

NATIONAL ENVIRONMENTAL JUSTICE ADVISORY COUNCIL

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In the matter of the:
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SIXTEENTH MEETING OF THE :
NATIONAL ENVIRONMENTAL JUSTICE :
ADVISORY COUNCIL :
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VOLUME II

Tuesday, December 12, 2000

Hyatt Regency Crystal City Hotel
2700 Jefferson Davis Highway
Arlington, Virginia 22202

The Sixteenth Meeting of the NATIONAL ENVIRONMENTAL JUSTICE ADVISORY COUNCIL convened, pursuant to notice, at 8:00 a.m. on Tuesday, December 12, 2000.

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MR. HAROLD MITCHELL
MS. MARINELLE PAYTON
MS. ROSA HILDA RAMOS
MS. PEGGY SHEPARD
MR. ALBERTO SALDAMANDO
MS. JANE STAHL
MR. GERALD TORRES
MS. JANA L. WALKER
MR. TSEMING YANG
MS. PAT HILL WOOD

Also Present:

- MR. BARRY E. HILL
MR. TIMOTHY FIELDS
MR. JACK McGRAW
MR. JOSÉ BRAVO
MS. VERONICA EADY
MR. TONY GUADAGNO
MR. BRANDON CARTER
MR. KENT BENJAMIN
MR. GERALD TORRES
MS. MARY NELSON
MAYOR JAMES TALLEY

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MS. BARBARA ARNWINE
DR. JOSÉ R. RODRIGUEZ-SANTANA
DR. EMIL JASON
MR. RICHARD MARK
MS. CHARLOTTE KEYS
MR. JESUS NAVA
MR. TERRY WILLIAMS
MR. RICHARD GRAGG

Public Comment Period Presenters:

- DR. MADELEINE PEPIN, Ph.D.
MS. DORIS BRADSHAW
DR. BEVERLY WRIGHT
MS. LYNN PINDER
MS. ETHEL M. LANE
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PROCEEDINGS

1
 2 MR. TURRENTINE: I declare this meeting, the Sixteenth Meeting
 3 of the NEJAC, officially open for business today.
 4 One thing I'm going to mention from my administrative notes that
 5 I've neglected to mention each of the other times -- and it became
 6 apparent last night that I should have mentioned it all along -- and that
 7 is the fact that NEJAC is a Federal Advisory Committee that was
 8 established to provide independent advice to the EPA Administrator.
 9 I want to make that point because I think quite a bit of the
 10 discussion last evening centered on what we were doing and what we
 11 weren't doing, and I think it's necessary for me to say to especially the
 12 public, that this is what we're chartered to do and this is what we can do,
 13 and no more.
 14 I'm going to turn it over to Charles at this point, who will take us to
 15 the first part of the agenda. Charles.
 16 MR. LEE: Good morning. Last night, or yesterday at 4 o'clock,
 17 we were supposed to have a number of updates on significant
 18 developments since the last NEJAC meeting and we weren't able to go
 19 through all of them because of time. So if you look in your agenda,
 20 there are a number of those listed in the 4:00 p.m. to 5:00 p.m. session.
 21 They were going to be around the Federal Facilities Working Group
 22 update, the update on Mossville, the legal memorandum from the Office
 23 of General Counsel and the EJ Training Collaborative, and one on the
 24 800 Hot Line number.
 25 We're going to order these in this way. We heard about Mossville.
 26 We're going to hear about the EJ Guidance the legal memorandum.

1 Barry Hill is going to be giving that update. And then we're going to
2 hear from the EJ Training Collaborative and then the Federal Facilities
3 Working Group. Rose Augustine is going to give that report.

4 So, at this point, let me turn it over to Barry.

5 NATIONAL ENVIRONMENTAL POLICY GUIDANCE

6 BY MR. BARRY HILL

7 MR. HILL: Thanks, Charles. As Charles said, I'm going to do a
8 PowerPoint presentation on the National Environmental Policy
9 Guidance. Now, during the course of this presentation I'm going to talk
10 about briefly the Environmental Justice Training Collaborative and the
11 OGC memo and the Interagency Working Group. All of them are very
12 much connected to each other, as you'll see.

13 One of the things that was most important as far as trying to put
14 this guidance document together was to come up with five reasons for
15 the document.

16 The first purpose of the document is to provide a conceptual
17 framework for explaining environmental justice as a civil rights and an
18 environmental issue, and consequently to develop sound policy in this
19 particular area.

20 What we had done was, as all researchers do, to examine all of the
21 papers, all of the documents, all of the publications that were issued by
22 the agency over the last couple of years in this particular area. What we
23 were looking for was the framework.

24 We found that there wasn't any document that spoke from this
25 particular point of view. So that was one of the reasons why we
26 developed this particular guidance document.

1 The document is not intended to be a simple cookbook.
2 Environmental justice is not an easy subject. It comes up in a variety
3 of forms and so you can't have a ten-page document that simply spells
4 out what environmental justice is or is not.

5 It's also difficult to come up with a one-size-fits-all operational
6 manual. Environmental justice can be a siting issues, it can also be the
7 clean-up standards and levels at a particular contaminated site. So,
8 again, it comes in many forms.

9 The document is intended to provide guidance as it relates to this
10 issue, policy for EJ coordinators and environmental justice people
11 working in the program offices here in headquarters and to come up
12 with a systematic approach to understanding what environmental justice
13 is, or better yet, what environmental injustice might be.

14 The title of this document is "A Guide to Assessing and Addressing
15 Allegations of Environmental Injustice."

16 You have to make a determination as to whether or not the
17 allegation of environmental injustice has any validity. You cannot simply
18 accept something that's being said, or a complaint that's being lodged.
19 You have to make a determination as to whether or not, again, there is
20 some validity to the allegation. Now, once you determine that there is
21 some validity to the allegation, you have to address it.

22 The purpose of the guidance document is not to conduct a
23 thorough investigation and to render an opinion as to whether or not
24 environmental injustice does exist. What's more important is the
25 coming up with an approach as far as addressing the issues and
26 concerns in that particular community. So that's the title.

1 The second purpose is to come up with a substantive framework
2 for explaining the program, what we do and why do we do it as a
3 practical matter. Environmental justice is not just simply a collection of
4 activities that the agency is involved in. So, what do we do and why do
5 we do it, and it must be based upon existing environmental laws and
6 regulations.

7 As we travel across the country, the thing that keeps coming up
8 consistently is what is your authority to do this. Is this an unfunded
9 mandate? Why are you requiring states to do this in PPAs and other
10 things? So, that is essential; what is the basis for this particular
11 program?

12 The environmental justice program is not just a community
13 relations program or a training program. In the regional offices and
14 headquarters we focused on community relations and on training at the
15 very inception of the program. But it's much more than that.

16 The thing that it is not: it's not a preferential treatment program or
17 an affirmative action program.

18 The thing that we have to respond to consistently is whether or not
19 environmental justice only belongs to minority and low income
20 communities. The answer is no, it belongs to everyone, it's just that
21 those communities have not received environmental justice and,
22 therefore, we are focusing as an agency on those particular
23 communities.

24 The environmental justice program is embedded in the agency's
25 regulatory program and grounded in existing environmental law and the
26 implementing regulations. This is where we talk about the OGC

1 memorandum. That's why that memorandum was so important, so
2 essential, to the environmental justice program.

3 The Executive Order is a memorandum that's issued by a
4 President and he is going to say, like he has said, what should be the
5 focus of his administration.

6 Now, a new President can come along and change that Executive
7 Order or eliminate it entirely. So, if a program such as this was based
8 solely on an Executive Order, the environmental justice program would
9 be in a very difficult situation. So it must be based, and it is based, on
10 existing environmental laws and regulations. And OGC will talk about
11 that when they get here.

12 The third purpose of the guidance document is the realistic
13 framework for assessing again the validity of an allegation of
14 environmental injustice. How do you do it as a practical matter?

15 One way that we determined that was most important was
16 developing environmental justice indicators. Sets of data around
17 various issues.

18 This model that you see is an expression of environmental
19 injustice. The indicators are social indicators, who lives in those
20 communities, what is the breakdown, what is the makeup of that
21 particular community? The economic indicators, what's happening -- it's
22 a low income community, high income community? The environmental
23 issues, you have to have an environmental problem, as a practical
24 matter. And then, finally, health, which is most important to the
25 communities throughout this country and throughout the world.

26 On top you see public participation and on the bottom access to

1 information in order to make a sound decision and to be involved in the
2 environmental decisionmaking process. That is environmental justice.
3 If you think about any community in this country, you can use those
4 indicators to make a determination as to what's happening in that
5 particular community.

6 If things are out of kilter, if it is imbalanced, you have
7 environmental injustice.

8 So this is a model, this is a way of looking at the issue from a
9 pictorial point of view.

10 The fourth purpose: to provide a realistic framework for addressing
11 an allegation of environmental injustice. You assess and then you
12 address.

13 We use the laundry list of these indicators because of the fact that
14 many of the indicators are not things that fall within the basic mission of
15 EPA. For example, health is not something that EPA is involved with on
16 a daily basis; it's more so the Department of Health and Human
17 Services. But this is a roadmap for understanding and addressing those
18 environmental injustice situations.

19 You have economics. You may have the Department of
20 Commerce, you may have the Department of Labor.

21 Social issues. Obviously that's something that EPA does not deal
22 with as a practical matter on a daily basis.

23 So the next thing that we had to think about is, once you have the
24 indicators, once you see that something is wrong, how do you address
25 it? A realistic framework for developing and implementing a holistic
26 approach; that's what the integrated federal agency action agenda is all

1 about, bringing federal agencies to the table at or about the same time
2 in order to address the concerns of the community.

3 And the concerns are multiple. You will not have simply an
4 environmental problem. You will have housing problems. You'll have
5 economic problems. You'll have transportation problems. So on and
6 so forth.

7 The whole idea is to bring those agencies, whether or not they're
8 federal, state or local government agencies, or other resources like
9 industry resources, to try to address the problems in those particular
10 communities. The whole idea, again, is a different way of doing
11 business.

12 Right now what we have is federal agencies saying, that's not my
13 job, that's not something that I do. And so what will happen is that a
14 person from EPA will only deal with the environmental issue. Then they
15 will give you the telephone number to HUD or to the Department of
16 Labor, whatever the case may be.

17 The whole idea, again, is to bring all of the federal agencies with
18 their resources to the table at or about the same time.

19 It's simple. It really isn't rocket science. And it works.

20 We've talked about the Interagency Working Group, we've talked
21 about the action agenda. And there are key areas: to promote greater
22 coordination, make government more accessible and responsive to
23 communities, initiate these demonstration projects and also to ensure
24 integration of environmental justice into the policies, programs and
25 activities of all these federal agencies.

26 Now, what is the plan? What are we doing with all of this?

1 We want to finalize the guidance document. We've been working
2 on this document since February of this year. Had regional input,
3 headquarters input, and we've integrated the comments and concerns
4 as best we could to try to make sense out of conflicting thoughts and
5 ideas from the various regions in order to come up with a document.
6 Now it's going to seek the advice from the public and also the NEJAC
7 as a practical matter. The goal is to try to get something in the Federal
8 Register by the end of this year.

9 Very much related to this guidance document and very much
10 related to the OGC memorandum and very much related to the NEJAC
11 meeting of November 1999, we relooked at the permitting process --
12 and remember, it was the Clean Air Act, the Clean Water Act and
13 OSWER that were at the table. So it makes sense to come up with
14 training modules for conducting these environmental justice
15 assessments in those areas.

16 We have, again, the OGC memorandum that focuses on those
17 three programs. We had the meeting in November that focused on
18 those three programs. And so that's where the training modules are
19 going to focus their attention, and this is related to the Environmental
20 Justice Training Collaborative where all of the regions and headquarters
21 offices, state and local government and citizens groups have come
22 together to form this collaborative in order to try to produce and to
23 develop these modules for training.

24 What we're also going to do with respect to the guidance document
25 is coming up with standard protocols for conducting these
26 environmental justice assessments. What do you do when something

1 is submitted on paper alleging that there is an environmental injustice
2 problem? What do you do as an agency? How do you form a team?
3 Who should make up that team? What should be the approach as far
4 as doing the initial assessments?

5 The conclusion is that it's a complicated issue. It's not easy. It's
6 not simple. It's going to require creativity on the part of the EPA people
7 and others that have to deal with this particular issue.

8 Now, remember, the goal is not to investigate and to arrive at a
9 conclusion. Unlike Title VI, the responsibility or the goal is to arrive at
10 a conclusion as to whether or not there is use of federal money being
11 used for discriminatory purposes. That's not the purpose of this
12 particular guidance document. The goal is to engage in constructive
13 and collaborative problem-solving.

14 It's not a question of waiting several months or years for a
15 conclusion as to whether or not your allegation had any validity. What
16 you're trying to do is to resolve the problems, the health problems, the
17 environmental problems, and the social problems.

18 What's also very important is that you have to engage other
19 stakeholders. They have to be brought to the table, bring their
20 resources, and try to address the concerns and the issues in the various
21 communities.

22 That's a thumbnail sketch of what the guidance document is all
23 about.

24 Any questions?

25 MS. SHEPARD: You're saying that whenever there is an
26 environmental injustice allegation I assume to either one of your regions

1 or to a state agency that they should follow this environmental justice
2 plan?

3 MR. HILL: Yes, a systematic approach to making a determination
4 as to whether or not the allegation has any validity. Yes.

5 MS. SHEPARD: So does that mean that the community residents
6 who are coming to our public hearings, when they make these
7 allegations, that these will be referred to the regions to develop this kind
8 of plan?

9 MR. HILL: Well, the community groups don't have to wait to come
10 to a NEJAC meeting in order to make the allegation or to lodge a
11 complaint.

12 And then it's also not just a question of the agency being reactive,
13 but also being proactive. We encourage the regional offices and
14 headquarters offices to begin to gather this information, this data, in
15 these four areas on all communities so that you have an idea what the
16 lay of the land looks like.

17 So, no, it's not just a question of being reactive; it's a question also
18 of being proactive on the part of the agency.

19 But as it relates to issues that may come up during the course of
20 a NEJAC meeting, you have the Environmental Justice Coordinators
21 from the various regional offices here and hopefully at some point they
22 will talk with those particular community groups, or, you know, whatever,
23 in order to try to figure out what the problem is.

24 So there are various ways of getting the agency to focus its
25 resources, and not only EPA but the other federal agencies, to come to
26 the table.

1 MR. LEE: Alberto.

2 MR. SALDAMANDO: Thank you. One of the things of concern to
3 me is that you've been working on this document all year and I don't
4 recall seeing it.

5 It seems to me that if you want NEJAC input and you still want to
6 get it in the Federal Register before the end of the year, that means
7 around Christmas time we're going to get a document to which we're
8 supposed to respond, knowing full well that that response will probably
9 not be included.

10 It seems to me that if this is the Office of Environmental Justice
11 and we're the FACA for environmental justice that we should have been
12 apprised of the document during its production. I mean, it seems to me
13 you guys have been meeting about this all year and you've been
14 working the document. We're going to get it at the last minute; we're
15 not going to be able to respond to it; and then you're going to publish it
16 and somehow indicate that we've had some input. I mean, that's just
17 the first concern.

18 I'm sorry that --

19 MR. HILL: No, no, no. Well, let me answer you first before you go
20 on.

21 MR. SALDAMANDO: All right.

22 MR. HILL: You will be asked to comment on the document as
23 soon as it's available. We've just finished writing the document, as a
24 practical matter. The agency, we have to be comfortable among
25 ourselves as far as the development of the document is concerned.

26 And, remember, it's all stakeholders. We've been having

1 discussions. We've put the model up -- you know, whether that's before
2 community groups and the industry groups -- over the last couple of
3 months. But, no, no one has seen it, as a practical matter. It has not
4 been released at this particular point.

5 But the NEJAC as well as the public will get an opportunity to
6 comment on it over the next 90 days.

7 MR. SALDAMANDO: Well, you know, it just seems to me
8 somewhat of a misuse of resources if we're expected to comment on it
9 along with the general public.

10 I mean, what's the point of coming to Washington and gathering us
11 as a group and discussing as a group if we individually are going to
12 comment on it anyway? I mean, it just doesn't make sense.

13 MR. HILL: I appreciate your thoughts and ideas, but that's how
14 we're going to do it.

15 MR. SALDAMANDO: Well, that's great, but let's be straight as to
16 what kind of input you're going to get.

17 The other one is with regard to problem-solving as opposed to
18 policy recommendation. It seems to me that there is somewhat of a
19 schizophrenic attitude here that in one sense the Executive Order asks
20 the agencies to examine their policies, we're supposed to respond to
21 those policy initiatives and make recommendations as to policy, but
22 what we in effect end up doing is listening to communities and hooking
23 them up with the appropriate EPA official and hopefully they'll work
24 something out

25 I think that there has to be a greater focus on our role with regard
26 to what we're doing here.

1 And in that light, I kind of would follow-up on the question that was
2 asked previously. I think that to require proof and some sort of a
3 standard of proof with regard to community complaints -- I mean, there
4 are various standards of proof, do we use probability or do we use
5 reasonable certainty -- I mean, at what level do we consider the
6 comments of the community credible?

7 Frankly, if a person comes from I don't know where and waits until
8 9:30 or 10:00 o'clock at night to tell us about their problem, I frankly am
9 going to believe it. And until the agency can disprove what they say, I
10 think I'm going to assume that the community is telling us the truth.

11 MR. HILL: I appreciate that, and as a lawyer I appreciate it even
12 more because having been a trial lawyer I understand what standards
13 of proof are.

14 But in this situation that's not applicable at all. There is no
15 reasonable doubt, there is no standard of proof at all.

16 It's a question of receiving information and trying to respond to it
17 as a practical matter, trying to assess whether or not there is some
18 validity to the allegation. You can't just simply, as a practical matter,
19 just say that everyone is truthful. You've got to look behind what's being
20 said.

21 And if you're trying to engage other stakeholders, you know, they
22 may be incredibly defensive under those circumstances. You've got to
23 find out what's wrong.

24 We don't have unlimited resources where you can look at every
25 allegation and examine it, you know, from A to Z. That's not practical.

26 So what we're going to try to do is to come up with a system to do

1 a preliminary assessment and then a more in depth assessment of
2 what's happening in the community.

3 Yes, Rosa.

4 MS. RAMOS: Barry, I really appreciate all the effort you have put
5 into developing this document. I know that you have gone through a
6 process of inside analysis, profound analysis.

7 But I think this is more of the same thing the communities have
8 been fighting all over. You know, commenting at the end of a process
9 is not real participation. This has been the biggest issue of
10 communities ever.

11 You know, defining a process, analyzing environmental justice,
12 should not be the work of one person. It should be team work. And we
13 are here to share our time and our minds and our hearts into developing
14 a guidance that will serve for real environmental justice.

15 Also, I think you should allow regional participation and I
16 encourage you to read Region 2 policy on environmental justice that
17 was produced after a process of working with communities. It's not a
18 document produced by the region to be commented to by the
19 community; it was produced as part of a process of developing the
20 document together.

21 This needs to be reviewed in order to serve environmental justice.
22 Thank you.

23 MR. HILL: Thank you, Rosa. I just wanted to read to you just a
24 part of the disclaimer. That's on the first page of this draft document.

25 "This guidance is a living document and may be revised
26 periodically without public notice. EPA welcomes public comments on

1 this document at any time and will consider those comments in any
2 future revision of this guidance document."

3 The whole idea, Rosa and others, was to come up with something
4 that's basically an effort on the part of EPA at this particular point, and
5 others, to make some sense out of this issue of environmental justice
6 and to seek public comments and to seek the advice of this advisory
7 committee.

8 MS. RAMOS: By commenting at the end of the process is not real
9 community participation.

10 MR. HILL: I appreciate what you're saying.

11 MR. LEE: Luke.

12 MR. COLE: Thank you. I've been doing this for four and a half
13 years now and I take this process seriously where we -- you know, we
14 try to have input on agency decisions that affect environmental justice,
15 and I guess I have to echo what Alberto and Rosa Hilda are saying.

16 Every community that comes before us, one of their central
17 complaints is that, you know, industry and the decisionmakers made
18 this decision behind closed doors, they have this whole process, and
19 then at the very end of the process when they had a product already --
20 you know, while they were making the decisions about what the product
21 would look like, who would define the issue, where the facility would be
22 located -- all these things -- that was behind closed doors. And then,
23 when they had a product for us to react to that was basically a done
24 deal, then they invited us to the table.

25 In the years that I've been on NEJAC one of the things that I think
26 we've been very effective in doing is educating industry and state and

1 federal decisionmakers that that's not actual public participation. And
2 we actually have model public participation guidelines which call for
3 early, effective participation before decisions are made, before
4 definitions are made, with the stakeholders who will be involved.

5 Frankly, if the members of the National Environmental Justice
6 Advisory Council are not the people that are around the table helping
7 you define what should be in an environmental justice policy document,
8 why are we here?

9 I mean, I agree with the gentleman who came on at the end of the
10 thing last night: we are window dressing. And you must not take us
11 very seriously as a policy body if you're not willing to come to us and
12 say we are thinking about putting this guidance together. What do you
13 think should be in it? What are the issues for you? What are the five
14 goals that you, as a NEJAC member, would have for an EPA policy
15 guidance on this? And how can we most effectively reach those goals?

16 The ultimate document that you come up with may be salutary and
17 some of the siting decisions that are made without community input are
18 probably good decisions. But the taste that's left in the community's
19 mouth, and the taste that's left in my mouth, is bitter, and it only
20 reinforces the idea that the EPA is not responsive on the concept of
21 environmental justice.

22 It is a concrete demonstration that the policy guidance is going to
23 go nowhere, because if you cannot involve the NEJAC in drafting an
24 environmental justice policy guidance, then there is not going to be
25 environmental justice in the agency.

26 MR. HILL: You finished?

1 MR. COLE: Barry, you do not need to respond.

2 MR. HILL: Luke, Luke --

3 MR. COLE: I do not want to hear your response.

4 MR. HILL: Luke --

5 MR. COLE: You do not need to respond.

6 MR. HILL: Well, I'm going to give you my response.

7 MR. COLE: You do not need to respond.

8 MR. HILL: No, I'm going to give you my response.

9 MR. COLE: I don't want to hear the justification.

10 MR. HILL: Luke, Luke, I'm not going to simply wait for you to make
11 a speech and not respond. Now, I think you know me better than that.

12 First of all, this is not an environmental justice decision. You're
13 talking about a basic principle of the environmental justice movement
14 being involved in the environmental justice decisionmaking process.
15 This is not an environmental decision; this is a draft document, this is
16 a draft guidance document.

17 Now, you may think that it may be appropriate as every paragraph
18 is written that you have an opportunity to comment on it. And I
19 appreciate that approach to drafting. But, Luke, as a practical matter,
20 you're not available and not many people sitting around this table are
21 always available. And so it is the agency determination to come up --
22 and we're capable, I think, Luke -- we're capable of writing a couple of
23 paragraphs for others to look at and to comment on.

24 MR. COLE: I think you're missing --

25 MR. HILL: That's what it's all about.

26 MR. COLE: I think you're missing the point.

1 MR. HILL: No, I think --

2 MR. COLE: You are framing the issue and you are defining the
3 concepts that are going to be involved here. If you bring us to the table
4 first and we have the conceptual discussion -- I don't want to write every
5 paragraph; I'm happy to have somebody write the paragraph.

6 I do want to be in the room at the table on the front end where we
7 decide what the boundaries are, what the definitions are, because right
8 now you have defined it a certain way and we may look at this
9 document and say, you know, this isn't at all what should go on.

10 MR. HILL: Well, Luke, that's your prerogative. That's the role of
11 an advisory committee.

12 MR. COLE: And then to --

13 MR. COLE: You know, to comment on it.

14 MR. COLE: And then you've wasted x-number of months doing
15 something that nobody thinks is valuable.

16 MR. HILL: Well, perhaps, Luke, you may even like it too. You
17 might feel that it reaches your quality, your qualifications, as it relates
18 to being a quality document. Perhaps even you might think that it's
19 good.

20 Anything else?

21 MR. YANG: I don't know how to wade into this. I also share on
22 the issues of timing, but I also would point out that, as Barry said,
23 mean, somebody has to take the lead in drafting some of this. And I
24 think the timing issue is really of particular concern to the Council
25 because of the changing administration and the issues of the holidays.

26 One thing that I wanted to point out specifically with regard to your

1 presentation, Barry, is that I think it would be really imperative and it
2 would really be important with regard to two points that you made.
3 What environmental justice is not, that it's not just a community
4 relations program and it's not some sort of set-aside or affirmative
5 action program.

6 That should really be drummed into the heads of other agencies
7 because we keep hearing when we hear these presentations the efforts
8 that have been made that are essentially not much more than
9 community relations efforts or some sort of conception of environmental
10 justice that -- the Department of Labor person -- the understanding of
11 the idea that environmental justice is actively addressing discriminatory
12 impacts or practices -- that is some form of discrimination itself on the
13 part of the government -- I find it mind-boggling. I would suggest that
14 part be made an especially prominent part of the guidance.

15 MS. STAHL: A couple of points. Number one, I think that I would
16 at least like to give the Office of Environmental Justice credit for having
17 listened to us both as an advisory council and as individuals for however
18 many years each of us as individuals and as a group have been
19 meeting together and hopefully have taken into consideration the things
20 that they have heard and felt and lived through in putting together this
21 draft.

22 I'd like to think that we have had input, even if not directly solicited.
23 So I would just like to make that assumption as we go forward.

24 I think I would also like to think that there's enough flexibility in the
25 drafting and finalization of a federal document so that as we go forward
26 through the Federal Register and comment process that there could be

1 a sharing with this Council as a Council for commenting so that there is
2 input that has a weight that is different from any of us as individuals in
3 the final consideration.

4 Thirdly, I would really like to not throw out the baby with the bath
5 water. We have been hamstrung for a very long time because we have
6 tried to define terms in a Title VI mode and towards litigation ends in a
7 world that has not been very favorable to environmental justice. And if
8 this guidance takes us out of that approach -- not to undo or stop the
9 achievements or the movements towards utilizing that approach -- but
10 if it gives us another vehicle for actually resolving situations of
11 environmental justice, then I think we need to at least be grateful that
12 we are moving in a direction towards problem solving.

13 I'm just hoping that we don't lose the small benefits that we've
14 gained by sitting here as a Council and by having people come forward
15 to this group. And maybe it's not enough, and maybe it's too slow, and
16 maybe it's too small, but if something good is happening for the people
17 in Mossville, even if it's not because the institutions have broken down
18 their barriers but because they've come together on one small issue,
19 then we have made gains and we have had an impact.

20 Everything is not going to be Mossville. We're not going to resolve
21 all of our situations because they're all different and because we don't
22 have the resources. But we need to have some framework that we can
23 try to apply in many different and disparate situations.

24 If we get something like that out of this, then it has been a worthy
25 endeavor. You know, as frustrating as the process might be, as less
26 than complete as the results might be, we have in fact moved forward.

1 And I think we need to, again, not throw out the baby with the bath
2 water.

3 MR. TURRENTINE: Charles, just one point.

4 I served on the Public Participation Subcommittee for quite some
5 time and I know that Rosa Hilda served in that process. I'm not casting
6 any dispersions on what this final document might become. What I am
7 saying, however, to have participated in a process and to have
8 developed a model plan for public participation and to have further
9 revised that plan to involve the public early, often, and up front in a
10 meaningful way, and to have the NEJAC as the advisory federal
11 committee to EPA -- Barry, I think is what the tenor of the contention is;
12 that it's hard for us to believe and community people to believe that
13 industry and regulators are really listening when we talk about the
14 involvement in the public to try and come up with a more pure process
15 for problem-solving when in this very instance the group that was
16 chartered to provide advice and counsel to EPA to this point has had no
17 involvement in this -- not the production of the document, but the
18 development and the refining of the ideas that go into the makeup of
19 this document.

20 And I think that's what is disturbing for me. I would just encourage
21 you, Barry, and the Office of Environmental Justice and the EPA as a
22 whole, to really be mindful of the fact that you have a collection of 25
23 members of an Executive Council and if you put the full NEJAC
24 together, you're probably talking about 75 people who give a
25 considerable amount of time, energy and effort to improving -- or
26 eradicating, if you will -- environmental injustice in communities.

1 So, we should have been involved in the process, Barry, in terms
2 of developing, as Luke has pointed out, framing the issues, making sure
3 that what we come up with is going to have the greatest chance of
4 providing relief.

5 I think the fact that you've not involved us, if I get the tenor of what
6 some of the respondents have said, is that they feel like you came at us
7 with this thing and you expect us to just sit there and say, okay, well.

8 And I agree, Jane, that there are some good things happening, but
9 if the process isn't pure, if it is not inclusive up front, early and often,
10 then we may as well not talk to industry or anyone else about early and
11 meaningful public participation.

12 MR. HILL: Well, Haywood, again, I heard what you said, but quite
13 frankly, I think that there's a mixing of apples and oranges.

14 We're not talking about the environmental decisionmaking process,
15 where it is incredibly important to be involved early and often in that
16 decisionmaking process. This was an effort at writing a policy
17 document, which the agency does all the time, every day.

18 MR. COLE: So communities shouldn't be involved in policy early
19 and often? That's what you're telling us?

20 MR. HILL: Luke, I'm trying to respond to Haywood. I'll get to you
21 publicly or privately.

22 You know, the process was simply to write the document, which
23 we're still doing right now as we speak. So I heard what you said,
24 appreciated what you said, and, you know, there's a difference of
25 opinion on that. We're just going to make it available as soon as we
26 possibly can. The document is still in the process, again, of being

1 written.

2 What, Luke?

3 MR. COLE: I think that siting decisions are important for
4 communities to be involved in because they have a direct impact on a
5 community. A policy decision is even more important for people to be
6 involved with on the front end because they -- well, a policy is going to
7 cover everything generally from here forward. A siting decision is a
8 localized decision; a policy decisions is setting the course of an agency.
9 If that's not where people should be at the table, I don't know where that
10 should be.

11 MR. HILL: Okay.

12 MR. LEE: I think we need to move on with the agenda.

13 MR. HILL: That's fine with me.

14 MR. LEE: Okay.

15 MS. AUGUSTINE: I just want to state that I represent my
16 community on the NEJAC and when a document comes out from the
17 NEJAC with the NEJAC's name on it, I want to make sure that my name
18 is not on it unless I give my approval for my name to be put on it.
19 Because I don't know what this document is going to be about. If it's
20 going to be working against my community or anybody else's
21 community, I do not want my name on it.

22 MR. LEE: Vernice, are you -- okay.

23 MS. TRAVIS-MILLER: Barry, my question is just: Who has been
24 involved in the drafting of this policy? Have the EJ coordinators been
25 involved? Have the other EPA people who we have given and vested
26 some authority to to sort of move these issues through -- the people

1 within the agency infrastructure who deal with environmental justice
2 issues -- have they been a part of this consultation, since clearly we
3 have not been a part of it? But who has been a part of it?

4 MR. HILL: Vernice, at headquarters the EJ coordinators, regional
5 EJ coordinators, the deputy regional administrators, the deputy
6 assistant administrators, the assistant administrators. It's been EPA
7 people from top to bottom that have been involved in commenting and
8 drafting this particular document. Oh, the Office of General Counsel
9 also.

10 It emanated, obviously, from the Office of Environmental Justice.
11 We took the first cut. Somebody had to put pen to paper or fingers to
12 the keyboard. And so that's what has happened and everyone has had
13 an opportunity within the agency to comment, their offices, and
14 whatever, and we've responded as best we possibly could.

15 MS. TRAVIS-MILLER: So everybody has been involved except for
16 the Council.

17 MR. HILL: Everybody within EPA.

18 MS. TRAVIS-MILLER: Well, we're within EPA.

19 MR. HILL: No you're not.

20 MS. TRAVIS-MILLER: Yeah, yeah, yeah.

21 MR. HILL: It's an advisory council.

22 MS. TRAVIS-MILLER: We are not staff, we don't get paid by the
23 United States Government --

24 MR. HILL: Okay.

25 MS. TRAVIS-MILLER: -- but we volunteer hundreds of hours of
26 time to give counsel and advice to -- that's what the charter says -- to

1 the agency on policy issues related to environmental justice. So, to me
2 this just seems like a profound contradiction.

3 I've been asked by the State of New York to help them do exactly
4 what that. As an environmental justice advocate. They've gone across
5 the state and asked us to do this because they don't think they can do
6 it by themselves.

7 And EPA is paying them, is giving them a grant from Region 2 to
8 help them do that.

9 So how can I say to Governor Pataki of New York state that I can
10 sit here and give you counsel on this process but the Administrator of
11 EPA and the Office of Environmental Justice doesn't think that in my
12 role as a member of the National Environmental Justice Advisory
13 Council that I have counsel to give to them. But I can do it for the State
14 of New York.

15 MR. HILL: Well --

16 MS. TRAVIS-MILLER: And EPA is paying them for me to do it for
17 the State of New York.

18 MR. HILL: The Office of Environmental Justice is paying for that
19 particular grant for the state based upon what the proposal was from the
20 State of New York because of where the State of New York was at that
21 particular point. Because it did not have an environmental justice
22 program, the agency, EPA, and the Office of Environmental Justice felt
23 that it was an appropriate project to fund.

24 MS. TRAVIS-MILLER: And I keep --

25 MR. HILL: And so that's what happened.

26 MS. TRAVIS-MILLER: Yes, and I think you're right. But the pivotal

1 point here, Barry, is that in giving them that grant you also said to them
2 and conveyed to them through EPA Region 2 that it is imperative that
3 environmental justice advocates be a part of this process, that those
4 who are expert in the issue outside of government be involved in this
5 process or we will not support that process.

6 So here we have a profound contradiction between what you say
7 to the country and to the other actors in this party in the country and
8 what we've said here at the headquarters level.

9 It's just very, very disappointing because I thought we had reached
10 a point in our maturity in this process that you at least trusted our
11 counsel.

12 MR. HILL: Okay.

13 MR. LEE: Let me make a suggestion. I think that there are some
14 issues being raised that are large and they are issues that are particular
15 to this particular policy guidance. It would be my suggestion that on
16 Thursday when we go through New Business that a particular and real
17 very defined process be established. Okay?

18 The larger questions are being raised. I think that that's a longer
19 discussion.

20 At this point I would like to -- and let me just say, I don't think that
21 I need to underscore the severity in which you, the members of the
22 Council, are voicing the seriousness with which you are voicing your
23 concerns, and that needs to be duly noted for the record.

24 At this point I would like to move to another update.

25 MR. GOLDTOOTH: Charles, I have one suggestion.

26 MR. LEE: Okay.

1 MR. GOLDTOOTH: I think in order to move forward I think the
2 office understands, you know, the sentiments of a lot of us here and it
3 does vary on this. But I think it might be good leading up to that last day
4 maybe if we have a meeting on this or something and maybe the chairs
5 of the subcommittees could sit down with Barry and yourself, Charles,
6 on this and talk about this before that last day. Can we do that?

7 MR. LEE: You're talking about on Wednesday some time? Okay.
8 Well, we'll figure that out.

9 MR. GOLDTOOTH: Okay.

10 MR. LEE: We'll figure that out and work that into the next couple
11 of days. If you're ready to have a midnight meeting, I'm ready.

12 The next update is going to be given by three persons. I think
13 they're all in the room. Jack McGraw who is the Deputy Regional
14 Administrator from EPA's Region 8; Veronica Eady from the State of
15 Massachusetts; and -- is José Bravo here? -- and José Bravo from the
16 Southwest Network on Environmental Economic Justice.

17 Let me say a few words as background -- if the three of you can
18 come up here -- where are they going to be giving their reports from?
19 At the table? Okay. If you can come to the table.

20 There has been, as you know -- and I think there's been periodic
21 updates on this -- in terms of the whole area of environmental justice
22 training. And there has been the emergency of what is called an
23 Environmental Justice Training Collaborative.

24 In my mind what makes this very important is, of course, the fact
25 that training does provide a very important link between our concepts
26 and policies and actual program development and implementation.

1 This has been an effort from -- I guess if you think about it, from an
2 EPA standpoint, a real bottoms-up process -- a coming together of all
3 ten EPA regions who recognize the importance of doing environmental
4 justice training, as well as with the Office of Environmental Justice and
5 with other groups such as states and community groups. Therefore,
6 what I wanted to do was to make sure that a report was given to you
7 from all three perspectives.

8 With that, I want to turn it over and ask Jack to begin.

9 Let me underscore the significance which we are attaching to this
10 whole effort and the excitement that I feel about the work that's been
11 done and just say that we truly appreciate the many efforts of all the
12 many people that are involved in this. Jack.

13 ENVIRONMENTAL JUSTICE TRAINING COLLABORATIVE
14 PRESENTATION BY MR. JACK MCGRAW

15 MR. MCGRAW: Thank you very much. I'd like to thank the
16 Chairman and the rest of the Council for giving us the opportunity to
17 give you a quick update on EPA's EJ training collaborative. I want to
18 give a special thanks to Barry for waking up the group and lobbying up
19 here this morning for a nice lead-in, but I'm hopeful that our presentation
20 will give you an opportunity to show that you do have an opportunity for
21 input at the very developmental stage of the EJ training collaborative.

22 Back last summer the Environmental Justice Training Collaborative
23 group asked the Regional Administrators of EPA to weigh in and get
24 briefed on their particular activity and asked us to support both in
25 training and in making our staffs available, as well as providing travel for
26 our staffs to attend some of the activities related to this effort. And we

1 have supported, the deputies have supported the EPA training
2 collaborative.

3 One of the approaches that the group wants to do is to approach
4 it on an agency wide basis to start off with. I think it was mentioned in
5 a panel yesterday afternoon that there real success in environmental
6 justice is that don't have environmental justice offices per se set off to
7 the side, that it becomes a way of doing business, it becomes a way we
8 think, the way we do our day to day activities.

9 And our training effort, at least internally within the agency, is to
10 make it agency wide, to get it outside of that office, to get it into the
11 program offices, to get it across the board where everybody begins to
12 fully understand and appreciate the challenges of environmental justice.

13 We also think that the challenge that we have would give us a way
14 to enrich the dialogue that goes on around EJ issues by making our
15 program directors aware of the Executive Order to make them aware of
16 community concerns, to make them aware that every time that they
17 make a program day to day operational decision that they are
18 considering the community and considering the need for valid input into
19 those situations.

20 The collaborative effort had a workshop in October in Boston.
21 We're proud to say that there were about 45 people that showed up to
22 that, a large number of EPA people, but there were people also from
23 other federal agencies, states, the communities and academia that were
24 a part of that beginning to formulate the agency's collaborative training
25 effort.

26 The workshops will continue. We hope to begin in March and will

1 continue through May. And before the beginning of the pilot phase the
2 collaborative would like to seek input from other key groups. We want
3 stakeholders. We would like especially to have additional input from the
4 tribal governments, the tribal community groups and from industry.

5 The training collaborative, when they briefed the deputy regional
6 administrators back in August, basically gave us a commitment that it
7 was their goal to be able to provide a fundamental course on
8 environmental justice which would be piloted with a wide range of
9 stakeholders, that they would develop a national training team with a
10 goal of 30 trainers, from which at least four of which would be from
11 outside the agency, and that we would set up a train the trainer concept
12 within EPA to get more and more people available to go out and provide
13 the training.

14 And the last I would like to highlight is that in the original survey
15 that was done there was a key statement that EPA cannot do it alone.
16 That was the message that was made loud and clear.

17 On that principle and in that context, the task force is asking for
18 your input, asking for your support as they develop this collaborative
19 curriculum, that you would be a part of that curriculum, that you would
20 be able to review -- we would make available to you the drafts of the
21 curricula so that you could make input into that.

22 And by all means, we welcome each and every one of you to our
23 upcoming pilots that will be held, again, in March through May, that we
24 would get your assistance in our development of additional modules
25 which right now is in planning: EJ and public participation, EJ and
26 natural resources and the NEPA, EJ and cultural resources, and EJ and

1 Indian Country.

2 Thank you very much. I'll turn to my other colleagues for the rest
3 of the report and be willing to answer any questions at that time.

4 //

5 PRESENTATION BY MR. JOSÉ BRAVO

6 MR. BRAVO: Good morning. Sorry if I stumble a little bit. I was
7 on a plane until about 4:00 this morning trying to get into National.

8 I think that the training that I observed in regard to the training of
9 trainers, and the meeting that I went to in Boston I think was very good.
10 I think it was a great start and it alleviates one of my worries that I've
11 had for a long time. That is, from the community perspective when are
12 we going to stop teaching and when are people going to know the
13 subject?

14 I think it's been a long time since we've been instructing the
15 Federal Government on environmental justice and actually this training
16 mechanism actually has many important parts that we believe not only
17 the EPA should know -- and if we believe the EPA is a little behind on
18 environmental justice than what it is, you can imagine what the
19 Department of Energy, the Department of Defense and other
20 departments are like. So I think it was a very important meeting.

21 Another thing that was very heartening to me was that there were
22 some questions that came up in the actual training that as community
23 people we would kind of look at as questionable, and what was
24 heartening to me was that there were actually people from the Federal
25 Government and state governments and others that actually said, well,
26 that's wrong and that would be probably insulting to people. So I think

1 it was very, very important to have those people there and have those
2 decisions that were made there.

3 There are still some things that we have to get to in regard to this
4 training. The history piece in regard to the environmental justice history
5 is not there, not completely there, and still needs some work. And
6 there's other little pieces that can come around, but all in all I think it
7 was a great start and it was a great effort by the Environmental
8 Protection Agency to launch this and I think we should support it from
9 the grassroots community level.

10 PRESENTATION BY MS. VERONICA EADY

11 MS. EADY: Good morning. I want to say briefly that I reacted
12 viscerally to this training and my visceral reaction was wholeheartedly
13 positive.

14 I want to acknowledge and congratulate Region 8 and Deldi Reyes
15 of Region 9, and Running-Grass and Nicholas Targ from OEJ who really
16 I sense is the driving force behind this training.

17 One of the things I loved about it is that, you know, through
18 conversations I found out how it was developed, and it was really to the
19 extent that something in the federal agency can develop grassroots --
20 I'm stealing Deldi's words from this morning but I've heard her say it
21 before - this training really did sort of develop from EPA's grassroots in
22 the regions with the staff who recognized that there was a need for this
23 kind of training. Maybe that's what has made it so good and really kind
24 of magical.

25 I went into the training -- you know, I consider myself somebody
26 who knows quite a bit about environmental justice. The training that we

1 did in Boston was populated with people who knew a lot about
2 environmental justice, people who knew nothing about environmental
3 justice -- just the whole range. It was really amazing because not only
4 did I learn something from the training, but I learned something from
5 people who knew relatively little about environmental justice.

6 The training is a training that really doesn't place any blame on
7 regulators for, you know, siting facilities and permitting facilities. It
8 doesn't, you know, make anyone defensive at all; it's come as you are.
9 It was really amazing. Learning how somebody reacts to, you know, a
10 history on environmental justice or a provocative statement and how
11 somebody responds to it.

12 Regardless of what they take away from that training, one of the
13 provocative statements was environmental justice is an unfunded
14 mandate. True, false, or -- you know, in the middle? Fuzzy. Fuzzy.

15 We all got up and put stickers. There were a number -- there were
16 like 12 or 15 of these provocative statements. Then we had a
17 discussion about them.

18 You know, coming from an environmental justice perspective, you
19 learn about how people who think that environmental justice is an
20 unfunded mandate, how they arrived at that conclusion, their thought
21 process. I just found it really helpful to me.

22 After a half-day of training I went back to my office to check my
23 messages and I sat down with my boss and I said, "This training is a
24 amazing; we need to get involved; we need to send all of our people to
25 it."

26 I'm happy to say that EPA invited the State of Massachusetts,

1 along with a couple of other states, to join the collaborative, and we're
2 joining. What that means for my office is that more people in my office
3 are going to be able to go to this great training. And what it means for
4 the collaborative is, you know, as José pointed out, that the training
5 needs work and it's sort of a living sort of training -- one of the things
6 that we're going to be working on is how environmental justice applies
7 to the states, that Title VI means to the states.

8 Now, you know, part of the training does talk about Title VI. Talks
9 about the Executive Order. But some of the holes were, well how does
10 the Executive Order apply to states, if at all? And what about states that
11 have delegated programs or primacy? And why doesn't it apply?

12 These are all questions that I don't think that state employees
13 really know, they just assume that it doesn't apply. This really gives us
14 an opportunity to think more about it, to voluntarily agree to undertake
15 the Executive Order. I just see a lot of potential in it and I'm really
16 excited about it.

17 Thank you.

18 MR. GOLDTOOTH: I fully support this initiative. I was one of the
19 individuals that was in dialogue of being one of the trainers.
20 Unfortunately my schedule didn't allow me to be there. I know with our
21 staff person from our organization that was scheduled to go, I think
22 there was a breakdown in communications. So I just wanted to
23 apologize that our staff person wasn't able to attend.

24 So, you know, I think that this project is commendable. It needs
25 to be supported. I really enjoyed the comments by José because he
26 sometimes is our eyes and ears at some of these meetings and he's

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1 very cautious on process to make sure that our communities are
2 respected.

3 The principles of environmental justice is something that is very
4 serious. With our environmental justice networks that the communities
5 we work with tears and sweat and joy and celebration went with the
6 development of 17 principles that were developed in '91 at the People
7 of Color Environmental Justice Leadership Summit in D.C. here.

8 I feel that those principles have been followed by all of our
9 environmental justice networks and it's something that comes from the
10 grassroots. I'm sure that José conveyed that to the trainers.

11 There are certain principles that come from our communities that
12 define what environmental justice is and how we work together and the
13 challenges as we try to address the issues within the federal system.

14 One thing that I wanted to comment on on the tribal piece is that
15 -- and my discussion is that the training is definitely really needed to
16 educate federal agency staffers on what is environmental justice in
17 Indian Country, and whoever does the training, if it's one or two people
18 from our Native community, need to really reflect on environmental
19 justice needs as far as from the tribal government, the tribal
20 environmental infrastructures that are still in transition, are still
21 stabilizing, still developing. There is tremendous need in that area.

22 And then there's environmental justice from the perspective of
23 tribal community members, or the grassroots, and their concerns.
24 Sometimes it's a very complicated issue. The agency has a
25 government-to-government relationship. It's something that we all
26 embrace within our diversity as American Indian and Alaska Natives.

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1 We support government-to-government.

2 But, also, we know that some of our Native grassroots have
3 environmental concerns and issues where they've exhausted every
4 remedy at the community level. For example, Squaw Valley, Utah,
5 where the Tribal Council is in partnership with the nuclear waste
6 industry to use their lands as a nuclear waste dump. And there's tribal
7 community members, grassroots, who are opposed to that. It's an EJ
8 issue.

9 Those kinds of issues are challenging with agency staff, as well as
10 our tribal leadership. So I think those are things that need to be
11 conveyed as trainers by Native people educated on these issues to talk
12 about the diversity of our issues in Indian Country.

13 I just wanted to put that in there.

14 MS. STAHL: Good morning and thank you for telling us more
15 about the effort.

16 I, too, would just like to on the one hand comment that if we are
17 ever to get beyond speaking to and among ourselves, we need to get
18 more people familiar with the concepts, with the vocabulary, with the
19 purposes and the goals of environmental justice because we do tend to
20 talk to and among ourselves. We need to broaden our reach a bit, and
21 I see this as a major way of doing that.

22 When I sit on this Council, I, as a representative of state
23 government, often feel like a minority, so let me provide for you a kind
24 of little bit of sensitivity training, if you will, in that regard.

25 The states are not the enemies here. Talking to people about
26 unfunded mandates or why they believe things are unfunded mandates,

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1 can often come to pass just because of a simple prepositional phrase:
2 How does environmental justice apply to the states? How does Title VI
3 apply to the states? -- could easily be transformed into: How does
4 environmental justice apply through the states? How can Title VI be
5 implemented through the states?

6 The simple change that changes the reception or can change the
7 reception -- we all know that it depends on if your receptors are out
8 there and sensitive, they'll pick things up in different ways.

9 I would just urge you to remember that not all states are the enemy
10 and that there are in fact many people who are looking for the
11 opportunity to partner in these endeavors, and to be sensitive to those
12 little language things that can in fact make a big difference.

13 But the bottom line is, good work.

14 Thank you.

15 MR. SALDAMANDO: I always take the opportunity to raise difficult
16 issues and on this one I really would like to take the opportunity to thank
17 the panelists in the effort that's being made. I congratulate you on your
18 endeavors and I appreciate the input of the community people that were
19 on it who understand environmental justice, and apparently there was
20 receptivity to that input and real implementation. I greatly appreciate it
21 personally and I think the Council as a whole does as well.

22 Thank you.

23 MS. WOOD: Good morning and thank you for your presentation.
24 I happen to be, I think, the real minority here since I'm the industry
25 representative at the moment.

26 My company went through some of what you went through in trying

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1 to put together the program. It took me several years to get my
2 company to understand why I thought we ought to add a very modest
3 environmental justice element to our training program that we have for
4 all of our environmental managers.

5 We did that, but it was an interesting learning process. And you
6 mentioned that you felt you needed more participation from some
7 outside groups, from industry; I'd be more than happy to volunteer either
8 myself or some of our trainers within GP that went through this learning
9 curve in terms of trying to understand what different things mean to
10 different people.

11 I know our objective right now is to try to help people just within
12 Georgia Pacific have a better understanding of what environmental
13 justice is all about. But Jane's point about sometimes a matter of just
14 rephrasing some things opens up a lot more receptivity from the
15 audience you're trying to reach.

16 Nonetheless, it sounds like you guys have made a great start in
17 helping spread the word beyond the usual group of us that gets together
18 at some of these meetings. Thanks.

19 MR. EADY: I just wanted to comment briefly. The provocative
20 statement about the unfunded mandate, just to clarify, there were a
21 number of provocative statements and they were meant to be phrased
22 that way so that we could discuss it and see how each other felt about
23 it and learn about thought processes, which is one of the great things
24 about it.

25 You know, if you think environmental justice is an unfunded
26 mandate, that's fine, you're entitled to your opinion, and, you know, let's

1 discuss it.

2 But I did want to point out -- or just to respond a little bit to what
3 Tom Goldtooth said because José and I were here nodding at each
4 other -- it did come up during the training in Boston that an important
5 piece that wasn't really covered was environmental justice in Indian
6 Country. And, you know, does Title VI apply in Indian Country, and
7 questions like that.

8 One of the things that I would like to see, in addition to those
9 pieces of the puzzle, is how does environmental justice apply between
10 states and Indian tribes because I think that many states, if not most
11 states, don't really know what -- I mean, you hear all this discussion
12 about federal trust responsibilities and nobody is talking about states.
13 And so that's something that I hope could be added and just sort of
14 clarify.

15 MR. LEE: The view here is that this will develop over time into
16 many different modules looking at specific applications of either
17 environmental statutes such as the Clean Air Act, RCRA, the Clean
18 Water Act. It will look at specific questions such as the one Tom raised.

19 And that it does now include other federal agencies. You should
20 know that other federal agencies are independently developing training.
21 For example, the Department of Transportation has a very major
22 training development initiative.

23 And when the group feels it is appropriate, it will also include
24 business and industry.

25 This is a developing process, and part of the real difficulty here is
26 to develop partnerships. It's a very delicate process of developing

1 partnerships being that this started from, you know, a need that was
2 evidenced and perceived by EPA regions.

3 This whole process does have a feel that's very much centered
4 around EPA so it's somewhat EPA-centric, if you will. So it doesn't
5 have the kind of nuances of language that Jane kind of raised and other
6 types of sensitivities.

7 It does not have a good understanding of the history of as it
8 perceived environmental justice prior to it coming to EPA and the
9 Federal Government. It does not have a lot of that. But I think there is
10 openness to really try to deal with that. So, this is an evolving process.

11 One thing that you should note that's very important about this is
12 that it does have the support not only of the Office of Environmental
13 Justice but of such people as Jack McGraw and other regional and
14 deputy regional administrators across all ten regions. So this is building
15 on that model in a very significant way. It has a long way to go.

16 There are a lot of people that were mentioned that were part of this
17 process. There are a lot more, too many to mention. But I would ask
18 that they all stand up so that you can recognize them as you give this
19 panel a round of applause. So, all of you who are a part of the
20 Environmental Justice Training Collaborative please stand up, all of you
21 who are part of the federal agencies.
22 (Applause.)

23 MR. MCGRAW: Charles, let me add that I really appreciate the
24 Council's support and receptivity to the efforts that we're doing here.
25 We are at the ground level and we really are at an opportunity for your
26 input. And for anyone that needs it, there's a fact sheet at the back

1 table there that has the names, and not only that, but the telephone
2 numbers of some of these people that are standing up in case you need
3 more assistance or for your input.

4 Thank you very much.

5 MR. LEE: Thank you, Jack. And thank you, José and Veronica.

6 The next item -- and I did misspeak a little bit -- Tony Guadagno
7 from the Office of General Counsel is going to present on the Office of
8 General Counsel's legal memorandum on environmental justice. This
9 is what you've been long awaiting. It's signed. He has come with it
10 signed, sealed and delivered.

11 OFFICE OF GENERAL COUNSEL LEGAL MEMORANDUM
12 PRESENTATION BY MR. TONY GUADAGNO

13 MR. GUADAGNO: Good morning. I'm supposed to talk a little bit
14 about the memo that the General Counsel recently issued.

15 I'm pleased to announce that on Friday, December 1st, Gary Guzy,
16 the General Counsel, issued a memorandum that identifies
17 opportunities to promote environmental justice under EPA permitting
18 programs. Specifically the memorandum addresses permitting
19 programs under the Clean Water Act, RCRA, the Safe Drinking Water
20 Act, the Ocean Dumping Act, and the Clean Air Act.

21 I believe that it's been made available. Is that right, Charles,
22 Barry? Yes.

23 I hope that you'll find it to be self-explanatory and easy to
24 understand. It includes a brief description of each of the various
25 permitting program as well as the legal opportunities under them. OGC
26 looks forward to working with the media program offices to further

1 explore the legal dimensions of taking advantage of some of these
2 opportunities.

3 I don't know if any of you have had a chance to digest the memo,
4 but if you have any questions, I'd be happy to try to answer them.

5 MS. STAHL: Can I make a recommendation that you just walk
6 through briefly not only for those of us who might have left our copies
7 aside, but for the people in the audience who might not have had a --
8 they were here yesterday.

9 But, regardless, if you could walk through, both for our sake and
10 for the sake of the audience, some of the key points or
11 recommendations arising out of the work, I think it would be useful to
12 everyone.

13 MR. GUADAGNO: Well, I would actually prefer to keep it general
14 since I don't profess to be an expert in the various EPA permitting
15 programs under the various EPA statutes. But as I indicated, it does
16 cover in particular permitting programs under RCRA, the Clean Air Act,
17 the Ocean Dumping Act, the Safe Drinking Water Act, and the Clean Air
18 Act.

19 I really do believe that you'll find it to be self-explanatory and that
20 hopefully all the key points will jump out at you.

21 I will be around the next couple of days, so if you have some
22 questions that you'd like to ask me, don't hesitate to call on me.

23 MR. TURRENTINE: Luke.

24 MR. COLE: I'm very excited that in the waning hours of the Clinton
25 Administration this document has finally seen the light. So I want to
26 compliment you; you've done a good job getting it out the door.

1 The draft or internal version of this began -- I don't remember
2 exactly -- but five or six years ago it was, I think, 54 pages, and in its
3 final version it's gotten down to 14 pages. I know some of that is just
4 going to be the economy of the wording that you're using, but what it
5 also says to me is that a significant amount of what was on the table in
6 the original draft has somehow been lost along the way. Maybe you can
7 comment on that.

8 MR. GUADAGNO: I don't believe that's the case. I think that's
9 there's a lot more here than meets the eye. It is concise, but I think it's
10 fairly comprehensive and once you've had a chance to read through it
11 closely, I think you'll find that it addresses a significant number of
12 opportunities under the various statutory and regulatory authorities that
13 we have.

14 MR. LEE: Vernice -- oh, I'm sorry, can we go to Jana.

15 MS. WALKER: I haven't had a chance to look at it that thoroughly,
16 although I have flipped through it. I did notice that it doesn't appear that
17 there's any mention of Indian Tribes and tribal governments and their
18 authority. It just refers to the Federal Government and states. I kind of
19 see this as an omission.

20 MR. GUADAGNO: The main focus of this is EPA actions with
21 respect to permitting, and that certainly would cover the entire country,
22 including Indian Country areas.

23 MS. WALKER: I guess my point is that there are references to
24 states and -- authorized states -- and there are authorized tribal
25 governments now too.

26 MR. GUADAGNO: Yes.

1 MR. LEE: Vernice and then Alberto.

2 MS. TRAVIS-MILLER: I, too, want to say, at long last. Actually,
3 the history on it, Luke, is six years. Six years in discussion, six years in
4 development. And as often happens in our conversations, the NEJAC
5 does not take credit for the work that it has done, so today I want to give
6 you some framework and hopefully you can go back and share with the
7 Office of General Counsel, and the Office of General Counsel then
8 needs to send a letter of thanks to the NEJAC and to the Enforcement
9 Subcommittee for the six years' worth of work that they did to get you
10 all to the point that you are now.

11 I'm a little dismayed, though, I have to say, that a conversation that
12 took place -- and unlike many of the NEJAC conversations that we have
13 that sometimes are very ethereal and it takes them a long time to get
14 very specific, we started this conversation with you, as Luke said, with
15 a 54-page document. A 54-page document that was drafted by Deoohn
16 Ferris and Professor Richard Lazarus now of Georgetown Law School
17 to really go through all of the opportunity areas that the agency had to
18 address these issues.

19 Even though you say that there's a lot in here, there's a lot that's
20 not in here, and I remember it because I really went through this
21 document. I went through it back then, I've gone through it over the
22 years with you all, and I think that there's a lot that's not in here.

23 But I want to say this: Even though there's things that are not
24 addressed, this is a historic moment for the agency.

25 Now, having said that, I'm really perturbed by the paragraph on the
26 front page that says that while we have identified a number of areas

1 where there could be action by the agency, we are by no means saying
2 that there will be action by the agency, and that where there is required
3 new interpretations of the law we're not saying that we're going to give
4 those new interpretations of the law, we're just saying that these are
5 some creative ways to look at the law.

6 So I just need some counsel from you. What's the purpose of the
7 paragraph on the front to then take us into a conversation about the
8 areas where EPA does have statutory and legal authority to address
9 environmental justice in substantive ways under their statutory
10 mandated authority but to do a disclaimer on the front that says, well,
11 yeah, we've identified these ways, but we may in fact not do it?

12 So, what do you have?

13 MR. GUADAGNO: Well, I think the short answer is that it's
14 designed mainly to keep in context that this is a legal memo that's being
15 issued by the General Counsel to the program clients and it will be
16 largely up to them to identify which of these authorities they want to
17 pursue and the General Counsel would be happy to work with them to
18 go that way.

19 MS. TRAVIS-MILLER: I just want to say that I think that that's an
20 approach that sort of sets us back because, as I said, this is a historic
21 step forward for the agency. But all we asked you to do, and all you did
22 do, is identify where the agency has mandated statutory legal authority
23 to act under the laws as it is currently written -- not as it could be revised,
24 not as the legislature may think to reinterpret it at a future time -- as the
25 law is currently written. This is your statutory mandate to act.

26 So, if you have the legal authority to act, then why would you

1 negotiate whether or not you have the legal authority to act?

2 MR. GUADAGNO: I would just add that -- or, emphasize, rather
3 -- that these are just opportunities. I think part of the disclaimer, the
4 main purpose of it, is to note that this is not a definitive legal risk
5 analysis. So further refinement of the legal thinking would need to be
6 done in terms of the legal risks that implementing some of these
7 approaches might have.

8 So in that sense it's not intended to be definitive. It's not a
9 statement that, you know, these are authorities that were mandated to
10 carry out in a particular way.

11 MR. LEE: Tseming.

12 MR. YANG: I have one question with regard to how this legal
13 authorities memo relates to the Executive Order.

14 Under the Executive Order agencies, including EPA, are required
15 -- and I guess this gets back to Vernice's question -- to implement the
16 order to the extent permitted and shall implement the order consistent
17 and to the extent permitted by existing law.

18 I wonder whether you have already looked into the extent that
19 these authorities permit EPA to take certain actions, how EPA will be
20 required to take those actions under those statutory authorities.

21 MR. GUADAGNO: I think the focus of the memo is the amount of
22 discretionary authority that EPA may have to take some actions to
23 promote environmental justice. Does that get at your question?

24 MR. YANG: Yes, but -- I apologize, I wasn't aware that the memo
25 actually wasn't in our packet from yesterday; otherwise I would have
26 taken a look at it yesterday night. But obviously I haven't.

1 But to the extent -- I guess my question is really, you know, it
2 seems to me that under the Executive Order you are required to utilize
3 that discretionary authority. This is just sort of a quick question -- I
4 wanted to ask you to address that.

5 MR. GUADAGNO: I'm sure that those would be questions that the
6 media program managers will be looking into as they review the memo
7 and decide on, you know, which areas they would like to focus on to
8 take advantage of some of these opportunities.

9 MR. LEE: Well, thank you, Tony.

10 Can I ask -- I'm sure that once the NEJAC members and others
11 perhaps have read this, they will probably have a lot more questions --
12 would you be available or make yourself available for further
13 conversation with the members of the NEJAC?

14 MR. GUADAGNO: I'll try to do that. I plan on being here
15 tomorrow.

16 MR. LEE: I don't mean during the next few days, but sometime in
17 the future.

18 MR. GUADAGNO: Oh, sure. Absolutely.

19 MR. LEE: Either a conference call or something like that.

20 MR. GUADAGNO: Yes. Sure.

21 MR. LEE: Okay, great.

22 Make it real short. I mean, we are really over time and we've got
23 another report.

24 MS. RAMOS: Okay. I just wanted to ask you if you can add
25 something explaining how these laws unique features relate to Puerto
26 Rico and Tribal Nations.

1 MR. GUADAGNO: Well, again, I think that each of the statutes are
2 national in coverage and they were intended to address all areas within
3 which EPA has permitting programs.

4 MS. RAMOS: But may you should add, you know, a statement
5 saying just that.

6 MR. GUADAGNO: Sure.

7 MS. RAMOS: How it relates to Puerto Rico and --

8 MR. GUADAGNO: Uh-huh. This is just a start. I'm sure that there
9 will be a lot more hopefully --

10 MS. RAMOS: This is very important for us.

11 MR. GUADAGNO: Yes.

12 MS. RAMOS: Thank you.

13 MR. GUADAGNO: Thank you.

14 MR. LEE: Okay. We are running way behind time. We have one
15 more report. We need to move on, we are an hour behind on this
16 agenda and there are people who are time-locked in terms of making
17 presentations. We can come back to this. I don't know if Tony is going
18 to be around on Thursday, but -- make your comment.

19 MR. YANG: Tony, I'm sorry, this is just a quick question. I notice
20 from the memo scope that FIFRA authorities are not included in the
21 memo's discussion. Is that just -- any response to that? Why FIFRA
22 wasn't included? FIFRA is about the pesticide permitting.

23 MR. GUADAGNO: I think all the statutes were looked at and these
24 were the main ones that we wanted to address initially.

25 MR. YANG: This is just an oversight or --

26 MR. GUADAGNO: Again, it's not intended to be a definitive

1 statement on every conceivable opportunity, but we wanted to make
2 sure that we got something out that addressed all the significant areas.

3 MR. YANG: This is my last comment. The only reason why I raise
4 it is in part because the International Subcommittee at the last Atlanta
5 meeting spent an entire morning session talking about health impacts
6 on farmworkers and the effects of pesticides and so it is a significant
7 concern of one subcommittee of the NEJAC. Thanks.

8 MR. GUADAGNO: I think this is something we can take up in the
9 follow-up discussion that Charles alluded to.

10 MR. YANG: Okay.

11 MR. LEE: All right.

12 MR. GUADAGNO: Thank you.

13 MR. LEE: Okay. We're going to hear from Rose Augustine who
14 is the chair of the Federal Facilities Working Group that was
15 established. She's going to be helped in her presentation by Kent
16 Benjamin and Brandon Carter from EPA.

17 Rose, do you want to do it from here?

18 MS. AUGUSTINE: Yes, because that table blocks my view from
19 the rest of the Council.

20 MR. LEE: She's going to do it from the front.

21 MS. AUGUSTINE: Because I have laryngitis Brandon is going to
22 do a lot of the talking and then I'll -- we're going to both do it together.

23 UPDATE ON FEDERAL FACILITIES WORKING GROUP
24 PRESENTATION BY MR. BRANDON CARTER

25 MR. CARTER: Hi, I'm Brandon Carter and I work for the Office of
26 Solid Waste and Emergency Response. This is Rose Augustine. She

1 is from Tucson, Arizona and she is in the -- you're the head of the
2 Tucsonans for a Clean --

3 MS. AUGUSTINE: I'll just introduce myself. I'm Rose Augustine
4 and I'm president of Tucsonans for a Clean Environment. I come from
5 Tucson, Arizona. I'm also on the NEJAC Executive Council and I'm
6 also on the Health and Research Subcommittee. I asked if I could chair
7 the Federal Facilities Working Group. I'll turn it over to Brandon.

8 MR. CARTER: Thank you, Rose.

9 We are here to present the update on the Federal Facilities
10 Working Group that was requested by the NEJAC Executive Committee
11 at the last NEJAC meeting in May of 2000.

12 Before I begin, I'd like to just provide a quick definition of what
13 federal facilities really are. We've had working groups at NEJAC before.
14 The last working group was Waste Transfer Station Working Group.
15 This working group, federal facilities, is a bit more nebulous than just a
16 specific issue such as waste transfer stations.

17 Federal facilities include lands and property that are owned,
18 formerly owned, managed or operated by the Federal Government,
19 including military bases, research lands, bombing ranges, et cetera.
20 There's a more exhaustive list and there's a lot of different issues that
21 are involved. I don't really want to get into them right now, but I would
22 gladly discuss those with people afterwards.

23 To begin with, the working group was chartered by the Executive
24 Committee in May of 2000. The working group was tasked to identify
25 and evaluate key issues of concern to environmental justice
26 communities regarding activities and operations at and around federal

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1 facilities to formulate a set of national policy recommendations to
2 address these concerns, to provide a forum for dialogue with
3 communities, to compile a list of available resources to communities
4 and stakeholders, to increase public participation, and to produce a
5 report to be presented to the NEJAC Executive Committee at the
6 conclusion of these activities.

7 From the beginning the working group has thus far identified the
8 membership, obtained participation from partner federal agencies and
9 yesterday we had a signing ceremony for an MOU that commemorated
10 the federal partnership for the working group. And the working group
11 has agreed on a process and methodology that we are going to embark
12 upon.

13 The working group itself is a diverse body of ten members
14 representing respective stakeholder constituencies, including tribal,
15 state, local government, community groups, and non-governmental
16 organizations in business.

17 The working group itself was chartered in response to public
18 comment and feedback.

19 The working group is structured to include substantial
20 representation of federal agencies, including the Department of
21 Defense, Department of Energy, and Department of Interior.

22 The working group will operate over a period of 18 months to begin
23 January 1, 2001 and conclude July 1, 2002. This period is going to be
24 subdivided into three six-month periods where we'll conclude activities
25 and report back to the NEJAC at each six-month interval at the biannual
26 meetings.

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1 The activities that have been performed include compiling public
2 comments on federal facilities from previous NEJAC meetings,
3 developing a statement, and we have convened two meetings thus far.

4 There will be significant opportunity for communities and the public
5 to participate in the working group activities. Proposals for potential
6 case studies for the working group review are invited from all and we
7 are going to be reviewing those from the working group body beginning
8 January 17th. So anyone is welcome to submit a proposal for a case
9 study for us to review.

10 Additionally, we will have opportunities to host open meetings
11 where the public will be invited to attend and present testimony and
12 provide input in regard to environmental justice and federal facilities.
13 The date and time of these meetings will be announced when they are
14 available.

15 I actually have a couple of additional comments. We had some
16 public comments last night about the Federal Facilities Working Group
17 and I think that -- I didn't include some of this information in my
18 presentation because I didn't know I'd be very popular today. There's
19 a few other issues that are important to address.

20 First is the issue of EPA and federal facilities in general. The
21 reason why we have done a lot of work to embrace our federal partners
22 in this process is because there is another Executive Order that's called
23 Executive Order 12580 that controls the clean-up of federal facilities.
24 That Executive Order 12898 states that each federal agency is the lead
25 agency in the clean-up of their own respective facilities.

26 Being that EPA does not have the same authorities that they do at

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1 Superfund sites to enforce clean-ups, therefore, we have to work
2 cooperatively with our federal partners to ensure safe, sound, clean,
3 efficient and timely clean-ups.

4 Secondly, is the scope of the federal facilities issue. As I
5 mentioned before, there are a lot of federal agencies and a lot of federal
6 agencies own property, and a lot of federal agencies own property that
7 are subject to CERCLA, RCRA and a number of other environmental
8 laws. That means that it's a very enormous issue and it's not similar to
9 -- it's broader than just the issue of a waste transfer station siting.

10 Additionally, there have been a number of FACAs that have been
11 convened in the past about federal facilities issues and stakeholder
12 involvement. It is the intention of this working group not to duplicate the
13 effort of those prior efforts.

14 My office, the Office of Solid Waste and Emergency Response,
15 from the period of 1993 to 1996 convened a FACA called the Federal
16 Facilities Environmental Restoration Dialogue Committee. That FACA
17 developed 17 consensus recommendations and principles that each
18 federal agency was going to abide by. And a part of that FACA actually
19 developed the system of restoration advisory boards that we now have
20 at military institutions and site specific advisory boards at the
21 Department of Energy facilities.

22 Lastly, there's some issues regarding the working group size and
23 representation. I'm not going to go into specific details about specific
24 cases of how we came to the working group process, but I will say that
25 the working group went through the same selection process that we go
26 through to establish any subcommittee and the Executive Committee

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1 that's sitting right here. We take nominations from EPA staff and those
2 nominations were reviewed to include a number of different criteria,
3 including representation from NEJAC. They also include geographic
4 distribution and relevancy to different federal agencies.

5 We have three community representatives, two NGO
6 representatives, two tribal government representatives, one state
7 representative, one local representative and one business
8 representative.

9 That's the conclusion of my presentation.

10 PARTICIPANT: Could you repeat the representation.

11 MR. CARTER: There are three community representatives, there
12 are two tribal government representatives, there are two NGO
13 representatives, there is one state government representative, one local
14 government representative and one business representative.

15 MR. LEE: Tom.

16 MR. GOLDTOOTH: Are you going to present a written report? I
17 don't have anything here to look at.

18 MR. CARTER: Yes. The working group was tasked to provide a
19 written report to the NEJAC body at the conclusion of our activities.

20 MR. GOLDTOOTH: And?

21 MR. CARTER: A status report? Is that what you're asking about?

22 MR. GOLDTOOTH: Yes.

23 MR. CARTER: A current status report right now? Well, I had a
24 fact sheet that I had written up and I put on the back table. I've noticed,
25 actually, before I stepped up here that they're all gone, so I will have to
26 reprint more of those and make those available this afternoon to

1 everyone that's here.

2 MR. GOLDTOOTH: On your two tribal government, are those
3 tribal governmental representatives representing federally recognized
4 tribes?

5 MR. CARTER: Yes, they are.

6 MR. GOLDTOOTH: And who are those?

7 MR. CARTER: I don't think -- I'll distribute a list of the
8 representatives to all the people, but I'm not going to go through and
9 talk about specific people without them being here. I think that's kind of
10 inappropriate.

11 MR. GOLDTOOTH: Okay. I have a number of questions, but I'm
12 going to give it back to the committee.

13 MR. LEE: Okay. So at this point you're going to provide -- there
14 is a status report that's going to be shared with the members of the
15 NEJAC. And just to make sure that we understand, the next set of
16 activities -- there is going to be a face to face meeting by the end of
17 January. Is that right?

18 MR. CARTER: Yes, that's correct. We are going to -- basically
19 we've been operating on conference calls for our last two meetings and
20 we are going to convene a face to face meeting probably the last week
21 of January, the first week of February, that timeframe.

22 MR. LEE: Luke. No, Kent, go ahead.

23 PRESENTATION BY MR. KENT BENJAMIN

24 MR. BENJAMIN: My name is Kent Benjamin. I'm with the Office
25 of Solid Waste and Emergency Response also and I'm the Designated
26 Federal Official to the Waste and Facilities Siting Subcommittee.

1 The model that was followed for developing the working group for
2 the federal facilities is a model that was developed in the Waste and
3 Facilities Siting Subcommittee for the waste transfer stations.

4 I listened to the comments last night and I want to make some brief
5 statements to sort of make people feel a little more comfortable with the
6 process.

7 We all have to recognize, and I know it's not what everybody wants
8 to hear, that we have resource constraints, but we do. Even if we didn't
9 have a dollar restraint, you all know how difficult it is to -- because last
10 night, Luke, I think you made a comment about having like 20
11 community people on the working group -- and you all know how difficult
12 it is to get the 25 of you here on a regular basis or even all of you on a
13 conference call and all of you to sort of give comment and have time
14 because I recognize we're not paying you. You know, most of you,
15 especially community-based folks, have other jobs that they're being
16 paid to do.

17 Now, some folks I have the opportunity -- their actual job allows
18 them to be paid for their involvement with the NEJAC.

19 And so in recognition of that -- we don't try to have, you know, a
20 working group with 100 people. So we try to have the ten and a cross-
21 section of various stakeholders, as Brandon just mentioned. But like
22 the waste transfer station model, it's not going to end with those ten
23 people.

24 In the waste transfer station model we met in two places where we
25 knew there was a proclivity of waste transfer station issues, New York
26 and D.C. Those sites where that kind of event would happen on the

1 federal facilities have not been identified yet. That will evolve as the
2 working group gets together.

3 But there will be locations where the working group members will
4 go to a place and sit down with the various stakeholders who are
5 familiar with those issues and hear from them. As they develop their
6 recommendations in the three- and six-month cycles that Brandon
7 talked about -- you know, you make your plan, you go out and you
8 gather data, and then you develop your recommendations, and then that
9 comes back -- and as it is a working group of the full Council, the full
10 Council will sit with that working group ultimately and give feedback
11 before that recommendation is finalized and that report from them is
12 finalized.

13 As it develops, I'm sure that there will be ample opportunity for the
14 Council to participate in that development -- not just to comment, but to
15 participate in that development.

16 That was the model we followed in the Waste and Facilities Siting
17 Subcommittee and I think that's pretty much the intention of this working
18 group.

19 I don't want people to have the impression that anybody is trying
20 to be shut out, but realistically, logistics are something you have to
21 recognize. But want to have an open door for people to bring
22 information.

23 The other thing I'd like to add, though, is that perhaps we probably
24 could have done a better job of communicating over the last five months
25 with the NEJAC as things were evolving but things were working on a
26 very fast track because we really wanted to come here at the next

1 meeting and have something to show for that five months of time
2 intervening the two meetings because we knew that the level of
3 sensitivity and the level of concern that generated in May, we did not
4 want to squander that energy and that interest again because, as
5 people raised in May, the federal facilities issues had come up a
6 number of times and had not materialized into something meaningful.

7 So I think we didn't want to waste that and we wanted to make
8 something meaningful, but I don't want anybody here to think that it's all
9 said and done.

10 The other side is that in that Waste Transfer Station Working
11 Group, in this body, we constantly anticipate that we will go out to our
12 federal partners, as we have already done -- that's the source of the
13 MOU -- we're going to go to their pocketbooks, but we also need the
14 folks on the NEJAC and the folks listening in this room, and the folks
15 who will read the minutes and notes from this meeting to bring people
16 to the working group, to make them aware of information, to provide
17 them with phone calls, provide them with presentations when they go
18 about.

19 So I just want to emphasize that this process is not done, it's open,
20 and that we're looking for folks to feed into it over the course of the 18
21 months of its effort.

22 MR. LEE: I think -- why don't we go with Marinelle, Don and Luke.

23 MS. PAYTON: Mine is a brief question to the gentleman who gave
24 the report. You mentioned something about case studies, that one
25 could submit them -- did you say January?

26 MR. CARTER: January 16th, yes.

1 MS. PAYTON: Could you just briefly elaborate on the case
2 studies.

3 MR. CARTER: Okay. As was suggested by members of our
4 working group and as we have concurred that the approach we're going
5 to take is a case study approach, we're going to evaluate a number of
6 specific cases which could include either specific facilities or national
7 policy issues.

8 If anybody has a facility that they would like specifically evaluated,
9 or a national policy issue, we would be more than willing to accept
10 proposals to review those.

11 What we intend to do with those case studies is to look for factors
12 of success that we can interpret -- and also factors of failure from those
13 specific clean-up instances or national policies -- and then try to provide
14 recommendations that are very helpful to the clean-up process.

15 MS. AUGUSTINE: I'd like to say that one of those case studies
16 could be the facility in Fort Ord that the lady -- it could be one of them,
17 or -- you know, there was someone here from Kelly Air Force Base -- it
18 could be one of them.

19 I don't think there's a formal process to submit a site. Am I right?
20 If you'll just write a letter, you know. Brandon, could you tell them
21 what's needed in the letter.

22 MR. CARTER: Actually, essentially all I would need is just an e-
23 mail from you with the description of what you think the issue is. A
24 description of either the policy, the site, and what you think the EJ
25 concern with that specific site is. And maybe any appropriate
26 background information that you think is relevant that I can forward to

1 the rest of the working group. And contact information for yourself.

2 At our face to face meeting the working group is going to review all
3 of these proposals, including proposals they themselves will be
4 submitting, and we'll be deciding upon how many we will do and what
5 our work load will be and what specific ones we are going to cover.

6 MR. LEE: I think it's Don, Luke and Peggy. And we're going to cut
7 it off after that.

8 MR. ARAGON: Thank you, Mr. Chairman.

9 Have you been in touch with the task force group that is -- I believe
10 it's the Tribal Solid Waste that has an office here in Washington, D.C.?

11 MR. CARTER: Yes. My office actually has given a grant to TSW
12 over the last couple of years and we have worked with them -- not
13 specifically on this environmental justice issue, but we have been
14 collaborating with them in the past.

15 MR. ARAGON: Okay, thank you.

16 MR. COLE: I have a question first and then a comment.

17 My question is, you have the ten members of the working group,
18 then you mentioned that there were also members from DOD, DOE,
19 and DOI? How does that work?

20 MR. BENJAMIN: No. I'm going to get a little FACA technical for
21 a second.

22 MR. COLE: Okay.

23 MR. BENJAMIN: We don't want to go to jail, so we try to live up
24 to the Federal Advisory Committee Act. One of the things we want to
25 do is make sure we use the same kind of criteria and approach for --
26 there's sort of three layers of involvement with the NEJAC.

1 You have the full Council, as you know, and then you're in
2 subcommittees. Then you're in subcommittees where people, some are
3 on the full Council and some are only on the subcommittees.

4 Then the next level below that is the working group where you have
5 at least an Executive Council member, perhaps some subcommittee
6 personnel, and then some additional non-NEJAC folks that are now
7 they're part of a NEJAC working group.

8 So we follow the same kind of criteria for selecting folks. But to be
9 a FACA member you are not a federal employee. So there are no
10 federal people on the FACA group, but there are people in the different
11 agencies who have been designated to work with the working group to
12 provide information, to provide resources, to basically be of staff support
13 so that it's not just the working group sitting in isolation without access
14 to information -- like if they wanted to look at Fort Ord, you know, the
15 Department of Defense folks would be able to assist them in getting
16 information, getting in touch with different people, maybe having a
17 meeting at Fort Ord. So that's the kind of commitment.

18 That was part of the point of the memorandum of understanding
19 yesterday, is to sort of codify that kind of relationship, that they have
20 committed staff and time and resources to this effort.

21 MR. CARTER: Also I just wanted to add to that, which is -- I forgot
22 what I was going to say -- that because of what we mentioned before --
23 actually, at the beginning of our session this morning it was said that the
24 NEJAC's purpose is to provide policy recommendations to the EPA --
25 because of what I've mentioned, that federal agencies are the lead
26 agencies for the clean-up of their own facilities, providing

1 recommendations to the EPA might not be the most effective agency to
2 provide recommendations to. Therefore, we need to have these federal
3 agencies participating all along the way so that these recommendations
4 don't go to the wrong place.

5 MR. BENJAMIN: Since you've got me at the front of the room, I'll
6 take advantage of that. I also want to state that, as Tim Fields
7 mentioned yesterday, meeting with the different federal agencies about
8 the Interagency Working Group, he's also met with them -- I mean,
9 about the Federal Facilities Working Group -- and that commitment is
10 not -- you know, sometimes we get staff who come to the meetings --
11 that commitment is, like I said, at the top of the food chain.

12 So this is a genuine commitment of staff, resources and
13 involvement over the long haul. So it's not just you all saying to us, as
14 Brandon said, you know, can you go and ask them -- they're going to be
15 in the room, they're going to be there as it develops, they're going to
16 know as things evolve.

17 The example of the waste transfer station working group, again I
18 like to cite, because as that was evolving, the Office of Solid Waste and
19 Emergency Response was working on a parallel track and coming up
20 with a citizen's guide and working on a best practices manual.

21 So we hope that will be the same type of outcome, that they won't
22 wait until the end, they will learn as the process goes along, because
23 they've made this commitment.

24 MR. COLE: I appreciate that, Ken, and I have enormous respect
25 for your chair, Rose Augustine, and I have enormous respect for your
26 work, and the fact that both of you are involved in this makes me feel

1 much more comfortable about it than I did last night

2 I have three points and a proposal. The first point is that I can only
3 speak for myself, but if I remember correctly, I think I helped even draft
4 this resolution that got this thing going. My intent was to have a vehicle
5 or a forum for communities living near federal facilities to have an
6 impact on what we were doing, to give them a group to percolate ideas
7 that would then come up to us and we could advise the EPA.

8 That intent I think you see in the various charges to the committee,
9 to find out the key issues of concern to environmental justice
10 communities -- not to industry, not to state and local governments, not
11 to NGOs, not to all these other stakeholders, but to environmental
12 justice communities -- and how to address those things.

13 So I'm a little concerned when it comes back that you've divided
14 the pie up and those communities are only three members of the ten-
15 member committee when there are community residents from these
16 communities who have attended many more NEJAC meetings than
17 members of the NEJAC and obviously have a deep abiding interest in
18 this that is going to transcend that of the state rep, the tribal rep, the
19 NGO rep, and they should be at the table.

20 That's why I, at least, helped put this forward, and that's why I
21 voted for it.

22 So, in terms of the intent of the NEJAC, I think you've gone a little
23 bit astray. You mentioned that logistically it's difficult to have a lot of
24 people, the kind of thing, you know how hard it is to get those
25 community folks to take part in these things.

26 Well, I have two responses. One is I don't think you're going to

1 have that same problem here because you have highly motivated, very
2 sophisticated activists who are wanting to come to the table and are
3 coming to the table at every NEJAC meeting.

4 Two is, because it is so hard sometimes to get volunteers involved
5 in all of these processes -- whereas the tribal person is paid to be there,
6 the state person is paid to be there, the local government person is paid
7 to be there, the industry people are paid to be there, the NGO people
8 are paid to be there, I'm getting my salary here today -- because the
9 community people are volunteer and they may not be able to participate
10 all the time, it is even more important that you have a disproportionate
11 number of them on the committee because let's say they only show up
12 a third of the time because of other commitments, because they have
13 a job, whatever, then you only have one representative.

14 So, if you start out with three and you get one-third participation,
15 because of the structural inequality which you've identified, you have
16 even less, you have even more of a dilution.

17 So while you're arguing logistics for excluding people, I would say
18 logistics is the reason to include more people.

19 Finally, you're talking about resources. I would submit to you that
20 the resources to include three or four or five more people on a
21 conference call really are not going to tax your budget. I know you're
22 going to have two or three face to face meetings over the next two years
23 and I submit the resources to add three or four people for those face to
24 face meetings is not going to tax your budget either particularly for a
25 conference call. So, the resource argument doesn't fly either.

26 So basically the intent of the NEJAC is kind of getting spewed.

1 Logistically we need more community people. Resources-wise that's
2 not an issue. So my proposal would be that you add at least three or
3 four more community people to really have this working group start now
4 at its beginning, at its infancy, to effectuate our intent as the minority.

5 MR. LEE: Hey, Luke, can you --
6 (Applause.)

7 MR. LEE: Can you send myself and Brandon an e-mail with those
8 particular reasons and that proposal. What we'll do is to go through
9 those point by point and address them. I think that that's --

10 MR. COLE: Charles, I said this earlier. I don't want a response.

11 MR. LEE: No, hold it --

12 MR. COLE: I, Luke Cole, don't need you to tell me whether this is
13 a good idea or not.

14 MR. LEE: No, hold it a second.

15 MR. COLE: I want you to do something with it out there.
16 (Applause.)

17 MR. COLE: I don't want you to --

18 MR. LEE: Can I finish?

19 MR. COLE: -- to justify why you're not doing it.

20 MR. LEE: Can I finish?

21 MR. COLE: Yes.

22 MR. LEE: When I said address them, I mean we're going to take
23 them and think it through and figure out whether or not we can make it
24 happen. Okay? So when I say "address" I don't mean that we're going
25 to take them and give you the reasons why it's not going to happen.
26 Okay? Otherwise I wouldn't have said anything right now.

1 With that -- Rose, did you want to finish?
2 MS. AUGUSTINE: Yes, I want to say something. There was a
3 concern about how the chair was picked out. When I took -- I
4 volunteered to be chair -- I told Charles, I'll be chair until you can find
5 someone that will take the place. I'm opening the spot for community.

6 There were four other people from the Health and Research
7 Subcommittee when we came out with the proposal for the Federal
8 Facilities Working Group, which was Dr. Payton, Lawrence Dark, Jane
9 Stahl and myself.

10 My experience has been with the Department of Defense. Our
11 group started in 1982 because of the problems that we were having with
12 a Superfund site in Tucson over the Department of Defense.

13 I would like to also see on this committee the Department of
14 Justice because the Department of Justice is one of the problems that
15 we've had in Tucson, and that's with the consent decree. And when you
16 have the ongoing clean-up and a consent decree has been violated,
17 certainly the Justice Department should be at the table listening to the
18 community.

19 But I'm hoping that the work plan -- like we've said, the work plan
20 is not etched in stone -- the community that is going to be working on
21 the working group is the one that's going to be directing how this plan
22 is going to be operating, how it's going to be working.

23 Also, I don't know if anybody realizes the enormous task that this
24 group is going to be tackling. We're talking about Department of
25 Defense areas, we're talking about Department of Energy, Department
26 of Interior and HUD -- in 18 months we're supposed to come up with

1 something.

2 It's going to be quite a challenge but I think that we can do it.

3 MR. LEE: Peggy wanted to just make a point.

4 MS. SHEPARD: Rose, I just wanted to strongly recommend that
5 since people have been lobbying us for two years around this
6 committee, that we try to get those names and reach out to them and
7 let them know that they can submit a case study, a proposal. I think
8 that would be very important.

9 MS. AUGUSTINE: Right.

10 MS. SHEPARD: Certainly January 17th is coming up pretty
11 quickly.

12 MS. AUGUSTINE: Right. And if anybody needs help in writing a
13 letter, give us a call, or give Brandon a call. He'll help you. It's not an
14 application or anything like that, just a letter. And if you have problems,
15 give Brandon a call and he'll help you put it through.

16 MR. LEE: Let me just finish by saying that I want to thank Rose for
17 stepping forward to serve as the chair. You know, we had to really --
18 she did not really want to do it, but recognizing the enormous
19 significance of the issues, she agreed, and we are very, very thankful
20 for that.

21 I think that it is important that the working group develop a
22 communication strategy. Part of what's happening here is that this is an
23 enormously sensitive issue and not everything is in place. One of those
24 things that's not in place as well as it could be at this point is that
25 communication strategy.

26 There are certain people that are going to watch and really want to

1 know the developments of this working group almost on a
2 weekly/biweekly basis. So I think that we just need to make sure things
3 like that are in order.

4 Lastly, I just want to say that you have to appreciate, like Rose
5 said, the enormous complexity of this. You know, this is working
6 through the NEJAC and the federal facilities communities, the other
7 stakeholders involved, but also all these other federal agencies. Not
8 only that, but also the offices within those agencies, including in EPA,
9 to kind of get all this geared up.

10 I want to really want to recognize the work that's been done by
11 Brandon Carter, for one. You know, he's really committed himself to
12 this task. I think that he deserves your recognition, and more
13 importantly, your support. And Rose and everybody else who's helping
14 with this.

15 So, with that, I want to conclude this with a round of applause.
16 (Applause.)

17 MR. LEE: Thank you. Okay, now that we got through all these
18 updates -- they were meant to be ten minutes a piece, actually -- our
19 planing wasn't the greatest here. However, I think we can make up
20 some time.

21 What we're going to move to -- if you look in your agenda for
22 Tuesday, December 12th, there's going to be a presentation from
23 Barbara Arnwine who is sitting to Haywood's right. She is the Executive
24 Director of the Lawyer's Committee for Civil Rights Under Law.

25 As you know, we met the examination of environmental progress
26 as far as integration of environmental justice in federal agencies to be

1 prospective, and a lot of that has to do with identifying opportunities in
2 the existing statutes, including environmental statutes. We wanted to
3 have this presentation to kind of give a forward-thinking view looking
4 retrospectively at what could in fact -- what some would consider
5 missed opportunities.

6 With that, I want to present Barbara Arnwine. She's going to talk
7 for about 15 minutes or so and then open it up for discussion.

8 MS. TRAVIS-MILLER: Charles, could I just ask a quick question?
9 Is there a reason why Barbara is sitting over here and not over there,
10 because we can't see her and we can't have eye contact with her.

11 MR. LEE: Okay. Well, why don't you move then. I mean, one of
12 the reasons was because there are some people that are saying that
13 the audience cannot see, and being that it's only one person -- so, if you
14 so want to, this is fine.

15 MS. TRAVIS-MILLER: Well, it's Barbara's choice.

16 MS. ARNWINE: It's your choice really. I'll do whatever you want
17 me to do it.

18 MR. LEE: It is your choice. You raised the issue. What do you
19 want to do?

20 MS. TRAVIS-MILLER: Do you mind sitting over there? Thank you
21 very much.

22 MR. LEE: Actually, before you start, Barbara, it would be really
23 helpful to -- and I asked Gerald yesterday -- you know that Gerald
24 Torres was going to present some historical perspective on Executive
25 Order 12898. Gerald was counsel to the Attorney General at the time
26 that the Executive Order on Environmental Justice was signed and he

1 was very instrumental in its development.

2 I asked Gerald if he could say a few words, maybe five minutes or
3 so, in terms of setting some backdrop to this, and then follow that up
4 with your presentation, Barbara.

5 The reason we're doing this is because of a lot of miscues in the
6 scheduling and I thought this would be important.

7 HISTORICAL PERSPECTIVE ON EXECUTIVE ORDER 12898
8 PRESENTATION BY MR. GERALD TORRES

9 MR. TORRES: Charles asked me to talk a little bit about the
10 Executive Order. One of the reasons I want to discuss some of the
11 background to it is that we've moved by fits and starts over the last few
12 years in developing the federal response to the issues that are raised
13 by the environmental justice movement. But saying that we've moved
14 by fits and starts is not to say we haven't moved at all.

15 Damu's presentation yesterday indicated that movement is
16 possible, but it's possible primarily if something more fundamental than
17 addressing a specific problem occurs. That fundamental thing is if there
18 is a change in the institutional culture within the agencies that respond
19 to the issues that are raised by the environmental justice movement.

20 When we were putting together the Executive Order -- one of the
21 difficulties, of course, of an Executive Order is that it does not by itself
22 create enforceable rights for the people to whom it is addressed. On
23 the other hand, the principal audience in many ways are the federal
24 agencies that are directed to change the calculus of decisionmaking.
25 The hard thing for agencies to do is to incorporate into their basic
26 decisional DNA issues that were outside of their mandate.

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1 One of the models for the Executive Order was NEPA, the National
2 Environmental Policy Act. The National Environmental Policy Act when
3 it was passed was generally received by environmentalists as a sop to
4 the environmental movement, something with no teeth, no law to apply
5 in essence.

6 One of the goals of NEPA, though, was to, as just discussed, to
7 change the kinds of factors and the various weights that had to be given
8 to environmental issues. My review of the literature on NEPA during the
9 process that the Executive Order was being drafted suggested that in
10 fact federal agencies had begun to change their decisionmaking
11 structure so that environmental issues were taken into account in the
12 process, which is not to say that environmental issues always prevailed
13 over the dominant mandate of a particular agency but that the change
14 in the factors that were considered did lead to better decisionmaking.

15 So one of the things we were hoping was that with the Executive
16 Order not only would we begin to incorporate some of the issues that
17 had been raised and generated by the environmental movement over
18 the years in which it was active outside the government, but to put some
19 of those concerns into the decisionmaking structure that agencies would
20 have to take into account as they moved forward.

21 I think we're seeing some of that in some agencies more than
22 others. But what would be useful, and it would be a through-going
23 analysis of the extent to which these issues really have percolated down
24 into the decisionmaking structure, and the extent to which interagency
25 coordination drives that process where you have two driving agencies
26 -- basically EPA and DOJ -- and whether or not DOJ and EPA have

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1 taken the leadership role that they need to take in pushing that decision
2 structure down through the other agencies.

3 MR. LEE: Thank you, Gerald.
4 Barbara.

5 MISSED OPPORTUNITIES IN ENVIRONMENTAL LAWS
6 PRESENTATION BY MS. BARBARA ARNWINE

7 MS. ARNWINE: Thank you. To Mr. Barry Hill, to Charles Lee, to
8 Mr. Haywood Turrentine, to all the members of NEJAC and to the
9 audience, good morning. I want to thank you for inviting me here today
10 to speak on the important topic of environmental justice litigation and
11 the missed opportunities that we have had to advance the interests of
12 environmental justice through our nation's laws.

13 As you have heard, I have 15 minutes. That cuts my speech my
14 more than half. So it may appear disjointed but I will try to summarize,
15 as any lawyer knows how to do when you have a judge looking at you
16 with that green light and knowing that the red light is coming.

17 NEJAC -- I want to just take a moment to really commend the work
18 of the NEJAC. You've been so instrumental to this movement through
19 our advice, through your recommendations and through your reports.
20 You have addressed very critical issues of the U.S./Mexico border,
21 Superfund relocations, tribal environmental programs, brownfields,
22 waste transfer stations, and the cumulative impacts of permitting and
23 siting decisions.

24 I also want to thank the EPA Office of Environmental Justice for
25 your commitment to bringing the perspective of a litigating organization,
26 such as the Lawyers Committee for Civil Rights Under Law, to this

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1 meeting. It is an honor to be here.

2 We all are here because of our profound commitment to equal
3 justice for our clients and the communities that they represent.
4 Nevertheless, environmental justice law is still an evolving law even
5 after more than a decade and a half of advocacy. It's still at the
6 litigation stage, requires novel concepts and forward thinking as such as
7 it uses principles of civil rights, combined with environmental laws to
8 promote equal environmental protection for all communities throughout
9 our nation.

10 Working with many of you, the Lawyers Committee began its
11 environmental justice project nearly a decade ago. Our approach to this
12 issue has been unique as we litigate and advocate using our tools,
13 federal civil rights laws and the U.S. Constitution.

14 Through the Lawyers Committee Environmental Justice Project we
15 used the rule or law to challenge environmentally discriminatory
16 behaviors and decisions. Ultimately we seek justice for people of color
17 who are fighting to clean up contamination on the land where they live
18 or who are trying to stop environmentally harmful activities from
19 occurring in their neighborhoods.

20 We are all here to reflect on the state of environmental justice
21 today. I want to talk about the challenges we have faced through
22 litigation and the successes and failures we have all experienced trying
23 to advance this issue.

24 As an initial matter, I want to take a minute to acknowledge the
25 accomplishments of NEJAC and the environmental justice communities
26 in formulating what have become very helpful legal principles.

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1 Communities have taken a leadership role in securing this progress, as
2 demonstrated by their persistence and conviction which has led to
3 important although we would say not as many victories as we would like
4 to have.

5 Such is the struggle of the families in Pensacola. Many of you
6 know about the Pensacola situation because you had hearings on it and
7 you in fact conducted investigations and other things that were helpful
8 -- although the Lawyers Committee was honored to represent Marjorie
9 Williams and those 350 families in pressing EPA to respond to avoid
10 litigation, raising the communities potential legal claims and then listing
11 the advocacy of legislature as the members of the administration, our
12 role was a very small piece of the massive sustained and ultimately
13 successful efforts of the local and national environmental justice
14 community in bringing about the relocation of those families.

15 It must be noted that NEJAC played a vital role in calling attention
16 to the plight of that community, calling for a national pilot on relocation,
17 and urging the development of an equitable and sound national policy
18 on relocation, a process that is still underway.

19 Other successes include urging EPA to include contaminated sites
20 on the list of Superfund sites and providing strong community
21 participation in the environmental permitting process which has led to
22 stricter conditions being placed on the operation of those facilities.

23 It is the partnership of lawyers working with communities that has
24 helped to secure change.

25 Continuing our struggles for environmental justice communities the
26 time has come to seek assistance from environmental justice lawyers.

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1 Now, the concept of environmental justice lawyers, I should tell you, is
2 a broad one. The sad thing is that there are so few people who really
3 are environmental justice lawyers, and I will talk more about the impact
4 of having such a constricted bar and the ability to really develop and
5 pursue environmental justice litigation.

6 When called upon, these lawyers have worked closely in
7 partnership with communities in order to formulate the most effective
8 strategies possible. Often this requires extremely innovative lawyering
9 using the most creative and sound legal theories to best advocate on
10 behalf of these communities.

11 For example, the most successful cases in environmental justice
12 have used historic segregation patterns to argue that certain decisions
13 which exasperate environmental inequities serve to perpetuate these
14 preexisting segregations in violation of the Equal Protection clause of
15 the U.S. Constitution, Title VI and the Fair Housing Act.

16 We have also used environmental laws and the Executive Order
17 on Environmental Justice to argue that environmental justice concerns
18 must be addressed both in the permitting process and in the selection
19 of sites for hazardous facilities.

20 There are many things that governmental agencies have done well
21 that we could talk about, nevertheless there remains a tremendous delta
22 between what agencies could do and what has been done. I constantly
23 talk to lawyers who priorly (sic) worked with many of the agencies and
24 they talk ad nauseam, instance after instance, incident after incident
25 where they know they could have used the law more aggressively but
26 were told not to. And it becomes a real question about what's going on

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1 with the governmental bar.

2 I also want to recognize very quickly that efforts have also been
3 extended to advocate for environmental justice in the international
4 community. As NEJAC has recognized in its recommendations
5 regarding environmental justice on the U.S.-Mexico border,
6 environmental inequities cross borders and involve international issues.
7 Whether it is the export of domestic waste to the poorest communities
8 abroad or extreme contamination caused by the activities of multi-
9 national corporations operating in the countries of black and brown
10 people around the world, environmental inequities are certainly not
11 unique to the U.S.

12 Indeed, I just returned -- you can probably tell my voice is strained
13 -- I just returned on Sunday from Santiago, Chile where there was a
14 preparatory meeting, the Regional Meeting of the Americas, to talk
15 about the prepared documents and other information for the upcoming
16 U.S. World Conference against Racism that will be held August the 31st
17 and September 7th, 2001 in Durban, South Africa.

18 At that meeting we took a very strong position that environmental
19 justice had to be included in any document that was developed by the
20 Americas. I will tell you, the document that the member states, that is,
21 the governments developed, had not one word about environmental
22 justice, not one word about environmental protections, not one word
23 about the impacts of environmental operations upon indigenous peoples
24 or Afro-descendants.

25 As a result of that, a small working group of us convened. That
26 working group included people who you know. Nancy Abuda and Leslie

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1 Fields from the Interim National Black Environmental and Economic
2 Justice Coordination Committee; Dr. Debra Robinson from International
3 Possibilities Unlimited; Juan Figueroa from PearlDef (phonetic); Teresa
4 Leal from Southwest Network for Environmental and Economic Justice;
5 Robert Robby Rodriguez from the Southwest Organizing Project; Cecil
6 Corbin-Mark from the West Harlem Environmental Action; and
7 Reverend Adora Iris Lee from the United Church of Christ; and the
8 Lawyers Committee, the representatives, myself, Tom Henderson and
9 our board chair.

10 We worked to come up with a set of recommendations that I
11 understand were in fact incorporated into the final document. So the
12 work of environmental justice advocates is not just work domestically,
13 it is work that has profound impact internationally and we all know that
14 it's very important that international standards and international courts,
15 such as the plan of action that will come out of the U.N. Conference,
16 should be applied and adopted and utilized in the United States.

17 We know that the courts have not been very receptive to
18 environmental justice cases. While our communities can all agree that
19 environmental and civil rights laws have been innovatively used to
20 address environmental justice concerns, in some instances
21 environmental justice agency decisionmaking at the federal level
22 illustrates -- and it's a euphemism to say a reluctance -- reluctance to
23 use enforcement and civil rights laws as effectively as possible.

24 Recently federal agencies have been more willing to recognize
25 environmental justice concerns but have not generally been able to use
26 them as a basis to alter the course of decisionmaking. It is because of

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1 this hesitancy that the environmental justice community has had to lead
2 the way, seizing opportunities to use existing laws to advocate for
3 developing this area of environmental law, which is still very embryonic.

4 Unfortunately, in reviewing the case law it is very clear that we
5 have met with limited success in the federal courts which are often
6 unreceptive to the newly-stated legal theories even though they are
7 based on existing federal laws. For civil rights advocates, you know, we
8 understand the long-term fight for justice -- I mean, absolutely, as we all
9 know, the battle that culminated in Brown versus Board was more than
10 a century old battle. We don't want to wait a century for environmental
11 justice laws to be effective.

12 Yet, it is very clear that without a change of strategy within our
13 community that we will have a long ways to go to being where we need
14 to be.

15 We need to think together about the ways that we could be more
16 strategic in fashioning legal theories that will use existing environmental
17 civil rights and constitutional law and in choosing the cases in which we
18 bring them.

19 In preparing for this speech we reviewed 14 cases recently decided
20 by the federal courts -- now, when I say recently decided, I mean in the
21 last two years. In that case list -- I'm just going to read you the titles
22 real quick; I can't go into them.

23 I will tell you that we looked at, first of all, attempts to use the
24 Executive Order to enforce rights by communities. There were three of
25 those cases, all which were unsuccessful: Acorn versus U.S. Army
26 Corps of Engineers; Morongo Band of Mission Indians versus FAA

1 Citizens Concerned Against Jet Noise versus Dalton.

2 We also looked at cases that involved NEPA and the Executive
3 Order which were also -- once again, there are three cases -- I'm sorry,
4 there are six cases, and all were unsuccessful: Atlantic States Legal
5 Foundation versus Browner; Young versus General Services
6 Administration; Acorn versus U.S. Army Corps of Engineers; Goshen
7 Road Environmental Action Team versus USDA; New York City
8 Environmental Justice Alliance versus Giuliani; South Bronx Coalition
9 for Clean Air versus Conroy.

10 We looked at Clean Air Act and Executive Order cases, of which
11 there is one: Sur Contra versus Contaminacion versus EPA.

12 And we also looked at successful cases, of course. Most of those
13 cases, again, are those that have used housing law. And some of those
14 cases have also been unsuccessful. Jersey Heights Neighborhood
15 Association versus Glendening; Elliott versus Chicago Housing
16 Authority, which is one of the real victories to be celebrated by our
17 community.

18 Then we looked at unsuccessful and other constitutional
19 challenges and CERCLA cases: Washington Park Lead Community,
20 et al. versus EPA; West Dallas Coalition for Environmental Justice
21 versus EPA.

22 What is striking about all of these cases is that when you look at
23 the cases, who are the plaintiffs and who are the defendants. In every
24 instance you heard a communities organization as a plaintiff and a
25 federal agency or a state agency as a defendant.

26 What is remarkable about that is that contrary to every other area

1 of the law that I know of in practicing civil rights law, as I have been, for
2 27 years -- what is remarkable is that you do not see any affirmative
3 advocacy by federal agencies on behalf of communities. Not one of
4 those cases was EPA versus, Department of Interior versus. All of
5 those cases are some communities group having to find private counsel
6 to sue the government.

7 The government has an affirmative duty to sue entities and to
8 litigation where there's ongoing environmentally hazardous activities to
9 permit and to work to prevent those kinds of activities. But we see none
10 of that.

11 I think that is a huge question for every federal agency here. What
12 is going on?

13 The role of the Department of Justice, the role of every agency's
14 attorneys, this vast array of legal resources, has traditionally had a
15 double sword, one as a defendant, but very strongly as an advocate and
16 as a plaintiff. The lack of plaintiff ability here is striking.

17 I think it's also very interesting when you look at these cases to
18 note how limited the resources are that are available to the litigation
19 groups working on environmental justice matters. Indeed, what strikes
20 me in really looking hard at this is how constricted the area of practice
21 has become, how few groups are doing this work versus eight years
22 ago. There's been a retreat even within environmental organizations
23 and within civil rights organizations in working on these matters.

24 It requires us to think very strategically about what's our future and
25 how we use these courts and how we move forward.

26 I'm going to, for the sake of time, dispense with talking in depth

1 about all the cases. I would note that, such as in re AES Puerto Rico
2 an administrative decision by the Environmental Appeals Board, by the
3 EAB, which was affirmed by the First Circuit Court of Appeals -- in that
4 unsuccessful case, one, it was good that the EPA acknowledged that
5 environmental justice policy and analysis should have been applied, but,
6 once again, their standard was so low that they found no impact -- even
7 though they found a disparate impact on the low income community,
8 they still issued the permit simply because they found the impact was
9 not adverse since it complied with existing air quality standards.

10 What are environmental justice standards if they do not have the
11 ability to be effectively integrated with existing standards?

12 I have to wrap up.

13 A couple of things real quickly. In order to be effective it's very
14 clear that we need to have very specific legal legislation that addresses
15 environmental justice issues at both the federal and state level. It is the
16 lack of this legal framework that leaves so many of our communities at
17 risk.

18 In addition, there is a need for a stronger Executive Order, and the
19 Executive Order should explicitly apply and be enforceable by
20 community group.

21 We are very proud of the victory in Portsmouth and the work that
22 was done by Helen Parsons. We're very proud of the work that was
23 done in the West Dallas case. Even though it was a partial victory, the
24 court there also acknowledged the circular bar did not apply, but it did
25 not ultimately result in the communities.

26 We believe that the Elliott versus Chicago Housing Authority case

1 is very important because it found the private right of action under the
2 Lead Based Paint Poisoning Prevention Act for communities.

3 We all know that the Alexander versus Sandoval Supreme Court
4 decision which will be delivered this coming year will have a major
5 impact on Title VI, the broad reach and scope of Title VI, because that
6 case, as you know, is a case that involves trying to prohibit the
7 application of Title VI by private parties.

8 Lastly, I just want to end by saying that as we sit here the question
9 of what administration will preside beginning in January is about to be
10 decided. With a new administration ahead of us, we must reflect upon
11 our current position and scrutinize our future strategy. Under the Clinton
12 Administration progress has been made, we have the Executive Order,
13 NEJAC and other leadership. However, under a new administration a
14 platform from which to continue pursuing our common objective may no
15 longer be provided in the federal context.

16 We know, and some of you have seen some of these talking heads
17 who have been asked about what would happen under certain
18 administrations with the Executive Order and you have heard some of
19 them do their thumbs down saying "that order is gone." We know that
20 in Congress with a 50/50 split in the Senate and close House, it will be
21 very difficult to pass any kind of legislation. That's probably favorable
22 given some of the views of the past Congress on Title VI, but it's a very
23 difficult position for going forward and getting the kind of legislation that
24 we need.

25 So what needs to happen, in my opinion, is that there has to be a
26 greater reconnection, reconvening and restrategizing by litigation and

1 environmental justice community advocates. Civil rights organizations
2 must reprioritize environmental justice. We must -- in fact, we are
3 recommending to the Leadership Conference on Civil Rights that it
4 immediately reactivate the EJ Task Force.

5 There also needs to be a greater meeting and coming together of
6 our groups consistently because we must persuade EPA and other
7 federal agencies, as well as members of Congress, the administration
8 and state and local officials to advance and include a commitment to
9 environmental justice in their policies, programs and decisionmaking.
10 This must be across the board.

11 In closing, I want to thank you so much for this opportunity to just
12 do a quick overview of what's going on with the law. I want to thank
13 Janette Wipper and Tom Henderson of my staff for their work on this.
14 At the Lawyers Committee we are making a deeper commitment to
15 environmental justice by elevating our subproject on environmental
16 justice to full project direct status and we are hiring a project director to
17 head up that work.

18 I hope in the next several months that we will work very hard on
19 these issues, both domestically and internationally and that we all will
20 recognize and will be able to get the Federal Government to accept that
21 environmental justice must be an essential component of our
22 environmental and anti-discrimination laws and of national
23 environmental and civil rights policy. Nothing less is acceptable.

24 Thank you so much.
25 (Applause.)

26 MR. LEE: Thank you, Barbara. Let me just say that both Gerald

1 Torres and -- if you would, Barbara -- submit your comments in writing.
2 I know that you have a full text and Gerald has agreed to provide us a
3 set of written comments.

4 I just want to say that just because Vernice and Alberto put their
5 cards up first it doesn't mean that they're going to be recognized
6 immediately. I think we shall ask Marinelle Payton if you have a
7 comment.

8 MS. PAYTON: Thank you very much. My question is basically in
9 two parts. I'm curious as to approximately how many environmental
10 justice cases we've seen over the history of such cases, and particularly
11 those in reference to health concerns. For example, like you were
12 referring to the lead case.

13 Part 2 of my question concerns with how many of those cases, or
14 if any, have actually used health as a criterion for considering
15 environmental justice issues in decisionmaking.

16 MS. ARNWINE: Thank you. I think it's very fair to say that in the
17 majority of the cases that we have seen -- and I'm hesitant to give a
18 count, but I would say that it is about -- there's more than 70-something
19 cases over the last decade that have been decided or settled privately
20 or brought administratively.

21 What is striking is that in most of the cases they do involve some
22 threat to health. In fact, those allegations are very prominent in the
23 pleadings. They either are ongoing conditions where people, as in
24 Pensacola and Washington Park in West Dallas, are living in
25 contaminated areas and their health is being impacted and they're
26 having fights with federal agencies as to whether or not the level of

1 exposure and the level of injury is significant enough to require
2 relocation of those communities, or they are communities that are trying
3 to prevent what are hazardous activities -- admittedly hazardous
4 activities -- from being conducted under their noses even though people
5 are alleging that they will not have adverse health impacts.

6 Health is a huge issue in a lot of the cases, but I will say that there
7 is a kind of callousness that I see in the courts on the ability to really
8 recognize and to judge what are fundamentally dangerous health
9 problems and what they think are permissible risks that communities
10 should take.

11 MR. LEE: Thank you. Next we'll go to Peggy Shepard.

12 MS. SHEPARD: I wanted to know what the components of the
13 cases that were successful, what stood out.

14 MS. ARNWINE: I think what those cases all have -- what they
15 have in common is that they were -- first of all, I think some of the things
16 they have in common is that they used fair housing law, which is very
17 established law, in a creative way.

18 A lot of the cases that I gave to you, the EJ Executive Order cases,
19 for example, were trying to make an Act apply in two private parties that
20 was not written in a manner that could be easily interpreted that way.

21 Other cases have involved, you know, applications of the 14th
22 amendment and other Constitutional challenges. It seems that the
23 courts listen harder when there is a Constitutional challenge. It seems
24 that they are more willing to give an analysis of equal protection in the
25 laws than they are when they're applying NEPA, other environmental
26 laws, and when they're applying what they consider stretches such as

1 the application of the Executive Order.

2 So I would say very strongly that it's the housing cases, the cases
3 that use fair housing laws, and it's the cases that use the Constitutional
4 challenges that seem to be the most successful, although I did mention
5 the Elliott case which is the Housing Authority case in Chicago where
6 there was success using the lead prevention act.

7 MR. LEE: Thank you. Next, Alberto.

8 MR. SALDAMANDO: Thank you very much. I agree that -- as a
9 matter of fact, internationally I think is an opportunity that we have not
10 exercised at all. I does provide an additional forum, not necessarily a
11 very effective forum, but an additional forum, to raise many of these
12 issues. I think Tom's report about the POPs convention was very
13 welcome -- the participation of people, it's more broad-based.

14 I don't know if this is an appropriate time to mention it, but we have
15 been working through the International Subcommittee trying to get
16 accreditation as a national institution. Unfortunately through e-mail I've
17 been informed that legally EPA does not believe that we have the
18 mandate; that our only mandate is to advise the administrator, and that
19 is it.

20 I'm not sure how much of an issue the committee is going to want
21 to make of it. I hope that it would be put on our agenda soon because
22 I do think that NEJAC -- as the participants from North America and
23 Santiago demonstrated, I think that we have a lot to offer with regard to
24 an international definition of environmental justice because if you think
25 it's bad here, it's equally bad and sometimes I think because of the
26 extreme poverty found only on Indian reservations in the United States

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1 -- because of the extreme poverty in the Third World, in the developing
2 world, it is exacerbated to the nth degree.

3 I think we also have a responsibility, at least on the International
4 Subcommittee, to address issues of environmental justice, not only how
5 foreign policy affects America or U.S. communities with regard to
6 environmental justice, but I think there is at least a moral obligation to
7 try and examine those policies with regard to people of color and
8 poverty communities overseas.

9 So I honestly very much appreciate your comments and that
10 insight. Thank you.

11 MS. ARNWINE: And I want to tell you, everyone in this room
12 would have been extremely proud to have been in Santiago because in
13 addition to the work that was done with the U.S. delegation which then
14 took our recommendations to the international forum to be adopted into
15 the plan of action, there was a wonderful speech given on behalf of all
16 the environmental justice and civil rights organizations that were there
17 in Santiago by Leslie Fields that have been developed by a coalition of
18 people, a very excellent statement, that she read on the floor for three
19 minutes.

20 It was so well received that the governments in summing up their
21 day's activities talked extensively about her speech, by name, making
22 reference to the ideas that were in the speech about environmental
23 justice, environmental racism, impacts on poor communities, and very
24 much they talked about the whole issue of economic blackmail which
25 was apparently an idea that many governments had not wrestled with
26 before, and the idea of access to information.

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1 So there were a lot of new ideas that they were clearly
2 acknowledging and saying, wow, we need to think about this more and
3 this is really exciting, what we've heard today. So it shows the
4 importance of the international work.

5 MR. LEE: Luke.

6 MR. COLE: Thanks, Charles. Thank you, Barbara. It's nice to
7 see you again.

8 MS. ARNWINE: It's great to see you, Luke.

9 MR. COLE: I thought it was a very key insight that these cases
10 were not federal agency versus defendant, but were all plaintiffs versus
11 federal agencies.

12 MS. ARNWINE: Yes.

13 MR. COLE: And that's an important insight. One of the things that
14 I was curious about was the apparent omission of what I consider to be
15 the most successful legal strategy used by environmental justice
16 plaintiffs which is the use of straight-up enforcement law. That's a
17 strategy that we've used very effectively for more than a decade and
18 which communities groups have used around the country to win
19 hundreds, if not thousands, of cases at this point.

20 So I was curious as to why you weren't highlighting that as the
21 central successful strategy that the movement has used to achieve
22 environmental justice on the local level, which is use of state
23 environmental law and federal environmental law to attack the
24 environmental justice problem.

25 MS. ARNWINE: Yes. I'm sorry. Unfortunately my speech was in
26 fact truncated. I did skip a whole section talking about the successful

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1 use of not only state environmental laws, but also a section that talked
2 about some of the other kinds of advocacy successes that community
3 organizations have used that have gone into everything from public
4 policy making at city council and state levels and the kind of media work
5 that groups that have done that have been successful and
6 embarrassing groups to withdraw proposed sites, siting activities.

7 There is a lot that goes into this. I am struck, however, that with
8 NEPA in particular that it is very interesting how many losses there have
9 been in the federal courts. At the same time, as I acknowledged,
10 there's been no -- for this speech we only looked at the -- we majorly
11 (sic) looked at the federal courts.

12 But I agree with you that there's been a lot of unreported and other
13 important victories that communities have done. No doubt about it. I
14 mean, it's been the success of this movement.

15 MR. LEE: Great. Vernice.

16 MS. TRAVIS-MILLER: Hi, Barbara.

17 MS. ARNWINE: Hi, Vernice.

18 MS. TRAVIS-MILLER: I want to thank you for a really rich
19 presentation. It was really -- I think it gave us some good historical
20 perspective.

21 I would add, as Luke added cases, I would add Bus Rides Union
22 versus the City of Los Angeles and the City of Los Angeles Department
23 of Transportation brought by your sister organization, the NAACP Legal
24 Defense --

25 MS. ARNWINE: Yes.

26 MS. TRAVIS-MILLER: I think to date that has been perhaps one

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1 of our most successful Title VI challenges brought, even though the
2 case was settled.

3 In the course of this meeting we've been sort of summing up where
4 the agencies and the Federal Government have come to in the course
5 of the Clinton/Gore Administration, or the two Clinton/Gore
6 Administrations, around this issue, and we've been giving out a lot of
7 kudos, so I want to give a kudo to the Lawyers Committee for Civil
8 Rights Under Law for the leadership role that you have played in sort of
9 conceptualizing environmental justice in a civil rights framework.

10 In that vein I want to thank you particularly for bringing a particular
11 person to the table, Ms. Deeohn Ferris who was the first --

12 MS. ARNWINE: Absolutely.

13 MS. TRAVIS-MILLER: -- of the environmental justice project of
14 the Lawyers Committee who took us into a whole new realm of really
15 thinking and conceptualizing these issues. In fact, you were sitting in
16 the room when the Office of General Counsel presented that memo that
17 Deeohn first worked on when she was the Chair of the Enforcement
18 Subcommittee and a staff member of the Lawyers Committee.

19 Also, thank you for the contributions of Selena Mendy and Damon
20 Whitehead who are also attorneys in the environmental justice project
21 of the Lawyers Committee who make significant contributions.

22 My question to you, Barbara, is that I want to know sort of what
23 was your thinking about why you thought a major civil rights
24 organization with the history that the Lawyers Committee had should
25 take on the issue of environmental justice because it's my perception
26 that with some rare exceptions the civil rights bar has not been as

1 aggressive in this area as they should be and that all too many times
2 we've gone begging to the civil rights bar to join us in this struggle and
3 we have been left hanging.

4 With the exception of the Lawyers Committee, with the exception
5 of the NAACP Legal Defense and Education Fund, we have not had a
6 response. In fact, the EJ community is still waiting for a response to a
7 letter that we sent to Kweisi Mfume when he first became the Executive
8 Director and CEO of the NAACP about addressing these issues. We
9 are still waiting for a response to that letter.

10 So we have some real issues here, and I want to know, what was
11 your framework and what was your thinking and why did you think this
12 was an important area of the law to pursue programmatically for the
13 Lawyers Committee.

14 MS. ARNWINE: I think that when we decided to get involved in
15 environmental justice what motivated the Lawyers Committee was that
16 we kept seeing these issues coming up in other litigation. We would
17 settle -- for example, we settled a case involving unequal educational
18 facilities between Black and White communities and there was a
19 proposal to build a new integrated high school. The site that was picked
20 was a landfill, had been an ex-landfill.

21 We had a case that was being pursued by our compatriots in
22 Boston where lead contamination in the school's water supply was a
23 major issue.

24 Everywhere we looked, these environmental concerns were
25 popping up in our cases. And I still think it's significant that even in the
26 cases that we mentioned, such as Pensacola and Portsmouth, that we

1 are one of the few national civil rights organizations that do public
2 housing litigation. It strikes me terribly that in each of these cases
3 proposals were made to relocate communities -- and in fact, in
4 Portsmouth a relocation was undertaken -- but the public housing
5 tenants, who were Black, were each time proposed to be left on the
6 table and not to be moved.

7 So issues of race and environmental protection and civil rights
8 came to us very quickly in looking at the litigation that we were
9 undertaking. I came to the Lawyers Committee in '89 and by 1990 it
10 was clear that we needed some focus on environmental laws.

11 It was at that time that fortunately we became aware of the
12 Environmental Justice Summit, the historic summit, and we became
13 aware of the term environmental racism, and I had worked on some
14 other cases when I was in school involving environmental racism. I
15 believe in North Carolina with the Warren County fight. You know, I
16 marched and did other things when I was a law student, and learned a
17 lot there.

18 But basically we realized that there was a need to address these
19 issues. We've made, as you know, as an organization, a tremendous
20 commitment. We support most of this work out of our general funds
21 that we raise from, you know, people that we appeal to to give to the
22 work of the Lawyers Committee. As all of us know, there's very little
23 infrastructural grant-making in this area.

24 I think that's one reason why you don't see a lot of civil rights
25 organizations doing this work.

26 I think another problem is that there is this reluctance, as I ran into

1 with my own board initially, of saying, well, why don't the environmental
2 groups do this work? It's hard to explain that groups that can have such
3 a huge public interest could be so devoid of consciousness and will
4 when it comes to representing communities of color and protecting
5 them.

6 I think that those are some of the reasons. But what I think has
7 been very important is that regardless of whatever losses I talked about
8 today, there have been tremendous victories. The law is malleable. It
9 can be bent to serve the wills of communities, and it could be.

10 The MTA case which I did not mention, which could have been
11 included, is an important case. In fact, those kinds of cases I see rise
12 up. Indeed, I think that one of the biggest civil rights issues before
13 federal agencies, especially before the Department of Transportation,
14 is their policy on encouraging suburban -- you know, their focus on
15 suburban service to the detriment of inner city neighborhoods and to the
16 detriment of even minority suburban neighborhoods.

17 I think that there are some serious issues. I spoke to the DOT at
18 the regional meeting in Chicago a couple of months ago. I think that
19 there are serious issues that need to be looked at that you should
20 question them about their national policy which is absolutely wrong. So
21 there's a lot of issues.

22 I do appreciate your kind comments. We're proud of the work that
23 Deeohn has done and continues to do for this community. We're proud
24 of the work that Selena has done, that Damon did and continues to do,
25 that Annette does, that Tom does, that all of us do. But we have to get
26 more players into this field and we have to work more closely together

1 as civil rights and environmental justice advocates. It's critical.

2 MR. LEE: Great. Thanks. One last question from Rosa Hilda and
3 then we're going to complete this panel.

4 MS. RAMOS: I really want to commend you and the careful
5 analysis you have completed regarding the struggles in the court arena
6 and the strong knowledge you have regarding this type of agonizing
7 process for communities.

8 We are one of the communities you just mentioned, you know,
9 Communities United Against Pollution in Puerto Rico, one of the
10 unsuccessful stories because of Region 2 EPA double standards
11 regarding environmental justice.

12 I'm very happy to see that you have come to the same conclusion
13 that for a community to struggle in court using the environmental justice
14 argument is, you know, doomed to failure. We think the most promising
15 arena is to address the unequal protection of law. We are about to file
16 a lawsuit using that argument, so I'm very happy to see that you have
17 come to the same conclusion, and I would love to talk to you afterwards.
18 Thank you.

19 MS. ARNWINE: I want to say that we believe very strongly that
20 part of the problem is in fact that the laws need to be strengthened and
21 that we have to build the right -- you know, there's the wrong
22 infrastructure in many cases for pursuing the cases most effectively.

23 We also believe very strongly that the lack of government lawyers
24 using, as they did when we developed civil rights law -- I mean, Title VII
25 did not just evolve into the incredible effective tool it is today by itself.
26 It was governmental federal lawyers that did a lot of the strategizing and

1 theorizing on how you make those laws the most effective, how to use
2 the Civil Rights Act of 1964, how to use the Voting Rights Act, how to
3 use the Fair Housing Act, how to use all of these panoply, a myriad of
4 civil rights structures and Acts to be the most effective.

5 What is missing is that there is nothing like that going on in the
6 federal agencies around environmental justice. That is what's wrong.
7 All they're thinking about is defense, how to weaken it, how to weaken
8 the theory, how to make it inapplicable to the agencies. And in doing
9 so, they make it inapplicable period.

10 So it is this imbalance of conceptualization and assistance and
11 theorizing that I think is the biggest problem. And the lawyers who are
12 within these agencies who want to do that are discouraged and
13 therefore become frustrated and they either leave or they turn their
14 attention to other things because they see no way to do it effectively.

15 So I think that's part of the problem. But at the same time, if we
16 could do a more effective merger of civil rights organizations and our
17 community groups, I think we also could up with better strategies too.
18 And I agree with you that there's a lot to talk about.

19 MR. LEE: Thank you, Barbara. Before we conclude this, I think
20 it should be noted that one of the -- the importance of Barbara's
21 presentation is, I think, obvious. But I think that it should be noted that
22 -- you know, part of Barry's contributions -- Barry Hill's contributions --
23 as the Director of the Office of Environmental Justice is really to try to
24 encourage and support the exploration of the use of the law.

25 I think that part of the background to Barbara's presentation and a
26 lot of what has happened in the last two years has been, you know, from

1 that effort on Barry's part. It is something that needs to be continued.

2 I would like everyone on the Council and others to recognize that
3 Barbara's presentation did not happen within a vacuum, but within a
4 thoughtful framework that Barry's been trying to put in place.

5 MS. ARNWINE: That's right.

6 MR. LEE: So, with that I guess we should move on. Barbara, I'm
7 sure the Council would love to continue this conversation with you and
8 they would hope that you would be willing.

9 MS. ARNWINE: Absolutely. And I really appreciate it. Once
10 again, thank you very much for calling me and saying come and do this.
11 I said, Oh, Barry, because I have so many other things. But I really do
12 appreciate your continuing to conceptualize and use the brilliance. And
13 I commend this whole NEJAC for the work you've done, for your
14 tenacity, for your vigilance, and for the leadership and the innovations
15 that you continue to bring to this movement.

16 Thank you so much.

17 (Applause.)

18 MR. LEE: We're going to have at this point -- I know that you are
19 probably all anxiously awaiting a break, but I don't think that's going to
20 happen. I mean, we're already behind time. Part of that is to try to
21 accommodate your desire to have real interchange and dialogue with
22 the various presenters, and I think that's been very good. But time is
23 something that honors nothing else.

24 (Discussion off the record.)

25 MR. LEE: Let me explain what's going to happen. It is now
26 approximately 11:30. We're going to have two panels from the various

1 demonstration projects, the Interagency Environmental Justice
2 Demonstration Projects that were alluded to yesterday. We broke them
3 up into two panels -- if we're able to go through in the next hour or hour
4 and a half two presentations, because, remember, one of them you
5 heard from yesterday in terms of Admiral Weaver.

6 I'm going to ask that Mary Nelson who is the Executive Director of
7 Bethel New Life in West Garfield Chicago and Mayor James Talley -- or,
8 the Honorable Mayor Taley -- mayor of Spartanburg, South Carolina,
9 take your seats at the panel.

10 I think that what I would like to do is go from now until 1:00, have
11 an hour break for lunch and we'll be at that point almost back on
12 schedule.

13 (Pause.)

14 MR. LEE: Okay, are we ready? Council members, can I ask you
15 to take your seats? You know, we were supposed to get a chime or
16 something, right? It's not very loud. Do we have a gong or something?

17 (Pause.)

18 MR. LEE: I know there's a lot of stimulation that just took place
19 and you're very excited, but we need to move on. Can the Council
20 members please take your seats.

21 Okay, do we have a quorum? Can we ask that you locate the rest
22 of the Council members.

23 I think the presentations are going to speak for themselves. I just
24 want to say how pleased I am to be able to introduce Mary Nelson and
25 Mayor Talley to make their presentations.

26 I think Connie Tucker mentioned yesterday in her public comment

1 about how, you know, one of the real jewels of the efforts of
2 environmental justice in the EPA was the effort in Spartanburg. I think
3 the same could be said about what you're going to hear from Mary
4 Nelson in terms of the West Garfield section of Chicago.

5 They will speak for themselves, so with further ado, I would just
6 turn it over to Mary Nelson.

7 PANEL 4A

8 INTEGRATED INTERAGENCY DEMONSTRATION PROJECTS
9 PRESENTATION BY MS. MARY NELSON

10 MS. NELSON: Thank you. It is a real pleasure to be here and to
11 share this pilot example of an interagency cooperation on the local level
12 that makes it work. And special thanks to Charles Lee and his
13 leadership in this kind of effort.

14 Bethel New Life is a faith-based communities development -- a 20-
15 year-old communities development corporation, and our goal is leading
16 a healthy sustainable community. We're in an empowerment zone area
17 of the west side of Chicago where at the time of the empowerment zone
18 statistics about 27 percent were unemployed in our neighborhood. We
19 hope it is a lot better when the year 2000 census comes out.

20 Our definition of sustainable community development has four
21 components to it: economic security, and that's jobs, jobs, jobs;
22 environmental integrity and environmental quality so that the air we
23 breathe, the water we drink, all of the other things, the lead pipes in our
24 buildings, all of those things, are high quality of life for all, that schools
25 and opportunities and jobs and so forth; and then public participation in
26 decisionmaking.

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1 And so two of the four components are directly related to the work
2 of environmental justice. Public participation, that we need to have an
3 input on what's going on in our neighborhood.

4 I say there's three things that make it work in a neighborhood in
5 doing these interagency things. The first one is vision. We use this
6 process of visioning our community as it is today with all the brownfield
7 sites, with all the vacant abandoned industrial areas, with the -- and
8 some green spaces, but it's sort of overcome by parking possibilities,
9 and vacant land and gray areas, but with a great view to downtown
10 Chicago and a railroad track, the Lake-Pulaski green line, running
11 through there. That's our present day look at our neighborhood.

12 Then we look at what it would look like if we don't do anything in
13 the next 20 years, by 2020. It will be even grayer, with maybe some
14 industrial development, but houses and people having been moved out
15 of the area, and abandonment and demolition all over the place.

16 This look at how our community might be if we don't do something
17 helped to energize people to say, well, what do we want to see in 20
18 years? And so here is the vision of transit-oriented development, of
19 industrial development on the brownfield sites, of new housing in
20 location to the transit stop, of schools and greens and pedestrian-
21 friendly kind of a community.

22 So, the vision of the possibilities that it doesn't have to be that way
23 is very important.

24 Number two that's very important is having partners. Bethel is very
25 fortunate to have a partnership with the U.S. Department of Energy's
26 Argonne National Laboratory. This partnership has helped us see the

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1 technological transfers that make this work, and it has helped us to
2 attract the kind of intergovernmental cooperation that's so important in
3 doing these projects.

4 So you can see here that it's HHS and EPA and EDA and
5 foundations and Argonne and city colleges and HUD, and the
6 empowerment zone and our city department of health. It's all of these
7 things working together.

8 But you need some glue. So when we go down to meet with city
9 officials and so forth, having Argonne at our side is a help in getting their
10 attention and making that happen.

11 The third basic premise for doing community interagency projects
12 is an asset-based approach. If we as a neighborhood simply think of
13 ourselves as deficit people, as a neighborhood that's a deficit. And you
14 know, in development they talk about location, location, location, and so
15 nobody would choose this location. But unless we can think of our
16 neighborhood as having assets, our people as having assets and
17 capacities and opportunities, we would then look at our neighborhood
18 as it is now as a dump, as a lot of brownfield sites, as bad schools, as
19 people who are on welfare, and negative images.

20 But when you look at an asset-based capacity, we say, oh, we've
21 got a major transit stop here, and oh, we have a park right over here,
22 and oh, we have this company over here, and oh, we have this vacant
23 land on which we can develop.

24 So, thinking about ourselves and our neighborhood as assets, as
25 having gifts and opportunities, is an important way of looking at things.

26 And so one of the first things that happens when you begin to look

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1 at assets is that you think of brownfields not as a liability but as an
2 asset, as an opportunity to do some development. So we did industrial
3 triage on the 30 brownfield sites within a mile of our offices and began
4 to look at what are the development opportunities for that.

5 The difficulty in getting title to properties, the difficult of getting
6 access to properties is always there and time delays and the potential
7 of environmental litigation on it is a difficulty, but there are opportunities.

8 We looked at the marketable sites, which ones are the highest and
9 easiest to develop, and then had some criteria of our own, the number
10 of jobs that we could bring in, how environmentally friendly and how
11 much it would take to redo that site and whether or not any company
12 that came in was willing to have those jobs serve the community and
13 not just themselves, and whether they were willing to be a good
14 neighbor.

15 So we developed a whole development process on these
16 brownfield sites partnering and then finally identifying and promoting the
17 area and promoting and promoting and customizing whatever tools
18 there were. So we developed that process.

19 A part of making a community sustainable is affordable housing.
20 And so we've made our housing not only affordable, but energy efficient,
21 as you can see. We guarantee that the heating bills on these homes,
22 these brand new homes, will not exceed in Chicago, where I just came
23 from a blizzard, \$200 a year. And these are what those homes look like
24 in actuality. Two hundred dollar a year heating bills.

25 These homes are also location-efficient. They're in walking
26 distance of a major transit stop.

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1 I think one of the tools that we need to use when we're doing
2 community-based work is that we've got to ride whatever train is moving
3 into the station. And Smart Growth is a train -- Livable Community
4 Smart Growth -- is a train that's running in the station.

5 So we reconfigured everything we were already doing under the
6 title of Smart Growth in an urban community context. That means
7 participatory planning, transit-oriented housing and commercial
8 development, focused area development, greening, energy efficiency,
9 traffic calming and brownfield redevelopment.

10 We were already doing those things, we just packaged it under that
11 thing.

12 Also, for a viable community we need to create jobs and so we've
13 developed a whole environmental careers track partnering with
14 everything from our park district -- we're going to use their greenhouse
15 for the training for the fight over remediation on the brownfield sites, and
16 the city is going to give us access to that, deconstruction so that
17 buildings that are being torn down is a training for reuse of those
18 materials by doing it that way, and the city has this Green-corps
19 program which is landscaping and greenery, and so forth. So, again,
20 hooking up with a whole variety of kinds of things.

21 Finally, in the project area that I showed you earlier some things
22 have begun to happen. This is the transit stop right here (indicating).
23 Around that then we've been able -- we've done our housing here at
24 Parkside and at Keystone, so it's location-efficient, it's energy-efficient
25 housing. We've partnered with the local church here. Having this
26 development has helped to bring in a Jewel Grocery Store. It's still

1 vacant land there now, but they are coming in, and the city is putting up
2 big money for it.

3 We've been able to draw in through the Community Reinvestment
4 Act a local bank that's going to do a branch there, and we've helped
5 them with the siting of it.

6 We have our employment services and we own the land in here
7 (indicating) for the commercial development.

8 So we've been able to focus in a very visible area -- you can't see
9 much there now -- these kinds of things.

10 The most startling and wonderful project that is written up in the
11 interagency pilot model demonstration is this plan for a commercial
12 building at a transit stop. You see that bridge there, it will connect
13 directly to the transit platform. There's going to be daycare in here.
14 We've got the daycare center. We should be starting construction on
15 this in April of 2001. It will have daycare and a health clinic. We've
16 brought a local hospital in and a pharmacy.

17 It's going to be a smart green building so it will have a living roof on
18 top. The energy will be done from the sun and it will be made out of as
19 much recycled materials as we can humanly make it. The whole design
20 is for it to be a smart building, an example of an inner city smart kind of
21 building.

22 It takes a lot of partners. It takes working together. And I have
23 three recommendations on how to do these interagency partnerships.
24 Let me just say them quickly.

25 Number one, I think it's really important that the lead federal
26 agency designate a person to be the point person to really help

1 coordinate and try to work through all these other agencies. Whether
2 it's an IPO, whether it's on loan to the community group that's doing
3 this, or whether it's just internally designated, there needs to be
4 somebody who's going to keep pushing this along that we can keep
5 going to.

6 Secondly, there needs to be some funding available. And we've
7 pooled all these things together without help from anybody except doing
8 a lot of schmoozing and lot of promoting and a lot of marketing of these
9 things. But there needs to be some funding available to help make it
10 move a little faster. We could have done this a lot sooner had we had
11 some funding.

12 Then, thirdly, we've had wonderful cooperation from people in
13 Washington who are in the interagency contacts, but that needs to filter
14 on down to our regional and local offices so those people have a clue
15 of what's going on and how this is going to happen so that they can be
16 a seamless partnership in making this happen between the various
17 federal agencies.

18 Thank you very much.
19 (Applause.)

20 MR. LEE: Thank you, Mary. Mary, is it possible for someone to
21 make copies of those transparencies? Great.

22 Next if Mayor James Talley.

23 PRESENTATION BY MAYOR JAMES TALLEY

24 MAYOR TALLEY: Good afternoon. I think it's just about that.
25 Pardon me for standing and taking the time to turn, because I'm a
26 former school teacher and I can't stand to talk with my back to

1 everybody, so you'll pardon me if I just walk around a little bit because
2 it makes me a little more comfortable.

3 First of all, I want to say thank you for this opportunity to come and
4 share our success story -- I call it a success story -- in Spartanburg,
5 simply because this is a community initiative -- it's called the Arkwright
6 Redevelopment Initiative -- and it's a community-driven project.

7 We owe a great deal of thanks to a young man that had the
8 opportunity to teach and coach a long, long time ago, and that's Harold
9 Mitchell. Harold is very tenacious about this community and very
10 tenacious about what happens there.

11 The redevelopment that's taken place is something that came
12 about because of the success that we had in the textile industry so long
13 ago. We were the textile center of the south and around the textile
14 centers you know that there's some pollution going on, but people didn't
15 mind it too much simply because there were jobs, there were homes,
16 there was a community, and there were people working.

17 It took us these many years to find out that there was really a great
18 problem. When the problem was brought to us, they brought it to the
19 city council, they brought it to the state, and they brought it to the
20 Federal Government, and they said to us, this is a problem that we have
21 and we need your help.

22 And if you're wondering why I'm here today, the reason I'm here
23 today is because the citizens drove this project, the people that elected
24 us to protect their interests said to us, you need to come and protect our
25 interests and start doing something about it.

26 Well, we got help from EPA, we got help from NEJAC, we got help

1 from Cynthia -- where is she? She's somewhere in the audience. I just
2 want to name a few people. Grover Hankins is somewhere in the
3 audience also.

4 These people came to Spartanburg and we partnered with the
5 Fletcher Construction Company in Spartanburg to take a look at this
6 area, this Arkwright area.

7 Arkwright is the name of the community that took on the name of
8 the plant that was there, it was the Arkwright Mills. It was a mill
9 community. So, in this mill community there were a number of things
10 happening and there were a number of things that were going on that
11 nobody said anything about.

12 So once we started to take a look, it became almost like a light
13 came on to say to us this is not the problem of just the people that live
14 there; it's the problem of the people that caused it.

15 So we've gone out to look for those people to make sure that they
16 are responsible, to make sure that they take care of that responsibility
17 to come back to the community and try to deliver this community again
18 back livable like it once was. To make it a livable community is one
19 thing that we strive for, and this is one thing that we are working for.

20 Again, I can't say enough about the people that are involved, and
21 that's what makes it so important and makes it such a wonderful project,
22 because it's people-driven. I've heard so many people speak today
23 about whether or not you're getting enough people involved, and
24 whether or not you're getting enough government involved -- you elected
25 us as elected officials and it's our responsibility to adhere to your
26 wishes. When we came to you and asked for your vote, you voted for

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1 us. So it's up to you to go back to those elected officials and get them
2 behind projects such as the one in Arkwright and say to us, let's see
3 what we can get done there. And that's exactly what we've done.

4 Well, let's see here, and then it started. Here's the background, it's
5 Arkwright and Forest Park communities. These were the livable
6 communities, and this is what happened in the community. When they
7 started to run off certain contaminants and it ran down through creeks
8 -- not dug for that contamination to run off or not put aside for it -- it just
9 ran off.

10 And these plants, the IMC and other facilities there, these plants
11 just ran it off in the community. Why? Because they could. And no
12 one complained about it because it would mean their job.

13 So they come to the city council and say we want the city to do
14 something about it. That was the first statement. And when you get
15 people -- that many people -- and you'll notice there, the city council
16 chambers are full and the people are there to say we want you to do
17 something about it, we want to find out who is responsible and how can
18 we get something done.

19 So the community organized to say to us, come take a look. And
20 we went out and took trips out, sent people out in buses to look. We
21 had people from other communities to come. EPA came. NEJAC
22 came. And they said to us, there is definitely a problem so let's see
23 how we can work together to get it solved.

24 The IMC plant that was one of the major contaminators started its
25 deconstruction, they started to take the plant away, simply because they
26 could not stop the things that they had already done, they could not

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1 correct them there, so they decided in order to go further, to continue to
2 go further, let's take this plant down, let's see if we can return this land
3 to a useful site.

4 That's what it looked like before with the plant falling apart. This
5 is what it looks like today. We've taken the plant down, we've closed
6 the city dump. All of those things have taken place and we're working
7 now to redevelop this particular area.

8 We had meetings, and this was a church. If you'll notice the
9 number of people that are there. Most of those people are from that
10 community. What's important is that the community became so
11 involved with this project that they decided that we need to see other
12 people here, we need to see some people come in here from
13 Washington, we need to see them come in here from Atlanta, all the
14 people in that District 4 area, people that are responsible that can help
15 us to make this project work and make it happen and return this
16 community because some believed that it was a health hazard. And
17 frankly so, there were some things that were in there that we found that
18 were health hazards.

19 So we continued to work with the community and we are working
20 with them today.

21 We've had an opportunity, and we have a couple of people here
22 today, one from Senator Hollings' office and we have one from
23 Congressman Demitt's office who called earlier and said the
24 Congressman couldn't be here because he had to go back down to
25 South Carolina. But we have involved all of these people, as many
26 people as we possibly can, to get them here.

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1 If you'll notice there, it says, "One man pursuing his vision." Again,
2 that was Harold Mitchell. He was the one that brought it to us.

3 Some folks say, well, you know, the city is not going to do
4 anything, the county is not going to do anything, you're beating your
5 head against the wall. But he did not let that stop him. He continued to
6 work to make sure that we got the attention that we needed to finally
7 correct this problem.

8 You notice we started partnerships. In those partnerships they
9 have developed a number of committees and we have about 65 people
10 on those committees that are working around the clock identifying
11 certain areas of expertise where they can continue to work.

12 Here are some of the partners. These are the people that we are
13 trying to identify, trying to bring them to the table to say to them let's
14 join, let's work together. We've talked to them and through the efforts
15 of NEJAC we've talked to a number of these people to say this is what's
16 happening, this is what needs to be done, this is how you can
17 participate. And we have them on board to participate.

18 In participating it's not just talking about -- and I heard someone
19 say earlier, just talking about it is not enough. Some say, well, you've
20 gotten to this point, isn't that great, isn't that good enough? No, it's not
21 enough. It's like the little kid that's in the back of the station wagon
22 when you're going on vacation, you say, well, we're going to Disneyland.
23 And once you pull out of that driveway, what's the first thing he says?
24 "Are we there yet?" Well, by no means are we there yet.

25 All the programs that you hear and all the projects that you hear
26 talked about we're not there yet. We have an opportunity to let -- you

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1 know, what it takes to get there. And it's not going to be easy. It's
2 going to be difficult times and there's going to be some times that you're
3 going to find that you're going to get frustrated and tired of working with
4 some of the agencies that you have to work with. But it's going to be
5 important that we stay into it for the long haul.

6 As Mary said earlier, it's not a quick fix; it's going to take the long
7 haul, you're going to have to put the effort there. You're going to have
8 to support the people that support you and the people that will step out
9 front and say to you, yes, we're going to be with you one hundred
10 percent. Those are the types of things that we're looking forward to
11 doing.

12 These are some of our partners. I won't insult your intelligence by
13 reading them all to you, but I must mention for the elected official people
14 -- I've got to mention Senator Hollings, Congressman Demitt,
15 Congressman Clyburn, Governor Hodges of the State of South
16 Carolina, Representative from House District 31, that's the district that
17 this Arkwright initiative is taking place, and the state Senator Glenn
18 Reese who is also over that particular area.

19 The City of Spartanburg and the County of Spartanburg have been
20 on board because they can identify the number of people or the persons
21 that are responsibility for having these types of contaminants in that
22 Arkwright area.

23 What they've done, they have compiled a list -- and since it's
24 almost that season, compiled a list and checking it twice -- to make sure
25 that we get everybody that remotely had something to do with it,
26 remotely had a part in contaminating to do this.

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1 Now, this is a bold venture by the city. And you say, well, it's going
2 to cost a lot of money. Well, yes, it is. And we made a lot of money.
3 The textile industry made a lot of money off of doing just what they're
4 doing now. So it's going to cost a lot of money; we're going to ask for
5 a lot of help; we're going to look for as many people as we possibly can.

6 What has happened now is NEJAC and EPA have come to the
7 table to say that we are going to join with you to make sure that we find
8 a way to get this to happen. We're not going to do it for you, but we're
9 going to help you find a way to get it to happen.

10 What can happen at this level and at other levels, levels higher
11 than this, is that we have the opportunity to present these cases, that
12 we have the opportunity to say to the people that hold the purse strings
13 that we don't want you to just us a few thousand dollars for planning, we
14 want to find a way to give some money for implementing.

15 That's what the key to it is. We can plan forever and a day and not
16 get anything done. But the implementation of those plans is what's
17 going to make a difference in this community and in other communities.

18 Again, these are some of the success stories here. We say
19 opportunities for success. These are some of the items that we've
20 thought about, we've gotten the Congressmen and the Senator to
21 almost include -- we're working on getting included as a link item in the
22 budget. We're working on Ford Foundation. We're working on
23 foundations that are there in the City of Spartanburg and in the County
24 of Spartanburg. We're working on funds from the state.

25 But it won't be over yet. And it's not going to be over until we can
26 return this community to where it once was.

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1 Just the other day I took Harold when he was home -- we talked
2 about the number of businesses that were located in that area. Within
3 a mile radius, within a five-block area, we could count 40 businesses,
4 40 neighborhood businesses. Grocery stores, even shoe shops and
5 little cafes and little hot dog stands. All of those things are gone and the
6 community is left to fold.

7 But now there are people that are still there and they would like to
8 bring that community back into fruition to have it to look like their home,
9 something that they are proud of.

10 It's incumbent upon us to make sure that we give them that
11 opportunity, and by the efforts that's been put forward not by just a few
12 people.

13 The reason I'm here today -- and I say, it's not so much that I've
14 had so much to do with it, it's that I grew up in that neighborhood, just
15 a little distance from it. Played ball in the field that was called Arkwright
16 Ball Park. And all of those people, most of those people there, I knew,
17 we attended school together.

18 It's a great deal of pride for me to see that we have a young man
19 who came back to Spartanburg to say that something needs to be done
20 here. We saw it, we said it, but we were told we didn't have the money
21 to do it, we don't have the funds to do it, and we believed that.

22 I think that when we start to pool our efforts and we start putting
23 more and more of our resources towards the things that matter -- and
24 this is something that matters -- I think we'll start seeing more and more
25 successes and more success stories like you're heard here.

26 I applaud all of the presenters and I applaud Mary for the initiative

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1 that she has. I've only met her once and talked to her on the phone
2 once, but the initiative there and the people there to get them involved
3 to start working, I think that's important, and I think it's extremely
4 important, number one, that it's citizen-driven.

5 Please understand that: citizen-driven. You almost take
6 government out of it and say, government, you get on board. If it's
7 government-driven, we'll find a way to mess it up. I mean, that's just
8 being honest with you. But if it's citizen-driven, then the focus stays
9 there and the opportunities start to manifest themselves and you start
10 to see ways where you can be extremely successful.

11 I just want to say that this is some of the -- when you look at what
12 are the barriers to success, this are the barriers. Number one is cost.
13 When we talk about cost and getting all parties that are clearly
14 committed to the effort, and you must have clearly defined roles and
15 responsibilities -- these things are essential to success.

16 In all the things that you see here and all the things that we talk
17 about, I don't think there would be that much difference between any
18 project that you'll see while you're here -- that much difference in the
19 implementation and how to make it successful. But how to make it
20 successful is we must maintain the focus on what the problem is, and
21 instead of finding more levels of government to pass it through, we've
22 got to find someplace where to stop and start to identify and work for it
23 as it is.

24 These are ways the Federal Government can help. We put these
25 in here just for your attention, so that you can see. I could tell you about
26 it. I could write about it. But I have a printout here, if anybody would

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1 like it, with all of those on it. We'll just give it to you, if you'd like to take
2 it. We only have one, by the way, but we can copy it and give you
3 another one if you'd like.

4 Here -- I think Harold just put that one in there because he likes me
5 and I like him, so we put that one in -- we want to say, thanks to you, the
6 South African Delegation visited Spartanburg because this is something
7 that they are faced with in their country and they wanted to come and
8 see how we were handling it.

9 I think we are held up to the nation as being a pilot project, just as
10 the five of us that are here to present. We're held up t the nation and
11 not only here but throughout the world. They are trying to identify ways
12 to get projects done, and the way is to identify and get some resources
13 and some help there.

14 I think the way that we get it done is through a collaborative effort,
15 through efforts that look for success rather than failure, that identify
16 people that are willing to help and willing to come to the table to make
17 sure that these things happen. I think that's the one thing that we've
18 identified here in the Arkwright project.

19 I want to say again thank you to Charles. He came to Spartanburg
20 also to take a look at that project, as well as a number of people. But
21 I want to say a special thank you to the young people. There was a
22 time when i used to always say, you know, "the old folks said." My
23 brother told me I had to stop saying that because I was getting close to
24 being one.

25 (Laughter.)

26 MAYOR TALLEY: But I want to say a special thank you to all of

1 the young people that are here. And I say young people -- I won't
2 identify where that age starts. But those of you that have come together
3 to work with those of us who are not quite as young as we used to be,
4 or as young as we think we are -- I want to say thank you for spending
5 your time and your energies to identify well-defined projects that's are
6 communities throughout this nation that need to be addressed.

7 And I want to say thank you to Ms. Harris, who is here also, from
8 District 4. I saw Mr. Holtzclaw here also just a minute ago. I've got to
9 name these names because I've got to go back home.

10 (Laughter.)

11 MAYOR TALLEY: But I want to thank you to all of them, to say
12 that we do appreciate the efforts that you've put forward, not only in
13 Spartanburg and not only in Chicago, but throughout the country to try
14 to bring a positive into the problems that we face in this nation.

15 Again, thank you for inviting us, and I appreciate being here.

16 (Applause.)

17 MR. LEE: Thank you, Mayor Talley. Two other persons I know in
18 that project are Rosalind Brown and Jewel Harper who is leaving the
19 room right now. The third one -- I just said that two other persons I
20 know in that project that weren't mentioned yet were you, Jewel Harper
21 and Rosalind Brown.

22 Another one is Harold Mitchell who is a member of the Council.
23 Harold is actually the untiring force in this whole effort. He's the one
24 that really built all these partnerships. I'm going to ask Harold to say a
25 few words.

26 Let me explain what's happening right now. Dr. José Rodríguez-

1 Santana, who is a pediatrician in Puerto Rico who has been leading a
2 asthma effort, has to leave in a little while. So we are going to put him
3 on this panel and they're setting up his computer equipment. So, until
4 he's ready I'm just going to ask you, Harold, just to add a few words to
5 Mayor Talley's wonderful presentation.

6 PRESENTATION BY MR. HAROLD MITCHELL

7 MR. MITCHELL: I'd just like to note too as far as on the -- for the
8 support of being able to build a collaboration of success was, first of all,
9 getting the community involved in the community organizing. That
10 started basically with people like Connie Tucker with the Southern
11 Organizing Committee to network with the other environmental justice
12 groups.

13 We basically had to identify documents, research a lot of what was
14 denied over the years before Mayor Talley was in office, and being able
15 to look at other groups like Dr. McClain's and Charlotte Keys and having
16 Professor Hankins to come in and help us from a technical side. I think
17 that really empowered the community to move forward and to also, as
18 the mayor stated, hold the elected officials accountable.

19 What we did basically was, with the organization itself, we felt that
20 we needed to have people that represented us in those positions and
21 we elected our vice chair to city council as well as our state
22 representative, Brenda Lee, who was able to -- once the vehicle was
23 created, at that point, to go after and identify.

24 Some of the things the mayor stated regarding our vision, the
25 community's vision was basically to redevelop those five abandoned
26 hazardous waste sites. And what has gone now from the two sites of

1 600 to now almost the entire south side of Spartanburg. It's really so
2 complex that he couldn't put everything on the overheads.

3 We have partnerships from the various banks. Steven Davis who
4 is a running back with the Redskins here was going to come this
5 morning but I think after that shellacking on Sunday -- he's going to
6 come in later this afternoon.

7 We have a lot of support from various players that are from the
8 area there in Spartanburg to where we're not totally depending on the
9 grants. Because we have a lot of the resources right there in the
10 community.

11 Hopefully within the next year some of the private technical
12 consultants that we've hired and went out to bring into the community
13 so that we can stay in control as a primary stakeholder, we found
14 someone through Grover's group who did one of the first brownfield
15 projects in Boston, Massachusetts as an urban planner to help us come
16 up with a concept with the focus groups because there's so much that's
17 involved we don't want to just go and say, well, we want a sports
18 entertainment complex or a commercial development.

19 We wanted to make sure that everything fit the needs of the
20 community and there's so much that's there on the table regarding, as
21 the mayor stated, five or six restaurants that were once there in the
22 community -- at this time presently you have to drive seven miles in
23 either direction for groceries, pharmacy, any type of needs. There's
24 nothing basically in that area.

25 And, yes, we do have the exact same problems that's noted here
26 from the community people that are here in the audience that I wanted

1 to address last night, because in this meeting we organized 1,400 or
2 1,500 people at first around the problems of health and the sites
3 because just this year alone in the radius of the sites we've had 44
4 people just this year alone to have died from the same types of cancer
5 and respiratory diseases.

6 My father, my sister and presently even myself, I haven't been
7 diagnosed, but with the problems that I've been having from the kidneys
8 and doing all the different tests -- it's a very serious problem of those
9 facilities. And we're basically getting that addressed. And from that
10 point, now that we have the attention, we wanted to move from the
11 clean-up and remediation to taking that next step, and that's the
12 redevelopment, now that we've got the ball rolling.

13 MR. LEE: Thank you. I understand that the representatives from
14 Senator Hollings' office and Representative Demitt's office are here. If
15 you could identify yourself, we want to acknowledge you.

16 (Participant from the audience inaudible.)

17 (Applause.)

18 MR. LEE: Great. Now we're going to get a presentation from Dr.
19 José Rodriguez-Santana who is a pediatrician addressing issues of
20 asthma with a project called the Asthma Coalition of Puerto Rico.

21 ASTHMA COALITION OF PUERTO RICO

22 PRESENTATION BY DR. JOSÉ R. RODRIGUEZ-SANTANA

23 DR. RODRIGUEZ-SANTANA: Good afternoon. It's really my
24 pleasure to be here and I would like to thank the organizing committee
25 for inviting us to present and share our ideas of our asthma project in
26 Puerto Rico.

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1 This is an interagency project that we began to work in about two
2 years from today. What I'm going to do is try to be as brief as I can.

3 Asthma is really a disease of many faces. In a disease of many
4 faces one of the faces is the environmental risk factor. Most of the
5 children that have asthma have an environmental risk factor that
6 triggers their asthma attack. That's why we are very interested in
7 getting the information of what are those environmental risk factors in
8 trying to decrease the burden of asthma in Puerto Rico.

9 In Puerto Rico we have a high mortality of asthma. This is the
10 highest among Hispanic in the nation, and we are U.S. citizens. One of
11 the problems that we have been having with asthma in the past is that
12 many of the projects that have been done for asthma have not been
13 done in Puerto Rico. So we have been under-represented in the
14 asthma project in Puerto Rico.

15 This is the first asthma project that has been funded by several
16 interagency, federal agencies, trying to decrease the asthma burden in
17 native Puerto Ricans. And we have data on asthma mortality. We have
18 three times the asthma mortality among Puerto Ricans living in the
19 island -- three times higher than Whites in the States and even higher
20 than the African-Americans in the States.

21 Also, we have an extremely high prevalence compared to other
22 ethnic groups. So we have high mortality and high prevalence of a
23 condition that is strongly related to environmental factors.

24 We have done several projects. One of those projects was
25 sponsored by the EPA. This was the most important project because
26 it used a standardized questionnaire called the Isaac Questionnaire.

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1 We compared our asthma prevalence with other communities in the
2 States and in other countries, and Puerto Rico is one of the highest
3 asthma prevalence, has one of the highest asthma prevalence. It's
4 about 44 percent of the population in their lives has asthma, sometime
5 in their lives has asthma.

6 So we have a very high prevalence. Recent studies showed the
7 same.

8 And asthma is not only an environmental disease, but it is a
9 genetic disease. Probably why Puerto Ricans have this burden of
10 asthma. Maybe it's the interaction of those two factors. Genetic is one
11 of them, but environmental is the other one.

12 Now we are doing studies on genetic analysis on Latino -- and
13 Puerto Rico is one of those sites. For the first time we are now having
14 some of the projects done in Puerto Rico.

15 Also it's a disease that is related to the infections, the viral
16 infections. How those children interact with other children and with the
17 environment -- so it is a very important issue that has to be addressed
18 in Puerto Rico.

19 And as those initiatives, we developed the Asthma Center in
20 Puerto Rico. This is an asthma center in the San Juan area that is
21 dedicated to education, treatment, research on asthma issues in Puerto
22 Rico. We developed high technology to intervene with those children
23 and it is mainly related to children with low economic status.

24 Puerto Rico is now -- I think that it's the only part of the United
25 States where there is health care reform and everybody, most of the
26 population, has some kind of insurance, health insurance. Only four

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1 percent of the people do not have health insurance. So most of the
2 population has some kind of access to health care. But we are as a
3 project trying to address the issue that everybody needs access to
4 adequate care, not to health care.

5 This is part of the things that we are doing. We are intervening
6 very early during infancy in those children. We have one of the few labs
7 in the world that we developed with the University of Indiana to identify
8 early stages of asthma in children. This was developed in collaboration
9 with other institutions in the United States.

10 This is just to bring to you what we have -- when we have a child
11 with asthma. This is a child that is eight months, and this child has nine
12 admissions to the hospital. So this is a very sick child that went into the
13 program when we identified this child in a consult. (Audio.) That kind
14 of noise is the one that parents are scared about it and they look for
15 help.

16 One of the problems in Puerto Rico is that families don't look for
17 help at the place that they have to look for it. They don't know what to
18 do. They have a low social and economic status, many of them have
19 low intellect, especially when dealing with disease like this one. So one
20 of the major aspects of the project is to educate the families and the
21 children with asthma. So a major part of the project is to educate the
22 families, and not only be involved with the children with asthma, be
23 involved with the social aspect, and also the quality of life.

24 We follow the guidelines of the American Academy of Allergies and
25 Immunology that were published last year.

26 One of the interesting things that's happening in Puerto Rico is

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1 that, as we can see on the left, most of the medication has been
2 changed -- used for asthma hasn't been changed during the past years.
3 In the '70s we used a type of medication; now in the '90s and in 2000,
4 we use another kind of therapy. I'm going to show that in the States
5 about 50 percent of the pediatricians and asthma specialists utilize
6 some kind of anti-inflammatory drugs.

7 What's happening in Puerto Rico is that we did a study in a small
8 population, about 4,000 asthmatics, where we found that only 2.6
9 percent were using the adequate medication for asthma. So most of
10 the people that are of low socioeconomic status are using medications
11 that were used in the '70s and in the '80s.

12 So what's going on? We need this community, we need this
13 institution that can look at what's going on with that and can make
14 things change.

15 In one of the projects that I'm going to show later that we call the
16 Olympic asthma, it was project developed to exercise in children since
17 many of the children that have asthma -- many physicians and at
18 school, you know, at the community, they thought that those children
19 cannot do exercise and we believe that exercise is very important to the
20 improvement of asthma. Now it is related with diesel emissions and
21 with the other environmental triggering factors, as a factor that has
22 increased the asthma prevalence. So we believe that exercise is an
23 important thing.

24 We did a questionnaire and we found that many of those children
25 were not using the adequate drugs for asthma. And asthma is a
26 disease that is underestimated. Usually the patient doesn't receive the

1 adequate treatment, and that's one of the things that we are facing right
2 now.

3 What happens with asthma? We have done a lot of effort, the
4 federal agencies have done a lot of efforts, as well as the patients and
5 physicians, but we are willing to accept inadequate treatment -- we
6 believe that, well, I'm okay right now, I don't need medication. That's a
7 common behavior.

8 What's happening is that when things fail, we start writing
9 guidelines. What happens with the guidelines? There have been five
10 guidelines in the last ten years. What do many physicians do with the
11 guidelines? They store those guidelines.

12 So we have a lot of pressure trying to treat those patients, trying
13 to make society aware of what has to be done. As part of that, what's
14 happening with us? We start doing things wrong. You know, many
15 physicians start looking for avenues that are not adequate. And what
16 happens with the system? Strange things happen. We have a lot of
17 work to do, a lot of pressure. We have pressure from guidelines,
18 federal agencies that we have to write things, that we have to do a lot
19 of things.

20 But we have to think about it a little bit and see how we are going
21 to address this issue. This issue is a very important issue because we
22 are far away from a cure for the disease. We are just at the beginning.
23 We are excellent in the symptom relief, we know that the patient has
24 symptoms of asthma, we know how to treat that patient. But how to
25 control the condition, this is very difficult to do.

26 So we are just making things more simple. More simple to

1 patients, to physicians. And that's one of the major tasks of the project
2 in Puerto Rico -- what is most useful to patients.

3 So the problems: increased prevalence, increased mortality. We
4 have patients that are insured. What we need to do to deal with that
5 problem? We form a team. We developed a team that is called the
6 Coalition of Asthma In Puerto Rico where we have private and public
7 sector, government sector, some of the federal agencies, HRSA, HHS
8 and EPA has been a very important federal agency in that project. And
9 we have one year's experience with the coalition.

10 We have a lot of things to do. We have areas for improvement.
11 We have dilemmas that we have to address.

12 As a summary, we have this project, this education project, that is
13 called "Los Colores del Asma," the color of asthma. That project
14 addresses the issue of education in families and in children. So we
15 enforce them to do the self-management of asthma. And to make sure
16 that people get adequate care, we have a system that is linked with the
17 health insurance that are giving that health care reform insurance to
18 patients with low socioeconomic status. With that system, we identify
19 those patients that need that adequate treatment, that needs additional
20 evaluation, and that child is directed to the program.

21 We have data on how we decrease the hospitalization rate, how
22 we decrease the emergency room visits, how we decrease the use of
23 inadequate medications on those children.

24 This is part of the project that we did in trying to stimulate exercise
25 in those children, and this is part of the project that we are trying to do
26 with those children.

1 Also, we have a master plan that we will try to follow. This is a
2 plan that will go and intervene in the different areas of asthma. Not only
3 prevention, but also into the community-based services.

4 So right now what we are doing is we are developing the legal
5 entity of the Coalition of Asthma that will give the empowerment into the
6 community -- not to government agencies, into the community -- to
7 develop strategic initiatives to deal with the problems of asthma.

8 Thank you very much.

9 MR. LEE: Thank you.

10 (Applause.)

11 MR. LEE: I think in terms of the last presentation, first of all, is it
12 possible for us to get a copy of that presentation for the record?

13 DR. RODRIGUEZ-SANTANA: Yes.

14 MR. LEE: There are many things in there that it would be really
15 important to put into the meeting's report.

16 Secondly, I'm not sure if she was mentioned, but someone that
17 should be really recognized for her incredible work in this project is
18 Maureen O'Neil of EPA's Region 2.

19 Maureen, are you here?

20 (Applause.)

21 MR. LEE: One of the things that you should know is that Dr.
22 Claude Fox who is the director of the Health Resources Services
23 Administration who you heard from yesterday -- meaning, HRSA -- has
24 been really excited about this project. In fact, this is probably one of the
25 ways that we will be able to really get HRSA to understand the larger
26 issues of environmental justice.

1 So, you know, building off of work like this is really important, and
2 we all know the importance of that.

3 If I could just ask all the members of the panel just to take a few
4 questions. I know that --

5 MS. RAMOS: Charles.

6 MR. LEE: If you could all come forward and we could answer
7 some questions and have some dialogue.

8 Rosa Hilda.

9 MS. RAMOS: Dr. Santana, I want to express our gratefulness, our
10 appreciation for all the efforts that you have invested in making all the
11 people aware of the terrible problems that Puerto Ricans have in
12 relation to asthma. I've been watching you and it's really commendable
13 your tenacity.

14 I do have some comments and recommendations for you. I've
15 seen that you and your group center all the efforts to fight this terrible
16 disease into the treatment strategies, but there's not enough efforts
17 related to prevention.

18 In Puerto Rico I have seen that -- different from what is happening
19 in the United States -- the doctors are never involved in the process of
20 the permitting of new sources of air pollution, they have not filed any
21 complaints regarding abuses of communities because of the conditions
22 of having too many asthmatics in the community.

23 So I think it's about time for you to think carefully about these
24 issues because the community really needs people like you to be on
25 their side when asking the government not to increase pollution in their
26 communities. That's very, very important.

1 Also, I would encourage you to invite people from the most
2 affected communities to be part of your working group. This is not
3 happening and I think that having them in your working group will enrich
4 your efforts, will obtain more support from the community and will
5 obtain, you know, further successes in your efforts.

6 I would like to ask you if you have information regarding the fact
7 that the Orango study continued after the first report and they found that
8 the Guaynabo north area and Cataño has even more asthma than what
9 you reported from the original report. Are you aware of that?

10 DR. RODRIGUEZ-SANTANA: I'm not aware of that information.

11 MS. RAMOS: That's what I suspected because the Health
12 Department has not published the results.

13 DR. RODRIGUEZ-SANTANA: Yes, it's not been published.

14 MS. RAMOS: And I will be more than happy to share those
15 numbers and reports with you. Okay?

16 But once more, thank you very much and keep on fighting. Thank
17 you.

18 DR. RODRIGUEZ-SANTANA: I would like to thank you for your
19 comment which is very important. As part of the initiative that we are
20 taking, I mean, that was one of the recommendations of the EPA
21 summit in Puerto Rico in 1996, is to try to get additional funding through
22 the SEP, the Supplemental Environmental Projects. Just two months
23 ago we got our first Supplemental Environmental Project that will deal
24 with some of the issues of asthma.

25 So I think that pursuing the environmental hazard is going to be a
26 very important avenue to deal with the asthma problem in Puerto Rico.

1 We have a lot of schools and children at schools that have a lot of
2 asthma attacks due to emissions that nobody knows how they are
3 developed. And I think that this involvement of the Coalition having the
4 Department of Health and the Department of Education sitting at the
5 table and talking to them about those problems are so important.

6 MS. RAMOS: Right now there is an emergency situation in the
7 Guaynabo area because of an industry -- a mill, PanAmerican Grains,
8 which is committing what I consider crimes against the community and
9 there's no doctors on the side of the community. So there's a lot of
10 opportunities for you to work with communities and really, really obtain
11 results regarding prevention of asthma attacks. Thank you.

12 DR. RODRIGUEZ-SANTANA: And I think that the second point is
13 that this is an excellent opportunity to join the group and be part of that
14 group. We are just only a baby -- this is only a year and a half year old
15 project and we just had our first asthma summit two months ago. We
16 expect about 250 participants and we have over 700 participants at that
17 meeting.

18 So I think that getting the communities involved with this kind of
19 project is extremely important to make people aware of the asthma
20 burden in Puerto Rico.

21 MS. RAMOS: But it's not just the community, it's the affected
22 community.

23 DR. RODRIGUEZ-SANTANA: Oh, yes. Thank you.

24 MR. LEE: Any more questions or comments? I know probably
25 everyone is dying to go to lunch, right? Yes. Well, I think the
26 presenters do deserve a round of applause. I want to thank them.

1 (Applause.)

2 MR. LEE: I want to thank them for being here and for the
3 tremendous work you're doing.

4 With that, I think that we're going to break until -- was it 1:30?
5 We're going to have an hour for lunch, right? Great. We'll be back at
6 1:30.

7 (Whereupon, the meeting in the above-entitled matter was
8 recessed, to reconvene at 1:30 p.m., this same date.)

AFTERNOON SESSION

MR. LEE: Well, good afternoon. I guess we're going continue in the agenda. We heard this morning from three of the interagency environmental justice demonstration projects. I think you would agree that they're really outstanding, and we're going to continue with the panel which includes two other demonstration projects. One is a centered around three rural townships in New Madrid County, Missouri, set around children's health. The other is a lead project in East St. Louis.

We're going to hear from Dr. Emil Jason to talk about New Madrid County, and Richard Mark from St. Mary's Hospital in East St. Louis, Illinois.

So, Dr. Jason.

PRESENTATION BY DR. EMIL JASON

DR. JASON: Good afternoon, everybody. I appreciate the opportunity to make a few remarks regarding the New Madrid County, Missouri initiative involving EPA and its partners.

As you can see, we have four projects listed, but I'm going to concentrate only on the first project. I deemed it appropriate to mention other projects in order to give one a more comprehensive view of what EPA is doing in that area.

We have the New Madrid County Tri-Community Child Health Champion project that I will be talking about mainly, but I thought I needed to let you know about the Environmental Justice Pollution Prevention Project, EJP2, and the recycling project.

There are some similarities between all of these projects. The first

project is a health related project and project two also has health components as well as community development components. The recycling project also has elements of health as well as community development, and the Bootheel, Missouri/Southern Illinois Small Farmers Cooperative is a community development project only.

I just received word today that we've been -- this Bootheel, Missouri/Southern Illinois Small Farmers Cooperative is kind of a sneaker and we would like to do with what we have just found out about that project, we would like to do the same thing with the recycling project.

We started out a couple of years ago in that project with zero dollars and we just received word today that we will probably get \$1.5 million for the Bootheel, Missouri/Southern Illinois Small Farmers in order to supply fresh produce to stores in St. Louis. So, you see, you get your information in all kinds of ways.

We have some material on the back display. This is a little booklet that shows the kickoff in January 1999 of the New Madrid County Tri-Community Child Health Program, and if you want to help yourself, there's a cap back there for you. It will probably fit you. This is used in an advertisement for the Tri-Community Child Health Program.

And we also have a bumper sticker which advertises the recycling program in North Lilbourn. If you look back there carefully, you will find a red and yellow paper which gives you a brief on what the EJP2 project is doing as well as the recycling project.

Now let me confine myself largely to the Child Health Champion Project.

We want to first indicate some of our major partners. The Great Rivers Alliance of Natural Resource Districts, known as GRAND; the United States Department of Agriculture, NRCS. I'm a volunteer and work for USDA and also do work for GRAND. EPA Region 7 provided the funds. Bootheel Lead Nurses. Delta Area Economic Development Corporation. Head Start. Lincoln University Cooperative Extension. We have the Missouri Department of Conservation. Missouri Department of Natural Resources. Missouri Department of Public Health. New Madrid County Health Department.

Also, the New Madrid County Tri-Community Team. This is a team of people of about 20 and they've been meeting since 1998. And to show the dedication of that group of people, we didn't get funded until January 2000. They've been working at this for more than two years, and so you know they were very glad to finally get their project off the ground.

Now, for the most part, these partners provided us with technical services, also health testing and referral services. Also they provided workshops and one agency cleaned out all the ditches for North Lilbourn, and another, the Missouri Department of Natural Resources, provided us with trees. They had a variety of tasks that they performed to assist this particular project.

Now, most of you probably don't know where New Madrid County is, so this will give me a chance to tell you where it is. We can take a look at some geographical and socioeconomic background information.

These three communities are located in the Bootheel of Missouri. They're about 175 miles south of St. Louis, 110 miles north of Memphis.

They are a rural communities, as Charles pointed out. Very small communities. The population of Howardville is 690; Lilbourn 1,845; North Lilbourn, 276. So, combined we're talking about approximately 2,800 people.

But look at the poverty level: 57.6 percent for Howardville; 27 percent for Lilbourn; 72 percent for North Lilbourn. And so you see, it is three communities that definitely need help. So we're very glad to be there to provide some assistance.

Let's look a little deeper into the nature of these communities and we'll see that Howardville on the left top, per capita income just \$4,616; Lilbourn \$7,893; North Lilbourn, \$4,222, compared to the state average of \$21,853. So you see we're talking about distressed areas.

New Madrid County, in which all three are located, has an average per capita income of \$14,431.

And I think all of us recognize the great connection between education and income. Look at the high school diplomas, only 24 percent in Howardville have high school diplomas; 34.8 for Lilbourn; and 31.2 for North Lilbourn. College degrees, very few: 4 percent, 5 percent, and 0 percent for North Lilbourn. So we're in the right place if you really want to do some good.

What is the purpose of our project? The purpose of the project is to acquaint the affected communities -- and we're talking about Howardville, Lilbourn and North Lilbourn -- we want to provide them with information on the environmental health hazards to children resulting from exposure to lead; asthma; allergy triggers; and poor water quality, while seeking ways to reduce these risks.

1 The question is, how do we achieve that purpose and what are the
2 benefits to the community once we achieve the purpose? So first I
3 need to tell you about how we did it, then I'll give you some benefits to
4 the community after having done it.

5 What we did first was we gathered 12 community facilitators, four
6 from each community. We obtained a trainer and trained the facilitators
7 so that they would be able to impart the information that we provided.

8 The facilitators were given a pre-test and a post-test to make
9 certain that they had mastered the material. They were then given
10 educational materials and were sent out in order to impart that
11 information to the three communities.

12 That's how we did it

13 What are the benefits to the communities? In the area of lead, we
14 found that 40 percent of all the households in those three communities,
15 they were given information relative to the threat to their children's
16 health that would come from lead poisoning. All of the communities
17 have access for testing facilities for lead, and once we find a high level
18 of lead, they are referred to the appropriate place.

19 Through community capacity building we assured the communities
20 through this process that they had better information relative to the ill
21 effects of being exposed to lead and, as a result, it is my thinking that
22 the quality of life should be somewhat enhanced.

23 In the area of asthma and allergies, again employing educational
24 materials and training workshops, we informed the three communities
25 of some of the triggers of asthma and allergies. Among these were
26 certain chemicals found in the home, tobacco smoke and other kinds of

1 smoke, allergens from rodents and insects, dust and a particular
2 agricultural dust. These were some of the triggers -- molds, this kind of
3 thing, things that we can find around the house.

4 In informing the public about some of these triggers to asthma and
5 allergies, we therefore improved their indoor quality and our thinking is
6 that that should reduce the number of asthma attacks.

7 In addition, because of our interest in trying to reduce dust
8 contaminants, we planted trees in places where children play, especially
9 around schools and parks, and in doing so we also created a windbreak.
10 A windbreak not only improves energy efficiency but at the same time
11 reduces dust contaminants, especially agricultural dust that comes from
12 the destabilization of the land in an agricultural area, and in doing so we
13 hope that this should reduce severe attacks of asthma.

14 Again, through careful talking with the community and telling them
15 about the dangers of asthma, we were able to better inform them
16 regarding the surrounding environments, and we believe, once again,
17 that their quality of life should be improved as a result of having that
18 information and using it wisely.

19 In the area of water, we considered and made aware to these three
20 communities the contaminants that we would find in drinking water, and
21 also made them aware of EPA standards and safe drinking water. We
22 also informed them about the dangers involved in stagnant water -- they
23 had a lot of stagnant water around -- and the disease factors associated
24 with stagnant water, such as rats, roaches, mosquitoes and flies, and
25 some of the diseases that these vectors would carry. We informed
26 them of that.

1 In addition, we pointed out to them the need for sampling or testing
2 their water on a regular basis because we looked at the water facility
3 and it looks like it was probably built way back in the '20s.

4 So we are looking at safe drinking water, expose them to the
5 contaminants that we would find in drinking water, and also we pointed
6 out the dangers of stagnant water as well as storm water drainage in
7 which they have a problem. Sometimes in heavy rains storm water
8 would back up and cause problems of flooding in the homes.

9 As a result of this program, all of the communities have had their
10 ditches drained -- see, they have open ditches where the water comes
11 and it's supposed to run someplace else away from the house. So
12 these ditches now have all been cleaned out and they have appropriate
13 elevation so that they will drain away from the homes.

14 So those are some of the benefits that all these communities have
15 received and we believe, by paying attention to what we have informed
16 them of relative to lead, asthma and allergy triggers, and poor water
17 quality, there's no doubt if they would follow our suggestions, that their
18 quality of life will improve.

19 Now, based upon everything that we can see, the project has been
20 very successful and we have not only -- not only can we measure the
21 results by finding out what we've done for the communities, we have
22 other ways for measuring project success.

23 The extent to which the goals and objectives have been met is
24 another process for measuring project success. In all cases we met
25 and/or exceeded our goals. So from that standpoint it was a successful
26 project.

1 We also recognize that when leadership and participation come
2 from the community, that this too gives us some measure of project
3 success. There's no doubt about it that the community team is in very
4 much control of this project and I more or less just keep them going.
5 They more or less tell me what to do and I do it to the extent that I can.
6 Usually it works out pretty good.

7 The third item here is concerned with the degree of project
8 sustainability following the loss of project funds. I think every project
9 that one has, and I've had many over a period of years, most of them
10 run out very soon. As one gentleman said this morning, it's always a
11 good idea to move from federal funds to the private sector as quickly as
12 one can.

13 We are trying to move the recycling program so that the person
14 who is running the recycling program will eventually become more
15 independent. It's hard to do but that's what we all ought to be working
16 toward.

17 We have some other elements of project sustainability. What
18 we're talking about here is what elements can you point to that would
19 suggest that what you have done in your project will be continued after
20 you are gone.

21 One thing the community team has done is that they have brought
22 in a stream team. They now have a number, number 1617. The
23 community team did this on their own because of their interest in health
24 and trying to clean up the environment.

25 We have also recognized an increased use of peak flow meters
26 that has led to a serious -- led to a decrease in serious asthma attacks.

1 We are now partnering with the Bootheel Healthy Start, and that's
2 enabled the program to expand to five counties.

3 Remember, we're working in only one county. One of our
4 community facilitators has joined -- is working for Bootheel Healthy
5 Start, so now she goes around to five counties. They've stolen the
6 virtues of this program, which will be continued for another five or ten
7 years, I'm sure.

8 We have also established many information stands in all three
9 communities that provide information about lead, asthma, allergies and
10 water quality.

11 Now, we're not talking about monthly "morality." That should be
12 "mortality." I know it's rough.

13 Some of the community facilitators are engaged in infant mortality
14 reduction workshops. These are provided in churches, and they stress
15 awareness of health risks associated with lead, asthma, allergies and
16 poor water quality.

17 So, you see, this thing goes on and on because the community
18 facilitators are very much involved in the community.

19 We have also noted increased interest in health issues. And so
20 I'm fully convinced that the little seed that we have planted will probably
21 continue to grow and do well.

22 That concludes my remarks relative to the Children's Health
23 Project in New Madrid, Missouri. If you have any questions, I'll be glad
24 to answer them. Help yourself to the things on the back table.

25 (Applause.)

26 MR. LEE: Thank you, Dr. Jason. We're going to have both

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1 presentations and then, you know, have questions and discussion with
2 both of the presenters.

3 I just want to point out -- first of all, Dr. Jason, is it possible for us
4 to get a copy of the overheads --

5 DR. JASON: Yes, sir.

6 MR. LEE: -- for the record?

7 DR. JASON: Yes, sir.

8 MR. LEE: Great. Secondly is that I think it should be noted that
9 a person who has been real instrumental to this project's success is
10 Althea Moses who is the EJ Coordinator for EPA's Region 7. So,
11 Althea, I guess you could have yourself acknowledged.

12 Thirdly, there were a number of points on which Dr. Jason talked
13 about measures of success. I want to point out that in your information
14 there's a piece that looks at how to evaluate these projects and the
15 principles by which that would be done. That's being prepared under
16 the guidance of Katherine Dawes from EPA's Office of Policy.

17 I would like at some point to really engage the Council on some
18 discussion about that. That is very much in the process of development
19 and I think this is a very important aspect of the future success of these
20 efforts.

21 So, with that, I want to turn it over to Richard Mark who is the Chief
22 Executive Officer of St. Mary's Hospital in East St. Louis, Illinois.
23 Richard.

24 PRESENTATION BY RICHARD MARK

25 MR. MARK: Thank you. I thank the Committee for giving me the
26 opportunity to present our project here today. Our project is protecting

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1 children's health and reducing lead exposure through collaborative
2 partnerships. As you can see, East St. Louis, Illinois is located right on
3 the border of Illinois and Missouri across from the St. Louis arch.

4 What I'd like to do in my presentation today is go through our
5 environmental justice agenda goals, give you an overview of our
6 demonstration pilot, talk about our partners' participation, EPA's
7 involvement, and then spend some time talking about what St. Mary's
8 Hospital is doing in the community as far as testing children for lead.

9 We started with trying to develop a collaborative partnership with
10 this collaborative partnership model and started with a bottom-up
11 approach of trying to engage the community, identify the problems, and
12 then ultimately develop more of a livable community.

13 One of the problems that was identified is lead poisoning in
14 children in the East Louis area. At the time when we started this project
15 in late 1998 not much was being done to address that issue.

16 To give you an idea of the demographics of East St. Louis, it's a
17 low income community, 65 percent; it's 98.6 percent African-American;
18 very high poverty rate, very high unemployment, and a number of
19 abandoned properties in the city. The city is about 14 square miles,
20 where about four square miles of that are abandoned properties.

21 In the second phase of this program we'll have blood lead
22 screening for over 3,000 children. Our goal is to do a thousand each in
23 the next three years. Lead based paint assessments, housing rehab,
24 landscaping and weatherization of 75 homes. We're going to be doing
25 more soil testing, site assessments of abandoned bts. Many of these
26 abandoned lots -- and you'll see some pictures later in the presentation

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1 -- but these abandoned industrial sites, they were just walked away from
2 the late 50's and '60s and are now overgrown but children play in these
3 areas. Then our pilot remediation program.

4 This is very important: our community outreach and education, to
5 make people more aware of the dangers of lead poisoning.

6 This gives you an idea of some of our partners. We have state,
7 federal and local partners that are participating in this pilot. I think it's
8 very important to notice the Neighbors United for Progress and
9 Neighborhood Technical Assistance Center are both community-based
10 organizations made up of community residents working to try to work on
11 environmental issues and other economic development issues in the
12 City of East St. Louis, as well as St. Mary's Hospital. I will note that St.
13 Mary's is the only hospital that is located in the city.

14 This gives you an idea of the participation to date of some of those
15 partners and what their participation has been.

16 One of the things that's really helped this project is the \$2.8 million
17 lead grant from HUD. The Sinclair County government was the
18 awardee, and that has allowed us to go forward with doing some of the
19 home repair grants, some of the assessment, and the abatement
20 activities that are going on in the homes themselves.

21 The federal funds -- this program has received about \$1.8 million
22 from EPA and HUD the \$2.8 million, and then USDA about \$50,000.
23 Total partnership funds to date is about \$4.9 million.

24 EPA's involvement with lead soil investigation and analysis. It
25 started with a \$75,000 grant to the Illinois Department of Public Health
26 to assess lead releases to surface soils. We knew that the children in

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1 the area were -- many of the children had high levels of lead. We're
2 trying to identify where the lead poisoning was coming from, so this
3 \$75,000 grant helped do some soilsamples. Then alsothe Army Corps
4 of Engineers expanded that study, and then the \$75,000 grant was
5 made to assess some of the abandoned buildings. And then \$500,000
6 for three brownfield grants and assessment and job training.

7 We received a \$15,000 grant for outreach. What we did with this
8 was that we developed a videotape and one of the local TV stations
9 actually aired a 30 minute documentary on the effects of lead poisoning
10 in children, and it was focused on the East St. Louis community. And
11 then copies of that videotapewere made and distributed throughout the
12 community to all the schools, churches and community groups. Also,
13 it's played regularly on our local cable access TV to help inform the
14 public more of the problems and the importance of lead poisoning.

15 We received a \$335,000 EMPACT grant to assess and landscape
16 30 yards and \$20,000 for development and distribution of a quarterly
17 newsletter to facilitate the partnership meetings.

18 The partners you saw earlier, each of those partners, we meet
19 about once every four to six weeks, and the participation so far has
20 been very good.

21 In the lead soil sampling results -- in phase one we collected 200
22 samples, and the contamination range in those 200 samples is 10,000
23 to 15,000 parts per million. You can see this abandoned property, it's
24 an old gas station that was just abandoned and left as is.

25 Phase two, 350 samples, and the contamination range there was
26 from 10,000 to 35,000 parts per million.

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1 Our initiative started off in 1999 and our goal was to screen a
2 thousand children from one Zip Code. What we wanted to do was zero
3 in on just one part of the community to see and to try to verify just to
4 what extent the lead poisoning was in the children there.

5 We targeted the one Zip Code because it had six elementary
6 schools in that area. We actually go to the elementary schools. We get
7 permission slips signed from the parents and we go to the schools and
8 do a lot of the testing at the schools.

9 In 1999 we tested 1,001 children. We found that about 21 percent
10 of them tested with high levels of lead. The average level was about 15
11 micrograms there.

12 For 2000 we've decided to go and test another thousand children.
13 But this time we went back to schools that were located near the old
14 industrial sites that we found had high levels that were done in the soil
15 samples.

16 MR. COLE: Can I just ask a clarification question?

17 MR. MARK: Yes.

18 MR. COLE: When you're saying "high levels" is that above ten
19 milligrams per deciliter?

20 MR. MARK: Right. Anything above ten we categorized as high.

21 MR. COLE: Because if the median is 13, how can you only have
22 21 percent who are high?

23 MR. MARK: Excuse me? If the median is -- well, the median of
24 13 is of those who have tested above the ten. Okay? So what we did
25 is we took all of those that tested above ten and then -- when I show you
26 another slide here, what we've found -- well, let me go on here.

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1 We found in phase two that the lead blood screening -- what we
2 did was we targeted it around four newschools and school district. That
3 was a picture of the mobile office that we use to go out and do testing
4 on site.

5 To date -- well, through October -- we've tested 809 children.
6 Eighty tested high, which is about a 9.9 percent average -- 9.9 percent.
7 The average in the State of Illinois right now is at 6.

8 What we found in that test-- what we wanted to do was to go back
9 to the sites that were identified as having high levels in the soil. This
10 yellow area here is one of the elementary schools. That school has 347
11 children who go to school there. Of those 347 we were able to test 274
12 of them. We found that 22 of them had high levels, which that
13 percentage is a little less than 10 percent, about 9 percent. That's high
14 considering a blood level of 10 microdeciliters.

15 What we found, though, was that 51 percent of the children we
16 tested, or 139 of them, had levels between 1 and 9. Over half of the
17 children there had some levels of lead in their blood.

18 We were sharing this information at a hospital medical staff
19 committee meeting and one of the physicians, one of the pediatricians,
20 at that meeting had just attended a conference at the American
21 Academy of Pediatrics and brought back some information from a study
22 that was presented there last spring that indicated that children with
23 levels of lead of 5 or above could have learning disabilities as a result
24 of this level.

25 So what we did was we went back and talked to the principals at
26 that school and did some further study. An interesting thing that came

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1 out of that was they supplied us with the test scores of the children
2 attending this elementary school. In the third gradetest score we found
3 that 59 percent of the third graders at this particular school did not meet
4 the state standards in reading, and that 51 percent of the children did
5 not meet state standards in math.

6 When we looked at the fifth graders, which is a little bit older, that
7 number in reading increased to 81 percent in reading and about 50
8 percent in math.

9 So right now what we're trying to do is work closer with the school
10 system to identify the schools that are located in these areas near some
11 of these abandoned sites.

12 As you can see, this area here was Site 154, and in that area the
13 lead levels were between 324 parts per million to 929 parts per million.
14 There's another site just to the west of this school here that had lead
15 levels of 403 to 1,724 parts per million.

16 This is site 154. If you're on the playground of this school and look
17 directly to the back or off to the side, this is what you see there. And
18 this is overgrown. If you wouldn't know it was there, you probably
19 wouldn't even -- you wouldn't pay any attention because it's overgrown
20 with weeds. But yet, the former parking lot of this site is now the
21 playground for that school that we pointed out earlier.

22 So one of our biggest challenges is to continue and find case
23 management funding to work with the parents and families of these
24 children. Many times, once the parents are notified that the child has
25 tested high, to make sure that the parent gets the follow-up with the
26 physician, and then to look at remediation of lead in these contaminated

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1 sites, and particularly in these sites that are so close to the
2 neighborhood schools.

3 The school district is undertaking a new building project right now
4 and we're talking to the school board about if they are replaing some
5 of these older schools, to look at safer areas to replace them if this
6 remediation cannot happen.

7 Our successes. We've tested about 1,800 children so far. In the
8 next two years we'll test a little bit over 2,000 more.

9 The collaborative partnerships and participation.

10 And I think our biggest success has been the education and
11 prevention campaign. The education campaign -- when we first started
12 this project in 1998 it was very difficult to get the parents and
13 participation from the school officials to get the parents to sign the
14 permission slips which would allow us to test those children. After we
15 embarked on this education project, and thanks to the help of EPA for
16 helping us get that grant, and did the video, the participation by the
17 principals in these elementary schools has just been tremendous. They
18 are actually working with the parents, trying to get the parents in.

19 In fact, at the school I talked about in Site 154, five teachers
20 volunteered to have blood testing done, and of those five teachers, two
21 of them tested with a level higher than 17.

22 Our next steps in the first part of 2001 is to expand the testing to
23 the neighborhood residents near the six industrial locations with the
24 highest lead soil levels. In March and April of 2001 we plan to
25 implement an education on prevention programs in the pre-kindergarten
26 through fifth grade students of the second phase schools. And then in

1 May and June we'll start our testing on the next 1,000 children, and
2 those will be in the four new schools that will be identified.

3 Our next steps is to select the six industrial locations and expand
4 the soil sampling and site investigations, continue our blood lead
5 screening and lead based paint assessments, and perform potential
6 removal actions and also to the two final remediation projects will
7 hopefully get underway in early spring of 2001, continue our outreach
8 and try to diversify our partnerships because hopefully what our goal is,
9 as some of these sites get cleaned up, to put them back into some
10 productive use into the community.

11 I'd just like to thank Naomi Emeric who is from the Region 5 EPA
12 for -- she really spearheaded the work of getting the community groups
13 together and bringing them together for the monthly meetings and
14 organizing our collaborative partnerships.

15 Thank you. I'd be glad to take any questions.
16 (Applause.)

17 MR. LEE: Thank you. Naomi is sitting right back there. Can you
18 raise your hand? I think, for those of you who don't know, she's been
19 a real linchpin to the success of this project. I think, as we find out,
20 there are people like her and Althea and others who really play a very
21 big role in the success of these. And that's part of the evaluation that
22 one needs to do.

23 Why don't we open it up for questions or comments from the
24 Council. I don't know of anybody -- Vernice.

25 MS. TRAVIS-MILLER: The final remediation and site assessment,
26 who does that for you because you all are a medical and public health

1 facility. Do you have people on staff? Have you subcontracted it out?
2 How do they work with you on that part of the process?

3 MR. MARK: No, that's not a project that we're doing. It's one of
4 the partners that are in the pilot that is actually going to do those
5 projects.

6 MS. TRAVIS-MILLER: And what's your involvement in the sort of
7 the site assessment and then the remediation options that they then
8 choose for the clean-up?

9 MR. MARK: Well, our part -- we initially started, like I said, in late
10 1998 and 1999 with just doing the testing of children. But what we've
11 found is that we're finding groups of children, or clusters of children, with
12 high levels all living in certain neighborhoods. And so, based on that
13 information is when we went to the EPA and said can we get some
14 further testing in these areas? And so that kind of really spearheaded
15 bringing in all the partners that are in this.

16 We realize that as a hospital there's certain things that we do and
17 there's certain things that we really don't want to be involved in, and so
18 that's why it's so important to bring all those partners together in this
19 participation. The Corps of Engineers are there, they're doing some
20 work. We have the local community development agency. As I said,
21 several neighborhood groups and other organizations that are all doing
22 a part of this.

23 So what we've tried to do is bring those necessary agencies in that
24 have the experience and the ability to do those particular types of
25 activities.

26 MR. LEE: Great. Next is Don Aragon.

1 MR. ARAGON: Thank you. I enjoyed your presentation. We in
2 the subcommittee on health took a look at lead paint problems in
3 Boston about two or three years ago, and EPA had funded that. There
4 were some serious concerns about the handling of that research
5 project.

6 What I'd like to know is what kind of follow-up do you have on
7 these children and how long do you follow them.

8 MR. MARK: Well, right now the follow-up is, once the tests come
9 back -- and we go out and we do a second test to verify it -- and the
10 follow-up is being done by nurses at the hospital. We do not have
11 separate funding for that project and so right now we have a team.

12 At the hospital the way this started is that all of our managers are
13 required to participate in a community health initiative as part of their
14 yearly evaluation, and the lead initiative was one of those projects that
15 they could volunteer for. So as part of their employment, as part of their
16 jobs, they have to volunteer to participate. And so the nurses that are
17 in that program actually act as case managers on a voluntary basis to
18 follow-up. All of the data is kept in a computer system and then they
19 follow-up on the children to make sure that -- or, we try to make sure
20 that their parents get them to a doctor, that they make their doctor's
21 appointment. And then there's continued follow-up.

22 We try to follow-up with them at least until the doctor feels that they
23 can be released, that the levels are down to safe -- it's down to a safe
24 level.

25 Our goal is to try to secure funding so that we can do more
26 extensive follow-up. Our families move around a lot and it's very difficult

1 to follow them. So what we wanted to do was actually try to put together
2 a program to develop a group that is focused on doing nothing but
3 following up with these children to make sure they get the necessary
4 remediation that they need.

5 MR. ARAGON: Another question is, do you actually go into these
6 children's homes and do some kind of an assessment to see if there is
7 lead paint like in window sills and so forth?

8 MR. MARK: Again, yes. The hospital doesn't, but the partnership
9 does. Once we identify the child, we work with the community group,
10 Neighbors United for Progress. They actually then go into the home
11 and they do testing in the home. That is funded by a grant that they
12 received through the HUD grant that went to St. Clair County.

13 MR. ARAGON: Okay, thank you. I have one more comment.

14 The Indian Health Service has been doing some type of lead paint
15 identification for high lead blood levels in Indian children. I know for a
16 fact that the Bureau of Indian Affairs and even HUD have not been
17 really overactive on Indian reservations in trying to solve this. I think
18 studies such as yours are excellent and I appreciate it. Thank you.

19 MR. MARK: Thank you. One thing I would like to point out is that
20 most of the children -- almost all of these children that we tested are
21 between the ages of 6 and 12. You know, traditionally a lot of the
22 testing was focused at zero to 6, but we felt that we were finding so
23 many older children with high levels that we felt we needed to really
24 focus on the school age children. And so all the children in our study
25 are between the ages of 6 years old and 12 years old.

26 MR. LEE: We're going to ask Peggy and then Rosa Hilda.

1 Now, let me tell you something. Just to show you that I am
2 actually sensitive to everyone's needs, you should know that the hotel
3 us putting out cookies. They're only going to keep them out until 3
4 o'clock. Okay? So, if you want, we can break for 15 minutes and come
5 back. It's up to you now.

6 (Simultaneous discussion.)

7 MR. LEE: That's right. You should know this is a watershed
8 moment here. See, when I chaired these committees nobody got any
9 breaks at all.

10 So, if you want -- I mean, how do you want to do this? Finish this
11 first? Okay.

12 MS. WOOD: Can I ask a question?

13 MR. LEE: Sure.

14 MS. WOOD: Charles, I appreciate your sensitivity in paying
15 attention to our needs.

16 Now, the other question. Do you have somebody with a television
17 on somewhere to watch to see if the Supreme Court does anything this
18 afternoon? This is a very serious question. I think it's more important
19 than the cookies. Supposedly around 2:00 today they were likely to be
20 doing something. I would suggest that somebody be sent to their room,
21 please, to monitor it for us.

22 MR. LEE: I was just told that -- actually, I was just told that there
23 are no cookies.

24 (Laughter.)

25 MR. LEE: In any event, sorry for this. Peggy, you're on.

26 MS. SHEPARD: I have several questions. My question to Mr.

1 Jason is, how do you evaluate the success of this public education
2 campaign? The Children's Health Champion campaign. And then I
3 have a question for Mr. Mark.

4 DR. JASON: The way we are evaluating it, especially when it
5 comes to school absences, we found out that the greatest cause of
6 school absences in that area are due to asthma. So what we have
7 done for the last two years is we've collected baseline data to determine
8 how many absences we had from school. And since our project started
9 in January 2000, we will be studying how many kids are absent from
10 school due to asthma for the next school year, 2000/2001.

11 We also have recognized ER visits. We have baseline data on ER
12 visits as well as hospitalization visits due to asthma. We're tracking
13 those for a period of two years and during the third year we'll be able to
14 see to what extent we've made a difference in terms of asthma.

15 That's how we are evaluating that component of the project.

16 MS. SHEPARD: Thank you.

17 Mr. Mark, I have a couple of questions. One is, you talked about
18 an education prevention campaign. What does prevention mean for the
19 children in the schools near the brownfield sites where you've found
20 very elevated levels? Wouldn't one measure of prevention be to
21 remove them from the school and find a different location immediately?
22 That is one question.

23 Then another would be, in tracking the students with the high
24 levels -- and you mentioned a percentage of students with reading and
25 math deficits -- are you also looking at behavioral concerns and how
26 might you track those students with those behavioral concerns since

1 some people say that a number of these children end up in the criminal
2 justice system.

3 MR. MARK: Right. Right. In fact, the study that I referred to
4 where they talked about the lead levels -- the standard should be
5 lowered to 5. It indicated that there is some correlation between lead
6 levels in children and those who enter the juvenile justice system.

7 That has not been something that we've studied so far. Right now
8 the data that I showed on the case study is relatively new. That was
9 just put together within the last month. So right now we're still working
10 with the school district officials trying to determine what's the best way
11 to handle this without creating a panic.

12 The school system is pretty crowded as it is, so to move 347
13 children to another elementary school immediately, there would not be
14 a place to put them. There is the potential of a new school that will be
15 built next year.

16 One of the things that is being considered is that they would
17 change the focus and instead of replacing one of the other schools,
18 replace this school first.

19 In the meantime, the school is looking at what they can do about
20 keeping the children out of that area that's adjoining their property.
21 Putting up a chain link fence is a possibility to try to keep the children
22 more contained on the school district property itself, and then also trying
23 to promote more -- if the children are outside playing, you know,
24 washing of hands, washing of the equipment better before it comes in.
25 That type of thing.

26 Those are some of the preliminary steps that are being taken. But

1 right now that study --the results of the childrenat that particular school,
2 we have just found that information out within the last month.

3 MS. SHEPARD: Do you know who the responsible parties are on
4 the brownfield sites? Is the city making any attempt to go after them to
5 clean up the sites?

6 MR. MARK: The city really hasn't focused on this issue yet.
7 Fortunately, with the help of thefederal EPAand the Illinois Department
8 of Public Health, they are making some inroads to identifying these
9 sites, the owners of the properties, and hopefully we'll be able to go
10 after them.

11 But one of the things about this project that, you know, kind of
12 concerned the hospital as a health care provider was that until 1999
13 when we released the results of that study, not much at all was being
14 done on the abandoned sites or on the lead poisoning in children.
15 Since the statistics started to come out and the levels started to come
16 out, now we're starting to get more cooperation and people are starting
17 to take a closer look.

18 Again, I have to give a lot of credit to Chicago Region 5 EPA
19 because they were the ones that really spearheaded this. When we
20 called our local public health department and said we think we have a
21 problem, it was ignored. And until we got ahold of Region 5 and said,
22 we think this is a serious problem for children in East St. Louis and for
23 the community as a whole -- not many people started paying attention,
24 so once they broughtthe partnership people together, we started talking
25 with others, including the Department of Justice, we really weren't
26 getting much attention to these abandoned properties -- but now they

1 are starting to identify them. We have a list of the sites. They're all
2 identified. We're doing the work as far as identifying the owners and
3 what legal ramifications there may be.

4 The one problem is that several of these sites, like the one by the
5 school, from the best we can guess was abandoned in 1955. The
6 owners, you know, have turned over several times, the property has
7 been sold or, you know, left to the country as trustee for failure to pay
8 -- and it's just overgrown. So trying to identify who the real owner is, is
9 difficult in some cases. But we are getting some cooperation now.

10 MR. LEE: Pat, did you have a question? Okay. Rosa Hilda.

11 MS. RAMOS: As a mother and as a community representative
12 really want to commend you on your interest in helping children which
13 lead problems.

14 You must have a pretty good working group on your staff because,
15 you know, getting the Corps of Engineers involved in testing lead on
16 behalf of children, really that's something. I would really like to hear
17 what was their contribution and how you got it.

18 MR. MARK: Well, we asked. I mean, that's about it. I mean,
19 there was nothing really -- you know, nothing out of the ordinary.

20 We brought together our partners in this group. It started off with
21 just the hospital doing the testing. We contacted the federal EPA. They
22 brought in -- federal EPA Region 5 brought in the state EPA and the
23 Illinois Department of Public Health. And then they also approached the
24 Army Corps of Engineers out of St. Louis to come over and start doing
25 some work in the community.

26 They got involved in this project. They attend all of our partnership

1 meetings, and have been very cooperative.

2 MS. RAMOS: Did they give money?

3 MR. MARK: No, they have not put up actually money, but they
4 have provided some of the site testing and sampling in the area.

5 MS. RAMOS: They sampled?

6 MR. MARK: Uh-huh.

7 MR. LEE: Alberto.

8 MR. SALDAMANDO: Thank you. I wanted to comment generally
9 on the pilot projects and the concept of the pilot projects.

10 With regard to lead poisoning, I think the jury's been in for close to
11 30 years -- I don't know how many years -- that it's a bad thing. And I
12 think it's been known for at least one generation, maybe two, that it
13 does affect people permanently, and the children are most vulnerable,
14 and that children under 5 are probably more vulnerable than children
15 over 5.

16 I know, for example, that -- after it was discovered that lead was
17 dangerous, the government -- HUD I believe it was -- I've been told
18 bought the paint because it was so cheap after it was discovered to be
19 dangerous and gave it to the Navajo Nation and other Indian Tribes to
20 be used in housing and the painting of clinics. As far as I understand
21 it, there's never been a follow-up by HUD or anyone else as to whether
22 or not that paint is still on the walls.

23 That leads me to the comment generally about the policy
24 implications of all of this. I commend, really, EPA and the different
25 regions that have undertaken these pilot projects to remediate, to clean
26 up, to take care of children, or our children. I think it's particularly

1 lamentable that you're doing it in stages, as you necessarily have to,
2 because more children are affected. As you test, you find more children
3 that could have been helped earlier had there been funds available to
4 do a larger, quicker reaction. But the reaction has long been coming.

5 It just leads me to believe that there are areas, like Indian
6 reservations and inner city communities, who are affected who are not
7 at all helped with their problems whether it be lead poisoning or PCBs
8 or whatever -- they are not being at all addressed, their children are
9 being highly prejudiced by a lack of action.

10 It's a concern that I have that perhaps, you know, these pilot
11 projects are necessary and appropriate, that there should be another
12 way of dealing with these issues. It seems to me that EPA and the
13 government generally wait for children to be poisoned and then try to
14 address the problem.

15 It seems to me that there should be some different view, different
16 attitude, to prevent it from happening in the first place, and I just don't
17 see that with regard to at least the policies that I'm aware of not only on
18 the part of EPA but the government generally with regard to
19 environmental justice. That we seem to wait here until the situation
20 becomes so intolerable and so many children and so many people are
21 affected -- significantly -- through asthma and whatever, that they
22 actually -- it's so intolerable that they come and complain about it. They
23 raise the resources, they identify the place to go, they go through
24 government and they come here and they come to us and we try to
25 address that particular issue at that particular time.

26 I honestly at this point think it's something that NEJAC should be

1 concerned about as to what kind of policies are being effectuated by
2 EPA that lead to that result.

3 Again, this is not to detract from the need and the good work that
4 EPA is doing through these pilot projects or the good doctors that are
5 attending these issues, but it's kind of a little frightening to know that for
6 every child that's attended to in an area of the pilot project, there must
7 be thousands that don't even know they have a problem.

8 PARTICIPANT: That's right.

9 MR. LEE: It is now 3:00 and I know you want your cookies, right?
10 Or whatever. So, Harold, did you want to comment?

11 MR. MITCHELL: Sure. I'll make it shore. As a demonstration
12 project, has the Department of Education been involved at all since
13 there was so much concern from Secretary O'Riley of the ADD and
14 ADHD testings that have taken place?

15 MR. MARK: You mean to me?

16 MR. MITCHELL: Whether they have been involved in this
17 particular project? No.

18 MR. LEE: Okay, great. Well, why don't we give a round of
19 applause for the panelists.

20 (Applause.)

21 MR. LEE: It is 3:00. Why don't we have a 15-minute break, at
22 which point we'll get back for the last panel of the day.

23 (Recess.)

24 MR. LEE: I have to start with an admission of something that
25 should never have done, something I learned I should never do. You
26 know, it wasn't my fault; they told me there were going to be cookies.

1 (Laughter.)

2 MR. LEE: Now that I'm a federal employee I did something
3 should never have done, which is to make promises I cannot keep.

4 (Laughter.)

5 MR. COLE: There's always a first time.

6 MR. LEE: Right. It may not be the last

7 MR. COLE: I ordered 500 cookies on Charles' room tab. They
8 should be arriving soon.

9 MR. LEE: Okay. I know who my friends are now.

10 (Laughter.)

11 MR. LEE: This is going to be the last panel of the day, and so the
12 sooner we get done with this, the sooner we'll be able to be out of here.
13 We are actually making good time.

14 Let me begin by making two comments. This panel is a multi-
15 stakeholder panel. They're to address the issue of how does one look
16 at this collaborative partnership model, this interagency environmental
17 justice action agenda from the perspective of different stakeholder
18 groups -- the community, business and industry, municipal, local
19 government, tribes and the states.

20 Part of the backdrop to this is as we begin this concept of
21 developing an interagency action agenda we've been rather aggressive
22 in doing outreach to all these different groups, and we've heard since
23 the very beginning of that process a lot of encouragement and support,
24 as well as very thoughtful suggestions in terms of how to approach this.
25 And we wanted to bring those perspectives to you in terms of looking at
26 this concept as a whole.

1 I just wanted to acknowledge a few people. I don't think Quentin
2 Pair and Martha Minter are here, but they happen to chair the Outreach
3 and Communication Subcommittee of the Interagency Working Group
4 on Environmental Justice. Were they here, you could acknowledge
5 them for spearheading our efforts to really do this outreach and the
6 assuring of really getting meaningful input from all the different groups
7 that are partners in this process.

8 The second point I want to make is this. It has to do with the idea
9 that this interagency action agenda, these demonstration projects, are
10 a platform from which to advocate for a new way of doing business.
11 You know, there is this question that comes up as to whether or not
12 demonstration projects is ultimately going to make a whole lot of
13 difference. In and of themselves, I would say the answer to that is no,
14 that they ultimately have to be translated into policy changes.

15 But in order to do that we really need to make sure that there is a
16 political will to make sure those policy changes take place. And part of
17 the process of developing these partners among these different projects
18 -- and we're beginning to see the fruits of that in many different ways --
19 is to really build a constituency for this way of doing business.

20 I would say that one of the things that I'm trying to accomplish is
21 to see whether or not the concept of environmental justice can generate
22 the broad based political constituency and the partnerships that will
23 bring about the kind of support for changes, policy, and otherwise that
24 leads to a new way of doing business.

25 So, with those two kind of background comments, I would like to
26 turn this over to the panelists. They are Charlotte Keys who is the

1 Executive Director of the Jesus People Against Pollution from
2 Columbia, Mississippi; Sue Briggum who is ill and has provided for you
3 written comments and has asked Pat Wood to present on her behalf;
4 Jesus Nava who is the Deputy City Manager for the City of San Jose,
5 California; Terry Williams the Commissioner of Natural Resources and
6 Fisheries for The Tulalip Tribes in Oregon; and Richard Gragg who is
7 an Associate Professor from Florida A&M University, the Director of the
8 Florida Environment Justice and Environment Equity Center which is
9 established by an act of the Florida State Legislature is doing a lot of
10 coordinating of environmental justice programming on behalf of the
11 different agencies of Florida.

12 With that, I would just ask Charlotte if you could begin.

13 PANEL 5

14 STAKEHOLDER PERSPECTIVES ON
15 INTEGRATED INTERAGENCY STRATEGIES
16 PRESENTATION BY MS. CHARLOTTE KEYS

17 MS. KEYS: Good afternoon, everyone. I want to say that I do give
18 honor to my Lord and Savior, Jesus Christ, who is the head of our lives.
19 I'm truly thankful and honored that NEJAC has called upon JPAP to be
20 a participant in this event as we talk about just solutions.

21 I want to say today that although one may have the gift of building
22 relationships and have not love for humanity to solve problems, it profits
23 us nothing. Let me encourage your hearts today to it.

24 I have learned many lessons from my own personal experience in
25 working as a grassroots activist in Columbia, Mississippi on behalf of
26 building trustworthy, long-lasting and Godly relationships with those

1 willing to assist Columbia, Mississippi's efforts.

2 Every agency has a moral obligation to fulfill its mandates in
3 protecting the public's health and their environment, more so than just
4 stacking up papers. Hopefully with the Interagency Working Group we
5 can move forward from paper to action in working toward just solutions
6 for many of our communities.

7 In the past, what we know to be present, and as we search for the
8 wisdom, knowledge and understanding for a better future in providing
9 a decent quality of living for all, it has been a long and hard task for
10 many. We have discovered that the only way to succeed in
11 accomplishing the mission of enforcement economic justice is to build
12 trustworthy, honest, loyal and long-lasting partnerships with others.

13 Having made that link of knowledge, we must institute and place
14 mechanisms that work and that provide the right diversity of folks at the
15 table to work toward just solutions. In order to be effective we must
16 review existing partnerships, link with new partnership, and build a log
17 foundation for humanity that can sustain every relationship established.

18 Today JPAP's president has been requested to share with
19 everyone the importance of the Interagency Working Group, and I will
20 probably say the IWG more than just saying Interagency Working
21 Group.

22 First of all, I would say that the purpose of this particular group, as
23 I understand it to be, will be to help provide another vehicle, or a tool, for
24 impacted communities to have a platform for the proper federal
25 agencies to assist with our local struggles for environmental and
26 economic justice as it deals with case-by-case issues.

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1 It is because many in of our communities we need a variety of
2 professional skills or expertise and resources from our federal agency,
3 but find that sometimes it is hard to get them committed to following
4 their mandates to address communities' needs and concerns.

5 Well, hopefully with the IWG group they can help bring to the table
6 the right federal partners to assist our local communities' needs.

7 At this point for JPAP we have basically worked to establish and
8 correlate some of the key partnerships to enhance our struggle, and
9 with in mind I will share with you that we have several different projects.
10 The technical advisor, Dr. Calhoun Bell is in the room. I would ask that
11 she stand, please.

12 (Applause.)

13 MS. KEYS: This person has helped provide a lot of technical
14 assistance for our community in dealing with the superfund technical
15 assistance grant. Along with that -- she did not just stop with providing
16 the technical assistance with that grant -- but she did more outreach to
17 find better ways of enhancing and empowering us to do a better job
18 through offering technical assistance from a project that is known as the
19 CARAT Team process through the Coalition of Black Trade Union. The
20 CARAT Team actually means, Community Action Response Against
21 Toxics.

22 That particular mechanism has provided us an avenue to pursue
23 the proper technical assistance to deal with hazardous waste training
24 and I've been able to attend several meetings at the University of
25 Cincinnati with the ICWU, the International Chemical Workers Union,
26 and the Coalition of Black Trade Union. This is a project that has been

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1 funded by the National Institute of Environmental Health Sciences and
2 some other projects.

3 Along with that we have the Ahead 2000 Information Resource
4 Center, funded by the National Library of Medicine and the Presbyterian
5 Self-Development of People Project. Self-Development of People has
6 a grant program in place to give to community activists so that some
7 I think do not have to be 501(c)(3) incorporated. I think they allow for you
8 to actually have funds to start the project because they actually helped
9 Jesus People Against Pollution to start its first office up.

10 And from that there were not supposed to give any more funding
11 but they decided that we needed to actually focus on the environmental
12 health services for our communities and has funded us with resources
13 for our building. That is a mobile facility that we have been working on
14 for two years, which is in renovation stages. This particular building will
15 be used for the Ahead 2000 Information Resources Center.

16 This will provide our community with a place to come and actually
17 learn more about how to do the kind of research on the Internet and
18 dealing with a lot of the environmental disease. And hopefully not only
19 that, not only will we not stop there, but we're working with some
20 medical professionals to open that building up that has the
21 environmental toxicology knowledge to help us to actually start to
22 service some needs for the community.

23 It's not enough to talk about the health needs and not address
24 them. It is time to move from paper to action.

25 Most of the sites and problems that I've been hearing since I've
26 been here is how people are struggling with dealing with a lot of the

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1 environmental health related diseases. There has not been to this
2 point, to my knowledge, a clinic or anything set in place that has
3 positions to address services, environmental health services and
4 treatment. And it is time for us to move from paper to action with this.

5 Hopefully in Columbia, Mississippi we will start that process
6 ourselves. It will not be federally controlled because of the federal
7 resources produced there. But it will be community controlled.

8 Along with that we have a health data project where we had 30,000
9 health surveys that had to go into the computer to find out what had
10 happened because our Federal Government had not studied or
11 investigated the health problems related to the superfund hazardous
12 waste site that had contaminates on it for Agent Orange, along with the
13 community that is adjacent to that site now known as the brownfields
14 site. So we were having to work, and there was a superfund project and
15 a brownfield project

16 From that has stimulated the kind of resources needed to start to
17 address a lot of the goals that the community has actually set to deal
18 with the environmental services, health services, and the relocation
19 needs. And hopefully through the health data project it will give us more
20 statistical data to actually leverage the kind of resources that we seek
21 as we also work on the brownfield pilot project initiative.

22 One of the things I noticed about brownfields is that the health
23 component is always placed in the background. Nobody wants to talk
24 about risk communication or the adverse health effects related to the
25 brownfield sites. Well, I'm telling you that at the brownfield meeting I've
26 been able to participate in a lot of those events and they have actually

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1 had panels coming from -- well, I served on the panel with Dr. Rueben
2 Warren from ATSDR, the Agency for Toxic Substances and Disease
3 Registry. They have had me there for the past three years I think
4 dealing with the brownfield initiative to focus on environmental health
5 issues and how it affects or impacts the community.

6 With that, I would say that along with many other existing projects,
7 these kinds of partnerships did not develop overnight. It took some time
8 for us to build trust, to actually work with our federal agencies because
9 what we have noticed in dealing with the past is that you had all of this
10 backlog of mistrust and a whole lot of lies and hypocritic untrue activities
11 taking place.

12 When it came down to really addressing the communities' health
13 needs, nobody really wanted to focus on these kinds of issues. And
14 even today with the brownfield project, I would say they really don't want
15 to touch that. But it is important for the Interagency Working Group to
16 be established so that every agency that is needed at the table that has
17 the expertise and resources to assist with working on just solutions, they
18 need to be at the table with the community helping to work on these
19 issues together.

20 Community involvement at the beginning process is very
21 important. Superfund did not have that at the beginning of the
22 Columbia, Mississippi project, but with the brownfield project we were
23 able to have community involvement at the beginning.

24 This has helped to make the projects in Columbia more effective
25 and it's working better. We're working with politicians that have stated
26 to us they would never come to the table with us. We're working with

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1 state agencies, different ones, that stated that they would never work
2 with us.

3 So I am looking at the hand of the Lord at work in a lot of these
4 activities. Now, if I had given up at the time when all of these different
5 mechanisms were being put in place and just walked away and gave up
6 hope, nothing would be happening. But I've learned that sometimes
7 that if you pray for patience and understand that you're going to have
8 some suffering -- you're going to have to go through some suffering --
9 in order to get to where you're trying to go.

10 Just solutions do not happen because one or two people decide
11 that this is what we need. It happens when the willing, honest and
12 trustworthy partners are willing to come to the table.

13 I am truly convinced without the love of God in for humanity's
14 health and well-being as top priority we are headed for the toxic
15 destruction of our environment and it's doomed for failure.

16 But let us love one another and work together on just solutions to
17 end these manmade unjust problems.

18 Thank you very much.
19 (Applause.)

20 MR. LEE: Next we have Pat Wood.

21 PRESENTATION BY MS. SUE BRIGGUM
22 MADE BY MS. PAT WOOD

23 MS. WOOD: I think everybody is aware that Sue Briggum had
24 prepared this statement and was going to read this statement today.
25 Sue was here for a brief period of time, is not feeling well, and went
26 home. I promised her I would read the statement, so please bear with

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1 me if I occasionally make some errors. I did read through it and I want
2 you to know, of course, this is a statement that was prepared by Sue,
3 but I must say that I agree with Sue in every instance; in fact, there is
4 one item I will mention at the end which Sue didn't touch on which I
5 would suggest should be included.

6 Sue was asked to bring the business perspective to the integrated
7 interagency strategies to the table. And from a business perspective,
8 as Sue noted, one of the greatest challenges in resolving EJ
9 controversy centers on context and also on each business' relative role.

10 As environmental justice advocates remind us regularly, most EJ
11 issues arise from accumulation of multiple sources of health problems,
12 environmental and economic stresses. Quite often we don't know
13 exactly what the factors are that have led to the problem, but we can
14 certainly see the cumulative effect.

15 In the classic case, a number of facilities from different industries
16 or business sector coexist in the same area with environmental justice
17 challenges such as heavily traveled roads, runoff from unregulated
18 sources, emissions from businesses and individual sources in the
19 communities, and a variety of other sources that we haven't begun to
20 really understand.

21 All this adds burdens to the community which quite often suffers
22 from insufficient access to medical care and other essential services.
23 In other words, there's a lot of things going wrong and things aren't
24 going right for that community.

25 Often there's several different governmental authorities involved,
26 both as sources of emissions and also as regulators. Often, because

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1 you do have a variety of governments involved, no one's really willing to
2 take the first step to try to correct the action or to take on the burden of
3 assuming some responsibility.

4 Even a business with the best of intentions may find itself
5 overwhelmed by a dilemma of how to play a constructive role in a
6 situation over which the company has only partial control. In fact, quite
7 often the company may be unaware of what the problem is all about.

8 Similarly, it's clearly unfair to expect citizen advocates to shoulder
9 the burden of organizing a constructive response to these concerns.

10 We've listened yesterday and today, though, to some of the pilot
11 projects where people have overcome some of those hurdles. As Sue
12 says in her notes, that she sees the interagency demonstration projects
13 as a means to break through this cycle of conflict.

14 The pilots that have been selected to date share several admiral
15 characteristics, and she mentions three. First, they task a federal
16 coordinating agency with responsibility to get the project going -- in
17 other words, somebody is put in charge to take that first step -- to
18 assure the community needs views are paramount, and engages many
19 of the affected stakeholders as possible in problem solving.

20 Second, they attempt to connect community groups with already
21 existing federal resources.

22 Third, they're premised on open dialogue and cooperation, not the
23 old model of confrontation.

24 It's a good model and it does certainly seem to be working with
25 these pilot projects.

26 It makes sense. It's place-based, tackles a manageable set of

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1 issues and parties, and allows for trial and error. When good models
2 emerge, and we're certainly seeing them emerge from some of these
3 early projects, they can be replicated and expanded in future efforts and
4 bad ideas can be discarded.

5 I don't know that we've found any bad ideas yet.

6 In many cases the IWG projects remind Sue of the early brownfield
7 pilots which similarly began with a central agencies coordinator and
8 leveraged substantial private sector and government investment from
9 initial EPA grant money. The brownfield projects also generated a new
10 model for truly involved citizen participation and community
11 empowerment.

12 The most successful brownfield pilots recognized, however, that
13 the critical element in resolving environmental justice concerns is
14 partnership between the community and the businesses whose
15 activities affect that community. Federal, state and local governments
16 can act as facilitators, regulators and occasionally as funders of studies
17 and planning efforts. But real sustainable progress, for the most part,
18 depends on business and community members working together in that
19 community not just to solve current problems but to address concerns
20 that will emerge in the future.

21 This partnership has to be real, founded on familiarity and earned
22 trust. One of the reasons for the success of the brownfield programs
23 was that it engaged local business at the onset at individual sites,
24 supported ongoing communication between business and community,
25 and then engaged real estate developers actually through their trade
26 and professional associations to agree upon model that had worked

1 someplace, that those models then could be used for public
2 involvement at a broader array of sites. In other words, the program
3 started local but it quickly developed a national standard of cooperation.

4 When EPA was managing its individual pilots, the agency also
5 coordinated with ASTM on a template for how community involvement
6 should take place during brownfields clean-up and redevelopment, and
7 we know that that template now exists today and is used in a variety of
8 sites.

9 Sue suggested the same thing needs to happen with the IWG. In
10 some of the pilots -- Spartanburg and Bethel New Life, which we heard
11 about today, come to mind very quickly -- local businesses already are
12 involved. In some other pilots business appears to be missing. Maybe
13 there's no business in the community whatsoever; that may be the case,
14 but I don't think it's the case in all those examples.

15 But if, indeed, there is a business there, it's going to have some
16 expertise and some resource that would be desirable and could
17 contribute to the IWG process.

18 Sue has two recommendations which I strongly support. One is
19 that each pilot should actively engage all affected businesses. Look a
20 little harder, if they haven't already done so, to see if there aren't some
21 there in that community.

22 One of the premises of the brownfield program and the IWG pilots
23 is that citizens must have a role in shaping the development around
24 them, and the Federal Government should facilitate that role. That kind
25 of coordination should be done for affected businesses. Most
26 businesses do see themselves as a citizen and a part of the community.

1 If they don't, they should, and I would strongly suggest that the pilots
2 need to go around and knock on a few more doors.

3 I don't pretend that this will be easy in all cases. The Federal
4 Government's assumed role as facilitator of dialogue and action will be
5 tested. In fact, one thing that hasn't been addressed too much here
6 today -- in fact, Sue doesn't touch on it in her prepared statement -- but
7 in looking at this I -- and I think it's an oversight in many instances
8 because we've certainly heard about it -- we mustn't forget the state role
9 in some of the other community regional activities. It's not simply a
10 matter of the feds and the local citizens; the state in many instances
11 can be a very helpful partner and I think mustn't be overlooked.

12 But getting back to business, there's incentives for business
13 involvement, which should be used more fully. Businesses respond
14 best when approached as a potential partner as part of the dialogue
15 early on and when they're expected to contribute fairly based on its
16 contribution to the problem presented.

17 I would also suggest that business tends to respond much more
18 quickly if approached by local community folks, as opposed to being
19 approached by the Federal Government, with all due respect to the
20 Federal Government. That's not really where business sees its closest
21 connections.

22 Second, once you've contacted that local business, a larger
23 infrastructure for positive business contribution to the pilot program
24 should be created by engaging major business trade associations in the
25 project. It's useful to have individual company participation in specific
26 projects -- in fact, I would say it's essential in most cases -- but the word

1 needs to get out more broadly by constructively engaging larger
2 business groups.

3 Sue notes from her own experience on the NEJAC that much of
4 the substantive work comes actually from the subcommittee work
5 products that have been done within NEJAC which are representative
6 of a healthy balanced participation from community, government and
7 business representatives.

8 She further noted that this was the model used for the original
9 NEJAC brownfields report and the subsequent ASTM standard which
10 has certainly had meaningful impact on EPA's brownfields pilot
11 program. A comparable but expanded process should take place with
12 the IWG.

13 Sue suggests that trade associations from affected businesses,
14 along with representatives from major citizen advocacy groups, should
15 be engaged in reviewing the pilots and assisting the Federal
16 Government in their ongoing evaluation of the success of pilot
17 programs.

18 Just a cursory look at the current pilots suggests a number of
19 relevant associations. For instance, National Association of
20 Manufacturers, American Chemistry Council with its responsible CARE
21 program, American Trucking Association on transportation issues, NFIB
22 which is the National Federation of Independent Business where small
23 business is involved, Pesticide Manufacturers, Pharmaceutical
24 Manufacturers on issues of health, treatment and care. And the list
25 could go on and on.

26 I think that's a worthy objective. I don't disagree with Sue's

1 recommendation, but my suggestion would be that before one starts to
2 try to work on the trade associations, the first step is the matter of
3 reaching out to some of the individual companies in particular areas
4 where the pilot projects are underway.

5 I think when these pilot projects have reached a state where we
6 can have success stories developed, I would suggest with the next tier
7 you get more companies involved, and when you have a number of
8 success stories it then becomes a little easier to sell the concept to a
9 trade association. Not a bad idea, but I think one that's going to take a
10 little more time and investment to make it work.

11 Sue concluded by noting that there are additional resources that
12 are warranted once the pilot efforts begin to show success. As I
13 mentioned before, I think it's also important that we not overlook state
14 and regional governments, that it's not strictly a relationship between the
15 Federal Government and the locality. As much I applaud the feds to
16 see the feds finally working together with the interagency effort, and I
17 think it's a really great step -- but to really have it become part of a
18 permanent system that's out there and a real network, we have to
19 expand it, as I said, to reach out to folks that aren't at the table yet,
20 which quite often means some of the state representatives, state
21 involvement, and also local business.

22 Engaging citizens and business groups together to make the
23 projects work, the Federal Government working I think with state,
24 regional and local governments, will foster a powerful coalition for future
25 bipartisan initiatives to address environmental justice concerns. My
26 personal sense is that it's a matter of slowly, step-by-step, building a

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1 network of communication so that people have a better understanding
2 of what the problem is and that's how we'll get it addressed.

3 Thank you.

4 MR. LEE: Thank you, Pat. I think you have done Sue proud.

5 Third is Jesus Nava from the City of San Jose. Let me just say
6 that, you know, the level of government that's probably closest to an
7 impacted community is local government and that part of our outreach
8 efforts has been the real engagement with the International City
9 Management Association. They recommended that Jesus come and
10 present. I think that what I'm trying to say here is that a lot of work has
11 to be done to really engage local government, and we're really pleased
12 that Jesus is here to present to us.

13 PRESENTATION BY MR. JESUS NAVA

14 MR. NAVA: Thank you, and thank you for the opportunity. My
15 name is Jesus Nava and I'm currently a deputy city manager of the City
16 of San Jose. That's city number 6. Those of you who are familiar with
17 city managers know that from time to time we are in the unemployed
18 status, so we move around quite a bit and the average tenure is three
19 to four years, even though some folks have been around for as long as
20 13 and 16 years, but those are by far the exception.

21 I started my career in San Antonio and move on to various other
22 communities, including Laredo, Texas on the U.S.-Mexican border, and
23 before coming to San Jose, Las Cruces, New Mexico, which is also
24 considered the U.S.-Mexico border even though it's about 40 miles
25 north of the El Paso/Juárez border. It is a great experience for me.

26 I'm originally from San Antonio, from the west side. I don't know

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1 if those of you who are familiar with Texas know that the west side of
2 San Antonio is the predominantly Hispanic low income part of town. I
3 had my beginnings there in a family of 11 kids with only my dad
4 working, but had parents who were very socially conscientious and
5 taught each member of our family to care not only for the people who
6 we lived with but also the land in which we lived and occupied.

7 That life experience has been very important for me and has taught
8 me quite a bit about how to work with the minority and low income
9 neighborhoods in each of the cities that I've been employed in, to the
10 point where usually I've had to be the lead in going into the Hispanic
11 neighborhoods and into the African-American neighborhoods and to the
12 low income neighborhoods to attempt to work with them in trying to find
13 solutions, or develop solutions, to some rather complicated urban
14 problems.

15 Those of you who are familiar with some of those towns know that
16 Laredo is a very poor community. It is a gateway from Mexico into the
17 United States and we have large numbers of recently arrived
18 immigrants, predominantly Spanish-speaking, many who are coming
19 from the rural parts of Mexico and are finding themselves for the first
20 time living in an organized community.

21 For many of those folks it's a step from living outside to living in the
22 shanty, which at least provides the roof over their heads and a warm
23 place to sleep during the winter.

24 As I was preparing for my presentation, I thought back at sort of
25 some of the influences of my life and wanted to take one minute to read
26 a small passage from the book "Cry the Beloved Country" by Alan

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1 Paton which was published in 1948 and talks about the Reverend
2 Kumalo going to Johannesburg to find his family and bring them back
3 to the province. I think it goes to the point of what happens when the
4 government does not pay attention to the issue of justice, and
5 particularly to the issues of justice as they pertain to the environment.

6 He's just arrived in Johannesburg and is with a group of priests, he
7 being a priest himself, and he's telling them -- the passage says, "And
8 he told them all about these places, of the great hills and valleys of that
9 far country, and the love of them must have been in his voice for they
10 were all silent and listened to him. And he told them, too, of the
11 sickness of the land and how the grass has disappeared and of the
12 dongas that ran from hill to valley and valley to hill, and how it had
13 become a land of old men and old women, of mothers and children, how
14 the maize barely grew to the height of the man, how the tribe had been
15 broken, and how the house had been broken, and how man had been
16 broken. And when they went away, they never came back and they
17 never wrote.

18 "They talked about young criminal children who lived loose and idle
19 lives. They talked about older and more dangerous criminals and how
20 white Johannesburg had come to be afraid of black crime."

21 It talks about what happens when there are issues of injustice that
22 have not been addressed or where people feel that their land has not
23 only become sick and contaminated by outside influences, but of the
24 feelings that they have when there is no remedy and how they in
25 essence have to work counter to society and counter to the laws of the
26 land in order to get their way.

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1 As I talked about earlier, many times I am one of the first persons
2 to go into the low income minority communities to try to address some
3 of the issues, and have simply in most instances faced very hostile
4 responses to the local government, to the political systems, a hostility
5 that arises from a sense of injustice, from a sense of neglect.

6 Many times I've had people say, Well, why should we trust you?
7 You know, the city has never cared about us before but now that we
8 have a major company that's interested in locating here, you are here
9 to address our causes and to say that you are here to help us. We don't
10 buy it.

11 And, of course, my only response can be, We'll, allow me to work
12 with you and allow me to help solve some of your problems, allow time
13 to go by and allow history to be created so that you can learn that I am
14 a man of my word and that I can be trusted to try to deliver to you not
15 only some benefits for your community but some justice, justice that is
16 well deserved.

17 What can you all do in working with local governments? Local
18 government is closest to the people. We do have locally elected
19 officials who work with their constituents on a day-to-day basis. There
20 isn't a single councilman in any of the cities that I've worked for who do
21 not know the major citizens of that district or that part of town, who
22 cannot neglect them and who must pick up the phone and call them
23 when there are issues to be dealt with.

24 Your council members are in direct contact with the constituents
25 of their district in most instances, and it is important to recognize them
26 as leaders of the local community and as potential advocates and

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1 partners in causes that require the building of consensus in those
2 communities.

3 Throughout my work I've dealt with a variety of issues. There was
4 one issue in San Antonio, Kelly Air Force Base in the west side, where
5 when the Shah of Iran happened to be in San Antonio and security had
6 to be heightened at the Air Force Base and we had the military police
7 come out and expand the perimeter into the low income part of town,
8 people began to realize that there was more going on at Kelly Air Force
9 Base than simply jobs, including keeping several two million gallon
10 tanks of jet fuel. Those of you who know about Kelly know that there's
11 a lot of missions run out there not even 500 or 600 yards from
12 neighborhoods.

13 With this new knowledge came some concern about what would
14 happen if there were an explosion or if there were an accident. To go
15 in there and try to explain that, well, it's the Federal Government, and
16 more importantly, it's the military, and we really can't get any information
17 because we're in a heightened security and are being told that that
18 information is strictly confidential, just did not cut it with the population.

19 Ultimately we had to go to our federal elected officials, including
20 Henry Gonzalez, the late Congressman of the area, to assist us in trying
21 to alleviate some of those fears.

22 Hopeful influences in your work -- again, I talked about working
23 with local officials, but more importantly, working cooperatively with local
24 officials, both elected and appointed. In many instances those officials
25 understand the history, the current state of affairs, and the future of that
26 community and are always willing to have other partners at the table.

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1 You can be in contact with them fairly quickly, especially if you
2 work through our elected officials. And more importantly, they can put
3 you in contact with the citizens who will have an important say-so in
4 what is to be done or what is important to that community. That direct
5 contact is extremely valuable and can be made available to the Federal
6 Government if it's worked through the proper channels.

7 Two, a second influence: Respect the local autonomy of the
8 community. Most of the cities that I've worked for are considered home
9 rule cities; they have the ability to legislate their own rules and laws.
10 Most of them have comprehensive land use plans. These are
11 documents that take into account an extremely long citizen participation
12 process -- they're usually for ten years and guide most planning and
13 zoning decisions.

14 Become familiar with zoning and land use rules and regulations in
15 those communities. Again, most zoning and land use changes will
16 require public participation and will require a public noticing process of
17 not only the immediate neighbors, but in some instances as far as
18 maybe a mile away. It all depends on the community.

19 It's important to recognize that those communities are self-
20 governing and have these rules and regulations.

21 The comprehensive plan and zoning rules are, in my opinion, a
22 double-edged sword. My experience has been that in some
23 communities there is some discrimination in the way zoning and land
24 use have been determined. Not overt discrimination, but perhaps
25 discrimination that has been brought into place just given the history of
26 the community.

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1 An example would be having neighborhoods pop up in what was
2 once industrial zones because the land is cheaper there and because
3 in many instances there isn't really a strong voice for that community.
4 And then as those neighborhoods build up, having new industry come
5 in and then having the traditional battle between not wanting additional
6 industries moving into the neighborhoods and having the neighbors sort
7 of combat the city on whether a new factory can come in or not.

8 Again, the Federal Government can possibly play a role in sort of
9 guiding and testing to see if some of those zoning rules are
10 discriminatory and whether they do reflect some historical bias.

11 Another influence should be to make resources available. And by
12 that I mean, of course, money. Many cities are not as fortunate as the
13 City of San Jose, they do not have the proper revenue streams to take
14 on the kinds of clean-ups or environmental projects that are needed.

15 So federal money is important. The brownfield projects is a good
16 starting place, and the Sustainable Community Grants which the EPA
17 has also has been providing is a good place to start.

18 There are some opportunities that are being missed. And having
19 been on the border, one of them is providing funding that can be used
20 in binational efforts, meaning money that can be spent in Mexico or at
21 least in communities where the boundaries or the international border
22 does not stop environmental contamination or sicknesses or any other
23 type of negative effect from crossing into the United States.

24 Traditionally U.S. money cannot be spent in a foreign country.
25 Cities have been eager to pop some of their own cash to make those
26 projects happen. But looking at binational funding I think is important.

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1 Another resource is to lend your scientists and your technical
2 consultants to the locality. The EPA has a number of science
3 professionals -- biologists, hydrologists, botanists, arborists.
4 Communities traditionally cannot afford those kinds of scientific
5 resources, but the Federal Government can make them available to
6 local government for their use. It would be helpful and it would prevent
7 municipalities from using lack of funds as an excuse for not having that
8 technical knowledge.

9 Then, the sharing of data, of information. I talked a little while ago
10 about the reluctance of the military to provide information about not only
11 their installations but what they're doing within those installations. I
12 think it does the surrounding neighborhoods an injustice not to have that
13 information available, or for at least that there be a frank discussion with
14 them.

15 Finally, coordination between the federal agencies. The tradition
16 has been that if I have a project that I believe has some merit, I put the
17 proposal together, I go visit the regional offices, each individually. I go
18 to Washington, D.C. and visit the national agencies one at a time. Then
19 I ultimately go to the Congressman or Senator's office and then ask
20 them to have one of their staffers look it over and make contact again
21 so that there's some coordination.

22 I think your efforts are helping in that regard, but again, it's just a
23 start. I think HUD and the Office of Economic Development and the
24 Department of Defense, and others, need to take sort of a page from
25 your book and assist in that cooperation.

26 Finally, keep the federal process and the language simple. When

1 you're dealing with neighborhoods, you're dealing with ordinary people.
2 These aren't Ph.D.'s or master degreed individuals. Some of them have
3 elementary and junior high school levels and you can't expect them to
4 grasp the language or the jargon that is used at the federal or the state
5 or even the local level. I does them no good when they can't
6 understand what's going on in the meetings and leave more confused
7 than when they arrived

8 So hopefully you will take a look at some of my suggestions and
9 some of my recommendation. The International City Management
10 Association is ready to assist in this effort and we do have a variety of
11 individuals who can assist you in your efforts and would be more than
12 glad to do so.

13 So with that, thank you very much.

14 (Applause.)

15 MR. LEE: Thank you, Jesus.

16 Next we have Terry Williams. We are really honored that Terry
17 Williams agreed to come and present to us. Terry is a former director
18 of the American Indian Environmental Office of EPA and the first chair
19 of the Tribal Operations Committee, as well as his many other
20 associations.

21 Terry.

22 PRESENTATION BY MR. TERRY WILLIAMS

23 MR. WILLIAMS: First of all, I'd like to thank you for the invitation.
24 It's wonderful to be back and be able to participate again.

25 I just want to say something first that might relate to this later. At
26 lunch today I was with some friends and I was reminded something that

1 my father told me when I was very young. I was about 13.

2 My friend and I were going out into the North Cascades Wilderness
3 to fish for a week on the river system. But it was the first time we were
4 going out alone without our parents or elders. I told my father that I was
5 comfortable with taking care of myself and my friend and the things that
6 we were going to do, but I was concerned about bears. I had never
7 been alone in an area with bears before.

8 So I asked him for his advice. He looked at me for a minute and
9 then he said, "Well, son, don't look like lunch."

10 Sometimes tribal wisdom and knowledge comes in simple form.
11 I'm going to try to be simple today.

12 I'm going to talk about personal experiences in dealing with a
13 number of processes with local, state and federal governments from a
14 tribal perspective. And with what I'm going to talk about is looking at
15 tribal culture and culture sustainability and look at it from an
16 environmental viewpoint.

17 That is, our cultures on the environmental side are greatly
18 sustained by the utilization of different species, whether they're fish,
19 wildlife, vegetation, herbs and berries, these types of things that form
20 not only our culture but our health and our economy. It's a subsistence
21 way of life in many ways yet.

22 I'm not going to talk about the background much; I've listened to
23 you yesterday and today and heard the discussions on the federal
24 relationship government-to-government and tribal standing, and U.S.
25 obligations, trust obligations, and I think you're fairly well versed in that.
26 What I'd like to talk about is the implementation of discovering its

1 process.

2 When you look at implementation, you have to understand what it
3 is that the tribes are trying to accomplish. The tribes, having basically
4 small numbers of people in a country with such a large population,
5 generally have a hard time articulating what it is that they do in terms of
6 culture. You know, who are we and how do we survive. On top of that,
7 explaining to a federal agency the mixture of tribal processes compared
8 to federal and how we see our future, the visions of our future, and how
9 we see relationships.

10 So, for the federal agencies -- first, I want to thank the Indigenous
11 Committee, too, for putting together the document. I just went through
12 it again. I think it captured very well the issues that are going on in
13 these relationships in trying to understand how we affect each other,
14 and the issues that were raised are very important issues.

15 But how we assess from a federal standpoint or a state standpoint
16 what the tribal goals or aspirations are, and where we'd like to be, what
17 kinds of objectives do we have -- we sometimes in our management
18 look at where we were historically as a people and what sustained the
19 culture in that historical perspective -- you know, the longevity and the
20 health, the wealth of the people -- and compare that to today and the
21 present; you know, what changes have occurred.

22 And when you look at that historical perspective of the natural
23 landscape -- from our area in the Northwest we had old growth forest,
24 we had an abundance of fish, we had trade routes, and our health was
25 generally pretty good because of the abundance of food sources -- it
26 was a good condition.

1 Today, with the greater percentage of that landscape altered, the
2 species that supported us are no longer there. You know, we've been
3 through forestry, agriculture, urbanization. Those types of things have
4 changed the dynamics of not only our social communication and
5 practice, but also our health because we understand now that as our
6 traditional diets of food have disappeared that we've had increases of
7 heart disease, increases of diabetes and cancer, those types of things
8 that are lost when you switch from a traditional diet to processed foods.
9 And our people have not fared well under that process.

10 So we have learned to work with the Federal Government through
11 generally federal processes of developing plans or goals, identifying
12 how to do assessments both with science and traditional knowledge,
13 and looking at how to put these things in a process that has
14 accountability and is affordable and enforceable.

15 In Washington state -- I'm going to mention just a few processes
16 first that we've worked through that had better outcomes but not desired
17 as the tribes would have wished.

18 First, several years ago we had what we called the Puget Sound
19 dredge disposal analysis process which set up the process of dredging
20 some of our bays and inlets. That was comprised of federal and state
21 agencies through a NEPA type design process and science in terms of
22 locating where they were going to dump contaminated sediments.

23 We also had about the same time come through -- or just shortly
24 after -- the President's Forest Plan, which again was numerous federal
25 agencies participating in the design of forest practices.

26 Now we have the Endangered Species Act process with the federal

1 agencies working together on forestry impacts to the environment,
2 agriculture, and urban and rural developments.

3 In these processes the re effects to tribal culture through our ability
4 to access land and water, through our ability to access food for our
5 subsistence, in our ability to gather or collect alot of these resources for
6 our economics, and also impacts to our health from both the lack of
7 food sources or contaminated food sources.

8 What happened in all of these processes were, first, because of
9 our participation we increase the knowledge of tribal needs in every one
10 of these processes. And I think before that we had a better outcome.
11 We increased the thresholds of science and knowledge and had a
12 better understanding of the effects or impacts to the tribal communities.

13 Even though we did that, we had problems in terms of outcome.
14 One of the problems I think is based on not that we, as tribal
15 communities, didn't participate fully enough, but the agency response,
16 either federal or state and sometimes local governments, were resistant
17 to some of the process because of the fear of the outcome, fear of the
18 unknown. We have a tendency to limit our planning processes into a
19 realm that we have some kind of certainty of outcome, or in a science,
20 we limit that to where we have a certainty of outcome.

21 That's one of the things that we have realized in Indian Country, if
22 we don't have a full understanding of impacts, whether they're policy or
23 science, we know that there can be an erosion of our rights and of our
24 health -- we have to be able to articulate all of this and work out
25 solutions that get us into a place where the tribes are more comfortable
26 about our own future and our own health.

1 So we are continuing to work with these agencies on identifying the
2 types of science, identifying collaborative processes in decisionmaking
3 that have a better outcome.

4 In areas where we've been more successful -- I'll name a few of
5 these, too. Some are small projects; some are larger. At Tulalip we
6 participated in a NEPA process that put in an interchange on the
7 Interstate 5 freeway that had environmental effects and also economic
8 effects on the tribe. It was about a \$12 million process. On that
9 process with the NEPA, the tribes took the lead in the NEPA structure
10 and led through the process with the federal and state agencies,
11 including local governments, not only in the discussion, but the science,
12 and worked out a solution that everybody seemed pleased with.

13 Another issue was a Tulalip, a superfund site. It was about a \$25
14 million project. Again, the tribe and EPA took kind of a co-lead in that
15 and worked through that process to a satisfactory end.

16 In western Washington we have 20 tribes that work together
17 through our Northwest Indian Fisheries Commission and we face
18 Endangered Species Act issue dealing with marble murrelets in our
19 fishing activities. The fishing activities had a potential of causing harm
20 or killing marble murrelets.

21 Again, stepping up and taking the lead with U.S. Fish and Wildlife
22 Service in that evaluation process, we were able to show that through
23 our science and information that our fishing activities had little to no
24 impact compared to other problems that the agencies were looking at.
25 And we managed to work through that and come out with a real positive
26 result.

1 With the Pacific Salmon Commission there's a treaty between the
2 United States and Canada on our fishing activities. The two countries
3 have set the regulations for fisheries management and the
4 escapements of stocks in the Pacific Ocean.

5 The tribes in this process are brought in as an equal player in the
6 decisionmaking process. In fact, we have a veto. If the management
7 system shows that there are going to be problems that would impact our
8 tribes, we have the ability to veto and to look for alternatives.

9 Again, over the years -- I've been involved in that process for about
10 14 years now -- we've had many difficult discussions between the two
11 countries, but we've always been able to work them out.

12 I think it's important to understand that the decisionmaking process
13 is where the action is, and when we have to look at effects, if there is
14 erosion on our culture or if there is erosion on our ability to manage our
15 resources, if we're in the decisionmaking posture, at least we can
16 understand the breadth of the issues and impacts and can make
17 decisions. That's what governments do; even if sometimes we don't like
18 them, we make decisions. But they're decisions that we can live with,
19 unlike those decisions that are forced upon us.

20 Another example was with the Department of Transportation in
21 Washington. They recently went through a revamping of their NEPA
22 program. I sat in on the discussions. Out of the discussions what we
23 agreed to was that defining -- bringing the tribes in early into the process
24 under NEPA -- what we said was to bring the tribes in at the point and
25 a purpose of need. So when the agency sits down and looks at a
26 project, when they're trying to define its purpose, we're there to analyze

1 that and have discussions through that process with them, and the need
2 of it. And maybe we have the ability to convince them that the need
3 isn't that valuable and the project just doesn't occur, or if it is valuable,
4 we talk about the impacts of mitigation and what that might look like,
5 and how we deal with the mitigation. But, again, we're in there early and
6 we're in the decisionmaking process.

7 To understand how we think through that process, we think about
8 our ancestors and how we lived and how important that lifestyle was
9 even in today's generation, and how to continue the culture, to work
10 through these issues in a way that respects our ancestors' wishes and
11 respects the integrity of our culture.

12 To understand that in negotiation processes, which we find
13 ourselves in continuously, again, outlining the process is very important.
14 What's the framework that you utilize to assure the tribe and its tribal
15 members that outcome can be fair and balanced.

16 And, again, with the science, making sure that the science is
17 appropriate. We're watching some of the federal agencies today for
18 endangered species on salmon, determine baseline and what they
19 measure from. We also know that the baseline that they select can be
20 affected by the information and timeframes that they select. Baseline
21 data expands or contracts by those issues. And if you go into a process
22 -- as far as a tribe is concerned -- where the process itself is limiting or
23 the baseline is limiting, we know the outcome is going to be limiting, and
24 that's a real concern.

25 One of the things that I've been working on with the tribes to help
26 effect that erosion and to help look at the processes -- I've worked with

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1 the tribes nationally to develop a couple of documents.

2 The first is what we call NEPA-TEPA document. This is designed
3 to be a national guideline for the tribes to not only be a manual to walk
4 through the NEPA process, but how to develop a TEPA for on
5 reservation or in Indian Country for our guidance to develop Tribal
6 Environmental Policy Acts that we govern ourselves under.

7 There's also guidance in here for American Indian and Alaska
8 Natives. It's a little different in Indian Country and Alaska.

9 The second document is called a watershed analysis. Basically
10 what we're trying to do here for the science side, in the Northwest we
11 developed a watershed analysis framework in Indian Country that we
12 later negotiated with the state and the timber industry and then later the
13 Federal Government through the Forest Service. But it was designed
14 only for the Northwest and we wanted the tribes nationally to have the
15 ability to use the same types of tools, so EPA worked with us over about
16 a three-year period and developed this national guide now that all tribes
17 in the country can use. This is going to be available.

18 It allows us to not only look at impacts, but to do cumulative effects
19 types of studies to give us a better perspective on the broader level of
20 what the impacts might be.

21 We're in the process right now of developing a third document that
22 would be a companion to this. We're calling that document cultural
23 stories. Basically what that is -- and we're hopeful to have it completed
24 this next year -- is our people have not responded well in survey, when
25 we send people out to survey different types of information, especially
26 collection of science. So we decided to set up a process where we can

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1 interview individuals, have them tell us what they do in their daily lives,
2 you know, what types of activities do they participate in.

3 From that information we can extract resource information that we
4 call traditional knowledge or indigenous knowledge. It's information on
5 species, abundance, location and things like that that we can now tie
6 through computer modeling right into our watershed analysis. So we tie
7 together both the science and the traditional knowledge which helps us
8 to deliver a better database.

9 As we work through these problems, I think one of the messages
10 to the federal agencies is that they need to be open and collaborative,
11 just as the report says. They need to listen and they need to take
12 advantage of the knowledge and the wisdom that is available in Indian
13 Country.

14 One of the things that I learned when I was director of the Indian
15 Office for EPA -- they had me travel to the different reservations
16 throughout the country to walk the land and talk to the people and try to
17 get a better understanding of what the problems were so we could
18 develop programs and funding to solve those problems -- as I went
19 through Indian Country, after a while it became very evident to me that
20 what the Indian people were telling me was that a lot of things have
21 happened in this country in the change and transformation of the land,
22 and a lot of those affected are people, but they also talked about the
23 lack of the government understanding those types of impacts and
24 what's going to happen in the future.

25 Individually each tribe was saying to me, it's time for the Indian
26 voice to come out and tell the people of the problems that are being

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1 generated from the loss of so much of the habitat, so much of the
2 environment. The impact was not only noticeable in the Indian
3 communities in health and wealth and social interaction, but it's
4 happening to the whole country. Our people have been living on the
5 land, seeing these species disappear, where others who came here not
6 only did not see the species disappear, they never knew they existed.
7 So there's this wealth of knowledge that needs to be called on, this
8 wealth of information.

9 I was recently approached by NASA who wanted to use our
10 traditional knowledge approach to look at their air programs. They've
11 been tasked with doing a national air study. With that, the science only
12 goes back to so far on vegetation and then it stops because of the
13 people who brought the science came in from other parts of the world.
14 But our Indian people have been here since the beginning and our
15 knowledge and information of the historical background is important to
16 them, so they want to document that traditional knowledge to give them
17 a better handle on what the landscape looked like originally.

18 I think we have a great opportunity here to work with the tribes to
19 bring out not only that knowledge, but to bring out a way to bring back
20 our health and bring back our economies and sustain our cultures into
21 the future.

22 Thank you.

23 (Applause.)

24 MR. LEE: Thank you. Is it possible the two documents that you
25 have with you, that you can submit them for the record?

26 MR. WILLIAMS: Yes.

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1 MR. LEE: Great. We really appreciate that.

2 The last speaker -- let me just say, I fully agree with Pat Woods'
3 recommendation about working more with states and, in fact, I think that
4 most of the projects have state partners which are ready, some of which
5 are very actively engaged. What Richard Gragg is going to provide for
6 us a pretty unique perspective because he, as I said, works with state
7 agencies trying to develop interagency collaboration among state
8 agencies around environmental justice. He is with the Florida A&M
9 University, Environment Justice and Equity Institute.

10 PRESENTATION BY MR. RICHARD GRAGG

11 MR. GRAGG: I'd like to thank the Advisory Council for the
12 invitation to speak on the viability of the integrated Federal Interagency
13 Environmental Justice Action Agenda in Florida.

14 This morning I will present examples and lessons learned from the
15 perspective of integrated environmental justice strategies in Florida.
16 The three goals that the Interagency Working Group is using as its
17 framework to integrate environmental justice into its policies, programs,
18 and activities consistent with the existing laws and Executive Order
19 12898.

20 First I will discuss environmental justice policy, research and
21 legislative issues in Florida and the outcomes to date. I will conclude
22 with some specific examples and lessons learned as Florida
23 implements its environmental justice action agenda.

24 In 1994 Florida established the Environment Equity and Justice
25 Commission which submitted its report in 1997 reporting that low
26 income and minority communities in Florida were more at risk from

1 environmental hazards than the general population.

2 In 1998 the Florida legislature established and funded the Center
3 for Environmental Equity and Justice at Florida A&M University, giving
4 it a mission of environmental justice research, training, education,
5 communities outreach and policy development.

6 The expertise of the Center currently is environmental modeling,
7 sampling, risk assessment and communication, environmental
8 toxicology and human health, environmental law and policy.

9 Some related projects and collaborations include the Birth Defects
10 Registry which was established by the Florida legislature in 1998 as one
11 of the recommendations of the final Commission report.

12 Also out of that report the legislature funded and established the
13 Community Environmental Health Advisory Board. Also, the legislature
14 -- not directly out of the report but tied into the mission of the Center --
15 the legislature established and funded the Institute on Urban Policy and
16 Commerce.

17 In 1999 the Center held its first meeting, which was a strategic
18 planning meeting of stakeholders, including state agencies, grassroots
19 organizations, and industry.

20 In 2000, the Center, working in conjunction with ICMA, the
21 University of South Florida Brownfields Resource Center, the Clearwater
22 Office of Economic Development, and the Greenhood Neighborhood
23 Associations produced the Clearwater Brownfields Area Environmental
24 Justice Action Agenda.

25 Also in 2000 we had our second annual conference. At that
26 conference the objective was to establish a Florida Environmental

1 Justice Action Agenda, which I will give some details on later.

2 Currently the Center is involved in the Comprehensive Everglades
3 Restoration Plan, and we are working with the Army Corps of Engineers
4 and the South Florida Water Management District putting together a
5 socioeconomic environmental justice management plan which will be
6 one of the focuses of the rest of the presentation.

7 In its role as the Environmental Justice Resource Center for the
8 State of Florida, the Environmental Equity and Justice Center is
9 promulgating the concept or paradigm of who the focus of
10 environmental justice should be, and we believe it should be the
11 community, and we believe we need to understand that due to
12 environmental stressors and certain socioeconomic and/or cultural
13 issues that communities become aware of these issues, they organize
14 or go through fact-finding, education, training, outreach, solution
15 identification and solution implementation.

16 This is the paradigm that the Center is stressing among state
17 agencies and local governments to do environmental justice in the State
18 of Florida.

19 Secondly, the Center has also outlined and is propagating the
20 various factors or variables that are involved in the issue of
21 environmental justice. Some of those I think people are pretty familiar
22 with, but I'm going to outline some of them to show how the state, or the
23 Center, is working to push these things here.

24 For example, we have economic redevelopment in brownfields.
25 The State of Florida has statute 376 which directs brownfield
26 redevelopment to include environmental justice as part of its policy and

1 actions.

2 Just yesterday, on Monday, I believe, I just gave a talk to the
3 Florida Commission on Growth Management, which is in the process of
4 revitalizing all the growth management plans for the State of Florida,
5 and I spoke before the Citizen Involvement Subcommittee on
6 Environment Justice issues.

7 Another topic I have up there is priority health conditions. The
8 Agency for Toxic Substances and Disease Registry has outlined seven
9 priority health conditions that are of concern when we look to investigate
10 the impact of environmental contaminate on human health. Those are
11 respiratory, reproductive, kidney, liver, immune, neurological and
12 cancer.

13 We are working with the Agency and our counterpart at the
14 University, the Institute of Public Health, to address these issues, and
15 also the Florida Department of Health.

16 I'm leaving this conference to go back to Fort Myers to speak to
17 the Greater Everglades Ecosystem Research Conference. I'll be giving
18 a presentation on integrating environmental justice into the
19 management plan for the restoration.

20 Now I'd like to speak on some examples and lessons learned on
21 environmental justice in trying to do this integration among agencies in
22 the State of Florida in local government.

23 Out of this 1999 strategic planning meeting, which its participants
24 included state agencies, grassroots organizations, advocacy groups and
25 industry, specific outcomes were outlined or concluded for the meeting.
26 These outcomes or desired outcomes is what the Center is working on.

1 One of the main focus of the Center in terms of the research is to look
2 at health effects of environmental contaminants.

3 Our second annual conference, which was built out of that strategic
4 planning meeting -- and we were very grateful that Barry Hill and
5 Vernice Miller-Travis came and spoke at the conference -- that
6 conference objective was to put together an action agenda for the State
7 of Florida in environmental justice. That was accomplished in six areas:
8 health risks and environmental research, documenting environmental
9 justice issues, cooperative action, integrating environmental justice into
10 operations, economic development and transportation.

11 One of our speakers was the Secretary of the Department of
12 Transportation for the State of Florida who spoke on how this
13 Department of Transportation is integrating environmental justice into
14 its community impact assessments.

15 Currently the Center is working with the Army Corps of Engineers
16 and the South Florida Water Management District to put together a
17 socioeconomic environmental justice plan for the Comprehensive
18 Everglades Restoration Plan. The restoration plan contains over 60
19 components, including critical restoration projects, operational changes
20 to the central and southern Florida projects, creation of water quality
21 treatment facilities, and other modifications, with the principal goal of the
22 creation of approximately 217,000 acres of new reservoirs and wetland-
23 based water treatment areas in southern Florida, which you may refer
24 to as the Everglades.

25 The stakeholders of the CERP include the Army Corps, the Water
26 Management District, the State of Florida, Florida Department of

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1 Environmental Protection, the Department of Interior, and the residents
2 of South Florida, specifically those residents that live within the glades,
3 such as tribal groups and people that live in the agricultural area of the
4 glades. Some of you may be familiar with the city and college from
5 Belle Glade, Florida, and we have the Anacape (phonetic) people also
6 out in the glades.

7 This project is going to last for approximately 50 years. Right now
8 it's costed out at \$8 billion. It will be shared between the Federal
9 Government and non-federal, mainly the State of Florida.

10 So, in addition to the actual 60 projects which are engineering
11 projects for the control of the water, this management plan includes
12 program level activities. These activities are defined any work that
13 spans multiple projects and system-wide issues, including public
14 outreach, socioeconomic, and environmental justice.

15 This team that is putting together the socioeconomic and
16 environmental justice management plan is primarily composed of the
17 Army Corps, the Water Management District and the Environmental
18 Equity and Justice Center.

19 We are using as our guidelines for the environmental justice part
20 of the plan the 1998 final guidance for incorporating environmental
21 justice concerns in EPA's NEPA compliance.

22 As another important role of the Center -- socioeconomic and
23 environmental justice issues were not initially part of the Comprehensive
24 Everglades Restoration Plan, and through our participation and other
25 people pushing this issue, it is now going to be a part of the plan.

26 What I'm going to outline here is just the objective 2 of this

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1 socioeconomic environmental justice plan that is what we're specifically
2 going to do under environmental justice. This part of the plan is going
3 to be funded by the Army Corps of Engineers and the South Florida
4 Water Management District. The draft plan is proposing a total funding
5 at \$275,000 over the first three years of this project to initiate this
6 environmental justice plan.

7 The tasks are environmental justice training to the Army Corps and
8 Water Management District staff, and we are hoping to be able to use
9 the environmental justice training collaborative program to integrate that
10 into this training.

11 The second task is environmental justice screening and analysis.
12 That has four subcomponents: geographic and demographic data,
13 cursory estimate of impacts, economic and human health data, tool
14 evaluation and development.

15 Then we'll do environmental justice support teams for the project
16 managers. These are the managers that are building these individual
17 water projects, aquifer storage and recovery facilities, and things of this
18 nature. They'll have to do impact assessments and statements. Then
19 we're going to put together a justice template for them to go through
20 these steps.

21 Also, the Center is going to enter into a memorandum agreement
22 with the Army Corps and the Water Management District to assist them
23 in carrying out the plan.

24 That concludes my presentation.

25 (Applause.)

26 MR. LEE: Thank you.

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1 Could we get a round of applause for all the presenters? I think
2 they were four wonderful presentations.

3 (Applause.)

4 MR. LEE: One thing that I think is really evident are the
5 intertwining relationships and how different -- you know, kind of relate
6 to each other either on a state and local level with the communities and
7 federal agencies, they actually come together in I think infinitely varied
8 ways. Part of, I think, the ultimate value of this process is to be able to
9 leverage, to be able to target and leverage these resources in a way
10 that makes a difference -- is accessible to communities and make a
11 difference.

12 Can I open it up for questions and comments? Rosa Hilda.

13 MS. RAMOS: I think that Sue's presentation is the most powerful
14 tool to empower communities in the future because we have to
15 understand what the strong message is.

16 Sue is an industry representative and she is telling us that the
17 model that NEJAC developed for public participation really works. An
18 industry representative telling us that it's a good model is something that
19 will have repercussions for communities. We should hear what she's
20 telling us.

21 The public participation model states that EPA should not develop
22 any guidance, any plan, any assessment, any strategy without including
23 at the very beginning the affected communities and all the stakeholders.
24 That's the only way to do things in order to obtain positive results.

25 She's telling us -- an industry representative -- that it's good
26 business to invite the community early on.

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1 I really would like to have a copy or several copies of that
2 presentation. Thank you.

3 MS. WOOD: If I could respond. I had copies made. There are
4 copies.

5 I think you're right on target, but I think it's a very simple answer.
6 Industry is no different than any other individual or entity in that
7 community. If you're going to have community involvement and
8 participation, you have to make sure that you have all the
9 representatives of that community at the table. And quite often what
10 has happened in the past -- I think sometimes the Federal Government
11 working with a community group, at the exclusion of either, for instance,
12 the industry that might be there, the state, regional communities, and
13 the people that are not at the table are the ones who, you know, feel left
14 out.

15 We have found that, from the industry perspective, is that when we
16 sit down and make the best of plans and perhaps talk with the federal
17 regulators, but don't bother to stop and think about our community at
18 large, we fail.

19 In fact, I recently heard an excellent presentation by Linda Fisher,
20 who used to be at the agency and who worked with Monsanto for a
21 while -- she talked about lessons learned. When Monsanto got into the
22 biotechnology and started to develop something that they thought was
23 actually going to help the protein problems with the Third World, had
24 worked very closely with the Federal Government and thought that they
25 were making the regulators happy, and they entirely forgot about the
26 public at large.

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1 That was about the same time that the mad cow issue started up
2 in Europe, and they failed miserably. And, of course, it actually led to
3 a demise of a company.

4 It was fascinating. In fact, I would recommend that NEJAC might
5 want to invite Linda to come talk about that story because while it talks
6 about a company and a company's problems, it's really applicable to
7 anything we're talking about in terms of when a small group of people
8 get together and start to think about what's the right answer for a
9 community, if they haven't really looked at who that community is, they
10 run into problems.

11 I think that Sue's message is certainly a message that I, too,
12 endorse. It's a pretty fundamental one, but we've all had to learn the
13 hard way that it continues to be the right one whether we want to
14 recognize that or not.

15 MS. RAMOS: Just for the record, another good example of the
16 working demonstration of the effectiveness of the model is the case of
17 Shintech -- the Shintech case.

18 MR. LEE: Don.

19 MR. ARAGON: Yes, thank you. I enjoyed the presentations that
20 the panel has put forth here and really feel that it would be great if
21 things would work in this manner in an ideal world.

22 One of the things that has happened that I have seen as an
23 environmental director for the Shoshone and Arapaho tribes is that once
24 the tribes start developing enforcement regulations and try to assume
25 primacy to protect their lands and their people, the states sue them --
26 well, actually sue the EPA for granting tribes these authorities.

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1 There's a lot at risk for the tribes. For instance, in some cases
2 tribes have lost land because the lands that were in question where a
3 permit or regulations were being brought forth -- these lands contested
4 were already in dispute and the tribes have lost them through
5 disfranchising. I think it happened in South Dakota where they lost half
6 of the reservation over there.

7 So when we talk about developing environmental protection for
8 Indian lands and those types of things, I think one of the things that
9 needs to be brought forth with the entities that are planning, such as the
10 Department of Transportation, with the Federal Government and with
11 the states, and so forth -- I think they need to sign some type of a
12 document that they won't sue each other over who is the authority
13 agency here.

14 I think that these could work on behalf of Indian Tribes, for
15 instance, if the states would just accept the tribes for their expertise that
16 they have developed.

17 I know Mr. Williams here was the first director of the American
18 Indian Environmental Office and during his tenure there he had kicked
19 off a lot of things that are now coming to being for Indian Tribes. It is
20 great. We are now getting water quality standards throughout Indian
21 Country. These are also going to impact on development when we take
22 a look at what the EPA is doing in developing core water quality
23 standards across the nation for Indian Tribes.

24 Indian Tribes were somewhat shocked here at a meeting that we
25 had not too long ago when they were talking about their economic
26 development. They have to meet their water quality standards just like

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1 anyone else.

2 So when we are looking at rules, regulations and those types of
3 things, you know, I think Terry has the right idea for Indian Tribes, which
4 is to develop their own TEPA process and also recognize and respect
5 the NEPA process. But in many cases the Bureau of Indian Affairs
6 doesn't recognize either. They have what they call the BIAM-30 which
7 is the Bureau of Indian Affairs Management Programs.

8 I appreciate what the panel said here and I just wanted to make
9 those comments that, you know, if and when the tribes have exercised
10 their tribal sovereignties, they have gotten themselves into litigation.
11 Thank you.

12 MR. LEE: Thank you, Don. Alberto.

13 MR. SALDAMANDO: Thank you. I also appreciated the
14 presentations, especially Sue Briggum's and the way it was presented.

15 But I'd like to say that in terms of power relationships very much --
16 for instance, Intel may be a very good employer and a very good
17 company in San Jose, but we know that Intel also has been critical in
18 the fight over the petroglyphs and the Indian artifacts, and the whole
19 area of petroglyphs in Albuquerque, New Mexico.

20 It's the power relationship of we've got jobs for you -- if the
21 jurisdiction, whether it be state or an Indian government, or if it's a small
22 community -- we will not bring you the jobs unless you do not only what
23 we want but the way we want it done. That has been more of the
24 experience than the cooperation that the people on the panel have
25 demonstrated.

26 So I think there is still a great deal of work to be done and I hope

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1 that you continue educating your constituencies, particularly the state
2 and city jurisdictions as well as industry, to take into account local
3 communities.

4 MR. LEE: Great. Well, the first thing is that we will definitely
5 forward a message to Sue Briggum in terms of the importance and
6 significance of her message.

7 Peggy.

8 MS. SHEPARD: I'd like to thank all of the panelists for their
9 presentations. They were very thorough. I'd like to direct a question to
10 Dr. Gragg.

11 You outlined a fairly rigorous program, you've been very busy,
12 What I didn't understand from your presentation was the level of
13 community education required to participate in developing a plan that
14 deals with, you know, complex issues of habitat protection, water
15 quality.

16 What was the quality and breadth of the community involvement
17 in developing this plan and those particular components?

18 MR. GRAGG: I must say, I think that's one of the shortcomings of
19 the plan. And that is, there hasn't been extensive community
20 involvement from the beginning. The communities of South Florida
21 raised the issue of this CERP plan and what its objectives were, and its
22 main objective, or promoted objective, was to get the water right. There
23 was no primary concern about the impact of the plan on the habitants
24 of the area. That was somewhat ignored, and like I said, it's only
25 recently that it has come back on the table in a movement forward to
26 put together a plan to look at some of the specific impacts on the

1 communities that will directly impacted by this project.

2 MS. SHEPARD: What is your academic outreach to those
3 communities? I mean, what's the quality of that?

4 MR. GRAGG: Our academic outreach to the communities at this
5 point is to serve as a technical resource center to the communities for
6 the things that you mentioned. But I think the real objective, as I've said
7 previously and which was reiterated here, is for community participation
8 at the beginning of the process, not to bring something to the
9 community and ask them for comment after the fact. It could be a
10 better plan and could be more acceptable from the community if they
11 have ownership in the development of it.

12 MR. LEE: Okay. Well, I wanted to make a couple of
13 announcements before we close for this afternoon.

14 First is that Jane Stahl asked me to announce that the State
15 Environmental Justice meeting is going to take place tomorrow morning
16 at 7:00 a.m. in the Arlington/Fairfax Room. This is the regular meeting
17 of state environmental justice coordinators that takes place at every
18 NEJAC meeting.

19 The second is that Public Comment begins at 6:30, which means
20 you have an hour and a half for dinner.

21 Lastly, I just want to once again thank this panel for their very
22 thoughtful and provocative presentations. I think we all learned a great
23 deal from what you had to say, and I would just ask that we all give
24 them a round of applause.

25 (Applause.)

26 MR. LEE: So, we are adjourned.)

1 (Whereupon, the meeting in the above-entitled matter was
2 adjourned, to reconvene at 6:30 p.m., this same date.)

1 PUBLIC COMMENT

2 MR. TURRENTINE: This Sixteenth Meeting of the National
3 Environmental Justice Advisory Council is now in session for the Public
4 Comment period, the second such period of this meeting.

5 Let me say for the record and for those who wish to present this
6 evening just point out what our mission is -- not so much what it isn't,
7 but what it is -- so that at least you know what we are chartered to do,
8 what we can do, and what we cannot do.

9 NEJAC is a Federal Advisory Committee that was established to
10 provide independent advice to the EPA Administrator. Having said that,
11 that's what our mission is, that's what our charter is -- to provide advice
12 to the EPA Administrator. We have no other legal mandate nor
13 authority to do anything beyond that.

14 It may be frustrating for those of you who might have thought our
15 mission was otherwise. I felt it was important that we at least set the
16 ground rules or the ground work for what we do, how we do it, and why
17 we do it.

18 Tonight, unlike last evening, we will not focus on single issues.
19 Respondents will be able to report on whatever issues they choose to
20 bring before the Council.

21 Additionally, tonight, as was the case last night, the clock will be
22 running on each respondent. And I'm going to ask, in the spirit of
23 cooperation, respect and consideration for those who are to come after
24 you, that you adhere to the time limitations and don't force me to set
25 you off. I don't want to do that; I would truly not like to do that. I would
26 ask that you observe the timekeeper and adhere to that as best we

1 possibly can.
2 If we're able to do that, we can get through this process and be in
3 bed probably before the Supreme Court does what they're going to do.

4 (Laughter.)

5 MR. TURRENTINE: It's been a long day. This is a part of the
6 agenda that I rather enjoy because I hear from the people who are
7 experiencing environmental injustice, and they come to us and they
8 report to us their concerns.

9 So, without further, we're going to get started. Before I call the first
10 person I would like to point out that I've got a written statement from --
11 I guess it's Ann McCampbell -- it's a written statement on MCS --
12 multiple chemical sensitivity and a resolution that we will pass on to the
13 appropriate subcommittee. But I want the record to reflect that the
14 written statement will be a part of this record of the Public Comment
15 Period.

16 WRITTEN STATEMENT
17 SUBMITTED BY ANN McCAMPBELL, M.D.
18 MCS TASK FORCE OF NEW MEXICO
19 (was accepted into the record)

20 MR. TURRENTINE: Is David Baker in the room?
21 (No audible response.)

22 MR. TURRENTINE: Madeleine Pepin?
23 Ruthie Garrett Walls? Is Ruthie in the room? You can come up
24 to the table.

25 Is Debra Ramirez or Frank Ramirez or Darvin Ramirez -- any of
26 those present?

1 (No audible response.)

2 MR. TURRENTINE: Leo Woodberry? Is Leo in the room?

3 (No audible response.)

4 MR. TURRENTINE: Kenneth Bradshaw? Are Kenneth or Doris
5 Bradshaw in the room?

6 (No audible response.)

7 MR. TURRENTINE: We might get through this rather quickly
8 tonight.

9 Is Dagmar Darjean in the room?

10 (No audible response.)

11 MR. TURRENTINE: Dorothy Felix, Part Hartman or Erica
12 Jackson?

13 (No audible response.)

14 MR. TURRENTINE: Is Dr. Beverly Wright in the room?

15 DR. WRIGHT: I'm here.

16 MR. TURRENTINE: Okay, Beverly, would you join us at the table
17 as the next person to report. Thank you. You may proceed.

18 PRESENTATION BY DR. MADELEINE PEPIN, Ph.D.
19 OUR LADY OF THE LAKE UNIVERSITY
20 SAN ANTONIO, TEXAS

21 DR. PEPIN: I'm Dr. Madeleine Pepin from Our Lady of the Lake
22 University. I teach ethics in the Environmental Science Program there.
23 I want to make some remarks.

24 I teach by the case study method on dealing with limited English
25 proficiency populations. Over the years I've done a case study on Falls
26 City, Texas which is about 40 miles from San Antonio, a Polish-

1 speaking community. The people aren't immigrant; they're third or
2 fourth generation, it's just that once they're out of high school they don't
3 use English much. They don't read Polish.

4 There were uranium mines in Falls City and one of the mines
5 became a radioactive waste dump after the ore played out. In a ten-
6 year struggle that started about 1980 the community tried to deal with
7 the Department of Energy, which was remediating a bankrupt mining
8 operation, and tried to deal with the Texas Department of Health and the
9 Texas Railroad Commission which regulates mining.

10 They were told repeatedly that translation services couldn't be
11 provided, that that was too expensive. Although there are always
12 individuals in the community that can translate questions, translate
13 statements of concern, although documents don't need to be translated
14 because can't read that language anyway, just this complete
15 stonewalling. The parish priest would go to Austin to hearings and
16 attempt to translate for people, and it wouldn't be allowed. This was
17 before the Environmental Justice Executive Order.

18 In recent years we've been dealing with Kelly Air Force Base in
19 San Antonio. The RAB won't provide any translation, doesn't really
20 permit people to just translate for people. They're dealing with the same
21 sort of community, third and fourth generation, educated in the United
22 States, don't really read Spanish. All that's needed is just someone to
23 help with questions. But the stonewalling on that was just intense until
24 about six months ago the Air Force decided that it should translate.

25 What it did was, instead of going to the universities or your city
26 government where people can negotiate bilingually, they hired a few

1 people to at the public meetings talk to the Spanish speakers
2 completely in Spanish so that only English-speakers could talk to the
3 important people. The Spanish speakers had to talk to people you
4 never saw in your life and would never see again.

5 This is really incredible. It's an environmental justice problem, but
6 it's also a job competency problem. A college freshman can look up the
7 census data on the population in a neighborhood. To pretend like we
8 need to translate documents when you know from the census data that
9 people don't read that language, is absolutely absurd.

10 I find it incredibly hard to educate students in the area because of
11 these things. I've had incidents of taking students to meetings; Air
12 Force officials that can't pronounce their names would rather act like
13 they don't exist.

14 Related to the problem of environmental education in the area, I
15 need to take my students on field trips to the border. That's about a
16 three-hour drive. My students are 80 percent Hispanic. Whenever we
17 go to the border, as we come back we had a terrible incident with U.S.
18 Customs. Now, American college students look like American college
19 students all over the country, but it seems if their skins are brown, U.S.
20 Customs doesn't regard that as so. We also get stopped by border
21 patrol. We haven't had much trouble with that.

22 But if we're going to address environmental justice along the
23 Texas-Mexico border, we're going to have to quit acting like south Texas
24 is a foreign country and we're going to have to quit treating the people
25 that live there like they're an invading force.

26 That's what I have to say.

1 MR. TURRENTINE: Let me just ask you and also ask all of the
2 other presenters, tell us as precisely or concisely as you can what you
3 would have us do. What would you like for this body to do.

4 DR. PEPIN: Okay, I have a list.

5 MR. TURRENTINE: Okay.

6 DR. PEPIN: Number one, that all federal officials consult with the
7 local governments or the local universities for an accurate and complete
8 account of the demographics of the affected community. Even if
9 Federal Government people can't look up census data, local people
10 can.

11 That federal officials take note that there are many non-English
12 speaking communities in the United States and that the members of
13 those communities weren't educated in a foreign country; they were
14 educated right here in the U.S., they read English.

15 Number three, that Federal Government consult with local
16 governments or universities on the type of translation services needed.
17 In the local places we know how to deal with these issues. You don't
18 have to do it in Washington in order to do it in San Antonio.

19 Number four, that federal officials consult with local governments
20 or universities on how to obtain the translation services needed. For the
21 Air Force Base, for instance, just call up the universities. We've got lots
22 of bilingual faculty members. Call up the city. The city liaison people
23 can deal in both languages. Why act like it's impossible?

24 MR. TURRENTINE: I want to thank you for that. Can we have a
25 copy of those recommendations?

26 DR. PEPIN: I submitted it.

1 MR. TURRENTINE: Okay, great. Are you going to be here
2 tomorrow?

3 DR. PEPIN: Yes.

4 MR. TURRENTINE: Okay. I would invite you to go to the
5 International Subcommittee meeting tomorrow. I don't know what their
6 agenda is for tomorrow, but I suspect that it's sometime during the day.
7 You'd be able to talk to Alberto and further -- see, I don't want your
8 presentation to just float out there; I want it to be directed to some part
9 of this Council so we can at least address those issues to the degree
10 that we can.

11 DR. PEPIN: Okay.

12 MR. TURRENTINE: And so I would ask you to attend that
13 subcommittee meeting tomorrow.

14 DR. PEPIN: Okay.

15 MR. TURRENTINE: Are there any comments from the Council?
16 Rosa Hilda.

17 MS. RAMOS: I would certainly encourage you to write to EPA
18 Region 2 asking them how they make arrangements for simultaneous
19 translation that could -- you could use that as an example in the
20 dialogue with the Department of Energy.

21 I don't know who has more money, the Department of Energy or
22 EPA, but EPA, certainly in Puerto Rico, in many cases they hire people
23 who have this equipment that translates simultaneously and you can
24 talk with the English-speaking people while speaking Spanish. This is
25 nothing so difficult.

26 Also, the agency pays a little bit more to employees who do know

1 Spanish to act as, you know, liaison with the communities and the
2 officials.

3 So, those are alternatives that if you document them, you could
4 use them as an example for the Department of Energy, hopefully.

5 MR. TURRENTINE: Yes, Pat.

6 MS. WOOD: You talked about the Polish community, third
7 generation Polish community that actually pretty much I guess speaks
8 Polish amongst themselves.

9 DR. PEPIN: Right.

10 MS. WOOD: I'm curious, if you'd share with us, how do they -- is
11 their English language background enough to be able to deal with
12 environmental and other regulatory issues that they run into from day to
13 day? How does a community like that exist in this day and age?

14 I know we have folks at a number of the federal facilities that speak
15 English or Vietnamese or Spanish, or what have you, but Polish, that
16 one surprises me a little bit.

17 DR. PEPIN: Well, they exist. They can read English. They can
18 read most documents. It's just when -- like I can read Spanish; there's
19 nothing I can't read. But if I go to a meeting that's conducted in
20 Spanish, I don't have the easy vocabulary access to ask my question.

21 These people operate the same way, both the Polish-speaking
22 community and the Spanish-speaking community. It's the verbal
23 fluency that's lacking.

24 As for dealing with government documents that are heavily laden
25 with jargon, most of the English-speaking population can't deal with
26 those documents either. It would be nice to require documents to be

1 written in plain English.

2 MR. TURRENTINE: Thank you very much.

3 Doris.

4 PRESENTATION BY MS. DORIS BRADSHAW
5 DEFENSE DEPOT, MEMPHIS, TENNESSEE
6 CONCERNED CITIZENS COMMITTEE

7 MS. BRADSHAW: As you know, I brought to your attention the
8 digging of mustard gas bombs in our community back at the last
9 NEJAC. I gave Charles Lee a presentation at one of the meetings in
10 Atlanta, and I think I did the same presentation, almost, to the NEJAC
11 board.

12 What we were complaining about is not having an emergency
13 response plan in place. Also, we need an air monitoring system outside
14 the site.

15 Now, I thought this was something very simple to ask EPA for. I
16 don't know if the person that is on our site, you know, ever got this
17 message that we wanted those monitoring systems while they're doing
18 the clean-up around this site because the community is like 15 feet from
19 where the site starts.

20 On September the 15th there was a release in our community that
21 caused three workers to have to be rushed to the emergency room --
22 exposure to the mustard gas chemicals in the ground. They were in full
23 protective clothing with the type of breathing apparatus that was
24 supposed to protect them.

25 These people were checked at the hospital and sent back to work
26 the next day. They were complaining of headaches, vomiting and sinus

1 obstruction.

2 But the sad thing about this, there have been seven releases in our
3 community that weren't reported. We had seven releases.

4 I didn't know who we were supposed to turn to to help us. I sent
5 out a letter -- and I also sent it to Phyllis Harris' office at EPA. This
6 letter at the bottom -- this was my official environmental justice
7 complaint. So I thought that I would hear something from her. But I
8 didn't hear anything from that department, Turpin Ballard that was
9 supposed to be on our site, the oversight person -- didn't hear nothing
10 from him. No more than when we were at the county commissioner's
11 office and he stated there was a concern.

12 But in the process, we don't know what this community was
13 exposed to. And I have the letters that I sent on the 14th of April and
14 also the letters of October the 15th. The Defense Logistics Agency did
15 not answer the letter for October the 15th.

16 And the other complaint is Region 4 knows that NEJAC was here
17 in Washington, D.C. Believe it or not, December the 11th they decided
18 when they were going to do testing in our community. We also hear
19 Howard University is going to do testing. Even though I told them, I
20 said, I'm going to be in Washington this date, I would like to be at home
21 when you do the testing in our community so I know where you testing,
22 but they decided they going to do it on December the 11th whether or
23 not I'm there or not.

24 So this is showing the inconsideration that this department is
25 constantly like a battleground. When they want to do something, they
26 just do it whether we like it or not.

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1 So I'm not getting the type of cooperation from this particular
2 person in EPA. I don't know if it's the whole department or what; I don't
3 know if it's the whole EPA Region 4 or what. But I'm tired of asking for
4 simple things, things that I think that, you know, it shouldn't hurt. They
5 didn't have to go on the grounds of the Federal Government to put the
6 air monitors system; people were willing to put them in their yards. And
7 that's all we wanted to know, to make sure that if something was
8 released, that we wouldn't get the bulk of what was released into the air.

9 DLA didn't have any of those monitoring systems calibrated to
10 check for all the chemicals, even the chemicals that they knew were in
11 the ground. So we're helpless again.

12 There have been certain health problems reported, but we don't
13 have the proof, we don't have the data to say, you know, what was
14 released in our community.

15 Thank you.

16 MR. TURRENTINE: It's interesting, at least from my standpoint,
17 I've heard more than one public commenter tell us that they've had
18 meetings scheduled that were in conflict with a known NEJAC meeting,
19 knowing that the people were expected to be at the NEJAC meeting,
20 I guess I don't really understand how that can happen if people are
21 genuinely concerned about helping you with your problems.

22 I don't know if any of the other members of the Council recall other
23 people coming forward with those types of complaints, that meetings
24 have been scheduled when they knew the community "loud mouth," if
25 you will, was going to be out of town. It's almost like they want to come
26 in when you're not going to be there to monitor what they're going to do

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1 so you can add some legitimacy or some credibility to whatever the
2 findings are.

3 That causes me some concern and I just want to know if any of the
4 other Council members would like to weigh in on this discussion. Yes?

5 MR. MITCHELL: I just want to ask one question of you, Doris,
6 regarding the Enforcement Accountability Division there at Region 4.
7 What has been your response there?

8 MS. BRADSHAW: There has been none. I got track records of
9 environmental justice complaint after complaint that was filed. The first
10 complaint -- I don't blame Connie because she tried to do what she
11 could and all it was was just a complaint.

12 The second complaint, it got lost for about six months. But, you
13 know, they finally responded to it.

14 But this third one that was sent out on October the 15th, this was
15 dealing with our lives. And if this is the agency to protect our health,
16 you know, I am so afraid -- maybe it should be called the agency that
17 protects some because when it came to us we was -- no one responded
18 whatsoever, they ran like a bunch of cowards under the table and was
19 nervous and hoping that we didn't ask questions.

20 MR. MITCHELL: In regard to the same situation in Spartanburg
21 and regarding with Tim -- Tim Fields and Pat Tidwell, that when we ran
22 into those exact same problems, we ended up having to come to
23 headquarters and headquarters did the necessary actions back at the
24 region and they basically set up a meeting with the residents in the
25 community in Spartanburg to kind of regroup and start over.

26 I'm just wondering at this point, you know, how many times do you

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1 have to approach an agency before you get some kind of result?
2 I mean, if you keep running into a brick wall, it seems as though
3 someone in headquarters needs to step up to the plate on the
4 enforcement accountability side.

5 MS. BRADSHAW: I want to say one more thing. When we
6 complain and they know that -- with federal facilities -- the remark has
7 been, we can't do anything about it. But you know the higher officials
8 that can do something about it, that has accountability. You know who
9 to contact. This agency knows that they can reach the people that we
10 need to talk to. Do something other than sitting back and saying, well,
11 my hands are tied and I'm not going to do anything.

12 If you try -- I would like for you to say, well, I tried and I couldn't get
13 a response. Dr. Warren, that's one thing, he'll tell, he honestly will tell.
14 If he can't get something done and he have talked to people, he'll let
15 you know who he talked to and what they said.

16 I feel like that you have a moral obligation more so than just
17 listening to complaints -- you have a moral obligation to help these
18 people in this community.

19 Now, there's nothing you can do now, the release has happened.
20 I talked to Charles Lee. I can call people's names. You got my e-mail
21 -- I hope you got my e-mail. But if you had said, "Doris, I'll try to do
22 something" -- just let me know that you have heard from me. I didn't
23 even hear that.

24 MR. MITCHELL: Doris, is this a federal facility?

25 MS. BRADSHAW: Yes.

26 MS. RAMOS: Doris, it breaks my heart seeing you time after time

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1 coming to these meetings, bringing the same problems. If the
2 information I have received is correct, there is a big limitation for EPA
3 in solving your problems. It seems that EPA is having continuity
4 problems in Region 2 because the EJ coordinator is no longer there so
5 there are additional problems.

6 But what I do not understand is why relocation strategies have not
7 been discussed with the community? Why not?

8 MS. BRADSHAW: Because these people are God and they told
9 us nothing would happen. They told us no accidents, nothing would
10 happen. That's what they told us.

11 MS. RAMOS: When you say "the people," you mean the --

12 MS. BRADSHAW: They are God, they know everything. They can
13 predict everything. And so --

14 MS. RAMOS: You mean the operation of the depot?

15 MS. BRADSHAW: Of the service, the Defense Logistics Agency.
16 That's what we were told so we were supposed to trust these white folks
17 with our lives.

18 MS. RAMOS: But if the pollution is there and it's moving towards
19 you through releases or plume movements, I think you should really
20 consider, you know, pushing relocation if --

21 MS. BRADSHAW: Rosa, that may be okay with industry, but
22 you've got to understand, this is the Department of Defense. If some of
23 you haven't seen the news clip, the document "Standing on Dangerous
24 Ground" about the Defense Depot, the statement -- what the
25 Department of Defense told Bill Lark on television, there is no apology
26 and no clinic, and we have been told, no, we will not move you.

1 So this is genocide. We have to accept it. We're too poor to
2 move. And I'm not going to move away from a community that I was
3 raised up in until they move everybody else. So, people are dying and
4 we are moving out.

5 MS. RAMOS: I think Doris would be a good candidate to be
6 included in the Intragency Working Group dealing with federal facilities.
7 I think she should be invited to participate.

8 MR. TURRENTINE: I frankly don't know what to say.

9 MS. BRADSHAW: I just thank you for listening.

10 MS. RAMOS: Doris, I'm saying this not as a NEJAC member, but
11 as a community leader just like you -- you have the privilege of having
12 people in Congress go there, go there.

13 MS. BRADSHAW: Rosa, we are there now. We have been there
14 and we're going to try to make things better for every DOD site, and
15 that's where we have to go.

16 MR. TURRENTINE: Peggy.

17 MS. SHEPARD: I just want to ask Charles Lee if the federal
18 facilities subcommittee is meeting tomorrow. Does it start meeting
19 tomorrow?

20 MR. LEE: No. It's a work group.

21 MS. SHEPARD: Well, the work group.

22 MR. LEE: The first meeting face to face would be sometime in
23 January. It's met once by conference call thus far.

24 MS. SHEPARD: And will that be a public meeting in January?

25 MR. LEE: No. It's more of a meeting of the members. If you
26 mean by public meeting, meeting with the public?

1 MS. SHEPARD: Or open to --

2 MR. LEE: Well, I don't know. I'm not sure how to answer that
3 question. I mean, I think that's something we need to talk to Brandon
4 and to Rose about, in terms of how they want to approach that meeting.
5 That's all I can really say at this point.

6 MS. BRADSHAW: But we're not -- you know, the people that
7 lobby for that community, we're not on it. We don't have anything to do
8 with that committee. Nothing but one person, and I think that was Dr.
9 McClain. But the rest of us, we're left out of that working group. And I
10 still don't understand why.

11 MR. TURRENTINE: Pat.

12 MS. WOOD: Picking up on that point, since earlier today they
13 were asking for case studies for the Federal Facilities Working Group,
14 it seems to me that this would be a perfect one for a case study. I
15 assume you're going to send some information --

16 MS. BRADSHAW: I will not give a case study. I just don't want --
17 I don't feel like this is even a platform to address DOD issues because
18 nothing has happened in five years, and I think that -- I'm very frustrated
19 with the procedure.

20 And I'm not angry at anybody on this board, don't get it me wrong,
21 it's just that EPA is the wrong people to go to. We need to deal with
22 people that are accountable and liable for what's happening in our
23 community. I don't care if DOD, DOE, DOT, all of them signed on the
24 line, still EPA is not going to have the jurisdiction that they need to do
25 enforcement.

26 MS. WOOD: Doris, you're absolutely right on that, that this goes

1 beyond EPA's authority. But if my understanding of the whole idea of
2 the Federal Facilities Working Group is to try to highlight some of these
3 other issues which EPA doesn't have the authority -- if you have a work
4 group identifying some of these cases and producing a document that
5 cites some places where what amounts to a hole right now in terms of
6 our structure of statutes and legislation -- obviously, I represent industry
7 and my feeling is we have responsibilities, but I think DOD has the
8 same responsibilities that we have.

9 MS. BRADSHAW: They should.

10 MS. WOOD: And there needs to be some way to highlight that.
11 One of the ways to do that is to put together a document with some very
12 good case studies.

13 You've been before this group time after time talking about these
14 things; I would suggest you'd want to rethink as to whether or not you
15 don't want to submit just an e-mail to the folks about what's going on
16 there and have them take a look at it.

17 EPA can't force DOD to do anything. But a document that cites
18 some of this and starts to get widespread distribution can be helpful to
19 you.

20 MR. TURRENTINE: Doris, I think -- you know, you're not going to
21 be submitting that case study to NEJAC.

22 MS. WOOD: Yes.

23 MS. BRADSHAW: Well, I'm just saying that NEJAC has enough
24 information about what has went on at that site that they can submit that
25 as a case study.

26 MR. TURRENTINE: See, I don't know what the work group has

1 established as a set of rules, but I do know that they indicated that a
2 simple letter to them indicating what your problem is would put you in
3 the mix for the case studies.

4 In other words, they indicated they're going to highlight some very
5 major issues that are around federal facilities.

6 MS. BRADSHAW: I understand. It should be the people on that
7 work group that work in these communities that know about what's
8 going on in the communities so that they wouldn't have to ask.

9 You know, I don't know the procedures for this work group, what
10 they use, what criteria. We had no information. And, plus, I missed out
11 this morning on what was going on so I'm kind of totally lost, so I might
12 be repeating something that happened earlier.

13 But my questions have not been answered at all on how this work
14 group was set up, and I know I'm one of the original people that lobbied
15 for this for years and years and years because we weren't getting any
16 kind of satisfaction for this board.

17 So until you can tell me how people got on this work group that I
18 haven't seen at a NEJAC meeting since I've been here --

19 MR. TURRENTINE: What I can tell you -- I can't tell you how it
20 was set up, but I can tell you that Luke Cole as a member of this
21 Council made a suggestion today that at least three to four additional
22 community people be added to this work group, and Charles Lee
23 committed that if Luke would give it to him in writing, send it to him, that
24 they would consider that, and there's a chance that you may get on
25 there. That's what I'm suggesting.

26 MS. STAHL: I'm having one of those de ja vu moments and it

1 seems to me that at our last meeting we established this work group as
2 a way of fitting substance that we all kind of knew was there into a
3 process that worked for us. Unfortunately, the process doesn't seem to
4 be working for us and the substance that I think we already knew
5 because we actually spoke it, was that we needed a vehicle for requiring
6 federal facilities to comply with the same standards that anyone else
7 would be required to comply with.

8 So when Doris says that we know enough about this, we might not
9 know the specifics of the situation at the Defense Depot, but we do
10 know from her prior presentations, as well as the many other
11 presentations that we've had in the past, that we are at a brick wall in
12 dealing with federal facilities when they are responsible parties and we
13 need to find the vehicle to require them to meet the same standards that
14 anyone else would.

15 Also, the last time around I mentioned that there was an
16 opportunity to join an "unholy alliance" with those bad state people -- but
17 the states, through the environmental council of the states, recently
18 passed a resolution asking for the same thing. So here is one area
19 where we are really all -- we've found a common enemy, if you will, and
20 it's something that we really need to address not through setting up
21 another work group, but for calling for the meeting of standards that
22 already exist for everybody else.

23 Perhaps that should be the task of the work group, will be to
24 identify the vehicle to make that happen.

25 MR. TURRENTINE: Doris, thank you for indulging us because we
26 certainly haven't provided you with answers.

1 MS. BRADSHAW: I'm not blaming you.

2 MR. TURRENTINE: Thank you.

3 Beverly.

4 PRESENTATION BY DR. BEVERLY WRIGHT
5 XAVIER UNIVERSITY

6 DR. WRIGHT: Well, all I can say is I'm glad I took my high blood
7 pressure pill before I sat up here. I'm not going to say that I'm not
8 blaming you, the board, for not making certain that Doris is a part of the
9 work group. To me it's a crying shame. And when it reaches the point
10 that NEJAC is discriminating against community people who started the
11 movement, I'm really pissed off.

12 I want an explanation of what the process was. I would like to
13 know who did the choosing, and we need to know who is on that
14 committee. And any time -- if Doris is not on it, there shouldn't be a
15 committee. Doris has been coming here for years and years. I am just
16 so pissed.

17 I think that as NEJAC members you all are being passive and you
18 need to start taking some action and getting angry, asking questions,
19 marching up to Carol Browner's office in the tradition of the original
20 NEJAC.

21 Now I'll get on to my own questions. And I make no apologies.

22 I'm coming here tonight to talk about the Thompson-Hayward site
23 in New Orleans, Louisiana. The Thompson-Hayward chemical facility
24 -- and I'm reading because I'm just really pissed -- The Thompson-
25 Hayward chemical facility is located at 7700 Earhart Boulevard in New
26 Orleans, Louisiana. From the 1940s until 1977 it was operated as a dry

1 and liquid chemical formulation facility. After 1977 it was used for the
2 warehousing and distribution of industrial pest control and dry cleaning
3 chemicals. Commercially it has been inactive since 1988.

4 There was a settlement awarded to residents in the area.
5 Individuals living within a specific radius of Thompson-Hayward received
6 money as well as a million dollar endowment fund set up with the
7 Greater New Orleans Foundation. The City of New Orleans received
8 \$500,000 out of the settlement, which is to be used for some sort of
9 capital improvement in the neighborhood. None of these moneys have
10 been used as of yet.

11 What has happened? Testing of surface soil, deep soil,
12 groundwater and drainage pathways leading from the facility showed
13 pesticides and volatile organic compounds. There was clean-up action
14 at the site conducted by the facility owners in 1989. It included
15 removing tanks, excavating and disposing of contaminated soil, and
16 plugging site storm drains and sewer drains. The excavated areas were
17 backfilled with clean material and the entire site was covered with
18 asphalt.

19 The Louisiana Department of Environmental Quality is in charge
20 of on-site contamination, while the Environmental Protection Agency is
21 over all off-site contamination.

22 What is happening. In 1997 the Louisiana Department of
23 Environmental Quality and LDAF -- I don't know what that is -- and the
24 past and present owners of the Thompson-Hayward site signed a formal
25 agreement outlining the steps needed to complete site investigation and
26 clean-up. As of October 2000, DEQ is at least one year behind

1 schedule. You need to know that this is a revised schedule from 1988.

2 The timeframe LDEQ originally had with the signing of that initial
3 agreement needed to be revised and was done so in May 2000.
4 According to the new framework they have fallen behind again.

5 This is a statement from EPA. The EPA has not totally written off
6 the Thompson-Hayward site, but the potential for further work is
7 extremely unlikely.

8 And I have before me a revised schedule naming September of
9 2001 as the implementation of remedial design.

10 Now, the Thompson-Hayward site has negatively impacted the
11 poor Black community in New Orleans known as Gert Town within
12 which it resides, the City of New Orleans and Xavier University, which
13 is a predominantly black Catholic University that is also located in the
14 Gert Town community in several ways.

15 The inaction of LDEQ has resulted in this situation not being
16 resolved and has stifled the economic development and community
17 revitalization in an area of great need and great potential. The City of
18 New Orleans found itself unable to complete a major highway artery
19 known as the Earhart Expressway because of the dangers imposed by
20 this site. The highway literally stopped at the beginning of Gert Town
21 which is the Xavier University community and it picks up outside the
22 boundary of the community and the university, creating an unexplained
23 eyesore.

24 Thirdly, this facility is located across the canal from Xavier and
25 around the corner from my office. The community has requested that
26 we join them in the struggle since we are also affected by its presence.

1 Xavier University has a long history of working with the community.

2 The questions that we need answered are as follows:

3 Why is it that no progress has been made on remediating this site
4 since the 1997 order?

5 Secondly, since the second schedules were drafted in June of
6 2000, why has nothing, again, been done to this date?

7 Thirdly, what authority, if any, does EPA have to supervise the
8 response of LDEQ?

9 And, what remedies or steps can communities take to ensure
10 action by LDEQ?

11 Lastly, we wondered to what extent race and class lends itself as
12 a reason for this inaction. We also pose the question, the answer to
13 which is obvious to us, that is: If the facility were located near Louisiana
14 State University, would nearly four years pass without the initial
15 judgment being implemented?

16 Thank you. Any questions

17 MR. TURRENTINE: Thank you. Are there any comments or
18 questions by the Council?

19 (No audible response.)

20 MR. TURRENTINE: Charles, I don't want to put you on this spot,
21 but I think Beverly's question relative to the makeup of the work group
22 and actually who's on it and how it was decided, you know -- again,
23 I don't want to put you on the spot, but that's not something NEJAC can
24 answer; that's something the Office of Environmental Justice has to
25 respond to.

26 DR. WRIGHT: Absolutely.

1 MR. LEE: I can't respond to that directly right now. I mean, there
2 was a process. It involved the Office of Federal Facilities. It involved
3 us and it involved other federal agencies.

4 DR. WRIGHT: Where did the nominations for the committee come
5 from?

6 MR. LEE: It was sent in from a number of people.

7 DR. WRIGHT: So people could nominate?

8 MR. LEE: Yes.

9 MS. WRIGHT: And then it goes up --

10 MR. LEE: And we had asked people to nominate. Basically, as
11 was explained this morning, it went through a -- there was a meeting
12 that went through all the nominations. The breakdown was as was
13 explained this morning. I think it was two community people, two
14 NGOs, and a business person, a state person, local government. I
15 think that's it, there's ten persons. And two tribal people. And there's
16 going to be one more Alaska Native that's added at this point because
17 of the point that was raised --

18 DR. WRIGHT: So it's broken down racially and ethnically?

19 MR. LEE: There was the intent to make sure there was racial
20 balance, geographic balance, issue balance.

21 MR. WRIGHT: So you specifically have two African-Americans,
22 two Latinos, two Asians, two --

23 MR. LEE: I don't remember specifically how that broke down. I
24 mean, the list we can get for you. That's not a problem.

25 DR. WRIGHT: I would like to get the list. The other thing, as you
26 know, I'm not a stranger to the NEJAC, and I must say there have been

1 quite a few changes, some positive, quite a few negatives from where
2 I sit. This is my own criticism.

3 But I also know that it is possible for people to send in letters with
4 strong support for certain candidates, or rationales for people to be
5 added to the NEJAC. I plan to launch such a cause for Doris and get
6 community people to sign on across the country.

7 Thank you.

8 MR. LEE: Like I said this morning -- Beverly?

9 DR. WRIGHT: Yes?

10 MR. LEE: Like I said this morning, it was raised that there should
11 be more community persons be added to that work group. This is
12 something that I think we can seriously look into, and I think we can
13 make that happen.

14 I know I shouldn't make promises that I may not be able to keep,
15 but I think that this is something that we can make happen.

16 DR. WRIGHT: Well, Charles, I believe that if you make a promise,
17 we can work with you to make sure it happens. I believe that citizens
18 still have some power --

19 MR. LEE: I mean, I think that would --

20 DR. WRIGHT: -- that we can do writing and so on and so forth.

21 MR. LEE: I think the points that were raised this morning were
22 good points.

23 DR. WRIGHT: Well, I'm just going to repeat that I hope you do get
24 more people added. That's still not -- I'm saying --

25 MR. LEE: No, I'm saying --

26 DR. WRIGHT: -- I hope that this happens.

1 MR. LEE: What I'm saying is that the points that were made this
2 morning I think were good points.

3 DR. WRIGHT: I wasn't here this morning so I don't know what
4 points were made.

5 MR. LEE: The points about more community people being added
6 to that work group. This is something we're going to look into and this
7 is something we'll take up with the other federal agencies.

8 I don't think this is -- this is not something is that unilaterally
9 decided by EPA.

10 MR. WRIGHT: I do understand that, Charles. I clearly
11 understand. I'm just telling you what I'm going to do. And so I'm just
12 saying that, you know, I think you should move forward in the way that
13 you intend to move forward, and we're going to move forward in the way
14 that I think we should move forward, with people who believe like I do.

15 Even if you are successful in getting more people on the
16 committee, that's still no guarantee that certain people will be on the
17 committee.

18 MR. LEE: That's true.

19 DR. WRIGHT: And for that reason, we are sending forward these
20 letters requesting that this is done.

21 MR. LEE: I think that if there's certain people, like you say, that
22 you think should, I think that you should send in letters, make a case for
23 them.

24 I mean, I think the process is -- I mean, I'll be quite honest with
25 you, it's not a closed process. I haven't seen any manipulation in terms
26 of the process. There are differences of opinion as to who should or

1 should not be on it, who would be better or what kinds of persons in
2 terms of the proper mix, the background, geographic location, issue
3 locations and other things.

4 There are differences of opinion among the people that are working
5 on this, but I certainly think that, you know, if there's strong opinions that
6 you want to make or others want to make, that they should be added to
7 the process. I do not see this as a closed process.

8 DR. WRIGHT: And, Charles, I will repeat. I am not new to
9 NEJAC.

10 MR. TURRENTINE: Thank you, Dr. Wright.

11 DR. WRIGHT: You're welcome.

12 MR. TURRENTINE: Is Lynn Pinder in the room? And is Ethel
13 Lane in the room? Ethel Lane. Ms. Pinder.

14 PRESENTATION BY MS. LYNN PINDER
15 YOUTH WARRIORS

16 MS. PINDER: Good evening. My name again is Lynn Pinder. I'm
17 the founder and executive director of a youth organization in Baltimore,
18 Maryland called Youth Warriors. We basically organize young African-
19 Americans around environmental justice issues. I've just been recently
20 hired as the Southern Regional Coordinator for the Northeast
21 Environmental Justice Network.

22 I want to thank NEJAC for this opportunity to speak. I will direct
23 my comments to, one, the impact of NEJAC as the state level, and, two,
24 the involvement of youth age 18 and under and the young adults age 19
25 through 30 as a recognized voice on NEJAC.

26 Regarding my first point, about three or four years ago the State

1 of Maryland, at the request of one of its delegates, created a Maryland
2 Environmental Justice Task Force. I honestly believe that the intent and
3 the desire of most of the people on the committee was sincere;
4 however, the fact that the Maryland Environmental Justice Task Force
5 was predominantly made up of business and governmental agencies
6 was a major concern to me.

7 The term EJ to me signifies the call of action of individuals and
8 groups from high-risk impact neighborhoods organized to take the lead
9 in initiating action against environmental ills. As a community activist
10 that participated voluntarily on the Maryland Environmental Justice Task
11 Force, I felt that the interest of the community was not as highly
12 regarded as those of the business and government sector.

13 I am in no way attacking the Maryland Environmental Justice Task
14 Force. I am glad that it was created. However, I question the
15 relationship, if any, that NEJAC has or had in advising this task force
16 and other state committees like it. My question in particular is how can
17 NEJAC do a better job of connecting with and providing guidance to
18 state led environmental justice task forces and committees.

19 Regarding my second point, on the youth, how does NEJAC view
20 the input of youth and young adults? There is a graying of the
21 leadership in the environmental justice movement and is it an important
22 position of NEJAC to foster youth development and youth leadership in
23 the EJ movement?

24 MR. TURRENTINE: Charles, I'm going to interrupt your dinner
25 again because the questions being posed are questions that the Office
26 of Environmental Justice is going to have to respond to.

1 MR. LEE: Can you repeat the question?

2 MS. PINDER: One, my question in particular is how can NEJAC
3 do a better job of connecting with and providing guidance to state led
4 environmental justice task forces and committees? I know that
5 Maryland is just one of many states that are now beginning to not only
6 pass legislation but actually put together state wide environmental
7 justice task forces that seem to be operating outside of NEJAC, which
8 to me doesn't really make sense.

9 And then the second thing is, how does NEJAC view youth and
10 young adult involvement with its agenda?

11 MR. LEE: You want a long answer, right?

12 You know, from the point of view of the -- I mean, let's take this
13 because you've asked a question from the point of view of the NEJAC.
14 Actually, let me answer it from the point of view of the Office of
15 Environmental Justice, which is not the same thing as the NEJAC.

16 MS. PINDER: Okay.

17 MR. LEE: I mean, work with the states around environmental
18 justice is very important. There are a number of initiatives that focus on
19 that.

20 As you know, there had been -- it is not being funded right now --
21 for two years the State/Tribal Environmental Justice Grants, of which
22 New York, New Jersey, Tennessee, and a number of other states have
23 been recipients of this.

24 Another area that's gotten significant attention is the partnerships
25 you heard about this morning in terms of the environmental justice
26 training collaborative and work with the states.

1 Thirdly, I think we do a lot of outreach to states.
 2 And let me just say that on the training collaborative one of the
 3 major areas of work is with the states and with the environmental
 4 council in states which is, of course, the organization of the
 5 commissioners of the departments of environment of the states.
 6 We do a lot of outreach to states in all different kinds of ways in
 7 terms of work with and dialogue with states on individual basis. For
 8 example, you know, we spoke at the recent conference of North
 9 Carolina on environmental justice that was sponsored by the
 10 Department of Environmental Natural Resources, Department of
 11 Transportation and Health and Human Services.
 12 You know, Richard Gragg talked before about the efforts in Florida
 13 that is the result of the state legislature. There is work with the State of
 14 California which recently passed environmental justice legislation. One
 15 of the most significant efforts is that of the California Air Resources
 16 Board which chose Barrio Logan as one of the major sites for its
 17 neighborhood assessment in children's health programs.
 18 We can go on and on and on and on.
 19 MS. PINDER: Right. I guess --
 20 MR. LEE: I think -- let me just bring this all together.
 21 MR. PINDER: Okay.
 22 MR. LEE: I think that overall, you know, this is a process that's
 23 beginning. There are -- and this is something that we're all feeling our
 24 way through. And this is something that the issues that you're talking
 25 about -- particularly, for example, state advisory committees and things
 26 of this nature, they're the product of the states. They're not the products

1 of the EPA, nor are they products of the NEJAC. A lot of them are
 2 modeled after the NEJAC. You know, the Maryland Environmental
 3 Justice Advisory Council being one of them.
 4 The reason I'm giving you all this background is because there is
 5 this set of relationships that we're trying to build that you and others can
 6 really try to input into, and we welcome that.
 7 For example, tomorrow morning -- and at every NEJAC meeting --
 8 there is a meeting of state environmental justice coordinators. There is
 9 an EPA Region 3 monthly conference call of all the EPA Region 3 state
 10 environmental justice coordinators, and there is a yearly annual meeting
 11 of all those states.
 12 So there's a lot of ongoing work in you and the concerns that you
 13 have can really be brought to bear.
 14 MR. TURRENTINE: Let me just be very clear in response to your
 15 question regarding the NEJAC.
 16 We simply can make and offer advice to Carol Browner. We can
 17 offer advice to Carol Browner regarding involvement with the states.
 18 But it's still going to have to be EPA that does that, or that promulgates
 19 that. We can't go any further than provide advice and counsel to the
 20 Administrator.
 21 So I just want that to be very clear, that it's not a role that NEJAC
 22 can play beyond making advice and consultations with the
 23 Administrator.
 24 MS. PINDER: Right. I understand that --
 25 MR. LEE: And I think the thing to point out is, you know, what the
 26 states do in terms of environmental justice is something that the states

1 decide. And so I think in terms of working with the states there are a lot
 2 of opportunities and avenues in which there can be new ideas, dialogue
 3 that can be introduced. But ultimately, you know, there are 50 states
 4 with 50 state programs.
 5 MS. PINDER: Yes. And I understand that and I appreciate your
 6 comments regarding my question, but I guess what I'm feeling is that
 7 the purpose of this Maryland Environmental Justice Task Force was to
 8 give comments to the governor and so it was basically modeled after
 9 NEJAC, yet they didn't consult NEJAC, as far as I know, or use any of
 10 the information from NEJAC to help, you know, put together policy for
 11 the State of Maryland.
 12 And so, you know, I understand your limitations as an EPA-
 13 coordinated council, but I just wonder what type of advice and guidance
 14 is available to give to the states.
 15 And I just wonder, also, if you could just touch on the issue about
 16 the youth and young adult involvement in NEJAC.
 17 MR. TURRENTINE: Before we move on to that one, there's
 18 probably three comments regarding the initial question, so we're going
 19 to go to Pat, Annabelle and Alberto. Oh, I'm sorry, and Jane. I had the
 20 wrong one -- Jane.
 21 MS. WOOD: Ms. Pinder, I actually have a couple of questions for
 22 you.
 23 One, the U.S. Constellation, which is located in Baltimore, which
 24 is one of our old Revolutionary War or shortly thereafter battleships
 25 that's recently been restored, I had the pleasure of being on board a
 26 couple of months ago and they were talking about an inner city youth

1 group that they were working with that they were actually teaching the
 2 folks shipbuilding and carpentry skills.
 3 I don't remember the name of it and I was curious if you were
 4 familiar with the group, and then also if you could tell us a little more
 5 about Youth Warriors and what that group was doing.
 6 MS. PINDER: Sure. You're probably talking about Living
 7 Classrooms.
 8 MS. WOOD: Yes, I guess that's what it is. Well, but my
 9 understanding is Living Classrooms is for once the ship is restored,
 10 which it is, teaching kids trades. But then before they even got that far
 11 they have been doing some great restoration on that ship and were
 12 using and training a number of inner city youth.
 13 MS. PINDER: Right. I'm sure Living Classrooms was one of the
 14 organizations that was involved with that.
 15 Youth Warriors has been in existence now since 1996. It was
 16 originally a passion that I had -- I'm 29 and I was 24 at the time when I
 17 started the organization. I applied for a grant through a national service
 18 organization called Youth Service America through the Fund of Social
 19 Entrepreneurs. They fund young adults under the age of 30 around the
 20 country to start nonprofit organizations.
 21 Having worked at Physicians for Social Responsibility as a national
 22 organizer on environmental health issues and having worked at the
 23 Alliance for Justice on taking issues, I had a very strong desire to work
 24 on EJ issues because I was at these national beltway meetings and I
 25 was always like the only Black person there and I was an intern. I had,
 26 you know, some strong feelings as to why my community -- I was born

1 and raised in inner city Baltimore -- why we weren't represented at the
2 table.

3 And so I had to do some research and some legwork on my own
4 and I met people like Connie Tucker and Peggy Shepard and Dr.
5 Mildred McClain and Damu Smith who have since become to me like
6 my elders to help guide me and the organization that I'm now head of
7 into a direction of working on issues like lead poisoning.

8 In the past we partnered with a community-based group and we
9 actually received an environmental justice small grant to actually do a
10 lead poisoning awareness campaign for middle school and high school
11 youth.

12 We also currently now do a community garden in Baltimore as a
13 basic flower garden, and we basically provide after school programs and
14 summer camps for middle school and high school aged children, raising
15 their consciousness about environmental justice issues and giving them
16 the opportunity to understand that what's going on in their neighborhood
17 is impacting people all across the country and that they can have a
18 voice in it.

19 MS. WOOD: Could I just add one follow-up question to that?

20 MS. PINDER: Sure.

21 MS. WOOD: Since you said it's the Living Classroom that's pretty
22 much dealing with the ship, is it your sense that they're really reaching
23 out to the inner city community for that program?

24 MS. PINDER: I think Baltimore is a very funny town, it's very
25 segmented. To be honest with you, I'm not exactly sure. I think that
26 there are many good groups in Baltimore that's doing good things, and

1 I think Youth Warriors is one of them. And I always think that there's
2 room for improvement.

3 MS. JARAMILLO: Let me try to respond to the first part of your
4 question in terms of the relationship of NEJAC to state advisory
5 councils.

6 In our state we also have an environmental justice advisory board
7 which is advisory to the governor of the state. It was established by
8 executive order.

9 That did not come because NEJAC existed. It came as a
10 community and advocate driven advisory council as recommendation
11 to the chief executive saying there are some issues of concern in our
12 state that we have to deal with.

13 While I think it's useful to have a connection to the NEJAC in terms
14 of listening to the many issues that are around the country and to see
15 what commonality there might be in some of the solutions, I think it's
16 very important that they be very, very focused on what happens in an
17 individual state because we're going to have different issues.

18 So, although we can see, you know, the national advisory council
19 as a model, it should be seen as just one of many types of models in
20 that each council or board needs to establish its own focus and how it's
21 going to work.

22 But I think the models that work best are those that are driven from
23 community and advocate -- using a community and advocate genesis,
24 so to speak, rather than being established by a government agency in
25 response to a problem, because I think that does make the connection
26 to the community if we can get that.

1 Now, there's no doubt that there's the same type of growing pains
2 in a state entity that we see with this advisory council and its parent
3 organization or its parent connection. There is that conflict and there's
4 a lot of work to be done to work through that. But I would look it more
5 as trying to get the local or the state council or board as establishing its
6 own agenda and using NEJAC as a resource, but not necessarily trying
7 to get NEJAC to assist in that process.

8 I'm all for getting young people on board. In fact, on our advisory
9 council we do try to do that. We do that through the executive
10 appointments process.

11 MR. TURRENTINE: Jane.

12 MS. STAHL: Thank you. A slight twist on what Annabelle said
13 because I think that she really did make many of the points that I would
14 otherwise have made. And that is to point out that the states and EPA
15 have a love/hate relationship. When it's convenient, we love each other,
16 when it's convenient, we hate each other.

17 And NEJAC, you know, for better or for worse, falls into that same
18 kind of category. It was also tainted, as was environmental justice in
19 general, with the publication of the Title VI guidance several years ago
20 which pitted the states against EPA, as opposed to bringing us together
21 as a community of environmental protection agencies.

22 I think we've worked to overcome that contentiousness, but we are
23 far from finished. So, to expect that states would turn to NEJAC or EPA
24 in general for guidance, I think would be misguided; I don't think it's
25 going to happen.

26 I think it's also, for better or for worse, the fact that NEJAC, as an

1 entity, is not seen as a resource to anyone but EPA. So, you know, it
2 is perhaps as a model something to be looked at, and as a repository
3 if you look around the horseshoe of people who have experience and
4 expertise in many EJ issues as individuals, I think it is in fact a provider
5 of technical assistance, if you will. But as a group I don't think it is seen
6 generally as a resource. And perhaps that's something that can
7 change.

8 I would also second the fact that the strength of the environmental
9 justice movement is, has been, and continues to be, with the community
10 groups and the effectiveness is often felt most clearly on a local level.
11 So kind of, you know, building from the roots up. So there are
12 opportunities for being more effective -- don't hit me or anything -- at the
13 state level in certain instances than one might be at the federal level.

14 And finally, I would very much like to urge you to reach out to the
15 youth and to your colleagues to reach out to youth because one of the
16 great positives that we have at the state level, at least in my experience,
17 is a diversification of state environmental protection staff. And just as
18 there is a graying of the environmental justice community, there is to
19 some extent a graying of the environmental community.

20 I was saying to one of my colleagues earlier that I'm a product of
21 Earth Day. Well, that was a while ago. And there isn't an influx of
22 dedicated young people who want to work in the environmental
23 professions as a whole, and even fewer coming from the minority
24 communities.

25 If we can't diversify our state environmental agencies, we will never
26 be successful in achieving environmental justice as a day to day

1 integrated part of our business. It will always be something extra that
2 we have to strive for.

3 So, yes, we are interested and we are aware of the shortcomings,
4 and I would urge you to help us attract young people into the profession.

5 MS. PINDER: Well, that's part of what we do. You know, in the
6 past -- for the past three years we've been taking youth to the Maryland
7 Environmental Legislative Summit to give them the opportunity to
8 actually sit in and be a part of that whole process.

9 But, you know, when you're invited -- and I understand everything
10 that's been said, but I just want to make it clear that part of the
11 frustration is that community members are invited to come to NEJAC
12 and voice their concerns about what is going on in their community, but
13 yet the states aren't looking to NEJAC as a model to help solve some
14 of those problems. And so when community members go back home
15 to work within their states, they're kind of stagnated because here they
16 have a national entity that's saying we want to help you, but the state is
17 not even looking towards that national entity.

18 I really understand everything that's been said tonight and I really
19 appreciate your taking the time to explain it, but I just want to put that
20 out, that it is frustrating. It really is.

21 MR. TURRENTINE: Thank you very much.

22 MR. LEE: There were a couple pieces of information -- I mean, let
23 me just say this. Significant effort is being made to cultivate
24 relationships with states and their environmental justice programs. Like
25 Jane said, it's a tortured relationship, but I think there are a lot of
26 positive things in it, and we've still got a long way to go.

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1 Now, with respect to youth, there's a couple of things that I should
2 bring to your attention. I think one of the Office of Environmental
3 Justice's really premier programs has been since 1992 the
4 Environmental Careers Organization. It places students from diverse
5 backgrounds in offices of EPA. Since 1992, \$13 million have been
6 devoted in this effort and 1,600 students have been placed.

7 Since last summer, the Office of Environmental Justice began to
8 look at the placement of students in community organizations. That has
9 happened last summer and is being done again -- and it's being
10 renewed.

11 So these are two different efforts.

12 With respect to the question of youth on the NEJAC, if that's a
13 question that you want to raise, I think it's a very good question to be
14 raised. As to whether or not, you know, there should be much more
15 diversity from the point of view of youth in that perspective on the
16 NEJAC -- you know, I think it's a good thing for the NEJAC itself to
17 explore and I would urge that you raise that question.

18 MR. TURRENTINE: Thank you very much.

19 Ms. Lane.

20 PRESENTATION BY MS. ETHEL M. LANE
21 NEIGHBORHOODS FOR JUSTICE

22 MS. LANE: I am now representing Neighborhoods for Justice in
23 Central Cities South in Phoenix, Arizona. Neighborhoods for Justice
24 consists of eight neighborhoods. I'll give you a little bit of the history of
25 what we are dealing with.

26 The area's located in downtown Phoenix, but it's south of the

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1 railroad tracks. The area is where the founding fathers first settled, but
2 they discovered that they were in a flood zone so they moved out. And
3 we, as usual, moved in.

4 Later on, people of color, Blacks and Hispanics, settled in the area.
5 In '52 this was the only area where minorities could buy new homes. I
6 mean, it was segregated. You couldn't. So we called this the new
7 homes area.

8 In the '70s -- we also had a landfill down there that the city was
9 using. In the '70s they discovered -- early '70s, somewhere along in
10 there -- that all of the garbage could contaminate, so you had to
11 separate, and the city moved their landfill.

12 In the process of them moving, we discovered another hazardous
13 waste site in the particular area. And all of this, mind you, is on one
14 street -- 15th Avenue. We have two hazardous waste sites. We have
15 one recycling paper company. We have one metal company.

16 One of the hazardous waste sites is within about two blocks of a
17 school. The other hazardous waste site is within about five blocks of a
18 school.

19 We have two schools in this neighborhood and a boys and girls
20 club. It's not like the neighborhood is isolated. There are citizens in the
21 neighborhood, but the hazardous waste sites are only about five blocks
22 from each other.

23 This is when I was telling you last night, you received a letter about
24 IWU, and they are still in business, in fact, in the process of suing the
25 City of Phoenix because they refused to give them the permit to expand
26 their facilities.

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1 This particular facility is a site for storage of toxin waste. They
2 receive toxic waste as far as California, and it's stored there.

3 The other facility, their biggest customer is the City of Phoenix.
4 They're called Safety Clean.

5 By the same token, after the flood -- you know, this area was red-
6 lined with the flood. Then it was also, after they got the dam
7 straightened out, if you're familiar with the City of Phoenix -- after they
8 got the dam straight where they could control the water, then the
9 airplanes started flying over. So it was red-lined again behind the noise
10 and the grease from the airplanes.

11 On the first of 2000 we got that straightened out. But in the
12 meantime, a neighborhood this old, being red-lined so much, depending
13 on the Federal Government for funds, they couldn't get any -- so the
14 neighborhood is old, but the citizens have worked in this area all their
15 lives to buy and pay for their homes. They can't afford to take a few
16 pennies from the city and go and relocate, and the city is not going to
17 relocate them. They are now turning their backs. So we feel as if out
18 of sight, out of mind, even though we're right behind the state capitol.

19 The children are beginning to suffer with asthma. Not only asthma,
20 but heart disease is running rampantly, upper respiratory -- that includes
21 the whole gamut of it -- and cancer.

22 Now, is this caused by the environment? Because it's a terrible
23 environment. Or is it from something -- some other cause? You know,
24 we don't know. We do know there's a problem in this area.

25 We are now asking you for help. Give us some direction. Even
26 though you didn't answer the complaint we sent in, that's quite all right,

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1 I'm here in person to tell you about the complaint. And we are now
2 trying to correct what should never have been in the first place. It was
3 not our fault.

4 We've asked for monitoring stations from ADEQ. They told us that
5 it costs too much money. The nearest monitoring station is in the
6 cemetery where the bodies don't talk, you know. So we have no
7 monitoring station down there.

8 There is a great need because there's too many upper respiratory
9 diseases. There's too many illnesses. And once you get out of this
10 area, you're all right. You leave home, you go to work, you get into this
11 area, you become ill. You go out, give you a few minutes, you're okay.
12 I suspect there's something going on.

13 And we also have -- let me add this -- the truck route. We have the
14 trucks -- the trucks are routed through on the first freeway that was ever
15 built in Phoenix -- this goes between the hazardous waste site. So
16 we're dealing with carbon monoxide, particulate from diesel trucks, and
17 the hazardous waste sites, the recycling plant. The city don't enforce
18 any laws so we've got all kinds of acids and junk laying around.

19 Is this what's -- you know, we need some information, some help.
20 This is why we're here.

21 MR. TURRENTINE: Thank you, Ms. Lane. What I'm going to ask
22 you -- now, you'll be here tomorrow, will you not?

23 MS. LANE: We're supposed to leave. We're scheduled to leave
24 in the morning.

25 MR. TURRENTINE: Oh. Is there anyone in the room from Region
26 9? Can we get you all together? Because what I want to have NEJAC

1 look at is probably the Health Subcommittee and also the Waste Facility
2 Siting Subcommittee to look at and study the situation there and see
3 what direction we can provide to Ms. Lane.

4 Ms. Lane, the gentleman over here is from Region 9 and he is
5 someone I'd like for you to get with, and continue to talk to us. I know
6 he will continue to talk to us and he will continue to talk to the
7 subcommittees that I just mentioned.

8 I don't think you'll come back here again and say we didn't respond
9 to your at all. We may not respond to your satisfaction, but we will
10 respond to the best of our ability.

11 MS. LANE: Thank you.

12 MR. TURRENTINE: Thank you.

13 Richard Burton. Is Patty Lovera in the room?

14 PRESENTATION BY MR. RICHARD BURTON
15 ST. JAMES CITIZENS FOR JOBS AND THE ENVIRONMENT

16 MR. BURTON: Good evening. I'm Richard Burton, St James
17 Citizens for Jobs and the Environment.

18 I have two sets of documents that are supposed to be passed out
19 to the members of the NEJAC. If we can please pass those documents
20 out.

21 One of the main issues that I'm here to talk to you tonight about is
22 a company called Belmont Fleet. They obtained a permit to wash
23 barges in the river. They're going to take the water from the river, wash
24 the barges out, and dump the residue back in the river.

25 Now, when we found out that this company was going to do that,
26 we checked and checked and checked and found out what was going

1 on. We found out that the people had a permit, so we checked with the
2 Louisiana Department of Environmental Quality to find out about the
3 permit.

4 The Louisiana Department of Environmental Quality told us that
5 the permit was in their office and in order for us to view the permit, we
6 had to come to their office during work hours -- not lunch time; work
7 hours -- to obtain copies of this permit. So we did get a copy of the
8 permit. I'm sorry I didn't have the original permit to give to you,
9 however, in order for us to have a public hearing on that permit, we had
10 to write to Louisiana DEQ asking them for a public comment period.

11 I don't see why we should have asked them. They should have
12 asked us did we want one before they issued any part of a permit.

13 However, after they issued the permit they came to us. We had
14 the public comment period and everyone there said that they did not
15 want this because it's only three-quarters of a mile downriver from our
16 connection point.

17 Now, you must remember that we are divided by the river, we have
18 a collection point on one side of the river for the east bank, and we have
19 another on the other side of the river for the west bank. Now, when we
20 get a little further down, less than ten miles, is Lutcher Gramercy.
21 Lutcher Gramercy is considered as a town in St. James Parish and they
22 also have their water collection points. Since they have the water
23 collection points downriver from where they want to process this -- wash
24 these barges and things, it would go to their water collection points.

25 We should not have to ask DEQ to let us talk to them to keep
26 these people from having that permit

1 Another thing I want to talk to you about is something that goes on,
2 we all know about it, and no one says anything about it. That's the
3 spraying of sugar cane. Spraying of sugar cane in Louisiana, and most
4 other places, too, is not regulated. The chemical that is used to spray
5 the sugar cane is not regulated. The burning of the sugar cane residue
6 after they cut it is not regulated.

7 Now, when I was in chemical class, I wasn't too much of a good
8 student; however, I do know that if you take a chemical and burn it, you
9 can have a different subject afterwards. You will have a different kind
10 of chemical afterwards. And no one ever addressed that.

11 When they spray the sugar cane fields, it rains, the water goes into
12 the ditches, into the river. It's never regulated. It's never talked about.
13 No one does anything about it.

14 We have quite a few people in Louisiana who are sick from the
15 spraying of the sugar cane. The farmers are supposed to let the people
16 know when they will be spraying. They don't do that.

17 We have a lot of people who are sick. I know a young man
18 working on a farm, handling the chemicals and everything, and right
19 now the young man has no control over himself. I know the boy
20 personally. I have assisted his mother in taking him to the hospital.

21 That's how bad the chemicals are. And no one talks about it. No
22 one's doing anything about it.

23 As I said last night, EPA in Washington should talk to EPA Region
24 6 and let them know Louisiana DEQ has too much authority and it
25 should be taken from them.

26 One of the documents that you have in front of you on the top right-

1 hand corner has a number 3 on it. That document is from the Parish,
2 and it tells you how they process the water that we drink. If you read
3 that document, you will find out that the water plant was built in '56.
4 Since '56 we have very little upgrade. All the chemicals that go in the
5 river go in us because they don't clean them. They just clean the dirt
6 out of the water to make the water look good and smell good.

7 Thank you.

8 MR. TURRENTINE: Thank you, Richard. Tseming.

9 MR. YANG: Thanks. I appreciate your concerns. This issue of
10 pesticides was taken up by the International Subcommittee at the
11 Atlanta meeting. It's not an issue that has been resolved yet

12 Unfortunately, the subcommittee person who knows most on this
13 and has been most involved in these issues, Fernando Cuevas, is not
14 here at this meeting. He actually was not able to attend the NEJAC
15 because the Office of Pesticides and Prevention and Toxics had a
16 simultaneous meeting on pesticides scheduled during this very time.
17 So he actually chose to attend that meeting to address issues of worker
18 protection standards and other issues that are being presently dealt
19 with.

20 But if you -- I'm trying to think on how to proceed -- but if you give
21 us your information, it's something that we're continuing to consider.
22 Pesticides is an issue that is woefully under-addressed by EPA,
23 especially with regard to how states are enforcing sprayings and
24 exposure of residents nearby as well as farmworkers.

25 MR. BURTON: In one set of the documents you have in front of
26 you is a letter concerning that same issue.

1 The documents that I gave to each of you, I would like for it to go
2 to EPA as part of our comments. Thank you.

3 MR. LEE: Is Olivia here from Region 6?

4 MR. BURTON: She just walked outside.

5 MR. LEE: Well, we'll make sure that she gets informed about this
6 and request that she get in contact with you.

7 MR. BURTON: Okay.

8 PARTICIPANT: Charles, I'm (inaudible) and I can talk to Mr.
9 Burton (inaudible).

10 MS. RAMOS: How do you know that the pesticides used in the
11 cane fields is not regulated? Do you know the name of the pesticide?

12 MR. BURTON: We tried to get that information from the farmers
13 but they don't want to give it to us. However, we know the effect on the
14 people. It has made several people sick.

15 The individual that I was talking about that works with -- on the
16 farm, he used to play baseball for me. I had a baseball team in Convent
17 and he used to play ball for me. The boy was in good health. And when
18 I saw him, his mother asked me to take her to the doctor and I saw him,
19 I almost cried, and I asked her what happened to him. And she said,
20 that's from him working with the chemicals on the farm.

21 MS. RAMOS: We community members do know what those
22 chemicals can do to farmworkers.

23 I would ask the office to put this gentleman in contact with Delta
24 because Delta could be, you know, a good resource for him in that
25 problem.

26 Also, I would encourage you to buy a small camera and take

1 pictures of these people, you know, discharging those chemicals into
2 the river because if you do that, you will empower EPA to intervene.
3 Not only to deal with the state agency, but with EPA and maybe with the
4 Coast Guard.

5 MR. BURTON: Well, Region 6, all they have to do is look out their
6 window and they'll see it. EPA Region 6 can see the spraying that is
7 going on.

8 MS. RAMOS: No, no. I'm talking about the discharges from
9 cleaning the barges.

10 MR. BURTON: Okay. The permit, when we asked for the public
11 hearing, if you'll notice on the first few pages, they put on the pages in
12 typing in part of the wording, "draft permit," meaning that it's not a
13 permit anymore, it's just a draft.

14 MS. RAMOS: But I'm telling you, if somebody is discharging
15 chemicals without EPA authorization into the river, that's a violation.
16 But you have to document it.

17 MR. BURTON: You don't have to. I used to do it myself. In 1980
18 I came to Louisiana -- I came to Convent, I was washing barges in the
19 river, I was dumping this stuff out of the barge back into the river.

20 MS. RAMOS: You know, we have the same problems in our
21 community. And, you know, the best recommendation I can give you
22 is to take photos and then bring them to EPA. And then give a follow-up
23 to that inspection, ask for the inspection report and for further
24 enforcement actions.

25 Don't depend on the Louisiana State. Obviously they don't care
26 what you think about them, they don't care about the community. Try

1 to deal more with EPA by giving them tools to enforce the violations.
2 And that tool is photos, photos of them dumping into the river. Okay?

3 MR. BURTON: I understand. Thank you.

4 MS. SHEPARD: Tseming. No? Okay. Tom.

5 MR. GOLDTOOTH: I will look back in some of my files. I
6 remember something in reference to some kind of study that was done
7 on the types of pesticides applied in sugar cane operations. I'll try to
8 look for that. Okay?

9 The other thing is that I think I want to add some additional
10 recommendations than what Rosa had suggested. Most of the
11 chemicals that are used in agriculture, you know, there are certain -- as
12 you probably know, whoever is applying those has to be certified,
13 depending on the type of chemicals. There's going to have to be some,
14 you know, research there and maybe Region 6 can help out here and
15 check into that. The Department of Agriculture I believe is also involved
16 with this issue.

17 But I remember there were some issues with chemicals that were
18 being used in the sugar cane operations and I'm going to have to look
19 for that.

20 And there are also some nonprofit organizations. There's one here
21 in Washington, D.C. that especially works on pesticides. It's a coalition
22 of individuals. It's an organization, the National Coalition of Pesticides,
23 against pesticides, or something like that. I will give that information to
24 you.

25 It would be good for -- Haywood, on a lot of these testimonies I
26 know NEJAC does go way back, you know, from the beginning. I mean,

1 we've always been concerned about the tracking system. I mean, when
2 people offer testimonies around these issues, and sometimes we don't
3 respond, we don't say anything, we don't ask any questions, and we say
4 thank you and they go back to their seat. We have always been
5 concerned about does someone ever follow-up and get back to them
6 about the issue that they talked about.

7 So I'm concerned that at least with this NEJAC once again we
8 have someone that's going to say make sure that we respond to every
9 individual that offered comment, that there's some follow-up. We have
10 different regions here, we have different programs here, Water Office,
11 Pesticides Office, Air Office, so it's usually a maze. It's a maze to figure
12 out which department in this bureaucracy has responsibility for follow-
13 up. So somehow from the NEJAC here it gets broken down, which
14 could take months, sometimes days or weeks.

15 Our expectations is that the Office of EJ, to the best of its
16 capability, will be able to take these recommendations and kind of
17 decipher them, which department in the agency is responsible for
18 follow-up. And usually it gets kicked down to the regions. And we
19 realize that sometimes it's in the regions where there's complications as
20 far as communication between that region and the impacted community.

21 But then, you know, it's back to where we want to assure you, as
22 well as the others that testified, that there's follow-up and there's a
23 tracking system. Okay?

24 Those are some comments I wanted to offer you.

25 MS. SHEPARD: Tom, Marva will talk a little about the tracking
26 system.

1 MS. KING: I just wanted to let the NEJAC members know that the
2 same method that we've been using for years, since I think Richard
3 Moore was chair, was when he asked us to respond to the public
4 commenters and give them a copy of the response. We still do that, we
5 keep a record. You guys just haven't gotten it because it's so large.
6 But we always have this here at the meeting if you want to look at it.

7 What happens is that we refer it to either the region or a program
8 office if it's site specific. Some have – a lot of the comments that came
9 out of the May meeting are going to be referred to the Federal Facilities
10 Working Group, that sort of thing. And whatever we've done, we've
11 copied the person who made the public comment and we have the
12 record here to show you that too.

13 MS. WOOD: I have a question. How do we know then that the
14 region, or whoever got the referral, followed up?

15 MS. KING: The region, when they respond, they send us a copy
16 of their response. We have ten long files of NEJAC and it's in our
17 archives.

18 What we've been doing with most of you is that we do send you
19 any responses to resolutions or letters to the Administrator, but because
20 it's such a large volume of stuff and a lot of you have complained to me
21 that you don't want all this paperwork all the time, that we've just kept
22 it on a database file and it's always here for you to look at. But what's
23 here is just a note of what happened.

24 MR. BURTON: May I say this? In response to that, when NEJAC
25 was in Louisiana, I spoke for another organization, and NEJAC in
26 Region 6 did get back in touch with me and told me what they were

1 going to take in responding to what I had told them about these other
2 two organizations. So, Region 6 did get back to me.

3 MR. LEE: I mean, just to reiterate, every comment that's made
4 here is responded to either in terms of referral to the proper office, and
5 the person that made the public comment is gotten back to, like Richard
6 said. I mean, that's a system that is in place.

7 I don't know if it's the best system that exists, and it might do well
8 to look at it. I think that a lot of the questions that get raised raise other
9 kinds of issues that are very hard to deal with in terms of just the
10 tracking system.

11 MR. BURTON: If you'll remember, Charles, one time you got back
12 in touch with me. It was on one incident that I had spoken and you got
13 back in touch with me also.

14 MS. RAMOS: Madam Chair?

15 MS. SHEPARD: Yes. I'm sorry. Rosa.

16 MS. RAMOS: I think it would be a good idea to invite Region 6 to
17 give a report for the next meeting on how they are addressing Mr.
18 Burton's request.

19 MS. SHEPARD: Good idea. Pat.

20 MS. WOOD: Maybe this isn't a question we really want to deal
21 with this evening, but Annabelle and I have been sitting here talking
22 amongst ourselves about what happens. I mean, it's good to know that
23 we have a log that keeps track of if the region answered or -- but I'm
24 afraid that a lot of those answers might be kind of the standard answer
25 that we see.

26 I guess the bigger question is did we advance resolution of some

1 of these issues with this correspondence. I only raise for perhaps
2 consideration at another time, have we gone back through those logs
3 and said, okay, is there a pattern here? What did we learn? What
4 happened? What do we do next?

5 I don't know where that question goes, but I'd at least like it on the
6 record that we need to chew on it a bit.

7 MS. SHEPARD: Okay, good.

8 Thank you very much.

9 MR. BURTON: Thank you.

10 MS. SHEPARD: Oh, I'm sorry.

11 MS. WALKER: Just a quick note. It made me wonder, if everyone
12 is getting a response, then why do so many people keep coming back?
13 I mean, what are the responses?

14 MS. SHEPARD: Well, I'm told that sometimes the responses are
15 not helpful to those people, so they continue to come back to keep the
16 visibility of the issue alive in front of us.

17 Rosa.

18 MS. RAMOS: And sometimes they bring new problems, just like
19 in this case.

20 MS. SHEPARD: Exactly.

21 Ms. Lovera.

22 PRESENTATION BY MS. PATTY LOVERA

23 CENTER FOR HEALTH, ENVIRONMENT AND JUSTICE

24 MS. LOVERA: Good evening. My name is Patty Lovera and I'm
25 here to represent the Center for Health, Environment and Justice, which
26 is based in Falls Church, Virginia.

1 CHEJ works with grassroots groups nationwide. Over the past few
2 years we've discovered a frightening trend that directly affects
3 environmental justice communities. This trend is the practice of building
4 new schools on or near contaminated land, which places low income
5 and children of color at great risk.

6 For example, in Houston, Texas a school is being built that will
7 serve a predominantly Latinopopulation. The school is located directly
8 under the flare and stacks of a Goodyear Chemical Company plant.
9 The shadow of the stack crosses the outdoor running track which will be
10 used by about 3,000 students.

11 The community surrounding the school fought to have the school
12 built on another available piece of land on the other side of the
13 neighborhood, but they lost that fight.

14 In Rhode Island five schools whose students are predominantly
15 African-American children have been or are being built on top of
16 industrial waste sites.

17 Community members worked long and hard to stop these
18 proposals, including going to court. But they also lost. The only
19 concession they were able to win was that the construction activities
20 which could stir up the contaminated soil -- when those activities took
21 place next to an existing school, they're supposed to stop when the
22 students would enter and exit the building.

23 In Quincy, Massachusetts, the proposed site for a new high school
24 which would serve a racially mixed area of African-Americans, Asians
25 and working class white populations, was formerly a Bethlehem Steel
26 plant.

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1 Last week, after widespread public outrage in Quincy, this site was
2 withdrawn from consideration.

3 The Gordon Elementary School in New Orleans, Louisiana sits on
4 top of a Superfund site. It is likely to reopen now that EPA has
5 undertaken some surface clean-up around the building. This school will
6 house children from the surrounding low income African-American
7 neighborhood.

8 The Secretary of Education and President Clinton are pushing for
9 federal funds to build new schools and renovate schools across the
10 country. If this appropriation is passed, it will provide enough resources
11 for the construction and renovation of about 6,000 schools.

12 Besides these federal funds, states are also investing in school
13 construction and renovation. Massachusetts, for example, has plans to
14 build or renovate 150 schools.

15 But at this time there are no standards for what constitutes a child-
16 safe school with regard to environmental contamination.

17 Over a year ago CHEJ and a coalition of other organizations asked
18 the EPA's Office of Children's Health for guidance on this issue. Their
19 answer was that there are no guidelines and no plan to develop them.

20 This is a critical issue which directly impacts the environmental
21 justice community. If there is no guidance, schools serving low income
22 families and children of color will continue to be built on or near sources
23 of contamination. And once a school is built and the money spent, it is
24 much more difficult for communities to move local and state
25 governments to close a school and rebuild.

26 CHEJ's Poisoned Schools Campaign, which involves more than 40

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1 groups, has worked over the past year to design some siting criteria for
2 new schools. These criteria were developed in part from the work of
3 leaders in Los Angeles, California who fought the siting of the Belmont
4 School on a contaminated former industrial site.

5 The siting criteria include a review process that a local government
6 must go through before deciding to build a school on any piece of land.
7 Also included are a requirement for buffer zones around schools and
8 maximum levels for chemicals in soil and groundwater.

9 Our biggest concern over these proposed criteria is with the
10 maximum exposure levels. The levels we have proposed are the lowest
11 residential clean-up levels used by any government authority. But this
12 does not necessarily mean they are safe for young children.

13 To address this issue, the Poisoned Schools Campaign is
14 organizing a group of children's health scientists to come together to
15 review these numbers and recommend levels that are protective of
16 children's health, if that's possible given our limited knowledge about
17 children's special vulnerability to chemicals.

18 This criteria proposal is a draft document and we would really like
19 the input of NEJAC members. I hope that you will review the document
20 and provide the campaign with your comments and concerns.

21 As NEJAC moves forward over the next year, the coalition hopes
22 that you will consider taking on the issue of schools and environmental
23 hazards. Many of the chemicals children are exposed to affect their
24 ability to learn and some have even been shown to lower children's IQs.

25 As a mother in Louisiana said, "The polluter keeps giving our
26 school computers so our children will learn and be competitive in future

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1 job markets. But because of the chemicals they breath every day, our
2 children can't sit still long enough to learn how to use them."

3 This is an important environmental justice issue with major
4 consequences for future generations.

5 The draft criteria for school siting are attached to my testimony,
6 which I think has been distributed to you. We would appreciate your
7 reviewing them and commenting.

8 On behalf of CHEJ and the coalition working on this issue, I urge
9 you to give serious consideration to adopting this issue in the future.

10 Thank you.

11 MS. SHEPARD: Thank you. It's a really important issue. I'm on
12 the board of the New York State Healthy Schools Network and we've
13 had several issues of toxic schools in Harlem. So I know it's a very
14 important issue. I hope that we do discuss perhaps taking on the issue
15 of children's environmental hazards in schools.

16 Tom.

17 MR. GOLDTOOTH: Peggy, I'm just wondering, since you live in
18 the neighborhood, I assume, it would be good to refer her to the
19 appropriate subcommittee tomorrow.

20 MS. SHEPARD: I'm trying to figure out which one is the
21 appropriate one.

22 MR. GOLDTOOTH: Yes.

23 MS. SHEPARD: Whether it's Health or Waste.

24 MR. GOLDTOOTH: Health probably. You have someone raising
25 their hand out there, Peggy, from the EPA staff.

26 MS. SHEPARD: Oh, okay.

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1 Will you be here tomorrow?
 2 MS. LOVERA: I think so.
 3 MS. SHEPARD: Okay. The Health and Research Subcommittee
 4 will be meeting. It will be great to have you attend.
 5 MS. LOVERA: Thanks.
 6 MS. SHEPARD: Thanks. Rosa.
 7 MS. RAMOS: In my opinion, you know, expecting EPA to
 8 intervene in school location is very, very difficult to obtain.
 9 What I would do in your case -- and I'm a community leader -- is
 10 to organize the community to request EPA multiple inspections of the
 11 chemical plants that are close to the schools. This has been used in
 12 Puerto Rico by communities and I would encourage you to
 13 communicate with the Region 2 administrator to learn more about these
 14 initiatives.
 15 It's a strategy in which all types of inspectors, EPA inspectors, visit
 16 a facility and they inspect everything. You know, water discharges, the
 17 smoke, everything. And they push the industry to comply if they are in
 18 violation.
 19 That's a way to protect the children. So, you have to do your work
 20 with EPA in trying to move forward this type of initiative.
 21 Here is Mr. Muszynski from Region 2 and I don't have any doubts
 22 that he would assist you in understanding better what is involved in this
 23 type of initiative. And it's very productive.
 24 MS. SHEPARD: It's really a state by state, you know, issue.
 25 Anyone else?
 26 (No audible response.)

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1 MS. SHEPARD: Okay, thank you.
 2 J. Gilbert Sanchez?
 3 (No audible response.)
 4 MS. SHEPARD: Kimberly Bandy? Tamia Boyer-Robinson?
 5 PRESENTATION BY MS. KIMBERLY BANDY
 6 TENNESSEE HUMAN RIGHTS COMMITTEE
 7 MS. BANDY: Good evening. My name is Kimberly Bandy. I'm the
 8 state Title VI Director with the Tennessee Human Rights Commission.
 9 This evening I want to talk briefly about what we're doing in Tennessee
 10 regarding Title VI and environmental justice.
 11 What I want to talk to you about is not about any kind of
 12 environmental violation just yet, I want to talk to you about what we're
 13 doing as far as Title VI in Tennessee, and talk about environmental
 14 justice.
 15 In Tennessee what we have tried to do is look at Title VI as a
 16 comprehensive method of administration. What we did in '93 was that
 17 the state passed a state law that mirrors the federal law on Title VI. As
 18 the state director I primarily advise 36 state agencies, from the
 19 Department of Environmental Conservation to the Department of Labor,
 20 Department of Transportation regarding their Title VI activities.
 21 Our state law had three primary parts. The first part required that
 22 whenever the Comptroller's Office does an audit of compliance with
 23 financial or performance auditing standards that they look at Title VI
 24 compliance also.
 25 Also, our state law requires that each state agency that receives
 26 any federal financial assistance develop Title VI implementation plans

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1 or guidelines. And those plans must be developed with input from the
 2 outside community. They cannot be developed internally and they have
 3 to document that.
 4 The third part of that law required a study to be done on Title VI.
 5 I was the senior research analyst on this report: Tennessee State
 6 Agencies and Title VI.
 7 What we tried to do was to get agencies to address the
 8 agreements that are inherent in Title VI and making sure their being
 9 non-discriminatory in all their activities.
 10 One of the things that we've also tried to do in the last few months
 11 -- especially in the last few months -- our state law was passed in '93,
 12 but in the last few months -- is bringing all of the state agencies together
 13 around the table to decide how we're going to address all these issues,
 14 including environmental justice.
 15 Our state received one of the State Tribal Grants back in '98, and
 16 for the last two years we've been developing strategic plans to address
 17 environmental justice and looking at a multimedia approach to looking
 18 at coordination of permitting.
 19 One of the things that we have done in our work as far as
 20 environmental justice strategic planning and grant was conducting
 21 surveys of the business community with state and federal agencies.
 22 One of the things we found out from the business community survey is
 23 that a lot of the business community persons said that they felt that the
 24 biggest part of public participation is their membership in various
 25 chamber organizations and trade associations. We found that a very
 26 striking commentary on what our present state of environmental justice

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1 is in the State of Tennessee.
 2 Myself, as chair of the intrastate committee as part of the
 3 Environmental Justice Steering Committee, I conducted surveys of what
 4 the state's knowledge was of environmental justice, and at that time
 5 they didn't even know anything about environmental justice, the same
 6 way they didn't know anything about Title VI when we started looking at
 7 it back in '93.
 8 EPA Region 4 has been very instrumental in helping us in looking
 9 at our strategic plan and breaking down those barriers as far as
 10 environmental justice and how the state does business in this area.
 11 So one of the things I wanted to bring to NEJAC and my goal for
 12 being here, is to facilitate relationships with the Federal Government
 13 and to learn how the Federal Government is addressing this issue and
 14 take it back to our state.
 15 One of the things we've done in the last -- I guess in the last seven
 16 years since our state law was passed -- there's been a lot of focus on
 17 state agencies compliance. Now we're seeing a lot of interest from local
 18 government level and private industry, especially on Title VI. Now we're
 19 seeing it on environmental justice.
 20 I've worked very closely with the Department of Justice, with the
 21 U.S. Commission on Civil Rights, the Department of Transportation on
 22 the federal level, U.S. Department of Health and Human Services on
 23 Title VI, and we hope to -- the emphasis we have placed on Title VI in
 24 the last seven years, we want to try to give that same emphasis and
 25 awareness to environmental justice concerns. So what we try to do is
 26 try to incorporate a massive sustained effort to educate folks on the civil

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1 rights principles and pulling those together with environmental justice
2 principles to try to comprehensively address the quality of life of our
3 citizens of Tennessee.

4 I thank you for your time.

5 MS. SHEPARD: Rosa. Shirley?

6 MS. PATE: Hi, my name is Shirley Pate and I'm the DFO for the
7 Enforcement Subcommittee of NEJAC. I wanted to invite Ms. Bandy to
8 participate in our Title VI implementation panel that we're having
9 tomorrow. We will be having representatives from the Department of
10 Transportation, Housing and Urban Development, and the Department
11 of Justice. We look forward to also having you there with us. Thank
12 you.

13 MS. SHEPARD: Thank you. Rosa, did you have a comment?

14 MS. RAMOS: No.

15 MS. SHEPARD: Okay. You are Tamia Boyer-Robinson.

16 And the next person will be Jenny Torres-Lewis.

17 PRESENTATION BY MS. TAMIA BOYER-ROBINSON
18 ENVIRONMENTAL EVANGELISM

19 MS. BOYER-ROBINSON: Good evening. I'm Tamia Boyer,
20 environmental consultant of Environment Evangelism Consulting
21 Services of Temple Hills, Maryland.

22 I'm before you tonight to comment on a future environmental
23 justice project that I'm doing, from a personal as well as a professional
24 commitment as a result of the work of the Maryland Environmental
25 Justice Advisory Council, which I'm a member of.

26 In '97 legislation was passed which introduced the Maryland

1 Environmental Justice Advisory Council, and among our goals which
2 was mainly to go throughout the State of Maryland and identify
3 environmental justice issues, we chose the avenue of holding public
4 meetings in four quadrants of the state.

5 At these meetings attendance, unfortunately, was very low, but the
6 attendance that was there was very active. One thing we found out as
7 we went into the community to identify environmental justice, one big
8 question that was asked of us, as well as we, the Council, were
9 challenged with answering was defining environmental justice.

10 For the community persons who attended the meeting, as they
11 gave their definitions, examples, and experiences with environmental
12 justice, we found that environmental justice for most people, you know,
13 expanded to various problems and situations of their lives, and not
14 maybe so much focused on environmental from the impact on human
15 health from some impact on air, land, water or waste.

16 One of our recommendations that came about from our public
17 sessions throughout the State of Maryland was to develop a GIS data
18 model that would do community profiling that would help identify
19 environmental justice situations, but also help bring the focus or the
20 attention as to what environmental justice is, or how does the
21 environment impact you.

22 This GIS model we think will be significant in that the community
23 health indicators chosen for this model are what the community persons
24 who attended the meeting, what they felt environmental justice was.
25 And those community health indicators we're looking at are health,
26 income, housing and homelessness, food assistance or nutritional

1 quality, child care, education, transportation, public safety, and
2 environmental quality.

3 Again, the goal of this GIS model for community profiling to
4 support environmental justice is to encourage public collaboration and
5 partnership for an effective environmental justice program and process.

6 Additionally, this GIS model hopefully will identify and incorporate
7 within the context of environmental justice environmental health
8 concerns and research into the public policy and decisionmaking
9 process.

10 I'm asking NEJAC members, as well as all those present, for any
11 comment or feedback if you have an interest in this method of
12 community profiling for environmental justice, or if you have experience.

13 Unfortunately, I don't have really any handouts on details of the
14 proposal for the project, but I did place on the table back there a sign-up
15 sheet if you have interest or experience in this area, with contact
16 information of me and how you can leave contact information.

17 Thank you.

18 MS. SHEPARD: Well, as a member of the New York State EJ
19 Advisory Committee, we are considering how best to basically map out
20 EJ communities. There are many people on our advisory committee
21 who are afraid that mapping an EJ community would be to red-line it in
22 some way. What are your thoughts on that?

23 MS. BOYER-ROBINSON: One thing from this model that I'm
24 proposing, I don't foresee that it will give a cause or reason for
25 environmental justice, but what I am thinking and hoping and
26 anticipating that the model will show is a coincidence of the

1 disproportionate negative impact on communities of color such as the
2 community that I'm using, Prince George's County, and I'm actually
3 using just two districts within that county. This county is 65 percent
4 African-American.

5 MS. SHEPARD: What I'm asking you is do you believe that
6 drawing maps of EJ communities will hurt investment in those
7 communities?

8 MS. BOYER-ROBINSON: Possibly. I say that because there has
9 been a recent -- in this same community in which the project will be held
10 in -- there has been a proposal for a new entertainment site to come
11 about, and from that environmental impact statement and hearings
12 addressing this proposal, this new entertainment site, there was review
13 of environmental justice and the proposal for the entertainment site is
14 still going forth, but it did cause a delay in the beginning of this project
15 and there was more -- I think the businesses that wanted to come into
16 this area that did kind of interfere or as you mentioned -- I'm sorry, what
17 was the word you used?

18 MS. SHEPARD: Well, some people use the word "red-line."

19 MS. BOYER-ROBINSON: Red-lined some investment. But, as I
20 said, it's going forth. So I can see that that's a possibility, but --

21 MR. TURRENTINE: Art, did you want to respond? Art is from the
22 Maryland Environment Department and a former member of NEJAC.

23 MR. RAY: Thank you for the opportunity. Over the course of time
24 that we looked at this, there was a substantial debate and I had similar
25 concerns that you raised, Peggy, in terms of drawing circles around
26 them.

1 MS. SHEPARD: Oh, it doesn't concern me. I think we should do
2 it. But it does concern some people.

3 MR. RAY: Well, I mean the concern was raised.

4 MS. SHEPARD: I think our communities are already red-lined.

5 MR. RAY: One of the things I think we were looking at is to be
6 able to sort of build the capacity within this GIS system to more
7 instantaneously view various factors, like you outlined on that. It wasn't
8 like you were going to draw a series of circles around the map; we
9 wanted to have the ability to more better and quicker analyze the
10 situations in the communities.

11 We also wanted to factor into this sort of community -- we used to
12 call them profiles, but that's got a stigma on it now; we now call it
13 assessments -- assessments.

14 We wanted to also include the relevant community leadership
15 there, try and give a history of the issues that that community would
16 have there.

17 It was almost a ready-made data base that could useful to the
18 community itself, to the Department and also actually to some industries
19 which wanted to actually come in and locate in that community. If you
20 would want to deal with that community, you need to know who you're
21 dealing with. You know, I think it was a pretty receptive opportunity.

22 We had included that in an EPA grant proposal that we never got
23 But we'll keep trying.

24 MS. SHEPARD: So you were able to figure out who the
25 community really was?

26 MR. RAY: Well, actually, we're still working on that.

1 MS. SHEPARD: Okay.

2 MR. RAY: Okay, thank you.

3 MS. SHEPARD: Yes, Don?

4 MR. ARAGON: Thank you. Arthur, EPA has a substantial amount
5 of data on communities. I believe if get ahold of Ed Liu, he has -- we've
6 been working with him. And they're doing some pilot projects now with
7 Indian reservations. In Region 8 out in the Denver Office, they have
8 done some extensive mapping using the environmental justice stuff like
9 you're saying. They have also done this on the levels of income and
10 what is the status of those communities.

11 They have done an extensive amount of work, and so I do know
12 that they have the capabilities of doing it and they also have the
13 software that might be of help to this young lady.

14 MR. RAY: The only problem -- and I can't help but take a shot at
15 EPA -- is that I always worry about the data that EPA gives out on
16 anything. I tend to maintain that a lot of the better data comes from the
17 state and local level. That's where EPA gets their stuff from.

18 MR. ARAGON: Yes. I think that the collected -- most of the data
19 that they have has been sent in to them from other entities like the
20 different tribes and the different states, and so forth.

21 MS. SHEPARD: Marinelle.

22 MS. PAYTON: I was basically going to say the same thing that
23 Don said, and that is that EPA has an awful lot of interesting models.
24 OPPT, the Office of Pollution Prevention and Toxics, in particular, and
25 Dr. William Sanders' office.

26 I know there's a model -- I can't recall the name -- I think it's a risk

1 indicator, or something like that. It's based on toxic release emissions
2 in specific areas. That might be helpful to you. It is by geographical
3 location.

4 Also, I'm just curious as to your model, what you're doing. Are you
5 considering the criteria of health as an indicator to consider --

6 MS. BOYER-ROBINSON: Yes.

7 MS. PAYTON: -- the health of the community as well as the
8 polluting facilities? I think it really would be nice if it was done by health
9 as a criterion.

10 MS. BOYER-ROBINSON: Okay. Health is one of the indicators.
11 Yes. And environmental quality, which would take into account
12 industries that may impact land use or natural resources, is another
13 indicator of the model.

14 MR. RAY: You know, one of the things -- health is such a broad
15 topic to do an ambitious study like this. I mean, one of the things that
16 we've been working with up at the Baltimore Urban League is something
17 sort of targeting what in particular a community's asthma incidence
18 would look like just to see how this whole project would be ground-
19 proofed or not.

20 So, I mean, health is an indicator --

21 MS. PAYTON: Right.

22 MR. RAY: -- but, you know, you have to look at various aspects
23 of health. It's something that we're still working with the community and
24 our Department of Health and Mental Hygiene on.

25 MS. PAYTON: Right. Well, health is a broad term. A better word
26 for it would be "disease" instead of health. I mean, health is very

1 subjective. Disease is a much more objective term. Mapping of, for
2 example, the various cancers or chronic diseases like heart disease,
3 hypertension, et cetera, I think would be very helpful in particular when
4 it comes to permitting. Not that we have become that elaborate to date,
5 but hopefully in the future perhaps health, disease and illnesses can
6 become a criteria for permitting, especially in considering
7 decisionmaking around that area. Thank you.

8 MS. SHEPARD: Thank you. Jane.

9 MS. STAHL: I just wanted to comment that the strength of the GIS
10 system is that you don't need to necessarily draw circles around an area
11 and create the illusion of a stigma or not. And the other thing is that as
12 you build your layers, you can begin to equate the incentives and
13 disincentives between brownfield sites and greenfield sites, and put your
14 natural resource information in on the same -- in different layers but on
15 the same basis so that you're trading off. So that building in or bringing
16 opportunities to a developed area seem no more onerous than trying to
17 develop an area that's slated for preservation or natural resource
18 protection.

19 It also allows for the planning to actually ameliorate or mitigate
20 what might be seen as more extensive burdens for building either in an
21 EJ community or in a sensitive natural area.

22 Art probably knows than many of us the power that comes not only
23 from natural resource and GIS planning basis, but when environmental
24 protection and health programs can be married, as I believe they are in
25 Maryland, to a governor's call for smart growth so that when all of the
26 state agencies begin to work together towards the same ends the tools

1 become more all the more powerful.

2 So while, you know, indeed there are places and times where
3 simply circling an area and saying this is an EJ community would be a
4 stigma and a disincentive to any kind of growth or redevelopment or
5 rehabilitation or regenesis, if it's done as part of a package, it doesn't
6 necessarily have to have that same negative effect.

7 So, hats off to Maryland.

8 MS. SHEPARD: And you are a member of Maryland's EJ Advisory
9 Group?

10 MS. BOYER-ROBINSON: Yes.

11 MS. SHEPARD: Okay. Well, thank you very much.

12 Our next speaker is Jenny Torres-Lewis.

13 PRESENTATION BY MS. JENNY TORRES-LEWIS

14 NATIONAL PUERTO RICAN COALITION

15 MS. TORRES-LEWIS: Good evening. My name is, again, Jenny
16 Torres-Lewis. I'm the Vice President for Public Policy at the National
17 Puerto Rican Coalition here in Washington, D.C.

18 I'm just going to read from the testimony just to keep on the time
19 constraints and the obvious fact that I'm very exhausted from being here
20 as well as having a long day at the office.

21 Thank you for the opportunity to testify on behalf of the National
22 Puerto Rican Coalition, a nonprofit organization representing the
23 interests of seven million Puerto Rican U.S. citizens throughout the
24 mainland and the Island of Puerto Rico.

25 Many environmental issues affect Puerto Ricans and Hispanics in
26 general, including brownfield redevelopment, Superfund sites,

1 environmental health impacts, and the under-representation of
2 Hispanics at EPA and other decisionmaking bodies.

3 Since there is limited time to present my comments, I will speak
4 only on one issue, the Navy's bombing exercises in Vieques, Puerto
5 Rico, an issue which has touched the hearts of many Puerto Ricans and
6 which the governor-elect and presidents of all political parties on the
7 island, as well as Puerto Ricans on the mainland, have objected to as
8 recently as this past month.

9 Since the 1940s Vieques has been used as a bombing range for
10 the U.S. Navy military training exercises. Despite existing regulations,
11 the Navy has used live bombs, depleted uranium and napalm on the
12 range and allowed foreign allies to test weapons. The Navy has ignored
13 environmental laws, severely destroyed the natural environment, and
14 has introduced health hazards to the residents on the island.

15 The Navy bombing has done damage to both the land and the
16 ocean ecosystems. The topography of the eastern part of Vieques is
17 disfigured and there is a loss of an extensive part of the vegetation.

18 These environmental impacts contribute to the natural
19 microclimate of the island and have resulted in a decrease in rainfall in
20 that portion of Vieques Island.

21 The ocean ecosystem also has suffered significant damage.
22 There are numerous bombs, pieces of artillery, bullets, rockets,
23 parachutes, flares, and metal fragments of different types found on the
24 coral reefs.

25 Research indicates that the environmental damage is severe and
26 environment restoration is urgently needed. A recent study entitled

1 "Ciencia y Ecologia: Vieques en Crisis Ambiental" points out that the
2 damage of one, two or three years of additional bombing cannot be
3 underestimated. The report states "one more year of bombing is
4 equivalent to 10, 15 or 20 years of ecological impacts and health risks."

5 NPRC is also concerned about the impact of the resident
6 population. The people of Vieques suffer from a multitude of illnesses
7 and lack of adequate health care facilities to provide treatment on the
8 island. The cancer rate is suspected to be 27 percent greater than that
9 of the main island of Puerto Rico, and the infant mortality rate is among
10 the highest of any Puerto Rico municipality. There are higher rates of
11 psychological disorders, depression, alcoholism, and various mental
12 illnesses.

13 Undoubtedly there is a correlation between the high incidence of
14 illness and the community's proximity and exposure to the bombing
15 exercises.

16 The probability of toxins released from bombing exercises reaching
17 the food chain is also a concern. Scientific research demonstrates
18 significantly high levels of metals in plants and marine life. The report
19 again entitled "Ciencia y Ecologia: Vieques en Crisis Ambiental"
20 illustrates the numerous metals found in plant life on the eastern part of
21 Vieques. Bombing activity, natural fires, decomposition and
22 consumption of herbivores are all routes linking these contaminated
23 plants to the food chain.

24 Because the winds in Vieques generally blow from the east to
25 west, contaminants released by the bombing travel from the live impact
26 area to the civilian population. Airborne contaminants may land in

1 distant plants or be inhaled by the resident population.

2 Recent analysis also indicates that the resident population and
3 marine life are put at risk by low-frequency, high-amplitude sonic booms
4 caused by ship to shore shells travel to their target in Vieques at two
5 times the speed of sound. These noise levels are potentially lethal to
6 fish and endangered species, as well as harmful to humans.

7 NPRC is particularly concerned about the potential adverse
8 consequences for small children whose smaller lungs resonate at
9 somewhat higher frequencies than the lungs of adults and may thereby
10 be put at greater risk.

11 The current agreement between the existing Governor of Puerto
12 Rico, President Clinton and the Department of Defense allows the Navy
13 to use inert bombs and opens up the possibility of using live fire
14 ammunition in the future. Both live and inert bombs seriously disrupt
15 the natural environment and ecosystems and have been cited by
16 researchers as harming human health.

17 NPRC strongly believes that the Navy bombing must stop in
18 Vieques immediately. We take this position with the strong support of
19 Puerto Ricans and other Latinos throughout the nation.

20 We recommend the following:

21 The Council members should advise EPA to fund research on the
22 environmental damage to the Island of Vieques.

23 Because of harmful noise pollution, the spread of existing toxins by
24 inert bombs, and past violations, the Council members should advise
25 EPA to consider denying the Navy its National Pollution Discharge
26 Elimination System Permit.

1 And, finally, Council members should advise EPA to carefully
2 monitor the clean-up of Vieques to ensure that there are no hazardous
3 materials left behind, and every effort should be made to restore the
4 land completely so that the Vieques community may have future use
5 and access to this part of the island.

6 Thank you for your attention. This concludes my statement.

7 MS. SHEPARD: Rosa Hilda.

8 MS. RAMOS: I will reserve my comments or questions related to
9 the Vieques issues after hearing other Vieques community member
10 comments. But I do want to comment the coalition for intervening on
11 behalf of the Vieques people and I really encourage the coalition to
12 support other movements or communities who are disenfranchised in
13 Puerto Rico, not only Vieques, but other communities. So I encourage
14 you to do that. And thank you very much.

15 MS. SHEPARD: Thank you. You know this is an issue that our
16 International Subcommittee is taking up, if you're here tomorrow.

17 MS. TORRES-LEWIS: Okay. There is also a waste and site
18 facility meeting. I believe that some representatives from Vieques will
19 be attending as well as representatives from NPRC.

20 MS. SHEPARD: Great. Say hello to Manny Mirabel for me.

21 MS. TORRES-LEWIS: I will.

22 MS. SHEPARD: I used to work for him at the state Division of
23 Housing in New York.

24 MS. TORRES-LEWIS: He was supposed to be here tonight but
25 due to a conflict of schedule he was unable to attend.

26 MS. SHEPARD: Okay, thank you.

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1 MS. TORRES-LEWIS: Thank you.

2 MS. SHEPARD: The next speaker is LeVonne Stone, then Teresa
3 Juarez and Rivera Castaño.

4 PRESENTATION BY MS. LeVONNE STONE
5 FORT ORD EJ NETWORK

6 MS. STONE: I wanted to talk to you tonight concerning land use
7 controls. I feel that land use control --

8 MS. SHEPARD: Excuse me. Could you just state your name,
9 please, for the record.

10 MS. STONE: Oh, I'm sorry. LeVonne Stone, Director of the Fort
11 Ord Environmental Justice Network. I'll start again.

12 I wanted to talk to you tonight concerning land use controls. I feel
13 that land use controls are one more effort to disallow the minority and
14 low income communities the clean-up process that they deserve. When
15 you put up fences and put up signs that are suggested to stay in place
16 over a period of time, and then we're finding that they're moving on to
17 clean up other sites in more affluent neighborhoods -- we don't want
18 land use controls that are going to stay in place.

19 The base clean-up team feels that the community is not important
20 enough to clean up, especially ranges. We have two very large ranges,
21 44 and 45, that's considered or will belong to the City of Seaside where
22 the mixture of minority, African-Americans, Latinos and other ethnic
23 groups reside. The only thing separating the citizens from these ranges
24 are a road and fences.

25 These sites are supposed to be cleaned up according to the health
26 and safety impacts to the local communities.

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1 We feel that two things can be done. First of all, the community
2 can be trained to interact and remove some of these unexploded
3 ordnances. It has been done in another community that we're aware of.

4 Because the community also doesn't have jobs, the economic
5 impact to the community is very severe since the closure of the bases
6 and people are being driven out of their homes.

7 Politics should be kept out of the clean-up process. Agency
8 infighting concerning decisions to clean-up when there are threats to the
9 health and safety of children and the affected local communities should
10 not be tolerated.

11 It's wonderful to see that the blue butterfly and the legless lizards
12 are going to be preserved, but when the contest is between preserving
13 those species and the health and safety issues of the community, then
14 the decision should be pretty clear as to what should be done, and we
15 should not have to choose -- the community itself should not have to
16 choose on whether or not we're going to tolerate safety impacts to our
17 children and our community or save butterflies and legless lizards.

18 There should be some agency responsibility to find out what the
19 solution is and clean-up these areas.

20 I also wanted to say that when the Executive Order was written on
21 February 11th, 1994 by President Clinton, when it came to
22 implementation and the agency responsibilities it said, "to the greatest
23 extent practicable and permitted by law, and consistent with the
24 principles set forth in the report on the National Performance Review,
25 each federal agency should make achieving environmental justice part
26 of its mission by identifying and addressing as appropriate

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1 disproportionately high and adverse human health or environmental
2 effects of its programs, its policies, and activities on minority
3 populations and low income populations in the United States and its
4 territories and possessions, the District of Columbia, the
5 Commonwealth of Puerto Rico and the Commonwealth of the Mañon
6 Islands."

7 Now, I think that's really clear. And all these other documents that
8 are being produced -- being produced -- year after year, month after
9 month, I think they need to be burned. What we need to do is start
10 implementing what this Executive Order says.

11 If we start to implement and not worry about the language each
12 agency has, and it's being watered down over and over again in each
13 document that's being produced -- and I feel like the seriousness of
14 what is happening in our communities in implementing the Executive
15 Order in carrying out environmental justice agency-wide and across this
16 nation is being considered a joke.

17 And I think that we need to bring the importance and escalate the
18 importance of environmental justice in that any agencies responsible or
19 willing to carry out for the communities the interacting and the
20 implementation of these processes needs to be mindful of the
21 community and the importance of participating in any process that
22 would help to solve the problems.

23 Thank you.

24 MS. SHEPARD: Okay, thank you, Ms. Stone.

25 Teresa Juarez? No?

26 (No audible response.)

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1 MS. SHEPARD: Okay. Rivera Castaño?
 2 PRESENTATION BY MR. RAFAEL RIVERA CASTAÑO
 3 COMITE PRO RISCATE Y DESARROLLO
 4 MR. CASTAÑO: Good evening, ladies and gentlemen. My name
 5 is Rafael River Castaño. I am from Vieques, first of all, but I am a
 6 physician epidemiologist and a retired professor of epidemiology from
 7 the School of Public Health of the University of Puerto Rico.
 8 I was very glad -- surprised and glad -- to hear the representative
 9 from the National Puerto Rican Coalition bringing out the problems that
 10 we have in Vieques with the Navy bombing.
 11 As an epidemiologist, I have no doubt that the Navy bombings are
 12 causing the -- the contamination caused by the Navy bombing is
 13 causing most of the illnesses that we have in the community. One of
 14 these is the cancer incidence. The cancer incidence in Vieques is 28
 15 percent higher than the rest of the Island of Puerto Rico.
 16 But it was not like that before. During the '60s the cancer
 17 incidence in Vieques was lower than in Puerto Rico. It began raising in
 18 the '70s.
 19 If we consider that cancer has an incubation period -- if you can
 20 call it an incubation period -- of about 10 to 20 years, we have to look
 21 and to ask what was happening 10 to 20 years before the cancer
 22 incidence in Vieques started rising and came to the top of Puerto Rico.
 23 The Navy has occupied two-thirds of the land of Vieques for the
 24 last 60 years. But in the '50s and '60s they only did some -- in the '50s
 25 they did landing maneuvers, landing practices. It was in the '60s when
 26 they started the bombing and it increased in the '70s. So by the time

1 the incidence rate started to rise in 1972 it's just the time when they
 2 started -- ten years after they started bombing the island.
 3 Now the incident rate is probably much higher than in Puerto Rico.
 4 The problem is that we don't have good statistics anymore since 1990.
 5 But I'm sure that the incidence rate in Vieques is about 30 to 32 percent
 6 higher than the incident rate in Puerto Rico.
 7 If we compare the mortality rate of Vieques, of cancer in Vieques,
 8 it's higher than in Puerto Rico and it's higher than in other communities
 9 that have more or less the same demographic pattern as Vieques. It
 10 even has a higher mortality rate than Cataño which is known to be a
 11 very highly contaminated town in Puerto Rico. So there's no doubt that
 12 the contamination in Vieques is causing this cancer incidence rate, the
 13 high cancer incidence rate.
 14 And this contamination, as the lady just before mentioned, and
 15 Neftali can assure through his studies, are getting into the population.
 16 The contamination within the population is -- we are finding that many
 17 people in the town, in the civilian population, are contaminated with the
 18 same toxic substances that appear in the impact area and in the
 19 bombing area.
 20 And we have found also that these toxics are going into the food
 21 chain and possibly into the air and water in Vieques. So there is no
 22 doubt in my mind, as an epidemiologist, that the bombing in Vieques is
 23 causing these higher contamination and higher rates of cancer, that we
 24 don't have documentation from them.
 25 So this is why we are asking that the Navy has to stop bombing
 26 Vieques now. Not three years from now, but now.

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1 Thank you.
 2 MS. SHEPARD: Rosa Hilda.
 3 MS. RAMOS: Dr. Castaño, I just wanted to say that I have a lot of
 4 respect for your group. I think that the work that you have been
 5 completing during the years deserves a lot of credibility because of your
 6 involvement and commitment.
 7 I do have another opinion regarding the cancer incidence. The
 8 Health Department completed, with EPA funding, an epidemiological
 9 study regarding cancer in Cataño. They revised the data of 20 years
 10 and Cataño has not 30 percent, but 100 percent of cancer incidence
 11 compared with the rest of Puerto Rico.
 12 I do agree that the cancer incidence in Vieques has increased as
 13 to be significant, and I understand that the Vieques case is the worst
 14 example of what can result if you don't invite the affected community to
 15 participate in the decisionmaking processes.
 16 The Vieques problem, it's a shame what has happened with the
 17 island where every politician in Puerto Rico has taken advantage, has
 18 used your cause to benefit their own shady agenda and then have
 19 thrown you aside when they got what they needed.
 20 I encourage you to continue your conversations with the
 21 government, the Federal Government, and I would recommend EPA to
 22 invite Mr. Castaño to be part of a work group regarding federal facilities.
 23 MS. SHEPARD: Alberto.
 24 MR. SALDAMANDO: I was going to make the same or a similar
 25 suggestion. I think the problem of Vieques is obviously way beyond our
 26 ken when it's been the U.S. Congress and there's been a great deal of

1 justified protest about it, and will continue to be. I think lamentably so,
 2 it has to be that way.
 3 We have a problem with the Department of Defense on a great
 4 many issues, including one where they want to put a bombing range in
 5 a Native American community in Montana that has already been found
 6 to be a community suffering the adverse effects -- or, disproportionate
 7 effects of environmental damage.
 8 I appreciate your testimony because I think we can also
 9 unfortunately use the Vieques experience to try and struggle against this
 10 bombing range in Montana, and I hope I can be in touch to solicit some
 11 other research because it is an incredible problem. I thank you for your
 12 testimony.
 13 MS. SHEPARD: Rosa.
 14 MS. RAMOS: I do have a petition for your group as a community
 15 member. If you ever receive support from people who are abusers
 16 themselves in other communities, such as ours, do not accept that
 17 support. The next time that the Mayor of Cataño visits your community,
 18 kick him out.
 19 DR. CASTAÑO: We already did.
 20 (Laughter.)
 21 DR. CASTAÑO: We already did.
 22 MS. SHEPARD: Thank you very much for your testimony.
 23 MR. ARAGON: Peggy, can I make one comment?
 24 MS. SHEPARD: Oh, I'm sorry, Don.
 25 MR. ARAGON: The DOD was here yesterday and they've given
 26 some testimony, but they also have some funds to do some clean-up

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1 work, like Roberto was saying.

2 They're in the process of cleaning up a bombing range now on
3 believe it's the Rosebud Reservation in South Dakota where they have
4 had this military bombing range. It's about 40 miles wide and, oh,
5 don't know, maybe 40 miles long. But they've had a lot of unexploded
6 ordnances that when they dropped the bombs they buried themselves
7 into the dirt. And they've been there for 20 years -- 20 or 30 years, and
8 now it's really a complex problem in cleaning that up. I know that DOD
9 is working with that tribe over there to try to work out the problems.
10 Then I hear that they want to cause it again. This is ridiculous.

11 I think that -- you know, I think this gentleman would be an
12 excellent person to put on one of the federal facilities or something like
13 that so that they can get some assistance.

14 MS. SHEPARD: Okay, that committee is really growing. Charles
15 Thank you very much.

16 DR. CASTAÑO: Thank you.

17 MS. SHEPARD: Our next speaker is Stephanie Farquhar and then
18 Betsy Boatner.

19 PRESENTATION BY MS. STEPHANIE FARQUHAR
20 UNIVERSITY OF NORTH CAROLINA,
21 SCHOOL OF PUBLIC HEALTH

22 MS. FARQUHAR: Hi, thank you. My name is Stephanie Farquhar
23 and I'm from the University of North Carolina, School of Public Health
24 and I'm speaking more as a public health researcher than as someone
25 with a very short tenure of involvement with NEJAC, which has been
26 about 48 hours.

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1 I was delighted to hear earlier today about some of the community-
2 driven demonstration projects, although work that I've worked on has
3 been community-based environmental justice work, and I fear that even
4 though there is community involvement that federal, state and local
5 government agencies, attorneys, academics, funding agencies, forget
6 that community residents are very capable of assessing what they need
7 and deciding how to get it.

8 I also fear that community members' stories and voices are lost in
9 some of the environmental justice processes that tend to be dominated
10 by these other entities.

11 I have two case studies or examples of my work -- not of my work,
12 of communities that I've worked with which are very sophisticated and
13 organized in their strategic efforts to document a community's own
14 environmental realities. And it's important, of course, to understand that
15 community members know their physical and social environment better
16 than any agency or organization or academic outsider and that they
17 know their history, they know the politics of their neighborhoods and
18 they're very privy to the fact that they need evidence or proof in order to
19 get the attention of city and county stakeholders and decisionmakers.

20 One is in Detroit, Michigan that was actually funded in part by EPA.
21 The residents face a great amount of urban blight and deterioration.
22 They see it, they taste it, they smell it every day and they realized
23 themselves that they needed to somehow document this as evidence
24 that this is something they're exposed to because other people would
25 not take up the issue for them.

26 So they actually physically got out, walked around their

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1 neighborhoods and recorded environmental stressors, including such
2 things as vacant lots, abandoned houses, trash, illegal dump sites,
3 broken street lots, inoperative industries and factories. And they also
4 looked at how these observed problems in their neighborhoods affected
5 people.

6 This is where they broadened the definition of health. They didn't
7 only look at cancer and asthma rates; they looked at how people felt.
8 How did this daily exposure to this stuff affect them? They looked at
9 emotional, physical and spiritual wellbeing. And now they're working at
10 how to best interpret, using some GIS systems that we talked about
11 earlier, to interpret and apply the results of their information gathering
12 efforts for community mobilization and advocacy, and how to ignite the
13 interest of decisionmakers, including groups like EPA and DOT and
14 HUD.

15 Another project came out of eastern North Carolina, Rocky Mount,
16 Tarboro, and Princeville. Hurricane Floyd hit back in September of
17 1999 and it devastated some of the small town and communities in that
18 area. This is sort of the ultimate environmental justice issue because
19 it was the lowest income communities of color that were placed in the
20 flood planes in the areas of lowest elevation.

21 FEMA's response to the devastation was placing ten temporary
22 housing sites that were scattered throughout North Carolina. The
23 people were left with no phones, no transportation, inability to obtain
24 loans, exposure to intensive livestock operation runoff and sewage, and
25 a complete loss of sense of community as well as disrespect and
26 outright discrimination from some of the federal and state agencies.

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1 So what they decided to do -- the 1,000-plus families still left in
2 these temporary housing sites -- and you should note that they're all
3 Black residents -- and they were also placed, the original housing sites
4 -- one of the original temporary housing sites was placed on a landfill
5 until that was discovered and FEMA quickly moved to get the residents
6 off of that temporary housing site before the media got ahold of that
7 story, although eventually they did and sort of blew the cover.

8 But the residents themselves decided that they needed to
9 systematically document their plight, so they're going out, they're having
10 conversations, they're having town meetings, they're collecting the
11 information through surveys and photographs, and this will ultimately be
12 presented to the media and FEMA and EPA and other decisionmakers
13 in a February Flood Survivors Summit.

14 This is all taken on by the community members. I think these two
15 case studies can serve as a reminder of the untapped and sort of
16 underestimated power of a community's potential involvement in
17 environmental justice issues. They have answers if we care to listen.

18 I wasn't really prepared to talk about specific suggestions or
19 recommendations, but I think that one would be to include communities
20 on the ground level and think about who is the community. It's not
21 necessarily the first community-based organization that's willing to
22 participate, but you have to maybe dig deeper and think creatively about
23 who represents the community.

24 Also consider broadening the definition of environmental and
25 health data to get beyond perhaps when they're looking at brownfields
26 and toxic wastes, which are very, very important, and get beyond

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1 looking at only cancer and asthma, which are also very important. But
2 try to broaden it beyond these sort of traditional outcomes.

3 Also possibly -- and this would be to NEJAC and the Office of
4 Environmental Justice -- consider linking up with other federal agencies,
5 such as FEMA, for possible partnerships and collaboration in the future.

6 Thank you.

7 MS. SHEPARD: Gerald.

8 MR. TORRES: Can we have copies of these studies that you're
9 talking about?

10 MS. FARQUHAR: Excuse me?

11 MR. TORRES: Can we get copies of these studies that you're
12 talking about?

13 MS. FARQUHAR: Sure. Yes, I can get copies to you.

14 MS. SHEPARD: Marinelle.

15 MS. PAYTON: That's basically what I was going to ask. I was just
16 curious about the two studies that you referred to.

17 MS. FARQUHAR: The two states?

18 MS. PAYTON: The two case studies.

19 MS. FARQUHAR: Oh, yes, right.

20 MS. PAYTON: What are they?

21 MS. FARQUHAR: One is Detroit, Michigan and one is eastern
22 North Carolina.

23 MS. PAYTON: Okay. Thanks.

24 MS. SHEPARD: Alberto, is your card up? Or, Don, is your card
25 up? No? Okay, Tom.

26 MR. GOLDTOOTH: I was just wondering what is the racial

1 characteristics of these two communities.

2 MS. FARQUHAR: Detroit, Michigan -- the groups that I worked
3 with -- east side Detroit is 97 percent African-American, and then
4 southwest Detroit is about 50 percent Latino and 25 percent African-
5 American and 25 percent white. So they are two different communities,
6 pretty disjointed communities in Detroit, Michigan that I was working
7 with.

8 In eastern North Carolina, Princeville is actually all black, the only
9 incorporated all black town in North Carolina. And Tarboro and Rocky
10 Mount are also a high percentage African-American.

11 MR. GOLDTOOTH: I just want to say that I'm director of the
12 Indigenous Environmental Network and we're a native grassroots
13 environmental organization. We totally embrace community-based
14 health surveys, health assessments.

15 We recently met with the Indian Health Service which is our
16 primary health care provider in Indian Country around the topic of
17 environmental health. In fact, one of our concerns was the potential
18 support of community-driven health research. It wasn't surprising that
19 they didn't know what we were talking about. They assumed what we
20 were talking about, but they didn't know.

21 It's through centers like yourselves and others that we're building
22 quite a resource list of public health institutions and other resource
23 groups that can help our communities do these things.

24 I was wondering how many in your School of Public Health are
25 people of color that are involved with the project.

26 MS. FARQUHAR: Zero.

1 MR. GOLDTOOTH: Okay. I just wanted to know.

2 MS. SHEPARD: Thank you.

3 Ms. Boatner.

4 PRESENTATION BY MS. BETSY BOATNER
5 AMAZON ALLIANCE

6 MS. BOATNER: My name is Betsy Boatner and I work for an
7 organization called the Amazon Alliance. It's based here in
8 Washington, D.C. The organization is an alliance between indigenous
9 and traditional peoples of the Amazon Basin and environmental,
10 indigenous, human rights and other support organizations throughout
11 North America.

12 Although U.S. policies affect indigenous peoples in the Basin in
13 many ways, through trade, international agreements such as under the
14 Climate Change Convention, there is one particular policy that I would
15 like to draw your attention to this evening that will have serious
16 environmental justice implications.

17 This policy has already and will increasingly bring harm to the
18 health and livelihoods and environment of indigenous and peasant
19 communities in Columbia.

20 The policy that I'm referring to is a package of military aid that is
21 being used to fund efforts to fight drug production and trafficking in the
22 country of Columbia. It's commonly referred to as Plan Columbia.

23 Recently our organization brought a delegation of indigenous
24 leaders from the Columbian Amazon to Washington, D.C. to speak
25 about their concerns, to share their perspectives, and to give testimony
26 in their own words to what is happening there.

1 Of the \$1.3 that are included in this aid package, a very large
2 portion of it is committed to counter narcotics operations. U.S. money,
3 U.S. tax dollars, are being used to purchase helicopters, spray aircraft,
4 hire private contractors to spray -- to fly planes over the land and spray
5 chemical herbicides primarily over coca crops, crops of coca leaves
6 which are used to produce cocaine.

7 However, the chemicals often land outside of their intended
8 targets, and that's where the problem lies. The chemicals land on food
9 crops and they destroy them. They land on water supplies and they
10 contaminate them. They land on livestock and they have poisoned
11 them. They land on people and they have made them sick.

12 According to the indigenous leaders who came here, as well as the
13 local and national offices of the Human Rights Ombudsmen in
14 Columbia, hundreds of people have documented these effects. People
15 have complained of digestive ailments, respiratory infections, skin
16 rashes, eye infections, and a host of other ailments.

17 Who, you might ask, is particularly most hurt by this policy? It is
18 poor people. It is peasants. It is people of color. It is 48 indigenous
19 tribes that live in the Columbian Amazon.

20 Indigenous peoples are particularly affected because the presence
21 and activities of counter narcotics forces violates their territorial
22 autonomy. It also places at risk a very important component of their
23 culture, which is the use of the coca leaf. Sometimes immemorial coca
24 leaves have been used for healing practices and for traditional
25 ceremonies and as a dietary supplement and so it is also threatening
26 this very important integral part of their culture.

1 Assuredly, we all want to see an end to drug abuse here in the
2 United States. The ironic twist to this is that this policy will do nothing
3 to decrease drug use here in the streets of America. Study after study
4 show that efforts to control drug production at the source are completely
5 ineffective. In a study by the Rand Corporation it has been found that
6 domestic drug treatment programs are 23 times more effective than
7 aerial eradication.

8 So, for every dollar of the millions of dollars that are being spent on
9 counternarcotics operations in Columbia, they are dollars that we are
10 not spending on drug treatment programs here. They're dollars and
11 energy and time that's not being focused on changing a draconian drug
12 policy here in the United States that victimizes people for non-violent
13 offenses, particularly people of color and people of low income.

14 And so while this policy is not only creating a very severe
15 environmental justice crisis in Columbia, it is also perpetuating an unjust
16 system here.

17 To the extent that the International Subcommittee raises
18 awareness on U.S. policy related environmental justice concerns, to the
19 extent that the EPA may be involved in preparing assessments of
20 environmental implications of this policy, I ask you to please seriously
21 consider looking into this issue further.

22 I would be happy to speak with anyone about this issue, and I also
23 ask you to refer to the press release which I think was distributed to you
24 and to see our Web page, usfumigation.org in which we have much
25 more detailed information.

26 Thank you very much. I appreciate the opportunity to speak before

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1 you.

2 MS. SHEPARD: Thank you.

3 Alberto.

4 MR. SALDAMANDO: I appreciate the Amazon Alliance's
5 testimony. In Santiago at the regional meeting for the World
6 Conference Against Racism we developed an indigenous declaration in
7 which indigenous peoples from I think it was four or five different
8 countries wanted and did achieve a condemnation of Plan Columbia in
9 our declaration. Also, the program was denounced by indigenous
10 peoples at the plenary.

11 I was kind of involved in the drafting and we included Venezuela,
12 Columbia -- several South American countries in that condemnation and
13 the cunas from Panama were very angry because we did not include
14 them as well in the condemnation.

15 I would really like a list of all the indigenous peoples, from
16 whatever the countries that are affected by this plan -- there is, at least
17 among South American indigenous peoples, a high awareness and
18 condemnation of this plan. So I appreciate the testimony and I guess
19 it would be up to the International Subcommittee to make an appropriate
20 recommendation to the administrator with regard to this U.S. policy.

21 MS. BOATNER: Thank you.

22 MR. SALDAMANDO: If you would come to the committee meeting
23 perhaps tomorrow afternoon, we could -- in fact, if you could draft
24 something, that would be nice too.

25 MS. BOATNER: I'll look into it. Thank you.

26 MS. SHEPARD: Tom.

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1 MR. GOLDTOOTH: In addition to -- I think your press release
2 mentions one of the chemicals, glyphosate -- I believe that's roundup --
3 that's one of the labels, is roundup.

4 It was my understanding -- and maybe you can correct me -- is
5 also, in addition to this roundup, there are reports of other chemicals
6 that are related to the DDT family that were being sprayed in Columbia
7 as well.

8 And in addition to that, are you aware of the introduction of a
9 fungus, a spore, that's supposed to be utilized as well? Are you aware
10 of that?

11 MS. BOATNER: Yes. Thank you, Tom.

12 Regarding the other chemicals, according to the State Department
13 and the Columbian National Police, no other chemicals are being used.
14 However, there is very inadequate monitoring and oversight of these
15 operations presently and so no one can verify that that's the only
16 chemical being used. That's one of the things that we are looking into,
17 is trying to assess -- to determine somehow what are the actual
18 concentrations and what is the actual content -- what are different
19 surfactants and inert ingredients that are being mixed with the, I guess,
20 active ingredients.

21 But I'm not aware of any other chemicals being used at this point,
22 although many different ones have been used previously.

23 MR. GOLDTOOTH: And has this fungus -- I don't know, there's a
24 name to that.

25 MS. BOATNER: It's fusarium exosporium.

26 MR. GOLDTOOTH: Right.

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1 MS. BOATNER: And it was being seriously considered and
2 promoted by the U.S. administration in working with the U.N. DP,
3 however, at a meeting of the Andean Ministers of Environment they
4 decided to not use fusarium exosporium for any eradication efforts
5 because of the serious health and environmental implications it
6 presents.

7 However, the Columbian Ministry of Environment is still
8 investigating other possible biological controls and it's something that
9 we're staying alert about.

10 MR. GOLDTOOTH: Well, I support the recommendation that
11 Alberto had made for his subcommittee to look into this issue. It raises
12 this concern I brought up earlier about the role that EPA has in the
13 international affairs. In the same way that they have responsibilities
14 here on a domestic level, what are their responsibilities internationally
15 since we do through the EPA agency have an International Affairs
16 Office and they are very active, as you know, like in the air climate.
17 There are EPA technical staffers part of the U.S. State delegation team.

18 So I'm concerned about this and hopefully something can come
19 out of this meeting tomorrow.

20 MS. SHEPARD: Two quick questions. Gerald.

21 MR. TORRES: Just a quick comment. I mean, I was going to
22 raise the issue of the fungus that Tom raised. I really urge you to
23 monitor that as closely as you can.

24 The other thing that's really critical is the effect that this policy has
25 not just on the physical environment and the health of the population
26 there, but it destabilizes the governments so that the capacity to -- for

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1 like governments there to address the problems that they have within
2 those communities and within those countries is set back.

3 I'm working with people at the University of Texas, both botanists
4 as well as remote mappers as well as people who are working with
5 indigenous people in those countries. I would urge you to keep a close
6 eye on it.

7 I think if you can get something drafted, it would be really helpful.

8 MS. SHEPARD: Tseming.

9 MR. YANG: Yes, just quickly. I would echo what Alberto has said
10 in terms of this being a really important issue.

11 What I'd ask, to the extent that you can in your organization, the
12 more specific you can be in terms of how EPA-- there's an EPA handle
13 to these problems, as you mentioned, with environmental impact -- I
14 mean, there's of course an issue with regard to U.S. actions abroad and
15 the applicability of statutes such as NEPA. But to the extent that you
16 can have ideas or suggestions for how EPA's involved in that, that can
17 help us a lot in addressing these issues.

18 These are issues that we are trying to look into on an ongoing
19 basis. Tomorrow's meeting is focused specifically on really trade
20 agreements, and so we have State Department people as well as Trade
21 Representative Office people there. These are all part of what we're
22 interested in. Thanks.

23 MS. BOATNER: Thank you. I just wanted to add that this is really
24 an opportune moment to act, to take action to prevent this from
25 happening even more so. Although fumigation has been going on in
26 Columbia since 1994, they are significantly increasing operations and

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1 the battalions that are prepared to engage in these activities are slated
2 to begin their operations in December.

3 Thank you very much for your comments.

4 MS. SHEPARD: Thank you.

5 I'm now going to call our final speakers. Yvonne McSwain-Powell,
6 Sandra Reid, and Armando Gandarilla.

7 MS. JARAMILLO: Peggy, it's my understanding that there was
8 somebody else that had signed up late, an Andre Brought.

9 MS. SHEPARD: Okay.

10 Could I just ask that you each identify yourselves and your
11 organizations when you start.

12 PRESENTATION BY MS. YVONNE McSWAIN-POWELL
13 P.E.A.C.E.

14 MS. McSWAIN-POWELL: My name is Yvonne McSwain-Powell.
15 I'm with PEACE, People Effective Against Chemical Eugenics.

16 Whatever happened to love thy neighbor as thyself? This year
17 found out some shocking information about my community. The
18 discovery was made when I began to search for the causes of many
19 illnesses and deaths within my community.

20 I discovered for over a decade my community was provided
21 contaminated water. The water contained high levels of chloride,
22 sodium, strontium, manganese and boron.

23 I recently learned that strontium is a type of radiation. Can you
24 imagine drinking radiation for over a decade or more?

25 This information is based upon government documentation written
26 by a specialist in the Department of USGS, the United States

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1 Geological Survey. These reports were published in 1982 and 1983.
2 I learned of these reports this year, in 2000.

3 The well that provided water to my community in Richton,
4 Mississippi was not officially shut down until 1994. The problem with
5 this well was declared an emergency situation in 1991 and a new well
6 was built in 1992, but we were not put on it. We were not removed from
7 the contaminated well until 1993 or later.

8 In our quest to get answers to so many questions we encountered
9 state officials changing documents, ditches where off site chemicals
10 had been reported were filled with new soil. DEQ has said that the
11 documents written by USGS which stated the possible cause of
12 contamination are not really true. In these documents they suggest that
13 industry may be the cause of the contamination.

14 There are many industries within my town. There is American
15 Wood, Joslyn, Kerr-McGee, Richton Tire and Timber Company, Koch-
16 Gateway Pipeline, Denbury Crude Oil, Georgia Pacific, Pope Mill, Shell
17 Oil Company, Century Resources.

18 Once the DEQ, the Department of Environmental Quality, pointed
19 out that the document discovered was a very old document. I reminded
20 him of another old document which continued to play a great part in our
21 lives today, the Declaration of Independence which states, "We hold
22 these truths to be self-evident, that all men are created equal and they
23 are endowed by their Creator with certain unalienable rights, that among
24 these are life, liberty, and the pursuit of happiness, that to secure these
25 rights governments are instituted among men, deriving in their just
26 powers from the consent of the governed."

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1 That is why I ask who forgot our rights? The agency that was put
2 in place to govern and protect our health and safety? These agencies
3 are supposed to regulate industries. My community's rights have been
4 snatched away. We know because of the high incidence of diseases
5 such multiple myeloma cancer, lupus, kidney failure, heart attacks,
6 incurable skin rashes, loss of eyesight, cataracts, gastrointestinal
7 problems, bone and joint breakage, tremors, diabetes in children. A
8 baby was born recently with high blood pressure.

9 The right of life, liberty and the pursuit of happiness no longer
10 exists for my community. People in my community are not stealing
11 away in a peaceful sleep to join their Creator. They are leaving this
12 world with pain and suffering.

13 When will the innocent suffer enough at the hand of government
14 that allows industries to contaminate and pollute communities? Many
15 of these companies listed have recently been found guilty of polluting.
16 Let me reword that; they have been found guilty in every state but
17 Mississippi. I wonder why.

18 We have been told that the water is good to drink. But just last
19 month one of the residents within the community had arsenic in her
20 blood, at 19.2 milligrams. A document that shows arsenic triple the
21 levels was changed this year and reflected a keypunch error. The
22 cluster of multiple myeloma cancer in my community is three out of 150
23 people, but the state epidemiologists say this is insignificant. According
24 to the American Cancer Society it should be four in 100,000 people.

25 We recently took split samples of soil taken on site at a local
26 company. The results from our sample show contamination being

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1 present. DEQ found none. Ms. Beth who works for the Department of
2 Environment Quality said it is possible for all contaminates to be found
3 in one sample.

4 That is why I am here today. We are trying to reach out to the
5 state agencies, but they have become an extension of the industrials
6 and are unwilling to see that there is a definite problem. My community
7 has suffered long enough. We are continuing to ask again that well
8 C15560010 be reopened. We deserve to know what has brought this
9 death blow to our community.

10 For the McSwain community in Richton, Mississippi justice must
11 be served.

12 MS. SHEPARD: Okay, thank you very much. Are you going to be
13 here tomorrow for any of the subcommittee meetings? Perhaps you
14 would like to come to the Health Subcommittee?

15 MS. McSWAIN-POWELL: Yes, I will.

16 MS. SHEPARD: Okay. Thank you. Yes, Marinelle?

17 MS. PAYTON: Just one question. The information that you
18 passed out, you were at the May meeting in Atlanta?

19 MS. McSWAIN-POWELL: Yes. My sister spoke there.

20 MS. PAYTON: Okay. And you submitted to us the letter from
21 EPA --

22 MS. McSWAIN-POWELL: In Atlanta.

23 MS. PAYTON: Right. Okay. So I'm assuming the information
24 attached -- is this a report that was done by EPA, an assessment? Can
25 you tell me?

26 MS. McSWAIN-POWELL: That report was done by the state

1 health department where they found arsenic at 1.00 --

2 MS. PAYTON: Uh-huh.

3 MS. McSWAIN-POWELL: -- and changed it this year and said it
4 was a keypunch error.

5 MS. PAYTON: Okay. So this was done after the May meeting,
6 after your report --

7 MS. McSWAIN-POWELL: Yes.

8 MS. PAYTON: Okay. And currently there's chlorine, strontium,
9 bromide --

10 MS. McSWAIN-POWELL: Strontium. I don't know if it's strontium
11 90 or what. I hope it's not strontium 90.

12 MS. PAYTON: Okay. As well as arsenic in the water?

13 MS. McSWAIN-POWELL: Yes.

14 MS. PAYTON: But I thought -- did you say that the wells were
15 closed in 1992?

16 MS. McSWAIN-POWELL: The well was cemented and grouted in
17 1994.

18 MS. PAYTON: Oh, okay. But there's still apparently a problem in
19 the water?

20 MS. McSWAIN-POWELL: The center aquifer is contaminated and
21 it has contaminated the Tallahala from which we get our water. No one
22 has cleaned up the center now.

23 MS. PAYTON: Okay. Your community organization is the only
24 one that's involved, P.E.A.C.E., in this area?

25 MS. McSWAIN-POWELL: In Richton, yes.

26 MS. PAYTON: All right. And, I'm sorry, I didn't hear anything that

1 you said about the Mississippi Department of Health. Have they looked
2 into this issue at all?

3 MS. McSWAIN-POWELL: We recently supplied them with the
4 survey that we had done within our community. We have also told them
5 and constantly on the phone with them requesting that they do a health
6 survey. And we are also asking that ATSDR come in and do a health
7 consultation to survey and take samples from our community.

8 MS. PAYTON: And have you gotten any response from ATSDR
9 yet?

10 MS. McSWAIN-POWELL: We've had Dr. Rubin Warren, but they
11 have not complied to what they're going to do.

12 MS. PAYTON: Okay. So there are people that are looking into the
13 problem.

14 MS. McSWAIN-POWELL: Right.

15 MS. PAYTON: Okay, thank you. We can talk tomorrow.

16 MS. SHEPARD: Tom.

17 MR. GOLDTOOTH: I notice in the Metro/State news clipping you
18 have here, which is dated November 25th, in the article it said the
19 U.S. EPA has taken notice of the residents claims and last month
20 agency representatives began steps to take water and soil samples.

21 Then, the EPA has become involved then?

22 MS. McSWAIN-POWELL: DEQ?

23 MR. GOLDTOOTH: No. This article says U.S. EPA, not the state.
24 I'm just wondering the status of that

25 MS. McSWAIN-POWELL: U.S. EPA is supposed to be going to
26 take soil samples also.

1 MR. GOLDTOOTH: Okay.

2 MS. McSWAIN-POWELL: But we wanted technology to
3 pinpoint where this contamination was coming from this well.

4 MR. GOLDTOOTH: And that's a public water system that you're
5 on now, your community?

6 MS. McSWAIN-POWELL: No. It has been cemented and
7 grouted.

8 MR. GOLDTOOTH: I mean, that's the private well system? The
9 private wells?

10 MS. McSWAIN-POWELL: No, it's a community -- it's a city
11 well.

12 MR. GOLDTOOTH: A city well.

13 MS. McSWAIN-POWELL: Uh-huh.

14 MR. GOLDTOOTH: Okay. What's your source of water right now?

15 MS. McSWAIN-POWELL: From another water association.

16 MR. GOLDTOOTH: I see.

17 MS. McSWAIN-POWELL: That's also in the Tallahala.

18 MR. GOLDTOOTH: Okay. Thank you.

19 MS. SHEPARD: Okay, thank you very much.

20 Oh, I'm sorry, Rosa.

21 MS. RAMOS: You know, I used to be a medical laboratory
22 technician many years ago, and I really find it very difficult to believe
23 that a keypunch error occurred in this case.

24 MS. McSWAIN-POWELL: I do too.

25 MS. RAMOS: Maybe you should know that a laboratory technician
26 or any part of the staff who lies in a report is liable, could lose its

1 license. I would recommend you to inquire officially the laboratory to
2 certify that this is true because this could lead to a criminal investigation
3 afterwards.

4 MS. McSWAIN-POWELL: They could not find the data to support
5 this. They did not find the data to support the change in the documents.

6 MS. RAMOS: To support, you know, justification for the --

7 MS. McSWAIN-POWELL: Right.

8 MS. RAMOS: Why, then you should file a complaint. You mean
9 the state could not prove their allegations? Is that what you're saying?

10 MS. McSWAIN-POWELL: True.

11 MS. RAMOS: But you don't have any information from the
12 laboratory itself?

13 MS. McSWAIN-POWELL: The lady said based upon the way she
14 would have done it, she don't feel that it was contaminated. But we
15 have all the signs of people that have drunk arson. We have cataracts
16 of the eyes, we have the warts and we have the moles, certain type
17 moles and the warts that grow inside your hands and on the bottom of
18 your feet -- we have those signs and symptoms.

19 MS. SHEPARD: Okay, the last comment will be Marinelle.

20 MS. PAYTON: I'm just curious in reference to this chart that you
21 gave us. Who collected the data?

22 MS. McSWAIN-POWELL: We, as a community, collected the data
23 from the community. And out of 300 people there were 50 known
24 cancers. And you can read on as to we have a lot of musculoskeletal
25 and gastrointestinal problems, irritable bowel syndrome.

26 MS. PAYTON: Okay.

1 MS. McSWAIN-POWELL: In almost every household there's
2 someone sick.

3 MS. PAYTON: And on what date was the data collected?

4 MS. McSWAIN-POWELL: It was collected in October of this year.

5 MS. PAYTON: Okay, thank you.

6 MS. SHEPARD: Okay. Thank you very much.

7 Ms. Reid.

8 PRESENTATION BY MS. SANDRA REID
9 OAK RIDGE HEALTH LIAISON

10 MS. REID: My name is Sandra Reid. I am originally from Oak
11 Ridge, Tennessee. I'd like to thank everybody for their sterling quality
12 of staying here in the audience, and of course, the panel.

13 Fifty years ago the United States Government took land away from
14 the people of East Appalachia and they built a weapons facility there in
15 Oak Ridge, Tennessee. It consisted of the Y-12 weapons facility where
16 right now we have the United States repository for highly enriched
17 uranium. We also have X-10 that is now known as Oak Ridge National
18 Labs, and K-25 that is a gaseous diffusion facility.

19 We'll fast-forward to 1998 when the Department of Energy gave
20 half a million dollars to the Joint Centers to come in and to reassure an
21 African-American community that was next to Y-12 that their health
22 effects were not caused by any releases from the Y-12 facility.

23 At that time, EPA came in and was supposed to do soil sampling.
24 Damu had come in a few months prior to that and had confirmed that
25 highly enriched uranium was actually in this community. The CDC
26 came in and also looked at the health effects within the community

1 because the Nashville Tennessean had done a health evaluation of the
2 asthma in the community, and they found that there was no conclusive
3 evidence of anything from the facility causing the health effects in the
4 children.

5 Unfortunately, nobody remembered that the question became not
6 whether or not releases were causing asthma, but whether or not the
7 children were receiving adequate health care. It has become politicized.
8 It has not become an area where we are dealing with the actual impacts
9 of releases from these facilities.

10 I'm asking this panel to please look into some of this. I know that
11 right now you are developing a federal facilities committee. This is very
12 very controversial.

13 Right now we have just recently had an Executive Order passed
14 where the President has approved that the Department of Labor look at
15 the worker health effects. I worked on the legislation where DOE
16 admitted that they had harmed the workers, that they had put them in
17 brutal conditions. In Oak Ridge the Scarboro community is less than a
18 quarter of a mile away from Y-12. But the Oak Ridge community itself
19 is actually surrounded by these weapons facilities.

20 This is the origin of the Manhattan Project. The water from Oak
21 Ridge -- Y-12 is built on top of a stream -- the water from that area
22 where they have admitted that they have lost more than four million
23 pounds of elemental mercury has been tracked with cesium and
24 mercury as far as Chattanooga to the Chickamauga Lake area.

25 The actual health impacts have never been appropriately
26 addressed, and part of this is because of the political situation and

1 because we have a Department of Energy that is not answerable to any
2 agency, and we have a Department of Justice that is there fighting to
3 prevent any kind of effective analysis or answer or health effects on this.

4 We have in our community a situation where a black organization
5 called the Joint Center was brought in with \$537,000 to advise an
6 African-American community of less than 200 people that their health
7 concerns were not related to a weapons facility. And all that came out
8 of it was that that community said, we are concerned about drugs and
9 we don't know what to worry about from this facility.

10 This is an extraordinary situation. There is no other site in the
11 United States that has faced something like this. We had the CDC
12 come in. I can tell you the amount of money that has been spent on
13 this very small section of our community that has caused division
14 between the African-American community and the white community that
15 are equally fitting under EJ concerns. As the East Appalachia people
16 who had their land taken away from them, it is pitting them against one
17 another.

18 And we have a community that is desperately fighting for economic
19 survival because Oak Ridge was built to build bombs. Their whole
20 mantra is that nothing has affected the community.

21 We have an incinerator that is the only incinerator in the United
22 States licensed to burn mixed radioactive waste and PCBs. We have
23 documented levels of contamination in both the environment and off
24 site, and yet nothing has affected our community, according to the
25 literature from DOE.

26 I am appealing to this panel to please start addressing this. I am

1 a very inadequate representative from our community. I was hoping
2 that one of our other members would be here to represent this and I,
3 therefore, did not have anything appropriately prepared to share with
4 you.

5 But I want to tell you that there are so many inadequacies in
6 addressing the health effects. I am a nurse. I will tell you now that
7 when I hear this lady talk about measuring the health effects there is no
8 way that you can measure blood samples in a patient and tell me what
9 is happening to them on the chronic level. We do not have that data
10 available.

11 When I have a patient who comes to me in the emergency room
12 and I measure their blood, what I am measuring is an acute exposure.

13 Seven years ago when I came to listen to all of you on EJ issues
14 I was hearing exactly the same concerns related to health and I haven't
15 seen anybody move forward, and I am extremely frustrated.

16 What is the disconnect here where we are not recognizing that in
17 medicine when you look at an acute exposure in a worker, and this is
18 the standard that toxic exposures are based on, it does not translate to
19 acute exposures to this lady in her community, it does not translate to
20 what happens to a person who is exposed on a routine basis to multiple
21 substances, to synergistic exposures, and to substances like cadmium,
22 lead and mercury that each of them potentiate the toxicity of the other
23 substance.

24 What I would recommend, instead of all of you saying that EPA is
25 unable to address something or that you as a committee cannot
26 address this, you are the people who have been active in this arena, we

1 are depending on you to lead the charge and to say NIEHS, start
2 making the money that is available to you to address the health
3 concerns. And I appeal to you to now do that.

4 I thank you for the extra time.

5 MS. SHEPARD: We will refer this to the new facilities siting
6 committee when it meets. Thank you.

7 Mr. Gandarilla.

8 PRESENTATION BY MR. ARMANDO GANDARILLA
9 NEIGHBORHOOD FOR JUSTICE

10 MR. GANDARILLA: My name is Armando Gandarilla and
11 represent the Neighborhood for Justice, the Grand Park Community.

12 In the Grand Park community there is an increasing concern that
13 the area is contaminated. Motorola admitted that they contaminated our
14 water base in having a plume going into our area, is one.

15 A chromium plant being set on fire and burning our area, is
16 another.

17 Arizona Public Service has admittedly contaminated our ground,
18 and they refuse to remove the contamination.

19 The airport has added new runways, and where initially they
20 discussed the process and they agreed that they would not run them
21 over the Grand Park community, are now doing so.

22 We are surrounded by a freeway with the truck route being on the
23 south side, which is our neighborhood, which adds to the contamination.

24 An informal survey with the community members -- and I'm
25 discussing the senior members -- we came to a conclusion that there
26 are at least 35 people that live in one quarter are that have died of

1 cancer. In addition, there are numerous individuals who are sterile, but
2 those are the most difficult ones to discuss, these issues, because of
3 the privacy of that.

4 We are requesting funding to support our research in the following
5 areas: One, to identify the cumulative health risks and incidences; two,
6 to identify the resident concerns as it relates to the environmental
7 hazards; three, to remediate the health risks and contaminants.

8 I only have one question for this panel, and that is to ask you what
9 is the timeline for bringing companies and/or government entities into
10 compliance? I mean, we continue to get the runaround from everyone
11 in Phoenix. I know that we push hard to be the number one city in the
12 nation, and that's the marketing strategy that we have down there, but
13 within a mile radius from the City Hall we have all this contamination.

14 So my question is, what is the timeline for bringing companies and
15 government into compliance. Would anybody know?

16 MS. SHEPARD: Luke, would the Enforcement Subcommittee like
17 to address that?

18 MR. COLE: I guess we could take that on. I don't -- I mean, I'm
19 not sure that's a question that can be answered. I mean, that's one of
20 those -- it's kind of the rhetorical -- can I refer that to Willard Chin?

21 Willard do you have an answer for us, please?

22 MR. CHIN: Armando, I think you raised a series of issues, you
23 know, for ideal facilities probably in the air and the waste program.
24 Armando and Felicia and I with Romel and Running Grass met this
25 afternoon. We'll have to get back to you program by program, air, water
26 and waste. Thanks to the meeting, we have like a list of ten action

1 items of specific facilities in communities. So we'll have to get back to
2 you, again, on the water and the Superfund program. And also ATSDR
3 in terms of the potential cancer cluster scenario. So, the public health
4 agency and EPA will be getting back to you next week when I get back
5 in the office.

6 But in terms of compliance with -- specific facilities in compliance,
7 we'll have to see if in fact those facilities are actually in violation. And
8 as you mentioned, we're in the process of doing a targeted enforcement
9 strategy in the south Phoenix area where we identify south Phoenix as
10 one of our high-risk areas and the Superfund program and the waste
11 program are doing a focused inspection program in those
12 neighborhoods and looking at facilities that may be close to schools.

13 We'll give you more information, as we mentioned. So I will be in
14 touch with you, me and my colleagues.

15 MR. GANDARILLA: Mr. Chin, one of the things that I am looking
16 for also is that funding to get the research going because if anything, if
17 anything, it has to start at some point, you know, and we need a
18 baseline. And if it's from here forward, then let's move on with it. But
19 that's really one of our concerns. Nothing has been documented;
20 everything is hearsay. Yet, we know that no one will buy that chromium
21 property from that individual because it's contaminated; no one wants
22 to clean it up. We know that Arizona Public Service wanted to give
23 some property over there to some of the nonprofit agencies that belong
24 to us; we didn't take it because we knew it was contaminated.

25 And so it's these kinds of tit-for-tat things that alert us, and the
26 deaths of these individuals and the people that we know there. I think

1 it just kind of increases the intensity, and frankly it hurts a lot.
2 MR. CHIN: You're correct, we need to have documentation or
3 baseline information to document the level of contamination. So either
4 EPA or, as we can put pressure or persuade our state and local agency
5 to do that level of testing and to determine what the levels of
6 contaminations and the potential risks to the communities, yes.

7 In terms of funding, if you're looking at a public health or a health
8 study, we can talk to ATSDR in terms of doing a specific study on the
9 health matter.

10 And also, ATSDR also has a memorandum of agreement with the
11 Maricopa County -- I should say some of the local health agencies. So
12 they can act on our behalf too.

13 MR. GANDARILLA: Thank you. And if you could also include
14 Arizona State University because they've done a lot in that area. I think
15 that if you bring them all together, you can really pull off a good
16 research.

17 MR. CHIN: Yes. We'll explore that. We have used the university
18 in the past and we will continue to do so. Yes.

19 MR. GANDARILLA: Okay. And my parting words to all of you is
20 that I am not going to be here tomorrow, I have to return to Phoenix. So
21 does Ethel Lane.

22 If I had a Christmas wish, it would be to be able to come here and
23 see all of you and realize that there are other folks that have been
24 fighting these issues for the longest. We thought we were doing it on
25 our own, I was totally lost, and I come here and I see all the successes
26 and it only makes me stronger. I want to go back and really deal with

1 the issues.

2 Thank you very much.

3 MS. SHEPARD: Thank you. Mr. Brought.

4 PRESENTATION BY MR. ANDREW BROUGHT

5 UNIVERSITY OF MARYLAND ENVIRONMENTAL LEGAL CLINIC

6 MR. BROUGHT: I'm not sure if we've saved the best or the worst
7 for last, but I promise to be short.

8 My name is Andrew Brought. I'm a student attorney with the
9 University of Maryland Environmental Legal Clinic in Baltimore,
10 Maryland. We provide legal representation to a number of clients in
11 Maryland that have problems with environmental issues.

12 One of our clients is the Cleanup Coalition. The Cleanup Coalition
13 has some concerns regarding fish consumption and the lack of data in
14 the Baltimore Harbor, the Chesapeake Bay, the State of Maryland and
15 the country in general and I'm here tonight to address those concerns.

16 The Cleanup Coalition is a small, nonprofit group organized to
17 assist communities on issues of environmental pollution and air, waste
18 and water pollution permitting, particularly in the Baltimore Region. The
19 Cleanup Coalition requests research and funding for a thorough study
20 on subsistence fishing, specifically in the Baltimore Harbor and other
21 low income or minority communities.

22 Due to chlordane, the Maryland Department of the Environment
23 has warned the general public not to eat channel catfish or eel in
24 substantial amounts from the Baltimore Harbor.

25 But chlordane is not the only chemical component in the Baltimore
26 Harbor. A study in the Harbor found concentrations of lead and

1 cadmium in the edible tissues of fish and shellfish, at levels high enough
2 to potentially cause health problems in individuals who make a
3 consistent diet of these organisms.

4 Additionally, the Chesapeake Bay Program has designated the
5 Baltimore Harbor as a Region of Concern for toxics. There's only two
6 other areas that are considered regions of concern in the Chesapeake
7 Bay; one is that Anacostia River, the other is the Elizabeth River.

8 A Region of Concern means that chemical contaminants are above
9 thresholds associated with adverse effects found in the water column,
10 the sediment, finfish tissue or shellfish tissue, and that these chemicals
11 appear to be causing toxic effects on living resources.

12 The Cleanup Coalition has concerns that risk communication
13 efforts about the potential health risks of eating finfish or shellfish from
14 the Harbor may not be effectively working. This concern stems from
15 anecdotal evidence that minority and low income residents in the
16 Baltimore Harbor are consuming finfish and/or shellfish caught from the
17 Patapsco River in excess of the consumption advisories posted on the
18 Maryland Department of the Environment Website.

19 To date there appears to have been no thorough study of fish
20 consumption by subsistence fishers in the Harbor, nor in any other
21 watershed area in Maryland, such as the Anacostia River watershed.
22 One study was conducted five to seven years ago, as I've been told,
23 and that was the Baltimore Urban Environmental Risk Initiative.
24 However, the results have not been released.

25 In addition to the ability to effectively communicate risk properly,
26 fish consumption data can play an integral role in developing state water

1 quality criteria pursuant to the Clean Water Act Section 304(a).

2 EPA recently recognized in its revised 2000 Human Health
3 Methodology on November 3rd, located at 65 Federal Register number
4 214, pages 66444 to 66482 that states and tribes should use local fish
5 consumption studies when determining risk assessments. EPA's
6 revision signifies the importance of fish consumption data in developing
7 water quality criteria.

8 Lack of such fish consumption rates will prevent adequate
9 protection of human health with an ample margin of safety. Arguably,
10 the lack of concrete fish consumption data led to the failure of a group
11 of indigenous peoples claim that EPA and the Virginia and Maryland
12 Environmental Departments had not relied on scientifically defensible
13 means to reach reasoned judgments regarding fish consumption in the
14 case of Natural Resources Defense Council versus EPA. In this case,
15 the plaintiffs alleged that EPA's 6.5 grams per day -- that's .23 ounces
16 per day -- this fish consumption factor underestimates the various
17 subpopulations in Maryland and Virginia and was therefore not
18 protective.

19 The court reasoned that because the plaintiffs could proffer no
20 evidence that their subpopulation had consumed more than the 6.5
21 grams per day that EPA had exercised its discretion appropriately.

22 Therefore, in recognition of the potential health impact of
23 carcinogens and bio-cumulative toxics, particularly on low income and
24 minority communities which may rely on subsistence fishing to feed
25 families, and the near total void of any current data, the Cleanup
26 Coalition requests that NEJAC seek funding from EPA to initiate a

1 complete and thorough investigation of fish and shellfish consumption
2 in the Baltimore Harbor and the surrounding communities of other low
3 income and minority areas in the region, such as the Anacostia River.

4 My client is not here and so I'm unable to give any response to
5 questions you may have. I look forward to any comments that you may
6 have and we'll certainly relay any questions to the Cleanup Coalition
7 and we'll get a response back to you.

8 MS. SHEPARD: Thank you. Annabelle.

9 MS. JARAMILLO: Andrew, are you going to be here tomorrow?

10 MR. BROUGHT: Yes, I'm planning on attending the Air and Water
11 Subcommittee.

12 MS. JARAMILLO: Okay. The Air and Water Subcommittee has
13 a Fish Consumption Work Group. Mr. Leonard Robinson who chairs
14 that group is in the back of the room. They'll be meeting in a work
15 session at about 10:00 a.m. tomorrow morning. I think it's in that corner
16 of this room when they break the room up.

17 MR. BROUGHT: Great.

18 MS. JARAMILLO: I would encourage you to come and present to
19 the work group some of your concerns, and maybe there we can
20 develop some sort of recommendation from that.

21 MR. BROUGHT: Fantastic. Thank you.

22 MS. SHEPARD: Thank you. Rosa.

23 MS. RAMOS: Am I correct when I understand that the Maryland
24 Department of Environment posed the advisories on the Internet only?

25 MR. BROUGHT: Well, I can't answer for the Maryland Department
26 of Environment. From what I understand, they do post on the Internet,

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1 they do post in fishing licenses when you actually purchase a fishing
2 license, and then they've tried posting on the physical location on the
3 rivers, although that has since stopped from what I understand. I

4 actually went to a site where there was a fish advisory, and there was
5 not a sign to be found anywhere warning fishers of the potential harm.

6 Again, I can't answer for the Maryland Department of Environment
7 about their policy. I do know that they are currently working on a study
8 right now in the Potomac because there is a fish advisory on the
9 Potomac River and they're trying to post signs on the river.

10 MS. SHEPARD: Luke.

11 MR. COLE: Mr. Brought, thank you for coming here tonight. What
12 year law student are you?

13 MR. BROUGHT: I'm a second year student.

14 MR. COLE: That's the answer that I wanted to hear because I
15 don't know if you know it, but the NEJAC meeting -- is it in May or in
16 December? In December of next year -- one year from today -- is going
17 to be held in Seattle and the focus of that NEJAC meeting, the same
18 way this meeting focused on the interrelation of federal agencies in
19 environmental justice -- the focus of the Seattle NEJAC meeting in the
20 year 2001 is going to be on consumption, fish consumption, subsistence
21 consumption, and those types of issues.

22 Because you're a second year student what I'd like to do is on
23 behalf of EPA invite you and your client group to be part of the planning
24 committee for that. What we do is we get people who have an interest
25 in the issue into the planning committee -- and that will probably take
26 place starting in about six months -- and then you could be on the

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1 conference calls and help sketch out, you know, what the actual agenda
2 will be.

3 Now, I don't have any authority to invite you to do that.

4 MR. BROUGHT: I don't have any authority to accept on behalf
5 of --

6 MS. JARAMILLO: Can I enlighten Luke a little bit here? Actually,
7 the Fish Consumption Work Group with the Air and Water
8 Subcommittee has taken the lead on the planning for that meeting. And
9 I should have mentioned that when I asked you to come tomorrow
10 because Leonard is going to be there. They're already developing the
11 program, they're already lining up groups and speakers to be part of
12 that, and we're already on it, Luke. I think it's a very good idea and
13 Andrew will be plugged in.

14 MR. BROUGHT: Thank you.

15 MS. SHEPARD: Well, thank you all. Thank you. And thank all of
16 the public, the EPA, and the Council for hanging in.

17 We start at 9:00 in the committees tomorrow. Please take all of
18 your belongings with you. These rooms will be broken down tonight.

19 (Whereupon, the meeting adjourned, to reconvene in
20 subcommittee meetings at 9:00 a.m., December 13, 2000.)

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