during cleanup efforts without informing those communities about accidental emissions during the cleanup process. Health intervention and treatment should be provided for citizens whose health has been impaired, she urged.

Ms. Tucker then pointed out that the U.S. Department of Transportation (DOT) should reassess how Federal funds are allocated for road construction in small and rural communities. Funds are allocated disparately, especially in communities in the South, she continued. Roads are paved in white communities, she said, but often go unpaved in communities of color. Equating the disparate allocation of transportation funding to apartheid, Ms. Tucker stated that if the Federal government, as the provider of such funds, does not address the inequitable use of the funds by local municipalities, then it too is to blame for environmental injustices.

Ms. Tucker stated further that public participation efforts and impact studies have failed to address adequately noncompliance with clean air standards by the municipalities that comprise the Atlanta, Georgia, metropolitan area. She urged DOT to not be conciliatory to make state and local governments happy, but rather to be proactive and to promote the education of local officials. She called for DOT to promote the building of a major train transit system, asserting however that more buses will not increase the use of public transportation, but rather an efficient regional "fast train" system will. In addition, the U.S. Department of Energy (DOE) and DOT should invest in clean energy and renewable energy research and demonstration projects, she said.

2.3 Kenneth Bradshaw and Doris Bradshaw, Defense Depot Memphis, Tennessee Concerned Citizens Committee, Memphis, Tennessee

Pointing out that he had attended several meetings of the NEJAC to plead for help, Mr. Kenneth Bradshaw, Defense Depot Memphis, Tennessee Concerned Citizens Committee, Memphis, Tennessee, then congratulated Mr. Fields for his efforts to hold Federal facilities accountable for environmental injustices. The Federal government has made progress in alleviating environmental injustices that have occurred in Memphis and across the United States, Mr. Bradshaw reported, adding that such success was due to many environmental justice organizations working around the country. However, he continued, there remain many concerns about DoD's facilities and activities. DoD's control of land use should be monitored, he suggested, and DoD should remove contamination from communities affected by its activities.

Ms. Doris Bradshaw, Defense Depot Memphis, Tennessee Concerned Citizens Committee, Memphis Tennessee, reiterated that DoD should

work with communities that have been affected by contamination resulting from military activities. Pointing to recent stakeholder meetings held in San Diego, California, and St. Louis, Missouri at which many significant minority stakeholder groups such as Hispanics and Native American tribes were not present, she said that all affected stakeholders should be represented at meetings, so that DoD and representatives of the communities can collaborate effectively to develop solutions to the problems that plague such communities.

2.4 Manual Mirabal, National Puerto Rican Coalition, Washington, D.C.

Mr. Manual Mirabal, National Puerto Rican Coalition (NPRC), Washington, D.C., provided a written statement about the Navy's bombing exercises in Vieques, Puerto Rico. Since the 1940s, the Navy has used Vieques as a bombing range for military training exercises, he wrote. The Navy has ignored environmental laws, destroyed the natural environment, and introduced health hazards to the residents of the island, the statement charged.

The bombing has damaged both land and ocean ecosystems, the statement continued. The topography of eastern Vieques is disfigured, and extensive vegetation has been lost, contributing to a decrease in rainfall in that portion of the island, he continued. The ocean ecosystem is suffering, and bombs and pieces of artillery can be found in coral reefs, it continued. Research indicates that environmental restoration is urgently needed in Vieques, Mr. Mirabal said in his statement.

The statement also expressed NRPC's concern about the effect of the military exercises on the resident population. The people of Vieques suffer from a multitude of illnesses and lack adequate health care facilities to provide treatment, the statement read. The cancer rate on Vieques is 27 percent higher than on the mainland, and infant mortality rates are very high, as well, the statement continued.

There is also concern about the level of toxins released from bombing exercises that reach the food chain, said the statement. The current agreement between the Governor of Puerto Rico and DoD allows the Navy to use inert bombs and keeps open the possibility of using live ammunition in the future, noted Mr. Mirabal's statement, adding that both live and inert bombs seriously disrupt the natural environment and ecosystem.

The statement then set forth NRPC's strong belief that the Navy bombing in Vieques must stop immediately and that EPA should fund research on the environmental damage to the island. EPA should deny renewal of the Navy's National Pollution Discharge Elimination System (NPDES) permit, the statement suggested, because of past violations, noise pollution, and the current spreading of toxins by inert bombs. EPA also should monitor the cleanup of Vieques carefully, and every effort should be made to restore the land completely so that, in the future, the community of Vieques can have use of and access to the current impact area, concluded the statement.

2.5 Albert Donnay, Multiple Chemical Sensitivity Referral and Resources, Baltimore, Maryland

Mr. Albert Donnay, Multiple Chemical Sensitivity (MCS) Referral and Resources, submitted a written statement about the issue of MCS. Mr. Donnay first congratulated the NEJAC for the resolution it had adopted on May 26, 2000 and forwarded to the EPA Administrator on July 7, 2000, in which the NEJAC urges that EPA work with other agencies to establish disease registries and make MCS a reportable condition. However, Mr. Donnay's statement continued, given that several published epidemiological studies put the rate of MCS cases already diagnosed by health professionals at 2 to 6 percent of the general adult population, establishing a disease registry for MCS or making it a reportable condition would involve tracking millions of cases. Doing so clearly is beyond the scope of any Federal agency, especially when there is no medical identification code for MCS in the United States, the statement read. Establishment of new codes is the responsibility of the National Center for Health Statistics (NCHS), which last year rejected a request to adopt one for MCS. NEJAC should consider passing another resolution that specifically recommends that EPA petition NCHS to adopt a code for MCS, suggested the statement.

NEJAC's resolution also calls for funding and programs to support increased understanding, education, and research that will aid in identifying causes, diagnosis, treatment, and the prevention of MCS, read the statement. More than 30 million dollars already is being spent every year by nine Federal agencies on research related to MCS. NEJAC should seek an accounting of that research, said the statement, since the draft report of the Federal Interagency Working Group on MCS

specifies only the amount of research on MCS that was funded by the Agency for Toxic Substances and Disease Registry (ATSDR) in 1994.

Mr. Donnay, in his statement, stated that EPA's draft report on MCS neglected to address comments received from other agencies before releasing the final draft. It also is inappropriate that EPA quote an August 1998 draft that does not include an approved policy statement from the agency, the statement continued. The NEJAC, the statement suggested, should request copies of comments on the April 1997 draft so that it can identify the true extent of research on MCS and determine the opinion of EPA staff about the issue.

2.6 Mary Lamielle, National Center for Environmental Health Strategies, Voorhees, New Jersey

Ms. Mary Lamielle, National Center for Environmental Health Strategies, Voorhees, New Jersey, stated that, for 15 years, her organization had been working to help people who have been injured or disabled by environmental exposures to achieve a reasonable quality of life. She pointed out that a disproportionate number of people of color, the poor, and tribes are subjected to significant levels of environmental pollutants that may cause MCS and trigger debilitating symptoms. Ms. Lamielle commended the NEJAC for its initiative in presenting the MCS resolution to EPA. However, she continued, EPA had rejected the entire resolution unnecessarily because of the erroneous information about MCS included in the draft interagency report.

Federal agencies have failed to identify and address the needs of minorities, the poor, and those who suffer from chronic and debilitating effects of chemical exposures, said Ms. Lamielle. She outlined several recommendations the NEJAC should support, including the establishment of a disease registry for MCS and support of efforts to make MCS a reportable condition. In addition, she explained, more studies of the incidence and prevalence of MCS in minority and low-income populations should be conducted. Government agencies and the public must be educated about MCS, she explained, and research opportunities must be supported. She concluded by indicating the need for housing accommodations for those who suffer from MCS and for the construction of least-toxic, segregated housing for those in minority and low-income communities who have MCS.

Mr. Turrentine suggested that Ms. Lamielle speak with Ms. Shirley Pate, EPA Office of Enforcement and Compliance Assurance (OECA) and DFO of the Enforcement Subcommittee, about EPA's comments on the NEJAC's recommendations related to MCS.

2.7 Ethel Lane, Neighborhood for Justice, Phoenix, Arizona

Stating that there is no environmental justice in Phoenix, Arizona, Ms. Ethel Lane, Neighborhood for Justice, Phoenix, Arizona, explained that, in her community, members of her community have written several letters to various Federal, state, and local government agencies, she continued, but no one has acted to address community concerns about a hazardous waste site that is located next to the Rio Solado River. The waste site jeopardizes the health of the community, she said. Federal agencies are not working together to achieve environmental justice, she pointed out, and citizens should be informed about hazards that exist where they live.

2.8 Lawrence Plumlee, National Coalition for the Chemically Injured, Bethesda, Maryland

Dr. Lawrence Plumlee, National Coalition for the Chemically Injured, Bethesda, Maryland and former medical science advisor to EPA's Office of Research and Development (ORD), expressed his pleasure that the NEJAC had passed the resolution on MCS. The coalition, he said, as well as U.S. Representative Udall of New Mexico, had written to the EPA Administrator to point out its agreement with the NEJAC's recommendations. Dr. Plumlee showed the council a graphic that he stated demonstrated the correlation between chemical sensitivity and environmental racism. He urged the council to inform its constituent groups about how organizations such as the Chemical Injury Information Network, which can be reached by calling (406) 547-2255, can help people who have chemical sensitivities.

Dr. Plumlee pointed out that a link between MCS and environmental justice was established at the 1994 interagency Symposium on Health Research and Needs to Ensure Environmental Justice. The recommendations adopted during that symposium must be implemented, he stated. Veterans groups, farm workers, and those exposed to hazardous waste sites include a high percentage of minority and low-income individuals, he observed, and it is crucial to establish the prevalence of MCS in those populations and to provide treatment for members of those populations who are affected by MCS.

The National Coalition for the Chemically Injured has reviewed EPA's official response to the NEJAC resolution and found it outdated and incomplete, Dr. Plumlee stated. Since the work group's draft report, he continued, a consensus definition of MCS has been agreed upon by 89 clinicians and researchers who have extensive experience in this area. EPA should not rely on the Interagency Workgroup on MCS to formulate its MCS policy, he stated. Dr. Plumlee pointed out that the work group had been unable to reach consensus in more than five years of discussion. He concluded by requesting that the NEJAC ask EPA to develop its own MCS policy that is based on information that is not tainted by biases interjected by the military or the chemical industry.

2.9 Richard Burton, St. James Citizens for Jobs and the Environment, Convent, Louisiana

Mr. Richard Burton, St. James Citizens for Jobs and the Environment, Convent, Louisiana, stated that there is no environmental justice in Louisiana. In Louisiana, he explained, a majority of plants and industries are located in low-income and minority communities. EPA's mission is to protect people, he continued, and if the agency continues to do nothing, those environmental injustices will continue.

Referring to his communities successful effort to prevent Shintech from locating a facility in the Convent and Mossville, Louisiana communities, Mr. Burton reported that the Louisiana Department of Environmental Quality (DEQ) has issued permits to two other firms to build facilities in his community. It is time, he asserted, that EPA exert pressure on EPA Region 6 to withdraw the permitting authority it has delegated to the state which allows the Louisiana DEQ to issue permits without the prior knowledge of Region 6. He then requested that the NEJAC continue to pressure EPA Region 6; otherwise, he said, nothing will be done in Louisiana to end environmental racism.

Ms. Rosa Hilda Ramos, Community of Cataño Against Pollution and member of the Puerto Rico Subcommittee, stated that the situation in Louisiana illustrates the need for EPA to hold states accountable when communities are being abused, particularly when states themselves are abusing communities by ignoring health issues, failing to include communities throughout the decision making process, and ignoring the right of people to live in a safe environment. Ms. Rose Augustine, Tusconians for a Clean Environment and member of the Health and Research

Subcommittee, echoed Ms. Ramos' sentiments, pointing out that such issues are not confined to Louisiana. The Federal government and EPA are responsible for and must maintain oversight of the contamination and waste management industry, she continued, saying that EPA must examine rescinding the authorities it has delegated to the states.

Mr. Cole observed that Mr. Burton had appeared before the NEJAC on several earlier occasions. Mr. Cole pointed out that, two years earlier, representatives of Louisiana DEQ had met with some members of the NEJAC; he asked what follow-up action had been taken after that meeting. Mr. Turrentine responded that he would speak with Mr. Lee about the issue.

Mr. Tom Goldtooth, Indigenous Environmental Network and chair of the Indigenous Peoples Subcommittee, noted that he had visited Mossville, Louisiana, and had witnessed the human rights violations that are taking place there. The situation there is an emergency, he said, because of the high concentration of industry in the area. The state is failing to comply with environmental laws, he stated, and the state agency's authority to issue and manage permits should be rescinded.

2.10 John Runkle, Conservation Council of North Carolina, Raleigh, North Carolina

Pointing out that he had represented several communities in North Carolina that oppose multi-state regional solid waste landfills, Mr. John Runkle, Conservation Council of North Carolina, Raleigh, North Carolina stated that Waste Management Inc. recently proposed to establish a 400-acre landfill in Halifax County, North Carolina. The landfill's service area was to be at least five states, he said. The preliminary franchise agreement did not establish a daily or annual cap on the volume of waste, he explained, and the landfill was to be located in a rural and poor part of the county that has a large minority population. The community organized successfully, and the Halifax County commissioners announced that they no longer were considering entering into the franchise agreement, he said.

As another example, continued Mr. Runkle, the Environmental Poverty Law Program brought to EPA a complaint under Title VI related to the issuance of a solid waste permit proposed by Chambers Development of North Carolina for a multi-state landfill in Anson County, North Carolina. The Anson County landfill would have the greatest health and economic effects on residents near the

landfill, all of whom are African-American, he pointed out. Mr. Runkle explained that six years elapsed after Chambers Development first applied for a permit for the landfill before the North Carolina Division of Waste Management did any research into issues related to racial disparity. The state's position is that it cannot consider issues related to Title VI in permitting landfills, he said. He explained that the permitting rules contain only a general provision that the landfill must comply with other state and Federal laws.

It seems that siting enormous landfills in poor and minority communities is the state's unwritten policy, Mr. Runkle stated, pointing out that 8 of the last 10 applications for new landfills filed are for private, regional landfills and 6 of the 8 appear to have a racially disparate impact. It is in such cases that the EPA interim guidance fails, continued Mr. Runkle. In North Carolina, in only a few isolated cases in which a landfill is proposed within one mile of an existing landfill, is the local government required to consider the effects of siting the landfill in the community, he pointed out. There is no requirement that the state permitting agency determine whether there are any disparate adverse effects on minority or poor populations, he said.

Ms. Vernice Miller-Travis, Ford Foundation and chair of the Waste and Facility Siting Subcommittee, noted that EPA does have statutory authority under the Resource Conservation and Recovery Act (RCRA), which includes provisions governing landfills under parts C and D. EPA cannot tell a local government where to place a landfill, she stated, but the agency can deny permits.

2.11 LeVonne Stone, Fort Ord Environmental Justice Network, Marina, California

Pointing out that she had attended two previous meetings of the NEJAC, Ms. LeVonne Stone, Fort Ord Environmental Justice Network, Marina, California, stated that her community is very stressed. Regulatory agencies have not responded adequately to environmental justice issues, she said. Honest and timely responses to issues related to Superfund and National Priority List (NPL) sites must be provided, she emphasized.

In her own community, she continued, a 120-acre landfill is located in the vicinity of five residential areas, and the city of Seaside also has several contaminated military ranges. The ranges have not been remediated, she explained, but fences

were built around them to be left in place until agencies resolve disputes about cleanup. Members of the community have not been included in any of the decision-making processes, she said. In sharp contrast to Seaside is Del Ray Oaks which was cleaned up in six months and on which was built a golf course and a hotel, she stated. There are a number of public schools in the vicinity, Ms. Stone noted, and a number of explosives have been found outside the impact range. She then expressed her displeasure that her community has not been included in decision-making processes.

Ms. Stone stated that she had spoken previously with Mr. Fields about serving on the NEJAC Federal Facilities Work Group. Mr. Fields had responded that she would be named to the working group, she continued, but no such appointment has been made. Ms. Miller-Travis informed Ms. Stone that a Federal Facilities Work Group had been formed and that Ms. Stone could take up issues with that body even if she is not a member of the group.

2.12 Kathryn Mutz, Natural Resources Law Center, University of Colorado School of Law, Boulder, Colorado

Explaining that her organization focuses on natural resources in the western United States, Ms. Kathryn Mutz, Natural Resources Law Center (NRLC), University of Colorado School of Law, Boulder, Colorado, stated that the NRLC recently has begun to examine the issue of environmental justice in the context of natural resources. Many of the natural resources in the West are located on Federal lands, she pointed out, and are managed by the U.S. Department of the Interior (DOI) and DoD. The NRLC is working to identify existing environmental justice issues and to determine how environmental justice can be promoted in the West, she said. Some issues to consider, she explained, are land acquisitions that have social justice implications and water resources in areas in which poverty levels are high.

When dealing with natural resources, there are both convergence and conflict issues among groups and agencies, continued Ms. Mutz. An example of convergence of people working together is when environmental groups support the efforts of tribes in the adoption of more stringent water quality standards than those established by the state, she explained. An example of conflict, she continued, might be incompatible views held by various entities about the management of national forests and their timber and grazing lands.

The NRLC will work to address conflict and convergence among agencies to see how the protection of natural resources and social justice can be promoted, she said. Ms. Mutz invited anyone interested in the issue to speak with her after the session.

2.13 Laura Hunter, Environmental Health Coalition, San Diego, California

Ms. Laura Hunter, Environmental Health Coalition, San Diego, California explained that her organization deals with the impact of the facilities and activities of Department of the Navy on communities in San Diego, California. Federal facilities commit numerous environmental violations, she said, and there is a lack of enforcement. She pointed out that Federal facilities can violate the provisions of their permits without suffering any consequences. Discussing the recent permitting of a nuclear megaport for San Diego Bay, Ms. Stone stated that the Navy does not recognize its effect on environmental justice or the cumulative effects of its actions on the local communities in the Barrio Logan area of the city, she said. In addition, these communities lack access to decision makers at the Federal facilities, she continued, explaining that representatives of the decision makers attend public hearings, rather than the decision makers themselves. The military should be held accountable for meeting the same standards that govern other facilities, Ms. Hunter said. In addition, she continued, Federal facilities should send their decision makers to meet with residents of communities affected by the Navy's activities.

Ms. Hunter also urged the NEJAC to examine the activities of the DOE Office of Naval Reactors. Stating that naval reactors are self-regulated, she explained that these reactors pose a significant effect on a wide range of communities, from the communities in which they are made to the communities in which the vessels are homeported. She predicted that in several years, the San Diego Bay will be home to as many as 19 nuclear reactors housed in carriers and submarines. Inadequate emergency planning plague the densely populated area, she stated, adding that the communities around the bay enjoy less protection than they would if they were located next to a commercial reactor. Ms. Hunter asked the individual members of the council to endorse the Military Environmental Responsibility Act which requires military agencies to comply with and be subject to the same standards and environmental laws that govern non-military activities.

2.14 Chavel Lopez, Southwest Workers Union, San Antonio, Texas

Discussing the issue of Federal facilities, Mr. Chavel Lopez, Southwest Workers Union, San Antonio, Texas, explained that EPA's interim guidance on addressing administrative complaints under Title VI offers several recommendations about environmental justice. However, he said, Federal facilities do not recognize the Title VI guidance. Kelly Air Force Base was to close in the near future, Mr. Lopez continue; yet, there are no plans to deal with the off-base contamination associated with the facility. More than 100,000 people live near the base and could be subjected to groundwater contaminated with several very toxic chemicals, he pointed out. Natural attenuation currently is being proposed to address contamination from the base, he added, noting that the community believes such a remedy is an "insult" because it does not consider the 30 to 60 year process to be a cleanup.

In addition, continued Mr. Lopez, the Texas Department of Transportation is proposing a new highway through the contaminated community. Not only will the project increase air pollution, he stated, but it also will force the displacement of many people. An airport expansion also has been proposed, he added. The community already suffers from elevated rates of cancer and other diseases, he said, and the decision makers are not considering the cumulative effects of the proposed highway, expanded and joint use of the airport, and no clean up plan. In addition, new houses are being built on contaminated plumes, he charged, and home buyers are not being notified of that issue.

Describing the restoration advisory board established at the base, Mr. Lopez stated that public participation also has failed, in part because no translation services are provided. Mr. Lopez concluded by stating that a disparate number of minorities work in hazardous conditions, and they often are without protective equipment.

2.15 Gilbert Sanchez, People of Color and Disenfranchised Communities/ Environmental Health Network, Espanola, New Mexico

Mr. Gilbert Sanchez, People of Color and Disenfranchised Communities/Environmental Health Network, Espanola, New Mexico, thanked the NEJAC for establishing a Federal facilities working group. However, he added, the development of the working group is effectively

silencing the input of communities. He stated that there were fundamental flaws in a process that does not take seriously the advice it asks of affected communities. Mr. Sanchez asked the council to “please open your doors, your hearts, your minds, to all the grassroots communities . . . when we ask for something and if you are going to give it to us, let us be a part of that.”

2.16 Teresa Juarez, New Mexico Alliance, Espanola, New Mexico

Ms. Teresa Juarez, New Mexico Alliance, Espanola, New Mexico, stated that the NEJAC Federal Facilities Working Group is a vehicle through which community voices should be heard. The working group was created to give a voice to communities suffering from environmental injustices, she continued, so that members of those communities could bring their problems to the attention of the appropriate authorities. The fact that very few community representatives are members of the working group shows a lack of respect for communities, she charged.

Ms. Travis-Miller commented that the concerns raised by Mr. Sanchez and Ms. Juarez would be discussed during the council’s discussions with Mr. Fields and Mr. Hill. She stated that she “feels caught in the cross-hairs” because the NEJAC created the working group in response to multiple requests by communities but which now seems as if its been “subverted.” Communities are asking us why the NEJAC has failed to follow through on this request, so we need to know that we can give an honest answer, she emphasized. Mr. Lee, pointed out that although there are several community representatives on the working group, the membership does reflect the diversity of the stakeholder groups that comprise the membership of the NEJAC. Mr. Turrentine observed that there had been a lack of communication, both among the members of the NEJAC, between community representatives and the NEJAC, and between the NEJAC and EPA.

2.17 Rodney Livingston, DC Urban Environmentalists, Washington, D.C.

Mr. Rodney Livingston, DC Urban Environmentalists, Washington, D.C., expressed his discontent with the NEJAC for what he termed its failure to achieve substantial accomplishments. The NEJAC had done nothing to curb environmental injustices, he said. Executive Order 12898 has not been successful in establishing adequate environmental justice measures in various Federal agencies, he continued. It

appears that there is always a reason to do nothing, he observed, and many excuses are offered when necessary action is not taken.

2.18 Armando Gandarilla, Grand Park Neighborhood Association, Phoenix, Arizona

Mr. Armando Gandarilla, Grand Park Neighborhood Association, Phoenix, Arizona, stated that noise pollution and contamination afflict several communities in Arizona. Health issues affect those neighborhoods, he explained, and children are becoming ill. Mr. Gandarilla pointed out that there is a correlation between incarceration rates and exposure to pollutants. Incarceration rates are higher among minorities, he explained, adding that minorities are disparately affected by contaminants because of environmental racism. The state of Arizona is not held accountable for allowing such injustices to occur, he continued. The state seems to be above the law, he said, and communities cannot afford lawyers to fight for their rights. Mr. Gandarilla concluded by stating that private corporations should not be permitted to “hide behind” public agencies that allow them to perpetrate environmental injustices.

3.0 Public Comment Period Held on Tuesday, December 12, 2000

This section summarizes the comments presented to the Executive Council during the public comment period held on December 12, 2000, along with the questions and observations those comments prompted among members of the Executive Council.

Comments are summarized below in the order in which they were offered.

3.1 Ann McCampbell, Multiple Chemical Sensitivities Task Force of New Mexico, Santa Fe, New Mexico

Dr. Ann McCampbell, a physician and chair of the Multiple Chemical Sensitivities Task Force of New Mexico, Santa Fe, New Mexico, submitted a written statement to the members of the Executive Council. In that statement, Dr. McCampbell commended the NEJAC for its resolution on MCS. According to Dr. McCampbell, the resolution acknowledges MCS and makes common-sense suggestions about how the Federal government should address the problem. Despite EPA Administrator Carol Browner’s praise of other

NEJAC recommendations, the agency rejected the MCS resolution in its entirety, the statement continued. Dr. McCampbell conveyed her disappointment at EPA's rejection of the resolution and EPA's 1998 draft report on MCS. In her statement, she said that EPA had relied on a biased work group's draft report in rejecting the NEJAC's MCS resolution. Dr. McCampbell attached to her statement a letter from U.S. Representative Tom Udall (D - NM), requesting that Administrator Browner reconsider her decision.

Dr. McCampbell then expressed her gratitude to the NEJAC for acknowledging MCS as a serious medical problem and an environmental justice issue and voiced the hope that EPA would reconsider its decision and would begin to address the matter by considering the implementation of some of the NEJAC's recommendations.

3.2 Madeline Pepin, Our Lady of the Lake University, San Antonio, Texas

Dr. Madeline Pepin, Environmental Science Program, Our Lady of the Lake University, San Antonio, Texas, a teacher at that institution, based her comments to the Executive Council on two case studies: the Polish-speaking community of Falls City, Texas and the Spanish-speaking Southwest San Antonio community that neighbors Kelly Air Force Base. Both communities are composed of native-born American citizens who do not read the language they speak, she said. Those citizens can read and understand very basic English, she explained, but lack the confidence in their limited English to ask questions or state concerns at public meetings on environmental issues. Dr. Pepin stated that, in both cases, officials failed to realize that the citizens were not literate in their native languages. In the Kelly Air Force Base case, until recently, no translator was provided on the grounds that the translation of documents would be too expensive and that no Air Force officials spoke Spanish. Dr. Pepin stated that the Air Force should have requested the services of a bilingual individual from the community to assist in the translation of questions and statements of concern by members of the communities.

Mr. Turrentine asked Dr. Pepin what assistance she would like to obtain from the NEJAC. She responded by stating that Federal officials should consult local governments or universities for an accurate and complete account of the demographics, including literacy of the communities affected by Federal facilities and their

activities. In addition, she recommended that Federal officials take note that there are many non-English-speaking communities in the United States and that the members of those communities were not educated in other countries; they read English, she said. Further, Federal officials should consult with local governments or universities to identify the type of translation services needed, she said. Mr. Turrentine invited Dr. Pepin to attend the meeting of the International Subcommittee, which was to convene on the following day.

Ms. Ramos suggested that Ms. Pepin speak to staff of EPA Region 2 about how it obtains simultaneous translation services.

3.3 Doris Bradshaw, Defense Depot Memphis, Tennessee, Concerned Citizens Committee, Memphis, Tennessee

Ms. Bradshaw expressed concern about the Defense Logistics Agency's (DLA) failure to respond to her letters to the agency about an incident that occurred at Defense Depot Memphis on September 15, 2000. Three workers wearing full protective gear, she said, had been exposed to a release of mustard gas. She asserted that the DLA did not have an emergency response plan in place for the facility and that seven other releases had not been reported to the public. After repeated attempts to obtain information from EPA, Ms. Bradshaw said, she had become frustrated with EPA and Region 4. She stated that she was "tired of asking for simple things." Despite such lack of response, she continued, the citizens of her community remain willing to put air monitoring systems in their yards. DLA, she pointed out, did not have any monitoring systems for checking air quality.

As further evidence of the inconsideration and lack of cooperation EPA Region 4 has provided her community, Ms. Bradshaw reported that the Agency had selected December 11, 2001, the first day of the NEJAC meeting, to initiate testing in her community. Even when informed that she would be at the NEJAC meeting, DLA refused to change the date, she claimed.

Ms. Ramos sympathized with Ms. Bradshaw, saying it "breaks my heart that time after time I hear the same problems." She suggested that Ms. Bradshaw attend the meeting of the Federal Facilities Workgroup. In addition, Mr. Turrentine pointed out that Mr. Cole had suggested that at least four community members should be added to that workgroup and that Mr. Lee had stated that he would consider approval of that action.

Ms. Jane Stahl, Assistant Commissioner, State of Connecticut and member of the Executive Council of the NEJAC, stated that efforts to confront Federal facilities and persuade them to fulfill their responsibilities were met with "a brick wall." As a representative of a state regulatory agency, she said, "We have found a common enemy" in Federal facilities. Ms. Stahl stated that the problem must be addressed through more extensive action than establishment of a work group.

3.4 Beverly Wright, Xavier University, New Orleans, Louisiana

Ms. Beverly Wright, Xavier University, New Orleans, Louisiana, described the history of the Thompson Hayward Chemical facility, located in New Orleans, Louisiana. She stated that, from the 1940s until 1977, the facility was operated as a dry and liquid chemical formulation plant; after 1977, the facility was used for the warehousing and distribution of industrial, pest control, and dry-cleaning chemicals, she said. Commercially, she noted, it has been inactive since 1988. Ms. Wright then discussed a settlement awarded to residents of the area. Individuals living within a specified radius of Thompson Hayward received money, as well as a million dollar endowment fund established with the Greater New Orleans Foundation, she explained. She added that the city of New Orleans also had received \$500,000 under the settlement; those funds were to be used for capital improvements in the neighborhood.

Ms. Wright stated that, in 1997, the Louisiana Department of Environmental Quality (LDEQ), the Louisiana Department of Agriculture and Forestry (LDAF), and the past and present owners of the Thompson Hayward site signed a formal agreement that set forth in detail the steps to be taken to complete site investigation and cleanup. As of October 2000, LDEQ is at least one year behind its schedule, continued Ms. Wright. LDEQ previously had revised the time frame in May 2000 but has fallen behind again, she said. Ms. Wright stated that EPA had not "written off" the Thompson Hayward site completely, but that it is "extremely unlikely" that further work will be carried out there. She posed several questions to the Executive Council, asking why no progress has been made since the 1997 order in remediating the site. She asked further what EPA and LDEQ can do to rectify the situation.

3.5 Lynn Pinder, Youth Warriors, Baltimore, Maryland

Ms. Lynn Pinder, Youth Warriors, Baltimore, Maryland, stated that she is the founder and executive director of that organization, which involves young African Americans in addressing environmental justice issues. In addition, she said, she serves as the southern regional coordinator for the Northeast Environmental Justice Network (NEJN).

Ms. Pinder directed her comments to the impact of the NEJAC at the state level and the involvement of youth (ages 18 and under) and young adults (ages 19 to 30) as a recognized voice in areas related to environmental justice.

The state of Maryland, continued Ms. Pinder, created a Maryland Environmental Justice Task Force at the request of some delegates to the state legislature. She stated that the intent and desire of most members of the task force is sincere. She stated, however, that she was concerned that the Maryland Environmental Justice Task Force is made up primarily of representatives of business and governmental agencies. Ms. Pinder then stated that, in her view, the term environmental justice signifies a call to action for individuals and groups residing in high-risk neighborhoods to take the lead in initiating action to combat environmental problems. However, she said, she believes that interests of communities were not as highly regarded as those of the business and government sectors at meetings of the task force. How, she asked, could the NEJAC do a better job in providing guidance at the state level? She also suggested that the NEJAC should foster youth leadership in the environmental justice movement.

Mr. Turrentine referred Ms. Pinder's comments to Mr. Lee. Mr. Lee stated that the NEJAC maintains many partnerships with states, including the Environmental Justice Training Collaborative, which participants in the NEJAC meeting had discussed earlier that day. Further, he continued, the NEJAC engages in a great deal of outreach to states. For example, members of the NEJAC spoke at a recent conference in North Carolina on environmental justice that was sponsored by the U.S. Department of Natural Resources and the North Carolina Department of Environment and Natural Resources. In addition, Dr. Lee continued, efforts undertaken in Florida brought about legislation related to environmental justice. He stressed that, overall, the process had begun and that "we are feeling our way through." that process.

Addressing Ms. Pinder's second point, Mr. Lee stated that, since 1992, OEJ had placed 1,600 students of diverse backgrounds in environmental careers. Further, OEJ is exploring the placement of students in community organizations. He then expressed appreciation that Ms. Pinder had raised the issue of representation of youth at future meetings of the NEJAC.

Ms. Annabelle Jaramillo, Oregon Office of the Governor and Vice Chair of the Air and Water Subcommittee of the NEJAC, pointed out that her state had established an environmental justice advisory board, but that its existence was not the result of the influence of the NEJAC. In her opinion, she said, the NEJAC should be considered a model. The models that work best, she added, are those conceived by communities and advocates, rather those developed by government agencies in response to a problem.

Ms. Stahl stated that the NEJAC is a model that serves as a "repository" of people who have expertise in environmental justice issues. The strength of the environmental justice movement, she continued, is with community groups, and the NEJAC often is not most effective at the local level. Ms. Pinder then expressed frustration because communities experience stagnation because although there is a national entity that wishes to assist them, states fail to follow through.

3.6 Ethel M. Lane, Neighborhood for Justice, Phoenix, Arizona

Ms. Ethel M. Lane, Neighborhood for Justice, Phoenix, Arizona, stated that she is a citizen of downtown Phoenix. She then discussed the history of her neighborhood, which extends from Seventh Avenue to Nineteenth Avenue in downtown Phoenix. She reported that her community is overburdened with toxic pollution. She stated that, in 1952, the only area in which minorities could purchase new homes was that neighborhood, where the city of Phoenix operated a landfill. In the early 1970s, she continued, it was discovered that some of the garbage could contaminate the groundwater; therefore, she continued, the city moved the landfill. Currently, she stated two hazardous waste companies are located in the area.

Ms. Lane asserted that upper respiratory problems, heart disease, and cancer are common among the residents of the area. As member of the Downtown Southwest Neighborhood Association, she said, she had begun asking questions about air monitoring stations in the area.

She stated that she had been informed that the nearest monitoring station was located approximately five miles from the neighborhood in Greenwood Cemetery – "where the bodies don't talk," she quipped. Continuing, Ms. Lane said that she subsequently had requested that a monitoring station be established at a location closer to the neighborhood. She said that the Arizona Department of Environmental Quality had informed her that monitoring stations would be too costly. Therefore, she said, she had appealed to EPA for assistance. Ms. Lane then stated that there is an urgent need for resources to support the conduct of research in the downtown area. She requested that the NEJAC assist her in obtaining resources for health studies in her community.

Mr. Turrentine asked whether there was a representative of EPA Region 9 present and noted that the members of the NEJAC would study the situation in more depth to determine what direction that office could provide to Ms. Lane.

3.7 Richard Burton, St. James Citizens for Jobs and the Environment, Convent, Louisiana

Mr. Burton stated that his organization is committed to the mission of ensuring clean air and water for the residents of the community, state, and the nation. He then expressed concern that his community is overburdened with toxic pollution. He then stated that a company in Louisiana known as Belmont Fleet, LLC, washes barges from the Mississippi River and deposits the residue into the river. Mr. Burton stated that he had questioned LDEQ about the status of the company's permit and that the agency had responded that the permit was in LDEQ's offices. He said he was told he must go to those offices to obtain a copy of the permit. Continuing, Mr. Burton asserted that LDEQ stated that he would have to write it to request an opportunity to make a public comment to the permit. It should not be necessary that we have to request that LDEQ conduct public comment, he said, adding that the Agency should have requested comments before issuing any part of a permit.

Mr. Burton also discussed spraying of sugar cane with pesticides. He stated that many people in Louisiana had become ill because of the unregulated applications of pesticides. People, he said, are not notified when the spraying is to take place.

Mr. Burton then suggested that EPA take back the regulatory authority it had delegated to LDEQ. He circulated several documents, which included a Public Hearing and Request for Public Comment on a Draft Water Permit of Belmont Fleet and information about the spraying of pesticides on sugar cane. He asked that the documents be submitted to EPA. Ms. Pamela Phillips, EPA Region 6, a member of the audience, informed Mr. Burton that she would provide him with more information about the issues he had raised.

Ms. Ramos suggested that Mr. Burton buy a small camera and take pictures of employees of Belmont Fleet discharging chemicals into the river, submit the photos to EPA, and then request enforcement action.

Mr. Goldtooth indicated that the NEJAC would attempt to obtain studies of the use of pesticides in sugar cane operations and forward any information found to Mr. Burton.

3.8 Patty Lovera, Center for Health Environment and Justice, Falls Church, Virginia

Ms. Patty Lovera, Center for Health Environment and Justice (CHEJ), Falls Church, Virginia, which works with grassroots groups nationwide, stated that, over the past few years, CHEJ had identified a trend toward building schools on or near contaminated land, a practice that places low-income and children of color at risk.

For example, she continued, in Houston, Texas, a school for 3,000 students that will serve a predominantly Latino population is being built next to the Goodyear Chemical Company. Ms. Lovera stated that, the community fought to have the school built on another available piece of land, but the effort was unsuccessful.

Further, she stated, in Rhode Island, five schools for students who are predominantly African American, have been built on industrial waste sites. Despite the efforts of community members to halt construction, she said, all five schools were built.

Continuing, Ms. Lovera stated that Gordon Elementary School in New Orleans, Louisiana, is located on a Superfund site. The school, she said, will serve children in the low-income, African American neighborhood, in which the school is located, she said. Although the school has been closed, she noted, it likely will reopen because EPA has conducted surface cleanup around the building.

Ms. Lovera expressed concern that there are no standards that determine what constitutes that a school is “child-safe” with regard to environmental contamination. A year earlier, she continued, CHEJ and a coalition of other organizations had asked EPA’s Office of Children for guidance. However, she said, that office had responded that there are no guidelines; nor are there plans to develop such guidelines, she added.

Over the past year, CHEJ’s Poisoned Schools Campaign, which involves more than 40 groups, has created a draft document on criteria for the siting of schools, continued Ms. Lovera. She described the siting criteria, which includes a requirement for buffer zones around schools and establishes maximum levels for chemicals in soil and groundwater.

Ms. Lovera called upon the NEJAC to review the siting criteria document and share comments and concerns with CHEJ. Ms. Peggy Shepard, West Harlem Environmental Action and Vice Chair of the Executive Council, agreed that school siting is an important issue and stated her hope that the NEJAC would consider taking on the issue of environmental hazards in schools. Mr. Goldtooth suggested that Ms. Lovera attend the meeting of the Health and Research Subcommittee, scheduled for the following day.

3.9 Kimberly Bandy, Tennessee Human Rights Commission, Nashville, Tennessee

Ms. Kimberly Bandy, Tennessee Human Rights Commission, Nashville, Tennessee, pointed out that, in 1993, the state of Tennessee had passed a law that mirrors the federal Title VI. The state law, she continued, requires that Title VI implementation plans or guidelines must be developed by the outside community. Ms. Bandy expressed concern about the lack of knowledge about environmental justice issues in the state. State agencies have proposed a study of Title VI, she added. State surveys of knowledge about environmental justice indicate that very little is known, she stated. However, she added, EPA Region 4 “is helping us break down the barriers to environmental justice.” Ms. Bandy stated that she had noticed a great deal of interest in Title VI on the part of local government agencies and private industry. She stated that she would like to see the same interest in environmental justice and the principles of civil rights at the level of state government, noting that such interest is vital to any effort to comprehensively address quality of life in Tennessee.

3.10 Tamia Boyen-Robinson, Environmental Evangelism, Temple Hills, Maryland

Ms. Tamia Boyen-Robinson, Environmental Evangelism, Temple Hills, Maryland, stated that she is an environmental consultant and member of the Maryland Environmental Justice Advisory Council. She then described a project under which environmental justice sites in the state of Maryland are being identified. One of the recommendations of the Maryland Environmental Justice Advisory Council, she continued, was to develop a geographic information system (GIS) data model, she continued. The purpose of the model is to encourage public collaboration and partnership in the environmental justice process, she explained. Health, income, housing, homelessness, child care, education, transportation, public safety, and environmental quality are the indicators chosen for the model, she continued. Ultimately, the model will identify environmental health concerns and coordinate their consideration in the formulation of public policy, she concluded.

Ms. Shepard asked whether Ms. Boyen-Robinson believed that drawing maps of environmental justice communities would be a deterrent to investment. Ms. Boyen-Robinson responded that she hoped the model would show that disproportionate numbers of minorities are subject to environmental risk. She added that mapping might be detrimental to some communities because it would effectively “red-line” some properties.

Mr. Don J. Aragon, Wind River Environmental Quality Commission, Shoshone and Northern Araphao Tribes, noted that Region 8 also is conducting GIS mapping on levels of income. The region has software capabilities, he noted. Most of the data have been sent to Region 8 by various tribes and states, he continued.

3.11 Jenny Torres-Lewis on behalf of Manuel Mirabel, National Puerto Rican Coalition, Washington, D.C.

Jenny Torres-Lewis, National Puerto Rican Coalition, Washington, D.C., identified herself as vice-president of that organization and then spoke on behalf of Mr. Mirabel. Ms. Torres-Lewis read Mr. Mirabel’s written statement (see Section 2-4 of this chapter for a summary of the statement) addressed to the NEJAC.

Ms. Shepard indicated that the International Subcommittee was to address the Vieques case during its meeting on Wednesday, December 13, 2001.

3.12 LeVonne Stone, Fort Ord Environmental Justice Network, Marina, California

Noting that she had spoken before the NEJAC the previous night, Ms. LeVonne Stone expressed concern that the proper cleanup of sites that pose environmental risk is not provided to low- income and minority communities. She pointed out that it is the responsibility of the Federal agency to clean up such areas. However, the state, she charged, is cleaning up sites in more affluent neighborhoods. The state has not cleaned up two ranges that are close to closure and that in the future will belong to the city of Seaside, the population of which is predominantly African American and Latino, she said.

The communities, continued Ms. Stone, have experienced deterioration of its economic base because of closures of military installations. People have been driven out of their homes, she stated. Ms. Stone suggested that members of communities be trained in the removal of unexploded ordnance (UXO).

Ms. Stone expressed displeasure at the limited progress of Federal agencies in complying with the requirements of Executive Order 12898. Any agency responsible for implementing the Executive Order should be conscious of the needs of the community, she added.

3.13 Rafael Rivero-Castano, Private Citizen, Vieques, Puerto Rico

Dr. Rafael Rivero-Castano, Vieques, Puerto Rico, a medical doctor who addressed the council as a private citizen, stated that he is a retired professor of epidemiology at the University of Puerto Rico. Dr. Rivero-Castano expressed concern about contamination caused by the Navy’s use of bombing ranges on the island of in Vieques, Puerto Rico. He stated that, in the 1960s, the cancer rate was higher in Puerto Rico than on Vieques; however, he pointed out, the rate for Vieques currently is 30 percent higher than that for Puerto Rico. Dr. Rivero-Castano indicated that the high cancer rate on Vieques is related to the Navy bombings. Further, he stated, many residents of Vieques have been exposed to toxic substances originating from the bombings because the toxic substances have entered the food chain.

Noting her respect for Dr. Rivero-Castano’s work, Ms. Ramos described the Vieques case as the worst example of what can happen when the community is not involved in the decisionmaking process. She encouraged Dr. Rivero-Castano to

continue dialogue with the Federal government and invited him to the next meeting of the Federal Facilities Working Group, tentatively scheduled for late January or early February.

3.14 Stephanie Farquhar, University of North Carolina School of Public Health, Chapel Hill, North Carolina

Ms. Stephanie Farquhar, University of North Carolina School of Public Health, Chapel Hill, North Carolina, stated that she had been pleased to learn about some of the demonstration projects developed by communities that had been mentioned during the NEJAC meeting. However, she expressed concern that, even when there is community involvement, Federal and state agencies do not acknowledge that residents of a community are aware of what that community needs. She described in detail two case studies of health research conducted in response to needs identified by communities. One case involved the rates of cancer and asthma in Detroit, Michigan, where the population is 95 percent African-American and the response of the community on the interpretation of GIS data related to the community. The other case, she continued, centered on largely African American and Hispanic communities in eastern North Carolina, that had been devastated by Hurricane Floyd, and the response of the Federal Emergency Management Administration (FEMA) to those communities.

Ms. Farquhar recommended that the NEJAC broaden the definition of environmental justice and consider collaborating with such other Federal agencies as FEMA in the future.

3.15 Betsy Boatner, Amazon Alliance, Washington, D.C.

Ms. Betsy Boatner, Amazon Alliance, Washington, D.C., discussed issues that had arisen during a meeting in Washington, D.C. of an international coalition of indigenous, environmental, human rights, and policy organizations. The purpose of that meeting, she explained, had been to examine the escalation of the herbicide spraying program of the government of Colombia – “Plan Colombia” – intended to eradicate illicit crops. The program, she stated, is funded by the U.S. government. Ms. Boatner charged that the program could cause serious harm to the health of indigenous and peasant communities and endanger the biodiverse ecosystems of the Amazon basin, while nevertheless failing to reduce overall production of drugs in Colombia or consumption of those drugs in the United States. The Colombian National

Police, assisted by U.S. government spray aircraft, fuel, escort helicopters, and private military contractors, was to increase aerial fumigation operations significantly in December 2000 in the southern state of Putumayo, she continued.

Ms. Boatner reported that 58 indigenous peoples whose territories cover almost half of the region are among those affected by fumigation in the Colombian Amazon basin. The Human Rights Ombudsman offices at the national and local levels have registered hundreds of complaints from peasants throughout Colombia that aerial eradication has caused eye, respiratory, skin, and digestive ailments; destroyed subsistence crops; sickened domesticated animals; and contaminated water supplies, she continued.

Ms. Boatner then stated that experts on drug policy argue that source-country counternarcotic strategies will never be successful in decreasing overall drug production because cultivation will be carried on in other regions and countries. Further, she asserted, domestic drug treatment programs are 20 times more effective than aerial eradication programs. The current policy, she stated, is “creating a severe environmental justice in Colombia.”

Mr. Alberto Saldamando, International Indian Treaty Council and vice chair of the International Subcommittee of the NEJAC, noted that he would make recommendations to EPA Administrator Carol Browner for addressing Plan Colombia. He then requested that Ms. Boatner provide written testimony. She agreed to do so, stressing the urgency of the matter because of the startup of operations in December 2000.

3.16 Yvonne McSwain-Powell, People Effective Against Chemical Eugenics, Richton, Mississippi

Ms. Yvonne McSwain-Powell, People Effective Against Chemical Eugenics, Richton, Mississippi, stated that deaths and illnesses in her Richton community were related to the condition of well water that served as drinking water for her community and contained high levels of chloride, sodium, strontium, manganese, and boron. The information about the quality of the water, which suggests that local industry is the possible cause of contamination, was obtained only recently from documents prepared by the U.S. Geological Survey (USGS) in 1982 and 1983, she added. The well that provided water to her community was shut down officially in 1994, despite being declared an emergency in 1991, she continued. Although a

new well serving other communities was built in 1992, her community was not removed from the contaminated well until 1994, she added. The Mississippi Department of Environmental Quality conducted investigations and concluded that the USGS documents were inaccurate and outdated, she added.

Ms. McSwain-Powell expressed concern about the high incidence of such diseases as multiple myeloma, lupus, kidney failure, heart disease, incurable skin rashes, loss of eyesight, cataracts, gastrointestinal problems, tremors, and diabetes in children in her community. One cause of the high incidence of those illnesses, she stated, is arsenic, which has been in the tap water of the community for many years. Recently, she continued, arsenic was found in one resident's blood at extremely elevated levels. Further, she stated, the multiple myeloma occurs in her community at a rate of 3 cases per 150 individuals, a rate deemed insignificant by state epidemiologists. According to the American Cancer Society, she said, the average is 4 cases per 100,000 people.

Ms. McSwain-Powell indicated that she had attempted to reach out to state agencies; however, she said, those agencies have rejected her claims and are unwilling to recognize the problem. She requested that the well that was shut down in 1994 be reopened and investigated for possible contamination.

Dr. Marinelle Payton, School of Public Health, Harvard University Medical School and chair of the Health and Research Subcommittee of the NEJAC, asked whether any agencies had offered Ms. McSwain-Powell any assistance. She replied that she had requested assistance from the Agency of Toxic Substances and Disease Registry (ATSDR) in providing consultation and sampling for members of her community. However, that agency had not yet provided such assistance, she added.

3.17 Sandra Reid, Oak Ridge Health Liaison, Oak Ridge, Tennessee

Ms. Sandra Reid, Oak Ridge Health Liaison, Oak Ridge, Tennessee, expressed concern about the handling of community health issues related to facilities of the U.S. Department of Energy in Oak Ridge, Tennessee. She stated that highly enriched uranium had been detected in the neighboring community of Oak Ridge. The Centers for Disease Control and Prevention (CDCP) had examined the health effects, she continued however, no conclusive evidence was

found that uranium from the DOE facility had caused adverse health effects in children. Ms. Reid emphasized that the community had encountered a lack of cooperation on the part of DOE and the U.S. Department of Justice in its efforts to address the health effects. Noting that, seven years earlier, she had attended a meeting of the NEJAC and that she had not seen action taken since that time, Ms. Reid urged the NEJAC to begin to address the inadequacies of studies of health effects and to take action.

3.18 Armando Gandarilla, Grant Park Neighborhood Association, Phoenix, Arizona

Mr. Armando Gandarilla, Grant Park Neighborhood Association, Phoenix, Arizona, expressed concern that the area of that city that lies in the vicinity of Grant Park had been contaminated by a variety of sources, including the nearby Motorola Inc. plant, a chromium plant that was set on fire, the addition of runways at the airport, pollution from nearby freeways, and wastes from the Arizona Public Service. He noted that an informal survey had indicated that there have been 35 cancer deaths in a one-quarter mile section of his neighborhood.

Mr. Gandarilla requested funding to support the research being conducted by Neighborhoods for Justice to identify cumulative health risks and identify concerns of residents about environmental hazards, as well as funding to remediate the contaminants. He then asked the council what the time line is for bringing companies and or government entities into compliance.

Mr. Cole said that the Enforcement Subcommittee would address those issues during its meeting scheduled for the following day. Mr. Willard Chin, EPA Region 9, then approached the council from the audience to indicate that he would contact Mr. Gandarilla to address the issues Mr. Gandarilla had raised. Mr. Chin mentioned that EPA Region 9 has targeted South Phoenix as a high-risk area and is investigating facilities located near schools.

3.19 Andrew Brought, University of Maryland School of Law, Baltimore, Maryland

Mr. Andrew Brought, University of Maryland School of Law, Baltimore, Maryland, spoke on behalf of the Cleanup Coalition, a small nonprofit group organized to assist communities in addressing issues related to environmental pollution and air, waste, and water pollution permitting, particularly in the Baltimore region. Mr. Brought, a student at the law school, was requesting funding for a thorough

study of subsistence and recreational fishing, specifically in Baltimore Harbor and among members of low-income or minority communities.

Because of contamination with chlordane, he continued, the Maryland Department of the Environment (MDE) has warned the general public not to eat substantial amounts of channel catfish or eel caught in Baltimore Harbor. Moreover, a study of Baltimore Harbor found concentrations of lead and cadmium in the edible tissues of fish and shellfish at levels high enough to cause health problems in individuals who ingest a consistent diet of such organisms, he noted.

Mr. Brought pointed out that the Cleanup Coalition is concerned that efforts to communicate the potential health risks of eating fish or shellfish from Baltimore Harbor may not be effective. That concern, he said, stems from anecdotal evidence that minority or low-income residents in the area of Baltimore Harbor are consuming fish or shellfish taken from the Patapsco River in quantities that exceed the limits suggested in the consumption advisories posted on MDE's web site, he continued.

To date, said Mr. Brought, there appears to have been no thorough study of fish consumption by subsistence fishers who fish Baltimore Harbor, Mr. Brought said. Lack of such fish consumption studies will prevent adequate protection of human health, he continued. Therefore, in recognition of the potential human health effects of carcinogens and bioaccumulative toxics, particularly on low-income or minority communities, and the almost total lack of any current data, the Cleanup Coalition was requesting that the NEJAC seek funding from EPA to initiate a complete, thorough investigation of consumption of fish and shellfish taken from Baltimore Harbor and in nearby communities.

Ms. Jaramillo encouraged Mr. Brought to present the issue at the meeting of the Air and Water Subcommittee meeting, scheduled for the following day. Further, Mr. Cole asked Mr. Brought to participate in the NEJAC meeting to be held in Seattle, Washington in December 2001, which was to focus on subsistence consumption.