

**NATIONAL ENVIRONMENTAL JUSTICE  
ADVISORY COUNCIL  
APRIL 2017 MEETING SUMMARY**

**Minneapolis, Minnesota  
April 25 – 27, 2017**

## PREFACE

The National Environmental Justice Advisory Council (NEJAC) is a federal advisory committee. Established by charter on September 30, 1993, it provides independent advice, consultation and recommendations to the Administrator of the U.S. Environmental Protection Agency (EPA) on matters related to environmental justice.

NEJAC is governed by the Federal Advisory Committee Act (FACA). Enacted on October 6, 1972, FACA provisions include the following requirements:

- Members must be selected and appointed by EPA.
- Members must attend and participate fully in meetings.
- Meetings must be open to the public, except as specified by the EPA Administrator.
- All meetings must be announced in the Federal Register.
- Public participation must be allowed at all public meetings.
- The public must be provided access to materials distributed during the meeting.
- Meeting minutes must be kept and made available to the public.
- A designated federal official (DFO) must be present at all meetings.
- NEJAC must provide independent judgment that is not influenced by special interest groups.

EPA's Office of Environmental Justice (OEJ) maintains summary reports of all NEJAC meetings. They are available on the NEJAC website at [www.epa.gov/environmentaljustice/national-environmental-justice-advisory-council](http://www.epa.gov/environmentaljustice/national-environmental-justice-advisory-council).

Copies of materials distributed during NEJAC meetings are available to the public upon request. Comments or questions can be sent via email to [NEJAC@epa.gov](mailto:NEJAC@epa.gov).

### **NEJAC Executive Council – Members in Attendance**

Richard Moore, NEJAC Chair, Los Jardines Institute

Jill Witkowski Heaps, NEJAC Vice-Chair, Choose Clean Water Coalition

Javier Francisco Torres, NEJAC Vice-Chair, Border Environment Cooperation Commission

Charles Chase, University of Colorado-Denver

Mike Ellerbrock, Virginia Tech

Dr. Fatemeh Shafiei, Spelman College

Nicky Sheats, Thomas Edison State College

Dr. Sacoby Wilson, Maryland Institute of Applied Environmental Health

Dr. Erica Holloman, Southeast CARE Coalition

Cheryl Johnson, People for Community Recovery (PCR)

Dr. Mildred McClain, Harambee House

Cynthia Kim Len Rezentes, Mohala I Ka Wai

Deidre Sanders, Pacific Gas & Electric Company

Rita Harris, Sierra Club

Sylvia Marie Orduño, Michigan Welfare Rights Organization

Hermila "Mily" Trevino-Sauceda, Alianza Nacional de Campesinas

Rosalyn LaPier, Piegan Institute

Kelly Wright, Shoshone-Bannock Tribes

Melissa McGee-Collier, Mississippi Department of Environmental Quality

Paul Shoemaker, Boston Public Health Commission

Ellen Drew, Rural Communities Assistance Corporation (by telephone)

Arsenio Mataka, California Environmental Protection Agency (by telephone)

**NATIONAL ENVIRONMENTAL JUSTICE ADVISORY COUNCIL**  
**Minneapolis, Minnesota**  
**April 25 – 27, 2017**

**MEETING SUMMARY**

The National Environmental Justice Advisory Council (NEJAC) convened on Tuesday, April 25, 2017, Wednesday, April 26, 2017, and Thursday, April 27, 2017, in Minneapolis, Minnesota. This synopsis covers NEJAC members' deliberations during the three-day meeting. It also summarizes issues raised during the public comment period.

**1.0 NEJAC MEETING**

This section summarizes NEJAC members' deliberations during the three-day meeting, including action items, requests and recommendations.

**1.1 Welcome and Opening Remarks**

**Matthew Tejada**, the NEJAC DFO, welcomed attendees and gave an overview of the conference schedule. He mentioned the presence of Hmong, Somali and Spanish translation services. After noting the presence of a quorum, he turned the meeting over to NEJAC Chair Richard Moore and NEJAC Vice-Chairs Jill Witkowski Heaps and Javier Francisco Torres.

**Richard Moore**, the NEJAC Chair, reminded public commenters that NEJAC is a federal advisory community to EPA and provides recommendations to the EPA Administrator. Mr. Moore asked public commenters to share their names and organizations, to speak specifically to their issues, and to remember the seven-minute comment window. He reminded public commenters that the Council includes people from academia, community-based organizations and businesses, non-government organizations, green groups, indigenous organizations, and state and federal agencies.

**1.2 Public Comment Period**

NEJAC held a public comment period on April 25, 2017, so that members of the public could discuss environmental justice concerns in their communities. A total of 19 people submitted verbal public comments to NEJAC. An additional 14 people had signed up to speak but were not in attendance. Each speaker was allotted seven minutes.

**1.2.1 Kayla DeVault – Diné Policy Institute (Window Rock, Navajo Nation)**

**Kayla DeVault** described her background working and living on the Navajo Nation and as a graduate student at Arizona State University. She discussed her experience working in several different cultural worlds. Ms. DeVault discussed the issues facing the Navajo Nation, including access to transportation, infrastructure and renewable energy. Navajo Nation also faces challenges related to working in multiple states and with several federal agencies. In Arizona, for example, there is a need for regulations to protect community priorities. Environmental impacts are cultural impacts. Ms. DeVault said that regulations are needed to protect natural medicines and cultural rights and to grant rights for glaciers, mountains and waterways. She said that we offer protections for companies but not for environmental features. Ms. DeVault also said that the limited availability of data is also an issue. All data collected must be protected.

**Sylvia Orduño** said that NEJAC is paying close attention to these issues. **Chair Moore** commented on the importance of tribal self-determination and thanked Ms. DeVault for her testimony.



### **1.2.2 Ticiea Fletcher – Minneapolis Parents for Lead Safe Kids (Minneapolis, Minnesota)**

**Ticiea Fletcher** spoke about her personal experience with child lead poisoning in Minneapolis, both as a parent and as the Executive Director of Minneapolis Parents for Lead Safe Kids. In 2010, Ms. Fletcher’s children were poisoned by lead in their apartment. Ms. Fletcher has since founded the Minneapolis Parents for Lead Safe Kids organization, which helps parents test their homes and educates them on the dangers of lead and how to keep kids safe. Ms. Fletcher asked NEJAC to advise EPA to look at revising the lead disclosure required in rental agreements. She shared her own struggles taking care of her children with disabilities caused by lead and how many tenants do not understand the risks of lead exposure. Ms. Fletcher said that low-income families need safe places to live.

**Cheryl Johnson** asked Ms. Fletcher about her children’s blood lead levels. Ms. Fletcher said that her children had lead levels of 23 and 28. Unacceptable lead levels start at 5 for children. Ms. Fletcher said that she did not receive any support from the local health department or city after finding out her children had been poisoned. She was told to tell her landlord, and that was all she heard. Cheryl Johnson said that, in Chicago, it was an intention to sue that helped the community get assistance with lead poisoning. In Chicago, a report card identifies lead hazards in communities and informs people about dietary steps they can take to lessen their exposure.

**Vice-Chair Heaps** thanked Ms. Fletcher for her comments, saying that the topic is timely and a focus area for NEJAC. **Nicky Sheats** thanked Ms. Fletcher for sharing and asked about who was responsible for the disclosure requirements that Ms. Fletcher asked to be reviewed. Ms. Fletcher said that while there are state requirements, she was told to respond at the federal level.

**Erica Holloman** said that the lead disclosure form does need to be reviewed. She mentioned the problem of absentee landlords, who do not want to face these issues. Erica Holloman asked if Ms. Fletcher had any specific changes she wanted made to the disclosure form. Ms. Fletcher said that, in the disclosure, there are too many options for the landlord. The options either acknowledge the presence of lead paint or say that the lessor has no knowledge of lead-based paint. Ms. Fletcher asked how these landlords, many of whom have owned properties for over 20 years, do not know about the presence of lead-based paint. Ms. Fletcher said that landlords either need to provide complete records or be in the process of lead abatement. Ms. Fletcher recommended the idea of landowners receiving tax credits for lead abatement. Ms. Fletcher shared her recommendations in writing.

### **1.2.3 Nicole Ektnitphong – Tamales y Bicicletas (Minneapolis, Minnesota)**

**Nicole Ektnitphong** spoke about her experience as a student and resident in the Powderhorn neighborhood in Minneapolis. She discussed her work in the East Phillips community and shared how she sees a future where people not only have what they need to survive and be safe, but have what they need to thrive. Ms. Ektnitphong discussed the importance and the responsibility that comes with listening to neighbors and community members. She shared how the East Phillips neighborhood is the most industrialized community in the Twin Cities and is not what environmental justice looks like. Ms. Ektnitphong discussed her organization and its work against pollution while also having a vision for equitable green space in the community. Ms. Ektnitphong urged NEJAC to consider how to develop green zones equitably and to address issues at the local level.

**Paul Shoemaker** told Ms. Ektnitphong that he would follow up with her. He had a similar experience in Boston – that led to a successful community effort – and offered to put her in touch with his contacts.

#### **1.2.4 Devika Ghai – Pesticide Action Network (Oakland, California)**

**Devika Ghai** spoke about her work on farmworker justice issues in California and as an organizer for the Pesticide Action Network. Ms. Ghai discussed how while farmworkers feed the world, data tells us that agriculture is one of three most-dangerous and least-protected occupations. For more than a decade, she has advocated for workers and for updated guidelines for pesticides and farmworkers. Ms. Ghai highlighted a rule EPA that implemented in 2015 that provided critical improvements for farmworkers, including higher wages and more and better safety training. She shared how these changes have resulted in amazing stories of on-the-ground improvements. Ms. Ghai warned NEJAC that industry now wants to put profits ahead of people. She urged NEJAC to advise EPA not to cave to agricultural industry pressure and to implement new standards that will protect certified and uncertified pesticide applicators. Ms. Ghai also mentioned that chlorpyrifos was banned for residential use and then banned for agricultural use. She expressed frustration with EPA’s decision not to ban chlorpyrifos, stating that the science on the issue supports a full and total ban of chlorpyrifos.

**Rita Harris** asked Ms. Ghai if she would submit her comments in written form. Ms. Ghai said that she would. **Hermila Trevino-Sauceda** advised Ms. Ghai if they could talk after the public comment period. **Fatemeh Shafiei** said that, historically, when EPA has banned a pesticide, remaining stocks of that pesticide are allowed to be used. She said that it is unfortunate that EPA is going back on some of these regulations where progress had been made. She urged NEJAC to continue to pursue the issue.

#### **1.2.5 Shalini Gupta – Executive Director, Center for Earth, Energy and Democracy (Minneapolis, Minnesota)**

**Shalini Gupta** shared her experience as a community member and immigrant who has worked on environmental justice for her entire life. She also shared the experiences of her family in New Delhi and the contamination they face. Ms. Gupta sees the same patterns and issues in India as in the United States, since they use the same development model. She said she feels we have an obligation to have sound environmental justice policy. She urged NEJAC to push forward rather than retract or move backward on environmental justice issues. She urged a continued push for funding and for science that honors community knowledge. She also urged NEJAC to recommend targeting communities and programs for funding that will create the greatest value. Ms. Gupta also recommended greater support for cities and states seeking to create climate mitigation policies. She shared how current policies in Minneapolis are displacing low-income people and communities of color. She said that cities like Minneapolis needs tools to train city officials and battle gentrification with equity.

**Sacoby Wilson** urged Ms. Gupta to consider contacting other federal agencies such as the U.S. Department of Transportation (DOT) or the U.S Department of Housing and Urban Development (HUD) about these issues. Dr. Wilson also stated that the Federal Environmental Justice Inter-Agency Working Group would be interested in how to include equity in a sustainable policy. Wilson asked about programs or policies or approaches implemented in Minneapolis. **Ms. Gupta** talked about a recent resolution passed in Minneapolis where the city recognized environmental justice

and historical environmental racism. Ms. Gupta added that while there are a lot of resources coming down the line for green zones, the funding's integration at the community level remains unclear. Ms. Gupta proposed the sharing of green-zone planning across environmental justice communities.

### 1.2.6 Nicky Leingang on behalf of Congressman Keith Ellison (Minneapolis, Minnesota)

**Nicky Leingang** relayed Congressman Keith Ellison's regrets he could not attend and then read a letter from him. Congressman Ellison thanked NEJAC members for hosting the meeting in his district. He shared how environmental justice has been a driving force in his life for decades. Congressman Ellison stated that the law should be applied justly and equitably. He stated that EPA's current record on civil rights work is unacceptable. He outlined how, in all cases where a Title VI complaint was filed, the complaint was dismissed. Congressman Ellison stated that EPA must do its job to address environmental justice. Congressman Ellison listed actions that NEJAC should advise EPA on, including reducing toxic exposures for children, consulting tribes during permitting reviews, promoting composting and recycling over incineration, and addressing climate change.

**Fatemeh Shafiei** asked Mr. Leingang to submit Congressman Keith Ellison's letter as a part of the public comments. **Sacoby Wilson** asked if Congressman Ellison had any additional thoughts on regulation and cumulative impacts. He also asked if Congressman Ellison had any additional thoughts about enforcement of Title VI. **Mr. Leingang** stated that nine out of the 10 Title VI complaints brought before EPA were dismissed. He added that no actions were taken to bring offenders in line. Mr. Leingang urged EPA to create a place where the public can submit complaints, where the complaints will be handled quickly and effectively. He said there needs to be a way to address specific bureaucratic issues. He added that cumulative effects need to be considered during permitting, considering what is already impacting an area before allowing a new business operation. He urged NEJAC to advise EPA to propose a rule or process to require the consideration of cumulative effects in the permitting process.

**Mike Ellerbrock** asked how 18 elementary schools could be located within two miles of the garbage incinerator. **Mr. Leingang** said that Hennepin County proposed, built and owns the incinerator, and the schools are Minneapolis schools. **Melissa McGee-Collier** asked if the permit for the garbage incinerator requires continuous air monitoring. Mr. Leingang said the permit does require continuous air monitoring and that Congressman Ellison's team toured the facility and viewed the monitoring equipment. He expressed concerns about the cumulative effects of multiple facilities. **Nicky Sheats** added that a permit can sometimes require a cumulative analysis. However, the requirement is often not specific to cumulative analysis.

### 1.2.7 Alan Muller – Green Delaware/Airheads (Delaware)

**Alan Muller** is a resident of Portland, Delaware. He was in Minneapolis to attend a national meeting of garbage incinerators. Mr. Muller shared how he examined the orders that guide EPA's implementation of environmental justice, including Executive Order 12898, which compelled each federal agency to create an environmental justice plan. Mr. Muller pointed out that federal agencies have not integrated environmental justice requirements. Mr. Muller urged NEJAC to advise EPA to implement the executive order and establish robust environmental justice policies. He also urged NEJAC to recommend a process by which communities can decide if programs and policies are compliant with environmental justice. Mr. Muller stated that the delegation of regulatory power to the states or municipalities must be contingent on meaningful environmental justice engagement. Mr. Muller shared the example of Redwing, Minnesota. Within Redwing's city limits, there are two nuclear reactors and other highly polluting facilities like garbage incinerators near schools. About

1,600 people live in the city. Mr. Muller stated that the Pollution Control Agency has not fulfilled its permitting requirements and that, from a community perspective, EPA and the Pollution Control Agency are not performing assets. He stated that EPA's inability to force states into action is impacting communities and their ability to address environmental justice issues.

**Cynthia Rezendes** asked if Mr. Muller had looked at the contract between the municipality and the garbage burner. She said that the garbage burner in her community is allotted a certain amount of trash every year, as determined by a contract. She stated that, to understand the issue, it is important to find out who is responsible for each part of the incineration process and who is being paid for different activities. **Mr. Muller** said that Hennepin County, not the City of Minneapolis, has the relationship with the incinerator, making it difficult for the city to assert itself in the relationship. He shared how the people of Minnesota have a deep connection with garbage incineration and that more education is needed.

**Chair Moore** shared some of the ways that EPA has supported environmental justice efforts, including providing Technical Assistance Services for Communities (TASC) grants and Technical Assistance Grant (TAG) grants to communities for technical advisors and other support. He added that environmental justice small grants were made possible through the testimony of community members from impacted communities. He added that improvements have been made and lessons learned, like holding meetings during the evening rather than at 10 A.M. He urged everyone to study NEJAC's actions as well as the history of the environmental justice movement. He added that while environmental justice has a long road ahead, it has also come a long way. **Sacoby Wilson** asked if the incinerators provide energy to the areas where they are located, wanting to know who is paying for the energy being produced. **Mr. Muller** said that the energy produced by the incinerators is fed into the general power grid and that many vulnerable populations and facilities, including schools and nursing homes, are located near the incinerators. Dr. Wilson asked about city or state discussions to determine combined impacts on the impacted community and if the facility permit is still active. Mr. Muller said that the facility permit has lapsed. There have been hundreds of hours of discussion but no action.

### 1.2.8 Nickii Lyons – Migizi Communications (Minneapolis, Minnesota)

**Nickii Lyons** shared her experience working as an intern for Migizi Communications. She discussed the impact of pollution on the Great Lakes. Ms. Lyons talked about how, without disposal or filtration, pollutants can spread through the water and living things. She added that, in addition to harming animals, pollution harms plants, trees, soil and other natural resources. She talked about the difference between point-source and non-point-source pollution. She cautioned that even clean-looking water can be polluted. She urged NEJAC to protect water resources, for the sake of the Land of 1,000 Lakes.

**Nicky Sheats** asked Ms. Lyons if there was a particular type of water pollution that she wanted to highlight. **Ms. Lyons** said that when she was little, she would go swimming in the lakes all the time. Now, there are signs telling people not to swim in the lakes, but without telling them why.

### 1.2.9 Dr. Cecilia Martinez – Center for Earth, Energy and Democracy (Minneapolis, Minnesota)

**Dr. Cecilia Martinez** thanked NEJAC for working tirelessly for environmental justice. She stated that communities understand that environmental justice work is hard and that the battle for the protections that communities have has been a long, hard-fought battle. Dr. Martinez discussed how future generations will look to this moment to judge if we gave them gifts or burdens. Dr. Martinez talked about how the proposed federal budget is proposing cuts to important programs that will impact communities. She discussed how reducing EPA's ability to set standards protective of public health will impact communities. She also stated that failing to protect vulnerable communities sends the message to communities at risk that they do not matter. Dr. Martinez urged NEJAC to do everything possible to address environmental justice issues facing vulnerable communities.

**Sacoby Wilson** asked about the potential content and recipient of a letter from NEJAC. **Dr. Martinez** recommended the letter be to Administrator Pruitt. It would highlight the programs that would be cut and ask that they not be cut, and ask for more help for environmental justice issues. **Sylvia Orduño** asked how community organizations can work against tremendous odds. She followed up by asking Dr. Martinez if the community has come up with ways that NEJAC could push such issues. Dr. Martinez said that communities know that EPA has staff who are committed to environmental justice. She added that communities need to express their support for environmental justice staff at EPA. She added that those people need to talk to EPA's regional administrators and work across the EPA Regions to make sure environmental justice is a priority. **Nicky Sheats** asked Dr. Martinez about her organization and for more information on the Green Zones Initiative. Dr. Martinez said that she is the Director of Research at the Center for Earth, Energy and Democracy. She talked about the insertion of green zones in the City of Minneapolis' Climate Action Plan during the Environmental Work Group. She discussed how green zones were developed to reduce pollution in overburdened communities while also seeking to promote green investment in these areas.

### 1.2.10 Anthony Torres – SustainUS (Washington, D.C.)

**Anthony Torres** spoke about his experiences during the 2016 presidential election, and how as a climate activist he would pivot toward protection. He added that fighting for environmental justice is integral to any fight for justice. Mr. Torres spoke of resisting the backlash against progress and

standing beside the Black Lives Matter movement to fight for healthy communities. He added that people protesting on the streets support NEJAC's efforts, citing EPA staff willing to risk their jobs for environmental justice. Mr. Torres added that when institutions are not a function of citizen movements, they do not work for the people. He said that he is seeking to create a springboard effect to build a strong movement. Mr. Torres urged NEJAC not erase the trans and LGBTQ community in their discussion of environmental justice and marginalized populations. He suggested the formation of a working group focused on representing queer and trans communities. Mr. Torres added that young people are willing to stand alongside NEJAC.

### **1.2.11 Shania Thompson – Migizi Communications (Minneapolis, Minnesota)**

**Shania Thompson** introduced herself and described living in south Minneapolis, in a public housing project called Little Earth. Little Earth is a housing project for Native Americans built on an area where pesticides were made and stored from 1938 to 1968. Ms. Thompson said she did not know about this history until she read an article. She wonders if EPA tested and replaced the soil. Ms. Thompson wondered who EPA asked about the cleanup and if they went door to door. She added that the community already worries about the effect of traffic. Ms. Thompson spoke of how her yard has turned orange, and that the vegetables grown in the yard have also turned orange. Ms. Thompson added that these issues are happening across the country.

**Melissa McGee-Collier** asked if the soil cleanup was done under Resource Conservation and Recovery Act (RCRA) or the Superfund program. **Ms. Thompson** replied that she does not know. **Sacoby Wilson** asked if sampling tested for a range of contaminants. He also asked Ms. Thompson if she has talked to the city or public health agency. He urged the use of real-time sensing equipment to determine the impacts of traffic, and asked if the permitting agency or city could do real-time testing. **Dr. Cecilia Martinez** responded on behalf of Ms. Thompson, adding that the situation at Little Earth is unique, that very few public housing facilities have such a concentrated tribal population. Little Earth was a Superfund site and a cleanup was conducted. Dr. Martinez noted that, despite the cleanup, the native community is completely unaware that arsenic was present. She questioned the community engagement efforts conducted at the site. She added that there have been air monitoring studies, including mobile air monitoring efforts.

**Sacoby Wilson** discussed how real-time sensors are inexpensive and citizens have a need to know about air quality near their homes. He recommended the Airbeam air sensor. He also recommended talking to the city and state about stepping up site-specific monitoring. **Kelly Wright** noted that there are many Superfund sites in Indian country. Often, when arsenic is present, it is not the only constituent – cadmium and other toxic metals may be present as well. He added that, during Superfund cleanups, community involvement is a must. He added that people need to stand up and fight for Indian country, as it is already overburdened by Superfund sites. He concluded by reminding everyone that tribal nations are sovereign nations.

**Sylvia Orduño** asked if the community identified their needs and if any health testing had been done to determine exposure or health risks. **Dr. Martinez** said that no testing has been done. She added that community members are impacted by working in an urban area and then returning home to a Superfund site. **Ms. Thompson** added that in Flint, Michigan, many undocumented families were told nothing or told to drink the water, highlighting the fact that vulnerable communities are often not given proper information. **Cheryl Johnson** asked if the housing in question is public housing. She asked if Ms. Thompson had examined the lease, adding that she is entitled to a healthy and safe home. She advised filing a complaint with HUD. **Melissa McGee-Collier** added that if the area was a Superfund site, the community needs to get all the records and

learn about what happened during the cleanup. She said that they need to know if the site was cleaned up to residential standards.

**Rita Harris** asked if anyone has done health surveys in the community. **Dr. Martinez** said that health surveys had been conducted. Rita Harris said that the community needs to own the health information collected and compare that information with institutional information. **Sacoby Wilson** asked if the local school of public health is providing help, adding that they could track arsenic exposure in the community through a bio-marker study. He added that having the data would enable the community to seek further cleanup. Cheryl Johnson added that HUD will also have housing cleanup information, including the cleanup plan and the contamination identified. **Kelly Wright** added that the community should push the Indian Health Service to do a health assessment. **Mike Ellerbrock** added that the Little Earth community is part of the South Minneapolis Residential Soil Contamination Superfund site.

### **1.2.12 Michelle Thelen – Guardians of Future Generations (Minneapolis, Minnesota)**

**Michelle Thelen** said that her organization seeks to protect the right of future generations to a healthy planet. She added that it is the responsibility of government to protect shared resources and spaces. Ms. Thelen added that the precautionary principle should be used in the permitting process. Ms. Thelen said that in the face of potential for harm and scientific uncertainty, action needs to be taken to reduce perceived harm. She added that communities should have a right to take away their consent for permitted operations. Ms. Thelen urged the empowerment of early-warning communities to take action or request research. She added that communities should be able to set cleanup goals and government action should be measured against those goals. Ms. Thelen urged a change in EPA's thinking from an either-or approach to an approach that protects the environment. She added that communities need EPA to be a moral force protecting clean air to breathe and clean water to drink. Ms. Thelen said that a river in New Zealand has been protected as a living entity and that the United States should do the same. She urged NEJAC to consider the precautionary principle and how NEJAC recommendations will inform future quality of life.

**Cheryl Johnson** said that she learned about the precautionary principle 15 years ago in Chicago. If something looks and smells like a rat, something needs to be done about it. She added that until they showed the cumulative impact on kids in the community, no one would look at the problems. **Erica Holloman** thanked Ms. Thelen for bringing up the precautionary principle, and urged NEJAC members to think about how the principle could support NEJAC's work.

### **1.2.13 Gail Pearson – Pearson, Randall & Schumacher (Minneapolis, Minnesota)**

**Gail Pearson** is an attorney from Minneapolis. She said that she represents a group of 20 women attorneys who have had it with the solution to pollution being delusion. She added that the group has a wide range of experience with advocacy negotiations and can fight in a courtroom setting. Ms. Pearson stated that there is a need to start from scratch and rethink legal approaches to environmental issues. She urged NEJAC to tap into her group as a resource, that they are creative and can navigate through laws that protect polluters. Ms. Pearson added that she is looking into jurisdiction in tribal lands. She said that her group has been successful with enforcement through municipal laws; if you cannot leave a rusting truck, you cannot leave benzene behind, either. She detailed how they fined polluters per day, per parcel, resulting in thousands of dollars a day in fines from leaving the contamination in place. She added that the group is seeking to transfer the cost of suffering from victims to the polluters. Ms. Pearson added that the money from the fines goes to the

community. Ms. Pearson concluded by saying that her group is a group of creative women looking to form partnerships and find solutions.

**Cheryl Johnson** stated that she does not believe that polluters go to heaven. She added that two people attending the public comment need Ms. Pearson's services. **Ms. Pearson** clarified that she works for the law firm Pearson, Randall & Schumacher. She added that the group of women she represents are from all over the country and are a loose consortium of mothers and lawyers interested in public justice. **Vice-Chair Heaps** said that Ms. Pearson should connect with the Vermont Law Center to help provide mentorship opportunities or local counsel. **Hermila Trevino-Sauceda** cited environmental contamination in Fresno, California, describing water contamination issues facing the area. She also mentioned that there have been several deaths from heat strokes.

**Melissa McGee-Collier** said that she liked the information Ms. Pearson presented. She suggested that Ms. Pearson's group incorporate training in their work to teach community members to advocate for themselves. **Cynthia Rezendes** asked if Ms. Pearson has successfully litigated in environmental courts and if the courts are beneficial. **Ms. Pearson** replied that she has not litigated in environmental courts; industry lobbies for tribunals to resolve disputes since that process seems to favor industry. **Nicky Sheats** commented that environmental law is different from litigating other laws. He cautioned that a lawsuit can stop community organizing. He recommended being a part of the strategy rather than the strategy itself. He added that there is a need to connect communities to attorneys in environmental justice. Ms. Pearson replied that they take the approach that the industry is violating a municipal ordinance. She added that when the issue is on tribal lands, tribal courts have jurisdiction, and money from a settlement goes back to the tribe. **Mike Ellerbrock** asked if getting media involved has been successful. Ms. Pearson replied that media pressure works sometimes. She recommended talking with the defendants and not playing the dispute out in the media.



#### **1.2.14 Mike Ewall – Energy Justice Network (Bucks County, Pennsylvania)**

**Mike Ewall** explained that he was monitoring the trash incinerator conference nearby when he heard about the NEJAC meeting. He described himself as an activist first and a lawyer third. Mr. Ewall explained how the Clean Air Act is interpreted in different ways to allow local governments to deny a permit or not. He added that Minnesota decided that local governments cannot deny a permit. Mr. Ewall ask NEJAC to push EPA to clarify the plain language of the statute. Mr. Ewall said that incinerators test regularly for only a few pollutants and infrequently check for other emissions. He added that there is equipment available that constantly detects the levels of 40 different pollutants. Mr. Ewall said that there are requirements and that people need to be required to follow them. He discussed how incineration is justified by the waste hierarchy. He discussed how drinking water and lead in drinking water is an issue, and how fluoride can make the lead problem worse. He urged NEJAC to advise EPA to make fluoride part of the lead in drinking water discussions. He requested a conflict-of-interest policy for activists. Mr. Ewall advocated for a more nuanced official definition of environmental justice, adding that people do not need equally. He also requested an even more detailed and powerful version of EJSSCREEN.

**Vice-Chair Heaps** thanked Mr. Ewall for providing specifics on the interpretation of the Clean Air Act. She asked for more specifics about the monitoring efforts he referenced. **Mr. Ewall** responded that the monitoring considers three to four pollutants at best. **Erica Holloman** said that she would get in touch with Mr. Ewall. **Deidre Sanders** explained how the Clean Air Act delegates authority to states and sub-jurisdictions, not local authorities, to monitor air quality permitting. She added that the scale and size of the operation in question mattered for permitting. She added that EJSSCREEN and other screening tools are sometimes used incorrectly. Ms. Sanders added that California has a mapping tool that prioritizes the most-impacted communities. She added that a disadvantaged community is not always the same as an environmental justice community. She clarified that if being socially economically disadvantaged is the set, then the environmental impact is the data. She stressed the importance of using the right tool to accurately identify each community. She cautioned leaving out or not prioritizing people who are socially and economically disadvantaged because they do not have environmental priority.

**Mr. Ewall** responded that, according to his reading of California law, local municipalities set their own air quality laws. He said that other mapping services can look at a radius of .1 miles or 200 miles, consider entire industries at a time, and look at systemic impacts. **Sacoby Wilson** added that when mapping vulnerability, having the right indicators is important. He advocated for the use of stronger terms to describe environmental justice issues, environmental genocide and environmental slavery.

#### **1.2.15 Lisa Garcíá – Lakota/Chippewa (Minneapolis, Minnesota)**

**Lisa Garcíá** thanked NEJAC for coming to Minneapolis, First Nations peoples' territory. She described how she raised three children here in the First Nations heritage. Ms. Garcíá outlined her belief in a right to live with a complete and intact ecosystem, even in an urban environment. Ms. Garcíá explained how traditional medicines are important for health and wellbeing, that they shield the user from bad health. She said how not naming them or having them as part of the full ecosystem is ecological genocide. Ms. Garcíá explained how systems that monetize resources clash with traditional ecological knowledge. She cited the oil pipeline at the Standing Rock Reservation in North and South Dakota as ruining the ecosystem for generations. Ms. Garcíá condemned a system that holds white patriarchal knowledge over community knowledge. She shared her experience being diagnosed with breast cancer and added that cancer does not run in her family. Ms. Garcia

said that her people used to live to between 90 and 100 years of age, but that her parents died in their 70s. Ms. Garcia appealed to NEJAC members to consider the theory and application of their recommendations, and how they many perpetuate colonial norms.

**Kelly Wright** described how EPA recognized Tribal Ecological Knowledge (TEK) in November, 2016. He added that TEK will be used in a lot of environmental justice efforts from now on. **Nicky Sheats** wished Ms. García good luck in her fight against cancer.

### 1.2.16 Yudith Nieto – Tejas (Huston, Texas)

Yudith Nieto introduced the community she comes from in the east end of Huston, Texas, which is located near industry refineries. She described the chemical exposure and regularly toxic air. She added that her community is always at risk from chemical exposure as well as explosions of shipping containers. She added that the City of Huston claims that only one chemical released is harmful, and that the other is not disclosed. Ms. Nieto explained that no one has been told to evacuate. She added that on March 16, there was a huge fire, and while no injuries were reported, her community was living under the fallout. Ms. Nieto added that there were no instructions to shelter in place, and they were told that there were no harmful chemicals in the air. She explained that first responders and elected officials did not say anything. Ms. Nieto talked about the many different enforcement agencies coming in and out of the community, including border control police and refinery security. She described intimidation tactics used against the community. Ms. Nieto concluded by thanking NEJAC members for their hard work and for advocating for public comments.

**Deidre Sanders** commented that it was good to see Ms. Nieto again. **Deidre Sanders** shared how an annual environmental justice tour held by an association of African American energy professionals started with a tour that Ms. Nieto gave to Ms. Sanders and the association president in Houston. She added that now the tour has grown to 42 people, African American experts on energy who want to make a difference in the communities they work in.

**Paul Shoemaker** asked why the community members were not able to drink their tap water. **Ms. Nieto** said that her community, the Manchester community, gets its drinking water from Lake Huston. Use of old service pipes as well as chemical runoff and outdated water treatment plants were among the challenges. **Cynthia Rezentes** said that in her community undocumented people in the city face the issue that a water bill needs the address of the house and the name of someone living in the house. As a result, if undocumented people do not have identification, they cannot have water in their homes. She asked if Ms. Nieto had heard of anything like this happening in her community in Texas. Ms. Nieto said that undocumented people in her community face issues with water access. They use other people's identification to get around it. She added that the authorities are allowing use of a matrícula card for identification (identification from the Mexican Consulate).

### 1.2.17 Quenton Pair, Esq. – Private Citizen (Minneapolis, Minnesota)

**Quenton Pair** reminded NEJAC that he attended the public comment period in 2016, and asked NEJAC to consider enforcement of Title VI of the 1964 Civil Rights Act. He added that he believes in the influence of NEJAC across federal agencies. Mr. Pair lamented that federal funding is given to states and that there is no accountability or procedures to account for spending. He added that most mid-level managers at the state and federal level do not understand that Title VI is a federal statute that should be enforced. Mr. Pair recommended framing the discussion of accountability as part of a monetary framework since federal spending is a topic that people are concerned about. He asked how communities can know federal money is being spent responsibly if there is not a requirement to enforce Title VI. He added that enforcement can happen if there is political will. Mr. Pair concluded by asking if the letter to the EPA Administrator had been finished or sent. **Nicky Sheats** said that NEJAC has a draft of the letter draft and would be discussing it further on Thursday.

**Sacoby Wilson** noted that Mr. Pair's comment on funding accountability is key and something that NEJAC has talked about it. He added that the letter NEJAC is drafting addresses funding accountability. Dr. Wilson added that NEJAC plans to work with the Federal Environmental Justice Inter-Agency Working Group on funding accountability as well. **Mr. Pair** suggested that NEJAC

recruit a cross-section of people with sustainable representation. He added that announcements from NEJAC cannot be ignored and that a letter will add to the documentation supporting environmental justice. He concluded by saying that, as a taxpayer, he should be shown how local, state and federal agencies spend taxpayer money.

### **1.2.18 Colleen O'Dell – Private Citizen (Minneapolis, Minneapolis)**

**Collen O'Dell** thanked NEJAC for meeting in Minneapolis. She is a city resident. She had not planned to speak but she was moved by testimony of other people. She lives in a residential area surrounded by old and new industries. An oil train runs through community. She described discovering that her home was part of a Superfund site where trichloroethylene (TCE) had infiltrated the water table under 200 homes in the community. She explained that a General Mills test kitchen had dumped the TCE. At first, General Mills paid for air stripping but stopped paying for it in 2010. Since then, more has been learned about the risks of vapor intrusion. She received a state agency letter in 2015 notifying her of testing for soil vapors in the 200 homes. When the results came back, her house was over the limit. Ms. O'Dell discussed how class-action status was granted and then revoked. She said that 65 percent of the community's housing is renter occupied. Renters include students from the university, some of whom live in basements. She detailed other affected community areas, including a park where free meals are given to the homeless and a refugee school. The Minnesota Pollution Control Agency (MPCA) tested businesses north of the Superfund site and determined that businesses besides General Mills could have contributed to the groundwater contamination. She explained that General Mills has now walked away from the vapor mitigation remedy, saying they are not responsible for continued cleanup. Ms. O'Dell said that the community is left wondering who is going to clean up the contamination and mitigate the vapor. She added that vapor mitigation is not a long-term solution.

**Sacoby Wilson** asked if the school of public health has been engaged. **Ms. O'Dell** said that they helped with testing. Dr. Wilson asked if the media been involved as a partner. Ms. O'Dell said that the media needs to step up and shame people into action. Dr. Wilson agreed that the community could use the media to shame parties into action and suggested getting journalism students involved. He added that pressure needs to be put on MPCA, the Health Department and the permitting agency. **Paul Shoemaker** commended Ms. O'Dell for signing up and sharing her thoughts. He talked about possible places where Ms. O'Dell could push for action. He suggested that the office in Minnesota Department of Health that deals with environmental issues could be a good resource.

**Vice-Chair Heaps** said to keep fighting and pressure the state agency. She said that it is not your problem. It is their problem. Get them to finish the cleanup. **Sylvia Orduño** added that it is so important for community members to come out and speak up. Ms. Orduño asked if anyone had tested the communities' drinking water or if they had reached out to the EPA Region 5 office. She suggested that Region 5 could send an environmental justice coordinator to the community. **Ms. O'Dell** said that the community was told that the drinking water is not a problem, and she was only aware of testing for TCE. Ms. Orduño advised that the community emphasize that there are unaddressed environmental impacts. **Sacoby Wilson** advised the community to push for a bio-marker study, and to check for TCE in hair samples, blood samples and urine. He suggested contacting MPCA and the Minnesota Health Department. He added that General Mills should pay for the testing and that, in general, the polluter needs to pay.

### **1.2.19 Michael Chaney, Project Sweetie Pie (Minneapolis, Minneapolis)**

North Minneapolis is going green, give us a call and learn what we mean  
Where once lay urban blight, now sits luscious urban sights  
Gardens without borders, classrooms without walls  
Architects of our own destiny, access to food, justice for all

**Michael Chaney** recited the poem above and introduced himself as a local activist. He advocates for educational reform to change prevailing paradigms. He discussed his organization's work teaching horticulture, culinary arts and food science as a pathway to a different future. Ms. Chaney discussed how his organization has grown from five gardens and 50 partners to 20 gardens and over 100 partners. He advocated for the development of a model at the national level to change the paradigm from a consumer mentality to a producer mentality. He advocated for legislation to create sustainable urban land projects so that people 100 years from now can grow their own food. He urged NEJAC to work with other agencies and concluded by saying that children are the future.

**Mike Ellerbrock** said that Mr. Chaney's poem was awesome. **Sylvia Orduño** asked about how Mr. Chaney would use the green zone model to address his concerns. Mr. Chaney said that he would like to see more integration of urban farming into the green zones, to encourage grassroots learning about sustainability and food sovereignty.

### **1.3 Closing Remarks and Adjournment**

**Matthew Tejada** officially closed the public comment period and adjourned the meeting for the day.

## 2 Welcome, Day One Recap and Opening Remarks

On Wednesday, April 25, 2017, **Matthew Tejada** summarized the public comment period and called roll call. Mr. Tejada noted the presence of a quorum and turned the meeting over to NEJAC Chair Richard Moore and NEJAC Vice-Chairs Jill Witkowski Heaps and Javier Francisco Torres.

**Chair Moore** added comments about meeting with the youth working group, reporting the sense of urgency and the importance of these issues to the communities. Mr. Moore welcomed Minneapolis Mayor Betsy Hodges.

### 2.1 Welcome and Opening Remarks

**Mayor Betsy Hodges** welcomed NEJAC to Minneapolis. Mayor Hodges said that it is crucial for cities to think about themselves and their communities, to consider who they are as a community. She added that the environment, environmental justice and addressing equity gaps are focal points of her policies. She said that it is not for just the most affected to lead the change. Others in the community need to step up.

Mayor Hodges reflected on her meeting with Pope Francis, when the Pope invited 59 mayors from around the world to a summit on climate change and human trafficking. She noted that Pope Francis understands that climate change weather events hit vulnerable populations the hardest, contribute to migration, and makes these communities vulnerable to human trafficking. She reflected on how the decisions made in Minneapolis – addressing recycling, air pollution and other topics – affect other communities all around the world.

Mayor Hodges noted that decisions are made every day about who is valuable and who will bear the brunt of environmental burdens. She talked about the City of Minneapolis' efforts to be sustainable and equitable. Mayor Hodges discussed the city's Green Zone Initiative, putting positive green investments in places where they are most needed. Moving forward, she noted, Minneapolis is a partner with NEJAC.

**Chair Moore** asked Mayor Hodges about her comments on sanctuary cities during an earlier television interview and if she would link sanctuary city issues with environmental justice issues. Mayor Hodges reiterated her commitment to protecting vulnerable populations. She added that environmental justice and sanctuary cities are the same headwaters, different streams.

### 2.2 Dialogue with U. S. Environmental Protection Agency Leadership

#### 2.2.1 Lawrence Starfield – Acting Assistant Administrator, EPA Office of Enforcement and Compliance Assurance

**Lawrence Starfield** thanked NEJAC members for their service. Mr. Starfield spoke about his background working at EPA Headquarters, and then on the ground in Dallas in EPA Region 6. He told a story about visiting a mobile home park where people were concerned about water quality, and meeting a woman with a baby covered in a full-body rash. He said that speaking to a mother holding a child affected by contamination changes your perspective and wished everyone could take an environmental justice tour. Mr. Starfield added that he does not have answers about the future of environmental justice at EPA. He said that the NEJAC meeting was a powerful statement that environmental justice continues to be important to EPA. Mr. Starfield noted Administrator Pruitt's visit to East Chicago, where he listened to community concerns. He said that Administrator

Pruitt wants to protect vulnerable communities and help them to thrive, and partner more closely with states. Mr. Starfield said that the secret to success is partnering with local organizations and communities as well as state and tribal partners. He urged everyone present to learn what has worked for our partners and to share that learning. Mr. Starfield added that he would like to hear from people impacted by these issues about how to address those issues as a group. He added he was listening for recommendations from NEJAC. Mr. Starfield added that nothing is more important than tackling the problems in the most-affected communities. He thanked NEJAC members for their participation and dedication.



## 2.2.2 Alan Walts – Director, Office of Enforcement and Compliance Assurance, EPA Region 5

**Alan Walts** shared his profound thanks with NEJAC. Mr. Walts talked about his background as a staff attorney, managing environmental justice team staff at EPA Region 5’s environmental justice program. He added that he has learned from NEJAC’s advice. Mr. Walts said that much work remains to be done in EPA Region 5 for all people in all communities. He added that environmental justice work requires partners to achieve change. He suggested highlighting and examining subsets of partnerships of co-regulators, states, cities and tribes. Mr. Walts said that he has learned about the power of working with local governments from Minneapolis’ community engagement initiatives as part of efforts to tackle lead and air pollution. Mr. Walts talked about how EPA Region 5 is addressing environmental justice issues through collaboration as well as brownfields grants to promote growth and equity. Mr. Walts said that meaningful public participation from communities and fair treatment are not the only ways to talk about justice. Mr. Walts called for a redoubling of vigilance and a realigning of resources.

**Vice-Chair Heaps** set ground rules, asking NEJAC members to allow three minutes for each member to speak.

**Sacoby Wilson** listed community concerns from the public comment period the night before, including local incinerator monitoring and the South Minneapolis Residential Soil Contamination Superfund site. Dr. Wilson questioned the efficacy of the cleanup and cautioned that children are being impacted. **Mr. Walts** said that he was present the night before and heard the concerns, and plans to follow up to understand what has been done and what needs to be done.

**Nicky Sheats** expressed concern about EPA’s budget for environmental justice. He asked Mr. Walts and Mr. Starfield about how the budget for EPA’s Office of Environmental Justice will affect environmental justice work. He added that environmental justice people try to work with the states, but that states sometimes do not do the right thing. Mr. Sheats concluded that if a state is not protecting the interests of the people, EPA must step up. **Mr. Starfield** described the complex budget process that goes through Congress and includes testimony from a wide range of people. He added the final budget is always different than the presidential budget request. Mr. Starfield said that there is no final budget yet, and hopes the program will continue. He added that he wished he knew more. As to the question about the states, Mr. Starfield proposed that the best practice is sharing with the states rather than bullying them. He added that leader states should be supported and promoted so other states will see their results and want to emulate them. Mr. Starfield explained that EPA will step into an oversight role if a state is not doing what it needs to be doing. **Mr. Walts** added that they are looking for states to be leaders. He added that 41 states, led by Minnesota, formally agreed that equity is a top priority.

**Sylvia Orduño** expressed her concern about how partnerships in Michigan have struggled. She added that with the three-year anniversary of Flint approaching, communities are not sure if EPA is there for them. She asked if the speakers could speak to the potential for partnership. **Mr. Walts** said that EPA must work with communities and connect that community work with EPA’s fundamental efforts.

**Melissa McGee-Collier** suggested a contract requirement for funding with states that obligates states to do environmental justice work, and not just public participation. **Mr. Starfield** said that the topic was something EPA needed to discuss with the states, that states are resistant to mandates. He added that EPA has been looking for ways to help the states. Mr. Starfield is committed to strengthening environmental justice at the state level. **Mr. Walts** added that when

EPA talks to the states, they have environmental justice on the agenda and support state-level environmental justice.

**Rosalyn LaPier** expressed her disappointment that Administrator Pruitt was not present, in person or by phone. She asked the speakers if they could provide NEJAC with words from the Administrator expressing his commitment to environmental justice. **Mr. Starfield** said that he was not able to directly address Member LaPier's question. He noted that Administrator Pruitt has had a busy schedule and has not yet been briefed on environmental justice. He added that he and Mr. Walts were glad to attend the NEJAC meeting and hear concerns. Mr. Starfield added that Administrator Pruitt is committed to working with partners to solve problems in the Region.

**Erica Holloman** pointed out that environmental justice issues often involve other agencies and stressed the importance of the Environmental Justice Inter-Agency Working Group in tackling these issues. She asked the speakers about how to ensure that the working group is funded and able to do its job. **Mr. Starfield** agreed that working with other federal agencies is important. He cited an instance in EPA Region 5 where public housing was located on the edge of a chemical plant. Working with HUD, the public housing was moved. Mr. Starfield said that Administrator Pruitt likes working with other agencies. **Mr. Walts** added that EPA does maintain clear coordination with partners, based on being a good government service. He concluded that EPA Headquarters will continue to talk to the 10 EPA Regions and keep the Regions connected. Mr. Starfield added that NEJAC could recommend programs or partnerships to the Administrator, such as the Environmental Justice Inter-Agency Working Group, that are valuable and should be preserved.

**Chair Moore** thanked Mr. Starfield and Mr. Walts for their participation and for being at the public comment the night before. Mr. Moore reiterated the historic role that NEJAC has played in moving forward environmental justice. He added that NEJAC's diversity has been crucial for representing a range of experiences. He recounted NEJAC successes, including the CARE program, the Brownfields conference, the Youth Work Group and environmental justice small grants.

## **2.3 Community Voices Panel**

**Vice-Chair Heaps** set ground rules for the panel, asking each presenter to speak for no more than 20 minutes. She instructed NEJAC members to limit themselves to one question apiece after each speaker. The Community Voices panel focused on the environmental justice concerns of communities in Minneapolis and surrounding areas.

### **2.3.1 Ticiea Fletcher – Minneapolis Parents for Lead Safe Kids**

**Ticiea Fletcher** recounted how both of her children were poisoned by lead in an apartment they rented in Minneapolis. She spoke of her son's disability symptoms and the lead poisoning of other children in the area. Ms. Fletcher shared how when she started her organization two years ago, there was no support for families available. She explained how her organization engages with families about lead, doing lead poisoning testing events in different communities.

Ms. Fletcher explained that lead disclosure requirements need to be changed. She provided NEJAC members with the current disclosure form and her recommendations on the other side. Ms. Fletcher noted that the year on the form needs to be updated. She said that landlords currently have too many options on the lease form, and that they pick "lessor has no knowledge of lead-based paint." She asked NEJAC which document they would rather receive, one with "unknown" checked off or one where there has been lead testing and all documents have been received. Ms. Fletcher

requested that landlords be educated on how to do the right thing. She concluded that money cannot change her son's condition, but addressing the outdated disclosure form can help other children.

### 2.3.2 Representative Karen Clark – Minnesota House of Representatives District 62A

**Representative Karen Clark** thanked Ms. Fletcher as her constituent and a person she is working very closely with. Rep. Clark mentioned that she has tried for three years to get a hearing on a lead bill and that they are working on another piece of legislation called the Cumulative Impact Health Law. Clark discussed her background growing up in rural Minnesota, becoming a public health nurse and working in farm fields and inner-city.

She relayed her experience in west side St. Paul, when there was no mandate for health screening, squeezing urine from diapers to get samples. She spoke about working in the legislature to bring the lead level down. Representative Clark added that 100%-mandated lead abatement would not be successful, that it would lead to an underground housing market. She advocated for lead-safe housing, getting support from pro-family landlords at first, but now faces complete opposition from landlords for any mandate.

Representative Clark talked about her work combating childhood poisoning. Her team developed a neighborhood map showing arsenic locations and how the arsenic was more concentrated in areas where more minorities lived. After that, the neighborhood was declared a residential arsenic Superfund site. She charted emergency asthma incidents, using maps to show what environmental injustice looks like. She talked about how community members would use these maps of health disparities to convince legislators of the need for the cumulative impact assessment law. Representative Clark shared how the law would make it so one could not issue a permit to any industry without understanding past and present effect of contaminants on nearby communities.

**Paul Shoemaker** thanked both speakers. He clarified that lead-based paints were used in homes as late as 1978. He added that some lead abatements wear off, an issue rarely discussed in homeowner and renter education efforts. He asked about the level of lead needed to trigger a home intervention. **Ms. Fletcher** said that the level is now 5 milliliters, down from 10 milliliters. She talked about how she did not know what was wrong with her son at first – he had tantrums and could not speak. She added that the changes are gradual. Last summer, he had no diagnosis but now he has been diagnosed with autism. She added that there are programs to help landlords replace windows and that it is an investment for them.

**Sylvia Orduño** said that she will be looking closely at the proposed legislation and wondered if there were any health follow ups for children. Ms. Orduño talked about making information about lead abatement searchable. She added that it is criminal to knowingly put people into unabated homes. **Representative Clark** said that it is essential to fund the agencies that are required to do the work being discussed. She added that having a way of knowing which homes have been tested for lead is something that should be looked at. **Ms. Fletcher** explained that landlords currently self-report if their homes have been abated. She added that she does not understand why Minneapolis built a stadium when there is a growing homeless population. She concluded by saying that if her organization stopped its work today, there would be no assistance for families impacted by lead poisoning.

### 2.3.3 Hli Xyooj – Hmong Farmers

**Hli Xyooj** shared her background working for 10 years as an attorney for Hmong farmers. Ms. Xyooj shared the context of the Hmong community in Minnesota and other states, describing the mass migration of the Hmong people from Laos after the Vietnam War. She described how the Hmong people assisted the United States during the Vietnam War and were persecuted when the United States left. Ms. Xyooj added that the Twin Cities area is the largest urban center for Hmong in the United States.

Ms. Xyooj explained that farming is integral to the Hmong way of life. When you go to farmers' markets in the area, 60 percent of the farmers are of Hmong decent. She added that Hmong farmers are on the front lines of environmental injustice, experiencing the effects of climate change, toxic farming conditions and restricted access to land. Ms. Xyooj explained that accessing land fit for farming is difficult unless a person inherits the land. She added that Hmong farmers are often left with marginalized lands that flood or are located near residential redevelopment. Ms. Xyooj noted that many Hmong farmers are women running independent businesses.

Ms. Xyooj explained the negative impact of larger farms on smaller farms from chemical spraying practices. When the larger farms spray pesticides on their crops, the smaller Hmong farms are covered in spray as well. She added that Hmong farmers exposed to pesticides do not know what to do and often continue to farm, breathing in the spray and being exposed to the pesticides in the soil and water.

Ms. Xyooj explained how the Hmong farming community is vulnerable to climate change. With warmer winters and less moisture in the ground, Hmong farmers who depend on nature to provide rain are suffering. She added that a single storm can destroy a whole family's income for a year. Ms. Xyooj cited a storm in 2008 south of St. Paul that wiped out entire farming operations at a peak growing time of year, leaving farmers with nothing to sell. She noted that, every year, winters are shorter and when it rains, it rains a lot, leading to landslides. Ms. Xyooj explained that risk management programs for farmers are not written for small farmers with 1 to 2 acres of land. They are written for large farming operations.

Ms. Xyooj said that her clients' lives are changing and that they are losing their livelihoods. She added that her comments are the first time a member of the Hmong community has spoken officially to EPA. She explained that EPA needs to understand what is happening to the Hmong workers to create inform strategies to protect their health and livelihoods. Ms. Xyooj added that the whole community needs federal, state and local programs that protect our natural resources, so we are not dependent on food from thousands of miles away.

**Sacoby Wilson** added that the Hmong are not a population he knows much about yet, but he knows that Hmong fish in the Anacostia River in Washington, D.C. He added that he would like to involve the local school of health in assessing the risks facing the Hmong community. Dr. Wilson explained that the public health school can collect bio-tracker data and disseminate information about protective gear. He added that academics can provide communities with support, and schools and other health agencies need to step up as well.

**Hermila Trevino-Sauceda** suggested connecting to the National Hmong Farmers and Rural Coalition and other similar organizations.

#### **2.3.4 Lea Foushee – Minnesota's Indigenous Peoples, EJ Northamerican**

**Lea Foushee** shared how the Dakota people are connected to the land of “Mni Sota Makoce,” the place where the water reflects the sky. She added that the area has over 21,000 lakes, is where the mighty Mississippi begins, and includes Lake Superior. She added that water is the life blood of Minnesota’s indigenous peoples and that speaking about the water as an indigenous woman is an honor. She noted that she has no claim to represent the indigenous peoples of Minnesota.

Ms. Foushee described the wild rice lakes and their connection to the indigenous peoples of Minnesota. She described the method used to count the rice plants, how counting plant stems only documents wild rice available at specific times. Ms. Foushee noted that, after 500 years of warring, genocide and trauma, indigenous peoples still stand. She added that genocide of traditional practices has not stopped; the efforts have morphed. Ms. Foushee explained that indigenous people have disproportionate health risks linked to environmental pollution. She cited the blood memory of genocide, the history of children taken from their communities, the health effects of fast food and gas station food and soda machines. She added that these practices are no accident. Ms. Foushee pointed out that the government-subsidized foods are unhealthy. She explained that indigenous people in Minnesota die from diabetes five times more often than whites. Ms. Foushee noted that indigenous people require access to the land to live their cultural ways, and this need for land access goes against the interests of industry and government. She added that indigenous people suffer from continued marginalization and cultural appropriation, that even the casino-rich tribes struggle.

Ms. Foushee explained that indigenous people are fighting back by pushing for food sovereignty and focusing on access to healthy food. Ms. Foushee cited David Emmanuel’s initiative Seeds of Native Health, an indigenous environmental network that promotes traditional food practices and health. She added that fish are vanishing in areas where they were plentiful. She talked about ongoing struggles with coal-burning power plants emitting mercury and that mercury is a global problem. Ms. Foushee explained how methyl mercury damages the brain and central nervous center. She added that the methyl mercury builds up in fish tissue and all fish consumption meals must be counted and only two meals a month are safe.

Ms. Foushee explained that more information about impaired waters is needed and more money is needed to test lakes and test fish in the lakes. She added that fertilizers have degraded the water quality of the Red River of the North, where the water is not fishable or swimmable. She described other rivers that run lime green from phosphorous or green algae and sometimes blue algae. Ms. Foushee described the metric that MPCA uses to determine if the water is safe – lethal dose 50, or LD50, where if under half of the exposed specimens die, then the water is safe. She questioned how 49 percent survival can be unsafe, but 50 percent is safe.

Ms. Foushee addressed threats to wild rice fields, including the construction of another pipeline. She added that many kinds of mining take place near wild rice areas. She expressed a need for lake-by-lake monitoring of the wild rice, and questioned how MPCA could hire a technician with the proposed cuts to its budget. Ms. Foushee condemned the genetic modification of wild rice to withstand sulfide water, saying that the result of genetic modification would not be wild rice. She added that introducing the genetically-modified rice into the wild rice field will forever destroy the wild rice fields. She quoted a community member who said that any attack on wild rice is equal to a declaration of war against indigenous peoples.

Ms. Foushee shared her concern that Minneapolis does not have an alternate water supply. She added that the most vulnerable city residents will suffer if there is a water problem. She explained that the State of Minnesota has no process in place to reject a permit and insisted that the State and

community need a way to say no to issuing permits. She added that the right of indigenous peoples to reject a permit is not being enforced.

Ms. Foushee noted that indigenous science is often ignored and that western scientists need to acknowledge native scientists and the validity of native science. She noted that she had success with creating a brochure campaign to get the word out about water quality issues facing the community. She added that the University of Minnesota partnered with the Fond Du Lac Tribe to replant wild fruits and berries. Ms. Foushee said that communities need to confront abusive use of privilege.

**Cynthia Rezendes** said that some people want to ignore traditional values and beliefs. She talked about the fight to resist the genetic modification of wild rice or taro to make it stronger against environmental impacts. She added that, in her culture, all resources are part of the public trust. She said that the Native Hawaiian diet has changed to be more western, and that there is a push to promote a native diet over a western diet. Ms. Rezendes offered to put Ms. Foushee in contact with the people who fought the genetic modification of wild rice in Hawaii. She added that Ms. Foushee could consider Hawaii's approach, where they are growing genetically modified taro, but it is not to be disseminated to the public to prevent cross-contamination with non-genetically modified taro.

**Ms. Foushee** added that the fight described by Ms. Rezendes is intertwined with many environmental issues facing Minnesota's indigenous peoples.

### **2.3.5 Roxxanne O'Brien – North Minneapolis Resident**

**Roxxanne O'Brien** shared her background and talked about parts of Minneapolis separated by race and economic status. She recalled asking her mother why it smelled like poison in her neighborhood. Ms. O'Brien shared her health struggles with ear infections that affected her hearing and the inability to succeed in school. She shared how her community suffers from inequity, resulting in high foreclosure rates and underfunded schools. Ms. O'Brien said that most of the police officers in the community come from Wisconsin and do not represent the community. Ms. O'Brien shared how she was trained by a cousin to be a community speaker and learned about sustainable processes for engaging active cities. She worked to build relationships with local politicians and neighborhood organizations.

Ms. O'Brien worked with Northside Community Reinvestment to help prevent foreclosures in her neighborhood. She spoke of arguing with white people who did not understand why the community did not want to be rebranded and redeveloped, not understanding that the existing community would be pushed out.

Ms. O'Brien spoke of finding out through community connections that a toxic metal shredding plant in the community was applying for a new permit and wanted to increase their pollutant emissions by 1,000 percent. She added that while she was working on foreclosure and racism, she was appalled and got involved by making as much noise about the new permit as she could. She said that the City Council President told her not to make the new permit a race issue, that if she did the cause would lose. Ms. O'Brien added that they won the fight and the shredder is no longer allowed to shred at its facility. She reflected that she did not think they would get as big a reaction as they did, saying that they started out just wanting some extra pollution monitors. Ms. O'Brien explained that the extra monitors caught the emission violations and had a big effect on the outcome of the permitting process.

Ms. O'Brien cited corruption as a way that communities are circumvented. She said that she thought that the MPCA community outreach person made it seem like the MPCA did the community a favor

when the community had to fight to have the metal shredder permit turned down. She added that Minneapolis and Minnesota are full of politicians that like to take credit for what communities do and condescend to communities. She recommended that government organizations look to organizations from the community rather than outside the community to represent local concerns.

Ms. O'Brian described a meeting where Congressman Keith Ellison told community members that they could limit the amount of trash they produce to reduce the amount of trash being burned in the incinerators. She noted that 50 percent of the waste burned at the incinerators comes from other cities.

**Erica Holloman** commented that the discussion highlighted the importance of permitting and using the permitting process as an opportunity for community voices to be heard. She shared her experience working with other community organizations to determine when permit reviews for community polluters were coming up and organizing around those review processes. She added that her community got a permit pulled by showing the polluter was out of compliance through the public comment process. She stressed the importance of using the public comment period during the permitting process. Dr. Holloman advised Ms. O'Brian to think about the questions the community is being asked to make sure she is getting the best information.

### **2.3.6 Ernesto Velez – Centro Campesino and Pesticide Action Network**

Ernesto Velez thanked NEJAC for allowing him to speak to them over the phone. He shared his background working as a migrant worker organizer and now as the director of the Pesticide Action Network. He discussed his health and safety approach to pesticide awareness, helping workers understand how pesticides can affect their families. He shared how, in 2009, he was part of a delegation that testified to EPA about protection standards. Mr. Velez reflected on the need to prepare rural migrant communities with skills and knowledge to be sustainable. He advocated approaching environmental justice from the angle that without healing and protection of the land, people will not be able to live healthy lives. He added that we need to take care of people who are tending the land and providing food. He added that he would like farmworkers and activists to be a part of the larger environmental justice process. He added that environmental justice issues are complex and thanked NEJAC for its commitment to the issues.

**Melissa McGee-Collier** asked Representative Clark if the proposed cumulative health impacts bill was referred to the Health and Human Services Committee. **Representative Clark** said that the speaker sent the bill there and that it is stalled. She is pushing to have the Finance Committee review it. Ms. McGee-Collier added that to get things done in Mississippi, they have brought bills before the State Black Caucus. She asked if Minnesota has anything similar. Representative Clark said that there is the People of Color and Indigenous Caucus. Ms. McGee-Collier asked Ms. Foushee about the zoning of wild rice farms. Ms. Foushee said that she did not know about their zoning – the lands are natural lands and not farm lands. She added that the Department of Natural Resources put a huge tract of land with wild rice fields up for sale and mining companies are expected to bid on the land. Ms. McGee-Collier said that the MPCA does have a right to say “no” to permits.

**Vice-Chair Heaps** said that the MPCA needs to learn to say “no.” She added that this was a problem in many states, where the protection agency thinks that its clients are industry. She explained how state protection agencies approach permits from the standpoint of “how do we make this permit happen,” when they need a shift to a more balanced approach. Vice-Chair Heaps added that they need to ask if each permit is appropriate and consider cumulative impacts. She added that a major shift is needed in environmental protection to protect not the right to pollute but the right to clean

air and land. **Representative Clark** added that the bill makes it so that the permitting agency may not issue a permit without analyzing cumulative impacts.

**Fatemeh Shefie** noted that pesticides came up in the public comment period and in Mr. Velez's presentation, noting that they keep coming up. She added that the pesticides poison workers in the plants where they are produced, poison workers in the fields where they are used and poison workers' families when they get home. Dr. Shefie added that some people use pesticide-contaminated agricultural irrigation ditches for washing plates and washing their babies. She noted that pesticide poisoning is not as noticeable as an explosion, but people are still dying. Dr. Shefie noted that when pesticide is banned, it can still be produced for export. Other times, she noted, farmers switch from one pesticide to another that will be less harmful for bees but more harmful for farmworkers. She recommended better worker protections and that all parties should work toward safer alternatives and use natural insect predators to combat insects.

**Deidre Sanders** returned to the permitting process, explaining that industry will only apply for a permit if a company believes they can meet permit requirements. She added that a lot of time and expense goes into applying for a permit. Ms. Sanders added that being involved in the permitting process is important, but changing permitting criteria requires getting into how the regulations and requirements are set. She noted that those criteria influence that construction of the permit. **Ms. O'Brian** noted that the metals shredder asked for a 1,000 percent increase in their permitted emissions. She added that they lied about the emissions of their stacks and were allowed to test themselves or know when they would be tested. Ms. O'Brian said she thought that the testing should be done by a member of the community. She also requested that environmental impact studies become part of the permitting process. Ms. Sanders asked Ms. O'Brian if she knew if increased production was a requested variance to the permit and, if so, they needed a justification for that increase. She urged Ms. O'Brian to find out which agency is responsible for different roles in the permitting process.

**Chair Moore** noted that the presentations and interaction between the panel and NEJAC members have been great. He added that the issues discussed are complex.

**Nicky Sheats** added that his organization is suing New Jersey over a permit now, to compel them to use their authority to deny a permit based on cumulative impacts. He noted that getting states to do their job is difficult because they think they do not have the authority and worry about being sued.

**Sacoby Wilson** said that he appreciated the stories shared by the panel. He expressed his frustration and anger with legalized poisoning, legalized environmental slavery and legalized environmental genocide. He urged use of environmental impact studies during the permitting process. Dr. Wilson added that fence-line monitoring does not matter, community members want to know about contaminant levels at their homes. He added that the standards for particulate matter are not useful to communities in many ways. He urged community ground-truthing, site-specific monitoring of many pollutants and the use of baseline data to determine exposure. Dr. Wilson added that money from fines or settlements need to go back into the community for health monitoring and improvements. He added that the green zones discussed for Minneapolis need to push out the polluters and make cultural preservation of the neighborhoods a priority.

**Sylvia Orduño** spoke of the challenges and opportunities of tying traditional diets and practices into urban environments. She added that by 2050, 66 percent of people in the world will live in cities. She mentioned that there is a growing interest in local organic foods in city settings, creating urban farms from practices from agrarian cultures.



**Chair Moore** acknowledged the 50+ people participating via conference call and thanked Kim Lambert from the U.S. Fish and Wildlife Service for her environmental justice leadership. **Kim Lambert** responded, asking people to let her know if there is anything she can do to help on behalf of the U.S. Fish and Wildlife Service.

## **2.4 State Environmental Justice Panel**

**Vice-Chair Heaps** opened the panel by stating that state-level environmental justice is important. The panel focused on the proactive efforts of states to advance environmental justice.

#### **2.4.1 Charles Lee – Senior Policy Advisor for Environmental Justice**

**Charles Lee** emphasized the importance of state-level environmental justice, noting that environmental justice communities have emphasized from the beginning of the movement the importance of the states. In 2010, the Government Accountability Office's major recommendation for EPA's Office of Environmental Justice was working better with the states. Mr. Lee added that the states are the next important frontier for advancing environmental justice. He noted that Administrator Pruitt has indicated that working with states and cooperative federalism are priorities. He added that many states are being proactive already. Mr. Lee explained how this panel was an opportunity for states to learn from the efforts of one another.

#### **2.4.2 Ed Ehlinger – Commissioner, Minnesota Department of Health**

**Ed Ehlinger** said that equity must be the framework for health and environmental justice. He explained the difference between equality and equity. He shared one study that found that communities three miles apart had a seven-year difference in life expectancy and that low-income people and people of color were dying sooner.

Mr. Ehlinger explained how state agencies need to change how they work to not just provide services but change things for the better. He added that while living conditions greatly impact health, little is known about how to change living conditions to improve health. He urged other state agencies to organize the public will, organize the resources, and organize people to guide and inform decision makers. Mr. Ehlinger explained the Triple Aim of Health Equity – expanding understanding of health, implementing health in all policies and strengthening community capacity.

Mr. Ehlinger advocated for the expansion of the understanding of what creates health to include social and economic factors. He added that it is not about making the healthy choice an easy choice, it is about making it a possible choice. He explained that institutionalized racism contributes to these issues. He added that access to transportation and minimum wage are linked with health issues. Mr. Ehlinger added that health systems work best when they treat people in the context of their communities.

Mr. Ehlinger said that to change living conditions, macro policies need to change. He added that the World Health Organization should consider climate change in their health assessments. Mr. Ehlinger asked what would it look like if equity was the starting point for health decision-making.

#### **2.4.3 Alexandra (Alex) Dunn – Executive Director and General Counsel, Environmental Council of the States**

**Alexandra Dunn** said that she represents an organization of state environmental administrators. She explained how every state government structures their environmental services differently. In a few states, services are combined with a public health department or a department of natural resources. She added that the organization, the Environmental Council of the States (ECOS), is promoting continued dialogue on environmental justice.

Ms. Dunn described her background with environmental justice, explaining how she graduated from law school in 1994 around the time that the executive order for environmental justice was signed, and was employed by United States Chemical Manufacturing. She was given the issue of environmental justice and worked representing industry on the early NEJAC. She added that she

loves teaching the next generation of environmental justice professionals to look holistically at the decisions they are trying to make and see how the outcomes can work best for all.

Ms. Dunn explained that the states' treatment of environmental justice is like a classroom of children. Some states are A students and always raise their hands with the right answers while other states are C students, holding back and not engaging. She added that a good teacher can bring something out of those C students. Ms. Dunn added that many states are operating in a culture that does not make equity their top priority – economic growth or other factors may be the main driver for the state. She urged officials to meet states where they are and help them achieve where they are. She added that states are complex and do not all have an office of environmental justice.

Ms. Dunn urged state officials to consider how they deploy their resources and direct them to urban or rural area without infrastructure or environmental hotspots. She described how ECOS held webinars featuring six different states and how they deal with the permitting process. She told the story of how her neighborhood was not happy about a planned shopping plaza near their homes. However, the time had passed to make a complaint. Ms. Dunn added that there is a process for everything and sometimes timing does not put you into the process. Instead, she explained how the neighborhood developed relationship with the plaza owners so their concerns were heard and addressed.

Ms. Dunn shared her experience working with university students to document environmental justice programs in all 50 states. She added that the students wanted to dive in and were determined to find policies for all 50 states. She explained that most companies have a corporate policy about engaging communities, and suggested working collaboratively with businesses to change their behavior.

Ms. Dunn suggested developing a community of practice between different state environmental justice agents. She added that these agents often feel like an island since they do not have a lot of colleagues. Ms. Dunn suggested periodic conference calls to share ideas and show them they are not alone. She suggested traveling to conferences when possible to get exposure to other ideas.

#### **2.4.4 John Linc Stine – Commissioner, Minnesota Pollution Control Agency (MPCA)**

**John Stine** welcomed NEJAC members to Minnesota. He said that he grew up in the St. Paul suburbs and recognizes that the community he grew up in is not the only community he represents. He added that MPCA is working to address environmental justice better in all sectors. He explained that MPCA had not taken much action on environmental justice until 2012, when the governor identified a need to reduce inequity across the state. Since then, MPCA has added a commitment to environmental justice to the agency's strategic plan. Ms. Stine described the work of MPCA's environmental justice steering team, which is aimed at making environmental justice the responsibility of managers as well as staff. He added that everyone can participate in decisions being made about health and that participation should result in equal levels of environmental protection, quality and services for all. Mr. Stine added that MPCA aims to focus more on the most at-risk Minnesotans. He noted that these statements are goals and visions, and not yet fully realized, and said that he was deeply concerned about these issues.

Mr. Stine explained that MPCA is seeking to identify areas where minorities are experiencing more harm and to increase work in those areas. He discussed the formation of MPCA's Environmental Justice Advisory Group, made up of 16 people who meet monthly. Mr. Stine stressed the importance of civic engagement and outreach. He added that more work needs to be done to make the

permitting process more accessible to communities. He spoke of learning about the need for translation services and holding meetings after work. Mr. Stine noted that there are a host of ways to understand these concerns, including Census data and mapping tools. He added that MPCA is seeking to improve regulatory outcomes, working with industry to keep pollution well under the limit. He stressed the importance of connecting communities with partners to get things done.

Mr. Stine added that he is the President of ECOS, which is committed to advancing equity. He noted that during the political transition ahead, many people are concerned about the commitment of states to enforcing the current law. He added that the states of ECOS are going forward, not backward. He concluded by saying that leaders in state governments need to defend environmental justice.

#### **2.4.5 Myra Reece – Director of Environmental Affairs, South Carolina Department of Health and Environmental Control (SC DHEC)**

**Myra Reece** said that if there ever was an important time to elevate environmental justice, that time is now. She added that there has been a lot of progress in environmental justice. Ms. Reece described herself as always being passionate about environmental justice and wanted her 1,000+ staff to be passionate too. She added that the decisions her department makes each day affect communities across South Carolina. Ms. Reece explained that it is important to build a culture of environmental justice in an agency since every staff member makes crucial decisions.

Ms. Reece reflected on her 20 years on the front lines learning from communities and her year of experience as director of SC DHEC, seeking to bring environmental justice to all environmental affairs departments in South Carolina. She added that EPA staff have helped her design strategies for South Carolina and added to her passion for environmental justice. She emphasized the importance of public outreach and truly involving each community.

Ms. Reece talked about asking her team if what happened in Flint, Michigan, could happen in South Carolina. She noted that while 96 percent of their public water systems did not have any lead exceedances, she wanted to know about the 4 percent that did. Ms. Reece added that those systems are in rural counties with small water systems that provide water to lower income and minority communities. In response, Ms. Reece reported that the Rural Water Office was established. The Office reports to the chief of the state's water program. She urged officials to figure out how to address problems, and not walk away.

Ms. Reece asked how officials can help communities learn more about the quality of their water supplies. She spoke about the challenges of maintaining an agency culture of true public engagement. She shared how her department started an internal taskforce to determine how to better engage the public. They determined that they needed to listen more, and sent staff into communities for listening sessions. She added that their strategies for public engagement were then developed based on those community responses.

Ms. Reece shared the story of State Representative Harold Mitchell and the ReGenesis project in Spartanburg, South Carolina. She spoke of how Representative Mitchell experienced environmental injustice as a community member, where his neighborhood was surrounded and impacted by industry and abandoned Superfund sites. She added that the community leveraged a small EPA grant into millions of dollars for community improvements. As Representative Mitchell said, the community went from a community barely surviving - to a community thriving.

Ms. Reece recommended the use of environmental excellence programs to recognize businesses committed to environmental justice. She added that, in response to the Clean Power Plan, her department set up an energy coalition that included environmental justice representatives. She suggested establishing regional environmental justice hubs. She added that success is all about sustaining efforts. She added that despite questions about the staying power of the Clean Power Plan, she still has commitment from the utilities to bring renewable energy to communities.

#### **2.4.6 Arsenio Mataka – Assistant Secretary for Environmental Justice and Tribal Affairs, California Environmental Protection Agency (via phone)**

**Arsenio Mataka** talked about the focus on climate change equity in California. Mr. Mataka reviews bills that form the legislative foundation for environmental justice in California. He shared his background as the son of environmental justice advocates in a community where they were never able to drink their tap water and for a while lived near the largest tire pile in the world. Mr. Mataka spoke of watching health and government agencies dismiss his parent’s anecdotal evidence. He added that listening to anecdotal evidence impacted the way the State of California examines cumulative impacts.

Mr. Mataka explained how small towns and communities feel burdened, and need a way to compare themselves to other communities across the state. He added that this need was the launch pad for special analysis work of relative environmental burdens in California, a project called CALEnviroScreen. He explained how the screening tool provides a ranked score on a scale of vulnerability factors for each Census tract. He added that the tools link together socially vulnerable communities and communities that are vulnerable to pollution burdens.

Mr. Mataka used the example of a community called the Airport Community, which is located near an airport and a glass manufacturer. He described the community as historically poor. When staff spoke to the community, pollution was not a concern that came up. However, when looking at the community in CALEnviroScreen, it was in the 99th percentile, one of the communities most vulnerable to air pollution. He urged everyone to test their assumptions about which areas suffer the most and to put considerations about race on the front end.

Mr. Mataka spoke about efforts now that CALEnviroScreen has been developed. The tool has resulted in concrete and specific initiatives, like a community lead-air study. He explained that the community selects where air monitors go and that the community monitors do well in comparison with official monitors. He added that California is advancing quickly on high-quality, low-cost air monitors.

Mr. Mataka described the agency’s Environmental Justice Task Force’s multi-media approaches to enforcement. He talked about the task force strategy of having community members mark a map with their concerns, and planning in partnership with the community and business to address the concerns.

Mr. Mataka shared stories about community members benefiting from climate investments, such as the installation of free solar panels saving a community member \$100 a month, freeing up money he needed for medication. Mr. Mataka looked forward to the development of high-speed rail and green infrastructure, including bioswales, to manage stormwater runoff. He added that environmental justice communities see the benefits of green infrastructure. He concluded by saying that current attitudes and efforts around environmental justice in California are positive.

#### **2.4.7 Melissa McGee-Collier – Director, Office of Community Engagement, Mississippi Department of Environmental Equality**

**Melissa McGee-Collier** spoke of being born in the Free State of Jones in Mississippi. She explained that she did not realize she had grown up in an environmental justice community until she became involved in environmental justice. She described industrial impacts on her neighborhood and that she understands what environmental justice communities put up with. She shared how her family was impacted by environmental injustice, how her father worked in an asbestos facility for 20 years and brought asbestos home on his clothes, leading to health issues for him and the family.

Ms. McGee-Collier discussed her path to becoming the Director of the Office of Community Engagement at the Mississippi Department of Environmental Equality. She shared that, before the Office's creation in 2010, the environmental justice coordinator had to split her time between environmental justice and leading field inspections. Ms. McGee-Collier explained that, at first, a contractor was the only support she had. By 2014, she had a staff of seven people. She explained that the Office was created to make sure that communities have access to timely and accurate information, access to environmental education, and access to public comment opportunities.

Ms. McGee-Collier discussed that authentic participation is needed for effective partnerships with the community. She described her success using a Small Business and Environmental Assistance Program grant to assist a man in Charleston, Mississippi, regarding an illegal landfill behind his house. She helped the community secure a small business grant for technical assistance to understand landfill impacts.

Ms. McGee-Collier explained that wastewater and drinking water issues are complex and cited the need to partner with public health departments. She added that it is difficult for communities to understand which organizations are responsible for different parts of the water systems. She stated that agencies need to do more than sending notices that many people never receive. Ms. McGee-Collier discussed implementing systems where community members can opt into receiving information about local environmental issues. If they opt in, the notification comes directly to the address they confirm. She also suggested making fact sheets and sharing them with communities.

She discussed how her agency deals with the environmental side of environmental justice and needs partnerships to address health issues. She suggested partnering with EPA, state environmental agencies and public health organizations. She discussed how it is vital to keep regulatory agencies in place to improve the lives of communities. Ms. McGee-Collier concluded that local government needs to deal with issues on the front end by providing environmental education to local officials. She suggested collaborating with business. She concluded that if officials are to address injustices, everyone must be brought to the table.

**Kelly Wright** asked Ms. Dunn about collaboration in Indian country in the ECOS states. **Ms. Dunn** talked about the National Tribal Environmental Council (NTEC). It looks at ways to leverage state resources to help in Indian country.

**Kelly Wright** asked Mr. Stine about how MPCA asks businesses to lower their emissions. **Mr. Stine** said that MPCA provides businesses with information on contaminant sources and invites them to the table. He added that coordinating with businesses to lower emissions was an area of focus for MPCA. Working with businesses to build awareness of environmental justice issues through their interest in being good neighbors. **Kelly Wright** cited testimony from the public comment about arsenic contamination in the Little Earth housing complex and the neighborhood impacted by a

former laboratory as instances where there should be accountability. He asked Mr. Stine how Minnesota is looking to step up and be accountable. **Mr. Stine** acknowledged the situation at both sites. Monitoring of TCE at the former General Mills laboratory site is ongoing and EPA is responsible for the Little Earth arsenic response action, monitoring and follow up. He agreed that agencies must be accountable by using the data available and engaging each community. He added that a remedy is not a remedy if it does not protect the community. Mr. Stine acknowledged the challenges of contaminated legacy sites and the need to reevaluate some sites for vapor intrusion. He concluded by noting that what is known and acceptable levels of risk change over time.

**Rita Harris** said that she had enjoyed listening to the panel. She added that there is a difference between real action and lip service. She urged the presenters to be willing to want to see change and to make change happen. She added that community engagement should not just be checking off a box. She suggested making community outreach staff available to help connect communities to the appropriate state agencies for all their concerns, not just when there is a crisis. She noted that it would be great to have a set of criteria and outcomes for environmental justice offices to allow for community oversight. She added that there is a disconnect and lack of trust between many states and communities.

**Ms. Reece** said that SC DHEC has been making efforts to support community leaders and work with environmental justice hubs to help reach communities. She added that community leaders have better access to their communities and their concerns. She added that all communities want the success of the ReGenesis Project. She recommended making new partnerships, with new partners bringing valuable information to the table. **Mr. Stine** added that he liked the idea of having criteria to better define agency efforts so communities can trust MPCA. He added that MPCA staff go to community events, festivals and activities to share information and get to know people before a problem happens. **Mr. Ehlinger** said that his agency's approach to authentic engagement is developing listing criteria and getting input on the criteria from communities. He added that the governor has community engagement strategies and the Minnesota Department of Human Rights is creating criteria. **Ms. McGee-Collier** said that consideration of what community members say should be the outcome of these efforts. **Ms. Harris** added that she would like to have a community liaison for all state agencies so communities can feel heard.

**Sacoby Wilson** appreciated Ms. McGee-Collier's work, noting this his father was also poisoned by asbestos. He asked how the presenter's departments build partnerships to create greater access to health and green infrastructure for communities. He also asked if the local school of public health works with the agencies. He asked how the agencies are working together to address cumulative impacts through mapping and bring investments into these communities. He urged the presenters to get communities involved during the pre-permitting stage of the process and use communities as contextual experts. **Sylvia Orduño** added that the community can get lost in the front end of the process. She noted that communities need scientists and officials to say "no," to counter economic arguments with scientific arguments. She added that environmental justice needs to be better connected to public health. She cited water insecurity in Michigan, where health care officials have not stepped up to address the problem. Member Orduño added that officials need to listen to communities, rather than wait to see if problems get worse.

**Mr. Ehlinger** explained that the local school of public health has partnered with the city and state to tackle local health issues. He recognized the need to involve communities in pre-planning and pushing for health impact assessments. He added that the narrative in the medical community is changing and that people are starting to recognize the need to treat people in the context where they live. **Mr. Stine** added that he is seeking to build a practice of doing things that cannot be

undone. He noted that politics is a bare-knuckle fight when it comes to talking about how to spend money. **Ms. Reece** added that the timing is right to take a step back and look at changing regulator approaches to air quality. She noted a need for resources to determine hotspots. **Ms. Dunn** said that there are memoranda of agreements between her agency and other agencies, and that while a connection has been made, more needs to be done. She added that everyone should think of themselves as a public health worker. She urged the need for better front-end engagement and talked about getting people more involved before the final stage of the permitting process. She suggested seeing if any state has a good model for super early engagement. **Ms. McGee-Collier** suggested using public notices about permits as the permit requests are submitted, which enables communities to get the information early.

**Member Deidre Sanders** noted that she is the environmental justice program manager and staff at her company. She asked Ms. Dunn if she had considered creating an environmental justice business network to engage the business community. She added that approaching environmental justice from the angle of risk management and ensuring project certainty has been successful. She commended Mr. Mataka's efforts. She asked if climate impacts will be added as indicators in CALEnviroScreen. **Mr. Mataka** said that climate indicators would be integrated into the tool over the next year or so.

**Chair Moore** noted that all states are not the same – some will receive more support than others for environmental justice issues. He added that states need to support each other. He acknowledged the work that Ms. McGee-Collier has done under challenging circumstances in Mississippi.

## **2.5 Youth Perspectives on Climate Justice Work Group Update**

**Vice-Chair Torres** introduced representatives from the NEJAC Youth Perspectives on Climate Justice Work Group.

### **2.5.1 Samantha Shattuck – Public Health Specialist, Pegasus Technical Services**

**Samantha Shattuck** thanked NEJAC for the opportunity to represent a nation of youth working on climate change. She added that the process of working on this charge opened the work group's eyes to being more effective and practice relationship building. She outlined that they would present the work group's charge, the process so far, what the work group has learned, and next steps.

Ms. Shattuck reviewed the two charges given to the working group:

1. How can EPA effectively engage with youth on climate change and adaptation planning using new resources and tools designed to help communities become more resilient and better protect themselves from the impacts of climate change? What activities and mechanisms (e.g., policy, guidance, protocol) should EPA consider to authentically engage and work collaboratively with youth, and other interested stakeholders, to identify and address climate change impacts on overburdened and vulnerable communities?
2. What best practices, including efforts to address the compounding health vulnerabilities brought on by climate change, can be provided using youth-driven projects from across the United States from which results-oriented recommendations can be drawn?



## 2.5.2 Kayla DeVault – Civil Engineer, Navajo Division of Transportation

**Kayla DeVault** noted the overlap between the two charges. She stated that the first charge is about engagement. She added effective engagement means providing tools that are easy to use and understand. She asked about the meaning of authentic engagement, adding that it includes transparency about rules and capacity with communities, mutual respect, listening to each community, and making sure community members have a say. A key part of authentic engagement, she added, was approaching communities early in the process.

Ms. DeVault moved to the second charge, determining best practices. She listed best practices such as meeting communities where they are, active listening, and encouraging youth to create stories that document their struggles. She suggested providing an environment that supports the building of relationships and leadership skills, such as the Harambee House in Savannah, Georgia. Harambee House develops black youth leaders by put them in charge of environmental justice projects in a structured setting with guidance and feedback.

## 2.5.3 Kathy Tran – Environmental Health, University of California Berkeley School of Public Health

**Kathy Tran** reflected on how members of the Youth Perspectives on Climate Justice Work Group learned how to process feedback and how to communicate with and coordinate a large group. She discussed how members struggled to prioritize the work group with other commitments. She shared how members lacked clarity on the type of work and the amount of work expected. She talked about members' concern that they did not interact more with NEJAC members.

Ms. Tran shared next steps for the report, including restructuring some of its organization and refining its format to integrate more examples. She said that work group members will design the report's layout, create a final draft with visuals and incorporate additional edits.

**Ms. Shattuck** said that bringing the work group together during the NEJAC meeting has been a flash point for the project. She asked NEJAC about how the work group and NEJAC can share the report with communities when it is ready. She said that work group members want the report to be implementable and not sit on a shelf.

**Mike Ellerbrock** commended the work group for its remarkable efforts. He suggested an K-12 audience review and getting the report out to curricular coordinators. He suggested getting the report out in the states through offices of environmental education. He concluded by suggesting that the report be tied to standards of learning.

**Charles Chase** added that it is amazing how far the work group has come. He added that next steps depend partly on what the members want to do with the report. He added that NEJAC would like to disseminate the report at the grassroots level. He suggested that the members elevate the report and use it as public platform. He added that, after the report is finished, he was not sure what would happen with the working group. It is NEJAC's first youth working group.

**Vice-Chair Heaps** thanked work group members for their hard work and added that now they know what it is like to be part of NEJAC. She added that the members can decide next steps and how to make the report into something usable that follows their vision of where this work should go.

**Erica Holloman** thanked work group members for their great work, and added that the work group speaks to the importance of having young people at the table. She suggested sending the report to universities, hosting presentations for college classes and visiting local schools. She also suggested using social media to get the message out.

**Ms. DeVault** added that, looking back, she would suggest having work group terms of two years with a one-year overlap between different cohorts of members, to prevent early struggles and help with the transition. She added that there is a dire sense of urgency in communities facing serious climate change issues.

**Erica Holloman** recommended that NEJAC consider having a permanent youth chair for a youth member.

**Nicky Sheats** suggested sending the report to the National Forum on Climate Change and the Climate Change Alliance. He added that anything that can be done to get more youth involved in environmental justice and climate change is critical.

**Fatemeh Shafiei** reflected on her work with the work group, commending Ms. Shattuck on her level of commitment and leadership. She added that the report is very important and timely. She noted the report will be made available on NEJAC website. She suggested the members form an NGO and create a webinar where they can post more information.

**Paul Shoemaker** thanked work group members for their hard work and added that the work group should not shy away from making recommendations. He added that resources and funding are needed to build the capacity of people who can champion the report.

**Cynthia Rezendes** added that the report is a wonderful document and that work group members should distribute it widely. She suggested sending it to every organization in every state that deals with climate change. She noted that the members should publish the report sooner rather than later. She added that youth need to be involved in state government sooner rather than later. Ms. Rezendes noted that climate change is going to come faster than most people anticipate. She added that, off the coast of Maui, they've lost 81 empire state buildings worth of sea floor and are suffering from severe impacts to subsistence fishing. She urged the members to consider changing the way that people and resources are used. She added that the work group members' generation would have to face the health implications of climate change. She suggested getting connected with government staff to link their expertise with communities' local knowledge. She suggested drafting a cover letter and sending out the report.

**Charles Chase** added that youth needs to be defined. He added that the work group members need to consider how to access different groups of people across all markets. He added that the language of the report needs to be refined a little more. He added that the report could be shared as a TED talk.

**Rita Harris** said that the report should be shared far and wide. She suggested sending it to all state legislators. She suggested posting the report on EPA's Environmental Justice in Action blog. She also suggested creating a Facebook page to connect to people and create an interest group.

**Vice-Chair Torres** added that they should have pride in the report and add potential future research and report applications into it. He added that work group members should ask EPA for action to move this forward.

**Sacoby Wilson** suggested expanding the report's executive summary. He also suggested including more links, visuals and bulleted sections. He added that NEJAC needs to have members 25 years old or younger.

**Ms. Shattuck** replied that there was a lot of interest from work group members in being involved with working with and advising NEJAC.

**Vice-Chair Torres** concluded the session, thanking the work group members for their report and their work. He added that he hoped NEJAC would see more youth involvement like the work group in the future.

## **2.6 Closing Comments and Announcements**

**Matthew Tejada** clarified that work group members are encouraged to apply to become NEJAC members. He added that youth is considered as part of the diversity factors during the application process. He added that youth members have served on NEJAC in the past. He noted that the report will not become public until after NEJAC votes to approve it. **Vice-Chair Torres** asked if the report will be made available in Spanish. Mr. Tejada confirmed that it could be made available in Spanish and officially closed the meeting.

### 3 Welcome and Day Two Recap

On Thursday, April 27, 2017, **Matthew Tejada** summarized the events of the day before. He commended the presentations from state employees at the state panel and the participants on the community voices panel. He described the community-sponsored event at the Indian Community Center in Minneapolis. He added that, today, participants would hear from the tribal panel. Mr. Tejada noted the presence of a quorum and turned the meeting over to Vice-Chair Jill Witkowski Heaps. **Vice-Chair Heaps** explained that each presenter on the tribal panel would have 15 minutes to speak and 15 minutes for questions.

#### 3.1 Tribal Panel

This panel focused on ways the tribal environmental program engages and seeks to actively involve tribal members, and all other residents within their jurisdiction.

##### 3.1.1 Alan Walts – Director, Office of Enforcement and Compliance Assurance, EPA Region 5

**Alan Walts** said that he would share his perspective on tribal concerns through a policy framework. He added that any environmental issue in Indian country is an environmental justice issue. He added that fundamental aspects of the right to self-determination was to trust and fundamentally respect tribal leaders and peoples. He recommended partnerships between people with environmental concerns and people with tribal concerns. Mr. Walts added that the communities in EPA Region 5 push his office to be better.

##### 3.1.2 Shannon Judd – Environmental Education Outreach Coordinator, Fond du Lac Band of Lake Superior Chippewa

**Shannon Judd** introduced her presentation, saying that she would describe several projects and some future plans for community engagement. She added that her work is entirely environmental justice related. Ms. Judd noted that she speaks on behalf of staff who have done a lot of good work at the individual and household level as well as across communities. The work has included lead testing of children and homes, lead testing in toys and indoor air quality education and testing.

Ms. Judd talked about coordinating with the Fond du Lac Clinic on monitoring the presence of environmental toxins in the community. She described working with the Department of Transportation to identify areas where the community can gather plants. She described using community engagement to recruit community members to be tested for environmental concerns. In 2014, 500 community members participated.

Ms. Judd described holding workshops and events such as learning to make your own household cleaners and discussions about food sovereignty. She described ongoing, long-running programs such as a community garden growing program. She said that there is also now a gardening program and community garden for youth. She described how, in the program, youth learn about how to grow plants and the history of traditionally grown plants.

Ms. Judd described a community meeting held in March to inform the public about a proposed pipeline route and wild parsnip, an invasive species with toxic sap that can cause skin damage. She said that other public meeting outreach has included information about mining and ways for the community to provide comments on proposed plans. She added that she works with agencies to make sure environmental concerns and cumulative impacts are taken into consideration.

Community outreach at Fond du Lac schools gives each grade a different job to promote environmental issues. One group developed a no idling rule, which they researched and helped promote.

Ms. Judd described several upcoming events, including a climate change and water event in collaboration with Minnesota Public Radio that is open to the public. She added that they are starting a health impact assessment for wild rice, working with the Minnesota Department of Health.

### **3.1.3 Levi Brown – Environmental Director, Environmental Lands Department, Leech Lake Band of Ojibwe**

**Levi Brown** concurred with Mr. Walts’ statement that the tribes challenge EPA Region 5 to be better. Mr. Brown described his background as an enrolled member of the Ojibwe, living for 30 years on the reservation. He said that he finds nothing more rewarding than working back home. He advocated for community-focused decision making that ties into Ojibwe culture.

Mr. Brown showed a map of the Ojibwe reservation, showing its proximity to Leech Lake, the third largest lake in Minnesota. He said that, at any given moment, 10 percent of Minnesota’s water is on the reservation. He showed how the reservation shares a common border with a national forest. He added that the reservation has 10,000 enrolled members, with 7,000 members living on the reservation. He advocated a community outreach and environmental justice strategy that focuses on what community members need to know and understand. He added that helping the community understand why a law is in place can help ensure the law’s enforcement. He shared the power of living in the community to build a foundation with the community.

Mr. Brown shared that the biggest challenge has been building partnerships with people outside the reservation. He encouraged bringing human elements to interactions, promoting the power of sitting down over a cup of coffee. He encouraged getting to the core of solving the problems and building a coalition – we all breath the same air. He suggested soliciting the help of grassroots organizations that are good at getting community involvement.

Mr. Brown talked about what EPA can do. He said that they can defend tribes’ ability to made decisions. He added that his biggest frustration with federal agencies comes when they do not try to relate on a personal level. He said that when federal employees come and speak with people, they have a better understanding and the conversations improve. He relayed his success in securing tribal cleanup standards for the St. Regis Paper Company Superfund site.

**Charles Chase** asked Ms. Judd about the interest she gets from tribes and elders in promoting access to healthy food in grocery stores.

**Ms. Judd** replied that the reservation is not considered a food dessert; there is a store within the reservation boundary and another store a mile away. She said that they are working to bring fresher food to the community. She noted that a community market and a farmer’s market are starting to get more participation. Ms. Judd added that work on the reservation is done in partnership with several federal agencies.

**Kelly Wright** asked if the wild rice assessment is just for sulfate or other constituents. He said that regulators in his area only look at a few constituents. He is excited that EPA Region 5 used tribal

cleanup levels for the St. Regis Paper Company Superfund site and will push for the same at the East Michaud Superfund site during the site's next five-year review.

**Ms. Judd** said that the wild rice health assessment is in the early planning stages. She added that the study is driven by community concerns. She noted that other concerns include the fact that sulfate can make mercury bioavailable.

**Mr. Brown** said that his organization knew the study of wild rice would be political, and that the organization did not participate in the study. He added that his tribal government has a consistent record of governance enforcing tribal rules.

**Chair Moore** said that NEJAC has made it a priority to include council members who understand sovereignty and support tribes' nation-to-nation status. He added that he understands the treaties that have been violated and that history speaks for itself. He added that NEJAC supports local work and national work, tribal governments and organizations within tribal nations. He added that there needs to be better coordination between EPA Regions that border tribal lands. He emphasized that EPA Regions can change from being reluctant to act and be proactive, to leading the Regions on environmental justice. He added that pipelines are an issue, and that there are other issues as well. He enjoyed learning about traditional cooking classes at the Indian Community Center.

**Vice-Chair Heaps** thanked Mr. Brown for his recommendations. She talked about how permit writers spending time in communities could result in different outcomes, looking beyond situations as engineering problems to situations as people and health problems.

**Mr. Brown** shared how he bridged divides with a 75-year-old sheriff when he was 35 years old by having coffee and sharing stories.

**Sylvia Orduño** asked Mr. Brown to speak to the wastewater and sanitation waste challenges he faces.

**Mr. Brown** said that water issues threaten tribal sovereignty; when the water is impacted, culture is impacted. He talked about the legend that moved his people toward the grass that grows on water, saying that when you find it, you will live there. He added that funding is becoming available to improve wastewater and sanitation services.

**Mike Ellerbrock** talked about how Native Americans face the issue that the American public remains largely ignorant of their existence and cultures. He asked about ways to counter that ignorance.

### **3.2 Monitoring Work Group Final Report**

**Vice-Chair Heaps** started the report review, stating that NEJAC members would ideally review and approve the report today. She summarized how the Monitoring to Improve Environmental Conditions Work Group convened to better understand how EPA can address the needs of communities when providing monitoring data through negotiated enforcement settlements or permits. EPA seeks insight from NEJAC on how best to provide environmental data in a way that is meaningful and relevant to communities and empowers them to improve local environmental conditions.

Vice-Chair Heaps reviewed some of the work group's recommendations, including improving community access to data and notifying communities of high pollution levels through text messages or sirens. She added that the work group acknowledged that all communities are different, and a website that works in one community might not work in another community. She said that monitoring should be linked to permitted requirements, that a daily average should mean a daily average and not sampling once a year. She noted that communities need to receive the information so people know the permit is being followed.

Vice-Chair Heaps added that good, clear data will build trust between communities and facilities; a facility may be in compliance but the community may not know. She noted that the work group advocated for community-based science and community-based monitoring. She added that mapping tools need to accommodate people with different backgrounds and who need different things from the data. She noted that the work group recommended data presentation in layers that start general and allow people to click down to detailed numbers and specific health impacts. She concluded by saying that these findings are some of the report's highlights, and that the report includes advocate and industry perspectives, commonalities and recommendations.

**Sacoby Wilson** noted that the work group worked with the National Advisory Council for Environmental Policy and Technology's (NACEPT's) report on citizen science. He added that the work group should cite the report. He also said that the scientific method should allow for any monitoring or modeling used for permitting. He noted that the same standards that apply to scientists must apply to facilities that monitor themselves. He said that citizen science is about ground truthing and that the results are good enough to hold up in court.

**Diedre Sanders** added that when a facility monitors itself, it is not in the context of community impacts. She said that facilities would understand local impacts better through more comprehensive public health engagement with communities.

**Sylvia Orduño** commended the work group for its recommendations and tools that can help communities. She said that with more companies seeking permit expansions, there are more questions from communities about the cumulative impacts of industry and communities are seeking greater accountability. She asked if the work group considered water-related issues.

**Vice-Chair Heaps** clarified that water systems are outside the scope of the report.

**Sylvia Orduño** suggested consideration of water issues in the future.

**Mike Ellerbrock** asked if the report addressed fenceline monitoring.

**Vice-Chair Heaps** said that the focus is more on how to report monitoring data and efforts to communicate effectively with communities.

**Diedre Sanders** noted that a community monitoring program can capture a complete picture of exposures from multiple sources.

**Nicky Sheats** relayed his experiences with community monitoring efforts. He said that he was pleased to hear that community sensors are defensible in court.

**Melissa McGee-Collier** questioned the inclusion of a paragraph that suggested funding for citizen scientists, arguing that many might see it as cutting a check to citizen scientists and would object

since some states do not think that citizen science is valid. If the paragraph remains in the report, she suggested working on its wording.

**Paul Shoemaker** respectfully disagreed, saying that even though it may be a hard sell for some states, that is no reason to back away from an ambiguous ask. He added that it was better to have the content included and have individual states say “no.”

**Rita Harris** asked if there were references in the air sensor part of the report to sensors that test for hazardous air and not just particulate matter.

**Vice-Chair Heaps** asked if the inclusion of a specific monitor made it look like the work group was promoting a particular brand. She added that they choose to share specific stories of air monitor use instead of reviewing different air monitors. She said that, if affirmed, the final report would include a few revisions and a reference to NACEPT’s citizen science report. She added that the report focuses on permitted facilities within EPA’s purview.

**Vice-Chair Heaps** called for a vote on the report. She noted that there were no objections and the report was approved.

### **3.3 Water Infrastructure Finance and Capacity Work Group Update**

**Vice-Chair Heaps** recognized the work group chairs and other work group members. She added that a few report sections needed to be fleshed out and that the sooner the report is finalized, the more helpful it will be. She added that the work group was charged with addressing 16 questions and many smaller questions. The work group looked for themes across all of the questions and consolidated the questions. She said that the work group would share a quick summary of the consolidated questions and report progress made so far.

**Sylvia Orduño** shared the first question addressed by the work group – what does NEJAC understand to be the most significant challenges for communities in providing safe and clean water supplies? Ms. Orduño cited smaller water systems in crisis as a significant challenge. She talked about the cost and complexity of the water system problem as another significant challenge, that the problem is too big to tackle at the local level. She cited climate change as an additional stressor. She noted the need for more private-public partnerships.

Ms. Orduño shared the second question addressed by the work group – what can EPA do, in collaboration with states and other stakeholders, to help gather data on water infrastructure needs/challenges for communities? Ms. Orduño cited the need of small, vulnerable communities with declining populations and small tax bases to receive money for infrastructure costs. She added that big and small communities need assistance with lead pipe replacement.

Ms. Orduño shared the third question addressed by the work group – what insights and examples can NEJAC offer to states and EPA to help identify communities of concern and inform priority-setting processes for providing assistance, including consideration of communities that face public health risks from regulated or unregulated contaminants suspected to be present in drinking water? Ms. Orduño noted that families often do not have the basic information they need about lead and water to protect themselves. She recommended improving lines of communication between stakeholders and local, state and federal agencies. She noted that not even low levels of contamination are acceptable for communities.



**Melissa McGee-Collier** noted that the work group focused on tools for community capacity building and ways to improve service delivery and access to drinking water and sewage. She added that the work group discussed approaching the charge from the angle of seeking tools to assist disadvantaged communities, small communities, economically-stressed communities and low-income households. She added that the work group reflected on technical and managerial best practices and tools that NEJAC could recommend for communities.

Ms. McGee-Collier shared ideas for tools that could be developed, including models for public input and core training for municipalities and other stakeholders. She talked about the American Water Works Association Leadership Institute, a year-long program where water operators and water leaders are trained on how to take care of their communities' water systems.

Ms. McGee-Collier added that the work group included discussion of best-practice programs and activities, including the Proctor Creek Stewardship Council and the Environmental Assistance Program for small businesses, which provides free assistance to small businesses out of environmental compliance to bring them back into compliance without fear of being penalized.

**Vice-Chair Torres** commented on the work group's approach to the community engagement and education section of the report, considering what states can do to promote open planning and what stakeholders can do about water and wastewater issues. He suggested that the work group should flesh out the recommendations in this section in particular.

**Vice-Chair Heaps** asked if the work group had a specific community engagement recommendation regarding water.

**Sacoby Wilson** added that he would like to see as many examples in the report as possible. He said that he will have 10 interns over the summer and would work on creating fleshed-out vignettes.

**Diedre Sanders** thanked her team members and explained that they tackled the focus area on developing partnerships. She said that no community can do it alone. There need to be sustainable choices for communities seeking technical or economic assistance.

Ms. Sanders talked about the need to communicate water needs to all levels of leadership. She discussed how the work group considered barriers to water system partnerships, including a lack of trust between stakeholders and community confusion about which agencies are in charge of different water systems. She said that the work group thought that EPA could serve as a convener for all stakeholders and share resources and technical assistance.

Ms. Sanders talked about what EPA and states can do to increase inter-agency collaboration, adding that the work group recommended using the inter-agency working model to engage states, research institutions, and water systems in collaborative discussions. She noted that water professionals can share technical resources. She said that the report was coherent and perhaps too concise. She recommended providing EPA with more robust recommendations on how to address water infrastructure needs for underserved communities.

**Vice-Chair Torres** discussed next steps for the report. He noted that the four sections are separate and asked about how to integrate them and ensure that the report is coherent and cohesive. He talked about key report takeaways and suggested stating early in the report that things are broken and solutions are needed. He said that it is up to NEJAC to say that there is a need for greater investment in water infrastructure.

**Sacoby Wilson** suggested using demonstrative vignettes throughout the report to help integrate the four sections. He added that funding programs for water systems need to make sure funds are going to communities with the greatest infrastructure needs.

**Vice-Chair Heaps** added that the report was presented to the EPA's Environmental Finance Advisory Board and was well received. She asked if there were any final questions or comments.

**Sylvia Orduño** suggested adding testimonies from tribal communities to underscore the importance of the serious water scarcity issues they face. She said that the issue should be given the respect it deserves. She said that NEJAC needs to state that the right to water should be a legally recognized human right.

### **3.4 NEJAC Business Meeting Reflection and Conversation**

**Matthew Tejada** advised NEJAC members to consider each letter one at a time, followed by a discussion and a vote.

#### **3.4.1 Dollar Store Letter**

**Charles Chase** reviewed the proposed letter about toxins found in dollar store products and packaging. He said that the letter would be finalized after all changes and revisions were addressed. He added that the biggest NEJAC recommendation in the letter was that EPA work with other agencies tasked with the issues needing to be addressed. He added that these agencies included the U.S. Food and Drug Administration (toxicity), the U.S. Department of Agriculture (USDA) (access to fresh and affordable foods), the U.S. Department of Justice (civil rights-related issues), and the U.S. Consumer Product Safety Commission. He noted that NEJAC recommended that EPA take the lead in convening the agencies. NEJAC also recommended that EPA provide assistance to the discounters to make these changes happen and report back to NEJAC.

**Matthew Tejada** asked if there were any questions or concerns about the letter. **Cynthia Rezentes** expressed concern about pushing for fresh produce and healthier food in discount stores, noting that the stores do not have capacity for fresh food. She asked about who would pick up that financial burden. **Charles Chase** replied that NEJAC would not require them to take on additional costs; NEJAC recommended that USDA work with them on inexpensive fresh food options. **Cynthia Rezentes** said that NEJAC is asking USDA to get dollar stores to put in fresh-food refrigeration. She recommended balancing the recommendations to promote a healthy lifestyle but not eliminate the discount stores altogether. **Paul Shoemaker** added that if the word "need" is a sticking point, NEJAC could change it to "encourage." He noted that NEJAC acknowledges that stocking produce in dollar stores cannot be mandated. However, it should be encouraged. He added that, in Boston, corner markets and bodegas have successfully been encouraged to stock fresh food. **Cynthia Rezentes** agreed with changing "need" to "encourage." **Rita Harris** agreed with encouraging the discount stores to work with other entities to stock fresh food, adding that they might not even try otherwise. **Vice-Chair Heaps** commended the letter writers for taking previous comments and creating a strong letter. She added that the last bullet should be amended to create a complete sentence. She asked if there were any objections to finalizing the letter. There were no objections and the letter was finalized.

### 3.4.2 Worker Protection Standards Letter

**Matthew Tejada** described the worker protection standards letter as a short, sharp letter.

**Hermila Trevino-Sauceda** expressed concern about waiting to send the letter, having recommended that NEJAC push to send it before the end of the last year. **Vice-Chair Heaps** shared her concern that some of the materials are already out. She proposed that NEJAC provisionally approve the letter, with the work group then removing language that is no longer timely. She asked if there were any concerns about provisionally approving the letter. **Melissa McGee-Collier** asked about the letter's main requests. She recommended adding a statement about involving farmworkers during implementation and development of materials. **Vice-Chair Heaps** directed Ms. McGee-Collier's attention to the letter's recommendations. **Mike Ellerbrock** added that the letter should keep three of the bullets on page one when the letter is updated, adding that the advice may be pertinent in the future. **Chair Moore** and **Charles Chase** agreed with Mr. Ellerbrock. **Vice-Chair Heaps** called a vote on the letter. There were no objections and the letter was provisionally approved.

### 3.4.3 Title VI Letter

**Nicky Sheats** said that the letter aims to push EPA to implement Title VI. He asked that the group be allowed to fact-check numbers and dates after the letter is finalized. He said that the group was considering ways to integrate Executive Order 12898 as part of the letter's first paragraph.

**Melissa McGee-Collier** noted that the letter should start with the last paragraph. She added that while the reference to the executive order should be made, the letter should start with the NEJAC's primary focus. **Vice-Chair Heaps** agreed. **Matthew Tejada** added that it was important to make sure that new EPA staff know that enforcement of Title VI is statutory and based on the Civil Rights Act. **Charles Lee** added that federal agencies need to enforce Title VI. **Vice-Chair Heaps** added that the letter does not include information on the purpose of Title VI. She suggested explaining clearly that it prevents groups who receive federal funds from discriminating. **Matthew Tejada** agreed with adding a simple context for Title VI. **Charles Lee** commented that since Administrator Pruitt is a former attorney, he understands the context for Title VI. **Rita Harris** asked if there should be a statement about a statute of limitations. **Matthew Tejada** replied that a complaint is a complaint; there is no statute of limitations.

**Charles Lee** urged the work group to make the issue as simple as possible. **Charles Chase** asked if it would be best to start the letter with an explanation of Title VI, followed by the report. **Nicky Sheats** added that the work group would footnote the December 2016 report. **Cynthia Rezendes** added that the work group should be given an opportunity to correct the grammar and spelling in the letter. **Nicky Sheats** added that the letter will be reworked and NEJAC will have a chance to review it again. **Matthew Tejada** said that there will be a round of copy editing and formatting before the letter is sent. **Vice-Chair Torres** added that EPA must reaffirm its commitment to right racial and social injustices and enforce Title VI when it has been violated. He discussed the difference between using "must" versus "should," adding that "must" is more assertive. **Sylvia Orduño** suggested included an example in the report of EPA's civil rights' work. **Nicky Sheats** added that the third paragraph of the letter currently includes two footnoted examples. **Vice-Chair Heaps** called a vote on the letter, contingent on finalization of elements and copy editing. There were no objections and the letter was provisionally approved.

### 3.4.4 Flint Letter

**Sylvia Orduño** said she is glad that NEJAC is getting a chance to discuss the Flint letter, adding that the letter is not ready. She shared her frustration with the process of writing the letter and lamented that the timing for the letter has not been right. She added that Flint is facing problems that needed to be solved yesterday and she wanted more urgency on this issue, which many communities are facing. She added that the letter in its current form is watered down and meaningless, noting she was not comfortable putting her name on it or taking it back to people in her community. She urged NEJAC to strengthen the language in the letter to reflect what needs to be done to support the residents of Flint.

Ms. Orduño described how the letter originally contained 10 recommendations. The letter now includes three recommendations. She added that removing difficult recommendations from the list is not acceptable to a group of people seeking justice. She suggested that the work group submit another copy for consideration during NEJAC's June 2017 meeting. She added that she was looking for a recommitment from NEJAC to the Flint letter and issue.

**Vice-Chair Heaps** added that she is committed to being a part of the group and making sure that the asks in the letter are powerful and within EPA's purview. **Cynthia Rezentes** added that she understands Ms. Orduño's frustration. She added that she was worried that political and social impacts are disappearing from discussion. She suggested submitting the letter "as is" now and then sending an additional letter in June. She noted that the longer NEJAC waits, the longer the letter will be pushed to the side. **Erica Holloman** asked if there was a way for NEJAC to write special reports, adding that discussion of the Flint crisis can begin in a letter, but needs a report of its own. **Vice-Chair Heaps** added that they could form a mini-work group to write a report. **Matthew Tejada** interjected that he would not model future efforts after previous efforts that have not led to results. He added that NEJAC puts itself in a difficult place when it tries to charge itself. He added that he thinks that the letter needs more participation and time over the next months. He added that they could discuss the difficulties of NEJAC charging itself during a business meeting. **Vice-Chair Heaps** asked if a report falls more toward being a charge. **Matthew Tejada** answered "yes."

**Melissa McGee-Collier** noted that an appendix follows the letter. **Sylvia Orduño** added that she would like to tighten up the one-page summary letter with stronger language to give it more teeth. **Diedre Sanders** offered an apology to Ms. Orduño and the community of Flint. She said that the Flint letter was a task that got away from her. She added that she believed that there is more that can be done to strengthen the letter and committed to working with Ms. Orduño to turn it around quickly and make it more robust. She expressed concern that the letter is too passive and does not recommend that specific actions. **Chair Moore** added that it was unfortunate to hold the letter until June. He asked Ms. Orduño what she would recommend. **Diedre Sanders** recommended that NEJAC provisionally approve the letter so the work group can work on it and come back to NEJAC in June with a revised letter. She added that if the new letter is not better, then the approved letter can be sent. **Chair Moore** agreed that the current letter needs to be stronger. **Sylvia Orduño** confirmed that the letter is not good enough to send. **Matthew Tejada** suggested that NEJAC could provisionally approve the letter and empower Mr. Orduño and the work group to strengthen the letter and then send it. **Vice-Chair Heaps** said that she liked the proposed approach to the urgency of the issue, and worried about waiting until the next time NEJAC could vote. **Sylvia Orduño** said that participation from EPA Region 5 is needed and that Michigan is in trouble. She urged better connections between EPA Region 5 and communities.

**Vice-Chair Heaps** reminded NEJAC members of the proposal on the table, to vote to approve the letter and empower Ms. Orduño's work group to finalize the letter. **Diedre Sanders** asked if, after

the letter is revised, if there could be an option to opt out of previous approval. **Matthew Tejada** added that NEJAC cannot deliberate outside of official public meetings. **Vice-Chair Heaps** called a vote on the letter. Contingent on the letter's finalization by Ms. Orduño's work group, there were no objections, and the letter was provisionally approved.

### **3.5 Adjournment**

**Chair Moore** officially adjourned the NEJAC meeting.

# **APPENDIX A**

## **AGENDA**



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY  
 NATIONAL ENVIRONMENTAL JUSTICE ADVISORY COUNCIL  
 CROWNE PLAZA MINNEAPOLIS NORTHSTAR DOWNTOWN  
 NORTHSTAR Suite 710  
 618 2<sup>ND</sup> AVENUE SOUTH  
 MINNEAPOLIS, MN 55402  
 APRIL 25 – 27, 2017  
 PUBLIC MEETING DRAFT AGENDA

**Day 1: TUESDAY APRIL 25, 2017 – NORTHSTAR SUITE 710**

4:00 pm                    **REGISTRATION**

6:00 pm - 6:15 pm      **WELCOME & OPENING REMARKS**

- **Matthew Tejada** – *U.S. EPA Designated Federal Official*
- **Richard Moore** – *National Environmental Justice Council Chair*
- **Javier F. Torres** – *National Environmental Justice Council Vice-Chair*
- **Jill Witkowski Heaps** – *National Environmental Justice Council Vice-Chair*

6:15 pm – 8:15 pm      **PUBLIC COMMENT PERIOD**  
**Members of the public will be given seven (7) minutes to present comments on their issue or concern to the NEJAC.**

- **Matthew Tejada** – *U.S. EPA Designated Federal Official*
- **Richard Moore** – *National Environmental Justice Council Chair*
- **Javier F. Torres** – *National Environmental Justice Council Vice-Chair*
- **Jill Witkowski Heaps** – *National Environmental Justice Council Vice-Chair*

8:15 pm – 8:30 pm      **BREAK**

8:30 pm – 10:30 pm    **PUBLIC COMMENT PERIOD**  
**Members of the public will be given seven (7) minutes to present comments on their issue or concern to the NEJAC.**

- **Matthew Tejada** – *U.S. EPA Designated Federal Official*
- **Richard Moore** – *National Environmental Justice Council Chair*
- **Javier F. Torres** – *National Environmental Justice Council Vice-Chair*
- **Jill Witkowski Heaps** – *National Environmental Justice Council Vice-Chair*

10:30 pm                **CLOSING REMARKS & ADJOURN**

## DAY 2: WEDNESDAY APRIL 26, 2017 – NORTHSTAR SUITE 710

7:30 am – All Day

**REGISTRATION**

8:45 am – 8:55 am

**WELCOME, DAY ONE RECAP & OPENING REMARKS**

- **Matthew Tejada** – U.S. EPA Designated Federal Official
- **Richard Moore** – National Environmental Justice Council Chair
- **Javier F. Torres** – National Environmental Justice Council Vice-Chair
- **Jill Witkowski Heaps** – National Environmental Justice Council Vice-Chair

8:55 am – 9:05 am

**WELCOME & OPENING REMARKS**

- Mayor Betsy Hodges – City of Minneapolis, MN

9:05 am – 9:50 am

**WELCOME & DIALOGUE WITH U. S. ENVIRONMENTAL PROTECTION AGENCY LEADERSHIP**

- **Lawrence Starfield** – Acting Assistant Administrator – U.S. EPA Office of Enforcement and Compliance Assurance
- **Robert A. Kaplan** – Acting Regional Administrator – U.S. EPA Region 5

9:50 am - 10:00 am

**BREAK**

10:00 am – 12:30 pm

**COMMUNITY VOICES PANEL**

***This panel will focus on environmental justice concerns of communities' in Minneapolis, MN, and surrounding areas.***

- **Ticiea Fletcher** – Minneapolis Parents for Lead Safe Kids
- **Representative Karen Clark** – Minnesota House of Representatives District 62A
- **Hli Xyooj** – Hmong Farmers
- **Lea Foushee** – Minnesota's Indigenous Peoples
- **Roxanne O'Brien** – North Minneapolis Resident
- **Ernesto Velez/Gloria Contreras** – Centro Campesino & Pesticide Action Network

12:30 pm – 1:30 pm

**LUNCH**

1:30 pm – 3:00 pm

**STATE ENVIRONMENTAL JUSTICE PANEL**

***This panel will focus on the proactive efforts of states to advance environmental justice.***

- **Ed Ehlinger** – Commissioner – Minnesota Department of Health
- **Alexandra Dunn** – Executive Director & General Counsel – Environmental Council of the States
- **John Linc Stine** – Commissioner – Minnesota Pollution Control Agency
- **Myra Reece** – Director of Environmental Affairs – South Carolina Department of Health and Environmental Control
- **Arsenio Mataka** – Assistant Secretary for Environmental Justice & Tribal Affairs – California Environmental Protection Agency



- **Melissa McGee-Collier** – Director Office of Community Engagement – Mississippi Department of Environmental Equality
- **Charles Lee** – Senior Policy Advisor for Environmental Justice – U.S. EPA

3:00 pm – 3:15 pm      **BREAK**

3:15 pm – 4:15pm      **CONTINUATION OF STATE ENVIRONMENTAL JUSTICE PANEL**

4:15 pm – 5:15 pm      **YOUTH PERSPECTIVES ON CLIMATE CHANGE WORKGROUP CHARGE UPDATE**

- **Samantha Shattuck** – Public Health Specialist – Pegasus Technical Services
- **Yudith Nieto** – Promotora – Texas Environmental Justice Advocacy Services
- **Kathy Tran** – Environmental Health – University of California Berkeley School of Public Health
- **Kayla DeVault** – Civil Engineer – Navajo Division of Transportation Environmental Control

5:15 pm– 5:30 pm      **CLOSING COMMENTS & ANNOUNCEMENTS**

- **Matthew Tejada** – U.S. EPA Designated Federal Official
- **Richard Moore** – National Environmental Justice Council Chair

5:30 pm      **ADJOURN**

**COMMUNITY SPONSORED EVENT - DETAILS UNDER SEPARATE COVER**

## DAY 3: Thursday APRIL 27, 2017 – NORTHSTAR SUITE 710

8:00 am

### REGISTRATION

8:45 am – 9:00 am

### WELCOME & DAY TWO RECAP

- **Matthew Tejada** – U.S. EPA Designated Federal Official
- **Richard Moore** – National Environmental Justice Council Chair
- **Javier F. Torres** – National Environmental Justice Council Vice-Chair
- **Jill Witkowski Heaps** – National Environmental Justice Council Vice-Chair

9:00 am – 10:00 am

### TRIBAL PANEL

**This panel will focus on ways the tribal environmental program engages and seeks to actively involve tribal members, and all other residents within their jurisdiction.**

- **Alan Walts** – Director – Office of Enforcement and Compliance Assurance Region 5
- **Shannon Judd** – Environmental Education Outreach Coordinator – Fond du Lac Band of Lake Superior Chippewa
- **Levi Brown** – Environmental Director – Environmental Lands Department Leech Lake Band of Ojibwe

10:00 am – 10:45 am

### MONITORING WORKGROUP CHARGE FINAL REPORT

- **Jill Witkowski Heaps** – Assistant Professor of Law – Vermont Law School
- **Diedra Sanders** – Environmental Justice Program Manager – Pacific Gas & Electric Company
- **Melissa McGee-Collier** – Director Office of Community Engagement – Mississippi Department of Environmental Equality
- **Sacoby Wilson** – Director Community Engagement Environmental Justice and Health Initiative – University of Maryland Institute of Applied Environmental Health

10:45 am – 11:00 am

### BREAK

11:00 am – 11:45 am

### WATER INFRASTRUCTURE FINANCE AND CAPACITY WORKGROUP UPDATE

- **Jill Witkowski Heaps** – Assistant Professor of Law – Vermont Law School

11:45 am – 1:00 pm

### NEJAC BUSINESS MEETING REFLECTION AND CONVERSATION

- **Matthew Tejada** – U.S. EPA Designated Federal Official
- **Richard Moore** – National Environmental Justice Council Chair
- **Javier F. Torres** – National Environmental Justice Council Vice-Chair
- **Jill Witkowski Heaps** – National Environmental Justice Council Vice-Chair

1:00 pm

### ADJOURN

# **APPENDIX B**

## **LIST OF ATTENDEES**

**National Environmental Justice Advisory Council  
April 25-27,2017  
Meeting Attendees**

<b>First Name</b>	<b>Last Name</b>	<b>Organization</b>
Maryan	Abdinur	Land Stewardship Project
Zoe	Ackerman	Rachel Carson Council
Amira	Adawe	
Risikat	Adesaogun	Minnesota Pollution Control Agency
Oforiwaa Pee	Agyei-Boakye	University of Pennsylvania
Ben	Anderson	
Ovester	Armstrong	Galilee Missionary Baptist Church
Amanda	Babcock	Sierra Club
Michael	Bailey	South Carolina DHEC
Bharat	Balyan	MN GreenCorps Member
Felicia	Beltran	ADOT
Anna	Bierbrauer	Floodplain Collective
Brad	Blackett	
Shelia	Bland	Women's Environmental Institute
Ariadinny	Braz	
Rita	Brett	EPA/CDC
Ned	Brooks	MN Pollution Control Agency
Levi	Brown	LLDRM
Kimberly	Carpenter	Metro Blooms
Patience	Caso	Hennepin Co. Environment & Energy
Gail	Cederberg	American Engineering Testing, Inc.
Charles	Chase	University of Colorado – Boulder
Jono	Cowgill	Jono 4 Park Board
Chanelle	Crosby	Eureka Recycling
Tim	Culver	Minnesota Center for Environmental Advocacy
Sal	Dagget	MN GreenCorps Member
Lisa	Daniels	Windustry
Corbin	Darling	EPA Region 8
Caroline	Devany	Stone's Throw Urban Farm
Kayla	DeVault	Diné Policy Institute
Tamara	Downs Schwei	Homegrown Minneapolis/City of Minneapolis
Bill	Droessler	Environmental Initiative
Elizabeth	Dunbar	Minnesota Public Radio
Alexandra	Dunn	ECOS
Ed	Ehlinger	
Nicole	Ektnitphong	Tamales y Bicicletas
Mike	Ellerbrock	Virginia Polytechnic Institute and State University

**National Environmental Justice Advisory Council**  
**April 25-27,2017**  
**Meeting Attendees**

<b>First Name</b>	<b>Last Name</b>	<b>Organization</b>
Lena	Epps-Price	U.S. EPA
Tannie	Eshenaur	Minnesota Department of Health
John	Evans	Hennepin County
Mike	Ewall	Energy Justice Network
Cynthia	Ferguson	DOJ/Environment and Natural Resources Division
Lisa	Finley-Deville	Mandan, Hidatsa, and Arikara (MHA) Nation Tomorrow
Catherine	Fleming	Project Sweetie Pie
Ticiea	Fletcher	Minneapolis Parents for lead safe kids
Irene	Folstrom	Minnesota Environmental Partnership
Lea	Foushee	North American Water Office
Lisa	Fralish	
Liza	Garcia	Self
Hannah	Garry	MN GreenCorps Member
Melake	Getabecha	Groundwork Denver
Devika	Ghai	Pesticide Action Network
Michelle	Gin	MN Department of Health
Sarah	Goodspeed	MN Environmental Justice Advisory Group
Katrina	Groshens	Eureka Recycling
Lacecelia	Guernsy	Migizi
Shalini	Gupta	Center for Earth, Energy and Democracy (CEED)
Jeffrey	Hanks	Migizi
Miranda	Hanson	MN GreenCorps Member
Mike	Harley	Environmental Initiative
Nicole	Harris	Mitchell Hamline
Reginald	Harris	US EPA Region 3
Rita	Harris	Sierra Club
Jill Witkowski	Heaps	Vermont Law School
Hunt	Henion	Memphis and Shelby County Safe Lead Collaborative
C	Hilmoie	Self-employed
Tom	Hogan	MN Department of Health
Erica L.	Holloman	Southeast CARE Coalition
Daniel	Huff	Minneapolis Health Department - Environmental Health
John	Hunter	MIGIZI Communications, Inc.
Darlene	Huss	Resident MPLS

**National Environmental Justice Advisory Council**  
**April 25-27,2017**  
**Meeting Attendees**

<b>First Name</b>	<b>Last Name</b>	<b>Organization</b>
Brian	Isaacson	MN DOT
Katie	Izzo	MPCA
Cherese	Johnson	Minnesota Power
Cheryl	Johnson	People for Community Recovery
Boise	Jones	MN Environmental Justice Advisory Group
Shannon	Judd	Fon du Lac Band of Lake Superior Chippewa
Robert	Kaplan	U.S. EPA
Marva	King	EPA
Frank	Kohlasch	Minnesota Pollution Control Agency
Amoke	Kubat	Retired
Megan	Kuhl-Stennes	Eureka Recycling
Jenni	Lansing	Minneapolis Health Department
Rosalyn	LaPier	Saokio Heritage
Valerie	Larsen	MIGIZI Communications, Inc.
Patti	Leaf	Xcel Energy
Charles	Lee	U.S. EPA
Jason	Lee	APAHC, CHI, RRFC
Nicky	Leingang	Congressman Keith Ellison
Charles	Lippert	Mille Lacs Band of Ojibwe
Asha	Long	MN Environmental Justice Advisory Group
Nickii	Lyons	MIGIZI Communications, Inc.
David	Manuel	Red Lake Local Food Initiative
KarenL	Martin	U.S. EPA
Rachel	Martin	Kente Circle Training Institute
Nicholas	Martin	Xcel Energy
Cecilia	Martinez	Center for Earth, Energy and Democracy
Arsenio	Mataka	California Environmental Protection
Willis	Mattison	Citizen
Mildred	McClain	Citizens for Environmental Justice and Harambee House, Inc.
Valerie	McClannahan	Minneapolis resident
Melissa	McGee-Collier	Mississippi Department of Environmental Quality
Cassandra	Meyer	MN Pollution Control Agency
Karen	Monahan	Sierra Club
Ann	Mongoven	MN ISAIAH
Jennifer Nguyen	Moore	City of Bloomington

**National Environmental Justice Advisory Council**  
**April 25-27,2017**  
**Meeting Attendees**

<b>First Name</b>	<b>Last Name</b>	<b>Organization</b>
Richard Moore	Moore	Los Jardines Institute
Lindsay	Moore	MSP
Althea	Moses	USEPA Region 7
Kelly	Muellman	City of Minneapolis- Sustainability
Alan	Muller	Green Delaware/Airheads
Katherine	Muller	University of Minnesota/Program in Plant Biological Sciences
Jessica	Nelson	MN Department of Health
Amanda	Nesheiwat	Town of Secaucus
Yudith	Nieto	t.e.j.a.s (Texas Environmental Justice Advocacy Services)
James	Noles	Balch & Bingham LLP
Shirley	Nordrum	University of Minnesota Extension
Kathleen	Norlien	MDH
KATRINA	NYGAARD	Stantec
Roxanne	O'Brien	
Colleen	O'Dell	Minneapolis Park & Recreation Board
Mariela	Ojeda	MN Environmental Justice Advisory Group
Sylvia Marie	Orduno	Michigan Welfare Rights Organization
Quentin	Pair	
Gale	Pearson	Pearson, Randall & Schumacker
Alexis	Pennie	Hennepin County Board of Commissioners
Shanti	Penprase	MN GreenCorps Member
Cynthia	Peurifoy	US EPA Region 4
Christine	Popowski	MN350
Deldi	Reyes	US EPA Region 9
Cynthia Kim Len	Rezentes	Mohala I Ka Wai
Nikita	Robinson	NEJAC Youth Group
Matt	Rogoteke	LLDRM
Lori	Rolf	Wayside House
Sarah	Rudolf	MnDOT
Deidre	Sanders	Pacific Gas & Electric Company
Subbu	Sastry	
Heidi	Schallberg	Metropolitan Council
Lorna	Schmidt	Local Public Health Association of Minnesota
Timothy	Sexton	Minnesota State DOT
Fatemeh	Shafiei	Spelman College
Samantha	Shattuck	Pegasus Technical Services

**National Environmental Justice Advisory Council  
April 25-27,2017  
Meeting Attendees**

<b>First Name</b>	<b>Last Name</b>	<b>Organization</b>
Nicky	Sheats	Thomas Edison State College
Leah	Shepard	West Side Community Organization
Dustin	Shields	Minneapolis Parents for lead safe kids
Logan	Shields	Minneapolis Parents For Lead Safe kids
Tyrone	Shields	Minneapolis Parents for Lead Safe Kids
Paul	Shoemaker	Boston Public Health Commission
Lashella	Sims	Metropolitan Interfaith Council on Affordable Housing
Halston	Sleets	City of Minneapolis
Karen	Solas	community member
Mahyar	Sorour	TakeAction Minnesota
Jamez	Staples	REP.
Larry	Starfield	U.S. EPA
Steve	Sternberg	University of Minnesota Duluth
John Linc	Stine	MN Pollution Control Agency
Horace	Strand	Chester Environmental Partnership
Mark	Strohfus	
Roy	Taylor	Indigeneity Now
Matthew	Tejada	U.S. EPA
Michelle	Thelen	Guardians of Future Generations
Brenda	Thomas	MnDOT
Shania	Thompson	MIGIZI Communications, Inc.
David	Thornton	MPCA
Angie	Timmons	Hennepin County Environment and Energy
Anthony	Torres	SustainUS
Javier F.	Torres	Border Environment Cooperation Commission
Josie	Torres	SKEO
Arthur A	Totten	US EPA (HQ)
Mily	Trevino-Sauceda	Alianza Nacional de Campesinas
Joan	Vanhala	MN Environmental Justice Advisory Group
Gloria Vaughn	Vaughn	Environmental Protection Agency
Amber	Vignieri	Elevate Energy
Eriqah	Vincent	National Wildlife Federation
Alice	Walker	US EPA
Maria	Wallace	EPA
Alan	Walts	U.S. EPA
Vince	Waters	VINCE WATERS RENEWABLES, LLC
Janiece	Watts	NOC



**National Environmental Justice Advisory Council  
April 25-27,2017  
Meeting Attendees**

<b>First Name</b>	<b>Last Name</b>	<b>Organization</b>
Claudia	Wayne	FirstNet
Shanika	Whitehurst	EPA
Hui	Wilcox	St. Catherine University
Holly	Wilson	EPA OAR
Sacoby	Wilson	Maryland Institute of Applied Environmental Health
Kelly C.	Wright	Shoshone-Bannock Tribes
Say	Yang	CEED
Laura	Yost	Migizi
Matthew	Young	BeechWood Inc.
Kiana	Yusefzadeh	Sierra Club

**National Environmental Justice Advisory Council**

**April 26 -27, 2017**

**List of Teleconference Meeting Attendees**

<b>First Name</b>	<b>Last Name</b>	<b>Organization</b>
Jake	Adler	EPA
Huda	Alkaff	Wisconsin Green Muslims
Craig	Arquette	Saint Regis Mohawk Tribe
Claudia	Barragan	DC Sierra Club EJ committee
Felicia	Beltran	ADOT
Ron	Bergman	EPA
Juliet	Bochicchio	DOE/General Counsel
Ariadinny	Braz	
Pam	Buster	EPA
Stan	Buzzelle	US EPA - OEJ
Kimberly	Carpenter	Metro Blooms
Maya	Carrasquillo	University of South Florida
Patience	Caso	Hennepin County Environment and Energy
Elizabeth	Corr	EPA
Marie	Donahue	University of Minnesota-Twin Cities Institute on the Environment
Natalie	Ellington	EPA R4
Gabby	Fekete	US EPA OIG
Nicolette	Fertakis	EPA
Denise	Freeman	U.S. Dept. of Energy
Venu	Ghanta	Duke Energy
Michael	Grossman	Stand Up for Kids
Richard	Grow	US EPA Region 9
Dona	Harris	USEPA
Jill	Harrison	University of Colorado-Boulder
Pamela	Houston	U.S. EPA
Sabrina	Johnson	U.S. EPA
Ntale	Kajumba	US EPA, Region 4
Jolene	Keplin	Turtle Mountain band of Chippewsa Tribal Health
Chet	Kibble Sr	Inform The People
Toshia	King	US EPA/OLEM/ORCR
Elizabeth	Kramer	U.S. EPA, Region 7 ECO
Leila	Lackey	EPA/ORD/OSP
Sheila	Lewis	EPA
Zelma	Maine-Jackson	WA. St. ECY
Simeon	Matthews	Shakopee Mdewakanton Sioux Community
Mary	McGillicuddy	ASPPH
Timothy	McProuty	U.S. EPA
Rachel	Merriman-Goldring	William & Mary (Student)
Cassandra	Meyer	Minnesota Pollution Control Agency

Stacey	Mihallik	Caterpillar Inc.
Marsha	Minter	US EPA
<b>National Environmental Justice Advisory Council</b> <b>April 25 -27, 2017</b> <b>List of Teleconference Meeting Attendees</b>		
<b>First Name</b>	<b>Last Name</b>	<b>Organization</b>
Onyemaechi	Nweke	US Environmental Protection Agency
Na'Taki	Osborne Jelks	West Atlanta Watershed Alliance
Ben	Passer	Fresh Energy
Sharyle	Patton	commonweal
Millie	Piazza	Dept. of Ecology
Deldi	Reyes	EPA Region 9
David	Reynolds	Inside EPA newsletter
Sarah	Rice	NCDEQ
Marvin S.	Robinson, II	QUINDARO RUINS / Underground Railroad- Exercise 2017
Kathleen	Rogers	Self
Suzi	Ruhl	US EPA OEJ
Jame	Schaefer	Marquette University
Gina	Shirey	State of Alaska/Department of Environmental Conservation
J.	Smith	NAACP Houston Branch
SHERYL	STOHS	US EPA
Matthew	Taylor	TDEC
Katherine	Teiken	Minnesota Housing
Jamel	Thompson	Urban Detox Universal
Joe	Tiago	EPA
Arthur A	Totten	US EPA (HQ)
Alice	Walker	US EPA
Benjamin	Weiss	US EPA
Sharon	Wells	EPA
Monica	Wright	CH2M
Dana	Wynn	Student Organization for Sustainability (SOS)

# **APPENDIX C**

## **WRITTEN COMMENTS**

**Lisa DeVille**  
**Fort Berthold POWER**

**April 25, 2017**

National Environmental Justice Advisory Council (NEJAC)  
Office of Environmental Justice  
United States Environmental Protection Agency

**Public Comment, NEJAC Meeting in Minnesota**

Docket ID: EPA-HQ-OA-2017-0190

Agency: Environmental Protection Agency (EPA)

Executive Order 13777

Dear NEJAC:

Executive Order 13777 directs agencies to establish a Regulatory Reform Task Force to oversee the evaluation of existing regulations to make recommendations about potential repeal, replacement, or modification.

Fort Berthold Protectors of Water & Earth Rights (POWER) is a grassroots community organization that works to conserve and protect the land, water, and air on which all life depends. We are comprised of members from all walks of life across North Dakota. Most of our members are directly impacted by the over-extraction of our natural resources on Fort Berthold Indian Reservation.

We strongly oppose reducing environmental safeguards that were put in place to protect people who are overburdened by the continuous onslaught of energy extraction. The rules are needed to reduce ground level ozone (smog), water pollution, mining-related pollution, illegal dumping of energy extraction byproducts, and other impacts over the previous decades have led to measurable improvements in public health and environmental quality.

There is no justification for deregulation. Companies that invade our lands both off and on reservations, are not here to create jobs for the local people; their job is to make money at the lowest cost of operation possible. The lives and health of all life and our environment are not a bargaining point in the law-making or repeal process.

The environmental destruction will fall on our children and grandchildren for generations to come. Do not repeal regulations that protect land, air, and water.

Sincerely,



Lisa DeVille (Enrolled member of the Mandan, Hidatsa, and Arikara Nation)  
President, Fort Berthold POWER

Fort Berthold POWER  
PO box 1502  
New Town, ND 58757

**Keith Ellison**  
**Congress of the United States**  
**House of Representatives**

KEITH ELLISON  
5th District, Minnesota  
  
2263 RAYBURN HOUSE OFFICE BUILDING  
WASHINGTON, DC 20515  
(202) 225-4755

2100 PLYMOUTH AVENUE NORTH  
MINNEAPOLIS, MN 55411  
(612) 522-1212

ellison.house.gov  
TWITTER: @keithellison



**CONGRESS OF THE UNITED STATES**  
**HOUSE OF REPRESENTATIVES**

CHIEF DEPUTY WHIP  
CO CHAIR CONGRESSIONAL  
PROGRESSIVE CAUCUS

FINANCIAL SERVICES COMMITTEE  
SUBCOMMITTEE ON  
OVERSIGHT AND INVESTIGATIONS  
SUBCOMMITTEE ON CAPITAL MARKETS AND  
GOVERNMENT SPONSORED ENTERPRISES  
SUBCOMMITTEE ON  
HOUSING AND INSURANCE

April 25, 2017

U.S. Environmental Protection Agency  
National Environmental Justice Advisory Council

Dear Members of the National Environmental Advisory Council:

Thank you for hosting this public meeting in my district. Environmental justice has been a driving force in my life for decades, and I am grateful to know the NEJAC will hear from dozens of my friends and fellow advocates on this issue.

Many politicians talk about the Environmental Protection Agency's work as a balancing act between a healthy environment and creating jobs. This perspective has never made much sense to me – we can't have good jobs if we destroy our environment. More often than not, this "balancing act" is anything but balanced. Poor communities, usually communities of color, saddle the burden of pollution while the jobs and economic benefit goes elsewhere. The EPA has a duty not only to ensure that environmental laws are enforced, but to make sure they are applied justly and equitably – without continuing to pump pollution into the same communities year after year.

The EPA also has a duty not just to listen to impacted communities, but to incorporate their suggestions into meaningful policy changes. A few months ago, I hosted a panel with the U.S. Commission on Civil Rights about the EPA's record on environmental justice. The Commission's statutory enforcement report highlighted unacceptable trends in the EPA's work on this front. They noted that the agency has never formally found a violation of Title VI of the Civil Rights Act and has dismissed nearly every complaint submitted under Title IV. Additionally, the report highlights the EPA's consistent issues meeting regulatory deadlines and responding to Title VI complaints in a timely manner, as well as the disparate impacts of some EPA rules such as coal ash disposal. These trends are underscored by the EPA continuing to ask advocates, community members, and the general public to provide input on environmental justice. We have submitted testimony and we have settled the science – the EPA now must do its job as required by the Civil Rights Act and Executive Order 12,898.

Minnesota still has a lot of work to do in addressing environmental justice issues across the state. I would like to outline four major areas that I have been working on in recent months:

PRINTED ON RECYCLED PAPER



1. **Childhood toxic exposure.** My zip code in North Minneapolis (55411) has the highest rate of asthma hospitalizations in the entire state. Many kids in my zip code also show increased blood lead levels and face disproportionate exposure to particulate matter from car exhaust and local industry. These health impacts feed disparities in education outcomes, healthcare cost and access, and economic success. I appreciate the Minnesota Pollution Control Agency and the Minneapolis Health Department's leadership on this front, but we still have a long way to come. The EPA should incorporate such health data in all of its enforcement and permitting work, and should require all of its partners with delegated authority to do the same.
2. **Consultation of tribes for major projects.** Two projects will have major footprint on tribal territory and treaty lands. The proposed PolyMet copper-nickel mine and the Enbridge Line 3 replacement pipeline, both in north-central Minnesota, are substantial developments and warrant sincere consultation with tribes. While these projects are still undergoing permitting review, the EPA and other federal agencies like the U.S. Forest Service should ensure that tribal concerns are heard and addressed before the projects move forward. Too often, we see the responsibilities outlined in our federal treaties with sovereign tribal nations as nice to do but not necessary.
3. **Zero waste.** Right outside downtown Minneapolis is the Hennepin Energy Recovery Center, a garbage incinerator that burns roughly 1000 tons of trash per day. Most of this material is recyclable or compostable. Depending on wind patterns, the plume travels to one of the 18 elementary schools within two miles of the incinerator. The incinerator's other byproduct, ash, is a condensed collection of heavy metals and other toxics present in the waste stream. Regardless of the pollution it generates, the EPA still considers it municipal solid waste and doesn't require specialized disposal for this hazardous waste. The EPA should discontinue the practice of promoting incineration, which produces more carbon dioxide per unit of energy than coal. Instead, the EPA should focus on recycling and composting, which are the least carbon-intensive and reduce landfilling among other unsustainable practices.
4. **Climate change.** The EPA's proposals to curb fuel standards and roll back the Clean Power Plan are unacceptable. No single issue poses as great a threat to every corner of humanity as climate change. Under no circumstance should the EPA try to undercut regulations that help ensure a stable climate.

On behalf of my constituents in Minnesota's Fifth Congressional District, I thank you for your time and attention to these environmental justice issues. I look forward to seeing your progress in coming months.

Sincerely,



KEITH ELLISON  
Member of Congress

**Devika Ghai**  
**Pesticide Action Network**  
**California Rural Legal Assistance Foundation**  
**Farmworker Association of Florida**  
**Farmworker Justice**



RECLAIMING THE FUTURE OF FOOD AND FARMING

---

Esteemed members of the National Environmental Justice Advisory Council,

My name is Devika and I am here representing Pesticide Action Network North America, CA Rural Legal Assistance Foundation, Farmworker Association of Florida, and Farmworker Justice. Part of our work to advance justice across the food system necessarily centers farmworker rights, and that's why I am here before you today.

Farmworkers feed the world. In the US, they are largely low-income Latinx, Haitian, African American and Asian workers. The data tells us that agriculture is one of the three most dangerous occupations in the United States, and farmworkers have the highest rate of chemically related illnesses of any occupational group. They perform some of the hardest work in our country and yet are among the least protected people on the job.

This is why, for over a decade, we worked with organizations representing, serving, and advocating for farmworkers, to push the EPA to update & improve the Worker Protection Standard for Agricultural Pesticides - the *only* federal rule designed to protect farmworkers from pesticides on the job. After years of work by EPA staff, technical experts, medical professionals, advocates and service providers, and - most importantly - farmworkers and their families, the EPA finally promulgated a new rule in Sep 2015. The new rule provided critical improvements, including:

- establishing a minimum age for pesticide handlers;
- increasing the frequency of worker safety trainings;
- improving the content and quality of worker safety trainings;
- providing new rules on decontamination and personal protective equipment;
- and improving the quality of information that workers receive about pesticides that have been applied at their workplace.

These improvements are literally life-saving. In September 2015, we thanked the EPA, we celebrated with our partners, and we heard amazing stories from farmworkers about what this would mean to them and their communities. But now, a year and a half later, I'm sorry to say that there are more efforts than ever before by moneyed agricultural interests to roll back this progress, delay implementation, and put profit over people. That's why we're asking you to **ensure that EPA budget cuts don't affect the implementation of the Worker Protection Standard and that the agency doesn't cave to industry pressure to weaken or delay the new rules.** We know key agricultural states (including CA, FL, and NC) are already implementing the new standards without any problems, so there is no good reason to delay implementation.



Another recently revised rule that is important to farmworkers is the Certified Pesticide Applicator rule, which governs the certification, training and supervision of individuals who apply restricted use pesticides (“RUPs”). The revisions are especially important for noncertified applicators, who are often non-English speakers and applying pesticides “under the supervision” of certified applicators. Proposed changes include increased safety training and supervision, and a minimum age of 18 for both certified pesticide applicators and non-certified applicators. Originally scheduled to go into effect in early March, the rule’s effective date has been delayed until at least May 22. **We ask you to urge EPA to move forward the Certified Pesticide Applicator rule**, which hasn’t been updated in over 40 years.

And finally, I’d like to highlight one other issue of critical concern to farmworkers and their families – the pesticide chlorpyrifos. Chlorpyrifos is a neurotoxic insecticide that is considered so dangerous to human health that it was banned for residential use in 2001. It took 14 years and a high-profile lawsuit for EPA to extend the same protections to agricultural and rural communities but finally in 2015, the agency announced it would be banning the chemical from agricultural use as well. Referring to this announcement, Virginia Ruiz of Farmworker Justice said “It’s a step forward on the path to environmental justice. Farmworkers and their families, who are predominantly poor and majority people of color, bear the brunt of poisonings...”

Then, a few weeks ago, the agency abruptly changed course. Ignoring the recommendations of its own scientists and contradicting its own earlier announcement, Scott Pruitt said EPA would not be banning chlorpyrifos after all, meaning that an estimated 8 million pounds of this neurotoxic pesticide will continue to be applied annually, endangering thousands of farmworkers and their families. Just last year, 10 Syngenta employed farmworkers had to be rushed to hospital due to chlorpyrifos exposure in the fields. A Syngenta spokesman happily declared that the company would continue to use chlorpyrifos despite the crisis. “As far as we’re concerned, it’s still registered as safe”, he said. This is why we rely on you, members of the NEJAC, to take up this important issue and move us towards **a full and total ban of chlorpyrifos** as you guide the agency towards environmental justice for all. With that, I’ll conclude my comments. Thank you for your time and for the work you do everyday, now more important than ever.

3438 SNELLING AVE, UPPER LEVEL • MINNEAPOLIS, MN 55406 • 612.254.9222 •

WWW.PANNA.ORG

PRINTED ON RECYCLED PAPER

OAKLAND • SACRAMENTO • MINNEAPOLIS

**Amy Hummel**  
**Safe Rails Twin Cities**

**Comments Submitted to**  
**THE NATIONAL ENVIRONMENTAL JUSTICE ADVISORY COMMITTEE**  
**Meeting at Minneapolis, Minnesota -- Public Comments Session -- April 25, 2017**  
by  
**Amy Hummel**, Robbinsdale, MN 55422;  
**Gayle Bonneville**, Minneapolis, MN;  
**Karen Rom Kormann**, Saint Paul, MN 55104; and  
**Cathy Velasquez Eberhart**, Saint Paul, MN 55103 - [saferrailstwincities@gmail.com](mailto:saferrailstwincities@gmail.com)  
[facebook.com/saferrailstwincities](https://www.facebook.com/saferrailstwincities)

## **Crude Oil by Rail and Other HazMat HHFT/TIH Rail Routes = Environmental Injustice**

***The American Crude Oil by Rail (CBR) system is a paradigm of environmental injustice:***

- CBR is essentially a system of unregulated pipelines on rails.
- CBR route selection is NOT subject to any Environmental Impact Statement process.
- CBR routes are subject to NO federal, state, or local governmental review or approval processes.
- CBR routes, including bridges and overpasses, are subject to very inadequate levels of inspection by government; and government does not even have access to unexpurgated copies of the railroads' own private inspection reports.
- CBR routes, originally established to carry such cargo as grain and coal which posed far lower safety risks to local communities and the environment, now—without any approval process or even notice to the community--traverse communities which developed along these much safer, older routes. Many communities so affected have vastly increased, very dense populations, and CBR routes now pass through potential mass-casualty sites like urban high-density residential areas that include large numbers of minority populations. MNDOT estimates that approximately 326,000 Minnesotans live within the ¼-mile evacuation zone (“blast zone”) along CBR routes – and many more Minnesotans work, go to school, or travel within that zone. CBR routes routinely pass through areas that include to schools, colleges, churches, hospitals, sports stadiums, shopping districts and malls, and industrial zones.
- CBR route hazards are significant and predictable. The Federal Railroad Administration (FRA) estimates that there will be 10 to 20 crude oil or ethanol derailments per year. A 2014 MNDOT study “identified more than 700 miles of train routes that carry the Bakken crude oil across Minnesota to refinery destinations on the East and Gulf coasts. These routes have 683 atgrade crossings of roads and railroads. Each grade crossing has the potential risk of a train and vehicle collision, or a train derailment. If a train filled with Bakken oil has an incident such as a

derailment, there is a high probability that the oil, a highly volatile, hazardous material, would be released in significant volumes.” (MNDOT, Report on the Improvements to Highway-Rail Grade Crossings and Rail Safety, p. 6.

<http://www.dot.state.mn.us/govrel/reports/2014/CBRCrossingStudy-December2014/ReportonHwy-RailXingsandRailSafety-2014.pdf>

- CBR railroads are subject to NO federal, state (except California!), or local liability insurance requirements. Some railroads are “self-insured,” which means that in the event of a huge tragedy like Lac-Megantic, or a somewhat lesser tragedy involving a small railroad company, the railroad could declare bankruptcy and leave taxpayers holding the bag. It could take years of court battles just to get partial reimbursement for immediate government cleanup efforts, with little or no funding available or accessible for environmental remediation or compensation to individuals or businesses sustaining damage. In addition, along some shared transit rights-of-way, railroads have been granted near-immunity from liability. One example is the NorthStar Rail Line.

***What all this means*** is that private railroad companies operating in their privately owned rights of way reap all the profits, while citizens along those rights of way have very little voice or oversight in their operations and unjustly bear the huge life-or-death risks.

#### **CBR is also the paradigm for other kinds of extremely hazardous freight rail:**

- Unit trains of ethanol and other **HHFTs (High Hazard Flammable Trains)**, as well as trains transporting large volumes of chlorine, anhydrous ammonia, and other **TIHs (Toxic Inhalation Hazards)** are being transported by rail on a daily basis through many densely populated—and unsuspecting--regions.
- Due to lack of transparency on the part of the railroads and some in the chemical industry, essential civil-preparedness planning for evacuation or shelter-in-place remains critically inadequate or even totally absent in many if not most at-risk areas. (The Chlorine Institute, for example, has recently altered emergency forecasting information in a way that actually decreases the accuracy of information sources, and which will result in less protection of emergency responders and citizens. **(See:** <http://www.fireengineering.com/articles/print/volume-169/issue-11/features/the-jack-rabbit-tests-catastrophic-releases-of-compressed-liquefied-gases.html>)
- Regarding railroad avoidance of liability, another close-to-home example is the Omnibus Transportation Bill currently before the Minnesota Legislature. This bill would limit the TC&W Railroad’s liability for an incident along its shared corridor with the SWLRT to just \$3M per incident if hazardous materials are involved (and just \$1.5M if there is no HazMat involvement). Each TC&W operates an average of 2 unit trains of ethanol, some a mile long, along this corridor—where, according to U.S. Census data, about 60,000 residents. **(See:** <http://www.startribune.com/minn-legislators-debate-who-pays-if-freight-lrt-collide/418031863/> )
- Railroads carrying crude oil and other HHFTs and TIH chemicals operate behind a veil of secrecy, regarding everything from unit train schedules to mandated worst-case-scenario incident response planning. This prevents communities from effectively doing their own disaster

planning. The purported need for secrecy is prevention of terrorist action, yet the gaping holes in security on a daily basis reveal the CBR operators' true intentions: avoidance of accountability.

- Railroads carrying crude oil and other HHFTs and TIH chemicals constitute a major threat to U.S. water resources. Water intakes for many towns and major cities remain under-protected, while the CBR and other HazMat rail operators obfuscate or misrepresent the risk picture. **See the following Fact Sheet.**

Citizens Acting for Rail Safety – Twin Cities

<http://saferails.org> or <https://www.facebook.com/saferailstwincities> July 9, 2016

## == WATER IN THE BLAST ZONE ==

### HIGH HAZARD FLAMMABLE TRAINS THREATEN U.S. WATER RESOURCES

**High Hazard Flammable Train (HHFT) cargo like ethanol and crude oil from North Dakota's Bakken shale formation and the Alberta tar sands threatens our water - and our communities - more and more, as more and more crude oil and ethanol is railroaded across the country along 150-year- old rail routes that were never intended to serve as pipelines- on-rails.**

Rail routes often follow along rivers and streams, through critical wetlands and across river bridges. On their way to refineries and ports on the East and West coasts and the Gulf of Mexico, oil trains now go through over 400 counties and dozens of major cities like Philadelphia, Seattle, Chicago, Minneapolis/St. Paul and Newark. According to McClatchy News, "Until just a few years ago, [U.S.] railroads weren't carrying crude in 80- to 100-car trains. ... In 2010, railroads reported spilling about 5,000 gallons of crude oil... They spilled fewer than 4,000 gallons each year in 2011 and 2012." **In 2013, over 1.15 million gallons of crude oil was spilled in the U.S.—more than the previous 40 years combined—and that does not include the 2 million gallons of Bakken crude spilled and exploded in the derailment in Lac-Megantic, Quebec, on July 6, 2013, killing 47 people.**

North Dakota, now the second oil-producing state in the U.S., ships over 2/3 of its crude oil is by rail. **Each day an average of 8 to 9 mile-long oil trains from the Bakken passes through the Twin Cities, and the oil industry wants to double that in the next 15 years.** Trains carrying Alberta tar sands crude also pass through Minnesota.

**A 2014 MnDOT study identified “more than 700 miles of train routes that carry Bakken crude oil across Minnesota ... These routes have 683 at-grade crossings ... Each grade crossing has the potential risk of a train and vehicle collision, or a train derailment. If a train filled with Bakken oil has an incident such as a derailment, there is a high probability that the oil, a highly volatile, hazardous material, would be released in significant volumes.” Over 350,000 Minnesotans live in the ½-mile derailment evacuation zone along rail routes that carry Bakken crude oil, and many thousands more live in the 1-mile evacuation zone in the case of fire (known as the “blast zone.”) Both ethanol and crude oil are highly flammable and contain known human carcinogens. Bakken crude also contains fracking fluid, which turns mammals sterile and kills all aquatic life that ingests it. A train that completely derailed in the Twin Cities could dump 3 million gallons of oil into the Mississippi or Minnesota Rivers or other streams, lakes and wetlands. The 11-million- gallon Exxon- Valdez oil spill poisoned the Prince William Sound for 25 years.**

**Rail shipments of ethanol** have increased rapidly since 2005 due to its federally mandated use as a gasoline additive. Ethanol spills that enter water resources mix with the water and cannot be contained or retracted, and in high concentrations can deplete oxygen and kill fish and plants. A derailment in **Cherry Valley, IL** in June 2009 caused an explosion and fire, and spilled 75,000 gallons of ethanol and gasoline into a creek, causing a large fish kill downstream. In **Lac-Megantic**, several blocks-- about half the downtown area of this town of 6,000 people-- was destroyed by the derailment's huge explosion and fire. Nearly all the remaining down buildings were demolished due to contamination, and 60,000 cubic meters of soil had to be decontaminated before rebuilding could begin. Now the serious long-term environmental damage to the **Chaudiere River** (a tributary of the St. Lawrence) from crude oil that spilled into the river and fallout from the firestorm is becoming evident. A week after the derailment, a Quebec environmental group called Le Societe pour Vaincre la Pollution (SVP) tested the water and found a rate of carcinogenic polycyclic aromatic hydrocarbons (**PAHs**) of **nearly 400,000 times the acceptable amount**. Arsenic, another carcinogen and toxin, was found in amounts 28 times the acceptable limit.

Canadian government scientists recently released results of their own 2014 study. It found that **an unprecedented 47% of fish have external deformities, fin damage and lesions**. A 5% rate is considered evidence of toxic habitat contamination. Almost all species were affected. **There were 66% fewer fish**. Total weight of the fish stock (fish biomass) is down by 52%. The study concluded that the July 6, 2013 oil train derailment is the only possible cause. **An estimated 100,000 liters of oil still lies in contaminated sediment at the bottom of the Chaudiere River**... where it is stirred up again each year with the spring thaw and floods, necessitating repeat riverbank clean-ups and shut-downs of downstream water systems. If there is any good news, it is that in February

2016 the company proposing the largest oil-by-rail expansion in Canada withdrew its application, after Greenpeace, Ecojustice and Safe Rail Communities intervened as part of the environmental assessment process.

On the U.S. side, though, **in 2015 the Department of Transportation predicted that trains hauling crude oil or ethanol will derail an average of 10 times per year** over the next 2 decades; and that just one severe incident occurring in a highly populated area could kill more than 200 people and cause \$6 billion in damage. **And derailments are still causing oil spills and fires**, despite pre-treatment of the oil and the use of the new CPC-1232 tanker cars. As Railway Age noted (March 9, 2015), “The lading is exploding, not the cars.” ***Pipelines are not the answer, either:*** The Enbridge Pipeline break and spill discovered in July 2010 near **Marshall, MI**, released **800,000 gallons** of Alberta tar sands crude, damaging Talmadge Creek, 35 miles of the Kalamazoo River and Morrow Lake. During the cleanup’s dredging phase, 200 trucks a day carried contaminated sediment to a landfill. *Pipeline spills can be larger than rail spills and can go undetected while wreaking huge infrastructure damage.*

## == WATER IN THE BLAST ZONE ==

### *Examples of Horrendous Hits and Near Misses Since Lac-Megantic*

**November 8, 2013 - Aliceville, Alabama** - (rural/wetlands/Tombigbee River)

Train carrying 2.9 million gallons of Bakken crude oil derailed and exploded. 749,000 gallons of oil spilled from 26 tanker cars into fragile wetlands. Traces of oil were detected downstream in a tributary that flows into a creek and the Tombigbee River.

**January 20, 2014 - Philadelphia, Pennsylvania** - (urban/Schuylkill River) (near miss)

100-car CSX train from Chicago derailed on bridge over Schuylkill River. 7 cars dangled above river and a freeway. No spill detected.

**April 30, 2014 - Lynchburg, Virginia** –

(urban/James River) (CPC-1232 tankers)

15 cars of a CSX Bakken crude oil train derailed in Lynchburg, near a trackside eatery and pedestrian waterfront. A fire erupted. 3 cars plunged into the James River, and 30,000 gallons of oil spilled into the Lynchburg River.

**February 4, 2015 – Dubuque, Iowa** – (rural/Mississippi River) (ethanol)

CP Rail train derailed 10 mi. north of Dubuque. 11 ethanol tankers left track and 3 caught fire. 55,000 gallons of ethanol spilled into the Mississippi River.

**February 16, 2015 - Mount Carbon, WV** - (Appalachian Mountains/Kanawha River) (CPC-1232 tankers)

Derailed CSX train carrying Bakken crude oil to Yorktown, Virginia shipping depot. 26 cars left the tracks, causing a fire, and 18 cars leaked oil; one car fell almost into the Kanawha River. A sheen of oil that reached the river burned, as did the river bank. Oil was found trapped on the ice covering Armstrong Creek, the tributary to the Kanawha River at the derailment site. 2 downstream water treatment plants were closed.

**March 7, 2015 - Gogoma, Northern Ontario** - (rural boreal forest/Mattagami River) (CPC-1232 tankers)

Alberta tar sands crude oil train derailed; 10 cars jumped the tracks. Some cars caught fire. 5 cars fell and spilled into the Mattagami River, whose waters finally flow into Lake Huron.

**March 4, 2015 - Galena, Illinois** - (rural/near Mississippi River) (CPC-1232 tankers) (near miss)

BNSF Bakken crude oil train derailed 3 mi. south of Galena, near the confluence of the Galena and Mississippi Rivers. 2 tankers split open and burst into flame. The 21 derailed cars contained 630,000 gallons of Bakken crude. The BNSF main-line runs south from Galena, parallel to the Mississippi River.

**May 6, 2015 - Heimdahl, North Dakota** - (Great Plains/wetlands/James River tributary)

107-car BNSF Bakken oil train derailed 1.5 mi. outside town. Although oil had been pretreated to reduce volatility, 10 cars burst into flames. 34,000 gallons burned, and another 60,000 gallons spilled, some of which was removed from sloughs (wetlands) near track.

**November 7, 2015 – Alma, Wisconsin** – (town/Mississippi River) (ethanol)

BNSF derailment in the Mississippi River town of North Alma (90 mi. southeast of Minneapolis). 32 tankers left the track as the train traveled southbound along the river. More than 20,000 gallons of ethanol spilled from 5 tankers onto the banks of the Mississippi and into the water. This was the 9th North American derailment in 2015 involving oil or ethanol.

== MOST RECENT CRUDE-BY-RAIL WATER DISASTER ==

*IN THE SCENIC COLUMBIA RIVER GORGE*

**June 3, 2016 - Mosier, Oregon** – (Rocky Mountains town/Columbia River) (CPC-1232 tankers)

Since 2015 Union Pacific has sent one-mile-long train of Bakken oil each week on a route along the Columbia through the town Mosier (70 mi. east of Portland) to a refinery in Tacoma, WA, from where it will be exported.

- On June 3, 2016, a 16-car derailment of a 96-car Union Pacific oil train spilled 42,000 gallons of Bakken crude into Mosier and the Columbia River and sparked a massive fire. Cleanup crews initially removed 10,000 gallons of crude oil from the town's sewage system, just 20' from the site of the derailment; later, more oil was found to have escaped into the river from the sewage system due to a pipe damaged in the derailment.

- The town's water aquifers were completely exhausted as fire crews attempted to cool the burning oil cars before foam could be used. A dry summer is predicted; rain is not expected to start substantially replenishing the aquifers before fall or winter. The derailment and fire necessitated mandatory evacuation of the town and shutdown of its sewage and water treatment systems. Returning residents were instructed to boil water for drinking and cooking, and not to use bathrooms or let water or anything else go into drains. Water is being trucked into town, and a continuing sewer emergency severely restricts use of sewers.

- As soon as it had repaired the faulty track – and even before removing the derailed oil tankers that lay just a few feet from the track -- Union Pacific resumed sending oil trains through Mosier, despite local protests.

**Darlene T. Huss**

**Logan Park Neighborhood  
NE Minneapolis, MN**

## **NATIONAL ENVIRONMENTAL JUSTICE ADVISORY COUNCIL (NEJAC)**

### **Public Comment Submission**

**Name:** Darlene T. Huss

**Name of Organization or Community:** NE Minneapolis, Logan Park Neighborhood—for myself only

**City and State:** Minneapolis, Minnesota

**Brief description of concern:** Thank you for the opportunity. I am writing about the air pollution problem of wood burning in my city and metro area. Maybe 12+ years ago, the city of Minneapolis put a “recreational” fire ordinance in place without public comment. When shocked residents asked about this, the city said it was happening here and they wanted to be proactive and place restrictions on when and where. The problem was that they were not prepared to enforce their ordinance (to the point of admitting on the front page of our paper that fines are not given out—even though they are listed in the ordinance and many enforcing employees were not on board, and even gave warnings but did not put illegal fires out. For years, many of us have fought this terrible scourge. Before the ordinance, no one had a firepit in their backyard on my street. Now most do. The city ordinance states burning must end at 10pm (now many start at this time), cannot be closer to a structure than 25 feet (as fire personnel and city council members say that excludes most city lots).

**To get an idea of the problem:** This was posted on eDemocracy by someone I did not know at the time, Posted at 4:46am, Mar 25, 2012 from the Longfellow neighborhood: "I biked through many banks of wood smoke and decided to count the fires that I could see on my way back from Lake down to 42nd Street, on 41st Avenue. All but one of the twelve blocks had at least one fire. Four blocks had two backyard fires, three had four fires. Our own block had two, one right next door and the next one south of that. At least. I didn't go farther south than our house.

That's 25 fires for 12 blocks plus the two I could see on my block, That's only on one avenue. If that's any indication, in Longfellow tonight, there were probably a couple hundred fires. Multiply that city wide, and you've got a LOT of fires and a LOT of wood smoke."

After years of pushing with letters to the Mayor, City coordinator, city council, past and present fire and police chiefs, MPCA, MDH and calling 911 on my neighbors for multiple illegal fires, this is how we must deal with it to get a warning letter, and then fine to them: Call 911 to create a record, follow up with 311, to get a notice sent to regulatory services so they can send a warning letter for first time, and fine for second time (for homeowner and if renter to both homeowner and renter). Good idea to let your neighborhood crime prevention specialist know as well as the Asst Fire Chief. So now, I must find the fire (otherwise the city firetrucks have come to my house at midnight on weekday, put lights on my



house and pumped air brakes acting like they are trying to find the fire when I called without a location). So, I smell smoke in my house, or sometimes I drive up to my garage and put the car away, walk across my lawn and smell like I've been at a campground all day, just walking across my lawn. So, I walk, bike or drive around neighborhood looking for the source(s) and call 911 (which feels very unsafe—I am afraid when looking for the fire). Then I go back to check to make sure the fire dept had them put out the fire.

Just in December, I called on an illegal one and they just put snow on it, causing lots of smoke and incomplete combustion putting out more pollution. Also, the ordinance states the wood is supposed to be clean (not painted, etc) and dry. But just go down any alley you will see people have wood stacked next to burner out in the rain and snow. And many have built in pits now and I ask regulatory services to give warning letters to those that aren't in compliance with the ordinance and they won't. (Yet, when I had a housesitter recently for the summer, the city gave three letters: one for weeds in the alley, storing my brother's trailer in my yard and a fence stored between garages—none of which harmed anyone's health.)

In 2012, a group of us went before the city council citizen advisory committees, public health and environmental, to state the case for a backyard fire ban. A representative of the city, when asked if everyone was affected the same by wood smoke, said only the old, young and those with compromised health are affected suggesting it was a small (and expendable) group. The result: the committees suggested adding no burning when AQI warning is put out by the MPCA (which occurs rarely because the MPCA often does not know ahead of time that AQI will reach 100+ and until I pushed them recently they had no mechanism in place to do PSAs announcing no burning when the AQI goes over 100 for whatever reason). The Committees also recommended that an educational program about the health and climate change harms be started to the city.

In 2015, I contacted the head of the City of Minneapolis Health Dept, Gretchen Musicant, asking her where her dept was with the education program and she said the fire dept had done it. The fire dept had put out a video saying how to have a nice bonfire while not annoying your neighbor. Not only that, I went to the city Health Dept facebook page recently and found under "people also like" Musicant's son's business, "Musicant Group" listed and you click on that link and it takes you to his FB page where he receives grants and works to bring people in the community together—a laudable activity. But too often it happens with wood smoke—looking at his pictures you see copious amounts of smoke around his downtown St Paul gathering by a lightrail station, as well as a walking event in St Louis Park. He also recently had put out a kickstarter program for his mobile wood burning sauna business and raised over 30K for it. This mobile sauna he was able to place in downtown Mpls where he had a wood burning firepit out front besides, and at other city landmarks for weeks among places where people live in close proximity. Last year, the wood burning sauna was in NE, next to Dangerous Man brewery and the firepit was five feet from the back of the building and just across an open parking lot from my fire station and they did nothing to put out the fire even though it was illegal (according to the city ordinance—not 25 feet from a structure).

I drove back from the coop 2 days ago, the day I was too intimidated by your setup to stay and present in person, in my neighborhood as I approached a wood burning pizza oven restaurant, the smoke was strong and got stronger and looking in the window, it looked like the flames were up to 2 feet high and I noticed this smoke on a walk earlier in the week, also near this business. The proliferation of wood burning restaurants, and meat smokers is shocking. There are 4 within a mile of me or soon to come in. One three blocks away reads like this in their ad for the future:

<http://twincities.eater.com/2017/2/27/14732352/popol-vuh-central-address-minneapolis-lyn65>

Fire will be at the heart of Popol Vuh, where Alarcon will utilize an Argentinian wood burning grill **as well as a wood fired plancha.** “Fire is the ancestral way of cooking,” Rients said. “There is nothing more calming and satisfying than working with a big beautiful fire.”

<http://www.citypages.com/restaurants/5-reasons-to-get-excited-about-popol-vuh-the-new-mexican-restaurant-coming-to-northeast/414406053>

5 reasons to get excited about Popol Vuh, the new Mexican restaurant coming to Northeast

And there will be a big wood fire and a big plancha (grill), and Alarcon and his team are going to be cooking with a whole lot of smoke.

**“There’s going to be so much wood and smoke in that room,” says Rients. “It’s going to be a fully immersive experience.”**

So, to recap: Popol will offer a fully immersive experience with tacos, free-flowing margaritas, lots of smoke, more aguachile, and possibly some cutting-edge Mexican cooking the likes of which **we haven’t quite seen around here.**

In recent years, the healthy eating local food COOP had a flyer about what to buy for your bonfire. When **I objected and why, the manager said, we aren’t suggesting anything that is not legal. They also had in** their official newsletter how to build a wood burning, long burning pizza oven for your backyard and Seward neighborhood pushed building a wood burning community bread oven.

So, wood burning is pushed like crazy here in Minneapolis. All the while we push exercising hard and that we are a sustainable city. I am afraid to try to educate the public by opinion pieces because I am calling 911 on my neighbors who have not confronted me so far. The city of Minneapolis just seems to be getting the idea it may be an issue but does not have the will to do anything about it. I smell smoke often, during the day and at night, in public and in my house. During the winter and during the summer. Winter has increased with more gentrification in my area and more stove pipes rising out of roofs.

**You could say, what’s the problem? If the MPCA shows the area doing quite well for pollution--???**

**Here’s the problem:**

Burning causes pollution victims—people who are near the burners and their **ACTUAL AQ** is **not** showing up on community monitors sometimes miles away. PM 2.5 and PM 1.0, fine and ultrafine particulates are not kept out by doors and windows.

The EPA takes AQI readings and averages them over a 24 hour period—successfully averaging out great spikes at the community monitors. I saw a 157 at a AQI monitor a mile+ away from a building fire get averaged to 53 the next day. This past April 1<sup>st</sup> weekend, the first nice weekend this year I knew would be bad and the smoke was bad in the city. At the MPCA website I watched the AQI climb from 13 at 9pm to 109 at midnight and spike at 151 overnight. You can see the buildup both Friday and Saturday night in the AQI looking at the World AQI site which shows this.

A new study by **researchers at Harvard T.H. Chan School of Public Health** found that death rates among people over 65 are higher in zip codes with more fine particulate air pollution (PM2.5) than in those with lower levels of PM2.5. It is the first study to examine the effect of soot particles in the air in the entire population of a region, including rural areas. The harmful effects from the particles were observed even in areas where concentrations were <sup>\*\*\*\*</sup> **less than a third** <sup>\*\*\*\*\*</sup> of the current standard set by the Environmental Protection Agency (EPA).

**“Particulate air pollution is like lead pollution, there is no evidence of a safe threshold even at levels far below current standards, including in the rural areas we investigated,” said Schwartz. “We need to focus on strategies that lower exposure everywhere and all the time, and not just in locations or on days with high particulate levels.”**

The MPCA says that industry or point sources are a smaller part of our pollution in this area with smaller, area sources, a larger part including vehicles, small motors like lawn mowers and leaf blowers and wood burning. At midnight and later April 1<sup>st</sup> weekend, no one was using small motors and traffic was not high, so that leaves wood burning as a big source of the AQI climbing to 151 overnight—and you could smell wood smoke. The MPCA report to the legislature this year, 2017, states that in Minnesota: 40% of PM 2.5 (fine particulates) comes from wood burning, 25% of PAHs (polycyclic aromatic hydrocarbons) and 10% of VOCs (volatile organic compounds) come from burning wood. **Wood smoke is extremely toxic, with over 200 dangerous chemicals and heavy metals attached, including dioxins.**

The Minnesota Dept of Health put out an asthma by zip code map of the 7 county metro and it shows some zip codes here have 7 times the asthma rate of outstate Minnesota. The city of Minneapolis spends money on changing out mattresses and pillows for asthmatics but when I looked last—a couple weeks ago—the Minneapolis health dept website still had NO MENTION of wood burning as an issue on their website for mitigating health problems. Even though, they put together an AQ multiyear test for VOCs and found again elevated levels of 3 of 5 VOCs Benzene, formaldehyde and naphthalene which are all constituents of wood burning—that was still not mentioned as something to curb.

To make it more personal, I had been working on this before the following event but this makes **it even more disappointing the city won't do anything about this issue: My mother was having** some issues from dehydration after having a problem with C diff. and the doctor wanted to hospitalize her. She went to Abbot Northwestern in South Minneapolis. She was admitted on a Friday evening and my brother and I were talking with her in her hospital room when she said, **I smell smoke. (She really wasn't that tuned in to our fight against wood smoke in a densely-populated area, at 90 years old).** My brother, who had also fought this proliferation of wood

burning here, said he noticed it earlier and we all definitely smelled smoke in my Mom's hospital room. We tried mentioning to personnel and they just dismissed it.

Within 24 hours she had a major stroke. I stayed with her overnights and another brother came during the day. She moved to 3 different wings for different issues and each weekend, I could smell smoke in her different rooms. Smoke poured in through the roof intake and through the emergency room doors. I mentioned it at the time to 2 nurses, individually, and both said, no I don't smell it—but my allergies are acting up. I spoke with another nurse a year later, who was not working at the time, but I know from my church and she said, yes it's a problem—ask security—they'll tell you about it. "You hate to run to your car some days the smoke is so bad." After that, our mom then went to a suburban nursing home—just across the street from Mpls where I smelled smoke in the dining room of the second floor AND coming in a large vent in the hall outside her room.

To recap: this wood burning, especially this backyard burning is a property rights issue, a global climate change issue, environmental justice issue, health issue and could become a nonattainment issue.

**Property rights issue:** If people have the right to burn on their property, they need to keep the smoke on their property because their right to burn does not supersede my right to breathe clean air on my property or in public spaces. This is a huge Public Health Nuisance.

**Global climate change issue:** black carbon soot is implicated 2<sup>nd</sup> behind carbon for causing climate change and we are over 400 ppm for carbon. **It's irresponsible.**

Last fall, Bill McKibben of 350.org, wrote this when discussing using biomass for energy:

The theory is, if you cut down a tree and burn it, another will grow in its place, and it will soak up the carbon you just burned. Voilà, no impact. When I first heard it, it sounded great to me (especially since I've spent much of my life getting up during the night to stoke the woodstove).

The trouble with the theory is, it turns out to be wrong, at least relative to the crisis we face. If you burn a tree, you put a lot of carbon into the atmosphere right away, trapping heat at precisely the moment that we desperately need to be cooling the earth. A slowly growing new tree won't suck it all back up until after we've broken the back of the climate. And it turns out that wood is remarkably inefficient, even compared to coal: **It's a serious pulse of carbon you're pushing into the air.**

These fires also force people to close their windows and put on the A/C using more energy and leading to more climate change instead of letting us open our windows at night to air the houses out.

Have you seen Al Gore's trailer for his sequel to An Inconvenient Truth--Please watch:

<https://www.youtube.com/watch?refcode=g-Inconvenient0401.d-20170401.m-9051.s-30452&v=huX1bmfdkyA>

It is so very powerful.

**Wood burning is an environmental justice issue:** people in my nearby neighborhoods and northside across the river are dealing with the fallout from industry around the Lowry bridge—Northern Metals Recycling and GAF asphalt shingle co have placed a heavy pollution burden on these neighborhoods to the point of showing the highest asthma and cancer rates in the metro in a currently ongoing study. We are placing an undue burden on people who can ill afford it and the city of Minneapolis calls it a “Recreational” fire ordinance—recreational!

**Lots of healthcare issues from woodburning:** is not only a problem for respiratory issues like asthma and COPD but also Heart attack, stroke, autism, pre-eclampsia and suicide. COPD is the 5<sup>th</sup> highest killer in Minnesota. From: <http://burningissues.org/car-www/science/outdoor-firepit-page.html> What we know about the dangers of tobacco smoke well applies to wood smoke. Wood smoke is chemically active in the body 40 times longer than tobacco smoke (Pryor). It is 12 times more carcinogenic than tobacco smoke (Lewtas) and lowers the body's defense mechanisms for fighting off infections. Just one hour of exposure can lower immune defense 25 to 40 percent (Zelikoff). (See [burningissues.org](http://burningissues.org) for Fact Sheets, Wood Smoke/Tobacco Comparison charts and other backup material.)

Burning in a densely populated area costs too much, for the city and in the form of healthcare. For every **\$1 spent reducing particulates, we save \$30 in healthcare costs. That's from the independent Office of Management and Budget, the OMB.** A researcher from the U tweeted this a couple years ago: [Health damages of PM2.5 [particulates]n Minnesota cost-\$34billion/y. Cleaner air = big benefits. See MPCA's 2015 Legislative Report.]

**What you want the NEJAC to advise EPA to do:** To do something about the proliferation of wood burning in our densely-populated area. If they must burn, which I don't believe they do, but if they must, they should switch to gas or electric. This wood burning is a Public Health Nuisance! Please recommend that the EPA advising banning backyard wood burning in the 7 county Metro—or at least my City of Minneapolis. With health care costs and climate change—surely, we can find better forms of recreation!

Have the city of Minneapolis start educating the public about the harm of burning wood. Have them start giving warning letters for illegal firepits (not 25 feet from a structure) and wood left out in precipitation. We are at the mercy of many who are the young invincibles. There was just close to 100 responses regarding the ordinance in the Social Media platform for the City of Minneapolis called NEXTDOOR, this month. You have a woman on there who says she has COPD, can hardly breathe but she doesn't want to impact the fun of a young woman with asthma (who had a picture of a psychedelic skull to id her) who says I have asthma but still enjoy a fire—I just don't stand right in front of it. These people and the many who are too sick or ignorant need to be protected—at least protect our collective pocketbook because these people won't.

Please do something about the proliferation of wood burning restaurants. We are inundated with them—why has this become the big “in” thing? The backyard smokers the pizza and bread ovens and even wood burning saunas are becoming an issue—besides these new mobile saunas from Max

Musicant. Many of the people who have moved into my neighborhood walk by smoking cigarettes—these people should not be able to decide the health/fate of the rest of the metro.

Thanks very much for your time!

Darlene T. Huss

Here are some links (see short video at the first 2 below):

<https://woodsmokepollution.org/>

Doctors and Scientists Against Wood Smoke Pollution © 2017

<http://uphe.org/priority-issues/wood-burning/>

Utah Physicians for a Healthy Environment

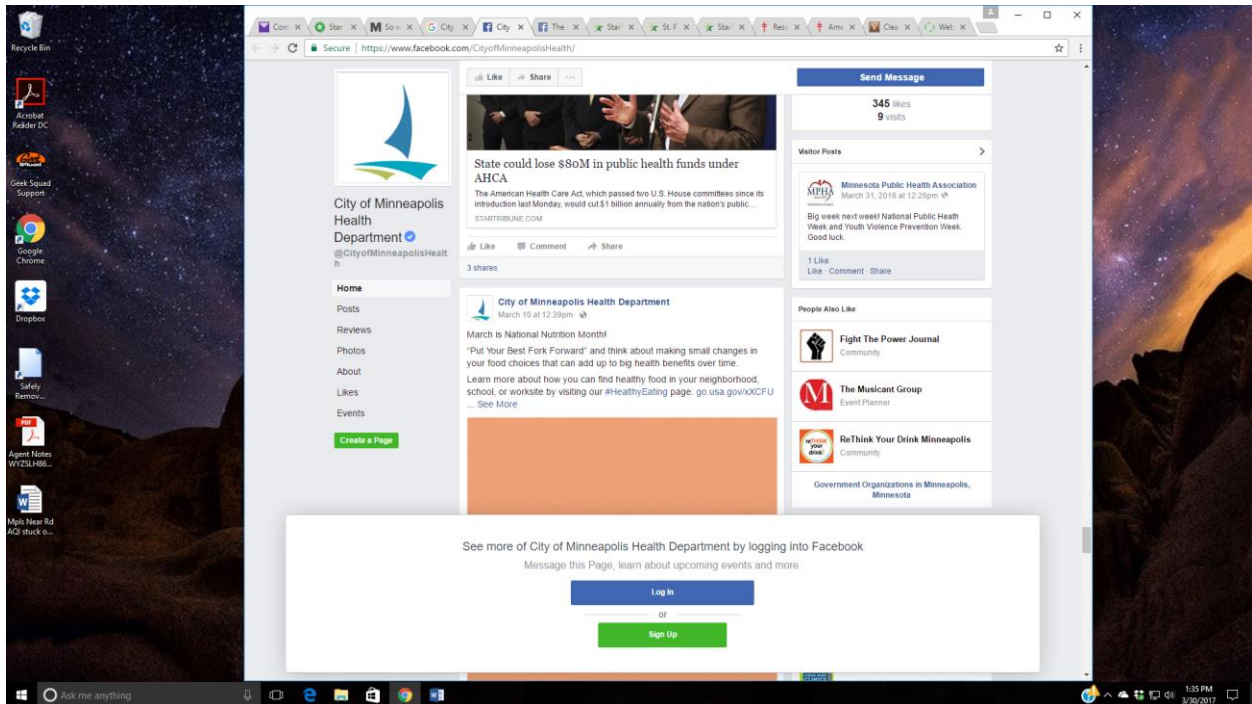
<http://burningissues.org/car-www/pdfs/WoodSmBroharris.pdf>

Burningissues.org

<http://www.startribune.com/backyard-fires-become-a-burning-issue/131671178/>



City of Mpls Health Dept Commissioner is Gretchen Musicant—see what else people like on this fb page: the Musicant Group, her son Maxes company.



Go to Musicant Group FB page photos:



Winter Solstice at Central Station [downtown St Paul]: Fire Food Fun!



Star Tribune

## St. Paul's Central Station area kicks off a year of pop-up events

Pop-up events aim to bring vitality to Green Line Central Station.

By James Walsh Star Tribune | DECEMBER 21, 2016 - 9:04PM

Tiffany Kong who works nearby browned a smore, says "a garden would be beautiful. More greenery downtown would be nice." Over the next several months, the area near the Green Line's Central Station in St. Paul will host a series of pop-up events.

The smell of wood smoke wafted skyward Wednesday as downtown passersby sipped hot chocolate, roasted marshmallows and played Kubbs, a Swedish lawn game, on the snow.

It was part of a winter solstice celebration that had an ulterior motive: Bring some life and vitality to a vacant lot near the Green Line Central Station in St. Paul.

"This is the kickoff event for a yearlong effort to add vitality and safety to the Central Station area, outside and in the skyway," said Max Muscant, whose Muscant Group was among a consortium to win a \$75,000 grant from the Knight Foundation. "Now, the ground cover is wood chips and dirt, but later there will potentially be a wood deck, gravel, places for food trucks to pull up and park, seating. At some point, the property will be developed into a building. That's the vision for the area."

The best bra is one you never think about.

Shop ThirdLove

THIRDLOVE

Top Stories

See article above re: Knight Foundation Grant—Muscant Group was among a consortium to win \$75K grant.



Also from Musicant FB photos:

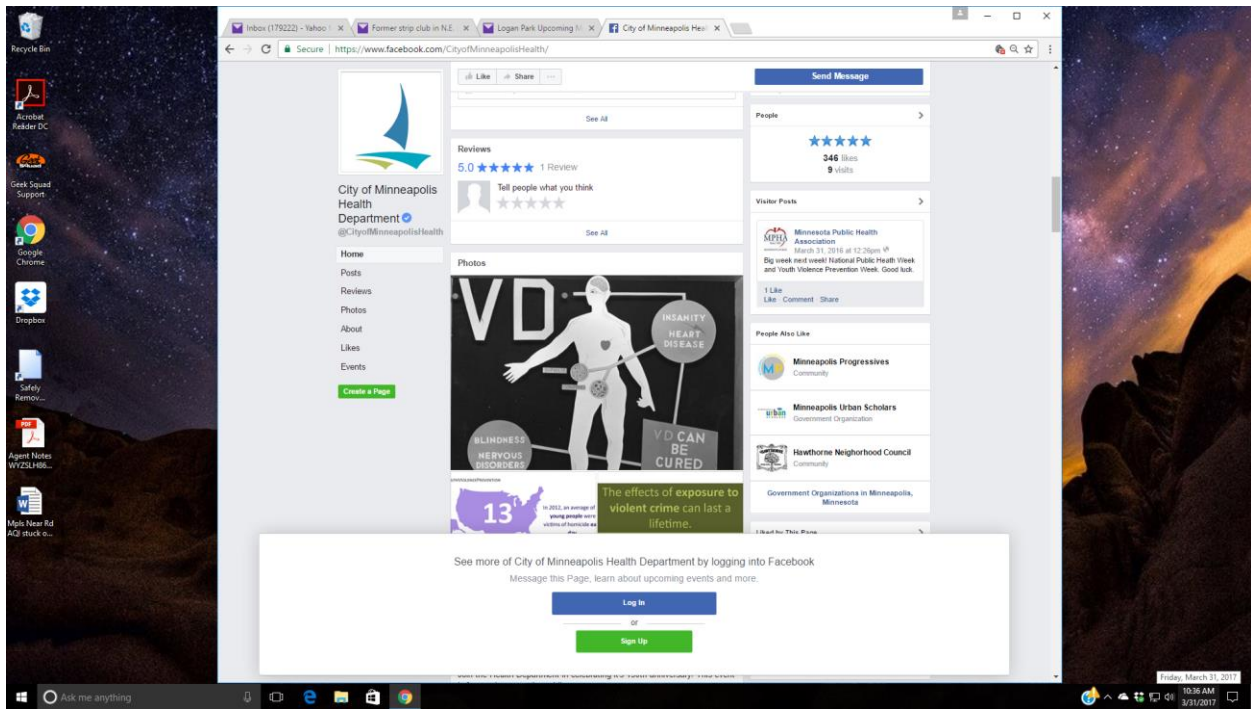


Walk and talk event

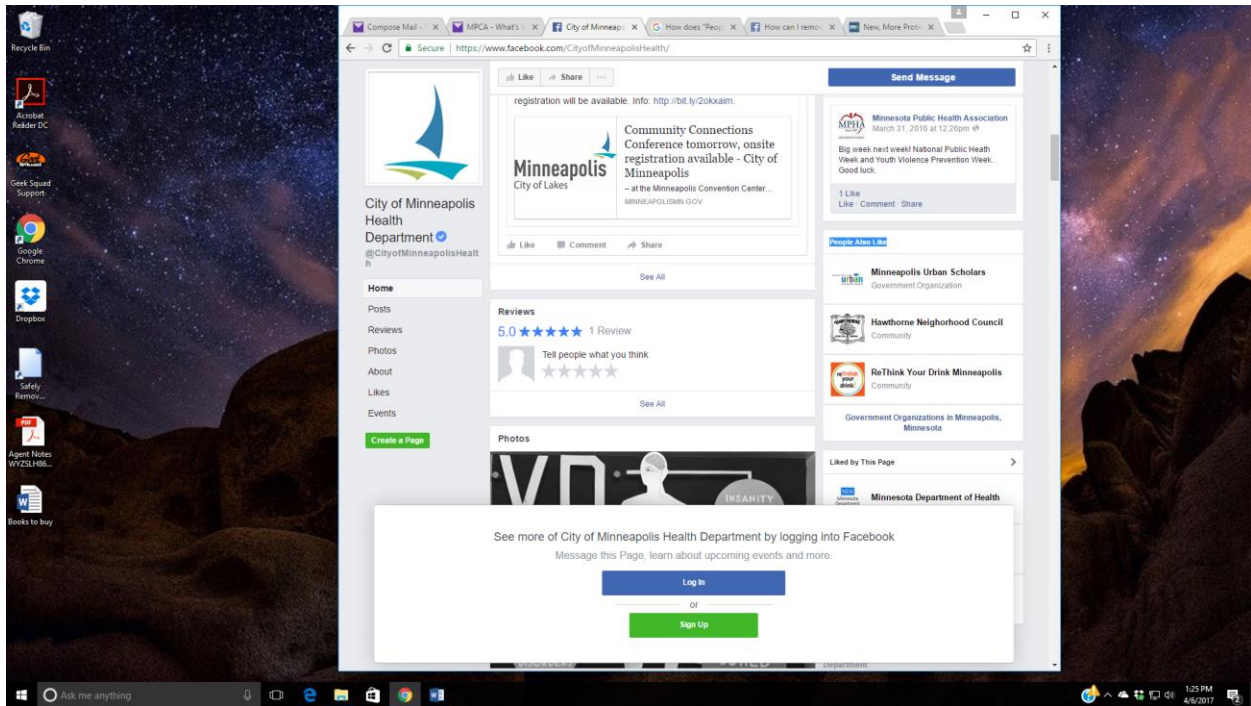


While it's nice Musicant wants to bring people together, it often involves wood burning—including his mobile wood burning sauna co with firepits outside of the sauna. <http://612saunasociety.com/> Below: Next day, Musicant not visible—will it be reposted? How long was it there?





So who put the “People also like” on FB? Rethink your drink is back.



Current condition details: Minnesota Pollution Control Agency | https://www.pca.state.mn.us/air/current-condition-details

Legend:  
 ● Good 0-50  
 ● Moderate 51-100  
 ● Unhealthy for sensitive groups 101-150  
 ● Unhealthy 151-200  
 ● Very unhealthy 201-300  
 ● (Non-Cast AQI)

### Trends by site and pollutant

Minneapolis - Phillips

Location: Minneapolis - Phillips | Pollutant: PM2.5 | Date: 4/2/2017 | Hours: 24 | Go (Non-Cast AQI)

### Pollutant levels at individual monitoring sites

Last Updated: 04/01/2017 10PM CDT

Site name	Fine particles (PM2.5)	Ozone (O3)	Coarse particles (PM10)	Nitrogen dioxide (NO2)	Carbon monoxide (CO)	Sulfur dioxide (SO2)
Apple Valley	10					
Blaine	68	10	N/A	26	7	0
Brainerd	33	31				
Detroit Lakes	26	31				
Duluth WDS/E		36				
East Bethel		46				
Ely	8	35				
Fond du Lac	57	28				
Grand Portage	N/A					
Lakeville - Near Road	16			17	5	

Current condition details: Minnesota Pollution Control Agency | https://www.pca.state.mn.us/air/current-condition-details

Legend:  
 ● Good 0-50  
 ● Moderate 51-100  
 ● Unhealthy for sensitive groups 101-150  
 ● Unhealthy 151-200  
 ● Very unhealthy 201-300  
 ● (Non-Cast AQI)

### Trends by site and pollutant

Minneapolis - Phillips

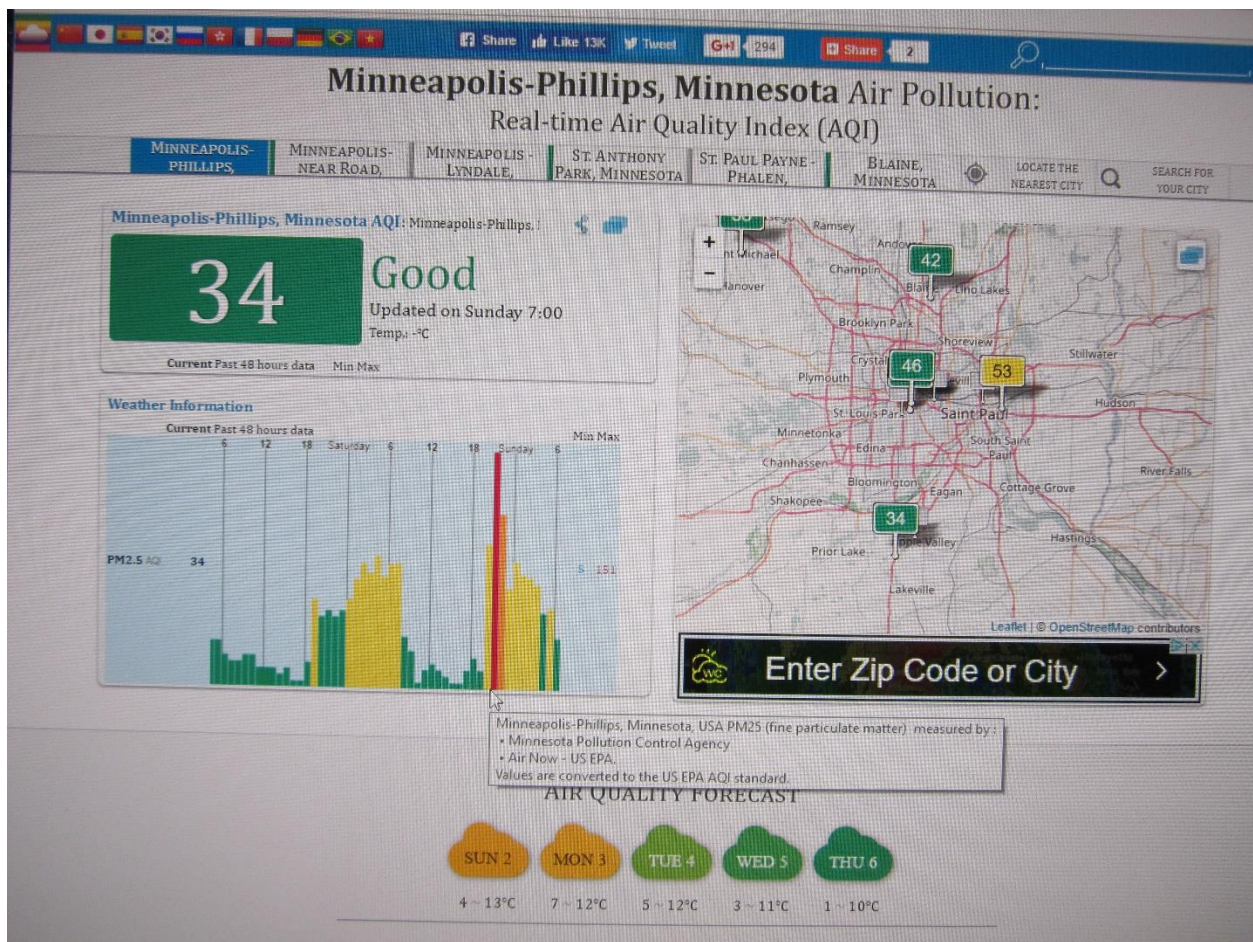
Location: Minneapolis - Phillips | Pollutant: PM2.5 | Date: 4/2/2017 | Hours: 24 | Go (Non-Cast AQI)

### Pollutant levels at individual monitoring sites

Last Updated: 04/01/2017 10PM CDT

Site name	Fine particles (PM2.5)	Ozone (O3)	Coarse particles (PM10)	Nitrogen dioxide (NO2)	Carbon monoxide (CO)	Sulfur dioxide (SO2)
Apple Valley	10					
Blaine	68	10	N/A	26	7	0
Brainerd	33	31				
Detroit Lakes	26	31				
Duluth WDS/E		36				
East Bethel		46				
Ely	8	35				
Fond du Lac	57	28				
Grand Portage	N/A					
Lakeville - Near Road	16			17	5	
Marine on St. Croix		46				
Marshall	11	35				
Millie Lacs		39				
Minneapolis - Downtown					N/A	N/A
Minneapolis - Lowry Ave			49			
Minneapolis - Near Road	68	0		43	15	
Minneapolis - Phillips	105					
Minneapolis-Pacific						





**Minneapolis-Phillips, Minnesota Air Pollution: Real-time Air Quality Index (AQI)**

MINNEAPOLIS-PHILLIPS | MINNEAPOLIS-NEAR ROAD | MINNEAPOLIS-LYNDALE | ST ANTHONY-PARK, MINNESOTA | ST PAUL-PAYNE-PHALEN | BLAINE, MINNESOTA

**Minneapolis-Phillips, Minnesota AQI: Minneapolis-Phillips: 53 Moderate**  
 Updated on Sunday 20:00  
 Temp: -6°C

Current PM2.5 48 hours data

**Weather Information**  
 Current PM2.5 48 hours data

PM2.5 AQI: 53

Map showing AQI values across the region: 46, 53, 30.

Enter Zip Code or City

Minneapolis-Phillips, Minnesota, USA PM2.5 (fine particulate matter) measured by:  
 • Minnesota Pollution Control Agency  
 • Air Now - US EPA.  
 Values are converted to the US EPA AQI standard.

**AIR QUALITY FORECAST**

Day	Forecast
SUN 2	4 - 13°C
MON 3	7 - 12°C
TUE 4	5 - 12°C
WED 5	3 - 11°C
THU 6	1 - 10°C

hour 0 3 6 9 12 15 18 21 | SUNDAY 2 | MONDAY 3 | TUESDAY 4 | WEDNESDAY 5 | Thursday 6

PM2.5 AQI

HOME | HERE | MAP | MASK | FAQ | SEARCH | CONTACT | LINKS

9:53 PM 4/2/2017

**Michelle Thelen**  
**Guardians of Future Generations**

Dear Karen L. Martin, EPA

Please submit the following to the Public Comments for the Minneapolis NEJAC meeting:

My name is Michelle Thelen, of Minneapolis MN. [michelle.thelen@rocketmail.com](mailto:michelle.thelen@rocketmail.com)

I am here today as a concerned citizen and member of *Guardians of Future Generations*. We are here to ensure that the EPA performs their public duty to ensure ecologically healthy land, water, and air for the benefit of future generations. We protect what we deem most important: a livable environment for our children, your children and all of our grandchildren.

A fundamental piece of environmental justice is the approach that every individual and community speaks for themselves and has a right to a healthy planet. This right extends to future generations. For those who cannot speak for themselves, such as the waters, the land, and future generations, we need Guardians to represent them.

The basis of democracy is the consent of the governed. The alternative to governing with the consent of the governed is either anarchy or dictatorship. And we don't want to go there.

It is a false premise promoted by the corporate sector that government's primary responsibility is to promote a growth economy even if it means destroying the water, the air, and wildlife. The real responsibility of government is to protect the commonwealth and health of its members. The commonwealth is all the things we share—air, water, wildlife, National Forests, roads, the Internet, public health & so on.

**\*I'd like to share a concept developed by Carolyn Raffensperger of the Science & Environmental Health Network called the PRECAUTIONARY PRINCIPLE.**

**\*\*“When an activity raises threats of harm to human health or the environment, precautionary measures should be taken even if some cause and effect relationships are not fully established scientifically.” That is, in the face of harm and scientific uncertainty, take action to prevent harm.**

**The precautionary principle tells us to act ethically and protect future generations, not wait until all the evidence is complete. The question is “do we know enough to act?” Because the precautionary principle is a way to make ethical decisions, it doesn't leave all decisions to scientists. Communities and people affected by a decision should be at the table to document the early warnings, set goals and look for the best alternatives. Communities have the right to give or withhold their free, prior and informed consent to activities that affect their future and the future of their children.**

**\*Applying the precautionary principle in the community: In most cases proposals for confined animal feeding lots, pipelines, mines, fracking and other noxious activities are evaluated on the old environmental model of allowing acceptable harm. The public has to pay for the gambles of greedy corporations when corporations pollute. With the Precautionary Principle, Local governments can set up Early Warning Committees that evaluate clusters of unusual diseases, trends in problems such as polluted drinking water, and changes in wildlife that provide clues about trouble in the environment.**

**\*An Early Warning Committee could be empowered to propose legislation or recommend research with the intention of taking precautionary action based on the research findings.**

**\*Communities can set goals for what they'd like their community to become. Reducing diseases and pollution, protecting drinking water, increasing green spaces—whatever the community thinks should be improved. Government can be measured against those goals and budgets should be tailored to those goals.**

**\*We urge you to expand your way of thinking from an EITHER/OR approach and seek solutions that ensure the rights of the people and create clean energy jobs! Can't we all agree we need both employment and serious environmental protections?**

**We The PEOPLE of America AND the planet need you to be a "Guardian" .... Public TRUSTEES ....a moral force! and hold sacred our public health & well-being so we can breathe clean air and drink clean water!. This signals that you care less about promoting corporate greed and more about the health and wellbeing of all living things. That our quality of life is more critical than anything else.**

In a world-first, a [New Zealand](#) river has been granted the same legal rights as a human being. Quote: "We have fought to find an approximation in law so that all others can understand that from our perspective, treating the river as a living entity is the correct way to approach it, as in indivisible whole, instead of the traditional model for the last 100 years of treating it from a perspective of ownership and management."

The new status of the river means if someone abused or harmed it, the law now sees no differentiation between harming the tribe or harming the river because they are one and the same.

We are the river and the river is us. And therefore rather than us being masters of the natural world, we are part of it. We want to live like that as our starting point. And that is not an anti-development, or anti-economic use of the river but to begin with the view that it is a living being, and then consider its future from that central belief." End Quote.

So, as you consider recommendations for the EPA today, please consider the RIGHTS we ALL have to clean air, water and land no matter what our ethnicity, race or socio-economic status.

And, always, please take into account how your recommendations will affect future generations quality of life!

Guardians of Future Generations Thank you.

Michelle Thelen

[michelle.thelen@rocketmail.com](mailto:michelle.thelen@rocketmail.com)

Minneapolis MN 55406



# **APPENDIX D**

# **PRESENTATIONS**

**Community Voices Panel Presentations**  
**Wednesday, April 27, 2017**  
**10:00 am**

**Ticiea Fletcher – Minneapolis Parents for Lead Safe Kids**

**MINNEAPOLIS PARENTS FOR LEAD  
SAFE KIDS**

**CONNECT & PROTECT**

CONNECT TO RESOURCES & GRANTS IN MINNEAPOLIS CALL 311

**CHILDREN POISONED!**

**EACH YEAR 700 OR MORE CHILDREN ARE  
POISONED BY LEAD IN THE STATE OF  
MINNESOTA.**



WHAT THE STATE IS ACCOUNTABLE FOR  
WHEN A CHILD HAS BECOME DISABLED BECAUSE OF LEAD POISON



**MEDICAL COST  
AND SPECIAL SERVICES**

- MEDICATIONS
- SPEECH AND LANGUAGE
- PHYSICAL AND OR OCCUPATIONAL THERAPY
- PERSONAL CARE ASSISTANCE
- EVALUATIONS ETC.

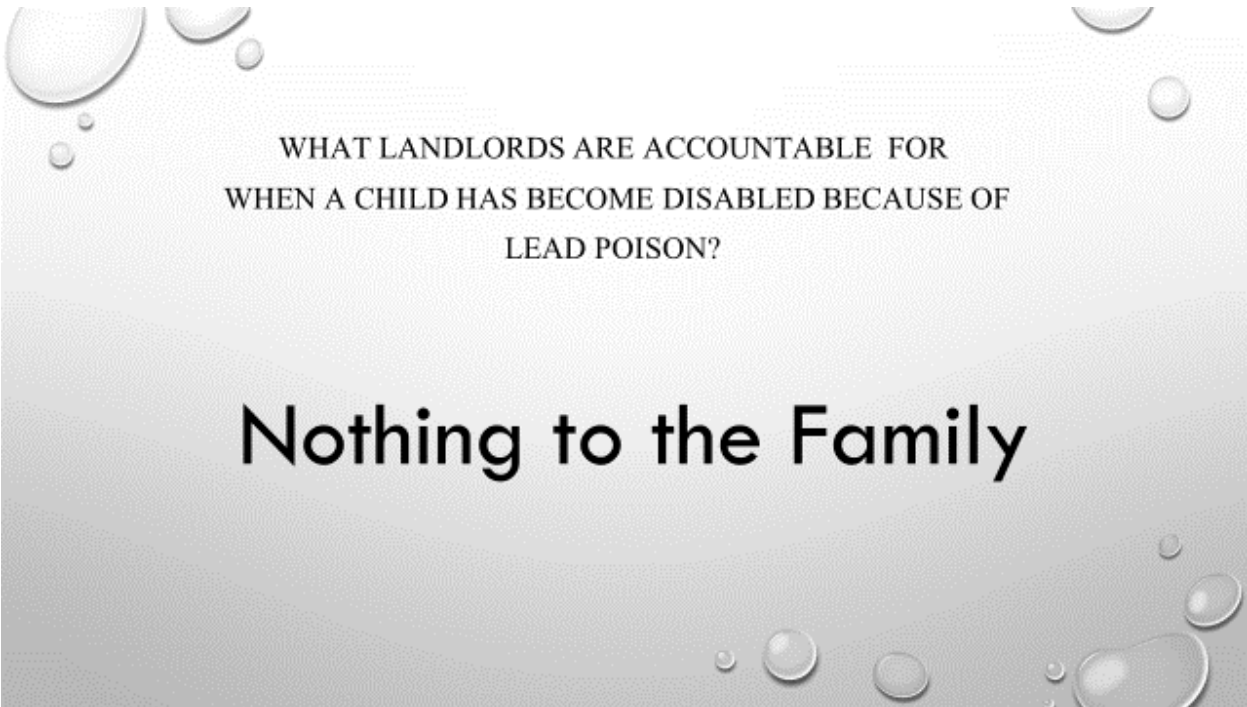


**SPECIAL EDUCATION**  
THE COST IS DIFFERS FOR EACH CHILD



**SOCIAL SECURITY  
DISABILITY BENEFITS**

\$731.00 -2017 PAYMENT  
FROM THE TIME THE CHILD IS DISABLED  
PAYMENTS DIFFER FROM STATE TO STATE.  
AND NOT ENOUGH FOR A FAMILY TO SURVIVE



WHAT LANDLORDS ARE ACCOUNTABLE FOR  
WHEN A CHILD HAS BECOME DISABLED BECAUSE OF  
LEAD POISON?

# Nothing to the Family



PLAN OF ACTION  
MAKING CHANGES  
RENTAL  
DISCLOSURE

**Disclosure of Information on Lead-Based Paint and/or Lead-Based Paint Hazards**

**Lead Warning Statement**

Housing built before 1978 may contain lead-based paint. Lead from paint, paint chips, and dust can pose health hazards if not managed properly. Lead exposure is especially harmful to young children and pregnant women. Before renting pre-1978 housing, lessors must disclose the presence of known lead-based paint and/or lead-based paint hazards in the dwelling. Lessees must also receive a federally approved pamphlet on lead poisoning prevention.

**Lessor's Disclosure**

(a) Presence of lead-based paint and/or lead-based paint hazards (check (i) or (ii) below):

(i)  Known lead-based paint and/or lead-based paint hazards are present in the housing (explain).

Example Housing unit is under abatement program with Sustainable Resource Center and will be complete on May 1, 2017 before tenant moves into unit

(ii)  Lessor has no knowledge of lead-based paint and/or lead-based paint hazards in the housing.

(b) Records and reports available to the lessor (check (i) or (ii) below):

(i)  Lessor has provided the lessee with all available records and reports pertaining to lead-based paint and/or lead-based paint hazards in the housing (list documents below).

(ii)  Lessor has no reports or records pertaining to lead-based paint and/or lead-based paint hazards in the housing.

Lessee's Acknowledgment (initial)

(c)  Lessee has received copies of all information listed above.

(d)  Lessee has received the pamphlet Protect Your Family from Lead in Your Home.

Agent's Acknowledgment (initial)

(e)  Agent has informed the lessor of the lessor's obligations under 42 U.S.C. 4852d and is aware of his/her responsibility to ensure compliance.

Certification of Accuracy

The following parties have reviewed the information above and certify, to the best of their knowledge, that the information they have provided is true and accurate.

**Disclosure of Information on Lead-Based Paint and/or Lead-Based Paint Hazards**

**Lead Warning Statement**

Housing built before 1978 may contain lead-based paint. Lead from paint, paint chips, and dust can pose health hazards if not managed properly. Lead exposure is especially harmful to young children and pregnant women. Before renting pre-1978 housing, lessors must disclose the presence of known lead-based paint and/or lead-based paint hazards in the dwelling. Lessees must also receive a federally approved pamphlet on lead poisoning prevention.

**Lessor's Disclosure**

(a) Presence of lead-based paint and/or lead-based paint hazards (check (i) or (ii) below):

(i)  Known lead-based paint and/or lead-based paint hazards are present in the housing (explain).

(b) Records and reports available to the lessor (check (i) or (ii) below):

(i)  Lessor has provided the lessee with all available records and reports pertaining to lead-based paint and/or lead-based paint hazards in the housing (list documents below).

\_3021 Chicago Ave. South unit @3 was abated April 1 2017 abatement was completed by Sustainable Resource Center

(ii)  Lessor has no reports or records pertaining to lead-based paint and/or lead-based paint hazards in the housing.

Lessee's Acknowledgment (initial)

(c)  Lessee has received copies of all information listed above.

(d)  Lessee has received the pamphlet Protect Your Family from Lead in Your Home.

Agent's Acknowledgment (initial)

(e)  Agent has informed the lessor of the lessor's obligations under 42 U.S.C. 4852d and is aware of his/her responsibility to ensure compliance.

Certification of Accuracy

The following parties have reviewed the information above and certify, to the best of their knowledge, that the information they have provided is true and accurate.



# LEAD POISON

## PREVENTABLE

IT IS IMPORTANT TO DETERMINE THE CONSTRUCTION YEAR OF THE HOUSE OR THE DWELLING WHERE YOUR CHILD SPENDS A LARGE AMOUNT OF TIME (E.G., GRANDPARENTS OR DAYCARE). IN HOUSING BUILT BEFORE 1978, ASSUME THAT THE PAINT HAS LEAD UNLESS TESTS SHOW OTHERWISE.

## IRREVERSIBLE

THERE IS NO WAY OF REVERSING DAMAGE DONE BY LEAD POISONING, WHICH IS WHY PEDIATRICIANS EMPHASIZE PREVENTION. BUT A DIET HIGH IN CALCIUM, IRON AND VITAMIN C CAN HELP THE BODY ABSORB LESS LEAD. AND PEOPLE WITH EXTREME LEAD POISONING CAN UNDERGO CHELATION THERAPY, WHICH INVOLVES INJECTING CHEMICALS INTO THE BODY THAT BIND WITH LEAD SO THAT IT IS EXCRETED IN URINE. BUT RESEARCH HAS FOUND THAT CHELATION THERAPY CANNOT REVERSE DAMAGE ALREADY DONE TO THE BRAIN OR NERVOUS SYSTEM.

Representative Karen Clark – Minnesota House of Representatives

01/18/17

REVISOR

SGS/NB

17-1834

This Document can be made available in alternative formats upon request

State of Minnesota

HOUSE OF REPRESENTATIVES

NINETEETH SESSION

H. F. No. 491

01/26/2017 Authored by Clark, Schultz, Moran, Mahoney, Bly and others
The bill was read for the first time and referred to the Committee on Health and Human Services Reform

1.1 A bill for an act
1.2 relating to health; amending the Lead Poisoning Prevention Act; amending landlord
1.3 requirements for renting residential property; creating the Dustin Luke Shields
1.4 Act; amending radon and lead disclosure requirements; providing a property tax
1.5 benefit for lead hazard reductions; providing a civil cause of action; appropriating
1.6 money for lead and healthy homes grants; amending Minnesota Statutes 2016,
1.7 sections 144.9501, subdivision 2; 504B.001, subdivision 14; 504B.161, subdivision
1.8 1; 513.57; 513.61; proposing coding for new law in Minnesota Statutes, chapters
1.9 144; 290.

1.10 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MINNESOTA:

1.11 Section 1. Minnesota Statutes 2016, section 144.9501, subdivision 2, is amended to read:

1.12 Subd. 2. **Applicability.** The definitions in this section apply to sections 144.9501 to
1.13 ~~144.9512~~ 144.9514.

1.14 Sec. 2. ~~[144.9514]~~ **LEAD HOME HEALTH; DISCLOSURE AND REDUCTION.**

1.15 Subdivision 1. **Lead disclosure; real estate.** Before signing an agreement to sell or
1.16 transfer residential real property built prior to 1978, the seller shall test the home for the
1.17 presence of lead hazards by conducting a lead risk assessment. The test shall be conducted
1.18 by either a lead inspector or a lead risk assessor who has been licensed by the commissioner
1.19 pursuant to section 144.9505. The seller shall disclose to a purchaser the results of all lead
1.20 tests on the dwelling, the residential water, and soil that are known to the seller and shall
1.21 provide a description to a purchaser of any lead hazard reductions performed to address the
1.22 presence of lead.

1.23 Subd. 2. **Lead disclosures; residential tenancy.** (a) The landlord of a residential dwelling
1.24 built before 1978 must test all residential units for the presence of lead hazards by conducting

Sec. 2.

1

2.1 a risk assessment as defined by Code of Federal Regulations, title 40, section 745.223. The  
2.2 test shall be conducted by a lead risk assessor who has been licensed by the commissioner  
2.3 pursuant to section 144.9505. The landlord shall complete testing every five years and  
2.4 disclose the results of the most recent lead tests on the dwelling, the residential water, and  
2.5 soil to current tenants and to any prospective tenants and shall provide a description of any  
2.6 lead hazard reductions performed on the residence to address the presence of lead to the  
2.7 residential tenant or any prospective tenant. Full risk assessment reports created by the risk  
2.8 assessor should be available for public viewing. For the purposes of this section, the terms  
2.9 "landlord," "residential tenant," and "residential building" have the meanings given them  
2.10 in section 504B.001.

2.11 (b) If a lead hazard is found in a residential building, a landlord must complete interim  
2.12 controls or lead abatement measures through a swab team service, other licensed lead worker,  
2.13 or EPA-certified renovator to reduce the risk of lead exposure. Upon completion of interim  
2.14 controls or lead abatement measures the firm, individual, or supervisor of the work shall  
2.15 provide the owner of the residence with a document certifying the work was performed in  
2.16 compliance with all applicable federal and state laws related to lead hazard reduction and  
2.17 provide the amount paid by the owner for the work completed.

2.18 Subd. 3. **Lead hazard reduction.** (a) A landlord must complete the form in paragraph  
2.19 (b) and provide it to each prospective tenant. A landlord must provide an updated form to  
2.20 a current tenant within 60 days of the completed testing or completed interim controls or  
2.21 lead abatement measures.



2.22 (b) The following is the statutory short form that must be used for compliance with this  
2.23 section. The Department of Health shall provide an electronic copy of this statutory short  
2.24 form on its Web site for use by residential landlords in Minnesota.

2.25 **MINNESOTA RESIDENTIAL LEAD-BASED PAINT DISCLOSURE FORM**

2.26 This notice is to inform prospective and current tenants of residential dwellings built  
2.27 prior to 1978 that such property may present exposure to lead from lead-based paint that  
2.28 may place young children at risk of developing lead poisoning. Lead poisoning in young  
2.29 children may produce permanent neurological damage, including learning disabilities,  
2.30 reduced intelligence quotient, behavioral problems, and impaired memory. Lead poisoning  
2.31 also poses a particular risk to pregnant women. Lead from paint, paint chips, and dust can  
2.32 pose health hazards if not managed properly.

2.33 **Lessor's Disclosure**

2.34 The lessor must initial each applicable line:

Sec. 2.

2

3.1 ..... This residence has had a paint inspection risk assessment on  
 3.2 ..... ..... (date) in compliance with Minnesota  
 3.3 ..... Statutes, section 144.9514.

3.4 ..... There are known lead-based paint and/or lead-based paint hazards are present  
 3.5 ..... in the housing (explain).

3.6 .....  
 3.7 .....  
 3.8 .....

3.9 ..... The following interim controls or lead abatement measures were done to reduce  
 3.10 ..... the risk of lead exposure (explain).

3.11 .....  
 3.12 .....  
 3.13 .....

3.14 ..... There are NO known lead-based paint and/or lead-based paint hazards in the  
 3.15 ..... housing.

3.16 **Lessee's Acknowledgment**

3.17 The lessee must initial each applicable line:

3.18 ..... The lessee is aware that they have the right to request copies of all paint  
 3.19 ..... inspection risk assessments and documentation of completed interim controls  
 3.20 ..... or lead abatement measures that were done to reduce the risk of lead exposure.

3.21 **Certification of Accuracy**

3.22 The following parties have reviewed the information above and certify, to the best of their  
 3.23 knowledge, that the information they have provided is true and accurate.

3.24 .....

3.25 **Lessor Signature and Date**

3.26 .....

3.27 **Lessee Signature and Date**

3.28 (c) If a current or prospective tenant requests documentation, then a landlord must provide  
 3.29 copies of the lead testing as required by subdivision 1, and if lead-based paint or a lead  
 3.30 hazard has been found, then documentation of the completed interim controls or lead  
 3.31 abatement measures completed by a swab team service, other licensed lead worker, or  
 3.32 EPA-certified renovator that were done to reduce the risk of lead exposure must be provided.

3.33 Subd. 4. **Short title.** This section shall be known as the "Dustin Luke Shields Act."

3.34 **EFFECTIVE DATE.** This section is effective January 1, 2018.

4.1 Sec. 3. [290.0682] LEAD ABATEMENT CREDIT.

4.2 Subdivision 1. Credit allowed. An individual is allowed a credit against the tax imposed  
4.3 by this chapter equal to 75 percent of qualifying interim controls or lead abatement costs  
4.4 paid or incurred during the taxable year. An individual is allowed to claim only one credit  
4.5 for each qualifying housing unit. The maximum allowed for each credit is \$5,000.

4.6 Subd. 2. Definitions. (a) For purposes of this section, the following terms have the  
4.7 meanings given.

4.8 (b) "Qualifying housing unit" means a residence subject to section 144.9514, subdivision  
4.9 2, paragraph (b).

4.10 (c) "Qualifying interim control or lead abatement costs" means the costs of lead hazard  
4.11 reductions in compliance with section 114.9514, subdivision 2, paragraph (b). It does not  
4.12 include:

4.13 (1) any costs paid for by federal, state, or local government grants; or

4.14 (2) any costs reductions obtained through federal, state, or local subsidized financing.

4.15 Subd. 3. Credit refundable. If the amount of credit that the claimant is eligible to receive  
4.16 under this section exceeds the claimant's tax liability under this chapter, the commissioner  
4.17 shall refund the excess to the claimant.

4.18 Subd. 4. Appropriation. The amount necessary to pay the refunds required by this  
4.19 section is appropriated each fiscal year to the commissioner from the general fund.

4.19 section is appropriated each fiscal year to the commissioner from the general fund.

4.20 **EFFECTIVE DATE.** This section is effective for taxable years beginning after December  
4.21 31, 2016.

4.22 Sec. 4. Minnesota Statutes 2016, section 504B.001, subdivision 14, is amended to read:

4.23 Subd. 14. **Violation.** "Violation" means:

4.24 (1) a violation of any state, county or city health, safety, housing, building, fire prevention,  
4.25 or housing maintenance code applicable to the building;

4.26 (2) a violation of any of the covenants set forth in section 504B.161, subdivision 1,  
4.27 clause (1) ~~or~~ (2), or (5), or in section 504B.171, subdivision 1; or

4.28 (3) a violation of an oral or written agreement, lease, or contract for the rental of a  
4.29 dwelling in a building.

4.30 **EFFECTIVE DATE.** This section is effective August 1, 2017.

Sec. 4.

4

5.1 Sec. 5. Minnesota Statutes 2016, section 504B.161, subdivision 1, is amended to read:

5.2 Subdivision 1. **Requirements.** (a) In every lease or license of residential premises, the  
5.3 landlord or licensor covenants:

5.4 (1) that the premises and all common areas are fit for the use intended by the parties;

5.5 (2) to keep the premises in reasonable repair during the term of the lease or license,  
5.6 except when the disrepair has been caused by the willful, malicious, or irresponsible conduct  
5.7 of the tenant or licensee or a person under the direction or control of the tenant or licensee;

5.8 (3) to make the premises reasonably energy efficient by installing weatherstripping,  
5.9 caulking, storm windows, and storm doors when any such measure will result in energy  
5.10 procurement cost savings, based on current and projected average residential energy costs  
5.11 in Minnesota, that will exceed the cost of implementing that measure, including interest,  
5.12 amortized over the ten-year period following the incurring of the cost; ~~and~~

5.13 (4) to maintain the premises in compliance with the applicable health and safety laws  
5.14 of the state, and of the local units of government where the premises are located during the  
5.15 term of the lease or license, except when violation of the health and safety laws has been  
5.16 caused by the willful, malicious, or irresponsible conduct of the tenant or licensee or a  
5.17 person under the direction or control of the tenant or licensee; and

5.18 (5) to complete lead testing, disclosure, and remediation in compliance with section  
5.19 144.9514.

5.20 ~~(b) The parties to a lease or license of residential premises may not waive or modify the~~

5.20 (b) The parties to a lease or license of residential premises may not waive or modify the  
5.21 covenants imposed by this section.

5.22 **EFFECTIVE DATE.** This section is effective August 1, 2017.

5.23 Sec. 6. Minnesota Statutes 2016, section 513.57, is amended to read:

5.24 **513.57 LIABILITY FOR ERROR, INACCURACY, OR OMISSION.**

5.25 Subdivision 1. **No liability.** Unless the prospective buyer and seller agree to the contrary  
5.26 in writing, a seller is not liable for any error, inaccuracy, or omission of any information  
5.27 delivered under sections 513.52 to ~~513.60~~ 513.61 if the error, inaccuracy, or omission was  
5.28 not within the personal knowledge of the seller, or was based entirely on information provided  
5.29 by other persons as specified in section 513.56, subdivision 3, and ordinary care was  
5.30 exercised in transmitting the information. It is not a violation of sections 513.52 to ~~513.60~~  
5.31 513.61 if the seller fails to disclose information that could be obtained only through inspection

Sec. 6.

5

6.1 or observation of inaccessible portions of the real estate or could be discovered only by a  
6.2 person with expertise in a science or trade beyond the knowledge of the seller.

6.3 Subd. 2. **Liability.** A seller who fails to make a disclosure as required by sections 513.52  
6.4 to ~~513.60~~ 513.61 and was aware of material facts pertaining to the real property is liable to  
6.5 the prospective buyer. A person injured by a violation of this section may bring a civil action  
6.6 and recover damages and receive other equitable relief as determined by the court. An action  
6.7 under this subdivision must be commenced within two years after the date on which the  
6.8 prospective buyer closed the purchase or transfer of the real property.

6.9 Subd. 3. **Other actions.** Nothing in sections 513.52 to ~~513.60~~ 513.61 precludes liability  
6.10 for an action based on fraud, negligent misrepresentation, or other actions allowed by law.

6.11 **EFFECTIVE DATE.** This section is effective August 1, 2017.

6.12 Sec. 7. Minnesota Statutes 2016, section 513.61, is amended to read:

6.13 **513.61 RADON AND LEAD DISCLOSURE REQUIREMENTS.**

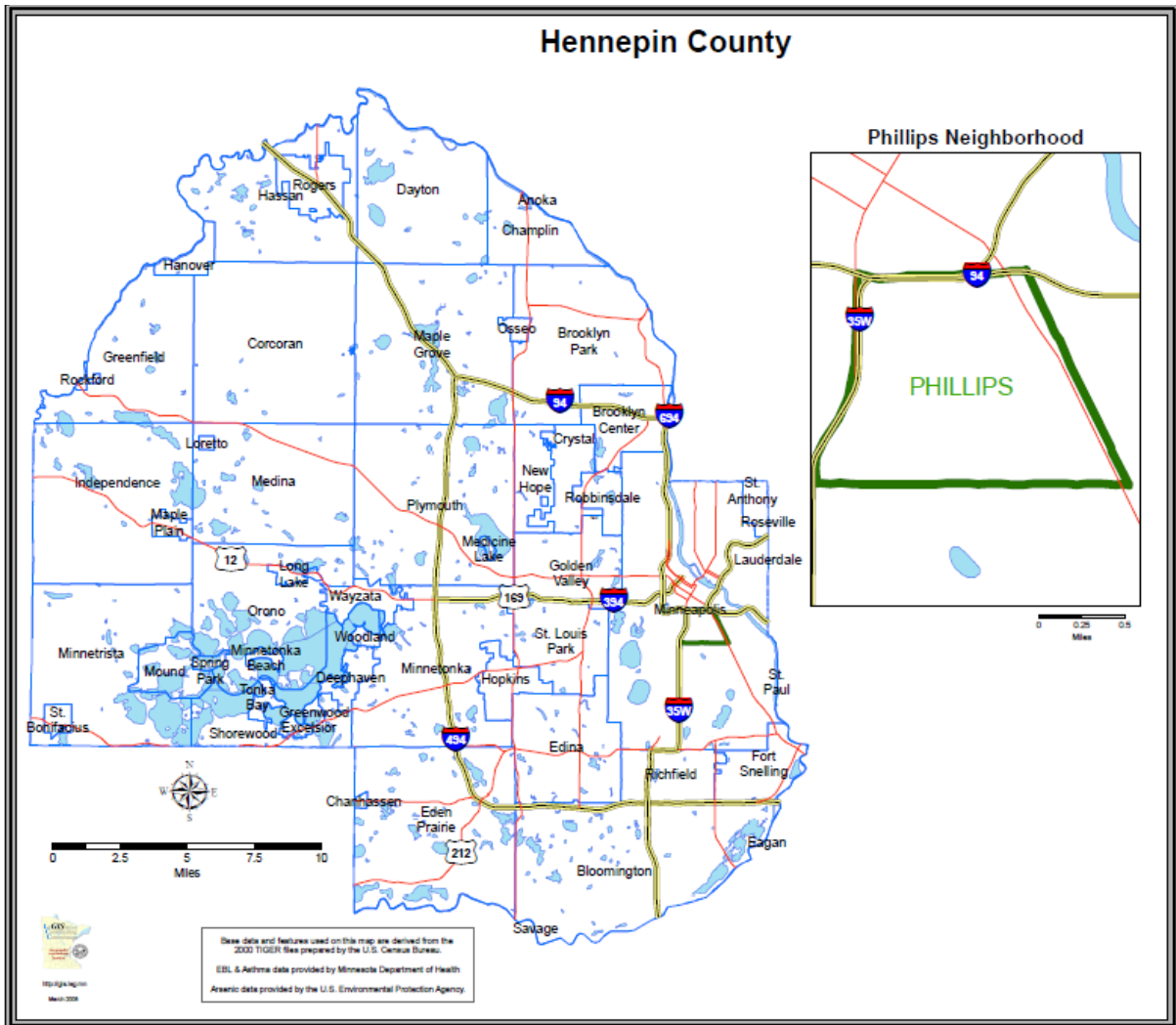
6.14 A seller of residential real property must comply with the radon disclosure requirements  
6.15 under section 144.496 and the lead disclosure requirements under section 144.9514.

6.16 **EFFECTIVE DATE.** This section is effective August 1, 2017.

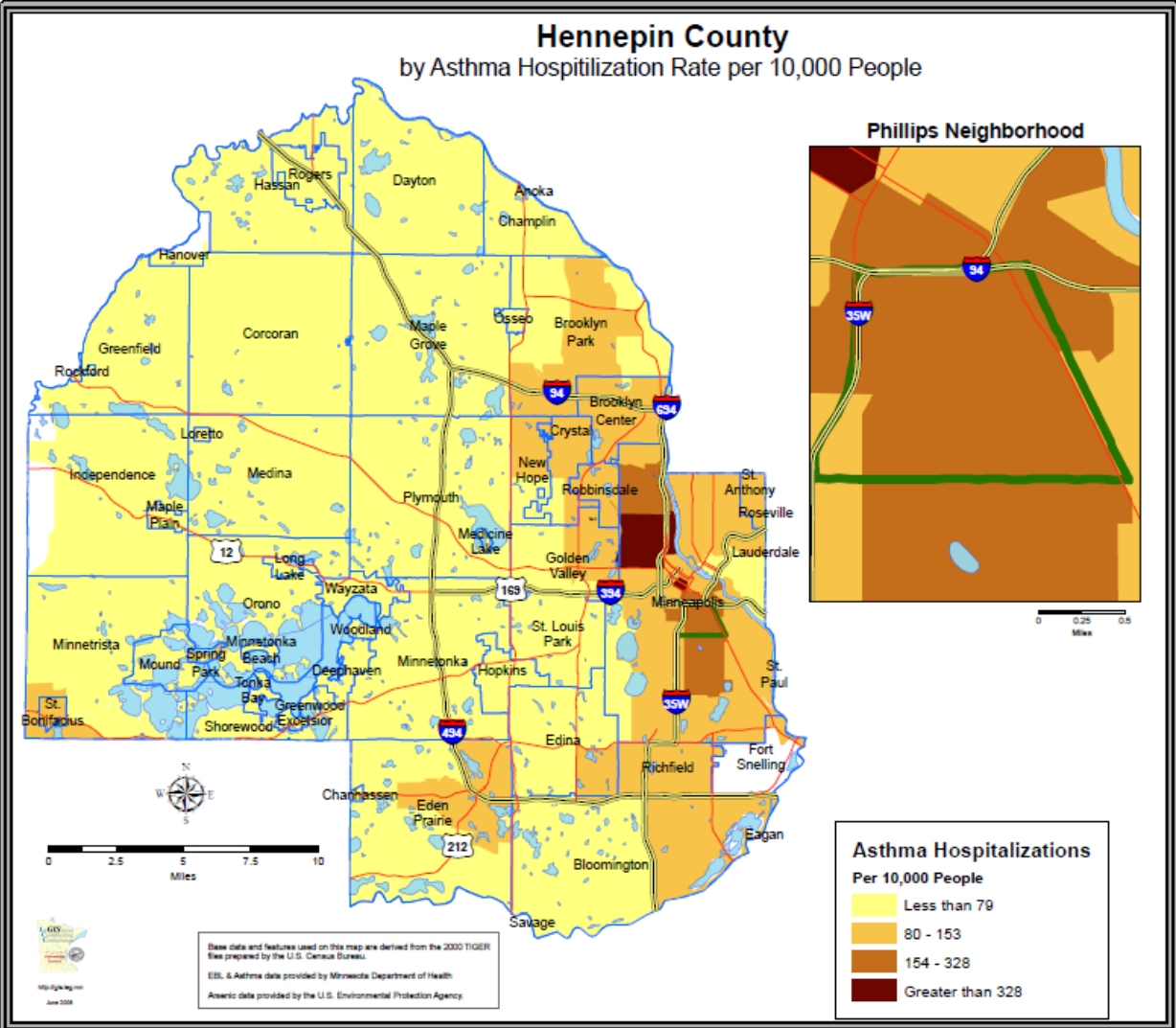
6.17 Sec. 8. **HEALTHY HOUSING GRANTS.**

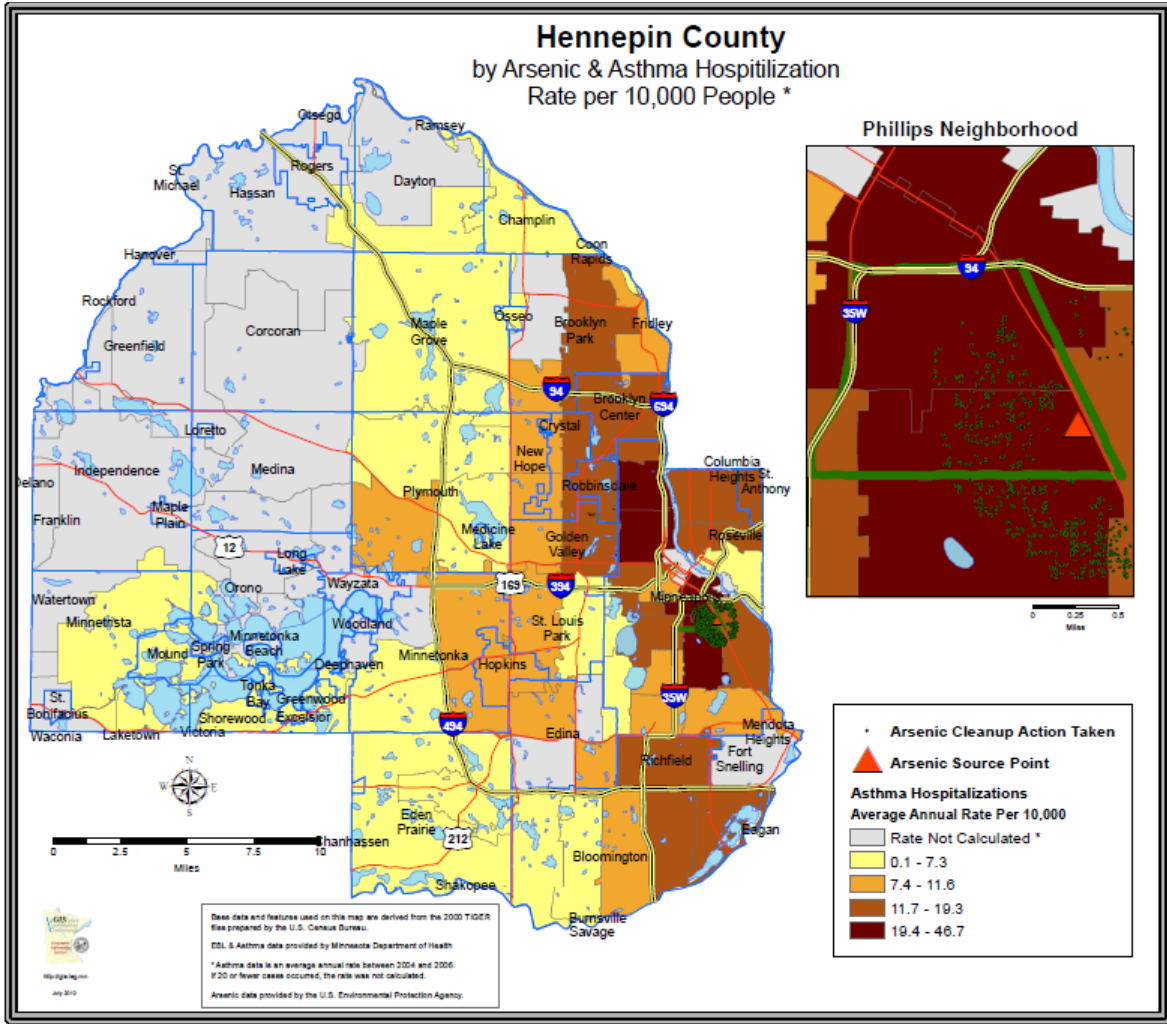
6.18 \$..... in fiscal year 2018 and \$..... in fiscal year 2019 are appropriated from the general  
6.19 fund to the commissioner of health for lead and healthy housing funding under Minnesota  
6.20 Statutes, sections 144.9501 to 144.9513. Of that amount, \$25,000 in each year shall be for  
6.21 grants to nonprofit organizations to purchase and maintain vacuums with high-efficiency  
6.22 particulate air filters for use in low- and moderate-income households where lead is present,  
6.23 at low or no cost to tenants.

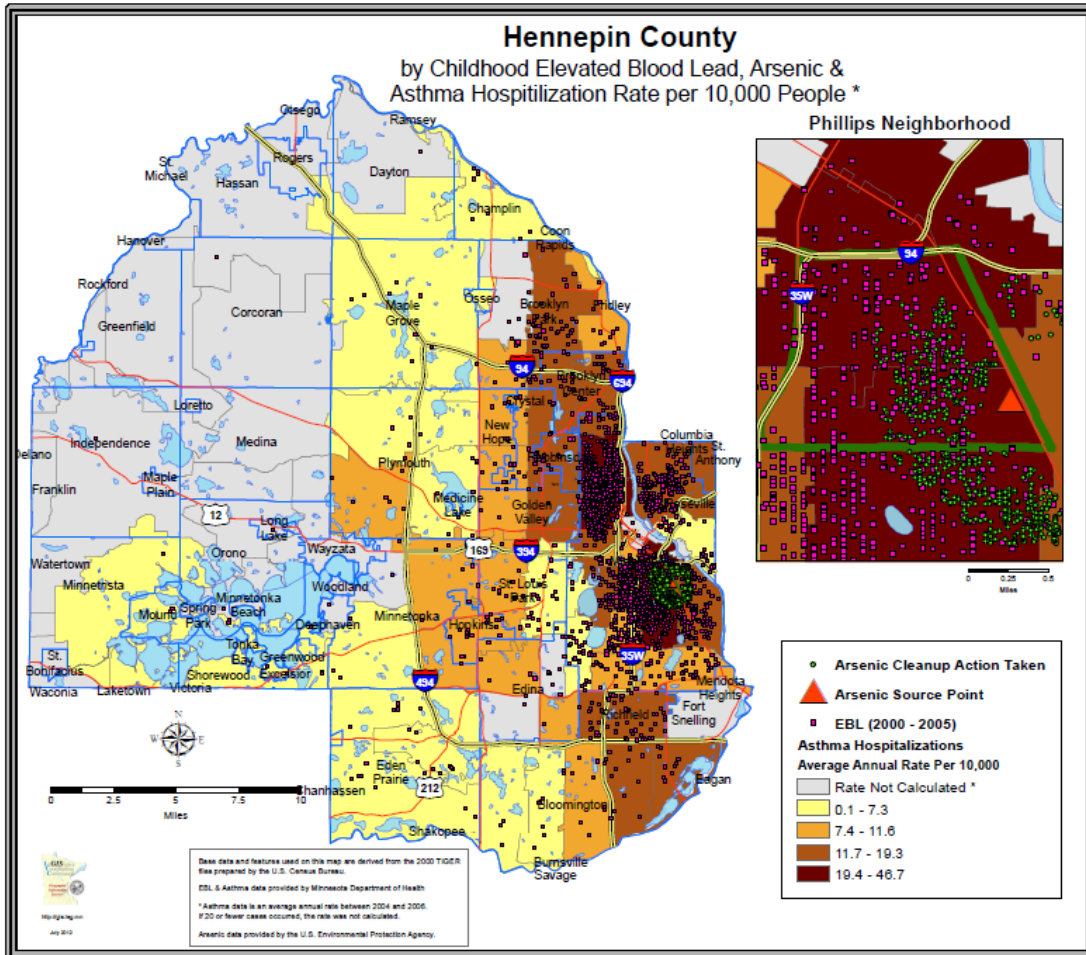


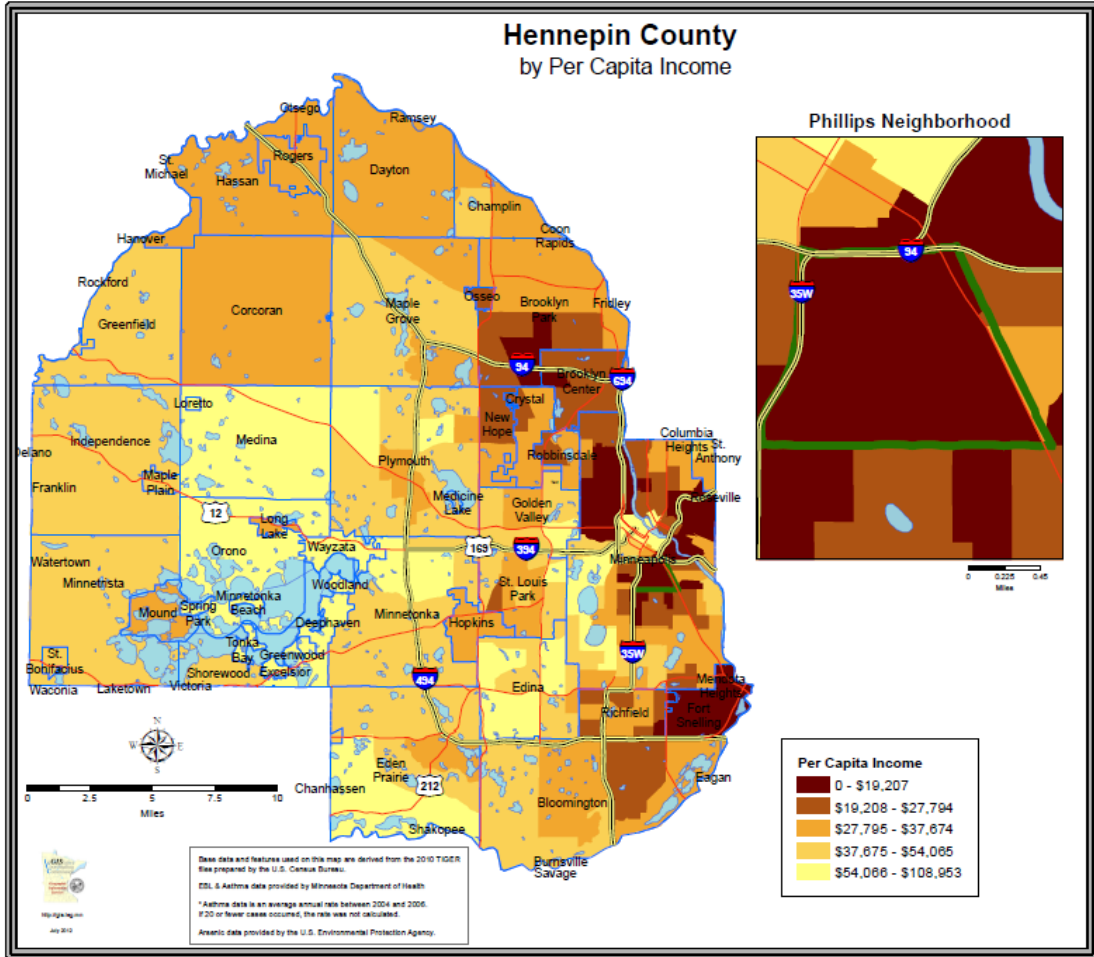


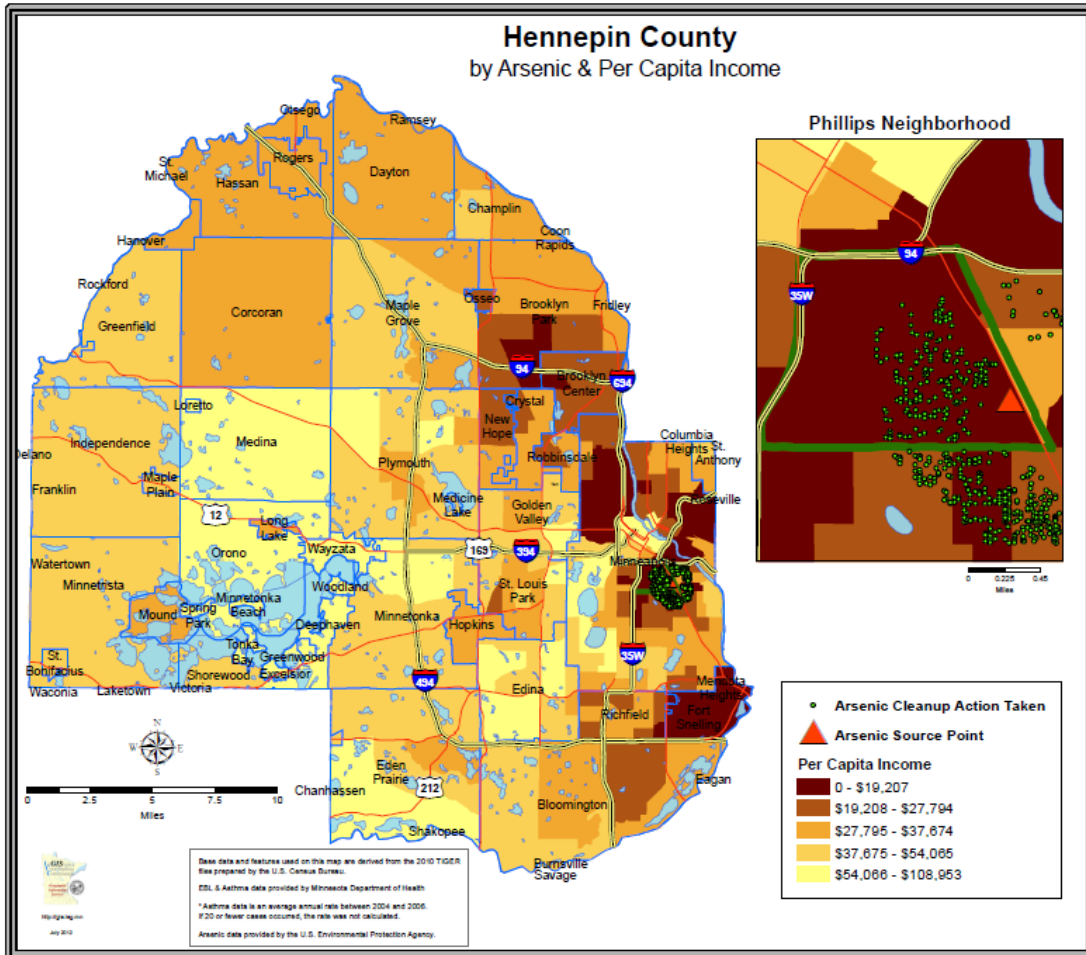


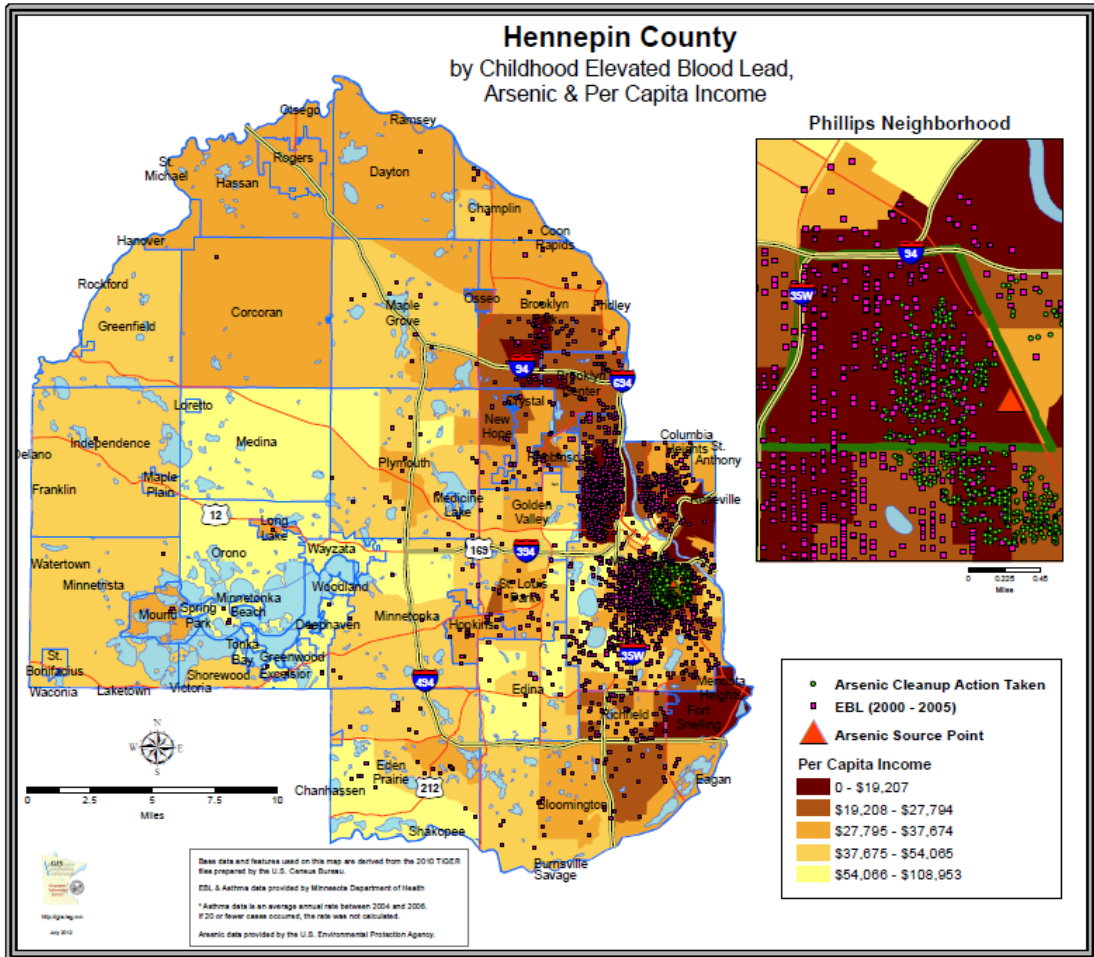


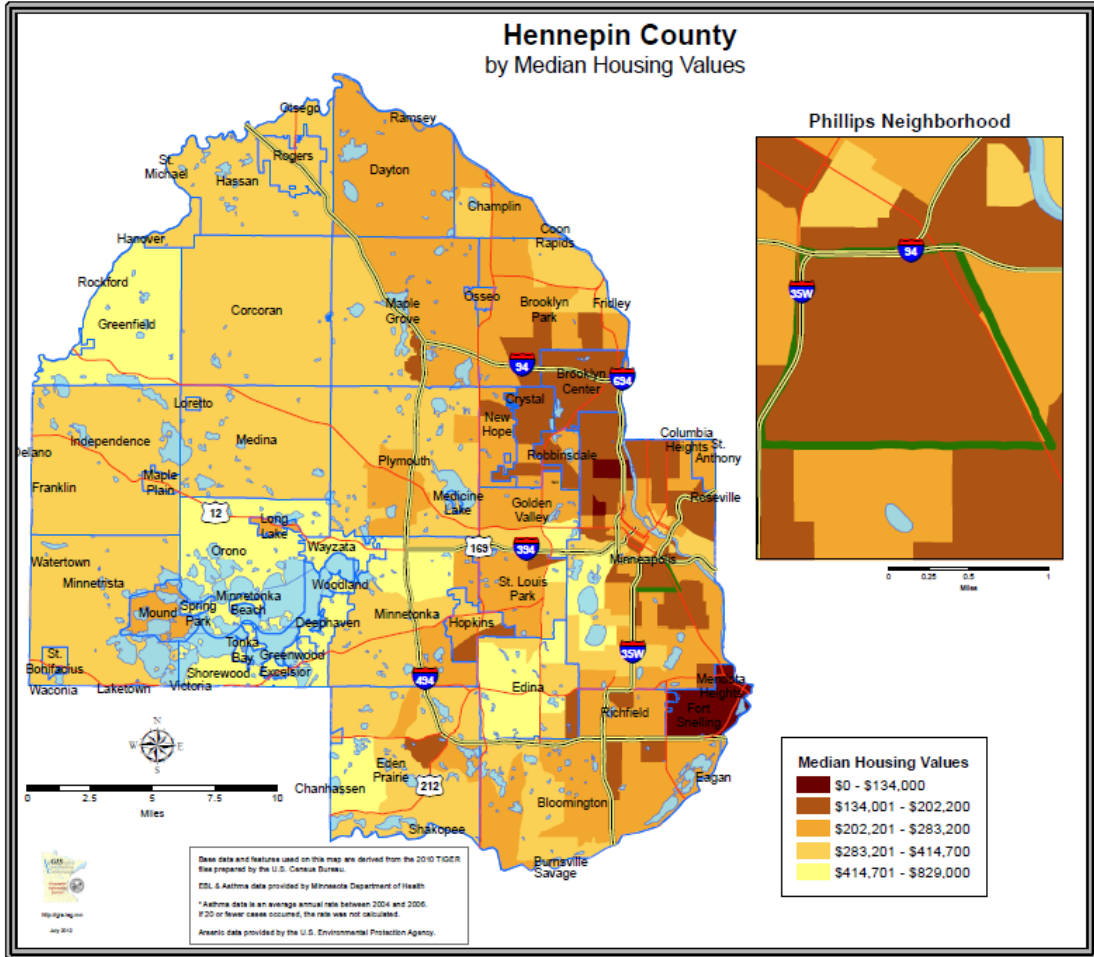




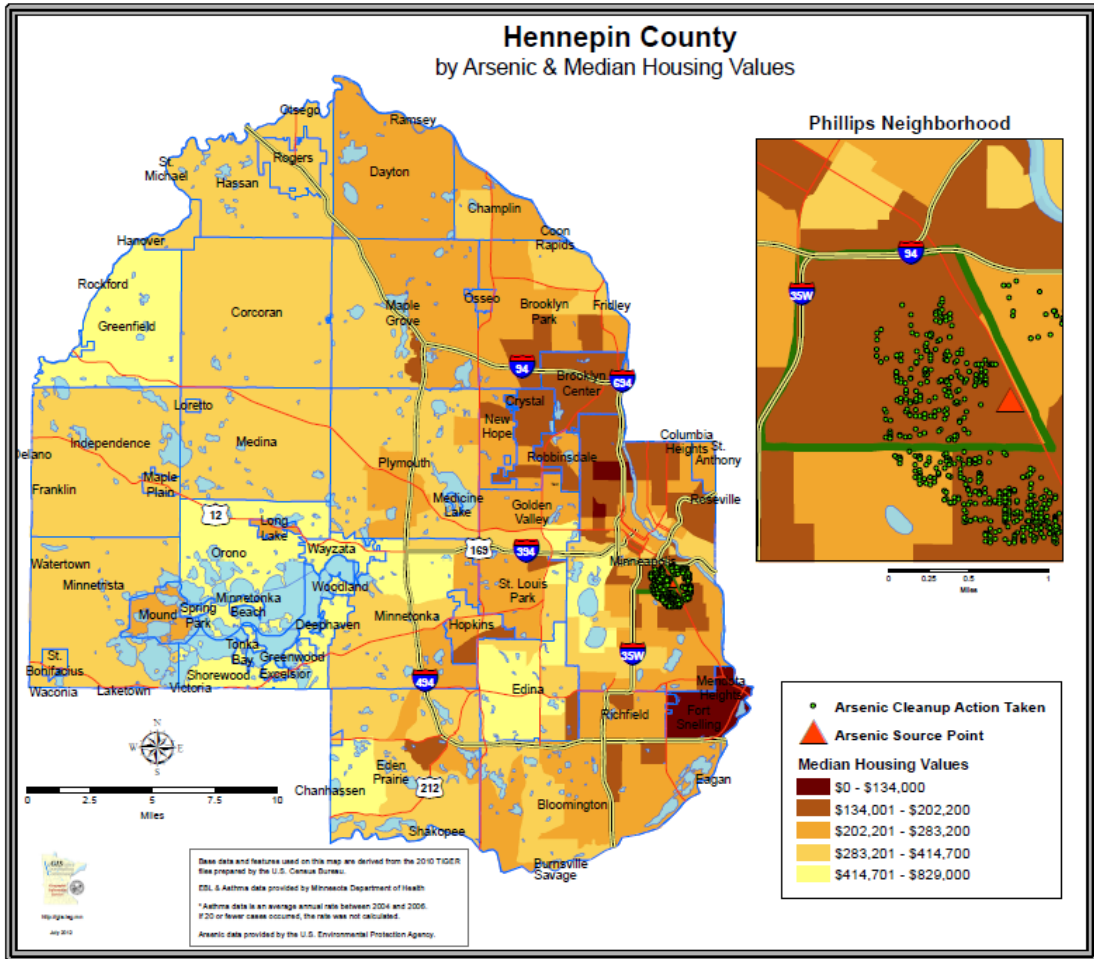




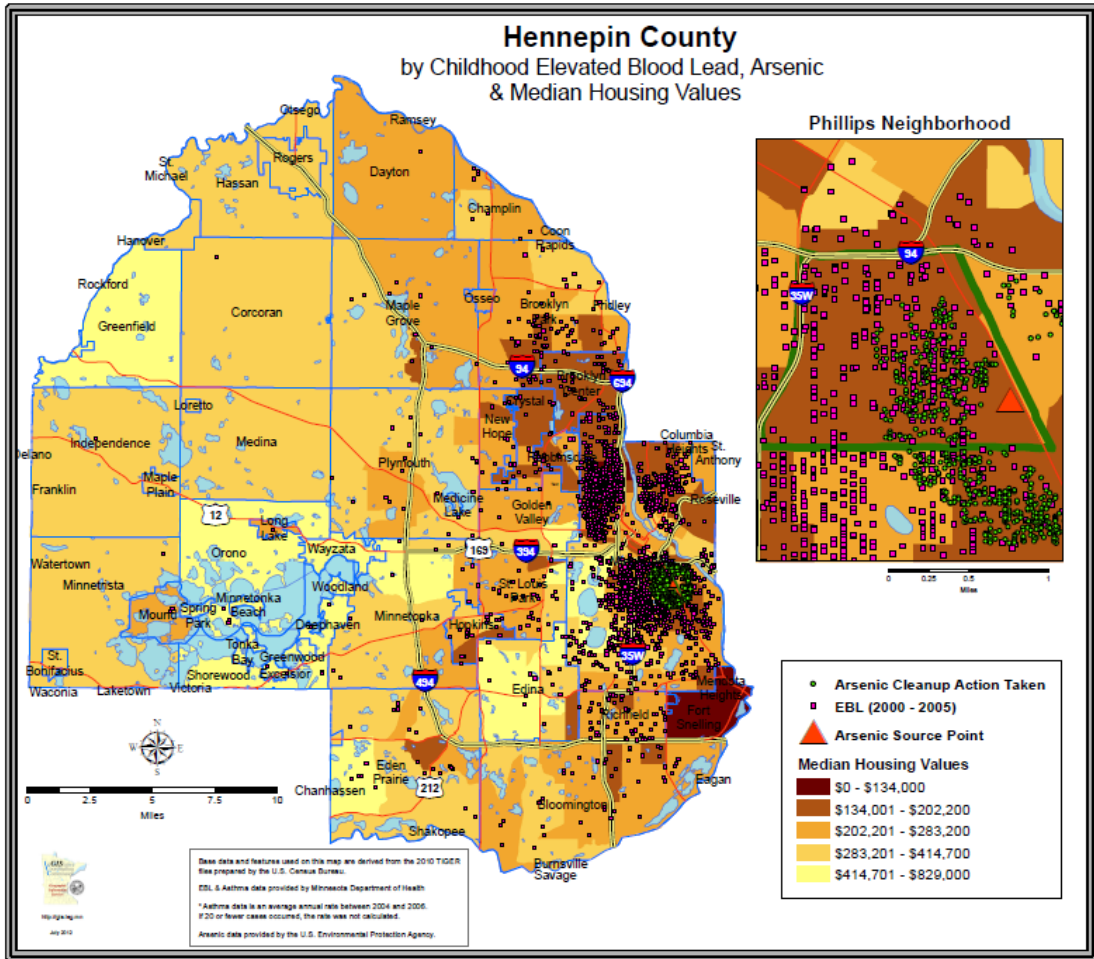


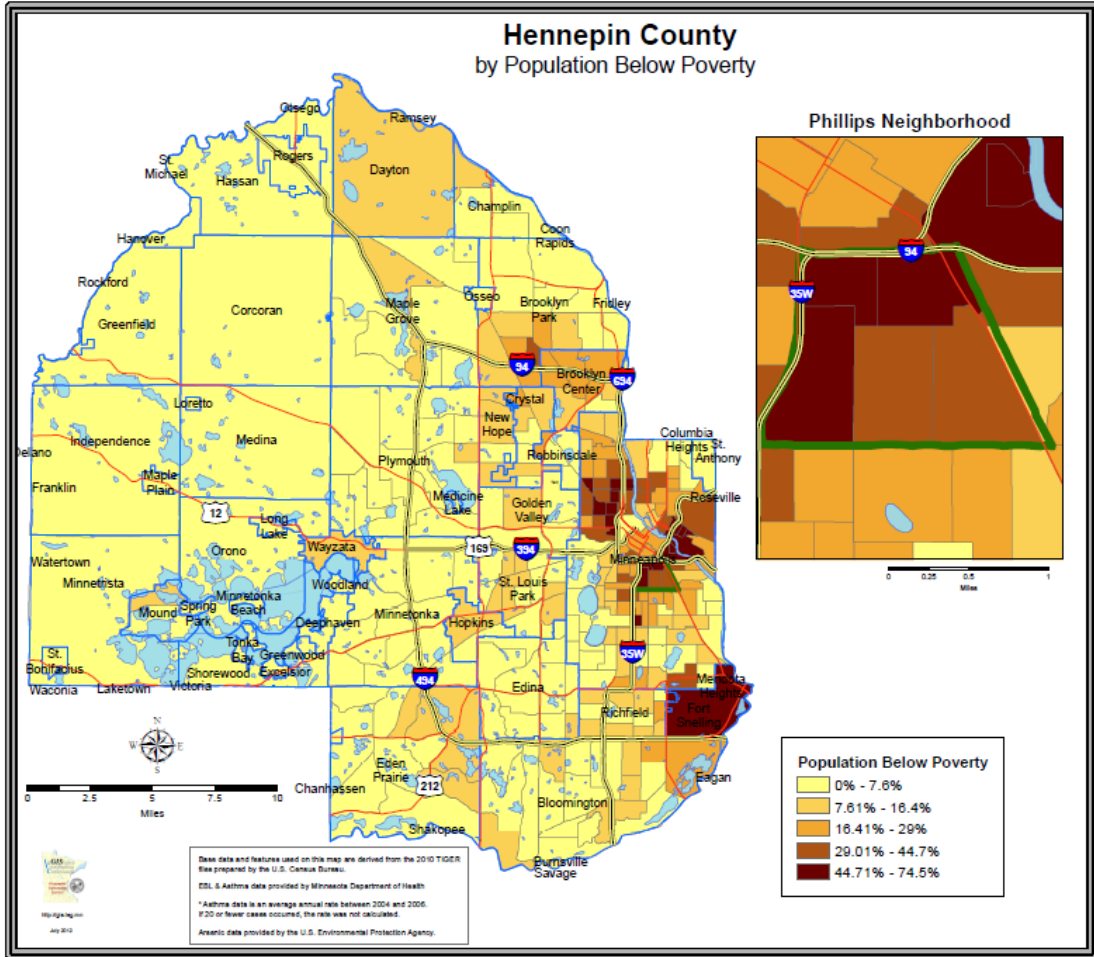


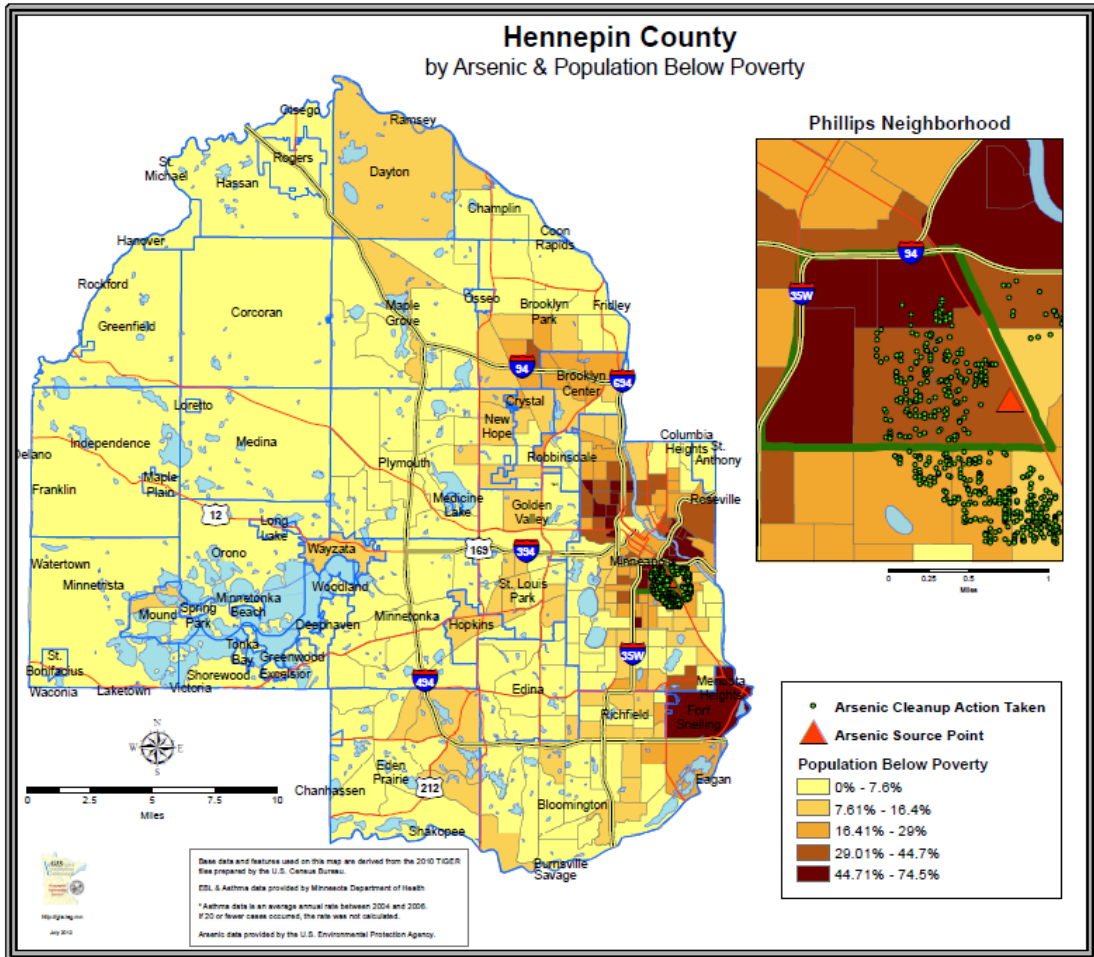


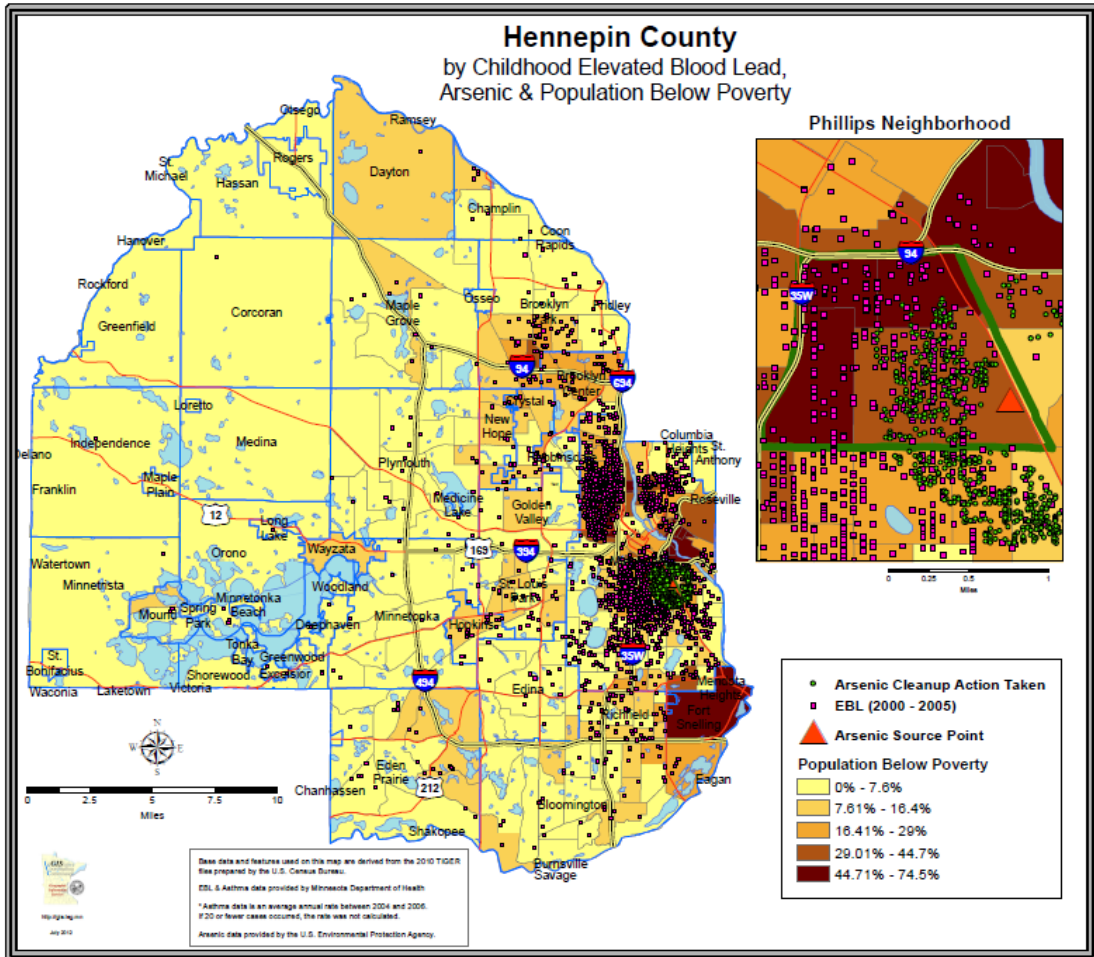


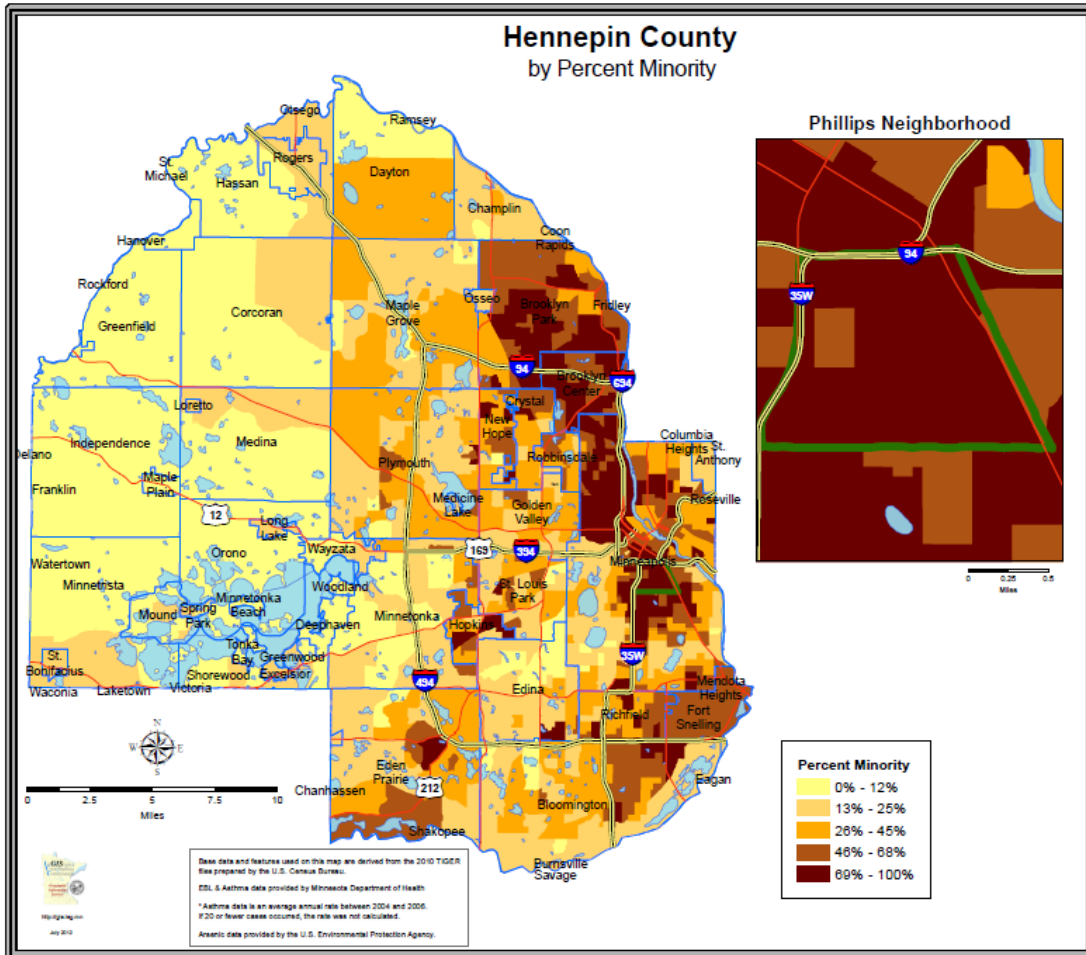


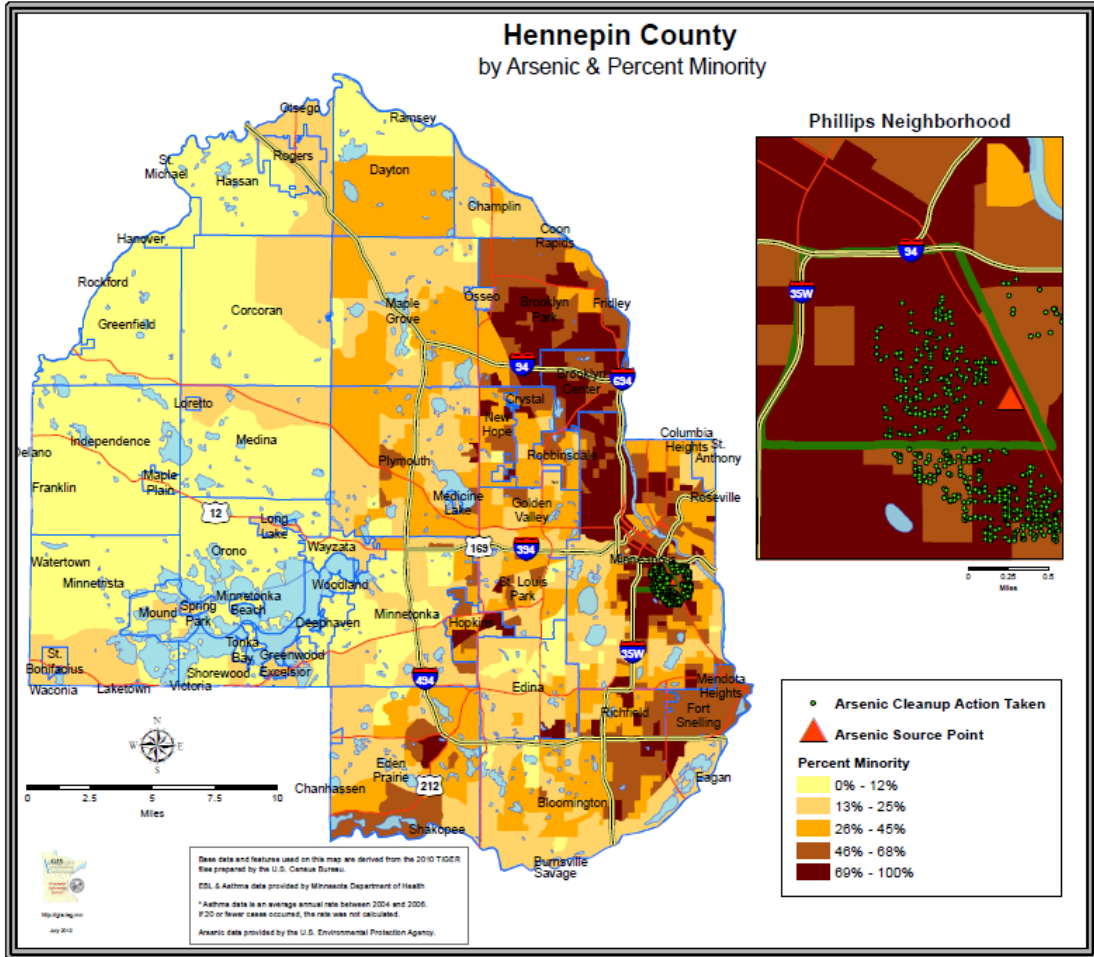


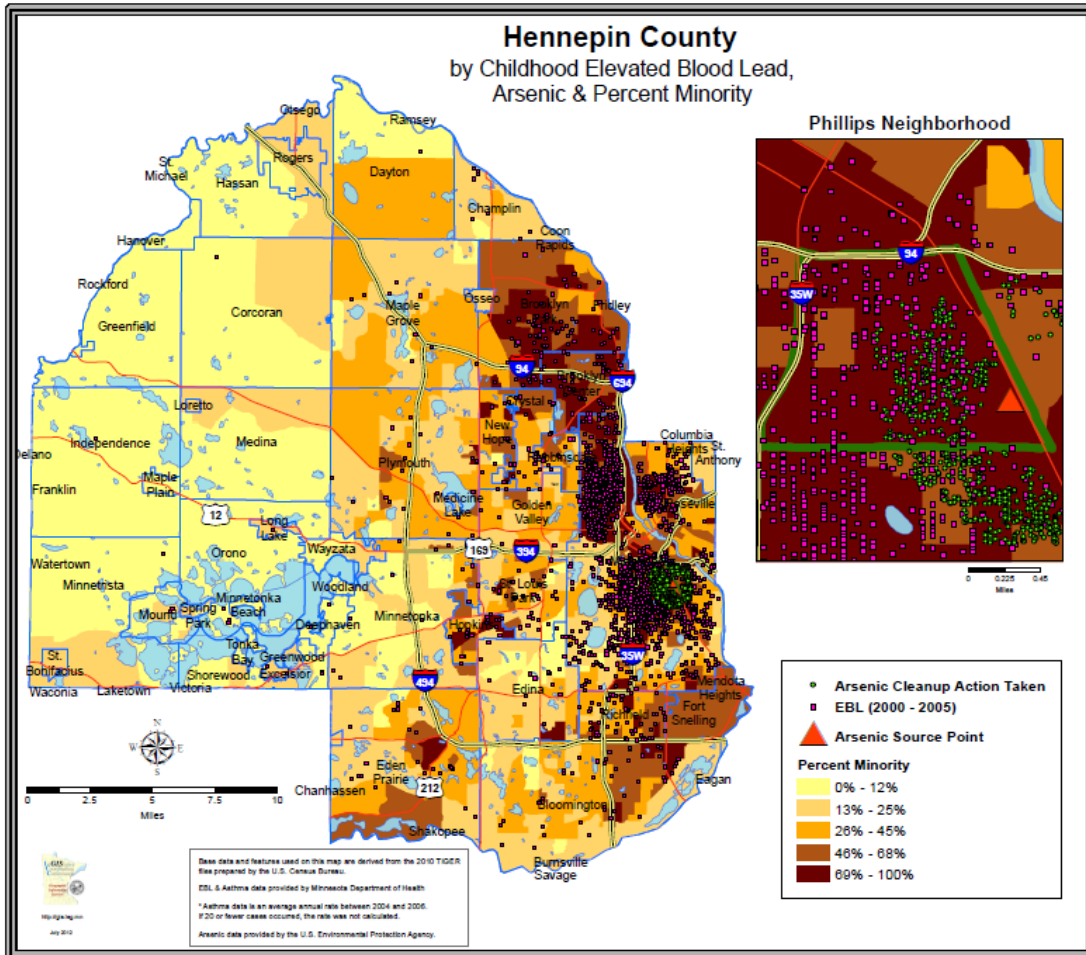






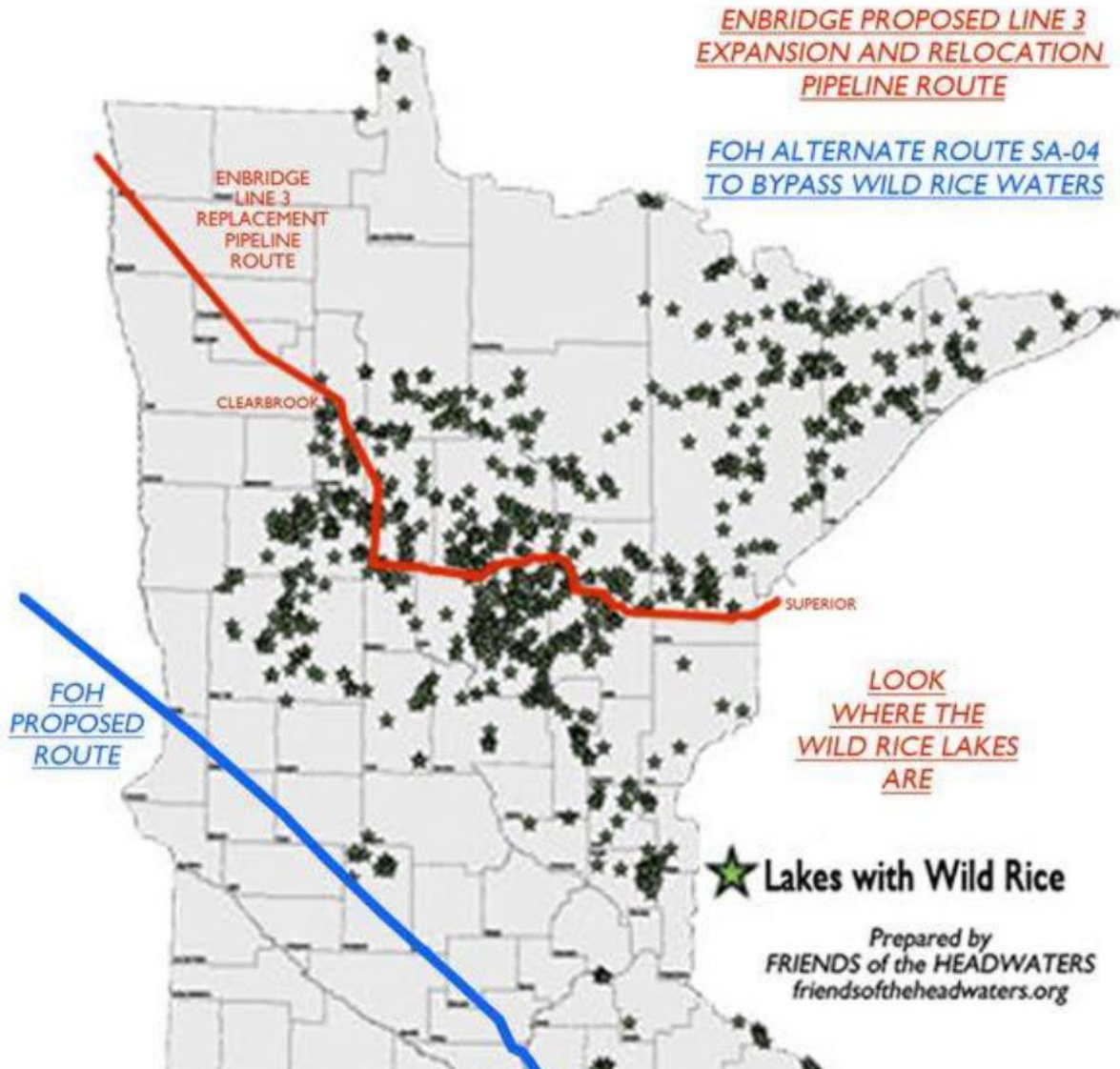




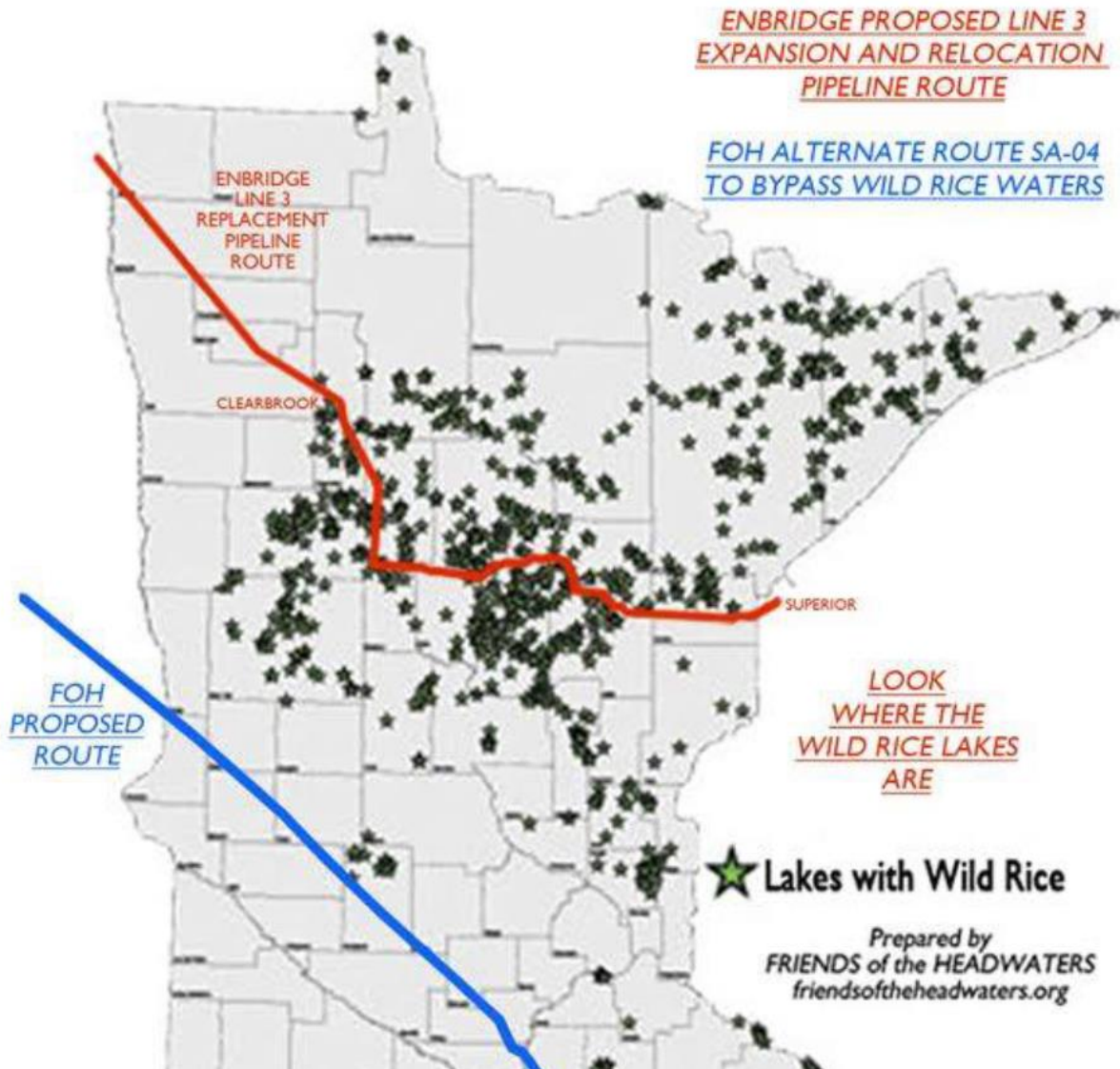




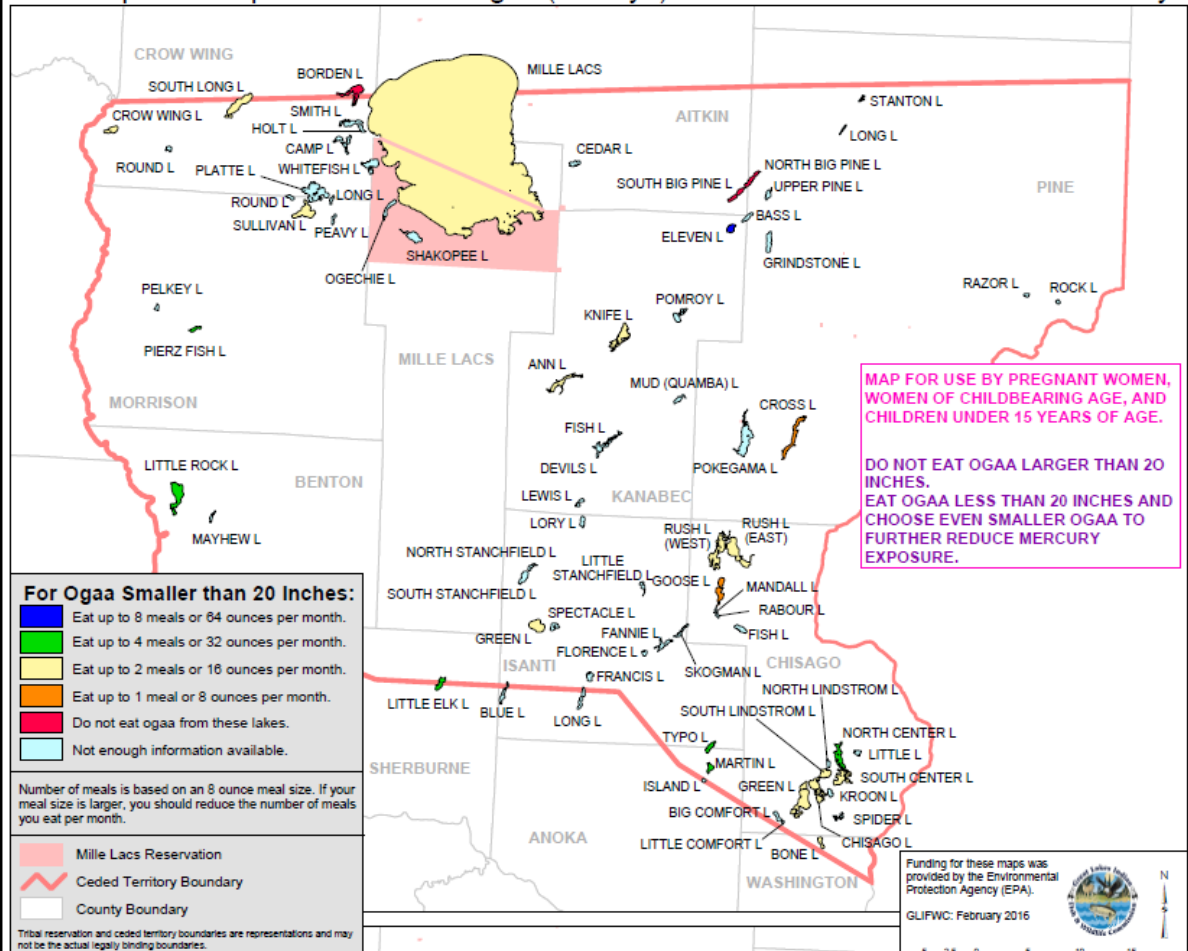
Lea Foushee – Minnesota’s Indigenous Peoples





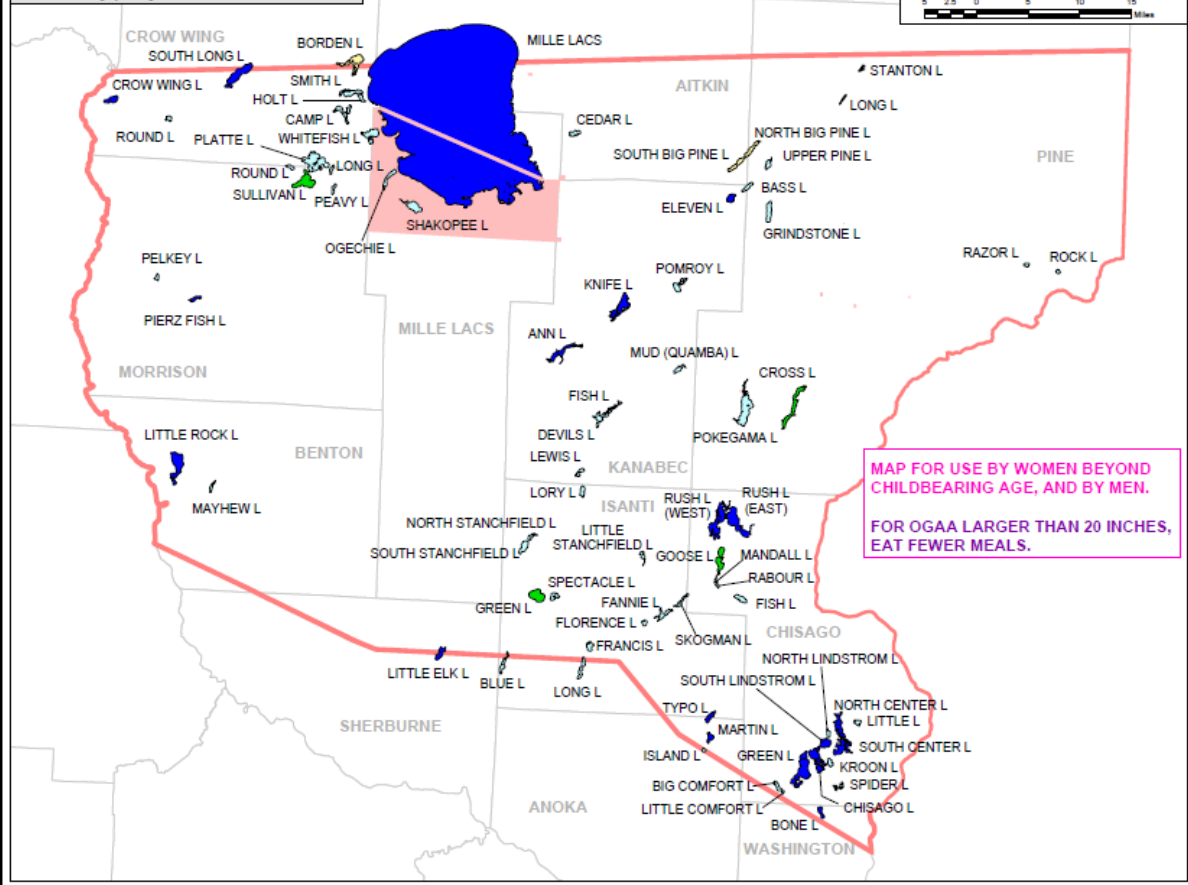


# This Map is to Help You Find Safe Ogaa (Walleye) in the Minnesota 1837 Ceded Territory



**MAP FOR USE BY PREGNANT WOMEN, WOMEN OF CHILDBEARING AGE, AND CHILDREN UNDER 15 YEARS OF AGE.**

**DO NOT EAT OGAA LARGER THAN 20 INCHES. EAT OGAA LESS THAN 20 INCHES AND CHOOSE EVEN SMALLER OGAA TO FURTHER REDUCE MERCURY EXPOSURE.**



## Recommended Maximum Number of Oгаа Meals per Month for Walleye Lakes in the Minnesota 1837 Ceded Territory

### SORTING AND LABELING OGAA PRIOR TO FREEZING

When Cleaning *Oгаа*:

- Put *ogaa* under 20 inches in bags labeled "under 20 inches."
- Put *ogaa* over 20 inches in bags labeled "over 20 inches."
- Label bags with the lake name.
- Follow the advice below for maximum number of meals per month.

### USING THIS CHART TO FIND SAFER GIIGOONH

#### MAXIMUM NUMBER OF MEALS PER MONTH

Advice is for all lakes combined. For example, if you eat four meals in a month from green lakes you should not eat any other meals of *ogaa* in that month.

#### MEAL SIZE

Meal size is based on 8 ounces. An average 19 inch *ogaa* will have 8 ounces of meat. If your meal size is larger you should eat fewer meals of *ogaa*. If it is smaller you can eat more meals of *ogaa*.

#### OTHER GIIGOONH

*Giigoonh* such as muskellunge, largemouth bass, smallmouth bass, and northern pike will have more mercury than *giigoonh* such as lake whitefish, herring, bluegill, sunfish, crappie or perch. Try to choose safer *giigoonh*.

LAKE	COUNTY	Women of childbearing age and children less than 15	Women beyond childbearing years and men 15 and older
ANN L	KANABEC	2	8
BASS L	PINE	Not Enough Information	
BIG COMFORT L	CHISAGO	Not Enough Information	
BLUE L	ISANTI	Not Enough Information	
BONE L	WASHINGTON	2	8
BORDEN L	CROW WING	0	2
CAMP L	CROW WING	Not Enough Information	
CEDAR L	AITKIN	Not Enough Information	
CHISAGO L	CHISAGO	2	8
CROSS L	PINE	1	4
CROW WING L	CROW WING	2	8
DEVILS L	KANABEC	Not Enough Information	
ELEVEN L	KANABEC	8	8
FANNIE L	ISANTI	Not Enough Information	
FISH L	CHISAGO	Not Enough Information	
FISH L	KANABEC	Not Enough Information	
FLORENCE L	ISANTI	Not Enough Information	
FRANCIS L	ISANTI	Not Enough Information	
GOOSE L	CHISAGO	1	4
GREEN L	CHISAGO	2	8
GREEN L	ISANTI	2	4
GRINDSTONE L	PINE	Not Enough Information	
HOLT L	CROW WING	Not Enough Information	
ISLAND L	ANOKA	Not Enough Information	
KNIFE L	KANABEC	2	8
KROON L	CHISAGO	Not Enough Information	
LEWIS L	KANABEC	Not Enough Information	
LITTLE COMFORT L	CHISAGO	Not Enough Information	
LITTLE ELK L	SHERBURNE	4	8
LITTLE L	CHISAGO	Not Enough Information	
LITTLE ROCK L	BENTON	4	8
LITTLE STANCHFIELD L	ISANTI	Not Enough Information	
LONG L	ISANTI	Not Enough Information	
LONG L	MORRISON	Not Enough Information	
LONG L	PINE	Not Enough Information	
LORY L	ISANTI	Not Enough Information	
MANDALL L	CHISAGO	Not Enough Information	

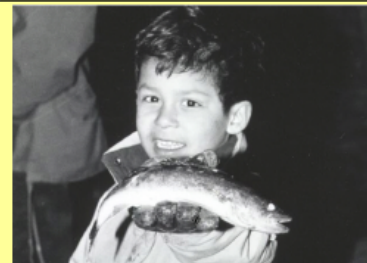
LAKE	COUNTY	Women of childbearing age and children less than 15	Women beyond childbearing years and men 15 and older
MARTIN L	ANOKA	4	8
MAYHEW L	BENTON	Not Enough Information	
MILLE LACS	MILLE LACS	2	8
MUD (QUAMBA) L	KANABEC	Not Enough Information	
NORTH BIG PINE L	PINE	0	2
NORTH CENTER L	CHISAGO	4	8
NORTH LINDSTROM L	CHISAGO	Not Enough Information	
NORTH STANCHFIELD L	ISANTI	Not Enough Information	
OGECHIE L	MILLE LACS	Not Enough Information	
PEAVY L	MORRISON	Not Enough Information	
PELKEY L	MORRISON	Not Enough Information	
PIERZ FISH L	MORRISON	4	8
PLATTE L	CROW WING	Not Enough Information	
POKEGAMA L	PINE	Not Enough Information	
POMROY L	KANABEC	Not Enough Information	
RABOUR L	CHISAGO	Not Enough Information	
RAZOR L	PINE	Not Enough Information	
ROCK L	PINE	Not Enough Information	
ROUND L	CROW WING	Not Enough Information	
ROUND L	MORRISON	Not Enough Information	
RUSH L (EAST)	CHISAGO	2	8
RUSH L (WEST)	CHISAGO	2	8
SHAKOPEE L	MILLE LACS	Not Enough Information	
SKOGMAN L	ISANTI	Not Enough Information	
SMITH L	CROW WING	Not Enough Information	
SOUTH BIG PINE L	AITKIN	0	2
SOUTH CENTER L	CHISAGO	2	8
SOUTH LINDSTROM L	CHISAGO	2	8
SOUTH LONG L	CROW WING	2	8
SOUTH STANCHFIELD L	ISANTI	Not Enough Information	
SPECTACLE L	ISANTI	Not Enough Information	
SPIDER L	CHISAGO	Not Enough Information	
STANTON L	PINE	Not Enough Information	
SULLIVAN L	MORRISON	2	4
TYPO L	ISANTI	4	8
UPPER PINE L	PINE	Not Enough Information	
WHITEFISH L	CROW WING	Not Enough Information	

For many native people, *giigoonh* are part of a traditional and healthy diet. If you rely on *giigoonh*, choose safer *giigoonh* with lower levels of mercury by following the advice on this map.

#### RISKS AND BENEFITS

**Risk:** Mercury can damage the nervous system, especially the brain. Fetuses and babies are the most at risk because their nervous systems are rapidly developing. Children exposed to unsafe levels while in the womb have been found to experience delayed development in walking and talking, even though the mother was not affected. Mercury cannot be removed by trimming or cooking.

**Benefit:** Eating even as few as two to three meals of *giigoonh* a month may reduce your risk of death due to heart disease.



If you have questions about finding safer *ogaa*, call GLIFWC at 1-715-682-6619.  
To learn more about mercury in *ogaa*, visit GLIFWC's website at [www.glifwc.org/Mercury/mercury.html](http://www.glifwc.org/Mercury/mercury.html)

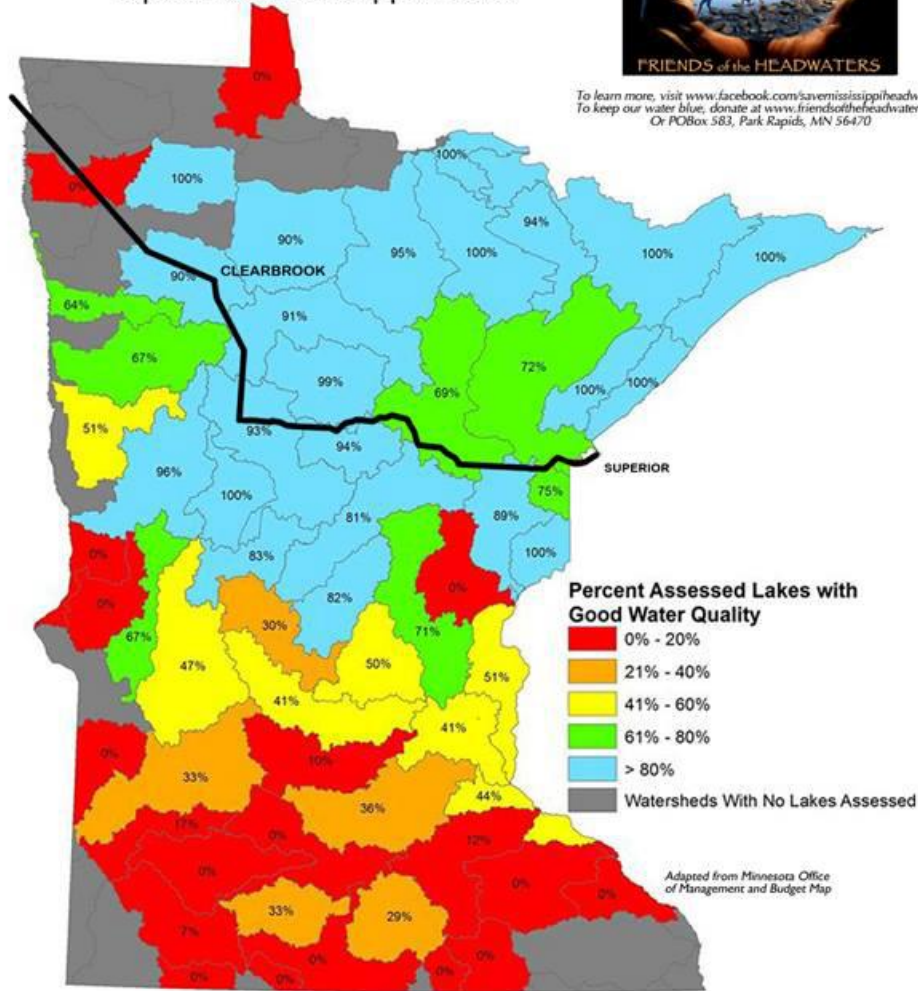


# Friends of the Headwaters

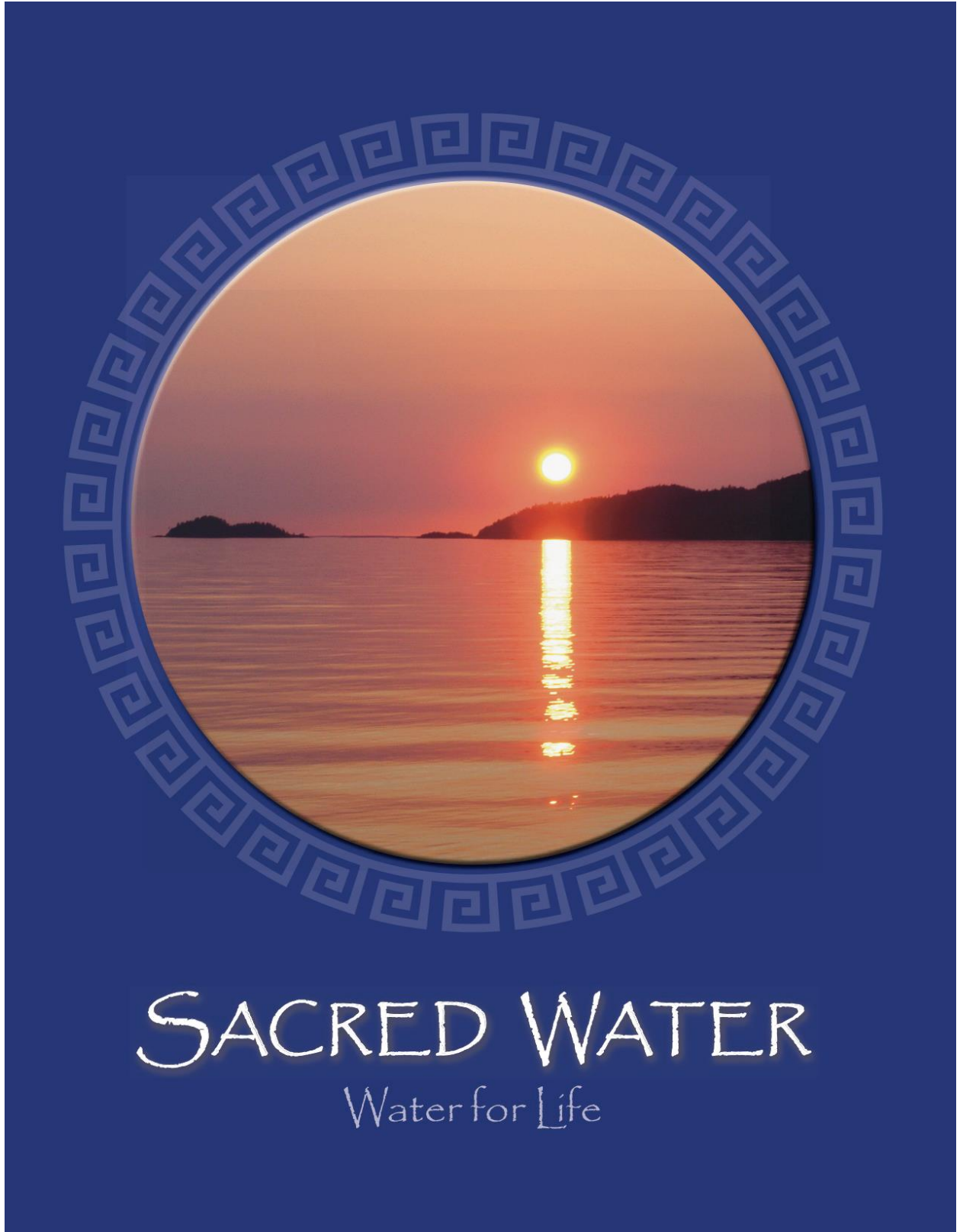
## Enbridge proposed Line 3 Expansion and Relocation pipeline route



To learn more, visit [www.facebook.com/savemississippiheadwaters](http://www.facebook.com/savemississippiheadwaters)  
 To keep our water blue, donate at [www.friendsoftheadwaters.org](http://www.friendsoftheadwaters.org)  
 Or POBox 583, Park Rapids, MN 56470



*Friends of the Headwaters Mission: To inform and educate persons to the environmental risks to Minnesota waters from a proposed crude oil pipeline which will jeopardize the Mississippi River Headwaters, many other lakes and streams and wild rice wetlands in northern Minnesota. FOH won a unanimous Minnesota Appellate Court ruling, upheld by the Minnesota Supreme Court, ordering the state of Minnesota to conduct the first environmental impact study, EIS, on a crude oil pipeline in Minnesota history. This is a landmark decision for MN environmental law.*



# SACRED WATER

Water for Life

# Sacred Water

Sacred Water, Water for Life is a call to action.

It is an instruction manual.

Sacred Water provides direction to regain an Indigenous state of health that incorporates spiritual, emotional, mental and physical aspects of human reality.

Sacred Water provides an Indigenous science solution strategy.

Sacred Water documents from a Western science perspective, contamination of Mother Earth caused by industrialization that for generations has been adversely affecting the Indigenous state of health. Mercury, dioxin, polychlorinated bi-phenols, perfluorochemicals, pesticides, and other pollutants all contribute to the body burden, and damage health.

This contamination now causes peril for all living beings on Mother Earth. This time was prophesied by Anishinaabeg spiritual leaders and is called the Seventh Fire.

Spiritual leaders of the Three Fires Midewiwin Medicine Society and other spiritual leaders have contributed their wisdom and teachings in Sacred Water. They speak of the Sacred Creation Story and the foundational values and principles given to the Anishinaabeg people by the Creator. To respect all things plants, trees, stones, animals and each other. We are all relatives. We all have the same Mother.

Sacred Water is stunningly beautiful in original art, photography and Indigenous design, and 19<sup>th</sup> Century Anishinaabeg beadwork. Many chapters are in Anishinaabemowin and English. An accompanying Teachers' guide CD provides questions for further thought, student projects, further reading, and websites for further research.

Sacred Water is currently being used as a textbook at: Bemidji State University, White Earth Tribal and Community College, Leech Lake Tribal College, Humber Institute of Higher Learning, Shingwauk University, University of Michigan at Ann Arbor, and University of Wisconsin at Eau Claire, and University of Minnesota at Morris.



# Table of Contents



## Sacred Creation

### Volume One

Introduction  
Creation Story

Eddie Benton-Benai

Anishinaabe Izchichigaywin

JIM DUMONT

Shawanaga  
Seven Principles

Seven Fires

Seven Clans

World View

Earth Connection

Landscapes of conflict  
Anishinaabe Interpretation

EDDIE BENTON-BENAI

La Courte Oreilles  
Creation, Sacred Water  
Disruption

What We Can Do  
Anishinaabe Interpretation

EARL HOAGLAND

White Earth  
Water and its Connection to  
the People  
Anishinaabe Interpretation

Creation Story

Lawrence L. Moose

## Disruption

### Volume Two

Environmental Contamination  
By Lea Foushee

Mercury

Methyl Mercury in fish

Mercury Poisoning

MN Dept. Health-- Safe fish  
eating guidelines

Mercury Emissions

Reduction

Coal Ash

Fluorescent Lamps

Mercury in Fish Trends

Dioxin

Health Effects

Poly Chlorinated Biphenyls  
Health Effects

Fish species caution

Solution Strategies

PFOA/PFOS

Fish species caution

Solution Strategies

Pesticides

Chlorothalonil

Diazinon

Health Effects

## Environmental Health & Behavior Problems

NAWO/White Earth Home  
Health Agency  
Nutrition Survey Summary

Dental Amalgams

Dental Composites

Bisphenol A

Cavity Reduction Strategies

Thimerosal

Volume Two

Interviews

JEFFREY WARK

White Earth

Anishinaabe Interpretation

RON LIBERTUS

Leech Lake/White Earth  
Anishinaabe Interpretation

ALBERTA VAN WERT

Red Lake/White Earth  
Anishinaabe Interpretation

ROGER DOERR

Leech Lake

Anishinaabe Interpretation

MARY STONE

Bois Forte

Anishinaabe Interpretation



# Table of Contents



Volume Two  
Interviews continued

TRUDY KING  
Bois Forte  
Anishinaabe Interpretation

CHARLES NAHGAHNUB  
Fond du Lac  
Anishinaabe Interpretation

LAWRENCE L. MOOSE  
Mille Lacs  
Anishinaabe Interpretation

MARY MOOSE  
St. James Bay, CANADA  
Anishinaabe Interpretation

DAVID NIIB AUBID  
East Lake Band Mille Lacs  
Anishinaabe Interpretation

BILLY BLACKWELL  
Grand Portage  
Anishinaabe Interpretation

VALERIE LARSEN  
Leech Lake  
Anishinaabe Interpretation



Solution Strategies

Volume Three

COMMUNITY BASED  
ENERGY DEVELOPMENT  
By George Crocker

NUTRITIONAL VALUE OF  
FISH. Plant sources of  
Omega 3 oils

SACRED PLANTS  
By Lea Foushee

Food & Medicine Security  
White Earth Wild Rice Camp

Wild Blueberry  
Wild Strawberry  
Wild Black Raspberry  
Red Raspberry  
Wild Plum

Northern White Cedar  
Sugar Maple  
Wild Rice

Corn  
Squash/Pumpkin  
Hog Peanut/wild beans  
Sunflower  
White Pond Lily

Wild Plant Medicines

White Earth Tribal &  
Community College  
Extension Service

Planting and Care guides

Wild Strawberry  
Wild Black Raspberry  
Northern White Cedar

Bibliography  
Glossary  
Project Partners

©NAWO 2010  
North American  
Water Office  
PO BOX 174  
Lake Elmo, MN 55042  
651-770-3861

[www.nawo.org](http://www.nawo.org)  
Email: [lfoushee@nawo.org](mailto:lfoushee@nawo.org)

\$92.25 (US)  
6.57 (MN Sales tax 7.125%)  
\$10.00 (S/H to US address)  
Contact us for Canadian pricing

10% Discount for 5 or more.  
Teacher's guide available.

Heavily illustrated with  
photos, Indigenous art,  
graphics, &  
19th Century beadwork.





Lea Foushee and Renee Gurneau

Anishinaabemowin: Mary and Lawrence L. Moose, Eddie Benton-Benai, and David Niib Aubid

Health for Indigenous People includes the physical, mental, emotional and spiritual aspects of an individual. Our intent is to provide a spiritual and cultural context to educate about the threats of mercury, and other toxicants that contaminate our water, and provide solution strategies to regain health.



"BUT, YET THERE IS HOPE.  
AS IT IS SAID THAT IN THE TIME OF THE SEVENTH FIRE  
A NEW PEOPLE SHALL ARISE.  
WHAT YOU ARE DOING, WHAT YOU ARE TRYING TO DO  
IS PART OF WHAT THEY WERE TALKING ABOUT."

BAWDWAYWIDUN BENAISE  
EDDIE BENTON-BENAI

NORTH AMERICAN WATER OFFICE  
PO BOX 174 LAKE ELMO, MN 55042 PHONE 651-770-3861

## **Roxanne O'Brien – North Minneapolis Resident**

### **PRESS RELEASE**

March 6th 2017

Released by committed residents living near Northern Metals  
Coordinator of Press Release: Roxanne O'Brien, 612-217-3651

### **Move of Northern Metals shows Power of Residents and Environmental Justice**

“Significant social change comes from the bottom up, from an aroused opinion that forces our ruling institutions to do the right thing.” – Senator Paul Wellstone (1944-2002)

The announcement Friday that Northern Metals (a metal scrap yard) in North Minneapolis, will finally be moving out, shows the impact of collective resident action. It has been a long fight, but the residents of N.E and North Minneapolis have been working together with other environmental justice activists and organizations, demanding that the environmental racism and classism come to an end.

Those of us living near and around the industrial site have been working hard for many years, to focus regulator and policy maker attention to what we have known for a long time: that Northern Metals and other industries in the neighborhood are emitting toxic pollution. This pollution is overburdening our community and having a cumulative impact on the health of our families. Some of what we did to highlight the urgency and dangers of Northern Metals:

- Organized, testified, and provided transportation to MPCA hearings that took place in St. Paul.
- Developed media stories and spoke on weekly radio programs about the pollution
- Held numerous meetings, phone calls and emails to hold accountable MPCA
- Participated in public panels to inform about these issues and presented solutions
- Joined City commissions and boards to push the city to be accountable
- Used social media to get information out
- Helped pass the city's Green Zone resolution to begin elevating environmental injustices
- Group door knocked and passed out fliers, petitions and yard signs

Much of this work was unpaid - done by mothers, fathers, children, teenagers, grandparents - not affiliated with any organization; but by those that are committed to protecting the neighborhoods we live in from such harms. While our work fades in the background many times, today, we stand up to celebrate this victory, that we were so central in making happen.

For far too long the Indigenous community, communities of African Descent and communities that have had their wealth stolen have been fighting with literally every breath we have, against greed and corporate abuse on our human right to clean air, land and water. Although we have a long and seemingly endless road ahead of us, today we celebrate a major victory in our community.

Polluting Industries that steal our natural capital have been a historic problem in black, brown and poor communities. But once again we witness the power of our people coming together, standing up, and demanding the environment that we deserve to support our healing and sustainability.

As residents, today, we are a day closer to our dreams of a healthier community. Congratulations to the people of Minneapolis and much appreciation to all who stood up in this fight. Let us keep envisioning what we desire in our environments and how we can transform these toxic spaces into a healing spaces.

State Environmental Justice Panel Presentations  
Wednesday, April 26, 2017  
1:30 pm

Ed Ehlinger – Commissioner – Minnesota Department of Health

## Assuring Optimal Health for All:

By Advancing Health Equity and Environmental Justice

**Edward P. Ehlinger, MD, MSPH**  
Commissioner, Minnesota Department of Health  
April 26, 2017



# Welcome to Minnesota



Where the women are strong,  
The men are good looking,  
And all our health statistics  
are above average –  
Unless you are  
a person of color or  
an American Indian.





Health equity and environmental justice are not about averages  
They're about everyone having the opportunity to be healthy



*The opportunity to be healthy is not equally available everywhere or for everyone.*

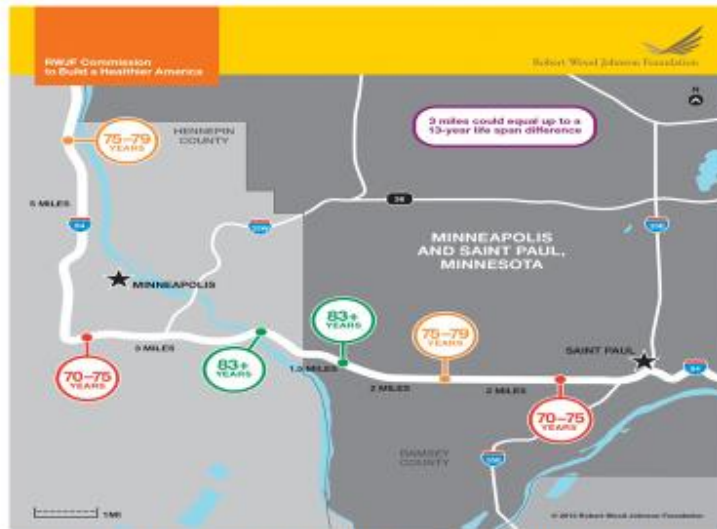
### Role of public health

*“The landmarks of political, economic and social history are the moments when some condition passed from the category of the given into the category of the intolerable. I believe that the history of public health might well be written as a record of successive re-definings of the unacceptable.”*

- Sir Geoffrey Vickers

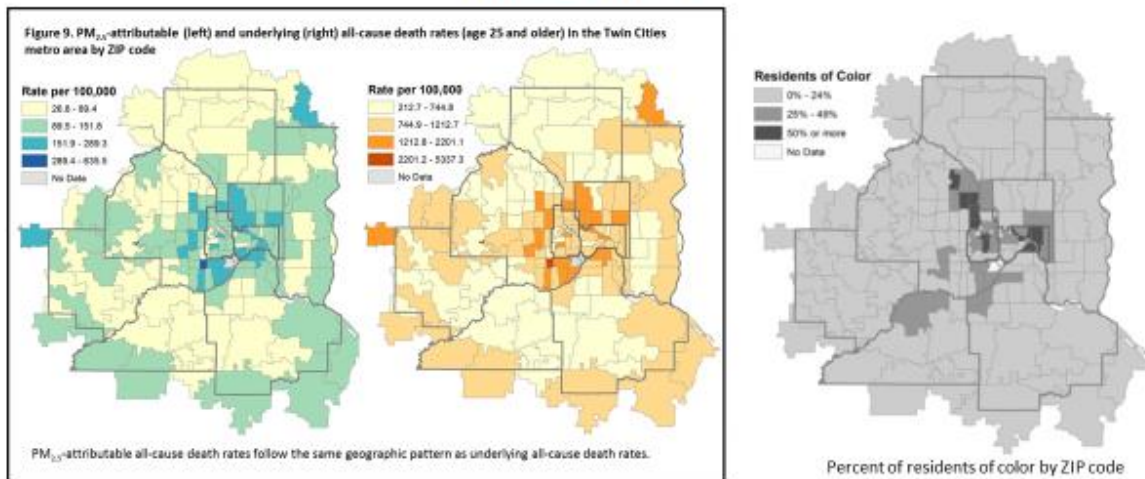


## Disparities in Life Expectancy in Twin Cities – intolerable!



*The opportunity to be healthy is not equally available everywhere or for everyone.*

## Disparities in Pollution and Deaths Intolerable!



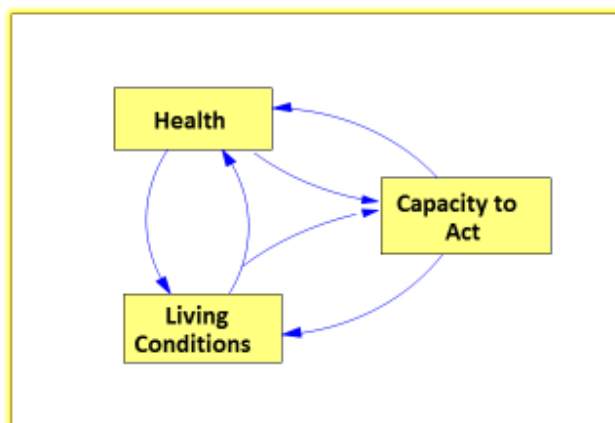
*The opportunity to be healthy is not equally available everywhere or for everyone.*

To advance health equity and environmental justice,  
we need to change how we do our work.

*“Public health is what we, as a society, do collectively to assure the conditions in which (all) people can be healthy.”*

*The Future of Public Health  
Institute of Medicine, 1988*

### Changing the Conditions that Affect Health Requires the Capacity to Act

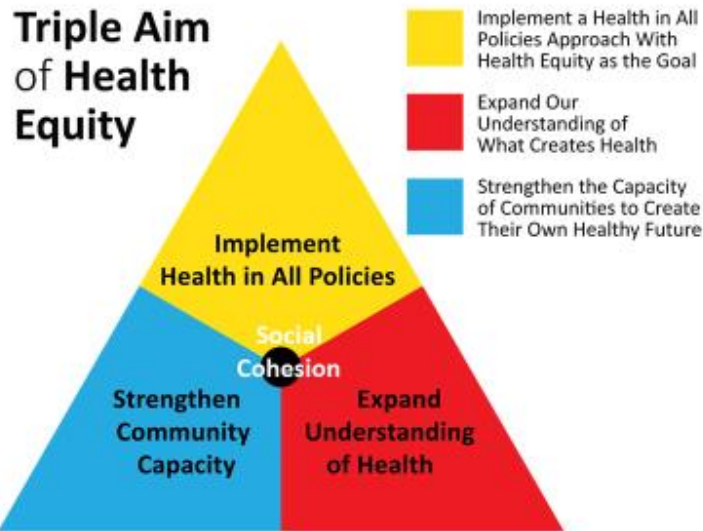


Capacity to Act Requires Organizing:

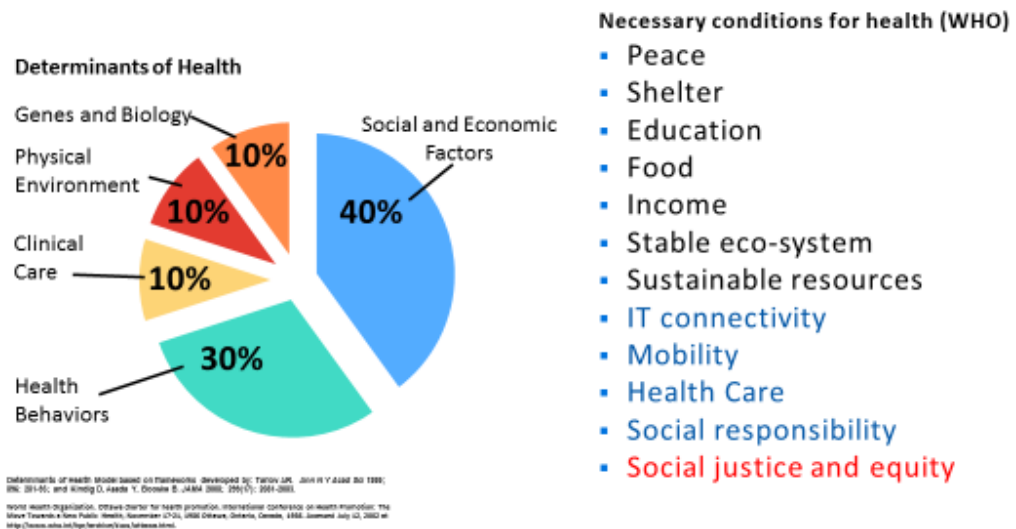
- **Narrative:** Align the narrative to build public understanding and public will.
- **Resources:** Identify/shift the way resources, systems and processes are structured.
- **People:** Directly impact decision makers, develop relationships, align interests.



## Advancing Health Equity and Optimal Health for All



## Expand the Understanding of What Creates Health



## Communities of Opportunity

- Social/economic inclusion
- Thriving small businesses and entrepreneurs
- Financial institutions
- Good transportation options and infrastructure
- Home ownership
- Better performing schools
- Sufficient healthy housing
- Grocery stores
- IT connectivity
- Strong local governance
- Parks & trails

Good Health Status

Poor Health Status

Contributes to health disparities:

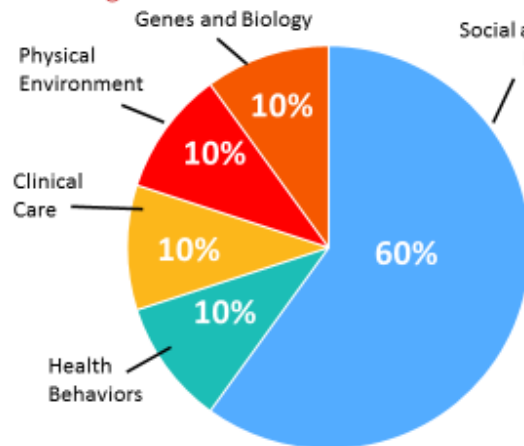
- Diabetes
- Cancer
- Asthma
- Obesity
- Injury

## Low-Opportunity Communities

- Social/economic exclusion
- Few small businesses
- Payday lenders
- Few transportation options
- Rental housing/foreclosure
- Poor performing schools
- Poor and limited housing stock
- Increased pollution and contaminated drinking water
- Fast food restaurants
- Limited IT connections
- Weak local governance
- Unsafe/limited parks

## Expand the Understanding of What Creates Health

Ehlinger's beliefs about the contributions to health determinants



Determinants are created & enhanced mostly by policies and systems that impact the physical and social environment.

Disparities are mostly the result of policy decisions that systematically disadvantage some populations over others.

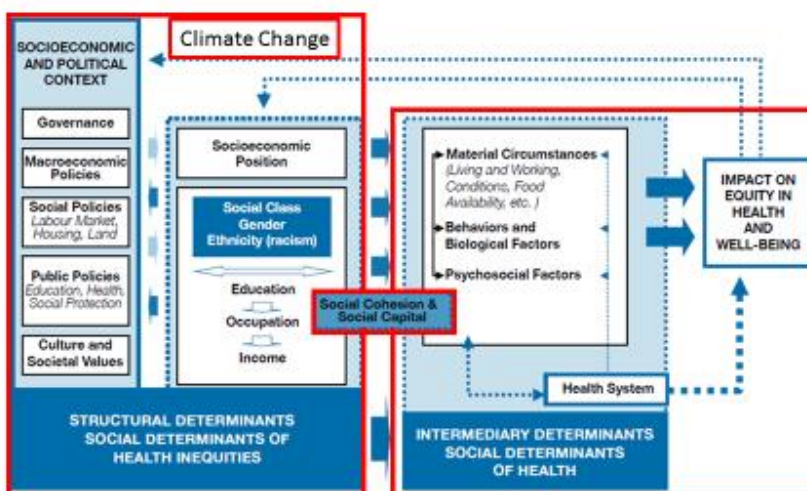
## Implement a Health in All Policies Approach with Health Equity as the Goal

- Minimum Wage
- Paid Leave
- Criminal Justice
- Ban the Box
- Transportation Policy
- Broadband connectivity
- E-Health Policies
- Housing/Homelessness



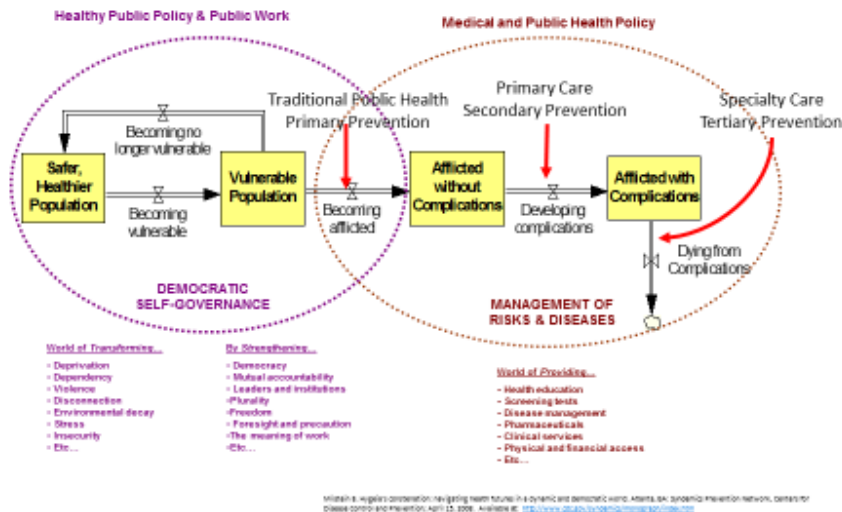
- Air/Water quality
- Ag Buffer strips
- Food Charter
- Marriage Equity
- Payday Lending
- Freedom to Breathe
- Health Care Reform

## Implement Health in All Policies Approach with Health Equity as a Goal



Commission on Social Determinants of Health. (2010). *A conceptual framework for action on the social determinants of health*. Geneva: World Health Organization.

## Strengthen the Capacity of Communities to Create Their Own Healthy Future



## Social Cohesion

- *“A proper community...is a commonwealth: a place, a resource, an economy. It answers the needs, practical as well as social and spiritual, of its members - among them the need to need one another. The answer to the present alignment of political power with wealth is the restoration of the identity of community and economy.*
- *Wendell Berry, The Art of the Commonplace: The Agrarian Essays*



## Asking the Right Questions Can Advance Health Equity

### ***Expand Understanding***

- *What values underlie decision-making process?*
- *What is assumed to be true about the world and the role of the institution in the world?*

### ***Health in All Policies***

- *What are the health and equity implications of the policy/program?*
- *Who is benefiting and who is left out?*

### ***Support Community Capacity***

- *Who is at the decision-making table, and who is not?*
- *Who is being held accountable and to whom?*

## Asking the Right Questions Is a Path to Action for Change

- *What would it look like if equity was the starting point for decision-making?*
- *Our work would be different.*

## Our work would be to advance social justice

*“The philosophy behind science is to discover truth.*

*The philosophy behind medicine is to use that truth for the benefit of your patient.*

*The philosophy behind public health is social justice.”*

*William Foege – CDC director, 1977-1983*



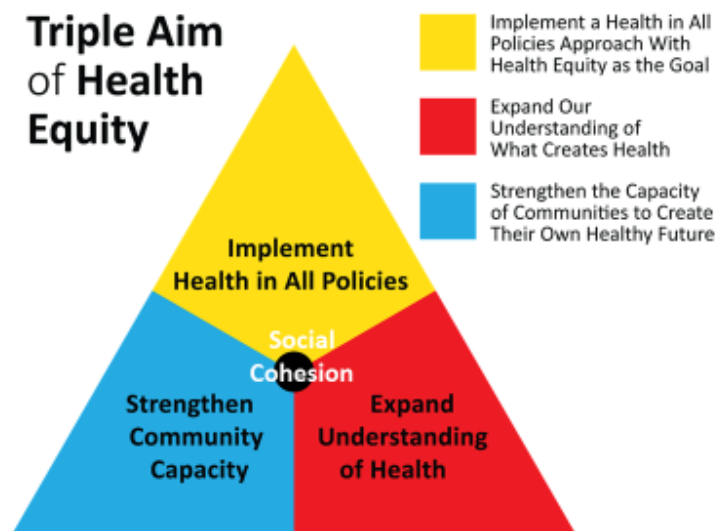
*“There never was a higher call to greater service than in this protracted fight for social justice.”*

*Senator Robert M. (Fighting Bob) La Follette, Sr.*



## Our work would be to Advance Health Equity and Social and Environmental Justice by:

### Triple Aim of Health Equity





## Alexandra Dunn – Executive Director & General Counsel – Environmental Council of the States



THE  
ENVIRONMENTAL  
COUNCIL OF  
THE STATES

---

50 F Street, N.W.  
Suite 350  
Washington, D.C. 20001

---

Tel: (202) 266-4920  
Email: [ecos@ecos.org](mailto:ecos@ecos.org)  
Web: [www.ecos.org](http://www.ecos.org)

---

### Environmental Council of the States (ECOS)

The Environmental Council of the States (ECOS) is the national nonprofit, nonpartisan association of state and territorial environmental commissioners. The purpose of ECOS is to improve the capability of state environmental agencies and their leaders to protect and improve human health and the environment.

ECOS provides leadership on environmental issues of national importance and plays a critical role in facilitating a quality relationship among and between federal and state agencies.

### Environmental Equity at ECOS

- ECOS recently published a *Green Report on State Approaches to Community Engagement and Equity Considerations in Permitting*, February 3, 2017.
  - [www.ecos.org/documents/ecos-green-report-on-state-approaches-to-community-engagement-and-equity-considerations/](http://www.ecos.org/documents/ecos-green-report-on-state-approaches-to-community-engagement-and-equity-considerations/).
- 50 State EJ Survey Update
  - ECOS is working with American University Washington College of Law, Howard University School of Law, and the EPA to update a 50-state survey originally completed by UC Hastings College of the Law in 2010.
  - The original survey is titled *Environmental Justice for All: A Fifty-State Survey of Legislation, Policies and Cases* (4th Edition, 2010).
    - <http://gov.uchastings.edu/public-law/docs/ejreport-fourthedition1.pdf>
- At the ECOS 2017 Spring Meeting, ECOS partnered with the Business Network for Environmental Justice (BNEJ) at the National Association of Manufacturers (NAM) to host a roundtable discussion between state and corporate representatives on the many ways companies can engage with communities.
- ECOS has held plenary sessions on environmental equity at all recent major conferences.
- ECOS has entered into a Memorandum of Agreement on Public Health & Environmental Collaboration with ASTHO & EPA.
  - The MOA states that because the public health and well-being of U.S. citizens relies on the condition of their physical environment, “the Parties intend to collaborate in developing tools... that will leverage resources and advance the Parties’ mutually shared mission of protecting the public’s health from environmental threats and hazards and advancing health and environmental equity for all citizens.”
  - <https://www.ecos.org/documents/ecos-astho-and-epa-signed-memorandum-of-agreement/>
- ECOS collaborated with the EPA Office of Research and Development (ORD) to provide state input on EPA’s Community-Focused Exposure and Risk Screening Tool (C-FERST).
  - This tool provides information to help users identify environmental issues in their communities, learn about these issues, and explore exposure and risk reduction options.
  - <https://www.epa.gov/healthresearch/introduction-community-focused-exposure-and-risk-screening-tool-c-ferst>
- Environmental Justice (EJ) Community of Practice
  - A listserv state agency staff may join to stay informed of EJ work that involves ECOS.
- *ECOS’ Environmental Justice Engagement Group Directory: State Agency Points of Contact*
  - Directory of state EJ leadership.



## Environmental Justice: Minnesota's Approach



National Environmental Justice Advisory Council  
John Linc Stine, MPCA  
April 26, 2017

**m** MINNESOTA POLLUTION  
CONTROL AGENCY

## Environmental Justice at MPCA

---

- Began after EO 12898 signed (1994)
- Renewed commitment in 2012
  - Increased national, local attention/concern
  - Governor Mark Dayton: reduce disparities
  - MPCA strategic plan goal
- MPCA Environmental Justice Steering Team
  - Commissioner's Office, Division Directors
- Community meetings: input

## Environmental Justice at MPCA

- ❑ All Minnesotans can participate in decisions that affect their environment and health
  - People can influence the decision
  - Everyone's concerns are considered



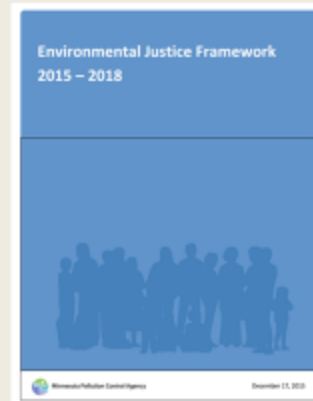
## Environmental Justice at MPCA

- ❑ All people benefit from equal levels of environmental protection, quality & services
  - Pollution does not harm one group of people more than another
  - Protect Minnesotans most at risk



## MPCA's EJ Framework

- ❑ Our comprehensive strategy for integrating environmental justice principles into our work
- ❑ Modeled after EPA's EJ2014 Plan
- ❑ Completed Dec. '15  
[www.pca.state.mn.us/ej](http://www.pca.state.mn.us/ej)
- ❑ Program-specific strategies and tools
  - Includes regulatory roles such as permitting, and non-regulatory assistance, education, grants, etc.
  - Procedures for identifying areas of concern and increased civic engagement



## Main framework approaches

- ❑ Identify areas where lower income Minnesotans, people of color and others may be experiencing more harm
- ❑ Change our approach and increase our work in these areas:
  - Better understand sources of pollution and risks
  - Reduce pollution, improve livability
  - Communicate more, better

## Environmental Justice Advisory Group

- ❑ Advise MPCA Commissioner on MPCA's EJ work, provide community perspective
  - ❑ 16 members from around the state
  - ❑ Mostly community members, advocates and tribal members
  - ❑ Formed in 2016 with community input
- Meets every 2 months



## Improve civic engagement and outreach

- ❑ Earlier, more frequent community engagement
  - Build relationships and collaborate with community members, leaders
  - Inform early and often (example: when application received)
  - Informal meetings in advance of public meetings
  - Plain, understandable languages
  - Transparency and follow-up
  - Encourage facility-community discussions
- ❑ Provide resources for community to understand our processes
  - Information on where, when, and how citizen input can have the most impact





## Consideration of EJ issues in permitting

- ❑ Understand the community characteristics and concerns
  - Is the facility in or near an area of concern for environmental justice (based on race, income, tribal areas)
  - Concerns related to facility, both related to regulated activity and other concerns.
- ❑ Evaluate impacts of proposed permit
  - Effect on ambient pollution concentrations
  - Other pollution sources in the area
  - Other air pollution health related info
  - Scale our efforts commensurate with risk



## Improving regulatory outcomes

- ❑ Reduce releases beyond regulatory limits
  - More rigorous compliance demonstrations or practices
  - Pollution prevention opportunities
  - Negotiating a lower limit when warranted
- ❑ Address community concerns outside of permit
  - Re-routing/restricting vehicle traffic
  - Addressing noise/odor concerns
  - Facility aesthetics
- ❑ Connect to other resources
  - Help citizens connect with services
  - Help regulated parties prevent more pollution

## Notable Examples

---

- Phillips Community Cumulative Impacts Legislation
- Smith Foundry
- Northern Metal Recycling
- University of Minnesota Steam Plant
- Hennepin Energy Resource Center
- Afton Wastewater Treatment Plant – Snake Mound

## First Annual MPCA EJ Report

---

- Summarizes EJ work 2015-2106 undertaken as part of EJ Framework
- Includes foreword by EJ Advisory Group

Visit MPCA EJ web page:

[www.pca.state.mn.us/ej](http://www.pca.state.mn.us/ej)

## ECOS- Advancing Equity

---

- ❑ ECOS – Environmental Council of States
- ❑ Association of state environmental commissioners and directors
- ❑ Current president
- ❑ One key initiative for this year:

### **ADVANCING EQUITY AT ALL LEVELS -**

ECOS will strive to advance results that best protect all Citizens through better environmental conditions

## Thank you

---

Email: [john.stine@state.mn.us](mailto:john.stine@state.mn.us)

Twitter: @JLincStine

[www.pca.state.mn.us](http://www.pca.state.mn.us)





**Myra Reece – Director of Environmental Affairs – South Carolina Department of Health and Environment**



South Carolina Department of Health and Environmental Control

---

**SC Environmental Justice:**  
Where We Have Been...  
Where We Are...  
Where We Are Going.

---

Myra C. Reece, Director of Environmental Affairs



South Carolina Department of Health and Environmental Control

---

## SC: A Long History of EJ Work and Commitment

- **Pivotal moment in 2003....“a better way”**
  - Public Participation/EJ **Taskforce**
  - Expanded Office of CE and EJ
  - Began Public Participation **training for all staff** (EPA Grant, Office of Civil Rights)
- **2004 Public Participation/EJ added to our Agency’s strategic plan (Top Leadership Support was critical)**
  - “Leadership changes”

## History – Continues

- **(2008-09) World Café Public Participation and Environmental Justice “listening sessions”**
  - Resulted in 12 priorities and workgroups
- **Community and General Assembly Leadership: SC Representative Harold Mitchell Jr.**
  - Introduced a bill – established a **SC EJ Advisory Committee**
  - **ReGenesis** – model for collaborative problem solving

## More History

- **(2008-09) World Café Public Participation and Environmental Justice “listening sessions”**
  - **EARLY & OFTEN COMMUNICATION (MEANINGFUL INVOLVEMENT)**
  - Resulted in 12 priorities and workgroups
- **Community and General Assembly Leadership: SC Representative Harold Mitchell Jr.**
  - **ReGenesis** – model for collaborative problem solving
  - Introduced a bill – established a **SC EJ Advisory Committee (Words matter!)**

## More History

- **2009-12 Cooperative Agreement from EPA**
  - LEAP: Leaders in Environmental Action Pilots
- **2013-14 SC Environmental Justice Leadership Forum/School**

## History informs how we roll today

- **1 EXAMPLE ONLY: Clean Power Plan**
  - Set up an **energy coalition** **BEFORE** proposed rule was drafted (EJ reps at the table)
  - Established **Regional EJ Hubs** - assisted with public meetings & and engaged in EPA's rule making process
    - Although CPP rule has been stayed, communities and utilities still working together to bring RE to EJ communities

## “No Two States are Alike” in EJ Strategies/Plans

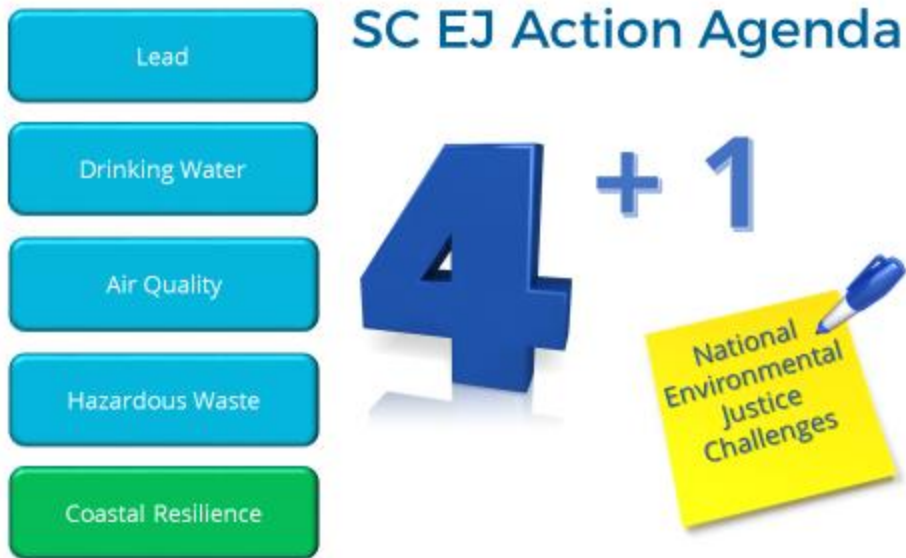
### SC’S APPROACH (inside and out):

- “BUILDING A **CULTURE**” - NOT A “PROGRAM”
- REQUIRED “SKILL” - **LEADERSHIP** POSITIONS
- FOCUS ON BUILDING **TRUST**, RELATIONSHIPS, **RESILIENCY** within **COMMUNITIES**
- FACILITATE **COLLABORATIVE PARTNERSHIPS** & LEVERAGING RESOURCES
- “THE VALUE OF **CONVENING** and **COLLABORATIVE PROBLEM SOLVING**”

## Future Efforts...Built on a Solid Foundation.



## SC EJ Action Agenda



The graphic features a vertical stack of five colored buttons on the left: Lead (light blue), Drinking Water (medium blue), Air Quality (light blue), Hazardous Waste (medium blue), and Coastal Resilience (green). To the right, the text 'SC EJ Action Agenda' is displayed in a large, bold, blue font. Below this text is a large blue number '4' followed by a plus sign and a smaller blue number '1'. To the right of the '4 + 1' is a yellow sticky note with a blue pen nib pointing to it. The sticky note contains the text 'National Environmental Justice Challenges' in black font.

- Lead
- Drinking Water
- Air Quality
- Hazardous Waste
- Coastal Resilience

4 + 1

National Environmental Justice Challenges

## Bridging the Gap Health and the Environment

- **Kicking it up a notch**
  - Health and Environmental **Equity Lens**
- **Minority Health Month**
  - Rep Mitchell – guest speaker (health & environmental staff)
- **New and expanded partnerships**
  - Academia, Legislative Black Caucus, SC Commission for Minority Affairs

## Closing Thoughts...

- EJ and community issues are **real** and **very important** to SC DHEC.
- Being proactive, convening stakeholders and continuing the ReGenesis **collaborative problem solving model** has benefitted our communities.
- Our **partnership** with EPA has been and is very valuable.
- Much more work to be done..... (Stay Tuned!)

**“I know of no safe depository of the ultimate powers of the society but the people themselves; and if we think them not enlightened enough to exercise their control with a wholesome discretion, the remedy is not to take it from them but to inform their discretion.”**

**- Thomas Jefferson**

**“I know of no safe depository of the ultimate powers of the society but the people themselves; and if we think them not enlightened enough to exercise their control with a wholesome discretion, the remedy is not to take it from them but to inform their discretion.”**

**- Thomas Jefferson**



**Arsenio Mataka – Assistant Secretary for Environmental Justice & Tribal Affairs – California  
Environmental Protection Agency**





# LEGISLATIVE FOUNDATION

**HILDA SOLIS**  
**SENATE BILL 115**  
**1999**

- Environmental Justice definition
- Required CalEPA to conduct programs in line with EJ definition



# LEGISLATIVE FOUNDATION

**MARTHA ESCUTIA**  
**SENATE BILL 89**  
**2000**

- Established CalEPA Interagency Working Group on Environmental Justice
- Required CalEPA to develop an intra-agency environmental justice strategy
- Established CalEPA Advisory Group to assist the Working Group in developing strategy



# LEGISLATIVE FOUNDATION

## KEVIN DE LEON SENATE BILL 535 2012

- Minimum of **25 percent** of the total investments from cap and trade funds are required to benefit disadvantaged communities
- Requires CalEPA to identify "disadvantaged communities".

5



# LEGISLATIVE FOUNDATION

## RICARDO LARA SENATE BILL 673 2015

- Hazardous waste permit criteria must consider **vulnerability** of and **health risks** to nearby populations
- Regulations will include criteria for number and types of past violations that will result in a denial

6

# MY STORY



PESTICIDES



DRINKING WATER



PM2.5



# POLLUTION BURDEN

SOLID WASTE

TOXIC RELEASES

IMPAIRED WATER BODIES

# VULNERABILITY

EDUCATION

ASTHMA

POVERTY



# CALENVIROSCREEN

SCIENCE-BASED  
ENVIRONMENTAL HEALTH SCREENING TOOL

11



# CALENVIROSCREEN

- Spatial analysis of relative burdens in California communities from **pollution** and population **vulnerability**
- 20 indicators
- Combined into a single ranked score

12



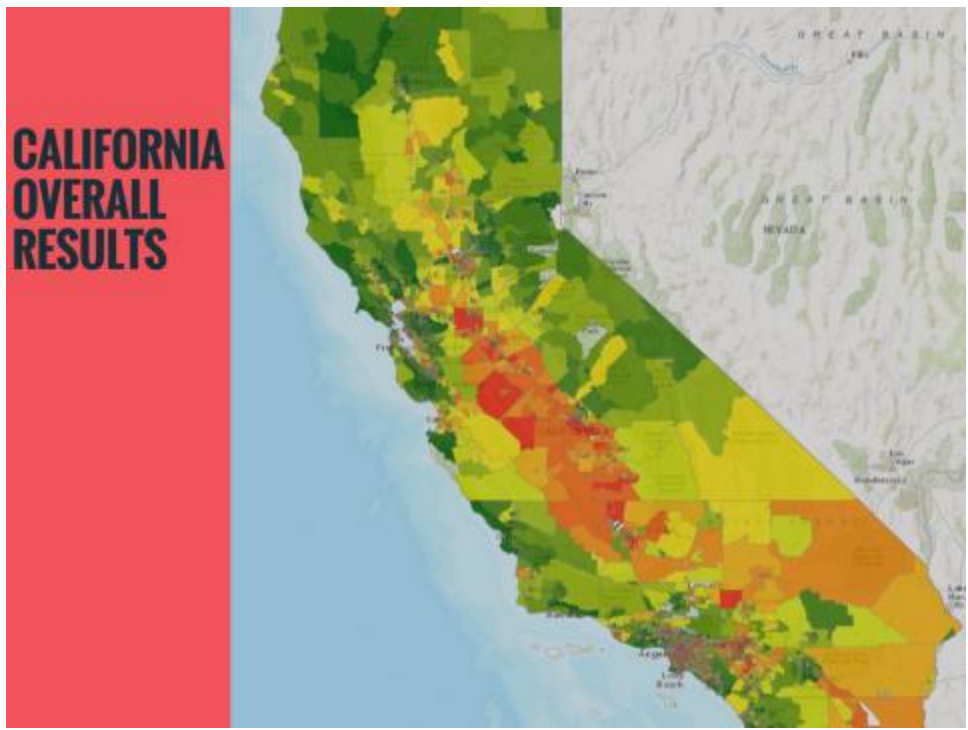


# VULNERABILITY

## SENSITIVE POPULATIONS



## SOCIOECONOMIC FACTORS





census Tract: 6099002100

Population:	4,165
CalEnviroScreen 3.0 Percentile:	96 - 100%
Pollution Burden Percentile:	99
Population Characteristics Percentile:	97
Ozone:	74
PM 2.5:	93
Diesel:	75
Pesticides:	62
Toxic Releases:	61
Traffic:	42
Drinking Water:	92
Cleanups:	90
Groundwater Threats:	47
Hazardous Waste:	94
Impaired Water:	72
Solid Waste:	65
Asthma:	91
Low Birth Weight:	63
Cardiovascular Rate:	95
Education:	95
Linguistic Isolation:	77
Poverty:	98
Unemployment:	95
Housing Burden:	76

# AIRPORT

**99th**

Cumulative pollution burden worse than 99 percent of the State

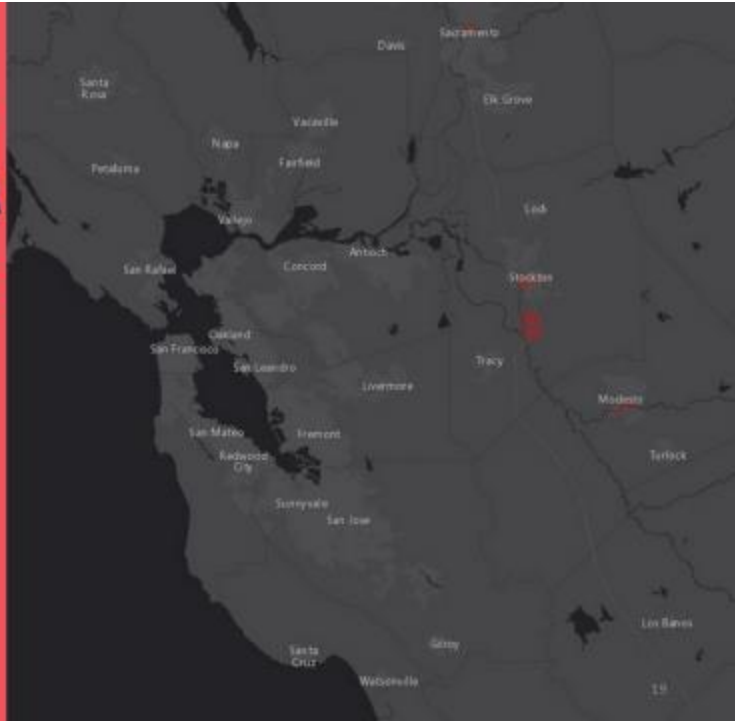
**52%**

Percent of the population over age 25 will less than a high school education

**70%**

Percent of the population living below two times the federal poverty level

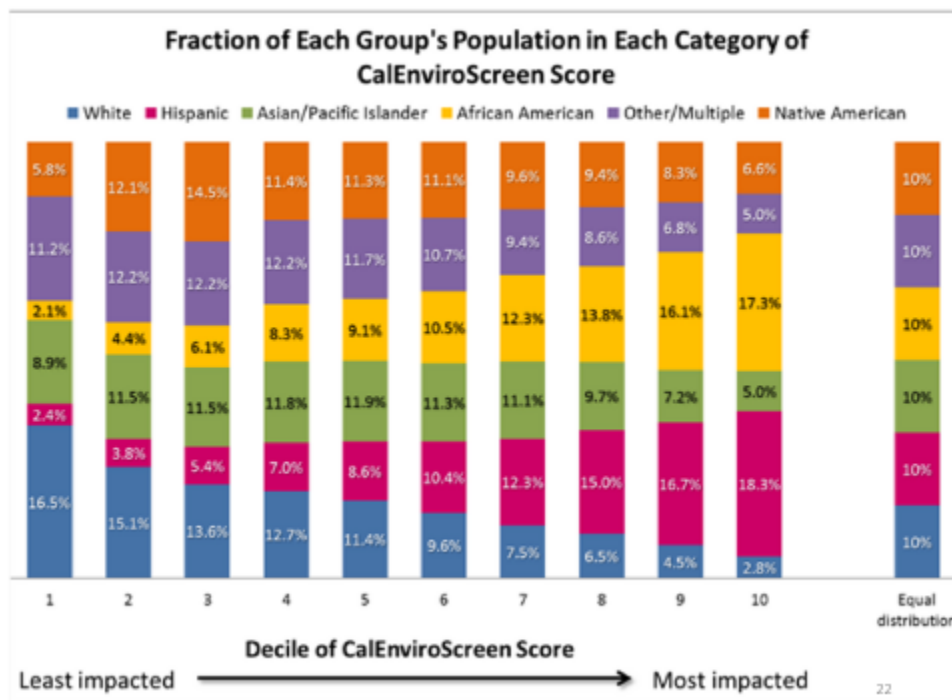
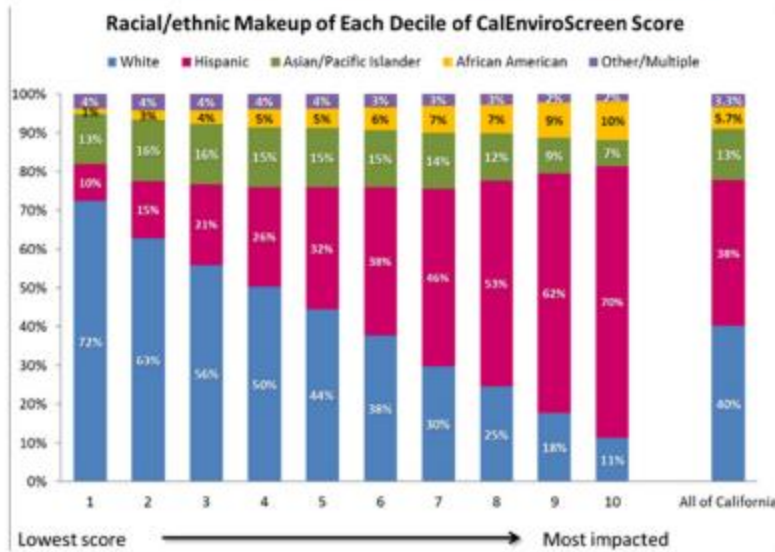
**NORTHERN CALIFORNIA  
TOP 1%  
STATEWIDE**



**SOUTHERN CALIFORNIA  
TOP 1%  
STATEWIDE**



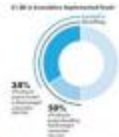
# THE "R" WORD











**THANK YOU!**

Arsenio Mataka  
arsenio.mataka@calepa.ca.gov

28



# Mississippi's Approach to Addressing Environmental Justice

SOLVING ENVIRONMENTAL JUSTICE ISSUES THROUGH ENGAGEMENT

NATIONAL ENVIRONMENTAL JUSTICE ADVISORY PANEL 2017

23<sup>RD</sup> ANNUAL MEETING



MISSISSIPPI DEPARTMENT OF ENVIRONMENTAL QUALITY  
OFFICE OF COMMUNITY ENGAGEMENT



## Community Engagement

### The Office of Community Engagement was created to address:

- The need for timely and accurate information, in formats that everyday people understand
- The need for everyday people to have access to environmental educational opportunities,
- The need for equitable & authentic participation in decision making processes
- The need for effective relationships and partnerships with external stakeholders

**2010** - Office of Community Engagement (OCE) was created as a direct report to the MDEQ Executive Director, to address existing and new Environmental Justice concerns in Mississippi.

**2014** - OCE was given oversight of the Small Business Environmental Assistance Program (SBEAP).

## MS DEQ Objective

---

Through the Office of Community Engagement, the agency seeks to achieve significant meaningful public participation in partnership with communities, local government and industries; and to build the joint capacity of the state, communities, industries and EPA to address community environmental concerns.



## VARIOUS ENVIRONMENTAL ISSUES

---

# WATER ISSUES

FACT SHEET  
**Environmental Study in Eastern Heights, Grenada, Mississippi**  
**INFORMATION ABOUT YOUR TAP WATER**  
 January 2018

MISSISSIPPI DEPARTMENT OF ENVIRONMENTAL QUALITY  
**FACT SHEET**  
**Water Contact Advisory for Riverdale Creek**  
 Grenada, Mississippi

**Total Maximum Daily Load For Aluminum In Riverdale Creek, Yazobusha, Grenada Counties, Mississippi Yazoo River Basin**

On October 26, 2017, the Mississippi Department of Environmental Quality (MDEQ) issued a water contact advisory for the lower segment of Riverdale Creek in Grenada, MS. The advisory restricts from the natural setting of Riverdale Creek in the area where the creek flows into the YazooDelta River.

Recent water quality monitoring has indicated that copper levels in the creek have increased to a level of concern. Substantial concentrations from a chemical contact point have been observed to have significantly impacted the stream. Through conditions, you have been had an impact on the sampling results.

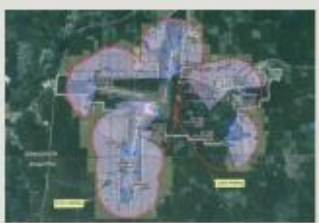
**ADVISORY**  
 Avoid contact with water in the creek.

# LAND, GROUNDWATER and HAZARDOUS WASTE ISSUES

**Environmental Concerns With Chromated Copper Arsenate (CCA) Treated Wood**



Drainage ditch segments and adjacent areas needing further characterization/ventilation.  
**Waterworks Road to Moss Street**  
 - Apartments at 801 & 807 Waterworks Road



**Naval Air Station Meridian, Meridian, Mississippi**  
 Decision Unit 1 (Public Works Area; Wastewater Treatment Plant; Sludge Disposal Areas Site 44, Site 45, Site 46, and Site 47)  
 Decision Unit 2 (7 Grain Sites, Airwing Clear Areas, and Fuel Tankage Area)  
**Drinking Water Investigation** April 2017

**ARCADIS**  
 Environmental, Engineering, Consulting  
**Weekly Construction Progress Report**  
 B1 & Tanks Decommissioning Project  
 Period: Weeks Ending 10/7 & 10/20/15

**Items With Delays:**

- [Item 1]
- [Item 2]
- [Item 3]
- [Item 4]
- [Item 5]
- [Item 6]
- [Item 7]
- [Item 8]
- [Item 9]
- [Item 10]

**HERCULES**  
 Hercules Plant  
 Hattiesburg, MS

**New culvert installation adjacent to B1**

# AIR ISSUES

## Air Sampling Results at Facility (Grenada Stamping)

Chemical	Range of Concentration Detected	Screening Level	Action Level Sensitive Population	Action Level Non-Sensitive Population
<b>Trichloroethene (TCE) (units in ug/m<sup>3</sup>)</b>				
Indoor Air	6.7 - 29	3	8.8	26
Sub-slab Air	100 - 2,900,000	100	**	**

**Notes:** The range of concentrations detected are given in units of micrograms per cubic meter (ug/m<sup>3</sup>).  
 \*\* There are no action levels for chemicals in sub-slab air because no one is directly exposed to sub-slab air.

## Facility Indoor Air Sampling

The Facility's contractor conducted the sampling in October 2016. Indoor air was sampled at 11 locations in both administrative and manufacturing areas of the Facility. Six samples were also taken of the air from beneath the manufacturing building (known as "sub-slab"). Results are summarized in the table and posted on EPA's website. TCE was found to be above screening levels in all indoor areas. Of the sub-slab samples, four were found to be above the TCE screening level. EPA uses screening levels to help determine if further evaluation should take place.

In five indoor air samples collected in the manufacturing areas, TCE was found to be above

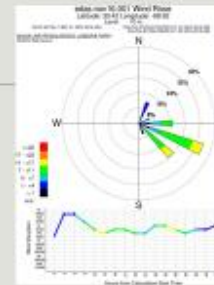


Figure 1-1. Typical conceptual model of vapor intrusion.

# ENGAGING THE ENTIRE STATE- ALL PEOPLE



**82 COUNTIES-2.994 MILLION PEOPLE**





**MISSISSIPPI DEPARTMENT OF ENVIRONMENTAL QUALITY**

**Thursday, October 17, 2013**  
**6:30 PM – 8:30 PM**  
**Danny Hinton Community Center**  
**225 Tatum Rd.**  
**Hattiesburg, MS, 39401**

**For Questions or More Information, Contact**

Michelle Taylor  
 9800 Office of Community Engagement  
 111 East Sandy Street  
 Jackson, MS 39201  
 601-434-5222  
 Michelle.Taylor@deq.ms.gov  
 Michelle Taylor  
 City of Hattiesburg



**Strategic Collaboration of Industries Surrounding Bayou Casotte, Pascagoula, MS**

January 23, 2014  
 1:00 pm - 5:00 pm

Pascagoula Bayou Center  
 2812 Lake Club Road  
 Pascagoula, MS 39347

- Introduction
- Purpose of Meeting
- MSDE Update on Current Environmental Issues and Compliance
- US Representative Overview of Environmental Issues and Compliance
- Industry Perspective on Environmental Issues and Compliance
- Bayou Club Open Discussion
- How Do We Move Forward?
- Open House Hours
- Long Term Goals
- How We Will Coordinate Meeting
- Dates to Remember
- Location
- How Collaboration Meeting
- Acknowledgment

# PROVIDING ENVIRONMENTAL EDUCATION



**MISSISSIPPI DEPARTMENT OF ENVIRONMENTAL QUALITY**

**COMMUNITY NOTICE**  
 Mississippi Environmental Quality Permit Board  
 P. O. Box 2261  
 Jackson, MS 39225  
 Telephone No. (601) 961-5171  
**MARCH 2016**

**FIRST CHEMICAL CORPORATION (A Chemours Company)**  
**PASCAGOULA, MS**

First Chemical Corporation (FCC), located at 3001 Industrial Road, in Pascagoula, MS, has applied to the Mississippi Department of Environmental Quality for the following permitting actions: Renewal of their Air Title V Operating Permit (Ref. No. 1280-00022), renewal of their Water Pretreatment Permit (Ref. No. MSP090360), and renewal of their RCRA Hazardous Waste Management Permit (Ref. No. MSD03107831).

**WHAT DO THEY DO?**  
 FCC is a chemical...

**HOW CAN I BE A PART OF THE RENEWAL PERMITTING PROCESS?**

## Expanding Community Capacity For Problem Solving Through Partnership

**Steps Coalition**  
 610 Water Street, Biloxi, MS 39530  
 (228) 435-3113

MISSISSIPPI NAACP

SIERRA CLUB  
 FOUNDED 1892

LAND TRUST  
 FOR THE MISSISSIPPI DELTA AND PLAINS

**Center For Environmental & Economic Justice, Inc.**

GULF OF MEXICO ALLIANCE  
 Building Partnerships for a Healthier Gulf



# COLLABORATION



## Strategic Collaboration of Industries Surrounding Bayou Casotte, Pascagoula, MS

### AGENDA

January 23, 2014  
1:30 pm - 3:30 pm

- Introductions
- Purpose of Meeting
- MDEQ Update on Current Environmental Issues and Complaints

Strategic Collaboration Effort: The Bayou Casotte Industrial Park Dust and Odor Assessment

April 1, 2014



Signal International – West Yard  
3500 Port Authority Road, Pascagoula, MS

Site Dust Control Plan



MISSISSIPPI DEPARTMENT OF ENVIRONMENTAL QUALITY  
OFFICE OF COMMUNITY ENGAGEMENT



**Youth Perspectives on Climate Change Workgroup Charge Update  
4:15 pm**



## Youth Perspectives on Climate Justice Workgroup

National Environmental Justice Advisory Council (NEJAC) Presentation  
April 26, 2017  
Minneapolis, Minnesota  
Presented by Workgroup Members:  
Samantha Shattuck, Kayla DeVault, Kathy Tran



### Since October

Introduction	Charge 1	Charge 2	Editing Section
Anthony Torres (L) Devin Crowther Stefan Petrovic Yudith Nieto	Nikita Robinson (L) Kayla DeVault Melake Getabecha Amanda Nesheiwat	Eriqah Vincent (L) Samantha Parker Pee Agyei-Boakye Zoe Ackerman	Kathy Tran (L) Amber Vignieri Maya Carrasquillo Samantha Shattuck

*Our NEJAC workgroup members provided input at different stages, including timeline and work division planning, management, and report design.*



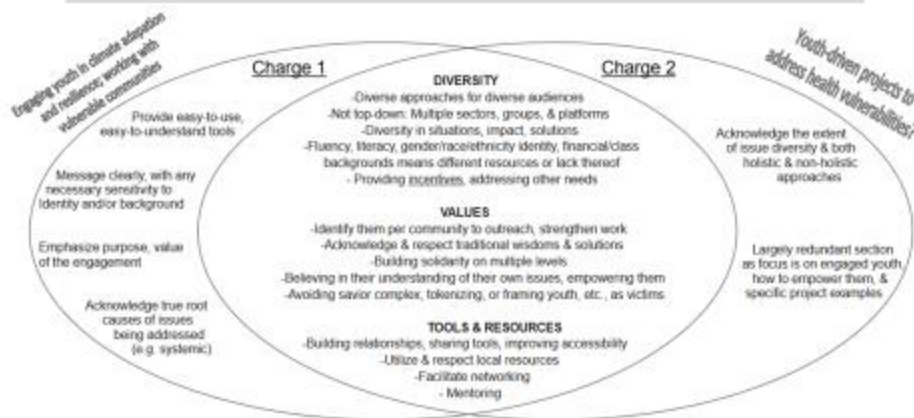
## Charges

The NEJAC tasked the Working Group with addressing two charges related to empowering youth on climate action and promoting collaborations between youth and the public, private and non-governmental sectors. The charges include:

*Charge 1: How can EPA effectively engage with youth on climate change and adaptation planning using new resources and tools designed to help communities become more resilient and better protect themselves from the impacts of climate change? What activities and mechanisms (e.g. policy, guidance, or protocol) should EPA consider to authentically engage and work collaboratively with youth, and other interested stakeholders, to identify and address climate change impacts on overburdened and vulnerable communities?*

*Charge 2: What best practices, including efforts to address the compounding health vulnerabilities brought on by climate change, can be provided using youth-driven projects from across the United States from which results-oriented recommendations can be drawn?*

## Charges and Overlap



## Meaning of Authentic Engagement

- Being transparent and honest about motivations, roles, and capacity
- Building long-term relationships based on mutual respect and co-learning
- Asking many questions and being willing to change your mind
- Allowing community members to maintain ownership
- Being open to changing perspectives, approaches, or methodologies
- Approaching communities early on in the process



## Process Feedback



## Next Steps

Gathering input from Youth and NEJAC members at the Convening

- Discussions about feasibility, division of labor, action items

Report drafting:

- Restructuring flow, organization, and division of labor
- Refining the report format
- Expanding the best practices
- Designing the layout of final draft, adding visuals
- Editing through multiple rounds

## Thank you

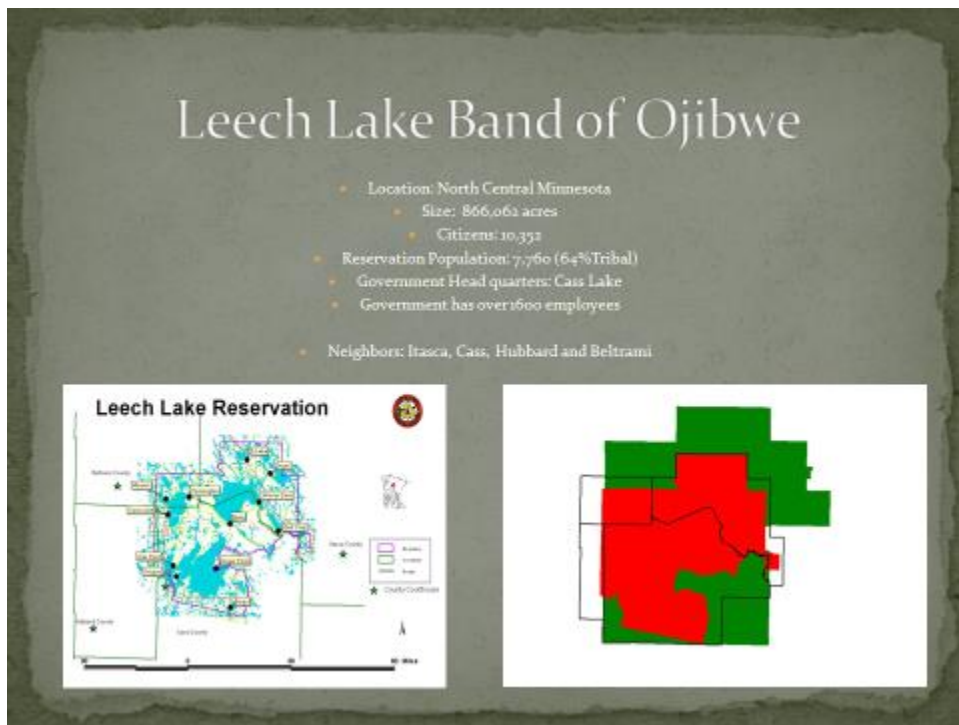
*Thank you to the NEJAC members, Richard Moore, Dr. Shafiel, Charlie Chase, Dr. McClain, Beverly Wright, Cheryl Johnson, and Lisa DeVille who have helped us along the way and to the OEJ staff of Alyssa Edwards, Karen Martin, Jasmin Muriel, and Matthew Tejada for all their support.*

*Thank you as well to our workgroup members who have kept up with this task and helped us push ourselves to maximize our impact.*

### **Questions from Youth Working group and Feedback from NEJAC Council**

**Tribal Panel Presentation  
Thursday, April 27, 2017**

**Levi Brown – Environmental Director – Environmental Lands Department Leech Lake band  
of Ojibwe**



## Community Outreach

“If our communities and individual community members do not understand why we have environmental regulations then it does not matter how great our written environmental law are, because true environmental protection will come from individual community members being good stewards of the land.”

## NEED AND PURPOSE

- Any law or ordinance success relies on individual compliance
- Education of tribal and non tribal community only strengthens sovereignty
- Being active and visible in community helps bring awareness
- Help to change the social norms





# PARTNERS

- ENVIRONMENTAL SUMMER YOUTH
  - Established since
  - Educating youth about environmental issues
  - Encourage participation through projects to clean up resources
  - Attract individuals directly related to
  - Outcomes are educational for youth and much enhanced environmental
  - Youth with better understanding of their environment have a better chance of being good stewards of the land
- STEWARDSHIP GUIDE
  - Public's guide to understanding LLELD Priorities
- LOCAL PARTNERS
  - Cass Lake City Council meetings
    - Need Support for Superfund site Clean up
  - Local Indian Council meetings
    - Tribal Community drives policy
  - Township Meetings
    - Non tribal members have a vested interest
  - County Board Meetings
    - Support for funding Brownfield
  - Grass Roots Organizations
    - Organizing "Honor the Earth"
- Must always be open and create trust amongst any partners before moving forward on any issue

# Environmental and Health Issues

- Direct Threat to Lifeways
  - Water Surface and Ground
- Clean up of the St. Regis Superfund NPL Site
  - Enforcement of Tribal HSCA
- Deforestation
  - CNF Most Commercialized Forest in country
- Waste Water Infrastructure
  - BIA development lacked long term planning





## Environmental and Health Successes

- Direct Threat to Lifeways
  - Pipelines Prefer to avoid reservations
- Clean up of the St. Regis Superfund NPL Site
  - EPA Region 5 and LLBO using Tribal HCSA as a ARRA
- Deforestation
  - Joint Decision Making Model
- Waste Water Infrastructure
  - Using EPA 106 funds to identify needs and threats to water resources



## What can EPA do?

- Support tribes decisions and defend their inherit authority to make those decisions
  - Strive to understand their decision making modules could be different

"It is long past time that the Indian policies of the Federal government began to recognize and build upon the capacities and insights of the Indian people. Both as a matter of Justice and as a matter of enlightened social policy, we must begin to act on the basis of what the Indians themselves have long been telling us. The time has come to break decisively with the past and to create the conditions for a new era in which the Indian future is determined by Indian acts and Indian decisions." *President Nixon 1970 Address to U.S. Congress*

## WHAT'S THE MY TAKE AWAY?

- Build Human Partnerships
- Community Involvement helps drive solutions
- Trying new things gets new results

## Leech Lake Environmental-Land Department Contact

- Levi Brown, Environmental-Land Director 218-308-0806



Only after the last tree has been cut down;  
Only when the last river has been poisoned;  
Only when the last fish has been caught;  
Only then will you realize that money cannot be eaten.