

MEETING SUMMARY

of the

PUBLIC COMMENT PERIODS

of the

NATIONAL ENVIRONMENTAL JUSTICE ADVISORY COUNCIL

**April 13 and 14, 2004
New Orleans, Louisiana**

CHAPTER TWO PUBLIC COMMENT PERIODS

1.0 INTRODUCTION

The Executive Council of the National Environmental Justice Advisory Council (NEJAC) held two public comment periods during the meeting of the NEJAC conducted from April 13 through 16, 2004 in New Orleans, Louisiana. The first public comment session was held on Tuesday, April 13, and focused on issues related to cumulative risks and impacts. During the session, two written and nine oral statements were offered. The second public comment session was held on Wednesday, April 14, and provided the opportunity for submittal of general comments related to environmental justice concerns. During the session, one written and 21 oral statements were offered.

This chapter summarizes the testimony that the Executive Council of the NEJAC received during the public comment periods as well as the comments and questions that the testimony prompted from the members of the Executive Council. Section 2.0, *Public Comment Period Held on April 13, 2004*, summarizes the testimony offered on that date related to cumulative risks and impacts. Section 3.0, *Public Comment Period Held on April 14, 2004*, summarizes the testimony offered on that date related to environmental justice concerns. These sections also summarize the dialogues between the presenters and the members of the Executive Council that followed the presentations.

2.0 PUBLIC COMMENT PERIOD HELD ON APRIL 13, 2004

This section summarizes the comments presented to the Executive Council during the public comment period held on April 13, 2004, along with the questions and observations that the comments prompted from members of the Executive Council.

Comments are summarized below in the order in which they were offered.

2.1 Mr. Roosevelt Roberts, Rubbertown Emergency Action, Louisville, Kentucky

Mr. Roosevelt Roberts, Rubbertown Emergency Action, Louisville, Kentucky, submitted a written statement to the members of the Executive Council. In that statement, Mr. Roberts noted that his low-income, minority community is located near 11 chemical plants in Rubbertown, the industrial portion of Louisville, and that community residents are being exposed to hazardous air pollution at levels 100 times higher than levels considered to be safe by state and local environmental officials. The pollutants include *1,3-butadiene*; *acrylonitrile*; *vinyl chloride*; *chlorprene*; and *formaldehyde*, he wrote. Levels of *1,3-butadiene* have been increasing by 35 percent per year since 2000, the statement noted.

The written statement noted a report that was released in November 2003 stating that the communities located near the chemical plants will have between 76 and 690 additional cancer cases per million residents because of exposure to toxic air pollution. Air monitors located in the communities are used to predict the prevalence of other health effects in addition to cancer, Mr. Roberts continued in his written statement, and local health officials have been unresponsive to the concerns of the residents. A study conducted by the University of Louisville revealed excessively high levels of cancer in the communities, he noted, but the high levels of cancer were attributed to poor diet, alcohol consumption, and smoking. The study's findings led an environmental specialist at one of the chemical plants to claim that the toxic air emissions from the plants did not adversely affect the health of the people living in the surrounding communities, Mr. Roberts wrote.

The study conducted by the University of Louisville hinders any serious attempt to address the impact of toxic air pollution on human health in Louisville, Mr. Roberts asserted in his statement. Mr. Roberts requested that Louisville be one of the five communities located in U.S. Environmental Protection Agency (EPA) Region

4 that the Agency investigate related to cumulative risks and impacts.

2.2 Mr. Bob Collin, Willamette University, Salem, Oregon

Mr. Bob Collin, Willamette University, Salem, Oregon, and member of the Waste and Facility Siting Subcommittee of the NEJAC, submitted a written statement to the members of the Executive Council. In his statement, Mr. Collin pointed out that he was among approximately 10 scientists selected by EPA to peer review the cumulative risk methodologies identified in the *Ensuring Risk Reduction in Communities with Multiple Stressors: Environmental Justice and Cumulative Risks/Impacts* report the cumulative risk report developed by the Cumulative Risk/Impacts Work Group of the NEJAC. He noted that he was selected because of the environmental justice publications he has written in the past.

Mr. Collin congratulated the Executive Council on the development of the cumulative risk report and pointed out that linking the report to an action plan was insightful on many levels. Cumulative risk is a difficult issue, he stated, and the report fills a meaningful void with environmental truth, which will lead to environmental justice and sustainability. He pointed out that the United Nations Education, Scientific, and Cultural Organization (UNESCO), as well as the Canadian Province of British Columbia, has developed and refined methodologies for assessing cumulative risk. Canada has a Cumulative Risk Association that was founded around the year 2000, he noted.

Former EPA Administrator Carol Browner initiated a sector-based approach to permitting, he said. According to Mr. Collin, industrial stakeholders fear cumulative impacts in a sector-based approach because a given sector may be blamed for all sector impacts. To clarify, Mr. Collin added that individual sectors would potentially be held responsible for past, present, and future industrial and municipal emissions. This is the reasoning behind industrial stakeholder resistance to sector-based environmental regulation, he stated.

2.3 Ms. Johanna Congleton, Physicians for Social Responsibility, Los Angeles, California

Stating that she would like to present a comment and a question, Ms. Johanna Congleton, Physicians for Social Responsibility, Los Angeles, California, identified several reasons why working with health professionals in community clinics that serve environmentally impacted communities is important to EPA. Researchers and community members have a better understanding of the health outcomes that healthcare providers are seeing that are potentially related to environmental risk factors, she stated. Working with health professionals on community capacity-building research projects provides an opportunity to inform community clinic staff about environmental risk factors, she pointed out.

Physicians frequently see health problems associated with environmental pollution, she said, but there are many environmental risk factors of which physicians are not aware. Physicians receive very little training on environmental risk in medical school, she pointed out, and few are even aware that the U.S. Food and Drug Administration has health advisories for fish consumption. There is an opportunity for health professionals to achieve a better understanding of what is happening in impacted communities and for community members to take note of what health professionals are seeing in the clinics, she added. Ms. Congleton then pointed out that in California, Physicians for Social Responsibility has developed an environmental exposure history intake examination for uninsured farm workers who have been exposed to pesticides.

Ms. Congleton asked the members of the Executive Council to check on EPA's progress made in implementing the recommendations identified in the *EPA Louisiana Environmental Program Oversight Audit Report*. Mr. David Neleigh, EPA Region 6, Water Enforcement Branch, Compliance Assurance and Enforcement Division, Dallas, Texas, stated that the report was not discussed during the EPA Region 6 Stakeholder Meeting held on April 13, 2004, and offered to answer any of Ms. Congleton's questions after the public comment period. However, he explained, there was an extensive review of Louisiana's water, Resource Conservation Recovery Act (RCRA), and air programs during the stakeholder meeting.

2.4 Ms. Shawna Larson, Alaska Community Action on Toxics, Anchorage, Alaska

Stating that she had concerns about the risk-based approach being used by EPA, Ms. Shawna Larson, Alaska Community Action on Toxics, Anchorage, Alaska, began her comment by providing background information on her local community. The population of Port Graham is 200, she said, and one can travel there only by boat or plane. The community has one school, one clinic, two stores, and one dump; and people depend on salmon, seal, halibut, octopus, clams, and mussels for food. Port Graham has survived many challenges, she continued, including Russian and European settlers who brought colonialism, oppression, and alcoholism as well as events such as the *Exxon Valdez* oil spill.

Ms. Larson pointed out that 85,000 chemicals currently are on the market and that 8,000 new chemicals are introduced every year. Breast milk is the most contaminated food on the planet, she pointed out. Humans and animals are suffering a toxic burden, she declared, and it is not uncommon to find caribou, moose, fish, or seals with tumors and lesions.

The current risk assessment approach does not factor in cultural indicators such as higher consumption rates, she stated, and native populations eat large quantities of fish, plants, and animals. In addition, she continued, chemicals are assessed individually as opposed to being assessed as an aggregate.

Ms. Larson added that the word “stakeholder” needs to be redefined. She said that there is too much concern about including industry as a stakeholder, which is a conflict of interest. If EPA had regulations that eliminated toxic chemicals, industry would create safe alternatives, she asserted. In addition, she said, science can be corrupted by special interests. We need to rely on traditional knowledge that has been accumulated and passed on through generations of experience, she stated.

Risk assessment is a flawed concept, declared Ms. Larson, because it forces communities to prove that contaminants in fact cause harm. The biggest concern voiced by tribes in Alaska is cancer, she stated, because before 1950 it was

virtually nonexistent there. Ms. Larson requested that the NEJAC prevent risk assessment from becoming another issue that the tribes have to “survive”. She requested that it focus on the precautionary principle and test chemicals before they are allowed on the market. In addition, she said, cumulative impacts should not be assessed based on the average white male.

Ms. Connie Tucker, Southeast Community Research Center, Atlanta, Georgia, and member of the Waste and Facility Siting Subcommittee of the NEJAC, stated that NEJAC’s hope that the cumulative risk tool will replace the current risk assessment tools. Ms. Tucker pointed out that most of Ms. Larson’s concerns are shared by the grassroots environmental justice community and stated that the NEJAC needs to work hard on implementing a new cumulative risk assessment paradigm. Mr. Terry Williams, Tulalip Tribes, Maryville, Washington, and chair of the Indigenous Peoples Subcommittee of the NEJAC, thanked Ms. Larson for bringing up the matter of traditional knowledge, and he encouraged her to continue to make people aware of it.

Mr. Juan Parras, De Madres a Madres, Inc., Houston, Texas, and member of the Enforcement Subcommittee of the NEJAC, added that it is a shame that Native American tribes are not recognized by the state. The United States is fighting for democracy and freedom in Iraq, and if the United States is willing to fight for freedom for people in other countries, he explained, it should be willing to help indigenous Americans here as well.

2.5 Mr. Richard Burton, Jr., St. James Parish Citizens for Jobs and the Environment, Convent, Louisiana

Mr. Richard Burton, Jr., St. James Parish Citizens for Jobs and the Environment, Convent, Louisiana, provided the Executive Council with a hazard analysis report that was developed by the St. James Parish Emergency Operations Center in 1994. None of the 16 chemicals identified in the report have been reduced, he stated, and more manufacturing plants have been moving into the local area. The facilities are releasing wastes into the river, he stated, and when he inquired about what happens when wastes from different plants mix in the river, he was told that the chemicals would dissipate because of the river’s size. He noted that EPA has transferred power to

take action to the Louisiana Department of Environmental Quality (DEQ).

Mr. Burton stressed that the people in his community are very poor and lack jobs and they have the burden of the industrial plants in their back yards. Nobody is listening to the community's concerns, he declared. The mentality in the community is that whatever the government says is what happens, he explained, and it is hard to change that mentality. It is hard to help people who don't want to help themselves, he continued, but he stated that he will continue to work for the benefit of the people. Xavier University performed a study that revealed that a large number of adults in the community have upper respiratory problems, he stated. Many children in the neighborhood have to use respirators and are slow in learning, he added, and they are unable to get sufficient medical help. In conclusion, Mr. Burton pointed out that members of his community had been to the NEJAC meeting several times before to express the concerns of his community.

Ms. Tucker stated that Mr. Burton's testimony is an example that everything the NEJAC has done has failed. She recommended that the NEJAC implement a special initiative to find out what the NEJAC can do for St. James Parish. Ms. Judy Henneke, Texas Commission on Environmental Quality, Austin, Texas, and member of the Air and Water Subcommittee of the NEJAC, expressed her shock at the release rates and large quantities of petrochemical exposure in Mr. Burton's community. She noted that the NEJAC has been discussing environmental justice for many years, and the fact that his community is not improving is sad. The NEJAC needs to identify how progress can be made so that people do not have to keep returning to the Executive Council for help, she stated.

2.6 Mr. Tom Goldtooth, Indigenous Environmental Network, Bemidji, Minnesota

Complimenting the NEJAC's Cumulative Risk/Impacts Work Group for developing the cumulative risk report, Mr. Tom Goldtooth, Indigenous Environmental Network (IEN), Bemidji, Minnesota, stated that EPA's request for the NEJAC to provide recommendations for actions that EPA should take regarding the issue of cumulative risk is timely. This is an action item

that has been requested for over 10 years by the environmental justice movement, he said.

IEN fully supports most of the draft text the cumulative risk report, Mr. Goldtooth noted, and the consistent mention of tribes in addition to communities is to be commended. American Indian and Alaskan Native tribes are not ordinary stakeholders or communities, he asserted, but stakeholders who possess inherent sovereign powers.

Mr. Goldtooth pointed out that the section titled "Special Concerns of Tribes" on page 41 of the report requires some editing, and he stated that he would express this concern during the meeting of the Indigenous Peoples Subcommittee.

Tribal and native environmental organizations have been engaging in a dialogue with EPA and other Federal agencies for over 10 years regarding the need to develop mechanisms for assessing cumulative impacts within the National Environmental Policy Act (NEPA) process, standard-setting, and risk management, he stated. One continuing problem within EPA's risk management framework is how to quantify the cultural and spiritual values that are important to American Indians and Alaskan Natives, he said. Stressors mentioned in the report recognize socioeconomic factors, he continued, however, Native Americans suffer from psychological postcolonization syndrome because of the loss of their lands and the abuse of what they consider sacred.

IEN recognizes the need for improved collaborative models for problem-solving initiatives that bring all stakeholders together, he explained, but in recent years such collaborations have left legacies of deception and of manipulation of laws and permitting. Fair and equal collaboration and multi-stakeholder processes will be challenging, Mr. Goldtooth pointed out, but IEN will not give up the fight for environmental and economic justice. In conclusion, Mr. Goldtooth stated that the cumulative risk report is the first of many steps toward addressing a new paradigm of environmental protection in the United States.

Mr. Williams asked Mr. Goldtooth to clarify what he meant when he mentioned collaborative problem-solving as a way to address cultural risks. Mr. Goldtooth stated that the foundation of

indigenous peoples is their relationship to mother Earth, which is a sacred entity. Environmental justice and environmental protection are spiritual work, he said. Risk managers have a difficult time understanding the importance of and quantifying the issues associated with the spiritual perspective, he explained.

Ms. Pamela Kingfisher, Shining Waters, Austin, Texas, and vice chair of the Health and Research Subcommittee of the NEJAC, asked Mr. Goldtooth whether he believed that the draft cumulative risk report addresses the guidelines that had been developed by the Indigenous Peoples Subcommittee. Mr. Goldtooth noted that the IEN agreed with most of the report but believed that there should be some modifications to address specific tribal considerations. Language should be added to clarify the political and legal relationships that tribes have with the Federal government and the fiduciary responsibility that EPA has to tribes, he said.

2.7 Ms. Doris Bradshaw, Defense Depot Concerned Citizen's Committee, Memphis, Tennessee

Ms. Doris Bradshaw, Defense Depot Concerned Citizen's Committee, Memphis, Tennessee, stated that information on Federal facilities and environmental justice is missing from the cumulative risk report. A primary issue missing from the report involves base closure and cleanup, she said, as well as risks to communities that are located near Federal facilities which suffer from cancer and reproductive health problems. Ms. Bradshaw pointed out that the members on the Executive Council of the NEJAC represent special interests but that the NEJAC is not bringing in the voices of impacted communities, and she believes that such communities are being disrespected.

Environmental concerns at Federal facilities are very complex and EPA does not like to address issues associated with them, she noted, but there is a need to look at the risks that such facilities pose to communities in the long run. Ms. Bradshaw questioned how EPA is protecting human health, if the Agency will not address cleanup issues at Federal facilities. The military is not above the law, she declared, and EPA needs to take a stand. A recent Record of Decision issued for a Federal facility in her

community proposed institutional controls, she explained. "Is the EPA going to be the watchdog and provide oversight of the institutional controls?" she questioned.

People in her community are getting cancer and other illnesses, she explained, and the toxics are coming from industry, not the community. In conclusion, Ms. Bradshaw stated that until there is honest communication with people in impacted communities, things are not going to get better.

Ms. Tucker asked Ms. Bradshaw whether she was still a coordinating council member in the African-American Environmental Justice Action Network. Ms. Bradshaw responded that she was still involved in that organization. Ms. Tucker then asked whether Ms. Bradshaw had any specific recommendations related to the cumulative risk report. Ms. Bradshaw stated that the report should have an entire chapter dedicated to Federal facilities because the environmental problems associated with such facilities are unique. Ms. Tucker pointed out that there was a special report on unintended impacts of Federal facilities and asked Ms. Bradshaw whether she was involved in the development of that report. Ms. Bradshaw noted that she is a member of the Federal Facilities Working Group (FFWG) and would address the special report during the rest of the week. Ms. Tucker stated that EPA has dedicated a lot of resources to Federal facilities but that EPA will never have the authority to effectively address facilities of the U.S. Department of Defense (DoD) and U.S. Department of Energy (DOE). Ms. Bradshaw reiterated that EPA is supposed to protect human health and that it has jurisdiction over DoD and DOE. EPA needs to stand its ground, she declared. Ms. Bradshaw stated that there should be a subcommittee to address environmental justice concerns at Federal facilities as part of the NEJAC.

Mr. Andrew Sawyers, Maryland Department of the Environment, Baltimore, Maryland, and acting chair of the Waste and Facility Siting Subcommittee of the NEJAC, stated that he would like to discuss the cumulative risk report with Ms. Bradshaw during the meeting of that subcommittee.

Ms. Mary Nelson, Bethel New Life, Inc., Chicago, Illinois, and vice chair of the Executive Council of

the NEJAC, pointed out that the cumulative risk report proposes a different paradigm for Federal facilities. A more creative way to get DoD and DOE to cooperate and listen to community concerns needs to be developed, she stated. We need to think of different ways to approach the problem outside of EPA, she said, and to find a way to generate Congressional interest. Ms. Bradshaw agreed that the only way that anything will be accomplished related to Federal facilities is if there is Congressional support. She pointed out that U.S. Representative Bob Filner (California) was working on a bill to address Federal facilities, but when the terrorist attacks occurred on September 11, everyone lost focus. Communities have no right to sue, she explained, and the military claims that it cannot do its job without certain exemptions. Ms. Bradshaw then reiterated that it is the responsibility of EPA to protect human health and that EPA should do so for everyone.

2.8 Ms. Brenda Brandon, Haskell University Environmental Research Studies Center, Lawrence, Kansas

Pointing out that tribal communities face many hazards, Ms. Brenda Brandon, Haskell University Environmental Research Studies Center, Lawrence, Kansas, stated that she has experience working with 22 tribal communities that are dealing with hazardous waste issues. Elders in the community of Haskell feel as though their spiritual values have been reduced to “vulnerabilities”, she said rather than respected as the basis for our lives.

Ms. Brandon pointed out that her job at the Haskell University Environmental Research Studies Center focuses on integration of traditional ecological knowledge with western science. Traditional knowledge is rooted in thousands of years of experience, she said. There is a current and overwhelming increase in the environmental impacts on tribal communities, she stated, and cumulative and cultural risk is not being addressed in NEPA, Superfund, or other regulatory programs. There also is a lack of educational resources and capacity-building programs for tribes, she said pointing out that less than 1 percent of minority college funding goes to tribal colleges. Meanwhile, 80 percent of the nation’s resources located on tribal lands are being taken from them, she added. The government is trying to keep tribes “stupid”, she

asserted, adding that tribal students cannot attend major universities because of a lack of funding. There needs to be honest, collaborative efforts by government agencies to work with tribes, she said, so that the tribes can effectively address cumulative risk concerns themselves. With more resources, tribal educational programs can help develop effective leadership skills within tribal communities while honoring and respecting tribal values, she stated.

2.9 Ms. Rebecca Jim, Tar Creek Local Environmental Action Demanded Agency, Vinita, Oklahoma

Ms. Rebecca Jim, Tar Creek Local Environmental Action Demanded Agency, Vinita, Oklahoma, stated that she hoped that the NEJAC would continue to pursue community-based risk assessment because it can provide a real benefit to communities that have culturally-based risks. Ms. Jim stated that her tribal community depends on the land for fishing and hunting, and she hopes that one day all of the tribal lands will be evaluated so that the community knows which parts are safe for practicing a subsistence lifestyle.

Tar Creek is 7 miles long, she explained, and there haven’t been any fish in it for 24 years. Acid mine drainage flows into the creek, she noted, and the creek flows right through tribal lands. As a result, people in the community do not know what is safe to eat, she said. The creek is a symbol of the impact of contamination, she said, and she has taken many groups of students on trips to study it.

When looking at multiple exposures, she explained, it is necessary to account for generations of exposure. Most of the tribal lands are covered with mine waste and cannot be sold because of an arrangement with the U.S. Department of the Interior (DOI), she stated. The Quapaw lands in her community are terribly impacted by the mine waste at the Tar Creek Superfund site, she said. Most people do not want to sell their land, she continued, but they want to receive money that was promised to them years ago. Ms. Jim noted that it would take an act of Congress to clean up her community, and she questioned how many acts of Congress it would take to clean up all of America.

2.10 Ms. Carletta Garcia, Laguna Acoma Coalition for a Safe Environment, Albuquerque, New Mexico

Stating that she was concerned about uranium mining, Ms. Carletta Garcia, Laguna Acoma Coalition for a Safe Environment, Albuquerque, New Mexico, explained that her community was once the site of the largest uranium mine in North America. The top 18 inches of soil at the mine has been reclaimed, she noted, but the health of her community still is tainted by radiation.

The Radiation Exposure Compensation Act (RECA) of 1990 proposes to provide payments to individuals who have contracted cancer and other diseases as a result of radiation exposure, she stated. However, she continued, RECA excludes many cancers and other diseases in all uranium miners who worked in the mine after 1971. Most of the Native Americans in her community rely on the U.S. Public Health Service (PHS) for their medical needs, she explained, but PHS is suffering from a lack of funding. The RECA trust fund has run out of money, she said, and the future of the program lies in the hands of the U.S. Congress to reauthorize the act.

Ms. Garcia described how water in her community is contaminated because of mine tailings that continue to seep into aquifers. In addition, many people were exposed to radiation on clothing worn by family members who worked in the mine, she said. People who lived close to the mine were exposed to radiation when winds carried contaminated dust into their homes, she added. Ms. Garcia stated that her house was located 1,000 feet away from the mine and that her mother died of cancer because of radiation contamination.

In conclusion, Ms. Garcia declared that people have the right to live a healthy life, drink good water, and breathe healthy air. The job of EPA is to protect human health and to strengthen the laws that protect human health, she stated. EPA should focus on promoting solar, wind, and water-generated power, she said.

Ms. Veronica Eady, Tufts University, Medford, Massachusetts, and chair of the Executive Council of the NEJAC, asked Ms. Garcia what state she lived in. Ms. Garcia responded that she was from Albuquerque, New Mexico. Ms. Tucker

asked Ms. Garcia whether she had read the cumulative risk report. Ms. Garcia noted that she had been trying to read it over, and she added that it would be helpful to have information sent to the participants before the meeting of the NEJAC. Some people are not wealthy enough to own computers; therefore, they cannot review the meeting materials beforehand, she stated. Ms. Tucker suggested that Ms. Garcia review the report and provide recommendations within the public comment period of 30 days.

Ms. Nelson asked Ms. Garcia whether the issue of the RECA trust fund being out of money was being looked at by Congress. Ms. Garcia said that she believed it was and pointed out that any new funds approved would not be placed in the trust fund until 2005. Ms. Nelson then asked whether someone on the Executive Council could look into the impact of uranium on human health and whether uranium contamination falls under EPA's jurisdiction. Mr. Charles Lee, Designated Federal Official (DFO) of the NEJAC and EPA Office of Environmental Justice (OEJ), stated that he would look into the issue.

Mr. Williams stated that people can become numb when they hear all the similar stories related to indigenous peoples. Tribes need to develop a process to gain attention in order to address their problems, he declared, because all the problems still exist. Even though the Tulalip Tribes have become more economically sound, its members still suffer from cancer, heart disease, and diabetes, he stated. People who depend on traditional subsistence foods face an impossible struggle, he said.

Thanking Ms. Garcia for speaking, Ms. Kingfisher pointed out that whenever the Nuclear Regulatory Commission, DoD, or DOE is in charge, EPA stays away. The Federal walls need to be broken down, she asserted, and DoD and DOE need to cooperate.

Ms. Henneke noted that listening to all the real-life stories and experiences was very profound. She added that it is unfortunate that economic development and jobs are placed above the health and welfare of people and the environment. Mr. Henneke suggested to Mr. Lee that the Executive Council address this issue in the cumulative risk report. The problem is that Federal agencies point fingers and claim that they

do not have jurisdiction, she explained. She pointed out that EPA is in a difficult situation because it needs to try to get along with its sister agencies, and she expressed hope that the collaborative approach outlined in the cumulative risk report would improve the situation. But there needs to be some accountability, she said, because defense-related entities are cloaking themselves in homeland security. Ms. Henneke expressed hope that the cumulative risk report would provide EPA with the strength to confront its sister agencies and show them that there needs to be a paradigm shift in order to address cumulative risk issues.

Ms. Nelson stated that it is worth the struggle to try to get DoD and DOE to the table in order to discuss the paradigm shift with them. Ms. Henneke pointed out that the states offer examples of how to implement a collaborative approach and resolve disputes with Federal facilities. If states can do this, it is possible at the Federal level, she stated.

2.11 Mr. Hilton Kelley, Community Monitoring, Port Arthur, Texas

Stating that his community is 13 miles west of the Louisiana border, Mr. Hilton Kelley, Community Monitoring, Port Arthur, Texas, informed the Executive Council that the community is surrounded by refineries and chemical companies. The companies exist all along the Gulf Coast, he explained, and as a result the water is completely contaminated. Beaches in Port Arthur are contaminated with tar pits, he said, and people suffer from asthma, other respiratory problems, tumors, and liver and kidney disease. A University of Texas Medical Branch concluded that there is a direct correlation between the chemicals being emitted from the refineries and chemical plants and the illnesses in the community, he continued.

The major health problems in the community are associated with *benzene* and *hydrogen sulfide*, which attack the nervous system, he explained. Children are suffering from dyslexia, and schools have a high dropout rate, he said. He asserted that society will pay for all of these problems. Mr. Kelley noted that he has spoken before Congress on this issue, and he believes that he is starting to gain some ground with EPA. We cannot let industry hide under the veil of homeland security, he declared, adding that there should be more of

a focus on the security of people who are being contaminated by industry. Mr. Kelley also noted that he is trying to acquire the funding to open an environmental health education resource center in his community. He is attempting to get industry to invest in the center, he said, because companies are supposed to be reinvesting in the communities in which they operate.

Ms. Tucker stated that she believes that a community environmental health education resource center is an excellent idea. She suggested that Mr. Kelley read the cumulative risk report. Communities do not have any tools to work with, she explained, but the cumulative risk tools outlined in the report provide hope. Ms. Wilma Subra, Louisiana Environmental Action Network, New Iberia, Louisiana, and member of the Air and Water Subcommittee of the NEJAC, suggested that Mr. Kelley develop a "Multiple, Aggregate, and Cumulative Risks and Impacts" matrix for his community similar to the ones provided in the April 2004 NEJAC conference binder.

Mr. Williams suggested that the Executive Council solicit comments from Native Hawaiians because they face the same issues as were discussed by other presenters during the public comment period.

3.0 PUBLIC COMMENT PERIOD HELD ON APRIL 14, 2004

This section summarizes the comments presented to the Executive Council during the public comment period held on April 14, 2004, along with the questions and observations that the comments prompted from members of the Executive Council.

Comments are summarized below in the order in which they were offered.

3.1 Anonymous, Florham Park, New Jersey

A Florham Park, New Jersey, resident submitted a written statement to the members of the Executive Council. In the statement, the commentator asked the Council whether taxpayers paid for people to attend the NEJAC meetings or participants used their own funds to attend. The commentator then suggested that the

NEJAC meetings be held in places where environmental injustice has taken place such as Newark, New Jersey. In addition, the commentator stated that there is not enough public notice before the NEJAC meetings and pointed out that the Federal notice for the current meeting was posted on March 26, 2004.

3.2 Ms. Carletta Garcia, Laguna Acoma Coalition for a Safe Environment, Laguna Acoma, New Mexico

Ms. Carletta Garcia, Laguna Acoma Coalition for a Safe Environment, Laguna Acoma, New Mexico, submitted a written statement to the Executive Council of the NEJAC expressing concern about uranium mining and its effects on her community. She explained that the Radiation Exposure Compensation Act (RECA) that was passed in 1990 proposes to provide individuals with "compassionate" payments who have contracted certain cancers and diseases as a result of their exposure to radiation; however, RECA has excluded many cancers and other diseases that have affected uranium miners who worked in mines after 1971. She stated "Just how compassionate is that?" because many Native Americans in her area rely on the Public Health Service (PHS) for their medical needs. She also expressed concern that PHS does not keep very accurate records; partly due to the lack of funding and job downsizing of the PHS. In addition, Ms. Garcia expressed concern that the RECA trust fund has run out of money and approved claimants have been given "IOUs" from the U.S. Department of Justice. The continuation of this program currently lies in the hands of the U.S. Senate Judiciary Committee, she wrote.

In her statement, she also wrote that uranium mining has long and reaching devastation to the way of life for Native Americans. The water in her community is contaminated because of mine tailings that continue to seep into the aquifers and which will remain hazardous for millions of years, she wrote. She continued by stating that this water will eventually reach the rivers that channel water to largely populated areas and contamination will spread. Ms. Garcia noted that many families were exposed to radiation because of the clothing worn by the miners. This clothing then was washed with the family laundry. And some members, who were unlucky enough to live

close to the mines, were exposed when the winds carried dust into their homes.

Ms. Garcia wrote that she is one of the unfortunate ones who grew up living in this radiation nightmare. Her home was located about 1,000 feet from the uranium mine and the "giant monster" has consumed her culture, her health, and her family. She explained that her mother, the late Ms. Dorothy Purley, was a Uranium miner and although she was gravely ill, she tirelessly lobbied for compensation for uranium workers who died of cancer because of the radiation contamination. Ms. Garcia noted that since her mom worked after 1971, she was not eligible for compensation.

Ms. Garcia is committed to fight for the rights of her people. She stated in letter that "We have the right to live a healthy life, we have the right to have good drinking water, and we have the right to breathe clean, fresh air. We have the right to ask the EPA to protect us, because that is their job. It is their job to strengthen the laws that protect us, to be the voice that speaks for us." She concluded her statement by saying that her mother always told her never to complain unless she had some answers for her complaints. Ms. Garcia's answers include, solar, wind and water generated power; no nuclear power; and do onto others as you would have them do onto you; and most of all, peace."

3.3 Ms. Viola Waghiyi, Alaska Community Action on Toxics, Anchorage, Alaska

Ms. Viola Waghiyi, Alaska Community Action on Toxics (ACAT), Anchorage, Alaska, stated that ACAT is a nonprofit organization that empowers individuals and tribes seeking assistance with toxic contamination issues that affect human health and the environment. Half of the organization's constituents are indigenous people living in Alaska who continue to practice their traditional subsistence lifestyle and culture. Ms. Waghiyi noted that two of her colleagues had testified at the December 2001 NEJAC meeting held in Seattle, Washington, but had not received any follow up to their concerns.

Alaska has 700 formerly used defense sites (FUDS), she said, two of which are located on St. Lawrence Island near Nome, Alaska. The U.S. Army Corps of Engineers (USACE) is responsible

for the cleanup of the two FUDS on St. Lawrence Island, she asserted, and USACE has been criticized for failing to adequately investigate the chemical and munitions hazards at the 1,500 FUDS that exist across the country. The people of St. Lawrence Island have expressed concern that USACE has ignored advice from workers who witnessed the dumping of toxic contaminants and munitions, she stated. ACAT believes that the science of USACE is biased, she declared.

The people of St. Lawrence Island also are concerned about health problems associated with military contamination, including cancer, diabetes, reproductive problems, nervous and immune system disorders, and learning disabilities, she said. A study funded by the National Institute of Environmental Health Sciences revealed that the people who live on St. Lawrence Island have elevated levels of polychlorinated biphenyls (PCB) in their blood, she noted. Continuing, Ms. Waghiyi asserted that the military has caused impacts that are devastating to the land and environment that the people in her community depend on to support their traditional subsistence lifestyle and culture.

USACE has stated that the water in the Suqi River at the Northeast Cape FUDS is safe to drink, but ACAT's analysis of the water revealed high levels of PCBs, polynuclear aromatic hydrocarbons (PAH), and pesticides, she said. She pointed out that EPA reviewed the Northeast Cape FUDS and determined that it ranks high enough to be included on the National Priorities List (NPL). EPA has not fulfilled its obligation to conduct proper oversight of activities of USACE and has not exerted its regulatory authority to hold the military accountable for properly cleaning up the site, she declared.

Ms. Waghiyi requested that EPA take immediate action to assist the people of St. Lawrence Island. EPA should use its oversight and regulatory authority to protect the health of the people on the island, she stated.

Following Ms. Waghiyi's presentation, Ms. Tucker asked the members of the Executive Council whether they could find out why there has been no EPA intervention at St. Lawrence Island. Mr. Lee noted that the Executive Council would look into the issue. Ms. Tucker informed Ms. Waghiyi that the Executive Council understood her situation and pointed out that it is frustrating to

have people return to the NEJAC because nothing had been done to remedy their problems.

Mr. Williams noted that the testimony of Ms. Waghiyi provided another example of issues involving DoD. He then questioned whether the NEJAC should solicit a formal presentation from DoD to discuss its obligations and relationship with EPA. There is a lack of response to impacted people and DoD and EPA should be able to find a resolution, Mr. Williams said. Ms. Tucker said that this was an excellent idea and reiterated that there is a high degree of frustration in communities where Federal facilities are located. Mr. Lee responded that the NEJAC will look into having DoD come to the next meeting of the NEJAC to provide explanations. He then stated that the NEJAC meeting is not necessarily the best or right place for communities to raise their issues. Identifying the appropriate EPA office and working through that office to follow up is important, he said. With respect to St. Lawrence Island, Mr. Lee stated that EPA Headquarters will follow up with Region 10 and will have the right person get in touch with Ms. Waghiyi.

Noting that Alaskan Natives are the "NEJAC's new Mossville," Ms. Kingfisher pointed out that eight representatives from Alaskan Native Communities were on the agenda to present testimony. Ms. Kingfisher questioned when something would be done to assist Alaskan Natives. She stated that it is heartbreaking to listen to all their testimony, and she pointed out that the burden is always on the communities to travel to the NEJAC meeting and to perform their own research. She then suggested that the next meeting of the NEJAC be held in Alaska.

Mr. Lee noted that Alaskan issues have been on the table for a long time. The NEJAC encourages people to come and present their testimony, he said, but they must realize that the NEJAC is not the only body that can address issues. As an advisory committee, the NEJAC provides advice to the EPA Administrator on how to address these issues, he said. The NEJAC is not the entity that will really be addressing a specific community's problems, and people should not have undue expectations of what the NEJAC can accomplish, he stated. Mr. Williams responded that he understood Mr. Lee with regard to finding the proper forum to voice issues, noting that he has had trouble finding the proper forum to voice

concerns associated with the Tulalip Tribes. He then stated that there are 228 tribes in Alaska, and plenty of legitimate environmental justice concerns exist the state. The NEJAC should help find legitimate mechanisms for Alaskan Natives to use, he stated; otherwise, they will continue to come to the NEJAC for help. Mr. Lee responded that the best way to approach this issue was to discuss it with EPA Region 10 and develop a “thought-out” set of strategies.

Ms. Tucker added that the DoD problem extends beyond Alaska. DoD is continually able to escape addressing the problems that it has created, and she suggested that the NEJAC be proactive and send a letter to DoD itself because she is not willing to sit on the Executive Council and hear the same testimonies every year without taking any action. She stated that DoD should have public hearings in Alaska and other states where it has caused contamination. Ms. Nelson agreed with Ms. Tucker and asked whether the Federal Facilities Working Group of the NEJAC is addressing DoD sites. Mr. Lee replied that the Working Group is addressing both DoD and DOE sites. Ms. Nelson then suggested that people who are concerned about DoD sites meet with members of the Federal Facilities Working Group. Mr. Parras also agreed with Ms. Tucker and stated that, even as an advisory committee, the NEJAC should have the courtesy to address public comments and refer the commenters to the appropriate agencies instead of making people wait several years for a response.

Ms. Eady then stated that EPA should seriously consider placing an Alaskan representative on the Executive Council of the NEJAC. Ms. Subra added that holding a meeting of the NEJAC in Alaska would be good; however, she did not want to wait until the next meeting to begin to address the issues identified. She suggested that Mr. Lee and other EPA OEJ staff identify the stakeholders who may be able to address environmental issues that effect Alaskan Natives and ask them to begin a dialogue with Alaskan community members. Ms. Judith Espinosa, ATR Institute, Albuquerque, New Mexico, and member of the Waste and Facility Siting Subcommittee of the NEJAC, asked Ms. Waghiyi whether anyone at EPA Region 10 had come to visit her community. Ms. Waghiyi stated that a representative of EPA Region 10 had visited her community. She pointed out that DoD had established a restoration advisory board

on St. Lawrence Island; however, DoD has not addressed the advisory board’s concerns, she claimed. Ms. Waghiyi requested that the advisory board be involved at the beginning of the planning process when the 700 FUDS in Alaksa are being addressed instead of simply being told what DoD is going to do.

3.4 Ms. Rosalie Kalastook, Association of Village Council Presidents, Inc., Bethel, Alaska

Providing background information on her organization, Ms. Rosalie Kalastook, Association of Village Council Presidents, Inc. (AVCP), Bethel, Alaska, stated that AVCP is a nonprofit organization that serves 56 tribes in Alaska. The tribal communities are located 10 to 50 miles apart and are low-income communities, she explained. Fuel costs are very high, she stated, and groceries are difficult to afford. Because of the high costs, she continued, the subsistence lifestyle is very important to the communities. Traditional foods are being contaminated, she said, and the legacy of toxics is being passed on to future generations.

Ms. Kalastook then stated that many villages have uncontrolled landfills, several of which are more than 30 years old and leach contaminants into water systems. Although contaminants are abundant in the villages, many people are unaware of the damage they cause, she explained.

Along the Kuskokwim River, which provides approximately 85 percent of their subsistence foods, lies a mercury mine, an abandoned platinum mine, an abandoned Air Force Base, a methane site, and a proposed gold mine, she said. The village residents suffer from asthma, cancer, birth defects, and learning disabilities, she explained. Although EPA’s Tribal General Assistance Program (GAP) has enabled tribal communities to address some of these issues, more help is needed, she said. Ms. Kalastook requested that the NEJAC provide additional assistance in Alaska. There are too many environmental justice issues in Alaska, she declared, and more than writing of reports is required. She requested that the NEJAC make the necessary recommendations to help Alaska achieve the environmental justice that it deserves.

3.5 Mr. Roy Matsuno, Ugashik Traditional Village, Anchorage, Alaska

Expressing his concern about funding for brownfields sites, Mr. Roy Matsuno, Ugashik Traditional Village, Anchorage, Alaska, stated that funding for Alaskan tribal brownfields programs was cut in 2003. He pointed out that money is available for corporate and other brownfields programs but not for tribal programs. Ugashik was one of the few Alaskan Native villages to receive a targeted brownfields assessment, he said, and his village was depending on receiving additional funds to perform cleanup actions. Mr. Matsuno requested that the brownfields funds be reinstated or that EPA assist in the cleanup of his village.

According to Mr. Matsuno, asbestos is blowing across his village from closed cannery factories. In addition, he continued, the village is concerned about contamination in a lake where the Army used to dump materials. Mr. Matsuno pointed out that there are high cancer rates near other FUDS that lie close to the village.

Mr. Parras asked Mr. Matsuno whether his tribe is recognized by the state of Alaska. Mr. Matsuno responded that the tribe is recognized by the state, but he pointed out that the state is not very eager to work with tribes. Mr. Parras then asked whether there is still funding for brownfields sites in Alaska but just not for tribes. Mr. Matsuno stated that the brownfields funding for Alaskan tribes was cut from \$2 million to \$200,000. Corporations are different than tribes because corporations make profits, he stated. Mr. Parras asked whether the lack of funding is causing his tribe to live on contaminated property because it has no resources to clean up the land. Mr. Matsuno replied that the funding was taken away after the targeted brownfields assessment was performed.

Mr. Williams stated that the Governor of Alaska has been arguing with EPA about funding issues for the last few years. Mr. Williams asked Mr. Matsuno whether the state of Alaska has made any commitments to clean up any of the sites that it has asked EPA not to get involved with. Mr. Matsuno replied that the state had not committed any money for the sites, and he noted that the governor had backed off from trying to transfer EPA funds into state hands.

Ms. Espinosa asked Mr. Matsuno to clarify whether the state of Alaska had refused to take brownfields funding from EPA. Mr. Matsuno explained that the state had tried to take over the brownfields program from EPA but that it stopped pursuing the takeover because of a backlash from the tribes and EPA. Alaskan Senator Stevens wrote a rider to a bill that took away cleanup funding for tribes, Mr. Matsuno said.

Ms. Nelson then asked whether anyone attending the NEJAC meeting worked for the brownfields program and whether something could be done to make the tribes eligible for future brownfields funding. Mr. Lee responded that Ms. Linda Garczynski, Director, EPA Office of Brownfields Cleanup and Redevelopment, was in attendance and would be at the Waste and Facility Siting Subcommittee meeting.

3.6 Mr. Randall Mitchell, Treme for Environmental Justice, New Orleans, Louisiana

Stating that he must place "God first because man continues to fail his community," Mr. Randall Mitchell, Treme for Environmental Justice, New Orleans, Louisiana, stated that cancer is epidemic in the Treme community. The community is being contaminated by the former All States Sales and United Chemical Company facilities, he explained. While operating, these companies mixed and sold chemicals such as creosote, rat poison, and roach poison, he said. When the companies closed their facilities, they left numerous tanks of solvents to rot away, he stated.

According to the state of Louisiana's Office of Toxicology and Epidemiology, Treme has the worst cancer problem in Louisiana, Mr. Mitchell said. He described how the community has suffered from cases of throat, liver, lung, and brain cancer. Potential contaminants that could be causing these illnesses include *lead*, *perchloroethylene*, *trichloroethylene*, and *vinyl chloride*, he stated.

Mr. Mitchell requested help in identifying the contamination in the community and having the source removed. He also requested assistance in solving the community's health problems in collaboration with public health agencies. Treme should be declared a Superfund site, he stated. He noted that more industrial facilities currently

are being planned for construction within the community.

Mr. Mitchell asserted that racism is involved in the problem and is a major impediment to establishing trust in the community. New Orleans is one of the most racist and segregated cities in the United States, he declared.

Ms. Tucker asked Mr. Mitchell whether any regulatory agencies has investigated any of the contaminated sites in Treme. Mr. Mitchell explained that Louisiana DEQ sent a representative to perform soil sampling, however, the person left DEQ two weeks after collecting the samples. "We can't trust the DEQ," he said. Ms. Tucker informed Mr. Mitchell that the Removal Program under Superfund at EPA could perform assessments for communities that suspect that they are immediately at risk from waste contamination. Mr. Mitchell noted that there are multiple contaminated sites in the community, and he explained that a 27-block area has soil contaminated by chemical releases from former dry cleaners. Ms. Tucker suggested that Mr. Mitchell contact the EPA Region 6 Removal Program and request that EPA perform a site assessment of the community. Ms. Subra added that she had introduced Mr. Mitchell to staff from Region 6 and that she had requested that Region 6 perform an evaluation of the contamination in his community.

3.7 Ms. Yvonne Powell, People Effected Against Chemical Eugenics, Richton, Mississippi

Stating that "she is sick and tired of being sick," Ms. Yvonne Powell, People Effected Against Chemical Eugenics, Richton, Mississippi, pointed out that in the past she had presented testimony before the NEJAC. Everyone has a different agenda that does not always include addressing the concerns in her community, she said, and she noted that EPA had visited her community but did not do anything to help the residents. EPA informed them that the creosote blocks used by members of the community for heating and cooking purposes could be causing some of the illnesses in the community, but no one has addressed this possibility during EPA's assessment, she said.

Ms. Powell explained that the community originally thought that contamination was coming from a drinking water well. EPA conducted an assessment, she said, and determined that the well water was safe to drink; however, EPA failed to come to the conclusion that the creosote blocks were causing problems. Ms. Powell charged that the assessment was biased, and she requested that someone oversee and review the work performed by EPA Region 4.

Expressing her frustration with having to return to the NEJAC, Ms. Powell questioned why EPA's regional administrators were not in attendance. The people who need to hear the public testimony are not here, she stated. She then reiterated her desire for another EPA region to provide oversight of Region 4.

Ms. Tucker apologized for EPA Region 4's work and pointed out that she had been to the community and had seen the creosote plant. The plant is very close to locations where people live, she said, and she noted that had seen the illnesses in the community. Region 4 has failed in its intervention there, Ms. Tucker stated, and something is very wrong in this area. EPA responds to political pressure, she said, and she stated that she would work with Ms. Powell to resolve the problem.

Ms. Nelson asked Ms. Powell to describe the results of the assessment conducted by EPA. Ms. Powell stated that EPA did not find anything. There are many children with cancer in the community, she stated, and she described how the plant sold creosote blocks to the community for use for heating and cooking. Ms. Tucker stated that she could not understand how EPA could not find contamination in Richton. It's impossible to live that close to a creosote plant without being exposed, she emphasized. Ms. Powell pointed out that the creosote blocks sold by the plant contained high levels of dioxins.

3.8 Ms. Shawna Larson, Alaska Community Action on Toxics, Anchorage, Alaska

Stating that she is used to government rhetoric, Ms. Shawna Larson, Alaska Community Action on Toxics, Anchorage, Alaska, said that she had heard the claims from Federal agencies about their lack of money and had heard them claim that

everything is somebody else's job. She stated that the NEJAC should have an Alaskan Native representative on its Executive Council. The representative should be a traditional, tribal individual, not someone from Anchorage, she said.

Ms. Larson stated that she serves on the Federal Facilities Working Group of the NEJAC, and she expressed her concern that the Working Group had not considered Alaska when analyzing FUDS in the United States. Ms. Larson noted that she was told that there were not enough funds to conduct site visits to Alaska. Alaska has over 600 FUDS and nearly half of the nation's tribes, she explained, and it does not make sense that there were not enough funds to send two people to Alaska.

Ms. Larson stated that as a native person who is directly affected by military sites, she must formally protest the Working Group's final report. The NEJAC asked her to serve on the Working Group, she said, and then told her that there was not enough money to visit Alaska. This is a prime example of environmental injustice, she declared. She requested that EPA recognize that Alaska should be included in all aspects of environmental justice efforts in the future.

Mr. Sawyers said that the conclusions and recommendations outlined in the cumulative risk report apply to Alaskan communities, and he invited Ms. Larson to attend the Federal Facilities Working Group meeting to discuss her concerns.

3.9 Ms. Patricia Rife, Grants Plus, Atlanta, Georgia

Stating that she was impressed with the cumulative risk report, Ms. Patricia Rife, Grants Plus, Atlanta, Georgia, explained that she was worried about the areas of concern regarding disproportionate risks. Indigenous people request that their voice be heard and that they be provided with funding for training and environmental protection planning, she said. There are plenty of government and EPA funds available, she asserted, and the grant process should be made more fair and transparent to prevent environmental injustice.

Citing the more than 600 FUDS in Alaska, Ms. Rife suggested that the NEJAC send a letter to DoD in order to encourage that agency to take

action. Alaskan Native women have the highest rates of cancer in the United States, she stated. The enforcement branch of EPA needs to leverage its regulatory clout and implement enforcement actions, she declared. People will pay attention to the cumulative risk report, she explained, and it can be used as a platform for action. EPA should not back down, she stated. In conclusion, Ms. Rife requested training for indigenous people so that they can prepare plans and learn assessment tools that will help them develop creative strategies themselves. The \$200,000 that currently is available for Alaskan tribes will not go far and it is not enough to initiate cleanup actions, she said.

3.10 Ms. Doris Bradshaw, Defense Depot Concerned Citizens Committee, Memphis, Tennessee

Emphasizing how critical it is to address issues associated with Federal facilities, Ms. Doris Bradshaw, Defense Depot Concerned Citizens Committee, Memphis, Tennessee, pointed out that DoD needs to send representative to the meeting of the NEJAC. DoD representatives attended the NEJAC meeting in December 1999, and a memorandum of agreement outlining what DoD could do to help communities was signed, she said. More than four years have passed since that meeting, and EPA has failed to address any of the Federal facility issues that were discussed. Ms. Bradshaw stated that she was tired of returning to the NEJAC meeting year after year, but her community continues to be contaminated.

Ms. Bradshaw stated that she was upset that a case study of the Defense Depot Memphis was included in the cumulative risk report without any discussion with the Federal Facilities Working Group. The process is flawed if EPA adds sections to the report without discussing them with the Federal Facilities Working Group, she said. The report contains segments in which EPA tries to give itself credit, she said, but EPA has not done a good job of handling Federal facilities. EPA keeps telling communities it does not have the authority to act and that impacted communities should approach a different organization, she explained. EPA has input regarding how Federal facilities are going to be cleaned up, she said, but EPA is not making itself heard "unless the benefitting community is white."

DoD currently is cleaning up a site in Spring Valley in Washington, D.C., she pointed out. The site is located in a rich, predominantly white community where houses were built on top of World War I-era military munitions, she explained. Minority communities are treated differently than white communities during cleanup actions, she said. Ms. Bradshaw reiterated that EPA is supposed to protect human health, and she indicated that she will continue to attend NEJAC meetings until EPA does its job.

Following Ms. Bradshaw's testimony, Ms. Tucker confirmed that Ms. Bradshaw would be attending the Waste and Facility Siting Subcommittee meeting. Mr. Sawyers pointed out that the cumulative risk report was still in draft form, and he requested that Ms. Bradshaw submit recommendations.

3.11 Mr. Dan Jones, Ponca Tribe of Indians, Ponca City, Oklahoma

Mr. Dan Jones, Ponca Tribe of Indians, Ponca City, Oklahoma, explained to the Executive Council that the Ponca Tribe had filed three lawsuits against Continental Carbon Company (Continental Carbon) to force it to clean up its operation and adhere to Federal standards. The Continental Carbon plant in Ponca City is filthy, he declared. However, Oklahoma DEQ filed an *Amicus Brief* in favor of Continental Carbon that stated that there is no problem with the operation, he said.

Mr. Jones explained that Ponca Tribe members who live close to the plant are filing lawsuits for damages related to health issues, and the tribe is attempting to achieve environmental justice. The tribe filed a petition to the EPA Administrator to re-open Continental Carbon's Title V air permit because it contains mistakes and needs to be strengthened, he said. However, EPA has not responded to the petition, he said. In addition, he continued, Oklahoma DEQ needs to withdraw the *Amicus Brief*. There are several industry representatives on DEQ's board, he explained, but there are no American Indian tribal representatives. Mr. Jones claimed that in Oklahoma, the regulated industry is running the regulators. In conclusion, Mr. Jones requested that EPA conduct a separate assessment of Continental Carbon.

Ms. Subra asked Mr. Jones whether the air program in Oklahoma is delegated to the state. Mr. Jones responded that the air program is delegated to the state. Ms. Subra then asked whether he has considered filing a complaint with the state agency that has jurisdiction over air issues because it is not enforcing the requirements. Mr. Jones indicated that the Ponca Tribe had filed such a complaint. He then invited the NEJAC to conduct a site visit.

Ms. Espinosa asked Mr. Jones whether Oklahoma DEQ had sent a notice of violation (NOV) to Continental Carbon. Mr. Jones replied that Continental Carbon was issued a NOV and fined \$4,800. Ms. Subra asked whether Mr. Jones had tried to contact the EPA Region 6 Administrator about the issue. Mr. Jones said that the tribe had contacted the Region 6 Administrator, and Mr. Jones believed that Region 6 would be performing an assessment of Continental Carbon.

Ms. Subra asked Mr. Jones whether the lawsuit that the tribe had filed is based on documents submitted by Continental Carbon showing that the company was out of compliance. Mr. Jones responded that the lawsuit is based on such documents. Mr. Williams asked Mr. Jones whether he had been working with EPA's American Indian Environmental Office or its counterpart in EPA Region 6 to develop a strategy and whether either office is providing any support. Mr. Jones replied that the EPA Region 6 has been very supportive. Mr. Williams suggested that Mr. Jones continue the dialogue with Region 6 to obtain assistance and to identify steps for achieving a solution. Ms. Henneke then asked whether Continental Carbon is the only carbon plant in Oklahoma and whether it is the only source of black carbon in the state. Mr. Jones confirmed that Continental Carbon is the only source of black carbon in Oklahoma.

3.12 Mr. Benton Davis, Native Village of Selawik, Selawik, Alaska

Expressing concern about the impact of pollution on human health and migratory animals, fish, and birds, Mr. Benton Davis, Native Village of Selawik, Selawik, Alaska, stated that fish and animals must be tested for contaminants after the traditional native processes of storage and cooking. Mr. Davis wondered whether the impact of

contamination on fish and animals worsened when they are stored or cooked traditionally. We must determine how pollutants impact human health, he said, because pollution has a disproportionate effect on the traditional subsistence lifestyle of Alaskan Native populations.

Mr. Davis requested that EPA provide feedback about the results of its testing of contaminants. In addition, native tribes need more information and assistance to address health problems such as asthma and cancer, he said. These ailments have increased exponentially in Selawik because of a 14-year-old lead and zinc mine owned by Tech-Cominco, he stated. Mr. Davis pointed out that there were very few occurrences of cancer in the tribe's history before the mine was opened. EPA should enforce all regulations when dealing with this corporate polluter, he declared.

Ms. Eady asked Mr. Davis whether he had a specific request for the NEJAC or EPA. Mr. Davis asked the NEJAC to request that EPA investigate the issues he had discussed. EPA tests for pollutants in fish and animals, he said, but it does not test meat and fish after they are processed in traditional ways. Ms. Eady informed Mr. Davis that the NEJAC would request that EPA look into the issues and would forward any related correspondence to him.

3.13 Mr. Pat Bryant, Urban Strategies, New Orleans, Louisiana

Pointing out that he served on the first NEJAC Executive Council, Mr. Pat Bryant, Urban Strategies, New Orleans, Louisiana, noted that his comments were to be considered for the cumulative risk report. There continue to be communities outside the ring of environmental protection, he said, and the current permitting process takes little account of the cumulative environmental stress to air, land, and water. Zones of "environmental sacrifice" continue to exist, he explained, and these happen predominantly in communities where people of color and low-income people live.

One environmental problem that the state of Louisiana ignores concerns solid waste collection, said Mr. Bryant. Privatization in the 1960s and 1970s of solid waste collection and disposal created racial and economic zones of distinction in New Orleans, he stated. Local garbage

collection is dominated by Waste Management, Inc., he explained, and a loophole in its contract allows company to not pick up all the trash that is put out for collection. The trash that is not collected finds its way to vacant lots and houses in minority and low-income neighborhoods, he said. Mr. Bryant asserted that the city does not fix the problem because the waste management companies provide politicians with large campaign contributions. The mayor of New Orleans currently is reviewing a proposal to extend Waste Management, Inc.'s, contract, Mr. Bryant said, and the mayor recently fired the city sanitation director because the director refused to approve the contract.

Mr. Bryant also noted that Waste Management, Inc., has been submitting invoices to the city for work that was not done. Urban Strategies has filed complaints with the U.S. Federal Bureau of Investigation (FBI) and Waste Management, Inc., he said, but nothing is happening. Many residents do not even know which day of the week the company will pick up garbage, and the company routinely leaves behind 10 percent of trash each month, he added.

Mr. Bryant requested that the NEJAC ask the appropriate House and Senate committees to schedule hearings to address the issue and to invite leaders of affected communities to testify. EPA should exercise its oversight authority in this aspect of environmental protection and should direct Louisiana DEQ to improve garbage collection in New Orleans, he said.

Pointing out that Mr. Bryant is a veteran member of the environmental justice movement, Ms. Tucker stated that she had never viewed trash collection as an environmental justice issue. She pointed out that there appears to be significant corruption of political officials by waste management organizations, and the issue deserves a major investigation. Ms. Nelson asked Mr. Bryant whether the city's contracts with Waste Management, Inc., really allow the company not to pick up all trash put out for collection. Mr. Bryant clarified that if trash is left at a vacant lot or house, the company does not have to pick it up. In addition, the company does not have to collect anything weighing more than 75 pounds, he said, so all heavy waste materials end up in vacant lots. Ms. Nelson then asked whether larger residential units have to arrange for private garbage collection. Mr. Bryant

confirmed that residential buildings larger than a four-plex have to arrange for private collection. Ms. Nelson asked whether the new contract had been signed yet. Mr. Bryant explained that it is on the mayor's desk and that he will probably sign it even though state law requires that the work be rebid. Ms. Nelson suggested that he try to find a way to bring this issue into the public light. She also suggested that he try to find a public interest law firm to pursue the contracting issue.

Ms. Tucker then stated that it is often not good enough to fight against something, and she suggested that Mr. Bryant fight for something such as sustainable waste practices. In addition to pursuing accountability, Mr. Bryant should pursue a parallel struggle for increased recycling, she said. Ms. Nelson pointed out that there is economic value associated with recycling. Mr. Bryant noted that recycling was saved in New Orleans a few years ago, and recycling efforts have recently doubled in the community with the help of public outreach activities.

3.14 Ms. Hazel Apok, Maniilaq Association, Kotzebue, Alaska

Ms. Hazel Apok, Maniilaq Association, Kotzebue, Alaska, stated that she is an Inupiat Eskimo and that her community is located 40 miles above the Arctic Circle. Ms. Apok stated that, while reviewing some of the recent documents developed by the NEJAC, she was concerned about the references to Alaskan Natives as "people of color and low income." The multiple contaminants affect not only me, she said, but people of no color and medium to high income as well. She pointed out that the multiple stressors identified by the Executive Council do not know whether she is a person of color or low income. They affect all living things, she stated, as well as the air, water, and land. Although people with medium to high incomes have the opportunity to move away from contaminated sites, those who are unable or unwilling to leave their homelands are left to deal with cumulative risks and impacts, she said.

As an Alaskan Native who depends on a subsistence lifestyle, Ms. Apok stated that she is alarmed at the rate of pollution and how it affects the harvesting of food. We need to remove imaginary boundaries and lines between countries, she explained, and focus attention on

worldwide pollution. Environmental laws exist by which everyone should live, she said, and the answer lies in regulation. Ms. Apok pointed out that waivers and exemptions for those who generate pollution are killing the planet Earth.

3.15 Mr. Jose Bravo, Just Tradition Alliance, San Diego, California

Pointing out that he used to serve on a subcommittee of the NEJAC, Mr. Jose Bravo, Just Tradition Alliance, San Diego, California, stated that his organization currently is working on five environmental justice sites in the United States. These sites include Kelly Air Force Base in San Antonio, Texas; Ponca City, Oklahoma; Arizona Portland Cement; Rillito, Arizona; and sites in Los Angeles, California; and Rubbertown, Kentucky. Mr. Bravo focused his presentation on the Rubbertown, Kentucky, site and read a statement prepared by Rubbertown Emergency Action.

There are 11 chemical plants in Rubbertown, he said, including American Synthetic Rubber, Dupont, Dow, and Borden Chemicals facilities. Rubbertown is home to thousands of African-American and low-income white residents, he explained, and despite the companies' efforts to portray themselves as good neighbors, the plants have a troubling history. In 1965, an explosion and subsequent fire at the Dupont plant caused 112 deaths, he stated. In the 1970s, workers at the BF Goodrich plant were diagnosed with a rare liver cancer that is attributed to vinyl chloride exposure, he said. In 1985, an explosion at the Borden Chemicals plant caused three deaths, he stated. Continuing, Mr. Bravo explained that in 1996, Rubbertown homes were evacuated after a train containing toxic and explosive chemicals derailed.

A study conducted in 2003 revealed that air pollution from the chemical plants was deadly, he stated. He added that air monitors have detected hazardous air pollutants from the chemical plants at levels that are hundreds of times higher than those considered to be safe by state and local environmental officials. Mr. Bravo asserted that workers and community members should be brought together to tackle each issue because they are natural allies. He then requested that the NEJAC ask EPA Region 4 to conduct a site visit in Rubbertown in order to learn about the community's concerns.

Ms. Subra pointed out that EPA's new Community Action for a Renewed Environment (CARE) grant Program is selecting one community to be studied in each EPA region. Rubbertown was selected in Region 4, so that community should be receiving additional attention in the future, she stated.

3.16 Mr. J. Kyle Bryant, Agency for Toxic Substances and Disease Registry, Fayetteville, Georgia

Stating that the current approach to addressing environmental injustice focuses on brokering levels of acceptable risks to the "have nots," Mr. J. Kyle Bryant, U.S. Agency for Toxic Substances and Disease Registry (ATSDR), Fayetteville, Georgia, pointed out that as long as private industry is driven by profits, there never will be true collaboration between industry and impacted communities. As America becomes more ethnically diverse, the dynamics of power and privilege also will change, he said. This being the case, he continued, America's values, priorities, and national interests will change as well. He pointed out that one approach to addressing this reality is for EPA to lead the education of the entire U.S. population about the connection of humans to the environment. As Americans become more informed, their consumer choices will force industries to augment their processes, he asserted.

Mr. Bryant then pointed out that when cumulative risk is discussed, personal economic loss is not factored into the equation. An example of personal economic loss involves homeowners who reside in Superfund or brownfields communities, he said. Residents of these communities have to deal with health issues as well as property devaluation, he pointed out. Mr. Bryant coined the term "brownhouses" to imply that residences within Superfund and brownfields communities are economically stigmatized. There is an obvious disconnect between EPA and the U.S. Department of Housing and Urban Development (HUD), he said. When a lending institution is involved in the sale of a commercial or residential property, the institution conducts a due diligence environmental site assessment, he explained. If the institution discovers environmental contamination, the financing opportunity is destroyed, he said.

Mr. Bryant stated that there needs to be intensive education of the housing industry, including

banks, lenders, and brokers, about environmental impacts and public health. Ms. Nelson pointed out that this is an issue that the Interagency Working Group on Environmental Justice (IWG) should investigate. Ms. Nelson then asked Mr. Lee whether HUD is represented on the IWG. Mr. Lee confirmed that HUD is a member of the working group. Ms. Nelson suggested that the issue of house valuation would be good for HUD to examine. Ms. Nelson suggested that Mr. Bryant provide specific examples of bank comments on financing issues. Mr. Bryant stated that he would do that, and he pointed out that the housing industry requires environmental clearances on property. He noted that EPA can issue letters to homeowners in Superfund communities that prohibit people from using portions of their houses because of contamination. He pointed out that it is difficult to sell a house when one has to explain the associated environmental liabilities to potential buyers.

3.17 Ms. Anne Rolfes, Louisiana Bucket Brigade, New Orleans, Louisiana

Stating that she has worked along Cancer Alley in Louisiana, Ms. Anne Rolfes, Louisiana Bucket Brigade, New Orleans, Louisiana, expressed her concern about outstanding NOV's. Enforcing NOV's seems like a practical way to provide solutions to many environmental justice problems, she said. Many communities have several existing NOV's that only need to be enforced, she declared.

An Exxon-Mobil facility in Chalmette, Louisiana, has been averaging one flaring incident every six days, Ms. Rolfes explained. A neighborhood block consisting of 17 homes exists near the facility, she stated, and residents of 16 of the homes have cancer issues. The facility has burned noncompliant gas fuel, she explained, which has resulted in significant sulfur emissions. There is an existing NOV for the facility, and EPA assured the community that resolution of the NOV is forthcoming, she said. Ms. Rolfes requested that EPA provide the community with a formal, written update on the status of that particular NOV.

The lack of NOV enforcement has been an issue outside EPA Region 6 as well, Ms. Rolfes pointed out, and she stated that all NOV's should be enforced. Advising EPA to take such action is a

practical step that the NEJAC can take to alleviate many environmental justice issues, she stated. She also requested that refineries be held responsible for pollution that results from repeated accidents.

Refineries and EPA should tell the truth about air pollution, she said, because residents have the right to know what kind of air pollution they are breathing and how it affects their health. In addition, EPA should stop rubber-stamping permits, she said. Refineries should not receive new permits if they are violating environmental laws, she asserted. In conclusion, Ms. Rolfes stated that refineries should be good neighbors and help pay the cost of monitoring for air contamination.

Mr. Kenneth Warren, Wolf, Block, Schorr and Solis-Cohen and acting chair of the Enforcement Subcommittee, suggested that Ms. Rolfes speak with Ms. Phyllis Harris, Principal Deputy Assistant Administrator, EPA Office of Enforcement and Compliance Assurance (OECA), during the meeting of the Enforcement Subcommittee.

3.18 Ms. Willye Jean Turner, Educational Asthma Support Team, New Orleans, Louisiana

Pointing out that living in New Orleans is a challenge for people with breathing problems, Ms. Willye Jean Turner, Educational Asthma Support Team, New Orleans, Louisiana, stated that many chemical plants are located in New Orleans' neighborhoods. These plants release harmful pollutants, she declared, and explosions often release gases into the air. When an explosion occurs, community residents are told that they are not in danger if they are not within a certain radius of the explosion or if the wind is not blowing in their direction, she explained. But we know that the chemicals released are harming and polluting the air we breathe, she stated.

Ms. Turner questioned how EPA can tell people in the community that they are not being affected by the releases. When chemicals are released into the air, they do not remain stationary but instead are dispersed by wind, she pointed out. Ms. Turner noted that there has been a rise in asthma cases, and breathing is becoming more difficult. She requested that EPA do a better job of ensuring healthy air and that it provide oversight

to make sure that factories are not breaking environmental laws.

Ms. Subra asked Ms. Turner whether she knew the source of the air pollution. Ms. Turner stated that most of the pollution was coming from Shell and Mobil plants across the river. EPA has performed testing in the yard of her home, but the Agency told her that there is nothing to be concerned about, she said.

3.19 Ms. Debra Ramirez, Citizens Against Contamination, Lake Charles, Louisiana

Pointing out that she had appeared before the NEJAC several times in the past, Ms. Debra Ramirez, Citizens Against Contamination, Lake Charles, Louisiana, stated that she is tired of the bad health and suffering in her community. Three different surveys have exposed the health problems in her community and EPA's inactivity, she said. People are suffering from endometriosis, asthma, emphysema, other respiratory problems, skin rashes, ovarian tumors, and cancer, she stated. Various industries operating in the area, including Vista and PPG Industries, are polluting the community, she explained. It is time for EPA to address cancer clusters and stop running from the truth, she declared. EPA and Louisiana DEQ already know about the problems in the community, she stated, but they are ignoring the contamination because it would be expensive to remediate. Once people realize what is happening to them, the government is going to be inundated with lawsuits, she asserted.

Pointing out that Ms. Ramirez was an original community leader in Mossville, Louisiana, Ms. Subra noted that environmental injustice is a big problem in Mossville and much evaluation is needed to address the problems that its residents face. She suggested that Ms. Ramirez attend the meeting of the Health and Research Subcommittee scheduled for the next day.

Ms. Eady then asked Mr. Lee what had transpired since a joint meeting regarding Mossville that was held by the Waste and Facility Siting Subcommittee several years earlier. Mr. Lee noted that ATSDR performed a study of Mossville in 2000 and that there has been some subsequent attention to the issues EPA Region 6.

Ms. Ramirez then pointed out that many people are unaware of the dangers they are exposed to while living among huge industries. She reiterated that people in Mossville are exposed to dioxin levels that are far above EPA's standards.

3.20 Mr. Tom Goldtooth, Indigenous Environmental Network, Bemidji, Minnesota

After complimenting the dedication of the members of the Executive Council, Mr. Tom Goldtooth, IEN, Bemidji, Minnesota, stated that he wished to address some issues that had been brought before the NEJAC in past years, but have not been adequately addressed. One of these issues, explained Mr. Goldtooth, was a request made by Alaskan Native tribes to have a meeting of the NEJAC in Alaska. The number of NEJAC meeting participants from Alaska has increased, he said, and the public comments from Alaskan Natives have demonstrated the serious environmental protection and health issues that they face. In 2001, EPA's OEJ had hosted an environmental justice workshop with other Federal agencies at the Alaska Forum on the Environment, he stated. At the forum, EPA made commitments to develop strategies for addressing environmental issues that affect Alaskan Natives and to develop some steps for action, he noted. These commitments have not been kept, he pointed out, and IEN is requesting that the NEJAC address this matter.

Mr. Goldtooth also noted that various presentations have emphasized the importance of the NEJAC advising the EPA Administrator about issues associated with the Executive order on environmental justice regarding activities that EPA is pursuing in the international community. EPA and other Federal agencies are active in global initiatives such as the United Nations (UN) Framework Convention on Climate Change, he said. In addition, the UN Environmental Programme undertook a process to develop a global assessment of mercury, he stated. To complete the global mercury assessment, a working group consisting of representatives of government, nongovernment, and private sector organizations was established, he explained. The working group concluded that there was sufficient evidence of mercury's adverse effects on human health and the environment to warrant international action, he stated. Mr. Goldtooth asserted that the NEJAC, through its International

Subcommittee, must be active in such international forums to advise EPA on policy matters that effect minority communities and indigenous peoples.

In conclusion, Mr. Goldtooth presented the members of the Executive Council with an IEN fact sheet that discusses the issues of climate change and global warming. Since the early 1990s, the ecosystems of Mother Earth have been compounding in change, he stated. When this phenomenon is combined with the continued production and release of toxic chemicals, a crisis is created that disproportionately impacts minority communities and indigenous people, he explained. Mr. Goldtooth asserted that the NEJAC needs to schedule a session to discuss this issue.

Ms. Eady requested that Mr. Goldtooth provide a copy of his testimony to Mr. Philip Hillman, Polaroid Corporation, and chair of the International Subcommittee of the NEJAC. Mr. Williams noted that the Tulalip Tribes had recently finished a climate change model of the Snohomish River, which runs next to its reservation. The model revealed that land use impacts exacerbate the effects of climate change, he said, and one way to minimize climate change is to address some of the initial land use impacts.

3.21 Ms. Susana Almanza, People Organized in the Defense of Earth and Her Resources (PODER), Austin, Texas

Ms. Susana Almanza, People Organized in the Defense of Earth and Her Resources (PODER), Austin, Texas, and a member of the Enforcement Subcommittee of the NEJAC, stated that people of color and indigenous communities often are disproportionately impacted by environmental hazards. These situations have come about through the targeting of poor communities by polluters, unjust land and economic policies, and unjust application and enforcement of environmental laws, she said.

Since 1993, community leaders and organizations have filed 143 complaints with EPA under Title VI of the Civil Rights Act of 1964 to address environmental racism, she stated. Of the 143 complaints, not one has been resolved in favor of the complainant, she explained. Ms. Almanza emphasized that most of the complaints were dismissed or rejected for technical reasons and

not because of a failure to show discriminatory effects. The lack of involvement of the complainants in the review, investigation, and decision-making process is troubling, she stated.

Ms. Almanza then asked the members of the Executive Council about the current status of the *Draft Revised Guidance for Investigating Title VI Complaints*. The Southwest Network for Environmental and Economic Justice had concerns about the initial guidance and submitted comments in the hope of strengthening the document, she explained. The Network was very displeased with the revised guidance and now believes that it should be abandoned altogether, she stated. The guidance failed to incorporate any substantive recommendations made by the Network, she said, and it is unresponsive to concerns raised by the environmental justice community. In addition, she continued, many provisions that place Title VI complainants at a greater disadvantage were introduced into the guidance. For example, she stated, no rights of appeal for complainants are built into the guidance. A complainant can challenge EPA's finding in court, but many community residents lack the resources to hire a lawyer or pay for studies that are required to prove a claim, she said. Ms. Almanza pointed out that in most cases, the complainant or community is totally dependent on EPA to ensure civil rights.

Ms. Almanza declared that the NEJAC, along with other environmental organizations must pursue justice in communities. The health and lives of the people in our communities are not for sale, she stated. In conclusion, she requested that the NEJAC, EPA, and OEJ address her concerns in a face-to-face meeting and discuss what steps should be taken. Ms. Almanza requested a response from the members of the Executive Council by May 31, 2004.

Mr. Lee told Ms. Almanza that the Executive Council would make sure that EPA's Office of Civil Rights received her handouts and would follow up on her request. Ms. Espinosa pointed out that civil rights are being eroded in communities because of inaccurate interpretations of laws, and she encouraged the NEJAC to press this issue. She stated that the NEJAC should try to formulate a response close to the deadline requested by Ms. Almanza. Ms. Almanza pointed out that EPA is required to

respond to complaints within a certain number of days, but a complaint that she filed in 1995 is still pending. At least the NEJAC would be responding to her request, she said, noting that EPA does not even follow its own laws. In addition, she continued, EPA should notify complainants when it makes arrangements and deals with states. Ms. Espinosa pointed out that the burden is on the communities to check on the status of Title VI complaints and that it would be beneficial to post complaint status information on a web site. That kind of communication would do a lot to alleviate the burden on communities, she said.

3.22 Mr. Genaro Lopez, Southwest Workers Union, San Antonio, Texas

Denouncing what he termed EPA's inactive attitude toward protecting people of color and poor communities from environmental pollution, Mr. Genaro Lopez, Southwest Workers Union (SWU), San Antonio, Texas, stated that EPA consistently is pulling grassroots representatives into an ineffective, bureaucratic process that excludes community voices. Environmental racism remains alive in minority communities despite efforts to work with EPA, he said. Minority communities and workers have their air, health, and lives compromised by the impacts of polluting industries, he stated. EPA has turned a blind eye to the exploitation and poisoning of minority communities and has failed to provide equal protection under the law, he declared.

Kelly Air Force Base closed in July 2001, and the surrounding community has not received any answers about the contamination of over 30,000 families and 10,000 workers, Mr. Lopez said. There is no cleanup plan in place, he claimed, and the Air Force has not accepted any responsibility for the high level of health problems found in the surrounding community, which include cancer, leukemia, asthma, and other ailments.

SWU was one of the groups in San Antonio visited by the FFWG of the NEJAC, Mr. Lopez said. When the FFWG met with community members after meeting first with the Air Force and the San Antonio Metropolitan Health District, he explained, the members of the community were offended. In addition, the cumulative risk report falsely states that the Air Force has a great public

participation model, he asserted. Community members do not want to sit on advisory boards, he declared, explaining that they prefer participating on boards where decisions are being made.

EPA needs to take a firm stance against the Bush Administration and its rollback of air, water, and soil protection, Mr. Lopez stated. In addition, EPA has failed to recognize a single case of environmental racism in the state where the most Title VI cases have been filed for discriminatory activity by federally funded entities, he said. Mr. Lopez pointed out that EPA and the Texas Commission on Environmental Quality (TCEQ) had developed a process for resolving Title VI complaints in Texas, but the communities were never informed about this process.

The NEJAC has recommended guidelines for effective public participation, but they are not being followed by the Air Force, TCEQ, or ATSDR, he noted. The NEJAC's power to implement and enforce policies within EPA and other regulatory agencies needs to be assessed, he stated. In addition, he continued, EPA and the NEJAC should implement a tracking system so that they can track requests and responses and show accountability to communities. Lack of accountability is what frustrates people and causes them to repeatedly come back to the NEJAC meetings, he explained.

Mr. Lopez requested that EPA act in a "transparent manner" by becoming more accessible, accountable, and responsive to community organizations. EPA should follow the NEJAC guidelines for public participation, he said. In addition, he continued, EPA should compel other government agencies to take action about the lack of public participation and the prevalence of environmental racism. In conclusion, Mr. Lopez emphasized that EPA should take a stance on the cleanup standards that must be achieved in the community surrounding Kelly Air Force Base and ensure that those standards are enforced.

Pointing out the persistence of issues related to Federal facilities and the fact that it had been approximately ten years since the IWG was formed, Ms. Espinosa stated that the NEJAC should invite the Federal defense agencies to provide a briefing to the Executive Council on their activities to address environmental justice.

Ms. Tucker suggested that Mr. Lopez attend the Waste and Facility Siting Subcommittee meeting to discuss his interest in Federal facilities. She also suggested that the Executive Council consider restructuring the public comment period because it is hard to devote enough attention to the comments when it is late at night.

Mr. Lee suggested that Mr. Lopez attend the discussion of the *Office of Inspector General Report* scheduled for April 16, 2005. Mr. Lee then pointed out that, in the past, every concern that was voiced at the meeting of the NEJAC was tracked, and letters were sent to all the commenters. He noted that a lot of paperwork was required but not a lot of issues were resolved. The decision-makers need to be the ones who hear the concerns of the people, he stated. Ms. Eady emphasized that any commenter who requested a response from the NEJAC would receive one.

Mr. Sawyers invited Mr. Lopez to submit comments to the cumulative risk report. Ms. Nelson added that Federal facilities require a political solution. The Congressional delegations of the impacted communities need to be identified, she said, and a synergism developed between the communities that are impacted by Federal facilities and their Congressional delegations. Accountability needs to be raised in the communities where Federal facilities are located, she stated. Congressional representatives always strive to get Federal facilities in their communities, but the representatives need to start thinking about the impact that those facilities have on the communities, she explained.

Mr. Goldtooth pointed out that in Alaska, there had recently been collaboration among Alaskan Natives, the state, and DoD to address Federal facility issues. Commitments were made by the Federal agencies to collaborate and address the issues in a systematic, realistic way, he noted. However, he continued, the Federal agencies dropped the ball, and there has been no follow up. Only selected communities are being assessed, he stated, and the other communities are upset because they are not receiving any attention. But the collaborative model is a tool that can be used, he said.

Mr. Warren stated that the environmental justice strategies that need to be used in today's political

environment are complex. The Executive Council needs to look at what OEJ has been doing to help environmental justice communities. OEJ has been doing an excellent job, he said, and the strategies that it has implemented have been intelligent.

Mr. Lopez added that the strategy must be developed from the bottom up to include communities in the decision-making process. Mr. Lee then pointed out that many challenges are associated with bringing different agencies together to discuss environmental justice issues.

3.23 Mr. Richard Burton, Jr., St. James Parish Citizens for Jobs and the Environment, Convent, Louisiana

Noting that he had provided comment during the public comment period held on April 13, Mr. Richard Burton, Jr., St. James Parish Citizens for Jobs and the Environment, Convent, Louisiana, stated that there is a problem with a local farm organization being paid to dispose of human waste by spreading it on sugar cane crops as fertilizer, he reported. In addition, he continued, Rubber Marine is taking burnt grain from New Orleans and disposing of it as compost on fields in Convent. Smoke originating from the burnt grain is causing people to get sick, he stated. Louisiana DEQ sent a representative to examine the problem, he noted, but the representative reportedly came at 5:00 a.m. when it was cool and there was lots of dew on the ground. Mr. Burton expressed his doubt that the representative even came to Convent to examine the problem, and he added that the representative never bothered to contact any of the affected residents.

Mr. Burton requested that the NEJAC help prevent the burnt grain from being disposed of in his community and the human waste from being spread on fields. We have been fighting all kinds of pollution in the community, he said, and people are suffering.

Ms. Subra noted that there are very few regulations applicable to the spreading of sewage sludge on agricultural fields and indicated that this is a big issue across the country. Ms. Subra then asked Mr. Burton whether any areas other than Jefferson Parish had sent waste to Convent and whether the burnt grain problem is ongoing. Mr.

Burton replied that the burnt grain problem had been ongoing for several years. Mr. Burton explained that Louisiana DEQ told the community that nothing can be done about the burnt grain because it is being burned on the river, and maritime law prevents DEQ from taking action. When the grain is moved to land, Mr. Burton stated, DEQ says that it cannot govern agriculture. Ms. Subra said that she would look into the issues and get in touch with Mr. Burton. Ms. Nelson then pointed out that the issue of sludge disposal extends beyond EPA Region 6, and she suggested that the Executive Council discuss it in depth at a later date.

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