

## EXECUTIVE SUMMARY

### INTRODUCTION

This executive summary presents highlights of the sixteenth meeting of the National Environmental Justice Advisory Council (NEJAC), held December 3 through 5, 2001 at the Renaissance Madison Hotel in Seattle, Washington. Each of the six subcommittees of the NEJAC met for a full day on December 5, 2001. On December 4, the NEJAC hosted a public comment period that focused on fish consumption and contamination of fish populations. Approximately 300 persons attended the meetings and the public comment period.

The NEJAC is a federal advisory committee that was established by charter on September 30, 1993 to provide independent advice, consultation, and recommendations to the Administrator of the U.S. Environmental Protection Agency (EPA) on matters related to environmental justice. Ms. Peggy Shepard, West Harlem Environmental Action, serves as the chair of the Executive Council of the NEJAC. Mr. Charles Lee, Associate Director for Policy and Interagency Liaison, EPA Office of Environmental Justice (OEJ), serves as the Designated Federal Officer (DFO) for the Executive Council. Exhibit ES-1 lists the chair, the vice-chair, and the DFO of the Executive Council, as well as the individuals who serve as chairs and vice-chairs of the six subcommittees of the NEJAC and the EPA staff appointed to serve as DFOs for those subcommittees.

OEJ maintains transcripts and summary reports of the proceedings of the meetings of the NEJAC. Those documents are available to the public upon request. The public also has access to the executive summaries of reports of previous meetings, as well as other publications of the NEJAC, through the World Wide Web at <http://www.epa.gov/oeca/main/ej/nejac/index.html> > (click on the publications icon). The summaries are available in both English and Spanish.

### REMARKS

Mr. Ron Kreizenbeck, Deputy Regional Administrator, EPA Region 10, welcomed the participants in the meeting of the NEJAC to Seattle. He stated that EPA Region 10 includes the states of Washington, Oregon, Idaho, and Alaska and is home to many diverse, low-income communities; communities of color; and more than 270 native tribes, the members of which subsist on fish, plants, and wildlife. The degradation of habitats and depletion of resources threatens the very way of life of those people, he continued. Mr. Kreizenbeck then stated that issues related to subsistence life styles must be addressed to ensure equal environmental protection, regardless of race, income, culture, or ethnicity.

Exhibit ES-1

#### NATIONAL ENVIRONMENTAL JUSTICE ADVISORY COUNCIL CHAIRS AND DESIGNATED FEDERAL OFFICERS (DFO)

##### Executive Council:

Ms. Peggy Shepard, **Chair**  
Mr. Charles Lee, **DFO**

##### Air and Water Subcommittee:

Ms. Annabelle Jaramillo, **Chair**  
Ms. Eileen Guana, **Vice-Chair**  
Ms. Alice Walker, **co-DFO**  
Dr. Wil Wilson, **co-DFO**

##### Enforcement Subcommittee:

Ms. Savonala Horne, **Chair**  
Mr. Robert Kuehn, **Vice-Chair**  
Ms. Shirley Pate, **DFO**

##### Health and Research Subcommittee:

Ms. Rose Marie Augustine, **Chair**  
Ms. Jane Stahl, **Vice-Chair**  
Ms. Brenda Washington, **co-DFO**  
Ms. Aretha Brockett, **co-DFO**

##### Indigenous Peoples Subcommittee:

Ms. Jennifer Hill-Kelly, **Chair**  
Ms. Jana Walker, **Vice-Chair**  
Mr. Daniel Gogal, **DFO**  
Mr. Bob Smith, **alternate-DFO**

##### International Subcommittee:

Mr. Alberto Saldamando, **Chair**  
Mr. Tseming Yang, **Vice-Chair**  
Ms. Wendy Graham, **DFO**

##### Puerto Rico Subcommittee:

Dr. Graciela Ramirez-Toro, **Chair**  
Ms. Teresita Rodriguez, **DFO**

##### Waste and Facility Siting Subcommittee:

Ms. Veronica Eady, **Chair**  
Mr. Reiniero Rivera, **DFO**

Governor Gary Locke, (D), sent greetings to the members of the NEJAC, welcoming them to Seattle. In his letter, Governor Locke emphasized that the issues related to water quality and fish consumption were especially important to the residents of Washington. Exhibit 1-2 in Chapter One of this report contains a copy of that letter.

Ms. Rosa Franklin, State Senator, Washington State Legislature and former member of the NEJAC, commented on the timeliness of the current meeting of the NEJAC, held to discuss the relationship between among water quality, fish consumption, and environmental justice. While contaminated air and toxic streams affect all citizens, she continued, the changing demographics in the state of Washington and the Pacific Northwest have brought a new urgency to the issue of fish consumption. Therefore, she said, there is an urgent need in the region to further identify and quantify the types and magnitudes of risks to communities and tribes that subsist on wild fish, plants, and other wildlife. Ms. Franklin stressed that the activities of the NEJAC could have a long-term effect on the health of those communities.

Ms Velma Veloria, Washington State Representatives and former member of the NEJAC, explained that the state of Washington had worked over the past three years to ensure that water is clean and that fish populations continue to flourish in the state of Washington. She discussed environmental justice legislation passed in the state, including a bill that charged the state's Department of Ecology and Department of Health with jointly preparing a report on environmental risks faced by low-income and minority groups; legislation that reformed the way work at cleanup sites is taxed; and legislation that requires the Department of Health to examine the health effects of noise, particularly in the vicinity of the city of Seattle's international airport.

Ms. Yalonda Sinda, Community Coalition for Environmental Justice, stated that her organization had been the first non-profit environmental justice group in the Seattle area. She then expressed her excitement about the opportunity to bring issues related to fish consumption and water quality before the NEJAC during the current meeting.

Mr. Moses Squeochs, Yakima Nation and member of the Indigenous Peoples Subcommittee, stated his appreciation for the efforts of the NEJAC, but he also expressed concern that such a federal advisory committee is needed to carry out the laws related to environmental justice enacted by the Congress of the United States. Continuing, he said that the "hunter-gatherer" way of life continues to be practiced and that there is a strong intent to preserve that way of life. He then stated that the search for justice, fairness, and equality in relation to environmental issues must continue.

## REPORTS AND PRESENTATIONS

The members of the Executive Council received the following presentations:

Members of the NEJAC Fish Consumption Work Group provided an update on the NEJAC's *Draft Fish Consumption Report*. During their presentation, the members of the work group reviewed the findings of the work group, as outlined in the *Draft Fish Consumption Report* that had been compiled in preparation for the December 2001 meeting of the NEJAC. The members of the Fish Consumption Work Group also presented a number of "overarching recommendations" based on the conclusions presented in the draft report. The members of the NEJAC then discussed the report and the recommendations at length, suggesting revisions in the draft report and identifying additional recommendations. Members of the NEJAC requested that final comments on the *Draft Fish Consumption Report* be submitted to OEJ by January 31, 2002. The anticipated date for completion of the report is March 15, 2002. Mr. Lee stated that a conference call was to be scheduled with affected communities, tribes, and stakeholders to discuss the report.

Ms. Shepard presented the NEJAC's *Strategic Plan* to the members of the Executive Council. The plan incorporates the issues raised and conclusions reached during the special business meeting of the Executive Council of the NEJAC, held in Washington, D.C. in August 2001, and outlines the strategy of the NEJAC for: (1) redesigning its activities to better fulfill its role as an advisor; (2) collaborating with EPA to provide alternative mechanisms through which communities can bring site-specific issues to the attention of EPA; and (3) developing, through a deliberative process that involves all stakeholders, an effective work product that addressed issues related to environmental justice that are of principal concern

to communities. The *strategic plan* will guide the work of the NEJAC through September 27, 2003, Ms. Shepard announced.

Mr. Lee identified a series of tasks and provided assignments to members of the NEJAC to assist in implementing the strategic plan. The tasks are:

- Finalization of the NEJAC Policy Advice Development Model
- Finalization of the NEJAC Model for incorporating community issues and concerns into the NEJAC policy dialogue
- Development of definitions of consensus and consensus-building
- Development of a scoping report from the Ad Hoc Scoping Work Group on Cumulative Risk Issues

### WORK GROUP REPORTS AND COMMENTS

The members of the Executive Council of the NEJAC received reports and comments from the following individuals:

- Ms. Eileen Guana, Southwestern University School of Law and Vice-Chair of the Air and Water Subcommittee, made a presentation on the Interagency Environmental Justice Implementation Work Group.
- Mr. Brandon Carter, EPA Federal Facilities Restoration and Reuse Office (FFRRO), provided an update on the Federal Facilities Work Group.
- Ms. Wilma Subra, Louisiana Environmental Action Now, member of the Air and Water Subcommittee, and chair of the newly formed Pollution Prevention Work Group, presented an update on the status of the development of the work group.

Mr. Lee reported that the Federal Facilities Work Group will work in coordination with and report to the NEJAC Waste and Facility Siting Subcommittee because the primary support for this work group is being provided by the Office of Solid Waste and Emergency Response (OSWER), which also supports that subcommittee. OSWER has committed to adding another member to the subcommittee to provide interface with the work group, he said.

Other presentations received by the Executive Council of the NEJAC were:

- Mr. Barry Hill, Director, EPA OEJ, reported on the status of EPA's efforts to implement recommendations included in the report of the Environmental Law Institute (ELI) report titled *Opportunities for Advancing Environmental Justice: An Analysis of U.S. EPA Statutory Authorities*. The ELI report reviews EPA's major environmental regulations that govern air and water quality, waste management, use of pesticides and other chemicals, and the public's right to know. The report identifies specific statutory authorities that can be used to promote environmental justice in the full range of EPA program functions, including the establishment of standards and the permitting process.
- Ms. Ann Goode, Senior Consultant, Center for the Economy and Environment, National Academy of Public Administration (NAPA), made a presentation on NAPA's research and evaluation of EPA's efforts to address the widely recognized fact that low-income communities and communities of people of color that are exposed to significantly greater environmental and public health hazards than other communities face. NAPA's research and associated recommendations, reported Ms. Goode, are presented in a report titled *Environmental Justice in EPA Permitting: Reducing Pollution in High-Risk Communities is Integral to the Agency's Mission.* In the report, she continued, NAPA recommends that EPA make changes in four distinct areas related to environmental justice: leadership, permitting procedures, setting of priorities, and public participation.

- Mr. Martin Halper, Senior Science Advisor, EPA OEJ, provided an overview of EPA's draft *Framework for Cumulative Risk Assessment* prepared by the Cumulative Risk Technical Panel of the EPA Risk Assessment Forum, a standing committee of senior EPA scientists. The purpose of this briefing is to help NEJAC prepare to address the issues of cumulative risk, which will be the policy issue area to be discussed in 2003.

### VIRTUAL TOUR AND RELATED DIALOGUE

Members of the NEJAC participated in a "virtual tour" dialogue of selected communities that are affected by issues related to environmental justice, fish consumption, and water quality. Representatives of five community organizations presented information about the contamination of waterways on which Native Americans and impoverished people depend for survival and the loss of Native American heritage and culture, as well as issues related to the exposure of farm workers to pesticides and herbicides. The topics discussed are described briefly below.

Mr. Frank Roberts, Coeur d'Alene Tribe, Idaho, discussed the exposure of the Coeur d'Alene Tribe to contamination caused by strip mining practices carried out on properties located near tribal lands. Mr. Roberts explained that, although contamination currently is being cleaned up, preservation of tribal culture has been threatened because the tribe cannot use the land for traditional purposes.

Mr. Daniel Morfin, Granger, Washington, explained that the application of herbicides and pesticides for agriculture use is contaminating rivers and exposing farm workers to contaminants. The incidence of respiratory ailments in the Granger area is high, and existing regulations are not being enforced, said Mr. Morfin.

Ms. Jeri Sundvall, Environmental Justice Action Group of Portland, Portland, Oregon, pointed out the high rate of cancer among Native American fishermen. In addition, she charged, Native Americans are being robbed of their heritage and are expected to become assimilated into the broader culture.

Ms. Rosemary Ahtuanguak Inupiat Community of Arctic Slope, Barrow, Alaska, expressed concern that state agencies often "favor profit" over protection of the interests and concerns of tribes. Ms. Ahtuanguak explained that, although federal agencies have declared fish populations safe to eat, the methodology for assessing risk does not consider the higher-than-average rates of fish consumption among Native Americans.

Ms. Lee Tanuvasa, Korean Woman's Association, Tacoma, Washington, reported that her organization was conducting a study to determine the safety of shellfish consumed by communities of Asian Pacific Island people. She requested assistance in overcoming the language barrier and in determining how best to present the findings of the study to the communities affected by the issue.

### PUBLIC COMMENT PERIOD

The Executive Council of the NEJAC hosted a public comment period on December 4, 2001, at which approximately 29 people participated. Described below are a summary of key concerns citizens expressed during the evening session.

- A majority of the public comments focused on the issue of contaminated waterways and the land on which Native Americans and other impoverished people depend for living a subsistence life style. Commenters pointed to rates of cancer and respiratory ailments among Native American populations that are higher than the rates among non-Native populations in the United States. The commenters stated that the inability of Native peoples to "live off the land" has led to a decline in the transfer of spiritual and cultural values from generation to generation. The best way to reduce contamination in waterways is to eliminate the source of the pollution, declared a number of commenters.
- Several commenters spoke about the ineffectiveness of risk assessments. Risk assessments, as currently conducted, do not account for the cumulative effect of numerous chemicals on the environment, they stated. Rather, those risk assessments examine only a single chemical, they

claimed. Risk assessments focus only on cancer and fail to consider other health issues, they added. Further, they do not account for the effect of chemicals on sensitive populations, several commenters noted.

- A number of commenters criticized EPA for failing to make an adequate effort to hold the U.S. Department of Defense (DoD) accountable for the contamination of communities located on or near military installations. EPA is not enforcing existing environmental regulations that govern DoD facilities, the commenters claimed.

### OTHER CONCERNS AND COMMITMENTS OF THE NEJAC

During their meeting, the members of the Executive Council of the NEJAC recommended that a work group be established to address communications within the NEJAC and between the NEJAC and EPA program offices. In addition, the members agreed to review and provide comments on the *Framework for Cumulative Risk Assessment*. Formal development of the guidance will begin in 2002.

### SUMMARIES OF THE SUBCOMMITTEE MEETINGS

Summarized below are the deliberations of the subcommittees of the NEJAC held on December 5, 2001.

#### ***Air and Water Subcommittee***

The members of the Air and Water Subcommittee of the NEJAC received the presentations and reports described below and discussed the topics summarized.

Mr. James Hanlon, EPA Office of Science and Technology (OST), provided preliminary comment on the feasibility of implementing the recommendations presented in the NEJAC's *Draft Fish Consumption Report*. Mr. Hanlon commended the Fish Consumption Work Group for its efforts and emphasized that the availability of resources for the most part will determine what EPA can accomplish. Mr. Hanlon also reviewed the logistics associated with the completion of the report and its submittal to the EPA Administrator.

Mr. Lee presented an overview of and led discussions about the NEJAC *Strategic Plan*. He also discussed the meeting of the NEJAC scheduled for December 2002 that will focus on issues related to pollution prevention and environmental justice.

Mr. Jeff Bigler, EPA OST, provided to the Fish Consumption Work Group an update on plans to revise volume four of EPA's *Guidance Document for Assessing Chemical Contamination Data for Use in Fish Advisories* to incorporate awareness of issues related to environmental justice.

Mr. Peter Murchie, EPA Region 10 Office of Air Quality Planning and Standards (OAQPS), presented to the Air Toxics Work Group an overview of EPA's air toxics program.

The members of the subcommittee discussed the need to establish priorities among the recommendations presented in the *Draft Fish Consumption Report* to (1) help EPA focus its efforts and (2) avoid overwhelming the agency with numerous recommendations. The members agreed that, although the list of recommendations may appear lengthy, individual items can be grouped under a few overall themes.

The members of the subcommittee discussed the potential effect of the *NEJAC Strategic Plan* on the manner in which the subcommittee conducts its business. The members agreed that the subcommittee must focus its efforts on only a few key issues, rather than attempting to "cover the whole waterfront" as it had done in its early days. The members also agreed to explore methods of evaluating the effectiveness of the subcommittee's work groups on specific issues.

The members of the subcommittee emphasized that the work of the Fish Consumption Work Group must be used as a model to guide planning for the meeting of the NEJAC to be held in December 2002. The members also requested that, in preparation for that meeting, the newly formed Pollution Prevention Work

Group should examine issues related to (1) environmental restoration, (2) clean production, (3) low-impact development, and (3) the costs and benefits of pollution prevention.

Members of the Fish Consumption Work Group discussed the plans of EPA's Office of Water to revise volume four of its *Guidance Document for Assessing Chemical Contamination Data for Use in Fish Advisories*. The members of the work group agreed to (1) review the document and provide comment on it to EPA and (2) identify and recommend individuals to serve on various EPA stakeholder work groups and as technical consultants for the issuance of fish advisories. The members of the subcommittee also discussed the future of the Fish Consumption Work Group, once the *Draft Fish Consumption Report* has been completed. The members recommended that the work group expand its scope to explore other issues related to water quality, such as total maximum daily loads (TMDL), confined animal feeding operations (CAFO), and water permits.

The Permitting and Public Utilities work groups participated in a joint session, during which they agreed to combine the two groups into a single work group. The members of the work groups discussed EPA's White Paper No. 3 on flexible permitting, a report on a new source review study prepared by EPA's Office of Air and Radiation (OAR), and other issues related to the permitting process. The members of the newly combined work group agreed to develop a document that will describe "best practices" for permitting that are sensitive to environmental justice issues, as well as review and provide comment on the report on a new source review study the release of which is expected in January or February 2002. Members of the work group also expressed concern that staffing of the work group was inadequate, in light of the number of issues the group had taken under consideration.

The members of the Air Toxics Work Group discussed EPA's air toxics program. The members agreed to review and provide comment on EPA OAR's *Work Plan for the National Air Toxics and Integrated Air Toxics Strategy*.

### **Health and Research Subcommittee**

The members of the Health and Research Subcommittee of the NEJAC received the presentations and reports described below and discussed the topics summarized.

Mr. Patrick C. West, Emeritus Faculty, Environmental Sociology, School of Natural Resources and Environment, University of Michigan, commented on research needed in the realm of environmental justice and application of that research. Mr. West stated that lack of research should not be a barrier to action, that existing information can be used, and that current research must be investigated to identify the information to support action. Mr. West stressed that systematic and qualitative assessment of both cumulative effects and co-risk factors must be included in the assessment of risks for such sensitive groups as communities of color, low-income communities, and Native American tribes.

Ms. Tala Henry, Mid-Continent Ecology Division, EPA National Health and Environmental Effects Research Laboratory, provided information about the parameters that are factors in the calculation of risk. She emphasized that there is no specific procedure for the calculation of risk and that the default parameters are not applicable under certain circumstances, such as assessment of the risks to sensitive groups. Therefore, she explained, partnerships between experts and communities must be fostered so that defensible and appropriate risk parameters can be established.

Mr. Wardner G. Penberthy, EPA Chemical Control Division, presented an overview of Section 4 of the Toxic Substances and Control Act, which focuses on chemical testing. He provided detailed information about EPA's High Production Volume (HPV) Challenge program, a voluntary testing program for facilities that produce large volumes of chemicals. The goal of the program is to increase the availability to the public of baseline data on the effects on health and the environment for approximately 2,800 HPV chemicals, reported Mr. Penberthy.

Mr. Jeffrey Morris, EPA Office of Science Policy, Office of Research and Development (ORD), recommended a change in the structure of the subcommittees of the NEJAC. Citing EPA's goals related to the Government Performance and Results Act (GPRA), Mr. Morris explained that, because health and

research issues related to environmental justice cross boundaries among the various subcommittees, such issues should be handled by a special interest work group, rather than an individual subcommittee.

The members of the subcommittee conducted a number of discussions about the accurate calculation of risk for sensitive groups. The specific recommendations they agreed upon are:

- It is essential that various factors related to cultural and spiritual concerns be included in models for assessing risk. In addition, such factors as culture shock and cultural disintegration must be addressed.
- Parameters used in the calculation of risk must be specific to each particular community. Parameters that currently are not included in risk assessment models include peak exposure and consumption of whole fish, rather than the more widely used parameters of chronic exposure and consumption of only the fillet of a fish.
- The types of foods identified as components of a subsistence diet should include many more foods that are not consumed by the general population.
- Co-risk and cumulative risk factors should be used as a more accurate gauge of “true risk” because people are exposed to more than one chemical at a time.
- If the recommendations of the subcommittee on the subject of calculation of risk are to be adopted, the definitions of “health” for a community and of what is to be considered “normal” must be reconsidered.

The subcommittee recommended that the NEJAC consider the subsistence consumption needs of such groups as Native Hawaiians and people in the Virgin Islands who were not considered as the report was developed. The members of the subcommittee agreed that inclusion of those groups would help achieve recognition of cultural groups that traditionally have been ignored in research related to environmental justice.

The members of the subcommittee agreed that the need for research often is used as a barrier to action and acknowledged that the information available is adequate to support the initiation of work. There is an abundance of information that, although originally was not applied to issues of environmental justice, can be reevaluated for its significance in the field of environmental justice, they noted. In addition, the members recommended that extensive investigation of previous research be conducted to identify available resources.

The members of the subcommittee agreed that the evaluation of HPV chemicals and the distribution to the public of the baseline health data are crucial actions. Although some members expressed concern about whether industry could be trusted to report reliably on production, the members agreed that there are many safeguards related to testing and that the penalty for falsification is severe.

The subcommittee recommended increased cooperation between government agencies and local organizations in sharing data and calling upon the expertise of indigenous organizations. Noting that local people have first-hand knowledge and understanding of their communities and can gather information more efficiently than outsiders, the members recommended that research be best conducted by local groups, with the assistance and support of EPA.

### **Indigenous Peoples Subcommittee**

The members of the Indigenous Peoples Subcommittee of the NEJAC received the presentations and reports described below and discussed the topics summarized.

Mr. Merv George, Administrator, Klamath River Inter-Tribal Fish and Water Council and member of the Hupa Tribe, provided background information about the history of the council, outlined the five issues the council addresses, and submitted his recommendations for improving the *Draft Fish Consumption Report*.

He stressed that the Hupa and Yura tribes constantly must balance environmental and economic issues when developing standards for water quality.

Ms. Gillian Mittelsteadt, Environmental Policy Analyst, Tulalip Tribes Natural Resource Program, and Mr. Daryl Williams, Developer, Tulalip Tribes Natural Resource Program, presented the results of their study that examined the consumption by members of the Tulalip Tribe of fish taken from Puget Sound. Ms. Mittelsteadt described the statistical framework of the study and outlined the benefits and lessons learned through completion of the study. Mr. Williams discussed the problems that arise because, he said, programs allow the trading of pollution emissions credits. Mr. Williams emphasized the negative effects such programs have on tribal communities.

Mr. Tom Goldtooth, Executive Director, Indigenous Environmental Network and former chair of the Indigenous Peoples Subcommittee, presented his recommendations for improving the *Draft Fish Consumption Report*. He urged that the NEJAC consider the negative effects of radioactive contaminants on habitats and focus attention on precautionary actions, rather than traditional risk assessment. He also recommended that the NEJAC promote outreach to tribal communities to help those communities develop a better understanding of the mission and responsibilities of the NEJAC.

Dr. Roseanne Lorenzana, liaison between Region 10 and EPA ORD, presented a list of five specific recommendations for consideration by the subcommittee. She also presented the report *Comparative Dietary Risks: Balancing the Risks and Benefits of Fish Consumption*, for which a risk assessment model was used to define the conditions under which consumption of fish is a healthful dietary choice. She urged that the subcommittee advise EPA to work with tribes to develop guidelines on cumulative risk that are appropriate to the needs of tribes.

Ms. June Martin, Alaska Community Action on Toxics, began her presentation by telling the story of Annie Aloa, a health aide in her village who had spoken out on behalf of the tribal community and who had been awarded a grant by the National Institute for Environmental Health Sciences (NIEHS) to survey the health problems of members of the tribe. Ms. Martin then discussed the failure of the U.S. Army Corps of Engineers to clean up the military facility located near her village.

Ms. Ahtuanguaruak, who is a native of the village of Nuigant, Alaska, expressed her concern about and recommendations for improving the representation of Alaskan Natives on the Indigenous Peoples Subcommittee. She also urged that, in the *Draft Fish Consumption Report*, the subcommittee address the tribal lands of Alaskan Natives, such as Prudhoe Bay. Residents of those lands, she pointed out, rely on fishing and whaling for subsistence.

Ms. Pam Miller, Alaska Community Action on Toxics, expressed concern about the health of Alaskan Natives tribal communities that are located on or near sites that have been abandoned by DoD. She also voiced the concern of tribes about persistent organic pollutants (POP) that originate thousands of miles south of Alaska, travel northward, and accumulate over northern Alaska. She requested that the subcommittee advise EPA to hold DoD accountable for previous contamination and to focus on the phased elimination of POPs.

Mr. Enoch Sheidt, Subsistence Coordinator, Maniilaq Association, and Mr. Francis Chin, Environmental Justice Coordinator, Maniilaq Association, emphasized the importance of a subsistence lifestyle to Alaskan Natives who are nomadic and migrate to locations where food is available. Consequently, the presenters reported, tribes do not recognize the concept of "on reservation" and "off reservation." To an Alaskan Natives, fishing is not merely a method of obtaining food, but rather is a spiritual experience, they explained. In addition, Mr. Chin stated that the unemployment rate in the Indian community is 90 to 95 percent. Therefore, a subsistence lifestyle is an essential way of life that cannot be compromised, he said.

Mr. Art C. Ivanoff, Native Village of Unalakleet, expressed his concern about the effects of climate change on the health of Alaskan Natives. Mr. Ivanoff requested that the *Draft Fish Consumption Report* include climate change as a factor that affects the quality of fish. Climate change has depleted greatly the running stock of salmon, while the migration patterns of salmon and animals used for food have not been studied sufficiently, he explained.



Ms. Cheryl Steele, Elem Indian Colony, stated that fish advisories do not address issues related to the consumption of fish sufficiently. She urged that EPA provide indigenous peoples better guidance about contaminated fish populations and that the agency work with local communities to eliminate sources of contamination.

Mr. Kevin McKernan, Yurok Tribe, urged EPA to acknowledge those tribes that have developed and adopted water quality standards. He stated that the use of EPA core standards might direct resources away from tribes that have their own standards.

Ms. August Rozema, Swinomish Tribe, stated that the subcommittee and the NEJAC must “spread the word” about its future meetings. She also encouraged the subcommittee to clarify the definition of the word “fish” provided in the *Draft Fish Consumption Report* to include both fin- and shellfish.

The members of the subcommittee requested that the Alaskan Native community provide them more information about issues related to fish consumption and water quality standards. After listening to testimony offered by representatives of Alaskan Native communities, the members recognized that the concerns of all indigenous peoples throughout the world, including those of Hawaii and the Caribbean, also must be represented equally.

The members of the subcommittee discussed the effectiveness of risk assessment in adequately addressing issues related to fish consumption, noting that traditional risk assessment models currently do not include reference to pollution prevention and sustainability. The members recommended that a “precautionary principle” approach to risk assessment replace the traditional model to account for the benefits of preservation. The members also noted that risk assessment currently does not take into account the fact that the variable average grams per day (gpd) used in most models cannot be extrapolated to the lifestyle of members of indigenous communities, who consume many more fish in a much shorter period of time than do members of other groups, thereby increasing their risk to a level disproportionate to that affecting other groups.

The members expressed concern that fewer than 20 WQSs created by individual tribal communities have been approved. Additional discussion focused on the difficulties tribal communities encounter in their efforts to achieve the standards outlined in the WQSs because of economic setbacks.

The members of the subcommittee agreed to advise the NEJAC to urge EPA to augment its education programs for tribal communities by providing more information about the role of the NEJAC. In addition, the members recommended that tribes be included regularly in the deliberative process and that the subcommittee change its role from that of “consultation” to that of “collaboration,” a role that would include deliberative dialogue. Such a change would improve communication between the NEJAC and indigenous communities, they suggested.

### **International Subcommittee**

The members of the International Subcommittee of the NEJAC received the presentations and reports described below and discussed the topics summarized.

Mr. Goldtooth discussed the need to focus on issues of environmental justice related to transborder matters that affect the First Peoples of North America and indigenous tribes in the Great Lakes basin. He reported that First Nations and tribes in the Great Lakes basin suffer a disproportionate share of environmental problems associated with the transport of POPs. The effects of POPs are intensified among people who rely on a subsistence diet, he pointed out.

Ms. Katy Taylor, Assistant Director of Community Health Services, Alaska Native Tribal Health Services, presented an overview of recent studies of the effects of POPs on the health of Alaskan Native women and children who rely on subsistence consumption as the mainstay of their diets.

Ms. Miller provided information about the movement of POPs, facilitated by air and ocean currents, into Alaska and the Arctic region. She also discussed contamination of DoD sites in Alaska.

Ms. Amy Fraenkel, EPA Office of International Activities (OIA), addressed the transborder risks associated with exposure to POPs. She also presented information about progress toward completion of the Global Persistent Organic Pollutants Treaty (also known as the Stockholm POPs Convention). She emphasized that environmental justice groups must work to influence the process of planning how the United States will implement the provisions of the treaty.

Ms. Eileen Henninger, EPA OIA, stated that it is important that the NEJAC provide comment to OIA on issues related to biodiversity. Some of the work in that area will bring about major worldwide reductions in the use of key harmful chemicals in farming and industrial applications, she said.

Mr. Lionel L. Brown Jr., Senior Information Management Officer, EPA OIA, presented an update on the efforts of OIA to promote environmental awareness in Africa. Many areas in Africa are experiencing rapid urbanization, he reported, adding that OIA has been working to educate local communities about issues related to environmental justice. Mr. Brown also emphasized the heavy reliance on fish in the diets of African people.

Mr. Enrique Manzanilla, Director, Cross Media Division, EPA Region 9, provided background information about EPA's work related to the border areas of the United States and Mexico. He reviewed the activities undertaken by Region 9 during the two years since the Roundtable on Environmental Justice on the U.S.-Mexico Border was held in San Diego, California and reported on the success of outreach efforts conducted by the Region 9 Border Liaison Office, located in San Diego.

Ms. Olivia Balandran, Office of the Regional Administrator, EPA Region 6, presented an update on the outreach activities of the region's border office. She reported that the recent activities of that office included efforts to respond to the recommendations presented at the roundtable meeting on the U.S.-Mexico border.

Ms. Nelda Pérez, Small Grants Coordinator, EPA Region 6 OEJ, presented information about activities related to grants awarded to groups located in the U.S.-Mexico border area.

Mr. Richard Moore, Executive Director, Southwest Network for Environmental and Economic Justice, and former chair of the NEJAC, described letters his organization had written to EPA Administrator Christine Todd Whitman and President Bush. Mr. Moore discussed the effects of increased militarization along the U.S.-Mexico border that has taken place since the terrorist attacks of September 11, 2001. He also requested that the subcommittee complete the reports produced for the Roundtable on Environmental Justice on the U.S.-Mexico Border and prepared by the NEJAC Farm Worker Work Group.

Mr. Apichart Thongyou, Secretary General, Thailand Research and Action for Development Institute, discussed efforts undertaken in Thailand to reduce adverse effects on conditions of concern to the environmental justice community that are caused by modernization and the development of heavy industry. He and several other members of the delegation of visitors from Thailand discussed several studies that examined heavy contamination by industry and its effect on fishermen who rely on fishing for subsistence. Mr. Thongyou also described the work of EPA and its counterpart in Thailand to create a public participation process, reauthorize environmental laws, and create a new ministry for the environment.

The members of the subcommittee also participated in discussions related to various topics:

- The members of the subcommittee identified similarities in the shortcomings of enforcement and public participation efforts in Thailand and other nations. They discussed the value of, and the need for, an international environmental network to support the transfer of information and data.
- The members of the subcommittee concluded that the NEJAC and OIA should collaborate to build a strong relationship between the work of OIA in Africa and the environmental issues addressed by the NEJAC.
- The members of the subcommittee discussed OIA's strategy of deploying culturally diverse teams to represent EPA in international discussions. The members concluded that such a strategy is

essential in engaging communities in discussions of treaties and encouraging collaboration between the United States and other countries in the sharing of resources.

- The members agreed that practices that contaminate water in one country and thereby affect the health of residents of another country illustrate the “interconnectedness” of the global environment. The members noted the similarity of the predicaments of subsistence fisherman in the United States and other nations.
- The members of the subcommittee concluded that there is a significant opportunity for the NEJAC to participate in the development of the plan for the implementation by the United States of the Stockholm POPs Convention. They also agreed to provide comment to OIA about the level of implementation of the treaty. In addition, the members discussed the need to include in the treaty provisions for a system for tracking the movement of POPs across the borders of the United States.

### **Waste and Facility Siting Subcommittee**

The members of the Waste and Facility Siting Subcommittee of the NEJAC received the presentations and reports described below and discussed the topics summarized.

Mr. Michael Shapiro, Deputy Assistant Administrator, EPA Office of Solid Waste and Emergency Response (OSWER), and Ms. Linda Garczynski, EPA OSWER, provided an overview of the direction new senior managers plan for OSWER. They discussed the vision, mission, priorities, and values of the office, reviewed changes that are taking place, and identified several key priorities for OSWER:

- Pursuit of the One Cleanup Program Initiative, which is designed to make the Resource Conservation and Recovery Act (RCRA) and the Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA) programs more consistent with one another and to increase the right-to-know component of each.
- Establishment of revitalization and reuse as core issues of the OSWER action agenda.
- Implementation of recycling and pollution prevention programs to encourage partnerships and demonstration pilot projects in the area of reduction in source contamination.
- Implementation of the Retail Initiative, which is designed to increase focus on public involvement in the use of solid and hazardous waste and improve dialogue among communities.
- Implementation of work force development programs to strengthen the effort to train new staff of OSWER to meet its future challenges.

Mr. Samuel J. Coleman, EPA Region 6, provided an update on issues of environmental justice that affect the community of Mossville, Calcasieu Parish, Louisiana. Mr. Coleman identified several specific milestones:

- Installation of an enhanced air monitoring network sanctioned by the Lake Area Industrial Alliance and the Louisiana Department of Environmental Protection (LDEP).
- Achievement of overall compliance with the requirements of LDEP and establishment of parishwide dioxin screening as a standard procedure.
- Creation of an advisory council that works closely with the community, industry, and LDEP.
- Conduct a pilot health symposium designed to address health problems associated with exposure to environmental hazards and contaminants.

Ms. Sharon Beard, NIEHS, made a presentation on worker education and training.

Mr. Carter; Dr. Mildred McClain, Executive Director, Citizens for Environmental Justice; and Ms. Doris Bradshaw, Executive Director, Defense Depot Memphis Tennessee Concerned Citizens Committee, made a presentation on the role of FFRRO in working with communities affected by adverse environmental conditions. They explained that FFRRO plans to:

- Identify and evaluate key issues of concern to such communities.
- Provide a forum for dialogue between members of local communities and representatives of government agencies.
- Compile a list of resources available to communities and stakeholders that can help support increased public participation.
- Formulate a set of recommendations to the NEJAC, including the identification of "best practices" for improving environmental cleanups and ways in which the NEJAC can best address issues related to federal facilities.

The members of the subcommittee discussed the development of a strategic plan for the subcommittee. Key issues they identified included the creation of a work force development committee and examination of the role of the subcommittee on the Pollution Prevention Working Group. Additional themes they identified included exploration of EPA's role in fostering strategic planning by communities for the re-use and revitalization of contaminated sites, action to be taken after cleanup has been completed, and use of lessons learned through demonstration projects conducted by the Integrated Work Group on Environmental Justice and other outstanding projects.

The members of the subcommittee discussed at length three pending action items for 2002:

- Transfer of the Federal Facilities Work Group to the Waste and Facility Siting Subcommittee and addition of another member to that work group.
- Provision of assistance to FFRRO in its efforts to integrate issues related to land use, development, and redevelopment into the programs and procedures of EPA.
- Identification of models, such as the Washington Naval Yard and other sites, to be used as positive examples of OSWER's work with communities to achieve revitalization and reuse.

#### **NEXT MEETING**

The next meeting of the NEJAC is scheduled for December 9 through 12, 2002 in Baltimore, Maryland. The meeting will focus on pollution prevention. Planned activities include one opportunity for the public to offer comments. More information about the upcoming meeting will be available on the NEJAC's Internet home page at <http://www.epa.gov/compliance/environmentaljustice/index.html> (click on the link to the National Environmental Justice Advisory Council) or by telephone on EPA's toll-free environmental justice hotline at 1 (800) 962-6215.