Joint Letter to EPA Administrator Lisa Jackson from
Grassroots Environmental Justice organizations and networks
See Organizational Signers at end of Letter

April 30, 2009

Lisa Jackson, EPA Administrator
USEPA Headquarters
Ariel Rios Building
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Dear Ms. Lisa Jackson:

Almost three months have gone by since you took office on January 23, 2009 as our new administrator of the U.S. Environmental Protection Agency (EPA). As a movement of young people of color environmental and economic justice (EJ) activists standing alongside seasoned EJ leadership, we write to congratulate you on your appointment and to say you give us hope by immediately taking steps to tackle the unwrapping of previous Administration-era environmental decisions. As you are aware, environmental regulations and policies have tremendous impact on people of color, Native and low income communities. We applaud the new Barack Obama administration for laying the groundwork for this change to take place. We also welcome back Carol Browner who made EJ a top priority in her tenure as a prior EPA administrator. We respect her legacy at the EPA and look forward to working with her and you on energy and climate policy. We, therefore herein, request a meeting with you at a mutually acceptable location and time. Please contact the heads of each EJ organization or network signee of this letter for follow-through. Please note that there are many signee groups that are not a part of networks, and thus, we respectfully request that you send a formal response to all signees of this letter.

When President Obama said his administration will work from the bottom up, we were delighted, as we in the environmental and economic justice movement made a commitment to grow our movement from the bottom up at the First People of Color Environmental Leadership Summit in 1991, the dawn of the EJ Movement. Over 600 delegates at the Summit from Native- and African- American, Latino-, and Asian-Pacific Islander communities, youth and elders, proclaimed that we speak for ourselves and challenged ourselves to build upon our grassroots and strengthen our efforts to build regional networks. It has not been easy keeping this commitment.

We are encouraged to hear reports of your commitment to environmental justice, and applaud your pledge to address toxic air near schools. The principles of bottom-up and grassroots organizing is the foundation of the EJ Movement. Bottom up and grassroots refers to those most affected, disenfranchised, marginalized and living on the fence lines of polluting industries. The heartbeat of this movement has organized locally, by state, by tribe, by regions and some strategically organized national organizations and networks. As such, we appeal to you to ensure that the voices of the most harmed by environmental injustices, those who live, work and play in poor and marginalized communities are provided opportunities to work with your administration, to be heard and for our movement to be able to provide constructive input and solutions.

The mechanism that EPA utilizes to ensure meaningful participation of the grassroots is EPA's multi-stake holder approach. However, this multi-stakeholder approach has some challenges. For example, equal representation by each stakeholder puts the community/grassroots stakeholder at a disadvantage as most other stakeholders come with strong public or private institutional or industrial support. To accomplish change from the bottom up, this imbalance could be addressed by increasing the representation of the grassroots in Agency activities, by providing opportunities for them to meet among themselves regarding Agency activities to better organize their voice at the multi-stakeholder table, and by addressing the resource gap.

We want to applaud the work of the Office of Environmental Justice (OEJ) and the National Environmental Justice Advisory Council (NEJAC). We encourage you to review the recommendations of the NEJAC under each administration. They arise from countless testimonies from impacted communities faced with the range of environmental assaults. We implore you to act on the recommendations and put real teeth into the integration of NEJAC recommendations across EPA's programs and activities.

Please find attached as Attachment 1 only some of the concerns and recommendations that we have. We request a meeting with you at a mutually acceptable location and time. We hope that we can discuss these and others with you in a formal sit down meeting.

Thank you for your time and consideration,

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Cc: Carol Browner

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Attachment 1

Recommendations

We recognize that everything cannot be addressed at once and respect the priority areas of both the Obama and Jackson administrations to reduce greenhouse-gas emissions, reduce other air pollutants, address toxic chemicals, clean up hazardous waste sites and protect water quality. These are EJ concerns. We urge you to review the recommendations from the NEJAC regarding these concerns, including relocation as a remedy for those communities living on top of toxic chemicals and/or fence line to polluting industries.

We urge you to get our input before you budget dollars to address these priority areas. We have a saying in the EJ Movement, "Others benefit from our pollution and others benefit from its resolution". It is our human right to direct efforts on our behalf. How you set up grants programs dictates who controls training, research and remedies. We have a human right to have a seat at the table and with technical support, provide direction at the table. You need to hear from us whether the past approach to the provision of the aforementioned services worked to the benefit of those most impacted by environmental injustice.

We recommend that you RE-TOOL the EPA grants programs including 1) more tribal and community -based and -driven grant recipients; 2) adding EJ as a ranking criteria when EPA evaluates grant proposals (only a few grant programs have this as a ranking or grading criteria in Request for Proposals and 3) and tracking all EPA grants in EJ areas to evaluate how they served EJ communities.

We urge you to advocate for the strengthening of environmental laws as existing laws do not protect the public health and the environment. The NEJAC report, *Advancing Environmental Justice through Pollution Prevention*, along with other committee reports such as Air and Water subcommittees are valuable tools in this regard.

The Pollution Prevention report also recommends a green industry approach. We ask that you advocate for tribal and poor communities and communities of color victimized by environmental assaults to benefit from government fostered green initiatives including the siting of green industries and training for green jobs in tribal, native, poor and people of color communities.

We also call on you to support the ongoing effort to codify the Environmental Justice Executive Order into law and make EJ enforceable. Along with this, we urge to you to support and explicitly recognize EJ in the following areas, but not exclusive to TSCA, TRI, Chemicals Security, NEPA, Green Jobs, FIFRA, Climate Policy, Product Safety, and Chemicals Policy.

We appeal to you to require each state with delegated authority for federal environmental laws to implement EJ policies and procedures using the EPA frame work as a model.

We implore you to reinvigorate the interagency working group called for in the Clinton Environmental Justice Executive Order 12898, and review the progress made on all sections of the Order.

We make special note of the American Indian and Alaska Native grassroots who are tribal or traditional members of their respective Native Nations that have joined with the EJ Movement bringing to this movement the importance of EPA to fully implement its Indian policies and to recognize its Trust obligations to Native Nations and their tribal citizens. The Native grassroots urge your agency to be sensitive to the rights of tribal and traditional grassroots to have effective and meaningful participation in all levels of environmental protection decision-making, at the tribal, traditional, state and federal levels. We request you to be aware of and review two guidance documents prepared by the Indigenous Peoples Sub-Committee, as part of the EPA National Environmental Justice Advisory Council (NEJAC). These documents are: 1) *Guide on Consultation and Collaboration with Indian Tribal Governments and the Public Participation of Indigenous Groups and Tribal Members in Environmental Decision Making*, EPA/300-R-00-009, November 2000; and 2) *Meaningful Involvement and Fair Treatment by Tribal Environmental Regulatory Programs*, November 2004. We also express our support of the EPA American Indian Environmental Office (AIEO) and the tribal and Native grassroots outreach work that the EPA Office on Environmental Justice (OEJ) performs.

Despite the work and reform to achieve environmental justice over the last 20 years, rural and urban communities across the Nation where African Americans, Natives, Latinos and new immigrant Asian Pacific Islander's live continue to be inundated with toxic pollution in the air, water and soil. Communities such as those that live in "Cancer Alley", the corridor between Baton Rouge and New Orleans, are still under assault from the petro-chemical industry. In addition, historic African American communities are still plagued by Jim Crow and/or segregated practices that made their communities the recipients of unwanted land uses that pollute the air, water and land. Furthermore, we suspect undiscovered contamination at CERLA sites that were cleaned up when there was no organized community voice to demand expansion of site investigations beyond the fence line. These problems and others need your immediate attention.

We believe people are sick from these environmental assaults. In communities where industries pollute, community after community discovers the same diseases in their community that scientist say will occur with exposure to the chemicals the industries emit. Yet, the link between the presence of the chemicals and these diseases is never made in studies using risk assessment. We call your attention to the recommendations of the NEJAC in its report, *Ensuring Risk Reduction in Communities with Multiple Stressors: Environmental Justice and Cumulative Risks/Impacts*, December 2004, and EPA's draft *Framework for Cumulative Risk Assessmen*t. Cumulative and synergistic exposures have been a major concern of the EJ community. We urge you to replace risk assessment with a cumulative risk assessment tool.

The men, women and children who toil the agricultural fields of America to bring food to our tables continue to risk their lives due to the incessant use of highly toxic chemicals. These chemicals, along with the use of new technologies, such as transgenic seeds, have converted farm labor into one of the most dangerous occupations. As a result, migrant farm workers and their families are increasingly suffering from a range of illnesses from simple skin allergies to cancer. These problems have further deteriorated in the past eight years due to the lack of action by federal agencies in charge of regulating chemical' usage in agriculture. We urge you to lead a regulatory reform effort to protect farm workers from pesticide exposures.

When considering energy and climate change policy, it is important that the White House, EPA, and federal agencies consider the history of energy and mineral exploitation and Native communities, and the potential to create a dramatic change with innovative policies. Too often native peoples are presented with a false choice: either develop polluting energy resources or remain in dire poverty. Economic development need not come at the cost of maintaining cultural identity and thriving ecosystems. Providing incentives to develop further fossil fuels and uranium in Indian country will only continue the pattern of ignoring the well-being of native communities and Alaska Native villages in favor of short-sighted proposals that exploit the vulnerabilities of poor, politically isolated communities. An example of a current energy and environmental justice issue is oil drilling in sensitive Arctic regions, including the off shore Outer Continental Shelf areas of the Beaufort and Chukchi Seas. This development threatens Alaska Natives' way of life. It is of utmost importance to institute a federal time-out on the proposed offshore development within the Outer Continental Shelf (OCS) areas in Alaska. It has not been proven whether or not cleaning up spills in broken ice conditions is possible, the implications to subsistence ways of life and human health of coastal communities have not been reviewed extensively and impacts to Polar Bears and other threatened and endangered Arctic marine species have not been studied. There are other carbon-intensive energy developments in Indian Country such as the proposed Desert Rock coal fired powered plant on the Navajo reservation and a oil refinery on the Fort Berthold Indian reservation in North Dakota. Under the Energy bill of 2005, Native grassroots from energy resource tribes are concerned with sections of the bill that waiver the provisions of NEPA by fast tracking energy development in Indian Country for economic priorities.

Connected to the above are the many problems facing communities that live in areas with past and current large scale mining activities. These operations disproportionately place themselves near indigenous communities and on the ancestral homelands of these communities. There is need for independent health studies and also greater monitoring of toxins and contaminants used or released by these operations; in particular mercury, arsenic and cyanide. For communities like those in rural Nevada the rapid expansion of open pit gold mining has had devastating impacts – especially with regard to high rates of dewatering and threats to spiritual areas (sacred sites). We ask that you make a priority of undertaking health studies in these areas and to stop further destructive mining practices.

We urge your support to establish an EPA Region of its own for the US/Mexico Border. This would limit the conflicts in jurisdiction and resource allocation that have historically been evident on the US/Mexico border. We ask that you ensure that EJ be incorporated into all EPA policies and programs relating to the US/Mexico Border.

We have seen what can be accomplished through alternative dispute resolution and collaborative partnerships when the community is empowered to sit at the table as was the case in the nationally known Spartanburg, South Carolina Regenesis community. We urge you to provide more resources to communities to use Alternative Dispute Resolution and Collaborative Partnership models as the existing grants programs do not provide enough resources for communities to go through the steps necessary to build equitable collaborations and preparation to succeed at the table of negotiation.

We urge you and the NEJAC to conduct listening sessions on your priority areas so that you can hear first hand from community representatives and their state, tribal, regional and national organizations and networks about the difficulties they face and the successes they achieved over the last 20 years regarding these priority areas. It is as important to hear from communities presently engaged in struggles for EJ. Too many of these communities are not receiving fair treatment or meaningful mechanisms for participation in environmental decision-making often under the guise of state delegation and in some situations, tribal delegations.