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# National Environmental Justice Advisory Council (NEJAC)

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Summary of Public Meeting  
Albuquerque, New Mexico  
October 25-26, 2011

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Elizabeth Yeampierre, Chair  
Victoria Robinson, DFO

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## PREFACE

The National Environmental Justice Advisory Council (NEJAC) is a federal advisory committee that was established by charter on September 30, 1993, to provide independent advice, consultation, and recommendations to the Administrator of the U.S. Environmental Protection Agency (EPA) on matters related to environmental justice. To date, NEJAC has held 41 meetings in the following locations:

1. Washington, D.C., May 20, 1994
2. Albuquerque, New Mexico, August 3 -- 5, 1994
3. Herndon, Virginia, October 25 -- 27, 1994
4. Atlanta, Georgia, January 17 and 18, 1995
5. Arlington, Virginia, July 25 and 26, 1995
6. Washington, D.C., December 12 -- 14, 1995
7. Detroit, Michigan, May 29 -- 31, 1996
8. Baltimore, Maryland, December 10 -- 12, 1996
9. Wabeno, Wisconsin, May 13 -- 15, 1997
10. Durham, North Carolina, December 8 -- 10, 1997
11. Arlington, Virginia, February 23 -- 24, 1998 (*Special Business Meeting*)
12. Oakland, California, May 31 -- June 2, 1998
13. Baton Rouge, Louisiana, December 7 -- 10, 1998
14. Arlington, Virginia, November 30 -- December 2, 1999
15. Atlanta, Georgia, May 23 -- 26, 2000
16. Arlington, Virginia, December 11 -- 14, 2000
17. Washington, D.C., August 8 -- 10, 2001 (*Special Business Meeting*)
18. Seattle, Washington, December 3 -- 6, 2001
19. Baltimore, Maryland, December 9 -- 12, 2002
20. New Orleans, Louisiana, April 13 -- 16, 2004
21. Washington, D.C., January 5 -- 6, 2006 (*Special Business Meeting*)
22. Washington, D.C., June 20 -- 22, 2006
23. Washington, D.C., February 6-7, 2007
24. Teleconference, August 23, 2007
25. Baltimore, Maryland, September 18 -- 20, 2007
26. Teleconference, November 20, 2007
27. Washington, D.C., June 10 -- 12, 2008
28. Teleconference, September 11, 2008
29. Atlanta, Georgia, October 21 -- 23, 2008
30. Arlington, Virginia, July 21 -- 23, 2009
31. Teleconference Meeting, September 24, 2009
32. New Orleans, Louisiana, January 27 -- 29, 2010
33. Teleconference Meeting, April 28, 2010
34. Teleconference Meeting, June 15, 2010
35. Washington, D.C., July 27 -- 29, 2010
36. Teleconference Meeting, August 26, 2010
37. Teleconference Meeting, September 23, 2010
38. Kansas City, Missouri, November 16 -- 18, 2010
39. Teleconference Meeting, March 31, 2011
40. Brooklyn, New York, May 10 -- 12, 2011
41. Albuquerque, New Mexico, October 25 and 26, 2011

In addition, NEJAC, in collaboration with EPA, has held other special meetings including the following:

- ❖ Public Dialogues on Urban Revitalization and Brownfields: Envisioning Healthy and Sustainable Communities, held in Boston, Massachusetts; Philadelphia, Pennsylvania; Detroit, Michigan; Oakland, California; and Atlanta, Georgia; Summer 1995
- ❖ Relocation Roundtable held in Pensacola, Florida, May 2 -- 4, 1996
- ❖ Environmental Justice Enforcement and Compliance Assurance Roundtable, held in San Antonio, Texas; October 17 -- 19, 1996
- ❖ Environmental Justice Enforcement Roundtable, held in Durham, North Carolina; December 11 -- 13, 1997
- ❖ International Roundtable on Environmental Justice on the U.S./Mexico Border, held in San Diego, California; August 19 -- 21, 1999

As a federal advisory committee, 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.

- ❖ The advisory committee must provide independent judgment that is not influenced by special interest groups.

EPA's Office of Environmental Justice (OEJ) maintains transcripts and summary reports of all NEJAC meetings, which are available on the NEJAC Web site at [www.epa.gov/compliance/environmentaljustice/nejac](http://www.epa.gov/compliance/environmentaljustice/nejac). Copies of materials distributed during NEJAC meetings are also available to the public upon request. Comments or questions can be directed to OEJ via e-mail at <environmental-justice-epa@epa.gov>.

**NATIONAL ENVIRONMENTAL JUSTICE ADVISORY COUNCIL  
OCTOBER 2011 PUBLIC MEETING  
ALBUQUERQUE, NEW MEXICO**

**Meeting Summary**

The Executive Council (Council) of the National Environmental Justice Advisory Council (NEJAC) convened for its 40<sup>th</sup> public meeting on Tuesday, October 25, 2011, and Wednesday, October 26, 2011, in Albuquerque, New Mexico. This synopsis presents highlights of the NEJAC members' deliberations during the Executive Council meeting, including action items, requests, and recommendations; and briefly summarizes the issues raised during the public comment period.

Appendix A presents a list of on-site meeting attendees. Appendices B and C lists the attendees who called in for the two meeting sessions that were available via teleconference on October 25, 2011, respectively. Attachment A contains materials and handouts associated with the Executive Council meeting, and Attachment B presents written public comments and handouts associated with the public comment period.

Exhibit 1 lists the members of the Executive Council who were in attendance, as well as those who were unable to attend the meeting.

**1.0 Executive Council Meeting**

This section summarizes highlights of the NEJAC deliberations during the two-day meeting of the Executive Council. Materials and handouts associated with the Executive Council meeting are presented in Attachment A. Appendix A lists the attendees who attended the meeting in person.

**Exhibit 1  
NEJAC Executive Council**

**Members in Attendance**

Victoria Robinson, NEJAC Designated Federal Officer, EPA Office of Environmental Justice

1. Elizabeth Yeampierre, NEJAC Chair, UPROSE, Inc.
2. Teri E. Blanton, Kentuckians for the Commonwealth
3. Sue Briggum, Waste Management, Inc.
4. Jolene Catron, Wind River Alliance
5. Stephanie Hall, Valero Energy Corporation
6. Jodena "Jody" Henneke, The Shaw Environmental & Infrastructure Group
7. Savonala "Savi" Horne, Land Loss Prevention Project
8. J. Langdon Marsh, National Policy Consensus Center, Portland State University
9. Margaret May, Ivanhoe Neighborhood Council
10. Vernice Miller-Travis, Maryland State Commission on Environmental Justice and Sustainable Communities
11. Paul Mohai, University of Michigan
12. Father Vien T. Nguyen, Mary Queen of Viet Nam Community Development Corporation
13. Edith Pestana, Connecticut Department of Environmental Protection
14. John Ridgway, Washington State Department of Ecology
15. Nia Robinson, SisterSong
16. Nicholas Targ, American Bar Association

**Members Not in Attendance**

17. Peter Captain, Sr., Yukon River Intertribal Watershed Council
18. Patricia Salkin, Albany Law School
19. Kimberly Wasserman, Little Village Environmental Justice Organization

## 1.1 Introductory Remarks

Attendees were welcomed by Victoria Robinson, NEJAC Designated Federal Officer (DFO), and Elizabeth Yeampierre, NEJAC Chair, UPROSE, Inc. Ms. Robinson acknowledged EPA Region 6 as host of the meeting, and introduced Ms. Yeampierre; Lisa Garcia, Associate Assistant Administrator for Environmental Justice, EPA Office of Enforcement and Compliance Assurance (OECA); Cynthia Giles, Assistant Administrator, OECA, and Al Armendariz, Regional Administrator for EPA Region 6. Ms. Yeampierre expressed that it was an honor to be in Albuquerque and in Indian country, and introduced the NEJAC members in attendance.

## 1.2 Community Panel on Environmental Justice in the Southwest

The following community leaders took part in the community panel:

- Richard Moore, Los Jardines Institute/Southwest Network for Environmental and Economic Justice
- Kathy Sanchez, Tewa Women United
- Leona Morgan, Eastern Navajo Diné Against Uranium Mining and the Multicultural Alliance for a Safe Environment (MASE)
- Diana Bustamante, Colonias Development Council

The panel discussion began with comments from moderator, Richard Moore, who commended the work of EPA Region 6. He asked that:

- Grassroots community groups and the NEJAC sit down with the EPA Administrator and Office of Civil Rights to discuss reform of Title VI of the Civil Rights Act of 1964, and the Toxic Substance Control Act.
- Grassroots community groups be “at the table” when EPA conducts interviews for the replacement of the Region 6 Deputy Regional Administrator.

Panelist Kathy Sanchez spoke about the contamination (particularly from the Los Alamos National Laboratory) and environmental trauma experienced across generations. She asked the NEJAC to recommend that EPA retire the “reference man” in favor of a “pregnant woman” as the reference model in risk assessments, noting that the pregnant woman represents the highest risk point of human life.

Panelist Leona Morgan read statements from the Laguna Acoma Coalition for Safe Environment, the Red Water Pond Road, Eastern Navajo Diné Against Uranium Mining (ENDAUM), and Post-71. On behalf of these groups and MASE, she requested the NEJAC to ask EPA for the following:

- A study on uranium mining in New Mexico’s Grants Mineral Belt.
- Comprehensive health studies that include cultural considerations.
- A re-visitation of the 1986 aquifer designation approval for Hydro Resources, Inc., to extract uranium, and reexamination of all aquifer designations.
- Remembrance of all people that gave their lives to mining as part of the Cold War effort.

Lastly, panelist Diana Bustamante discussed farm workers and pesticides, and requested that NEJAC ask EPA for the following:

- Mandate health impact assessments before any industry comes into their communities.
- Consider “zero waste” policy.
- Require health baseline studies for any kind of permitting process, with an emphasis on involving community members in the research.
- Consider analyzing 100 percent of the waste affecting communities, rather than only the municipal waste (2 percent).

### **1.3 Remarks by EPA Senior Officials Regarding Programs of Interest in the Region**

Several EPA senior officials discussed critical environmental subjects affecting the Southwest. Speakers included:

- Al Armendariz, Regional Administrator, EPA Region 6
- Karin Koslow, Deputy Director, EPA American Indian Environmental Office
- Nancy Stoner, Acting Assistant Administrator, EPA Office of Water

Mr. Armendariz reported on the successes of EPA's U.S.-Mexico Border 2012 initiative, which operates within 62.5 miles of the 2,000-mile U.S.-Mexico border. According to Mr. Armendariz, successes include school bus retrofits; water and sewer service expansion; pesticide safety training; and the cleanup and removal of tires, garbage, and unsafe chemical and electronic waste. The NEJAC discussed using the Federal Interagency Working Group on Environmental Justice (IWG) as a value-added tool and coordinating with financing organizations to help diverse communities – including isolated, rural, unincorporated ones – access water and sewage services along the border. The Agency's proposed plan for the U.S.-Mexico Border 2020 program is presented in Attachment B. The U.S.-Mexico Border session was also available via teleconference, the attendees of which are listed in Appendix B.

Ms. Koslow discussed the Agency's new tribal consultation policy and new guidelines for the General Assistance Program (GAP) that provides support to tribal governments. The Council then discussed building a tribal outreach and communication network, using connections and resources from EPA regional offices. The tribal program session was also available via teleconference, the attendees of which are listed in Appendix C.

Ms. Stoner described the partnership between EPA Office of Water and the Army Corps of Engineers to analyze and clarify the term "waters of the U.S." that qualify for protection under the Clean Water Act (CWA). She discussed the debate over inclusion of water bodies that are intermittent (seasonal) or ephemeral (exist following rain events). She said that such waters make up 88 percent of the water in New Mexico. Ms. Stoner explained that due to water and pollution flow, the lack of protection of these waters could result in pollution of larger water bodies. It could also negatively affect drinking water and fish consumption, she explained. Ms. Stoner also explained that there are exemptions for agriculture and constructed water bodies, and that clarifying which waters qualify as "waters of the U.S." would provide American businesses and farms the needed predictability for planning their production activities. NEJAC members expressed interest in more accurate fish consumption recommendations based on high rates of consumption in certain subsistence communities. Members were also interested in learning more about studies on hydraulic fracturing that Ms. Stoner said the EPA Office of Research and Development (ORD) was conducting.

### **1.4 Remarks by EPA Senior Officials Regarding Plan EJ 2014**

The following EPA senior officials presented on the progress of the EPA's Plan EJ 2014 and developments since the last NEJAC meeting:

- Lisa Garcia, Associate Assistant Administrator for Environmental Justice, EPA OECA
- Charles Lee, Deputy Associate Administrator for Environmental Justice, EPA OECA
- Carol Ann Siciliano, Associate General Counsel, EPA Office of General Counsel

Ms. Garcia spoke of new developments in Plan EJ 2014. She explained that 17 agencies and offices had signed a memorandum of understanding (MOU) to formalize their commitment to creating agency-wide environmental justice strategies, and that additional agencies – including the Federal Energy Regulatory

Commission (FERC), the Nuclear Regulatory Commission (NRC), and the State Department – had committed to working with the IWG. She described that based on feedback from the NEJAC, as well as the public, EPA would be releasing a separate document on environmental justice and Title VI (of the Civil Rights Act of 1964) in early 2012.

Mr. Lee described partnerships that are driving interagency work on environmental justice, including the Urban Awards Program, Urban Waters Federal Partnership, Partnership for Sustainable Communities, and Green Impact Zones. Ms. Garcia stressed that best practices can be shared through these partnerships to improve agency programs.

Ms. Siciliano described EPA's community engagement activities that are specifically designed to improve environmental justice in EPA permitting activities. She reported that the most successful community engagement listening sessions have occurred when held in conjunction with different stakeholder interest meetings; for example, having a session for local businesses, a session for tribal representatives, and a session for local government officials, simultaneously. She expressed hope that the permitting team would have a document ready for public comment in early 2012.

NEJAC members engaged in discussion following the remarks by EPA representatives. Margaret May, Executive Director, Ivanhoe Neighborhood Council, spoke to the successes and challenges of implementing Plan EJ 2014 from a community perspective. John Ridgway, Manager, Hazardous Waste and Toxics Reduction Program, Washington State Department of Ecology, asked how Title VI backlogged complaints would be addressed. Ms. Garcia responded that that issue was still in discussion. Vernice Miller-Travis, Vice-Chair, Maryland State Commission on Environmental Justice and Sustainable Communities, expressed concern that EPA appears to believe compliance with environmental statutes obviates civil rights discrimination. Ms. Garcia assured her that EPA does not believe environmental compliance means compliance with Title VI, and that the Agency would like to raise awareness of this issue.

## **1.5 OSWER Environmental Justice Activities**

Mathy Stanislaus, Assistant Administrator, EPA Office of Solid Waste and Emergency Response (OSWER), discussed OSWER's environmental justice activities and role in Plan EJ 2014, including the following:

- Motivating state-level action.
- Developing an Agency-wide indicator for environmental justice and child health.
- Replicating successes of the Community Action for a Renewed Environment (CARE) program in other environmental justice programs.
- Revising the Definition of Solid Waste (DSW) rule.
- Analyzing EPA's role and interaction with land use planning.
- Expanding equity for tribes in environmental programs and requirements.

Mr. Stanislaus also discussed the environmental justice benefits of President Barak Obama's proposed American Jobs Act, including a focus on disadvantaged and unemployed workers, tax credits for small businesses and nonprofit organizations, commercial facility stabilization, and land banking for redevelopment. Finally, he described the environmental justice benefits of the brownfields grant program.

Multiple NEJAC members expressed strong interest in protecting the CARE program and revising the DSW rule to better protect environmental justice communities. Mr. Stanislaus specifically mentioned replicating lessons learned from CARE's technical assistance, risk communication, and area-wide planning. Paul Mohai, Professor at the School of Natural Resources and Environment, University of Michigan, emphasized the importance of accurate environmental justice data, particularly geographic locations of polluting facilities. Edith Pestana, Administrator of the Environmental Justice Program, Connecticut Department of Environmental Protection, suggested consultation with EPA Region 3's land use group. Sue Briggum, Vice

President of Public Affairs, Waste Management, Inc., commended OSWER's development of tools, but suggested that there is a communications gap that needs to be filled. Ms. Briggum urged that more be done to "get the tools to stakeholders."

## **1.6 NEJAC Indigenous Peoples Work Group Update**

The following representatives from the NEJAC Indigenous Peoples Work Group presented to the Council:

- Jolene Catron, Co-Chair, Indigenous Peoples Work Group; and Executive Director, Wind River Alliance
- Monica Hedstrom, Co-Chair, Indigenous Peoples Work Group; and Environmental Manager, White Earth Natural Resources
- Danny Gogal, Tribal Coordinator, EPA Office of Environmental Justice

Ms. Catron, Ms. Hedstrom, and Mr. Gogal described EPA's charge for the work group to identify and recommend processes and plans to address environmental justice concerns of tribal governments and indigenous peoples. Ms. Catron emphasized the importance of making sure the work group makes recommendations that can be implemented at a community level. She pointed out that specific requests were for this had also been made during the public comment portion of the meeting. The work group sought advice from the Council on how to engage its wide range of stakeholders, including tribal governments, community groups, and indigenous people living on and off reservations.

Ms. Miller-Travis suggested exploring application of Title VI of the Civil Rights Act of 1964 to tribal governments. Nicholas Targ, Co-Chair of the Environmental Justice Caucus, American Bar Association, recommended that the group review the prior NEJAC report on fish consumption. Multiple NEJAC members emphasized the importance of building trust in the community, especially given the concerns regarding conflicts and distrust that were expressed during the public comment session. Council members recommended that the work group prioritize having an in-person meeting to explore intersections with Plan EJ 2014. They also suggested including a business perspective in the workgroup; and advised that care be taken in deciding meeting formats to best accommodate indigenous group members. In anticipation of the need for clarification of federally- and non-federally-recognized tribes, and the process used by the U.S. Department of the Interior to make this determination, Mr. Gogal offered to explain federal recognition of tribes at a later date.

## **1.7 NEJAC Science and Research Work Group Update**

The following representatives from the NEJAC's Science and Research Work Group presented to the Council:

- Paul Mohai, Co-Chair, Science and Research Work Group; and Professor at the School of Natural Resources and Environment, University of Michigan
- Peggy Shepard, Co-Chair, Science and Research Work Group; and Co-Chair, WE ACT for Environmental Justice
- Jose Zambrano, Scientist, EPA ORD

The work group sought the advice of the NEJAC, proposed a group work plan, and also asked for greater Council member representation in their group. Mr. Zambrano described ORD's charge through Plan EJ 2014 to support and conduct research for solutions to environmental and health inequalities in environmental justice communities, and stated that ORD needed help assessing how to do this. He and Ms. Shepard suggested improving access to baseline health and contaminant data for environmental justice communities, and establishing metrics by which to measure environmental justice improvements.



J. Langdon Marsh, Fellow at the National Policy Consensus Center, Portland State University, suggested a focus on life-cycle analysis (LCA). Multiple members stressed the importance of defining sustainability and establishing environmental justice metrics to prevent environmental justice funding from going to the wrong organizations. To assist with this, Mr. Targ suggested involving other levels of government, as well as other agencies that work on sustainable community issues, such as the U.S. Department of Transportation (DOT) and the U.S. Department of Housing and Urban Development (HUD). Ms. Miller-Travis recommended that the work group refer to documents produced by NEJAC's former Health and Research subcommittee.

## **1.8 EPA Science and Legal Tools for Environmental Justice**

The NEJAC heard from the following EPA representatives on the development of tools to assist with the Agency's environmental justice efforts:

- Scott Fulton, General Counsel, EPA Office of General Counsel
- Michael Goo, Associate Administrator, EPA Office of Policy

Mr. Fulton discussed the development of the environmental justice Legal Tools document, which, he explained, would help the Agency identify environmental statutes through which environmental justice could potentially be expanded. He specifically identified the following statutes:

- Clean Air Act (National Ambient Air Quality Standards in particular).
- Chemical Accident Prevention Program.
- Clean Water Act (Sections 402 and 404 in particular).
- Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA; Omnibus Authority Clause in particular).
- Federal Food, Drug, and Cosmetics Act (FD&C Act).
- Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA).
- Toxic Substance Control Act (TSCA).
- National Environmental Policy Act (NEPA).
- Tribal environmental protection under the Treatment in the Same Manner as a State (TAS) program.

Mr. Goo discussed the development of environmental justice screening tools (described in the Information Tools Plan EJ 2014 Implementation Plan), which, he pointed out, would help the Agency identify environmental justice communities. He explained that numerous environmental justice tools already exist at different levels and stages of development, and he stressed the importance of consolidating and streamlining the tools. Mr. Goo also described the factors that are still undecided regarding the Screening Tool development, including which environmental and demographic indicators to include, and how these factors should be weighted.

Multiple NEJAC members were in favor of posting the environmental justice Legal Tools document for public and state-level access. Others emphasized the need to simplify and clarify the environmental justice screening tool to maximize defensibility. Mr. Ridgway and Jodena Henneke, Program Manager, The Shaw Environmental and Infrastructure Group, asked that the environmental justice screening tool include data on proximity to potable water.

## **1.9 Next Steps for the NEJAC**

The NEJAC reflected on the information shared during the two-day meeting (including the public comments summarized in Section 2.0), and discussed outstanding issues from the May 2011 NEJAC meeting. The following next steps were identified:

- The NEJAC Steering Committee will discuss who to work with on chemical identification and protection for low-lying communities vulnerable to storm surges. They will inform the Council of the results of their discussion.
- NEJAC members will send ideas on updating the Public Participation best practices document to Ms. Robinson. (Current work groups may develop ideas through their research.)
- Ms. Miller-Travis and Mr. Ridgway will help Mr. Marsh write a letter to the EPA Administrator regarding the CARE program (emphasizing cost-effectiveness). The letter was targeted for submittal by November 4.
- The Steering Committee will discuss writing a letter to express general support for the EPA Administrator and the Agency's efforts to incorporate environmental justice in their daily operations.
- The Steering Committee will discuss writing a letter reflecting Richard Moore's recommendations that EPA use its authority under the Clean Air Act to better prevent chemical disasters.
- Mr. Lee offered to speak to the Agency of Toxic Substances and Disease Registry (ATSDR) regarding calls for human health studies – and recommended more interagency and headquarters-regional discussions to resolve the issue.
- Ms. Yeampierre recommended inviting representatives from other federal agencies to attend future NEJAC meetings and – if willing – come prepared to discuss issues.
- NEJAC members will read through the written public comments and share any further ideas on addressing stakeholder concerns.

The Council also discussed the need for more interagency and multi-regional representation at the NEJAC meetings, given the numerous issues and public comments that would require cross-agency collaboration (such as the development of human health and water studies). Ms. Yeampierre noted that there should have been better representation from EPA Region 9 (which serves Arizona, California, Hawaii, the Pacific Islands, and 147 tribes).

## **2.0 Public Comment Period**

On October 25, 2011, the NEJAC held a public comment period to allow members of the public to discuss environmental justice concerns in their communities. A total of 47 individuals submitted verbal and written public comments to the NEJAC. Exhibit 2 lists the individuals who spoke during the public comment period, as well as those who provided written testimony. This section briefly summarizes the spoken testimony and the associated outcome of NEJAC deliberations. Attachment B presents written public comments and handouts that were submitted for the public comment period.

### **2.1 Juan Reynosa, Southwest Organizing Project, Albuquerque, New Mexico**

Mr. Reynosa asked that the NEJAC recommend that the EPA regulate additional air pollutants. He described growing up in Hobbes, New Mexico, within close proximity to a natural gas plant and a uranium enrichment plant. He explained as a result, he has first-hand experience of just how environmental justice communities pay the highest price for air pollution resulting from big industry. He expressed concern specifically about benzene, toluene, hydrogen sulfide, and dioxins from industrial operations – and also methane, ammonia, and other dangerous wastes from concentrated animal feeding operations (CAFOs) in his part of the state. Mr. Reynosa cited a study that states that children in southeast New Mexico suffer from asthma levels that are five times the state average (which is above the national average). He also described inedible fish found in the San Juan River. Mr. Reynosa asked that the NEJAC recommend to the EPA that it work with local clean air advocates to create air quality standards for air pollutants statewide and nationwide.

## **2.2 Sierra Frank-Ignacio, Rethink Diné Power, Shiprock, New Mexico**

Ms. Frank-Ignacio asked the NEJAC to recommend that the EPA ensure communities are being informed about policies and industry partnerships that potentially threaten their water and health. She described a recent bill that passed on the Navajo nation that signed away Navajo water rights to two generating stations, and expressed great concern that communities affected the most by this loss of water were not informed of the this decision, much less involved in the decision-making process. Ms. Frank-Ignacio stressed that this loss of the water rights is already affecting Navajo animals, lands, and human health. She stated that EPA should protect rural communities and human health from those that misuse resources and create pollution. She concluded by saying that she and the youth in her community want to enact change, they see EPA as a leader, and they want EPA's assistance to make sure communities receive needed information.

## **2.3 Kim Smith, Diné Care, St. Michaels, New Mexico**

Ms. Smith testified that uranium tailings and water and air pollution in her community have resulted in high levels of respiratory diseases, cancers, and other sickness. She said that, with these health issues at all time highs in her community, she would like to see action towards cleaning up the area. She expressed her belief that EPA is in a position to help affect change. She stated that she and other young people are standing up to create change, specifically focusing on protecting natural resources; but she believes EPA should be doing this work. Ms. Smith asked the NEJAC to advise EPA to clean up uranium and protect and respect indigenous sacred sites. She also mentioned that Navajo youth had gathered 1,000 comment cards from across New Mexico asking for clean energy to be implemented and has sent the cards to the EPA, but the youth have received no response. She asked that communities be consulted, not just Navajo EPA, which she regarded as less accessible. Finally, Ms. Smith asked that the Keystone XL Pipeline not be built, since it will have a detrimental affect on many indigenous communities.

## **2.4 Nadine Narindrakura, Concerned Citizen, Black Mesa, Arizona**

Ms. Narindrakura expressed concern about aquifer depletion, describing how her elders talk about water sources that had been available for livestock but no longer exist due to depletion. She asked the NEJAC to demand that EPA start reclaiming the Black Mesa Mine. She described the destruction of sacred sites, and asked that action not be taken based on money, but rather on the preservation of cultural resources.

## **2.5 Nikke Alex, Youth for Climate Justice, Delcor, Arizona**

Ms. Alex described how Peabody Coal Company has run a strip mining operation since the 1960s that, until recently, had pumped her community's sole source of drinking water away to a generating station in Nevada. She urged the NEJAC to (1) demand that EPA work with other agencies to begin reclaiming the Navajo region, (2) convince EPA to conduct clean up of pre-mining conditions, (3) urge EPA to consider cultural and traditional issues during risk assessments, and (4) recommend that EPA begin performing public health assessments in Navajo communities. She also asked for health studies and clean energy, pointing out that her nation is very oil and gas dependent.

## **2.6 Sasha Chuschilly, Concerned Citizen, Navajo Nation**

Ms. Chuschilly commented on how her community has noticed "suds and bubbles" in the drinking water, and moreover, they have noticed that no agency or business has tested the water.

## **2.7 Crystal Carly, Concerned Citizen**

Ms. Carly spoke of her community's lands that have been used for coal and uranium mining despite her ancestors having been told to leave these resources in the ground. She stated that 18,000 homes have no running water, and many of their sacred places are disappearing. Ms. Carly asserted that uranium mining needs to stop and that clean up needs to happen now. She also urged EPA to promote cleaner energy.

## **2.8 Nadine Padilla, Multicultural Alliance for a Safe Environment (MASE), Albuquerque, New Mexico**

Ms. Padilla asked the NEJAC to recommend that EPA clean up uranium waste and return areas to “pre-mining conditions.” She also asked that the current plan to move local Superfund waste to another local site be changed to an offsite removal, and that no further mining and milling be conducted until EPA has conducted studies and determined a permanent offsite repository for area legacy wastes. Ms. Padilla also asked for protection of sacred sites, including Mount Taylor near Grants, New Mexico. Finally, Ms. Padilla asked that EPA Region 6 review NRC licensing of Navajo lands, citing in particular an in-situ leaching uranium mining proposal for the Church Rock area that would contaminate the area’s sole source of water for 15,000 Navajo people.

## **2.9 Jose Bravo, Just Transition Alliance, San Diego, California**

Mr. Bravo expressed concern over the current state of the Toxic Substances Control Act (TSCA), noting that in 35 years, EPA has only required testing for 200 of the 80,000 chemicals on the market – and has subsequently only restricted use of five of those chemicals. He asked for the NEJAC to recommend that EPA reform TSCA, given the accelerated growth in chemical industry and diseases. He asked that up-to-date information be provided on all chemicals of concern and that chemical manufacturers be held responsible for the effects of their chemicals. He asked the NEJAC to recommend that EPA adopt the National Academy of Sciences standards on chemicals and use the General Duty clause of the Clean Air Act to protect the public.

## **2.10 Brian Brotman, Farmworker Health and Safety Institute, Glassboro, New Jersey**

Mr. Brotman asked that the NEJAC recommend that EPA update pesticide laws and regulations, and apply the principles of the environmental justice movement to pesticide exposure. He expressed concern that chlorpyrifos is widely used in agricultural fields today, even though EPA banned home use of the chemical long ago. Mr. Brotman described how chemical use is responsible for human health issues such as developmental delays and cancers. He asked the NEJAC to recommend greater EPA regulation to ensure it is not more profitable for industry to continue chemical use and pay fines. Mr. Brotman also submitted a written statement (see Attachment B).

**Exhibit 2**  
**Individuals Who Provided Public Comments**

**Oral Comments**

1. Juan Reynosa, Southwest Organizing Project (Albuquerque, New Mexico)
2. Sierra Frank-Ignacio, Rethink Diné Power (Shiprock, New Mexico)
3. Kim Smith, Diné Care (St. Michaels, Arizona)
4. Nadine Narindrakura, concerned citizen (Black Mesa, Arizona)
5. Nikke Alex, Youth for Climate Justice (Delcor, Arizona)
6. Sasha Chuschilly, Concerned Citizen (Navajo Nation)
7. Crystal Carly, Concerned Citizen (*city and state not specified*)
8. Nadine Padilla, Multicultural Alliance for a Safe Environment (Albuquerque, New Mexico)
9. Jose Bravo, Just Transition Alliance (San Diego, California)
10. Brian Brotman, Farmworker Health and Safety Institute (Glassboro, New Jersey)\*
11. Teddy Nez, Red Water Pond Road Community Association (Gallup, New Mexico)\*
12. Ana Frazier, Diné Care (Navajo Nation)
13. Sofia Martinez, Concerned Citizens of Wagon Mound and Mora County (Wagon Mound, New Mexico)
14. Richard Moore, Los Jardines Institute/SNEEJ (Albuquerque, New Mexico)\*
15. Robert Tohe, Sierra Club (Flagstaff, Arizona)\*
16. Eric Jantz, New Mexico Environmental Law Center (Santa Fe, New Mexico)\*
17. Laura Watchempino, Multicultural Alliance for a Safe Environment (Acoma, New Mexico)\*
18. Freida S. White, Navajo Nation EPA Superfund Program (Window Rock, New Mexico)\*
19. Howard Feldman, American Petroleum Institute (Washington, DC)\*
20. Ana Mascarenas, Physicians for Social Responsibility (Los Angeles, California)
21. David McCoy, Citizen Action New Mexico (Albuquerque, New Mexico)\*
22. Lauro Silva, South Valley Partners for Environmental Justice (Albuquerque, New Mexico)\*
23. Magdalena Avila, University of New Mexico (Albuquerque, New Mexico)\*
24. Juan Parras, Texas Environmental Justice Advocacy Services (Houston, Texas)\*
25. Michele Roberts, Advocates for Environmental Human Rights (New Orleans, Louisiana)\*
26. Candace Head-Dylla, BVDA-MASE (Grants, New Mexico)\*
27. Leslie Fields, Sierra Club (Washington, DC)
28. Leona Morgan, Eastern Navajo Diné Against Uranium Mining (Crownpoint, New Mexico)
29. Henry Misserville, Concerned Citizen (Santa Fe, New Mexico)
30. David Hahn-Baker, Environmental Justice Action Group (Buffalo, New York)
31. Geoff Webb, Foundation West (Santa Fe, New Mexico)
32. June Lorenzo, Laguna Acoma Coalition for a Safe Environment (Laguna Pueblo, New Mexico)
33. Anna Rondon, Southwest Indigenous Uranium Forum (Navajo Nation)\*
34. Norman Patrick Brown, Diné Bidziil (Albuquerque, New Mexico)

**Written Comments Only\*\***

1. Lindsey Benally, Rethink Diné Power (Shiprock, New Mexico)
2. Emily Brooks, The Solution Group, LLC (Lexington, Kentucky)
3. Sister Joan Brown, Franciscan New Mexico Interfaith Power and Light (Albuquerque, New Mexico)
4. Katsi Cook, St. Regis Mohawk Tribe; First Environment Collaborative (Washington, DC)
5. Mallery Downs, New Mexico Public Health Association (Albuquerque, New Mexico)
6. Leo Gomez, Ph.D., Concerned Citizen (Santa Fe, New Mexico)
7. Jon J. Indall and Adela M. Duran, Uranium Producers of New Mexico (Santa Fe, New Mexico)
8. Keegan King, Atsaya, Inc. (Albuquerque, New Mexico)
9. Basia Miller, Concerned Citizens for Nuclear Safety (Santa Fe, New Mexico)
10. Marlene Perrotte, Sister of Mercy Partnership for Earth Spirituality (Albuquerque, New Mexico)
11. Kitty Richards, Bernadillo County Office of Environmental Health (Albuquerque, New Mexico)
12. Kathy Sanchez, Tewa Women United (Española, New Mexico)
13. Alice Wright-Bailey, Pennsylvania Dept. of Environmental Protection (Norristown, Pennsylvania)

\*Submitted written comments in addition to speaking. \*\*Written comments are presented in Attachment B.

### **2.11 Teddy Nez, Red Water Pond Road Community Association, Gallup, New Mexico**

Mr. Nez asked for the NEJAC to recommend that EPA enact offsite removal and employ a “circular way of thinking” regarding comprehensive health studies. He described how his community is located between two mines, and that without greater mining regulation, they will soon have nowhere to live. Mr. Nez also submitted a written statement (see Attachment B).

### **2.12 Ana Frazier, Diné Care, Navajo Nation**

Ms. Frazier discussed problems created by internal fighting of the Navajo Nation resulting from confusion over multiple laws and legal structures, and different interests of the tribal government. She stressed that, despite her 23 years of involvement in the environmental justice movement, there are still no comprehensive plans, there are few resources for the community to fight environmental damage (for example, only through the Freedom of Information Act), and that mining continues to damage human health. NEJAC member Vernice Miller-Travis expressed interest in whether Title VI of the Civil Rights Act of 1964 had ever been used to bring a complaint against a tribal government.

### **2.13 Sofia Martinez, Concerned Citizens of Wagon Mound and Mora County, Wagon Mound, New Mexico**

Ms. Martinez discussed oil and gas production, uranium mining, water pollution, and dairies in the poorer areas of southeastern New Mexico; and asserted that the overlap of these activities was due to environmental racism. She asked for a complete review of the nuclear regulatory system, and she requested that off-site waste removal processes be implemented.

### **2.14 Richard Moore, Los Jardines Institute/SNEEJ, Albuquerque, New Mexico**

Mr. Moore gave an overview of the letter that he and other organizations submitted to the NEJAC that discussed the EPA’s power under the Clean Air Act to regulate chemicals and unsafe chemical storage. He mentioned that EPA’s Risk Management Program found that 483 facilities across the country created risk of chemical disaster, and expressed concern that EPA Region 6 is home to 160 of these facilities. Mr. Moore urged the NEJAC to ask that the EPA use its authority under the Clean Air Act to fully implement the General Duty Clause for greater chemical protection. He also submitted a written statement (see Attachment B).

### **2.15 Robert Tohe, Sierra Club, Flagstaff, Arizona**

Mr. Tohe stated that the Sierra Club works with MASE on sacred site issues and uranium campaigns, and asserted that there is no safe dose of uranium. He cited a report from the U.S. Geological Survey that found that no effort to remediate an in-situ leaching site to baseline conditions has ever been successful, and that even the NRC has admitted that groundwater restoration in such sites is, to date, not “practically achievable.” Mr. Tohe asked the NEJAC to recommend that EPA form partnerships between agencies in order to conduct needed health studies of contaminated communities. He also noted that EPA cannot produce these studies alone, recognizing that under CERCLA, EPA is required to rely on ATSDR data. Mr. Tohe also submitted a written statement (see Attachment B).

### **2.16 Eric Jantz, New Mexico Environmental Law Center, Santa Fe, New Mexico**

Mr. Jantz expressed enthusiasm that the EPA Region 6 Administrator and other senior environmental stakeholders were present, stating that this was an opportunity for EPA to honor its commitments to environmental justice and human rights. He asked that the NEJAC recommend that EPA revisit aquifer exemptions under Safe Drinking Water Act given the discussed history of in-situ leaching site mining, and

that a comprehensive remediation regulatory framework be developed. Mr. Jantz also submitted a written statement (see Attachment B).

### **2.17 Laura Watchempino, Laguna Acoma Coalition for a Safe Environment (part of MASE)**

Ms. Watchempino asked the NEJAC to advise EPA to continue its work restoring our communities to their pre-mining and milling conditions. She also asked that comprehensive health and water studies be developed and made available to local communities. She asserted that the Blue Ribbon Commission on America's Nuclear Future is not adequately addressing the issue of permanent uranium waste storage. Ms. Watchempino asked that EPA develop a cleanup initiative for the region that could employ people from all backgrounds, in both labor and administration. She then asked for assistance to incorporate environmental justice as communities evaluate new developments for uranium mines. She also recommended that NEJAC form a Subcommittee on Human Rights to better address the environmental justice impacts of industry pollution across borders and in international waters. Finally, Ms. Watchempino asked that the NEJAC advise that EPA recommend that the Government Accountability Office (GAO) or the Council for Environmental Quality (CEQ) oversee the NRC, pointing out that her organization had not been able to successfully work with the NRC. She also submitted a written statement (see Attachment B).

### **2.18 Freida S. White, Navajo Nation EPA Superfund Program, Window Rock, Arizona**

Ms. White asked for continued funding for home environmental screening. She reported that the cost per structure for a screening is approximately \$5,000, and that total cleanup would total over \$6 million for the entire nation (based on approximately 1.2 million structures). She also asked for funding for a five-year mining site cleanup, explaining that each mine site would cost \$5 million, for a total of \$870 million needed over the course of five years. She added that funds needed for water cleanup were estimated at \$22 million per year (extrapolated from current costs). Ms. White also stated that the issue of radioactive waste repositories was not yet resolved because of the Navajo off-site removal law, which requires the land to be returned to its original state. Finally, she asked that the Navajo Nation EPA train EPA staff on cultural issues. NEJAC member **Jolene Catron** commented on the discrepancy between the number of uranium mine sites mentioned during public comment (other commenters had referenced 1,000 sites while Ms. White mentioned 520). Ms. White explained that some statistics cluster mining sites. She also submitted a written statement (see Attachment B).

### **2.19 Howard Feldman, American Petroleum Institute, Washington, D.C.**

Mr. Feldman stated that his organization represents more than 400 oil and gas companies and 7.5 percent of the U.S. economy. He expressed concern with EPA's approach to addressing environmental justice in the Definition of Solid Waste (DSW) rule. He asked the NEJAC to advise that EPA review the methodologies, stating some are illogical and can be challenged by Congress. Specifically, he asked that the NEJAC determine whether the certainty of ambient pollutant effects is as great as EPA projections, and request access to EPA databases and methodologies of key epidemiological studies for oversight of the environmental justice issues, cost-benefit inequalities, and regulatory impacts. Mr. Feldman also submitted written comments (see Attachment B).

### **2.20 Ana Mascarenas, Physicians for Social Responsibility in Los Angeles, California**

Ms. Mascarenas asserted that, under current practices, EPA is not using its full authority to protect millions of Americans who live near high-risk chemical plants, which have the potential to kill or injure workers and residents due to unnecessary storage and use of poisonous gases. She asked the NEJAC to advise EPA to enforce the General Duty Clause of the Clean Air Act, and to require safer chemical storage. Ms. Mascarenas also described unsafe consumer products that often affect environmental justice communities and called for reform of the Toxic Substances Control Act to protect reproductive health and prevent developmental diseases.

### **2.21 David McCoy, Citizen Action of New Mexico, Albuquerque, New Mexico**

Mr. McCoy asked the NEJAC to request the Department of Energy (DOE)'s immediate review of a waste landfill at Sandia National Laboratories. He stated that Citizen Action is suing EPA for information but would drop the suit if EPA would release a groundwater monitoring report on Albuquerque's aquifer. He expressed concern about the radioactive wastes that have been stored on top of the aquifer without adequate cover and monitoring. He stressed the importance of receiving information, specifically because Sandia uses 550 million gallons of water annually and puts water back into Albuquerque's sewer system. Mr. McCoy also submitted a written statement (see Attachment B).

### **2.22 Lauro Silva, South Valley Partners for Environmental Justice, Albuquerque, New Mexico**

Mr. Silva shared environmental concerns of the Mountain View community where, he explained, 75 to 78 percent of community members have Hispanic surnames and many speak Spanish as a first language. He stated that the community has 25 junkyards, 206,000 gallons of petrochemicals leaking into the ground, and stacks of concrete debris that are sending residents to the emergency room. Mr. Silva requested that the NEJAC ask EPA to look into the air quality issues, a sewage treatment plant, and the results of a fire at a scrap metal salvage yard in the community. He also requested that the NEJAC ask EPA to conduct water quality monitoring of the Mountain View community upstream from Albuquerque, given known sewage dumping and pesticide use. Mr. Silva also submitted a written statement (see Attachment B).

### **2.23 Magdalena Avila, University of New Mexico, Albuquerque, New Mexico**

Ms. Avila stated that she has worked on two National Institute of Environmental Health Sciences (NIEHS) research grants on land-use zoning and planning policy, and discussed the importance of community engagement. She asked for the NEJAC to recommend that EPA provide training and certification to communities on health disparities, health impact assessment, and community-based participatory methodology. Ms. Avila also submitted a written statement (see Attachment B).

### **2.24 Juan Parras, Texas Environmental Justice Advocacy Services, Houston, Texas**

Mr. Parras described living in Houston, Texas' Second Ward, where there is a 16-mile stretch of refineries, an extensive rail system, and 17 of the 101 most high-risk facilities. He said that the U.S. Attorney General came to Houston after 9/11 to discuss the city's position as a potential terrorist target. Mr. Parras asserted that having unsafe chemical storage in Houston is a threat to the nation. He asked for the NEJAC to recommend that EPA take action on chemical security, particularly in the insecure Houston metropolitan area. Mr. Armendariz commented on the complexity of agency coordination on the issue, referring to the fact that the U.S. Coast Guard is responsible for water security, the U.S. Department of Homeland Security is responsible for land security, and EPA is responsible for chemical security under the Resource Conservation and Recovery Act (RCRA). Mr. Parras also submitted a written statement (see Attachment B).

### **2.25 Michele Roberts, Advocates for Environmental Human Rights, New Orleans, Louisiana**

Ms. Roberts spoke on toxic chemical reform, with a focus on human rights. She asserted that focusing on environmental controls rather than human health protection and rights has led to the destruction of environmental justice communities like Mossville, Louisiana. Ms. Roberts argued that Plan EJ 2014 falls short because it does not have plans for upholding United States human rights obligations. She also contended that Title VI of the Civil Rights Act of 1964 had failed. Ms. Roberts also submitted a written statement (see Attachment B).

### **2.26 Candace Head-Dylla, Bluewater Downstream Alliance (part of MASE), Grants, New Mexico**



Ms. Head-Dylla asked the NEJAC to conduct a study for a possible repository for wastes, and she mentioned knowing about a site that could be studied where there are no people or cattle. She stated that she currently lives next to a 200-acre, 100-foot deep radioactive waste dump that is unlined and has contaminated the local aquifers. She stated that her community was too poor to do the study themselves, and that a company was flushing tailings piles with clean water. She mentioned that the Moab had successfully influenced a decision for off-site waste removal and wanted to know why her people were unable to do the same. Ms. Head-Dylla also asked that the EPA facilitate a conversation between the U.S. Department of Energy (DOE), the Nuclear Regulatory Commission (NRC), EPA, and a community-organized delegation. She also submitted a written statement (see Attachment B).

### **2.27 Leslie Fields, Sierra Club, Washington, D.C.**

Ms. Fields expressed concern over the development of the Keystone XL Pipeline, contending that it is not in the national interest. She described how the pipeline would take four gallons of water to produce one gallon of oil and would threaten the Ogallala aquifer. Ms. Fields also referenced a pipeline spill that occurred in the Kalamazoo River last year that had not yet been cleaned up. She stated that communities around the Keystone XL Pipeline such as Port Arthur, Texas, are already very burdened by refining, incinerating, and petrochemical facilities. Ms. Fields commended EPA Assistant Administrator Cynthia Giles's analysis on the pipeline. She asked the NEJAC to recommend that EPA support Ms. Giles's work and continue further analysis.

### **2.28 Leona Morgan, Eastern Navajo Diné Against Uranium Mining, Crowndpoint, New Mexico**

Ms. Morgan voiced her concern about contamination of eastern Navajo waters due to uranium mining and mill sites. She asked the NEJAC to advise EPA to reconsider the aquifer exemption that made the contamination possible; as well as to reconsider all aquifer exemptions, and the practice of exempting entire aquifers. Ms. Morgan also spoke about the uranium exposure of communities around Church Rock, New Mexico; and referenced the 2009 mandate of local epidemiological study by the Agency for Toxic Substance and Disease Registry (ATSDR), which found increased levels of hypertension and kidney disease due to contaminants. Ms. Morgan stated that the study was just a first step. She asked the NEJAC to advise EPA to work collaboratively with the appropriate agencies to conduct comprehensive health and water studies, and to involve community organizations in decision-making around environmental cleanup in their communities.

### **2.29 Henry Misserville, Concerned Citizen, Santa Fe, New Mexico**

Mr. Misserville argued that agencies – such as EPA, DOE, and NRC – are unduly influenced by corporations and others. He stated that the city of Sandia had neglected to properly store wastes in a mixed waste landfill that included plutonium drums. He further asserted that the New Mexico Environmental Department had withheld information from the public, putting human health at risk through contaminated drinking water. Mr. Misserville also expressed concern about the delayed and misplaced monitoring of eight million gallons of a jet fuel ethylene dibromide (EDB) spill. He asserted that EPA had not done its job to monitor these wastes and spills and urged the Agency to exercise oversight of the New Mexico Environmental Department.

### **2.30 David Hahn-Baker, Environmental Justice Action Group, Buffalo, New York**

Mr. Hahn-Baker commended the work that had been done by EPA since he was on the first NEJAC. He recommended that, as 2014 approaches, the NEJAC conduct an analysis of how environmental justice has been enhanced, lessened, or changed, since the NEJAC was created. Mr. Hahn-Baker suggested analyzing indicators of success and looking at what the NEJAC has achieved. He also suggested gathering best and worst cases from regional administrators; and generating a list of the worst one-third of all industrial plants to incentivize industry to not be on that list.

### **2.31 Geoff Webb, Foundation West, Santa Fe, New Mexico**

Mr. Webb critiqued the request of the NEJAC that important testimony be put in writing. He said that, while he understood the request, having worked in different advocacy and government positions, testimonies such as those offered by the Community Panel earlier in the day on October 25, 2011, was very valuable. He urged that the burden is on the Agency to obtain the information in a way that can be easily processed.

### **2.32 June Lorenzo, Laguna Acoma Coalition for a Safe Environment, Laguna Pueblo, New Mexico**

Ms. Lorenzo expressed concern that the NRC had not signed the MOU, given their involvement in in-situ leaching uranium mining and many other environmental justice issues. She referenced the framework for cumulative risk assessment and asked that EPA consider social indicators important in the Southwest. Ms. Lorenzo described the Southwest – particularly Cibola County, New Mexico – as having a history of environmental racism. She referenced the United States’ commitments to human rights and asked that EPA approach environmental justice through the lens of human rights.

### **2.33 Anna Rondon, Southwest Indigenous Uranium Forum, Navajo Nation**

Ms. Rondon expressed concern that the United States has failed to address the poisoning of indigenous peoples, including in-situ leaching uranium mining; and asserted that it is a treaty violation that should be brought to the International Criminal Courts. She stated that her people are dying. She emphasized that she has been part of the environmental justice movement since the 1970s and that she is “sick and tired of being sick and tired.” Ms. Rondon said that she does not want to have to keep coming to NEJAC meetings, and that regulations and laws need to be changed. She also submitted a written statement (see Attachment B).

### **2.34 Norman Patrick Brown, Diné Bidziil Coalition (part of MASE), Albuquerque, New Mexico**

Mr. Brown expressed concern that the Navajo tribal government enacts policies and procedures that benefit outside corporations rather than the Navajo people. He asserted that the tribal government was created without the input of the people and that it is divided and corrupt. Mr. Brown cited that 78 officials are currently being indicted or investigated for corruption. He took issue with the Navajo government official who spoke earlier in the public comment session referencing Navajo fundamental law, stating that the law is flawed and often not used. He recommended that Navajo traditional leaders should instead be the decision makers. He asked the NEJAC to (1) support the right of Navajo traditional people to control their environment and speak for themselves, and (2) ask EPA for a study of in-situ leaching uranium mining, which receives little oversight in his community. Mr. Brown concluded by asking where he and his Elders could go to seek change and support.