

US EPA ARCHIVE DOCUMENT

NATIONAL ENVIRONMENTAL JUSTICE ADVISORY COUNCIL

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

Monday, December 11, 2000

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

The Sixteenth Meeting of the NATIONAL ENVIRONMENTAL JUSTICE ADVISORY COUNCIL convened, pursuant to notice, at 9:00 a.m. on Monday, December 11, 2000.

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APPEARANCES
NEJAC Advisory Council Members:

- MR. HAYWOOD TURRENTINE, Chairperson
MR. CHARLES LEE, DFO
MR. DON J. ARAGON
MS. ROSE MARIE AUGUSTINE
MR. LUKE W. COLE
MR. MICHEL GELOBTER
MR. TOM GOLDTOOTH
MS. JENNIFER HILL-KELLY
MS. ANNABELLE JARAMILLO
MS. VERNICE MILLER-TRAVIS
MR. HAROLD MITCHELL
MS. MARINELLE PAYTON
MS. ROSA HILDA RAMOS
MS. PEGGY SHEPARD
MR. ALBERTO SALDAMANDO
MS. JANE STAHL
MR. GERALD TORRES
MS. JANA L. WALKER
MR. TSEMING YANG
MS. PAT HILL WOOD

Also Present:

- MR. W. MICHAEL McCABE
MR. BARRY E. HILL
MR. BRADLEY CAMPBELL
MR. STEVE HERMAN
MR. TIMOTHY FIELDS
MS. LOIS SCHIFFER
SECRETARY SHERRI GOODMAN
ADMIRAL CHRISTOPHER WEAVER
DR. CAROLYN HUNTOON
MR. RON STROMAN
MR. WILLIE R. TAYLOR
MS. LISA A. GUIDE

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Appearances (Cont.):

- MR. JERRY CLIFFORD
MR. ROLAND DROITSCH
DR. CHARLES A. WELLS
MR. HUBERT AVANT
MR. RUEBEN C. WARREN
MR. TERRY HARWOOD
MR. DAMU SMITH
MS. SYLVIA LIU
MR. MARVIN TURNER

Public Comment Period Presenters:

- MR. JEROME BALTER
MS. CONNIE TUCKER
MR. KENNETH BRADSHAW
MS. DORIS BRADSHAW
MS. MARY LAMIELLE
MS. ETHEL M. LANE
MR. LAWRENCE A. PLUMLEE
MR. RICHARD BURTON
MR. JOHN RUNKLE
MS. LeVONNE STONE
MS. KATHRYN MUTZ
MS. LAURA HUNTER
MR. CHAVEL LOPEZ
MR. J. GILBERT SANCHEZ
MS. TERESA JUAREZ
MR. RODNEY LIVINGSTON
MR. ARMANDO GANDARILLA

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P R O C E E D I N G S

1

2 WELCOME BY HAYWOOD TURRENTINE

3 MR. TURRENTINE: Good morning. Could I ask that those in the

4 rear find a seat so that we can get started.

5 I'm Haywood Turrentine and I'm the Chairman of the National

6 Environmental Justice Advisory Council. At this time I would like to

7 declare that the Sixteenth Meeting of the National Environmental Justice

8 Advisory Council is now in session. I would like to welcome each of you

9 to this very important issue-oriented meeting.

10 I will come back later and give some further introductions and

11 welcomes and also to briefly review the agenda. You will note that

12 we've got an aggressive agenda for this week and we're going to need

13 to cooperate as much as possible so that we can get through it by the

14 end of the week.

15 At this point, rather than go into that, I would ask Steve Herman if

16 he would bring words of welcome and also introduce the next person

17 that will speak. Steve.

18 WELCOME BY MR. STEVE HERMAN

19 MR. HERMAN: Thank you very much, Haywood. As always, it's

20 one of the great pleasures for myself to be here this morning.

21 This is the last Environmental Justice Advisory Committee meeting

22 of this administration. You know that for all of us who have worked to

23 form the NEJAC and be with the NEJAC these past seven years, it has

24 been one of the areas that has given us the greatest joy and the

25 greatest satisfaction, both for the nature of the work and the people that

26 it has brought together, the very difficult issues that we have taken on,

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1 and some of the victories and some of the frustrations.  
2 The person that I'm going to introduce, Mike McCabe, is the  
3 Deputy Administrator of the agency. Prior to that he was the Regional  
4 Administrator in Philadelphia. I think everybody that knows Mike knows  
5 the esteem with which he's held by all of his colleagues and by all of  
6 those who have had the privilege to work with him.

7 One of the areas, or the area that Mike has been absolutely  
8 passionate about both inside and outside the agency has been  
9 environmental justice, and his commitment to that is second to none.  
10 Mike has worked on large problems and on small problems with all of us  
11 to help move the ball both within EPA and within the entire Federal  
12 Government on environmental justice. I know we who have worked with  
13 him feel very, very lucky to have had a person of Mike's intellect and  
14 caliber and integrity and, most of all, commitment to work with on this  
15 subject.

16 So, without further ado, let me introduce Mike McCabe.

17 WELCOME BY

18 DEPUTY ADMINISTRATOR MICHAEL W. McCABE

19 MR. McCABE: Steve, thank you very much for that introduction.  
20 Good morning, I want to thank all of you for being here and  
21 welcome you here to this four-day meeting of the National  
22 Environmental Justice Advisory Council. As Steve said, it is the last  
23 meeting of this administration and it is probably my last meeting, given  
24 the Supreme Court's decision, as a Presidential appointee for this  
25 administration and possibly the next. So I think that we're looking at a  
26 future that's uncertain and it's good that we're all here at this point to talk

1 about what that future should look like.  
2 I also want to thank Haywood and the rest of the Executive Council  
3 for all their time and hard work on these important issues.  
4 I'd especially like to applaud Haywood as he ends his tenure as  
5 Council chair. Through his leadership NEJAC has prioritized their  
6 agenda and now focuses on a wide range of specific policy issues,  
7 policy issues that are important to the communities that you all  
8 represent.

9 Before I get on, I'd like to note some other important people too,  
10 people that I've had the great fortune of working with over the last five  
11 and a half years.

12 There's Tim Fields who as Assistant Administrator for OSWER, for  
13 the Office of Solid Waste and Emergency Response, has carved out  
14 part of his very busy schedule to focus on NEJAC issues, environmental  
15 justice issues, the issues of workplace fairness in the agency. I want to  
16 thank Tim for all of his contributions.

17 I'd like to thank Barry Hill, too, for the leadership that he's provided,  
18 along with his colleague and cohort, Charles Lee. Together I think that  
19 they have provided tremendous leadership and vision for this  
20 administration's environmental justice priorities.

21 I would like to thank Marsha Minter who serves the Administrator  
22 and myself very ably in being our key staff person in the Administrator's  
23 office on environmental justice issues and a wide range of other issues  
24 which she handles with great ability and provides tremendous counsel  
25 to Carol Browner and myself.

26 I'd like to specifically thank my tutors in environmental justice,

1 Samantha Fairchild from Region 3, Reggie Harris, Hal Yates. When I  
2 was regional administrator, those three folks worked with me very  
3 closely to deal with environmental justice issues in the region, but also,  
4 they helped me gain a much broader perspective of environmental  
5 justice issues throughout the country and how important environmental  
6 justice was to so many of our citizens, to many communities across the  
7 country.

8 We also have great representation from the regional administrators  
9 this morning. Many of you don't know it, but last night we had a going  
10 away party for all of the political appointees in this administration and,  
11 frankly, I'm surprised to see so many of us here this morning awake and  
12 alert. Well, at least you're awake.

13 So, I think that the participation by the RAs, their commitment to  
14 being at this, the last NEJAC meeting of this administration, shows just  
15 how widespread the support for environmental justice is, how committed  
16 the entire agency is to pursuing environmental justice policies under this  
17 administration.

18 As we have alluded to, both the EPA and NEJAC are undergoing  
19 a changing of the guard. The change represents an opportunity to  
20 celebrate our successes, solidify our gains and reaffirm our  
21 commitments. It also presents an opportunity to chart a new blueprint  
22 for the future.

23 Since President Clinton issued his Executive Order on  
24 Environmental Justice back in February of 1994, it's been the duty of  
25 every federal agency to consider its effects, the effects of its policies  
26 and decisions on the health and environment of low income or minority

1 neighborhoods.  
2 This is the focus of the NEJAC meeting, this has been the focus of  
3 NEJAC itself, to have a dialogue on the progress the Federal  
4 Government has made toward integrating environmental justice into its  
5 policies, its programs, and its activities, consistent with existing laws and  
6 Executive Order 12898.

7 Let me assure you that the Clinton/Gore Administration has been  
8 totally committed to implementing programs, policies, and activities that  
9 ensure the health of a community does not depend on the wealth of the  
10 community or the race of the families in that community.

11 We may not have always moved as rapidly or acted as  
12 comprehensively as some of you may have wanted, but our  
13 commitment to this cause has never wavered. At EPA we take this  
14 responsibility very seriously.

15 In keeping with this commitment of fairness and equal opportunity,  
16 one of our guiding principles has been that all citizens, regardless of  
17 race, color or national origin, are entitled to a safe and healthy  
18 environment. And we recognize that meaningful participation in our  
19 agency decisionmaking process is essential, is crucial, to accomplishing  
20 that mission.

21 We continue to review and revise the agency's administrative  
22 procedures relating to public involvement in policymaking. EPA will  
23 soon release its draft public involvement policy for comment. The policy  
24 will strengthen EPA's commitment to early and meaningful public  
25 involvement. The policy will also ensure that environmental decisions  
26 are made with an understanding of the interests and concerns of

1 affected peoples and entities. We encourage NEJAC to comment on  
2 this document.

3 We've come a long way in six years. Since that time, the  
4 interagency integration of environmental justice is becoming a reality,  
5 and the progress of the Interagency Working Group on Environmental  
6 Justice is substantial.

7 It's really quite remarkable, when you think about it. This  
8 December marks the 30th anniversary of the creation of EPA, and back  
9 then most people never heard of environmental justice. Well, today,  
10 because of the tireless work of all of you at NEJAC and the unified  
11 voices of communities across the nation, environmental justice is  
12 becoming a right, not just a privilege.

13 To maintain the momentum for the past six years federal agencies  
14 must continue to work in partnership. To maintain the momentum for  
15 the next six years -- for the next four years under a new administration  
16 -- will be challenging.

17 I can assure you that both Carol Browner and I in the transition that  
18 is to come will communicate to whoever the new president is that it is  
19 essential that this agency maintain its commitment to environmental  
20 justice and to the communities who are served by this agency.

21 Through partnerships -- and partnerships are the basis for our  
22 undertaking here -- through partnerships, EPA is making great strides  
23 in protecting the health of children and communities. EPA is working  
24 with community public health partners across the country, especially in  
25 cities, our inner cities, and our rural areas, to help diagnose and treat  
26 asthma as well as warn parents about air days that are likely to trigger

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1 an asthma attack. Our goal is to eliminate the disproportionate burden  
2 of asthma among minorities and the disadvantaged.

3 Through partnerships EPA is revitalizing communities and creating  
4 jobs through the Brownfields Program. Revitalizing these sites mostly  
5 in low income or minority neighborhoods created more than 8,300  
6 construction jobs. And when the work was done, another 22,000 jobs  
7 were either created or retained. This program is bringing both  
8 environmental justice and economic opportunity to these  
9 neighborhoods.

10 Through partnerships EPA is addressing public health and the  
11 environment in urban areas. Over the years concerns of lead poisoning  
12 has been a topic of debate at environmental justice forums and  
13 conferences across the country. During the same timeframe of these  
14 debates, lead exposure among young children has been dramatically  
15 reduced through a concerted effort by federal, state and local  
16 government agencies, along with voluntary actions in the private sector.

17 In high risk urban areas EPA sponsors programs like the Lead  
18 Safe Babies Project, which employs outreach workers to visit new  
19 parents to teach them how to take preventive measures to protect their  
20 newborns.

21 But there is much more to do. I don't have to tell any of you here  
22 today just how much more there is.

23 Although challenges still remain I am proud of the things that we  
24 have accomplished together. Through our collective efforts we are  
25 securing a healthy and sustainable future for the next generation.

26 As we continue to be champions for environmental justice, I recall

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1 what Isaac Newton once said. "If I have been able to see further, it is  
2 because I stood on the shoulders of giants."

3 On behalf of Carol Browner, for myself, I would like to thank you for  
4 being EPA's giants.

5 Good luck. Thank you very much for all of your hard work, and  
6 God bless you.

7 (Applause.)

8 MR. TURRENTINE: Mike, thank you very much. And thanks to  
9 Carol Browner for the continued support that she has provided to this  
10 endeavor.

11 As is always the case --

12 MR. GELOBTER: Haywood, could I make a comment briefly?

13 MR. TURRENTINE: I don't know who --

14 MR. GELOBTER: It's Michel. We can't quite see each other.

15 MR. TURRENTINE: Oh, okay.

16 MR. GELOBTER: I don't know if there will be another opportunity  
17 to do this. I hope there will be. You know, I'd be the last person to say  
18 that I'd agree with everything that the agency had done on anything, but  
19 especially on environmental justice, the last few years. But I do want to  
20 say that I think that this administration, the folks at EPA, have mobilized  
21 obviously at a level unprecedented in EPA history to make  
22 environmental justice as much a reality as they could, I think,  
23 individually and organizationally.

24 I think the people have worked very hard for the last few years and  
25 have set a very high standard for the next administration, whether it's  
26 President Gore or President Bush -- they will have to be looking over

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1 their shoulders to keep up with what this administration has done  
2 compared to what had come prior to that.

3 And I want to say thank you both to you and to -- I hope we can talk  
4 in the NEJAC over the next few days about a way to express this more  
5 formally -- for the hard work that's been done and especially to, you  
6 know, Team EJ with Steve Herman and Tim Fields and Charles Lee and  
7 Barry Hill and others -- you know, Clarice and others who have been  
8 here for the last few years working on this stuff. We really appreciate it  
9 and we hope that we will see you all elevated to higher and higher  
10 positions in whatever political days may come in the next few months.

11 MR. TURRENTINE: Thanks.

12 Now, as I started to indicate, as always, NEJAC holds its meetings  
13 in a region. An incredible amount of work is put into the planning and  
14 the process through which you carry out these meetings.

15 This particular meeting is in Region 3 and the next person who is  
16 going to speak to you, you've seen him wearing another hat a number  
17 of times before the NEJAC. I think this may be the first time you have  
18 had an opportunity to hear and see him as the Region 3 Administrator.

19 It gives me a tremendous amount of pleasure to introduce  
20 someone that I've gotten to know back when he was with the White  
21 House and now since he's gone to Region 3. I would like to have  
22 comments of welcome and other statements from Brad Campbell.  
23 Brad.

24 WELCOME BY MR. BRADLEY CAMPBELL

25 MR. CAMPBELL: Thank you, Haywood. I'm going to speak briefly  
26 because I seem to be unable to shake a cold these last few weeks. I've

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1 told most people that it's my contribution to transition to really try to die  
2 in office so that the process of resignation and so forth is a little easier.

3 I also would be remiss if I didn't take this moment to thank all of the  
4 members of the NEJAC, past and present, for their contribution not only  
5 to the work of EPA and to my work in prior positions at the White House  
6 and the Department of Justice, but also to the contribution they've made  
7 to my understanding as an environmental professional and as an  
8 advocate about the depth, complexity and importance of environmental  
9 justice issues not just to EPA but to all of the agencies of the Federal  
10 Government and all agencies of state and local government

11 I also want to thank not only the mentors I have at EPA Region 3,  
12 Samantha Fairchild, Reggie Harris, Hal Yates and others, but also the  
13 mentors I've been able to work closely with along the way, Peggy  
14 Shepard, among others -- to my left here -- who've helped teach me how  
15 to highlight and hopefully address some of the more difficult  
16 environmental issues that communities face at listening sessions in New  
17 York and in Los Angeles and in the day to day work of the region in  
18 Philadelphia and encompassing six states.

19 I think, without prolonging the introductions, I want to mention a few  
20 things about our work in Region 3 that I think reflect on this moment of  
21 both uncertainty and anticipation.

22 Most importantly, I want to emphasize that while there is a sense  
23 of wind-down in the administration and completing the last projects, we  
24 are continuing until the very last day to keep the bar high, to keep as  
25 much in movement on the environmental justice front as we possibly  
26 can.

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1 I want to highlight a few areas where we are continuing to do that  
2 because I think they reflect really on the larger agenda that lies ahead.

3 First, we are continuing our efforts to better integrate EPA's  
4 mission with that of other agencies, recognizing that it is not a sufficient  
5 answer to say that a particular problem confronting a community is not  
6 within our jurisdiction, it's not within our statutory mandate.

7 So, whether it's in Chester or in some of the communities affected  
8 by our local Superfund sites, we continue to try to build those linkages  
9 to work with other agencies and to deliver the resources of the entire  
10 Federal Government to whatever environmental justice problem we are  
11 confronting.

12 A second, and I think it's going to continue to be a problem  
13 nationally in communities affected by environmental justice issues, is  
14 the effort to improve the health data that we have in communities. As  
15 many of you know, there's increasing data showing that cancers and  
16 other illnesses are much -- the causes are much more dominantly  
17 environmental rather than genetic.

18 But whenever we enter communities that are concerned, that see  
19 anecdotally the numbers of cancers, numbers of asthma, what we find  
20 is that the local health data is very limited, and often too limited to make  
21 any good conclusions, scientifically strong conclusions, about the  
22 potential linkages between those very real health problems and the  
23 environmental conditions that need to be addressed.

24 While there are national efforts along this line, the national health  
25 track initiative to try to have a national system of monitoring in place, we  
26 are trying in the region to model some very community-specific efforts

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1 to gather better health data.

2 Even in the last few weeks we've initiated a very site-specific  
3 epidemiological study of residents surrounding the Lower Darby Creek  
4 Superfund site. Again, that's a very typical Superfund site in which  
5 people fear that their health problems are connected to the site.

6 To date EPA has never been able to identify whether that is so.  
7 We want to go in and say that even if it is not the Superfund site, let's  
8 try to do a more comprehensive health assessment than we typically do  
9 under Superfund. And if it isn't Superfund or if it isn't even EPA's  
10 jurisdiction, see if we can use the leverage of the Federal Government  
11 to shine a spotlight on those problems and hopefully address the  
12 concerns of the community.

13 A third area that we're continuing to work on is to highlight some of  
14 the linkages between environmental problems suffered by low income  
15 and minority communities and linking that more closely to the economic  
16 opportunities that may be available in the process of addressing those  
17 problems.

18 Obviously the extent to which we address brownfields in distressed  
19 minority and low income communities and revitalize those sites for  
20 future development, that's probably the paradigm of making those  
21 linkages between addressing environmental justice issues and creating  
22 greater hope and economic opportunity in affected communities.

23 But we're also pursuing other lines, again, in the spirit of  
24 integration, a reflection of the national effort to have an integrated  
25 interagency environmental justice action agenda to try to draw linkages  
26 between clean air and economic opportunity.

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1 Just this past week I met with the president of the African-  
2 American Chamber of Commerce in Philadelphia to see if we can  
3 translate the need for alternative fuel vehicles in the region to address  
4 the air quality problems that disproportionately affect low income and  
5 minority communities that lead to asthma rates that are double and  
6 triple in the Hispanic and black communities to what they are in other  
7 communities -- link that to potential economic opportunities in low  
8 income and minority communities so that the very communities that  
9 have suffered disproportionately from our air quality problems may be  
10 the first to benefit when we create economic opportunity by finally  
11 addressing those problems.

12 We've very closely working to see if we can develop not only  
13 broader use of alternative fuel vehicles to address the problem, but also  
14 an opportunity for minority entrepreneurs to be the very first to be able  
15 to benefit from some of the economic opportunities that may arrive.

16 So, with that, I want to conclude my remarks. I thank you,  
17 Haywood, for your leadership and that of your predecessors on the  
18 NEJAC and for my personal education, which I think has contributed not  
19 only to my own development and work, but also hopefully to some real  
20 on-the-ground results in terms of the communities that EPA serves and  
21 Region 3 serves in particular. And we're honored to host this last  
22 NEJAC of this administration.

23 Thank you.

24 MR. TURRENTINE: Thank you very much, Brad.

25 Now, it gives me a great deal of pleasure to introduce someone  
26 who came on the scene a couple of years ago -- it seems like a couple

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1 of years; it might have been ten, I'm not sure anymore -- but someone  
2 who came on the scene and sought to make a difference. And he  
3 sought to create some changes within the structure, within the way that  
4 NEJAC operated and how it attempted to address its issues.

5 Barry came on the scene and suggested that we look at some  
6 specific issues, some overriding issues that NEJAC could provide the  
7 agency with some feedback and some recommendations. It's through  
8 his efforts largely that we have gone from an open agenda to a focused  
9 agenda meeting, and I think to the benefit of all.

10 At this time I would like Barry to come and offer words of wisdom,  
11 advice, welcome, or whatever he chooses to do. Barry.

12 WELCOME BY MR. BARRY E. HILL

13 MR. HILL: Thanks, Haywood. The ideas that I came to this  
14 position with could not have been realized without your participation,  
15 Haywood, and the participation of the NEJAC. I think it's obvious that  
16 what we've accomplished exemplifies the fact that we are a team and  
17 that we can work well as team members.

18 Well, good morning, everyone. Let's start this over -- good  
19 morning everyone.

20 PARTICIPANTS: Good morning.

21 MR. HILL: I'm really pleased to stand before you at this particular  
22 NEJAC meeting. This meeting is designed to be not only retrospective  
23 because it provides all of us with the opportunity to look back over the  
24 last six to eight years, but it is also designed to be prospective in that it  
25 provides us the opportunity to look forward and to develop strategic  
26 plans and then to implement those plans over the next couple of years.

1 As you know, the policy question for this meeting is as follows:  
2 What progress has the Federal Government made towards integrating  
3 environmental justice into the policies, programs and activities  
4 consistent with existing laws and Executive Order 12898?

5 Now, that carefully crafted policy question really speaks to the  
6 basic purpose of government and the important role that government  
7 plays in all of our lives.

8 Government is one of humanity's oldest and most important  
9 institutions. Some kind of government has been a vital part of every  
10 society. Many questions about the role of government concern the  
11 relationship between government and the public that it is required to  
12 serve and protect. One of the most basic questions regarding that  
13 relationship is what right is so fundamental to the public that it is a  
14 responsibility of the government to secure, preserve and protect that  
15 right. What right is so fundamental?

16 On Earth Day 1990 the Reverend Jesse Jackson I believe offered  
17 his response to that question. He stated in his own inimitable way "Over  
18 the years I've lead many demonstrations, the right to public  
19 accommodations, the right of open housing, the right to be free of a third  
20 world war, the right to register and vote. Yet, none of those rights are  
21 more basic than the right to breathe free for unless I have the right to  
22 breathe, the right to drink good drinking water, no other right can be  
23 realized."

24 Strong words. In other words, residents of every community  
25 throughout this country, as citizens of this Democracy, are entitled to  
26 clean air, clean land, and clean water. It is their right and it is the

1 responsibility of the government to secure, preserve, and protect that  
2 fundamental right.

3 Think about it for a second. Isn't that the goal of environmental  
4 justice? Clean air, clean land and clean water for everyone, and equal  
5 enforcement of protective environmental laws for all members of  
6 American society?

7 In the words of Deoohn Ferris, the former chair of NEJAC's  
8 Enforcement Subcommittee, "environmental justice is not about equal  
9 pollution; environmental justice is about equal protection."

10 Benjamin Franklin once said, "The public must and will be served."  
11 He was speaking of the important role of government in the lives of the  
12 public, and the underlying question that has been posed for this NEJAC  
13 meeting really is whether we, as public servants, are effectively and  
14 efficiently serving the public with respect to ensuring that the air, land  
15 and the water are clean for everyone.

16 That is the real question of this meeting. Over the next couple of  
17 days you will hear about the Interagency Working Group and the  
18 demonstration projects that have been initiated. You will hear how  
19 those demonstration projects can serve as models for other efforts  
20 around this country. But there is one thing that I want you to really pay  
21 particular attention to. That is, that the Interagency Working Group is  
22 an effort to fundamentally change how government operates and  
23 provides good services and resources to the public to ensure clean air,  
24 clean land and clean water for everyone.

25 You will hear about the work of government employees under the  
26 Interagency Working Group umbrella that affects the health, welfare and

1 security of every American. Not only do we, as public servants, inspect  
2 food and drugs, collect taxes, mint money, maintain law and order, and  
3 administer the Social Security System, but we also explore space,  
4 forecast the weather, control the airways, protect parks and forests,  
5 conduct American's atomic energy program, carry on many scientific  
6 research projects, and build public housing and highways. Moreover,  
7 we enforce environmental protection standards.

8 We, however, are not perfect in the performance of our duties and  
9 responsibilities. Therefore, the Environmental Protection Agency  
10 through the Office of Environmental Justice and the other members of  
11 the federal family have asked the NEJAC to convene this public meeting  
12 so that NEJAC can in turn provide its advice and recommendations  
13 regarding how we, as government employees, can better serve the  
14 public.

15 We look forward to a vibrant meeting, to a robust discussion and  
16 the constructive advice that will follow. Thank you all for coming.

17 (Applause.)

18 MR. TURRENTINE: Thank you, Barry.

19 Lastly, it gives me a real sense of personal satisfaction and pride  
20 to have -- rather than me introduce them, have them introduce  
21 themselves, and that is a group of people, 25 people that I've had the  
22 opportunity to work with the last few years, to get to know in many  
23 instances, to get close to, and to fight through some major issues in an  
24 effort to carry out the mandate of this federal advisory committee.

25 The group to which I refer is the 25 members council, the  
26 Executive Council. At this time I would ask, starting with Don, each of

1 you, if you would introduce yourselves and if you have a comment for  
2 Mike, Barry or Brad, you could make it at this point. Don.

3 INTRODUCTION OF NEJAC EXECUTIVE COUNCIL

4 MR. ARAGON: Thank you, Mr. Chairman. My name is Don  
5 Aragon. I'm the Executive Director for the Shoshone and Arapaho  
6 Tribes Environmental Program in Fort Washington, Wyoming.

7 There is just one point that I would like to make. I'm extremely  
8 pleased with the way the EPA has developed Indian policy and how the  
9 EPA continues to work with Indian Tribes throughout the United States.  
10 I don't see that same effort from other federal agencies and I wish that  
11 the federal family could all follow the leadership that the EPA has  
12 brought and form groups such as the Tribal Operations Committee to  
13 listen to the tribes themselves so that they could better serve the people  
14 that live on the reservations.

15 I was pleased to hear about the health data stuff that was brought  
16 forth here this morning because on Indian reservations the health data  
17 is very poor. We have an abnormal amount of cancers and other  
18 respiratory illnesses that are or can be related to environmental issues  
19 that affect us, and we feel that there needs to be this comprehensive  
20 effort to get out and identify these sources of what is causing so many  
21 problems with our people.

22 I also think that when we look at our communities, our communities  
23 have been communities under stress also because of the fact that we  
24 have had to learn to live with what was given to us by the different  
25 agencies. I think at this particular time the Indian tribes are becoming  
26 extremely more assertive and more vocal and instead of just accepting

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1 things we are asking these serious questions as to what is the cause of  
2 these things, let's get in there and do something about it.

3 I've sat on different groups and different panels that have taken a  
4 look at the problems with Indian Tribes that rely on subsistence and the  
5 problems that these tribes are having because their food chain and their  
6 food sources are being affected by environmental industrial waste  
7 discharges.

8 But also, I think it's extremely important that we continue with the  
9 NEJAC. I think it is an excellent opportunity for the people to come  
10 forth, and I would really encourage the administrators of the EPA to  
11 listen to the people as they come forth with their public testimony.

12 Thank you.

13 MR. TURRENTINE: Thank you, Don.

14 MS. AUGUSTINE: My name is Rose Augustine. I have to  
15 apologize; I have laryngitis.

16 I think the NEJAC is something that we worked very hard to  
17 accomplish together, a forum for communities that have problems to  
18 come and have government listen to them.

19 I'm going to save my comments that I have regarding the NEJAC  
20 for later on this afternoon if I may speak as a community person and not  
21 as a NEJAC member, and hopefully my voice will be better by then.

22 MR. COLE: Thanks. My name is Luke Cole. I've been struck  
23 speechless by the remarks this morning, and with that I'll just say I wish  
24 all of you political appointees a successful transition into the next  
25 chapter of your lives, and I wish the NEJAC a successful transition into  
26 the next chapter of its life.

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1 Thank you.

2 MR. GELOBTER: My name is Michel Gelobter. I'm a professor at  
3 Rutgers University's Newark Campus and the Academic Director of the  
4 Community-University Consortium for Regional Environmental Justice.

5 I already made my comments, but I just wanted to just add to -- not  
6 just the political appointees, but all the staff that, you know, we're still all  
7 going to be in touch too. That's what I meant by what I was saying. No  
8 matter where you go or where we go, we hope that we'll continue to stay  
9 in touch with the folks in the agency and folks who are leaving as well.

10 MR. GOLDTOOTH: My name is Tom Goldtooth. I'm Chair of the  
11 Indigenous Peoples Subcommittee and I'm also National Director of the  
12 Indigenous Environmental Network.

13 You know, in looking back, I think I would like to commend a lot of  
14 the staff people within the agency, those within the environmental justice  
15 offices out of central office, as well as regional offices, and a lot of the  
16 other departments and a lot of the staff people that begin to understand  
17 what environmental justice is. Many of those people, you know, have  
18 come here to hear the testimony of our public and learn from our people  
19 who are impacted.

20 I know that we've struggled during the past couple of years with  
21 trying to balance the issues, the specific concerns that our communities  
22 come here to talk about and seek some kind of resolution from this  
23 body, as well as policy impacts that we have the potential of affecting  
24 within this administration.

25 You know, I feel that the EPA administration, the political  
26 appointees, have supported most of the work, most of the suggestions

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1 that we've put forth concerning environmental justice.

2 I don't know where we're going to be going under the next  
3 administration. I hope that whatever administration comes into office  
4 that they will continue to hear from our communities out there. Definitely  
5 I know our communities will let them know what our concerns are. At  
6 least with our constituency, you know, we're waiting who the next  
7 administration is and we're ready and able to be there to put forth our  
8 demands.

9 Thank you.

10 MS. HILL-KELLY: Good morning. My name is Jennifer Hill-Kelly.  
11 I'm a member of the Oneida Nation of Wisconsin. I currently serve as  
12 the Environmental Quality Director for my tribe, and am a member of the  
13 Indigenous Peoples Subcommittee.

14 I hope to contribute the perspective of tribal peoples and tribal  
15 governments to this discussion of environmental justice.

16 More often than not, tribal governments, as we heard from Don  
17 Aragon, and tribal peoples themselves, are more affected by the  
18 disproportionate impacts of pollution as well as Federal Government  
19 decisions. And so I feel very fortunate that we have this forum, the  
20 NEJAC, to raise these issues and to have some dialogue and to be able  
21 to educate people about those issues.

22 So, I look forward to this focused discussion on more of a  
23 reassessment and an evaluation of exactly what those federal  
24 contributions have been.

25 Thank you.

26 MS. WOOD: I'm Pat Wood with Georgia Pacific Corporation.

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1 I want to say thank you and good luck and God's speed and  
2 success with whatever lies ahead for Brad and for Steve and Mike and  
3 Tim and for the others that are here. However, I don't really expect that  
4 any of you will go too far away because when I think about the issues  
5 that we wrestle with, I would suggest that regardless of who the  
6 administration is, if we ever get that sorted -- the Chinese proverb  
7 comes to mind, or maybe it's a curse -- that we live in interesting times  
8 and we have many issues to wrestle with and I think we're going to be  
9 expecting and hoping to draw on the expertise from all of you that have  
10 worked on these issues.

11 Certainly, we'll have some new folks to add to the fray and the  
12 discussion, but we must find ways to try to address a whole multitude of  
13 problems that our society faces right now and I can't imagine that we're  
14 going to have all this talent that's up here disappear and not come back  
15 to help us in the future.

16 In any case, God's speed in whatever you choose to do.

17 MS. JARAMILLO: I'm suffering from not being able to breathe free.  
18 I think every time we fly across the country that recycled air in the  
19 aircraft kind of does a number on all of us.

20 My name is Annabelle Jaramillo. I represent State Government  
21 here. I work for the Governor of Oregon. I will be remaining on the  
22 NEJAC for a little bit longer, kind of in a different capacity; representing  
23 Local Government -- I have recently become an elected official, which  
24 is kind of exciting. So I know exactly what transition is like right now, not  
25 knowing where we're going.

26 I commend all of you for the hard work that you've done and I know

1 that -- I hope you will continue to stay on -- I think one way to look at this  
2 is that this is an opportunity to move into an arena perhaps of advocacy  
3 that can even be stronger for environmental justice, and I hope that that  
4 advocacy will continue.

5 Any way that I can help with that, as a private citizen or as even a  
6 person involved in this kind of process, I would be very happy to do that,  
7 and I know that we all want to continue doing that.

8 In our state recently we've been assaulted by the forces of  
9 darkness, as I call them, in terms of attacks on many of our land use  
10 and environmental laws, and it's always helpful to know that there might  
11 be some backup out there that will help us keep a perspective in mind  
12 that we're all entitled to live in an environment that is pollution-free and  
13 that will be there for our children and our grandchildren and beyond.

14 I think there's a tremendous responsibility that the Federal  
15 Government has in terms of its regulatory and its modeling process, if  
16 you will, in terms of dealing with protecting the environment. In many  
17 states there aren't the sorts of fall-back positions that we have in our  
18 state, and recently we've been reminded of that, that if we aren't diligent,  
19 we can lose those.

20 But it's always in the back of my mind that if the Federal  
21 Government can stand tall and remain strong on many of these  
22 regulatory positions, that in fact we can prevail and protect the health of  
23 all people, and protect our environment as well.

24 Thank you.

25 MS. SHEPARD: Good morning. I'm Peggy Shepard, Executive  
26 Director of West Harlem Environmental Action and Vice Chair of the

1 NEJAC.

2 I'd like to thank the EPA appointees who are here with us today for  
3 their leadership within the EPA to advance EJ concerns. We all know  
4 the difficulty with beginning to change culture within a bureaucracy, so  
5 I thank them for their efforts, and we'll need the strong efforts of those  
6 who are going to come behind you.

7 We face so many new challenges with the new administration  
8 coming in, we will all have to work together to be focused, to be  
9 strategic, if we're really going to have a strong, effective NEJAC in the  
10 next years to come.

11 I look forward to working with my colleagues here in the NEJAC  
12 and am sad to see some of the ones who are rotating off go, but I will  
13 be seeking all of their advice and recommendations and look forward to  
14 working with you all to advance environmental justice and to protect the  
15 communities that we're here to serve.

16 MS. TRAVIS-MILLER: Good morning. My name is Vernice Miller-  
17 Travis. I'm Program Officer at the Ford Foundation, Community and  
18 Resource Development Unit, and I direct its environmental justice  
19 programming and grant-making. I'm also the co-founder of West  
20 Harlem Environmental Action, with Peggy Shepard, and have been a  
21 member of the NEJAC through the Waste and Facilities Siting  
22 Subcommittee, which I now chair, for a number of years.

23 I want to say a tremendous thank you to the Environmental  
24 Protection Agency, which has for a number of years let us yell at them,  
25 scream at them, badger them, write really mean letters over the years  
26 -- and that includes from the top down; no one was outside of our bull's-

1 eye. And over the years, over the eight years that we've worked  
2 together, we've developed some tremendous collaborations, but we've  
3 also developed some tremendous friendships.

4 I think that's the best thing you can say about any work that you do  
5 that in the end of the process you come out knowing that you've gained  
6 real relationships and real friends that will transcend no matter what you  
7 do and where you go.

8 I want to say how important I think the NEJAC is by way of  
9 example. At this time yesterday I was in Bahia, Brazil. It's 95 degrees  
10 there, it's really sultry, it's a Black nation, it's a fabulous place, it's a  
11 place I've always wanted to go my entire life, and I got on a plane and  
12 left there last night so I could get here in time for the meeting. And  
13 probably Barry and Charles and Tim would say, she got here the same  
14 time she would normally get here even if she was just coming from  
15 Maryland. A little earlier, in fact. But I did that because I truly wanted  
16 to be here for what will be a very, very significant meeting.

17 Lastly, I want to say, the tone going around the table about the  
18 transition process -- I'm not giving up until it's over, and it ain't over. So  
19 I want to sort of keep our spirits up that hopefully we'll continue this  
20 conversation, we'll continue this dialogue at the highest levels of  
21 government, the way we have since 1992 or 1993 when President  
22 Clinton and Vice President Gore were sworn in.

23 So, you know, just keep your spirits up; it ain't over till it's over.  
24 (Applause.)

25 MR. McCABE: Vernice, I appreciate that. I agree with you. I think  
26 that we've already seen this morning that anything can happen if Carl

1 can be rendered speechless.

2 (Laughter.)

3 MR. McCABE: So, I have not lost hope.

4 MR. MITCHELL: Good morning. My name is Harold Mitchell. I'm  
5 Executive Director of Re-Genesis, a 1,600 member community group in  
6 Spartanburg, South Carolina which is one of the demonstration pilot  
7 projects that have benefitted tremendously from the collaboration of all  
8 the federal agencies involved. James Talley of Spartanburg will present  
9 our project tomorrow, which I personally feel that it will add a lot of true  
10 and realistic substance to this meeting.

11 I'd also like to thank Tim Fields and EPA, Charles Lee, Barry Hill,  
12 Haywood, and the rest of the NEJAC because it was here where our  
13 project first began of writing the letters and using the tools to get us to  
14 the point to where we are presently at at this time. Like Vernice has  
15 stated, oral arguments don't begin until 11:00 and I'm just hoping for the  
16 best as well.

17 MS. PAYTON: Good morning. I'm Marinelle Payton, Chair of the  
18 Health and Research Subcommittee, formerly a professor at Harvard  
19 Medical School and Harvard School of Public Health. I have recently  
20 assumed a new position as Chair of the Department of Public Health at  
21 Jackson State University. The program in public health will become the  
22 first school of public health in the State of Mississippi.

23 I've got a couple of things I'd like to say briefly. One, I'd like to say  
24 in reference to the NEJAC, when I came on I was touched by the spirit,  
25 by hearing the comments from the public, by becoming aware of the  
26 poverty that exists. Not just that poverty that we see in the cities in the

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1 country, but when you add to that poverty the difficulty of being  
2 confronted with problems of pollution, I feel it's sinful.

3 As a scientist, as a physician, one of the things I saw NEJAC as  
4 doing was to give people back that right, the right to health care, clean  
5 air, clean water, clean water. All of the things I feel are the rights of  
6 people.

7 By taking the position in Mississippi, when you think of health  
8 disparities, what state do you think of? Of course, there's lots of states  
9 with health disparities. But one of the things I hope to do is to have an  
10 impact to help to eliminate health disparities so that people not only in  
11 that state -- so that the work that we do there will have an impact  
12 throughout the region and throughout this nation so that we can help to  
13 eliminate poverty by providing health care, access to health care, to all  
14 people and to help them to have cleaner air and water.

15 Thank you.

16 MS. RAMOS: My name is Rosa Hilda Ramos. I'm a community  
17 leader and an environmental activist. I represent the grassroots  
18 movement in the environmental justice arena.

19 I really don't like the tone of this meeting. I feel that certain -- I  
20 perceive certain pessimism and I think this is not the case. I'm very  
21 optimistic about the future.

22 I want to express my appreciation for all the efforts all these  
23 gentlemen have done. You really should feel proud of yourselves  
24 because you have done something that won't be erased easily. You  
25 have constructed the basis for environmental justice by articulating the  
26 concepts that will not be ignored by any administration.

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1 This is one of the reasons I'm optimistic; you have constructed a  
2 solid basis for environmental justice. It doesn't matter who wins the  
3 election.

4 Also, I feel optimistic because I really believe there's always good  
5 people everywhere, and I have seen how people in EPA from -- I don't  
6 know, not necessarily Democrats, but Republicans who have learned a  
7 lot about environmental justice, who care. We can't ignore that. There  
8 are good people everywhere and I trust the people.

9 Also, you must never forget that the environmental justice  
10 movement was not created by a party. It was created by the people,  
11 and we will be there in the streets working; we won't allow any party to  
12 ignore environmental justice.

13 Once more, thank you very much on behalf of the affected  
14 communities. Thank you.

15 MR. SALDAMANDO: My name is Alberto Saldamando. I'm  
16 General Counsel with the International Indian Treaty Council. We're an  
17 NGO with consultant status at ECOSAT (phonetic).

18 I'd also like to appreciate very much what I've seen of a great many  
19 EPA staff, not only the ones that were outwardly and hit the ground  
20 running with regard to environmental justice, and I think Region 9 is a  
21 good example of that. But also what I've seen in other regions in the  
22 couple of years I've been here where just staffers who did not really  
23 understand what the concept was about, but the openness of the  
24 agency to allow the conversation that led to some realization that  
25 perhaps there was something wrong with polluting a lot of people.

26 I'm sorry, I tend to be a pessimist by nature. I would have hoped

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1 that -- I'm very sorry, actually, that we're losing a great many people who  
2 have that kind of a vision of environmental justice not only in the  
3 government but also on the government side, on the EPA side, but  
4 particularly with regard to the more experienced and strong people that  
5 we've had on the NEJAC board.

6 I would have thought that we would have wanted to go on to the  
7 next administration with a great deal of strength and I'm sorry that there  
8 are so many strong people, experienced people, leaving NEJAC as well.

9 I think that keeping a few of them and bringing back on some of the  
10 people who have not been here to enter into this new administration  
11 would have been a great source of strength for us, so I particularly  
12 regret that. I think for us that are going to go into this, it's going to be  
13 particularly difficult

14 But I agree with Hilda -- or, I think Vernice -- that it ain't over until  
15 it's over. And I think that struggle will continue with or without NEJAC  
16 and I'm particularly grateful for that.

17 Thank you very much.

18 MS. WALKER: My name is Jana Walker. I'm an attorney that  
19 practices Indian law in Placitas, New Mexico. I'm a member of the  
20 Cherokee Nation and also a member of NEJAC's Indigenous Peoples  
21 Subcommittee.

22 While there's still much room for improvement, I do agree with Don  
23 Aragon's remarks that EPA has really long been a leader among the  
24 federal agencies in recognizing the unique sovereign status of tribal  
25 governments and really working with them on a government to  
26 government basis to address some of the environmental issues out

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1 there.

2 Because of this special unique political status of tribes and the  
3 federal trust responsibility that is owed to tribal governments, because  
4 of unique cultural and traditional practices of Indian people, because of  
5 the many jurisdictional issues that arise on Indian lands, the  
6 environmental justice issues that come up in Indian country really raise  
7 unique considerations.

8 So I'm grateful with the work of the Office of Environmental Justice  
9 as well as NEJAC in really working to ensure that tribal environmental  
10 justice concerns are being addressed in this forum.

11 Thank you.

12 MR. YANG: My name is Tseming Yang. I am an Associate  
13 Professor of Law at Vermont Law School and I also serve on the  
14 International Subcommittee. I teach courses in environmental law as  
15 well as international environmental law, and also race in the law, as well  
16 as a seminar in environmental justice.

17 I actually wanted to just mention that I also appreciate all the effort  
18 that has been put into this committee as well as generally by EPA into  
19 environmental justice.

20 I think the personal commitment that has been shown has been  
21 great, but I think there also needs to be a recognition that a lot of these  
22 issues are really indicative of the larger problems of race within the  
23 United States. In the race class that I teach we see the same issues  
24 replicated throughout the history of the U.S., which is really to say that  
25 aside from personal commitment to this, structural change and cultural  
26 change is just as important.

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1 In that sense, I'm actually very interested to see a discussion of the  
2 EPA's legal authority memorandum will be on the agenda for later today.  
3 I hope to get some more information on what EPA is going to be doing  
4 to address these issues at a structural level.

5 Thank you.

6 MR. GELOBTER: I'm sorry. Since I started this, I didn't mean this  
7 to sound anything like a eulogy. You know, the administration is  
8 changing.

9 MR. TURRENTINE: Michel, I was just getting ready to say, now  
10 that the eulogy is over --

11 MR. GELOBTER: Yes, yes. I mean, the administration is  
12 changing, and I think we need to just say a job -- I particularly feel that  
13 there's a job well done and that --

14 (Applause.)

15 MR. GELOBTER: -- you've set a standard for whatever is the next  
16 administration, whether it's the Gore Administration or the Bush  
17 Administration. For the appointees, you may be staying, you may be  
18 going, but like I said, the next administration has to look over its  
19 shoulders. We're not going anywhere and we're going to be making  
20 demands of them, just like we made demands of you, and we want to  
21 thank you for having responded to as many of them as you have and  
22 setting a standard for how responsive the next administration has to be,  
23 no matter who they are.

24 For the line staff who are going to be here throughout, we're going  
25 to be here throughout as well with them. So, I mean, it's not a eulogy;  
26 it's just a reality -- we're changing administrations and your status as

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1 appointees and the staff as well may have different directions in the  
2 future no matter who's the president.

3 But this set of people have done a very good job of setting a  
4 standard for what that next direction has got to be. So we want to thank  
5 you for that, without any sadness at all.

6 MR. TURRENTINE: Thanks, Michel. Thanks to all of you. And I  
7 too, just want to add one thing further. I applaud EPA for what EPA has  
8 done. I also applaud you, each of you sitting in the audience, each of  
9 you sitting around the table, for what you have helped cause EPA to do.

10 I think that's the point that Michel is making. You know, we didn't  
11 just come here -- EPA didn't just come to the table and say, we're going  
12 to do this. You know, an awful lot of people raised an awful lot of  
13 concerns; fortunately, EPA had some quality people in the agency who  
14 had open ears and listened and reasoned and then responded.

15 Whoever the next administration is, they're going to hear from us  
16 and we're going to continue to bring the issues until those issues are no  
17 longer issues. So it really doesn't matter; from that standpoint, no one  
18 is going to have a safe haven from the issues of environmental justice  
19 because we're not going to allow that to happen. We're going to fight,  
20 we're going to scream, we're going to yell, especially about  
21 environmental justice issues much more so than you've heard anyone  
22 complain about the failure to count to ten.

23 So we're not going to fall into that bag of saying, the game is over,  
24 we'll go home. No, we're not going home. We are at home and the  
25 problems that we have are at home and we're going to continue to fight  
26 those.

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1 I thank you very much -- I notice one of the housekeeping  
2 administrative tasks that I was going to do -- it seems like I don't need  
3 to do that anymore -- each of you have mastered the use of this  
4 microphone system. I would just caution that if it's red, it's hot, and  
5 don't get caught like Governor Bush did with the hot mike while you're  
6 talking about Mike or someone else. So, if you're going to say  
7 something off-the-record, make sure your mike is not on.

8 There are bathrooms out past the escalators. There are telephone  
9 numbers here that you can receive messages. That phone number here  
10 is Area Code 703-418-1234. And the fax number for those of you who  
11 want to receive faxes, have the same first six numbers, and the last four  
12 numbers would be 1289 -- 1289.

13 Messages will be posted on a bulletin board somewhere out so you  
14 can check those to see if you've got any messages.

15 Before we go further, I would just simply like to say again to Mike,  
16 please give Card Browner our regards. We really appreciate her efforts  
17 and would want the record to reflect that we're saying thank you and  
18 God's speed in whatever she chooses to do next.

19 And, Michel, if you'd want to have some closing comments before  
20 we move into the panel presentation, we'd like to do that.

21 MR. McCABE: Haywood, thank you for giving me a last chance to  
22 say again thank you to all the Executive Council. I think that the  
23 remarks that they made and the introductions that they gave really were  
24 excellent summaries of why all of us are involved in environmental  
25 justice and why we care so passionately about it.

26 Carol Browner could not be here today and is unable to be here

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1 over the next couple of days, although she very much wanted to be  
2 here. She is down in Florida today. She is not counting, but she is  
3 focusing some attention on the issues that confront the nation right now.  
4 She returns late tonight to get on a plane with the President and head  
5 to Ireland for the next four days. So she is going to be out of pocket.

6 She wanted me to express to all of you her appreciation for the  
7 hard work that each and every one of you has put into this. And while  
8 she will not be staying on as the next administrator, she feels that eight  
9 years is long enough, she will continue to focus on environmental issues  
10 and I'm sure that you can count on her to continue to be a voice for the  
11 communities that are represented here.

12 I wish you good luck in all of your endeavors, but also I wish you  
13 good luck over the next four days in the conference and in charting the  
14 new course for the next administration over the next couple of years.  
15 Thank you for everything you do.

16 (Applause.)

17 MR. TURRENTINE: I just violated the hot mile rule.

18 What we're going to do at this point is we're going to take about a  
19 five or ten-minute break and ask that you be ready to go at ten minutes  
20 of the hour -- I'm sorry, 20 minutes of the hour. I'm now showing 10:28,  
21 so at 20 minutes till let's get started again.

22 We'll start with -- I'm going to introduce him now so I don't have to  
23 do it afterwards. You know, Charles Lee has been a part of this process  
24 for such a long time that one really feels no need to introduce him. In  
25 fact, when you think of environmental justice, you think of Charles Lee  
26 and the many efforts and many positions that he has researched and

1 written on and has made a tremendous contribution.

2 He's my friend. He's a person with whom I spend an awful lot of  
3 time on the telephone and whenever possible in person. He's a person  
4 that will undoubtedly remain in the forefront of issues involving  
5 environmental justice and race in the coming years in whatever capacity  
6 he chooses to do so.

7 Charles will be the first person that you will hear from when we  
8 return from break. Now that I've taken up that extra minute, you still  
9 need to be back in here at 20 minutes till. Thank you.

10 (Recess.)

11 MR. TURRENTINE: Recognizing that we do have a quorum, the  
12 session is now resumed. Charles.

13 AGENDA REVIEW

14 MR. LEE: Thank you, Haywood. Good morning. I wanted to thank  
15 Haywood for that nice introduction. I wanted to say a few words by way  
16 of introducing the issue that you're going to be discussing over the next  
17 two days.

18 To start with, just let me say that I very much appreciated the  
19 comments that all the Council members made in the last session. But  
20 I wanted to point out that -- in fact, right before I came to EPA I authored  
21 an article that was published in the EcoStates Journal which is a journal  
22 of the Environmental Council of States. In it I said that after 25 years of  
23 working with issues of environmental justice I have come to at least one  
24 firm conclusion, which is the fact that environmental justice is here to  
25 stay.

26 I think that has a lot of import for the meeting that we are about to

1 have because as we look to the change of administration, we need to  
2 recognize that the fact of the matter is that environmental justice is an  
3 issue that starts with communities, and these are issues that are real.  
4 Because of that I think that there is going to be further insistence on the  
5 part of communities with environmental justice issues that these are not  
6 issues to be forgotten about but to be addressed and in fact made a  
7 priority.

8 Because of that, I think that that gives a good backdrop to the  
9 nature of this meeting. As was mentioned before, the issue that we are  
10 to begin to address is encapsulated in the question: What progress has  
11 the Federal Government made towards integrating environmental justice  
12 into its policies, programs and activities consistent with existing laws  
13 and Executive Order 12898?

14 Three points that were made that I want to reemphasize are the  
15 following:

16 One is that this is intended to be a prospective discussion. It is  
17 intended for you to come up with recommendations as to how to further  
18 integrate environmental justice into the programs, policies and activities  
19 of the federal family, and obviously that has to be based upon an  
20 examination of what progress has been made. If in fact there is a  
21 retrospective part of this meeting, it is to look through that, but with the  
22 purpose of looking forward.

23 Secondly, that the idea of integration has been mentioned over and  
24 over again with respect to how we approach this issue, and I think that  
25 you're going to find, as the agenda indicates, that we want you to look  
26 at this in two ways.

1 One is integration along agency-specific lines consistent with the  
2 existing laws that authorizes the missions of those agencies, and we  
3 want you to look at this from the point of view of interagency  
4 collaboration because there is a very important point of departure as we  
5 have thought about this issue, which is that the whole concept of  
6 integrating the programs, activities and policies of various federal  
7 agencies is for the purposes of addressing and making a long-term  
8 difference in communities with environmental justice problems. That  
9 community-based perspective is one I think demands an integration and  
10 an integrative approach which is something that we need to not lose  
11 sight of.

12 The third is that -- and this has been mentioned already, but I want  
13 to reemphasize it. In thinking about this meeting and the timing of this  
14 meeting, I think this is a pretty aggressive, bold, audacious, if you will,  
15 kind of decision that you and the Office of Environmental Justice made  
16 to have this discussion at this particular time in the process of the  
17 transition from one administration to another.

18 You should know that there have been discussions and questions  
19 about whether or not this is in fact a meeting that should be held later,  
20 perhaps sometime next year when things are more clear in terms of the  
21 next administration. But it was the conclusion of many of those that  
22 have discussed this that, yes, in fact we should have this discussion  
23 now, such that there be a very clear, cogent, and bold statement as to  
24 what directions and what strategies should be pursued to ensure that  
25 environmental justice is made a part of the ongoing work of the Federal  
26 Government as we look to the future.

1 So, with all due respect to the conversation and the remarks that  
2 were made before, I took everything that you said to be extremely  
3 proactive and extremely prospective in thinking. I think that that's the  
4 tenor upon which we want to approach this meeting and I think that  
5 there is in fact much to be built upon to make sure that there are very  
6 well thought out recommendations going forward into the next year and  
7 the years after that.

8 With that as an opening I just also want to say, as a matter for the  
9 record formally, that in discussing this issue that the record for  
10 comments will be open until the close of business of January 31st the  
11 year 2001. So what that means is that comments and testimony which  
12 is taken here, and all others which can be submitted, will be taken until  
13 January 31st, 2001.

14 When the record closes on that date, we will have hopefully a great  
15 deal of testimony to really make sure that you, as the NEJAC Council,  
16 has indeed a robust record to be working on for your recommendations.

17 I want to quickly go over the agenda. There are a number of  
18 panels which will include, as you see in your agenda, a retrospective  
19 look providing a historical perspective on the Executive Order 12898.

20 The two presenters, Gail Small, who is the Director of Native Action  
21 who will be speaking to us from a community and environmental justice  
22 movement perspective, and Gerald Torres, the Vice Provost for the  
23 University of Texas Law School, who will be actually presenting more of  
24 a factual record, Gerald being a member of the Council and also in the  
25 employ of the Department of Justice at the point when the Executive  
26 Order was written and signed by President Clinton.

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1 They are not here yet. I guess they must have been -- we do not  
2 know exactly what the nature of the problem is. I guess we're going to  
3 have to reassess and either reschedule this panel, or, if that's not  
4 possible, to ask them to submit their comments in writing.

5 So, with that, I think we're going to move on to the second panel,  
6 which is a discussion of the Interagency Working Group on  
7 Environmental Justice and its interagency action agenda.

8 Before we do that, there is something that I want to do. In the  
9 presentations before I think a lot has been made about the support and  
10 commitment of different individuals and EPA and, in fact, the whole  
11 Federal Government. We want to recognize some of those people.

12 You know that this afternoon there are going to be 11 federal  
13 agencies presenting, and there are a lot of other staff from the other  
14 federal agencies who are here to participate in different ways in this  
15 meeting.

16 This afternoon we will be recognizing those people, but right now  
17 I want to make sure we recognize the following people: Mindy Lubber  
18 who is the Regional Administrator for EPA's Region 1 is here. Perhaps  
19 not.

20 Jeanne Fox who is the Regional Administrator from EPA's  
21 Region 2.

22 Bill Muszynski the Deputy Regional Administrator from Region 2.  
23 They are all here, you know.

24 Felicia Marcus who is the Regional Administrator from EPA's  
25 Region 9.

26 Bill Yellowtail, the Regional Administrator from EPA's Region 8.

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1 Jack McGraw who is Deputy Regional Administrator from EPA's  
2 Region 8.

3 Jerry Clifford, the Deputy Regional Administrator from Region 6.  
4 And Gregg Cooke, the Regional Administrator from Region 6.

5 Bill Sanders who is the Director of the Office of Pesticides and  
6 Toxic Substances. Bill, I saw you back there before. He's here.

7 Linda Garczynski who is the Director of the Office of Outreach and  
8 Special Projects at Solid Waste and Emergency Response.

9 Gail Ginsburg, the General Counsel from Region 5.

10 And, of course, last but not least, Clarice Gaylord, the former  
11 Director of the Office of Environmental Justice.

12 Can I ask all of you to stand to be recognized.  
13 (Applause.)

14 MR. LEE: I think that that is --

15 MS. HILL-KELLY: Charles, also, I saw the Regional Administrator  
16 from Region 5. Francis Lyons is here as well.

17 MR. LEE: Thank you, Jenifer. I knew I was going to run into a  
18 problem with doing this.

19 I think that this is a statement in and of itself in terms of the  
20 commitment of senior officials at EPA to the issue of environmental  
21 justice and to the importance that they hold NEJAC to be in spending  
22 the kind of time and -- in making the effort and spending the time to be  
23 here with you.

24 Of course, that is critical towards making sure that the kind of  
25 collaboration that Vernice Miller-Travis talked about before is the reality.

26 So, with that I just wanted to recognize people here. Obviously

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1 there are many more EPA staff people who work in the vineyard and it  
2 may be wise for us to just recognize all of you by just standing and for  
3 the NEJAC to acknowledge you. Go ahead.

4 (Applause.)

5 MR. LEE: So we are now going to -- just for you to keep track of  
6 your agendas -- what is listed as the second panel, which is a  
7 discussion of the integrated interagency environmental justice action  
8 agenda. The two presenters are going to be Tim Fields, the Assistant  
9 Administrator for Solid Waste and Emergency Response from EPA and  
10 myself.

11 One of the reasons I did not mention Tim before is because I would  
12 like Tim to stand, if you could. I asked to do this personally because I  
13 remember that -- I think Tim's commitment and leadership in the area  
14 of environmental justice is well known to everyone.

15 I first met Tim -- I think it was in 1988. This was shortly after the  
16 publication of my report, "Toxic Waste and Race in the United States,"  
17 and I was presenting at an EPA Teacher Summer Institute. And that I  
18 think is the first time that Tim and I met. Since then, I think we have  
19 worked on many, many different projects, too many to enumerate.

20 I wanted to present, on behalf of the Office of Environmental  
21 Justice, a plaque to Timothy Fields, Jr., the Assistant Administrator for  
22 Solid Waste and Emergency Response, "For Outstanding Leadership  
23 and Tireless Dedication to the Pursuit of Environmental Justice For All."  
24 Tim.

25 (Applause.)

26 MR. LEE: That's my way of introducing Tim who is now going to

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1 present.

2 MR. HILL: A genius can be many things. I'm pleased to stand  
3 before you on behalf of the Office of Environmental Justice to recognize  
4 the contributions of the honoree of this award.

5 In many respects this individual could be or should be considered  
6 a genius. I know that today that word seems to be tossed around quite  
7 a bit and used very loosely. For example, we have heard that the former  
8 Washington Redskins coach Norv Turner was being called a genius with  
9 respect to his approach to offense in professional football.

10 (Laughter.)

11 MR. HILL: We've heard former Indiana University basketball  
12 coach, Bobby Knight -- he was considered a genius as far as college  
13 basketball was concerned.

14 And finally, the recently departed Steve Allen was considered a  
15 genius as far as his overall show business talent was concerned.

16 But let's take a moment to examine the word further. Now,  
17 Webster's Dictionary defines genius as follows: "Exceptional intellectual  
18 and creative power; one gifted with such power; the possessor of an  
19 inclination or talent; the prevailing spirit or character, et cetera, et  
20 cetera."

21 Now, based upon this definition, we may or may not agree with the  
22 genius label having been pinned to Norv Turner, Bobby Knight, or Steve  
23 Allen or any other individual. So let me offer a different definition, and  
24 this is a definition that I, you know, heard about some years ago. "A  
25 genius is someone who can see the obvious quicker than anybody  
26 else." The obvious quicker than anybody else.

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1 William James, he once said that genius means little more than the  
2 faculty of perceiving in an unhabitual way.

3 Now, based upon this definition, the Office of Environmental  
4 Justice's honoree, Charles Lee, can be considered a genius. He is a  
5 true visionary because his genius allowed him to perceive things in an  
6 unhabitual way. With respect to the environmental justice movement he  
7 was able to see things much quicker than anybody else.

8 Now let's look at what his genius has done because in many  
9 respects he has had a unique role in why we are all gathered here  
10 today.

11 Charles mentioned the 1987 United Church of Christ report "Toxic  
12 Waste and Race in the United States." Now, he was the principal  
13 author and he recommended -- I'm just going to take three  
14 recommendations that were made in that seminal report.

15 The first is that the -- look at the words -- now this is back in 1987  
16 -- the President is called upon to issue an Executive Order mandating  
17 that all Executive Branch Agencies assess and consider the impact of  
18 their current policies and regulations on racial and ethnic communities  
19 and to take such considerations into account when establishing new  
20 policies and promulgating new regulations. The Executive Order 12898,  
21 which also established the Interagency Working Group on February  
22 11th, 1994, the basis of this particular meeting.

23 The second recommendation, that EPA should immediately  
24 establish an Office of Hazardous Waste and Racial and Ethnic Affairs  
25 to address the problems in those communities. This office should  
26 monitor the siting of new hazardous waste facilities to ensure that

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1 adequate consideration is given to the racial and socioeconomic  
2 characteristics of these potential host communities. And, finally, that  
3 this office should monitor the clean-up of these uncontrolled sites.

4 You have the Office of Environmental Justice, you also have the  
5 predecessor office, the Office of Environmental Equity, which was  
6 established in late 1991, early 1992.

7 The third recommendation, that EPA should establish a national  
8 advisory council on racial and ethnic concerns to be comprised of  
9 recommendation from Black-American, Hispanic-American, Asian-  
10 American, Pacific Islander, and American Indian communities. The  
11 purpose of this council is to provide ongoing advice to EPA on crucial  
12 environment issues and to facilitate the dissemination of information on  
13 these issues to those communities. The NEJAC, which was established  
14 in 1993 -- remember, these words were written in 1987 (sic).

15 So, Charles Lee is a true genius.

16 (Laughter.)

17 MR. HILL: His hair was much blacker then.

18 As a result, the OEJ is going to present him with this plaque. And  
19 I remember when Charles came into the office with this particular  
20 picture. He said to me, "Barry, look at this picture. This is history and  
21 my wife presented it -- she took this picture." Linda Lee, are you here?  
22 Linda Lee? Would you please stand up.

23 (Applause.)

24 MR. HILL: Well, I think Linda Lee is also a genius. She was  
25 planning for this event to take place.

26 So, Charles, would you come? We are pleased to present this

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1 plaque to Charles Lee. It says, "The United States Environmental  
2 Protection Agency, the Office of Environmental Justice, recognizes  
3 Charles Lee for his visionary work in pursuing environmental justice for  
4 all Americans regardless of race, ethnicity, or economic status.  
5 Presented at the National Environmental Justice Advisory Council  
6 Meeting December 11, 2000.

7 Thank you, Charles.

8 (Applause.)

9 MR. HILL: Let's all celebrate his genius.

10 (Applause.)

11 MR. HILL: Now, let's go on with the meeting.

12 (Laughter.)

13 PANEL 2

14 DISCUSSION OF THE INTERAGENCY WORKING GROUP  
15 ON ENVIRONMENTAL JUSTICE AND THE FEDERAL  
16 INTERAGENCY

17 ENVIRONMENTAL JUSTICE ACTION AGENDA

18 PRESENTATION BY MR. TIMOTHY FIELDS

19 MR. FIELDS: Good morning. Thank you very much. It is a  
20 pleasure to be here this morning. The award was really a surprise.  
21 Charles, thank you, and I thank all the members of the Council, the  
22 Office of Environmental Justice for the recognition.

23 I'm really glad that Charles Lee was recognized as well because  
24 one is more deserving of this recognition than Charles Lee who truly is  
25 a genius.

26 I was noting, though, as Barry was telling us about how a genius

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1 is defined, he talked about, let's see, Norv Turner, who was fired --  
 2 (Laughter.)  
 3 MR. FIELDS: -- Bobby Knight, who was fired.  
 4 (Laughter.)  
 5 MR. FIELDS: -- and Steve Allen who's dead.  
 6 (Laughter.)  
 7 MR. FIELDS: So, I said -- but Charles truly is a genius.  
 8 (Laughter.)  
 9 MR. FIELDS: Charles, you're not going to get fired today.  
 10 As we talk about a change in administration and I was listening to  
 11 the members of the Council and they were reflecting on the upcoming  
 12 change in the administration, I began to feel like a dead man walking as  
 13 I was listening to some of the comments going around.  
 14 But I assure you that we are very much alive, the issue of  
 15 environmental justice is very much alive and this issue will continue very  
 16 emphatically and very strongly into the next administration.  
 17 I would like to thank the NEJAC Chair, Haywood Turrentine -- this  
 18 is his last meeting -- for the great job he has provided in leadership and  
 19 advice to the agency on these issues, the members of the Council,  
 20 Steve Herman, Barry Hill, Charles Lee who truly is a legend in the  
 21 environmental justice movement, and my friend and your DFO for this  
 22 committee for having us all here today.  
 23 This session is going to be to begin the discussion that's going to  
 24 be going on for the next two days of the Interagency Working Group  
 25 process, the environmental justice action agenda, what has been  
 26 accomplished and what we are planning to do in the future.

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1 across America.  
 2 In that Executive Order it provided the seeds of the progress that  
 3 have been made to date within the Federal Government. That  
 4 Executive Order, crafted by some of you in this room, contained the  
 5 seeds of addressing and solving the challenges that we have in the  
 6 years to come ahead as well. It was your foresight and fortitude that  
 7 made possible any successes that we might highlight today, so that it  
 8 is important that we give credit to you when credit is due.  
 9 The Executive Order on Environmental Justice was necessary so  
 10 that the Federal Government would do something within its power to  
 11 eliminate a desperate situation that had a direct and indirect impact on  
 12 real communities and that the Federal Government had a hand in  
 13 creating. No one person, no one agency, could hope to singlehandedly  
 14 remedy decades and centuries of injustice.  
 15 My trusted personal assistant is telling me that my mike is not  
 16 adjusted properly. (Pause.)  
 17 But we could begin to adjust these if we all work together. I know  
 18 that some of you in this room feel that the issue resolution has taken too  
 19 long for many of your communities. And you're right.  
 20 But I'm pleased to say that we have gotten to a point where we are  
 21 making progress in certain communities. It has taken years to educate  
 22 the bureaucracy on environmental justice. They say it's hard to change  
 23 the course of a battleship in motion. It is just as hard, oftentimes, to  
 24 change the direction of a federal bureaucracy.  
 25 I am pleased that we have gotten to this day where we have  
 26 something to show for the hard work and effort by many of you. This

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1 It is truly an honor to be here today to offer a few remarks as we  
 2 kick off this discussion about the environmental justice action agenda  
 3 and the Interagency Working Group on Environmental Justice.  
 4 It's been a pleasure to work on the development and the  
 5 implementation of this agenda over the last 18 months since it began at  
 6 a meeting we had in Hilton Head, South Carolina. Over the past seven  
 7 years at EPA it's been my pleasure to be involved in environmental  
 8 justice from the perspective of my own program areas which include  
 9 Superfund, the RCRA, hazardous and solid waste programs, the federal  
 10 facilities program, the underground storage tank program, and the  
 11 brownfields clean-up redevelopment effort.  
 12 Although I'm pleased that we've been able to influence  
 13 environmental justice from that perspective, it has been even more  
 14 pleasing to begin to work with other federal agency partners, many of  
 15 whom are here in the audience today, on the broader set of issues  
 16 about how the Federal Government can collaborate in an interagency  
 17 partnership on environmental justice.  
 18 And this was envisioned in the Executive Order, that Charles Lee  
 19 and others recommended, that came into fruition in 1994, the Executive  
 20 Order talked about the need for model projects, model interagency  
 21 projects among the Federal Government. And the Interagency Working  
 22 Group that has been formed and has been working over the last year  
 23 and a half particularly is really in the spirit of that Executive Order and  
 24 has provided real leadership throughout the Federal Government in  
 25 terms of how we collaborate and how we work together on interagency  
 26 in real communities that have serious environmental justice concerns

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1 action agenda and the demonstration projects that are part of this  
 2 agenda are a crucial element of future success. We have turned the  
 3 corner and have established a firm foundation upon which we now can  
 4 build.  
 5 Coming to this day, I have met regularly with senior leadership in  
 6 the various federal agencies that you will be hearing from today and  
 7 tomorrow. At each meeting I have been greeted enthusiastically with a  
 8 sincere desire to conduct business in a manner that will have a positive  
 9 impact on environmental justice in communities across the country.  
 10 Each senior manager in these agencies has gladly committed time,  
 11 staff, and resources to working together to address issues within their  
 12 authority and within their responsibility for their particular department.  
 13 As you will hear today, we have made much progress. The  
 14 environmental justice demonstration projects are a great example of  
 15 how the federal agencies and other stakeholders, including  
 16 communities, businesses, and states and local government can work  
 17 together to develop and implement meaningful, effective and desirable  
 18 solutions.  
 19 We are progressing because we have now established a new  
 20 baseline from which we can build future progress and policies. Now we  
 21 are at a point in our history where cooperation and coordination is  
 22 beginning to occur across the government. We will continue to move  
 23 forward because it is the right thing, it is the good thing, and it is the  
 24 perfect thing we ought to be doing.  
 25 Thanks to the effort of many of you and the leaders in this  
 26 government like Barry Hill, Charles Lee, Steve Herman, and many

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1 others in the various federal departments, we can look forward to much  
2 progress based upon the framework of the Interagency Working Group  
3 and the environmental justice action agenda and the model  
4 demonstration projects that we'll be talking about this morning and this  
5 afternoon.

6 Currently all of the federal agencies identified in the Executive  
7 Order are meeting regularly to exchange information on how we can  
8 work together and implement environmental justice initiatives within our  
9 respective programs.

10 Fifteen demonstration projects have now been identified where two  
11 or more federal agencies are working together with state governments,  
12 local government, tribal governments, private partners, and community  
13 representatives to address real environmental injustice challenges in  
14 meaningful ways.

15 Those 15 projects that we'll be hearing about over the next two  
16 days represent the tip of the iceberg of what is possible and what is to  
17 come. In each of the meetings we have had with my peers in the  
18 Federal Government they have expressed a desire to do additional  
19 projects beyond these we already have in place. And Charles will be  
20 talking in a few moment in his presentation about what we see in the  
21 future regarding additional projects.

22 Environmental justice is well on its way to becoming an integral  
23 part of the fabric of the Federal Government irrespective of the  
24 administration in power. I am excited to see that it is now recognized as  
25 more than just notifying communities or having a few public meetings;  
26 instead it is seen as meaningfully involving communities in the

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1 decisionmaking process up front so that they can have a hand in  
2 deciding what solution we provide for their communities.

3 That is why we have the successful redevelopment effort that  
4 Harold talked about in Spartanburg, South Carolina. That is why we  
5 have local government community representatives working together in  
6 Camden, New Jersey and East St. Louis, Illinois. That is why we have  
7 sustainable approaches to clean up and reuse contaminated sites like  
8 we had with the Metlakatla Indian community in Alaska.

9 These efforts are just examples of inspired efforts that are  
10 underway today to deal with environmental justice in communities  
11 across the country. This is the new baseline for which we look forward  
12 to the future from. This is the new baseline by which environmental  
13 justice and community involvement and participation will be measured.  
14 This is our new starting point for tomorrow's successes.

15 Let me conclude by taking a moment to talk about this tomorrow  
16 that I'm referring to. Where are we going from here?

17 We're going to a place where there are more partnerships among  
18 all the stakeholders from the community to the local government to the  
19 private sector, all working together with Federal Government, with state  
20 government, with local governments, with tribal governments to address  
21 these concerns.

22 We're going to a place where there is more emphasis on  
23 prevention of the issue before it turns into a serious issue of  
24 environmental injustice in a particular community.

25 We're going to a place where the relationships fostered with groups  
26 like the NEJAC and the Interagency Working Group are the norm.

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1 We're going to a place where communities and businesses can sit  
2 down at the table together and recognize that both sides can come out  
3 of that meeting with mutual benefits for both of them.

4 I anticipate many more projects in which cooperation and  
5 coordination will be the core value. Just as the federal Brownfields  
6 program has gone from three projects in 1995 to more than 400 pilot  
7 projects today, I expect that the environmental justice demonstration  
8 projects, 15 in number now, will become a full-fledged program in the  
9 coming years and a way in which the Federal Government ought to deal  
10 with other stakeholders to address significant environmental justice  
11 concerns in real communities.

12 It will be a program which people and organizations will clamor to  
13 participate in because it is a right and good thing to do.

14 Finally, we're going to a place where the goals and principles of  
15 environmental justice and the environmental justice action agenda are  
16 more fully integrated into not only the fabric of the Federal Government,  
17 but also woven into the threads of state government and into the threads  
18 of local government and to the decisionmaking process of tribal  
19 government and communities across America.

20 Why? Because this is how the government at all levels ought to  
21 work and this is what we should expect. After all, we are the United  
22 States of America.

23 Let me dwell on that point for a minute. We live in a great country.  
24 For all of the challenges, the flaws and foibles, the United States is a  
25 great country. It is a country with a great foundation. Among all of our  
26 founding principles, it is that we, as a nation, are of the people, by the

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1 people and for the people.

2 Incorporated in the principles of environmental justice into the  
3 actions of our government is merely a recognition and adherence to  
4 those important founding principles of this country. When we live up to  
5 the goals and principles of environmental justice we are merely living up  
6 to the potential of this great nation called the United States of America.

7 We are holding America to its greatest promise. We are merely  
8 doing what is right and fair for all people. We cannot and will not shirk  
9 from this great opportunity and even greater opportunity for the future.

10 With the great development and implementation of the  
11 environmental justice action agenda, the Interagency Working Group  
12 and the Interagency Working Group projects that we'll be talking about  
13 today, a strong foundation for environmental justice throughout the  
14 Federal Government has been created for the future.

15 I truly feel that we have established a new baseline for federal  
16 action. There is now a broader understanding of what environmental  
17 justice is and what it can truly become in this great land of ours called  
18 America.

19 We've learned what must be done to address America's  
20 environmental justice concerns and how we can make America an even  
21 greater country in the future.

22 Thank you very much.

23 (Applause.)

24 MR. FIELDS: I'm now going to turn to Charles Lee who will share  
25 with us the progress in this environmental justice action agenda and the  
26 Interagency Working Group and the demonstration projects. Charles

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1 Lee.

2 PRESENTATION BY MR. CHARLES LEE

3 MR. LEE: Thank you, Tim.

4 Before I start -- they're trying to get the Power Point presentation

5 ready -- there are many persons here who are members of the

6 Interagency Working Group on Environmental Justice. I would like all

7 of you to stand and be recognized, the reason being that I would like the

8 Council to know what Tim and I are talking about is the product of the

9 hard work of many people. And so if you would all stand, and later

10 during the day when we go through the federal agencies, we'll recognize

11 you individually.

12 (Applause.)

13 MR. LEE: Can you stand again? The Chair didn't see you. And

14 you stay standing.

15 (Applause.)

16 MR. LEE: There is one person that I would really like to recognize.

17 Like Tim, she is going to be retiring. That is Mary Settle. Mary Settle

18 is the person that provided the backbone to pulling all of this together for

19 this effort. So, Mary, I want to recognize you.

20 (Applause.)

21 MR. LEE: I'm going to give more detail to this integrated federal

22 agency Environmental Justice Action Agenda. We have called this a

23 living framework to integrate environmental justice into the missions of

24 federal agencies.

25 I want to start by reading a passage from the preface to this action

26 agenda, which goes, "Across the nation, communities are working hard

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1 to address a range of environmental, public health, economic and social

2 concerns, known as environmental justice issues. They are struggling

3 to better understand the complex relationship between the environment,

4 economy and equity.

5 "Through the efforts of many organizations -- governmental and

6 non-governmental alike -- communities are beginning to fashion

7 strategies that result in healthy and sustainable communities which are

8 environmentally sound and economically revitalized.

9 "Environmental justice is a complicated issue, and the concept is

10 not yet well understood. It is not a static concept, but a dynamic

11 process. However, important lessons are emerging. One such lesson

12 is the need for greater federal agency collaboration."

13 This presentation is going to provide the background and

14 philosophy to this interagency action agenda, its goals, some of the

15 specific projects, and future directions.

16 The premises of this action agenda is that it should:

17 Promote federal support of solutions that "begin in communities

18 and remain in communities";

19 Two, link the federal, state, and local governments with community-

20 based comprehensive planning processes;

21 Three, that it seeks collaboration and integration so that resources

22 can be better targeted and leveraged; and

23 Develop a template for holistic community-based solutions to

24 environmental justice issues.

25 Finally, to serve as a platform for advocating a new way of doing

26 business.

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1 It would be good to just reflect a little bit about what is

2 environmental justice. There are many definitions for this. I picked

3 three points which I think are important.

4 That it is: Fair treatment and meaningful involvement in

5 environmental decisionmaking;

6 That it addresses environmental, public health, economic and

7 social concerns in an integrated manner; and

8 That it seeks collaborative and constructive problem-solving which

9 requires holistic solutions which are early, truly proactive, and truly

10 comprehensive.

11 The Interagency Working Group on Environmental Justice is

12 composed of the Departments of Defense, Energy, Health and Human

13 Services, Housing and Urban Development, Labor, Transportation,

14 Interior, Justice, Commerce, Agriculture, and EPA.

15 This slide that you see here is something we thought about for a

16 while in terms of how do you depict a process that brings all this

17 together. Later you will hear a presentation on the National

18 Environmental Policy Guidance that the Office of Environmental Justice

19 is developing.

20 One of the things that we thought about was the need to really find

21 indicators that truly address the health, environmental, social and

22 economic concerns. And those are in a way that reflects the kinds of

23 issues that are in environmental justice communities. If one were to find

24 a solution to this, it is going to require the comprehensive and holistic

25 integrated efforts of all the federal agencies, and that's why we have this

26 around those circles.

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1 This cannot be just done on the part of federal agencies, but

2 requires the input from all stakeholders, and therefore, we see that

3 environmental justice will require local government, tribal, state and

4 Federal Government, community-based organization, civic and faith

5 groups, academic institutions, business and industry, philanthropic

6 groups, and labor and professional organizations, to name just a few.

7 Another way of looking at this approach is to look at this in a more

8 linear, bottoms-up fashion. This is a slide that we took from the

9 presentation done by a project in East St. Louis around lead poisoning.

10 It would be to engage a community; listen and identify problems;

11 understand these problems and build collaborative partners for

12 solutions; collaborative design projects; develop local capacity; leverage

13 resources; to create sustainable infrastructure models; and to ultimately

14 achieve livable communities which are economically vital, socially

15 equitable and have environmental quality.

16 I think that most of the projects and the efforts that we are seeing

17 are probably just in the first three stages of this particular model, but I

18 think that it begins to paint a vision of what this partnership approach

19 and this collaborative partnership model seeks to ultimately achieve in

20 terms of its vision.

21 In terms of where the lessons for this -- in terms of where this

22 interagency agenda came from, we first looked to the lessons for the

23 two local interagency environmental justice listening sessions which

24 were held in Los Angeles, California and New York City in 1988 and

25 1989 (sic) held by the White House Council on Environmental Quality

26 and EPA's Office of Environmental Justice.

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1 Those lessons include: demonstrate importance of going to local  
2 communities; they coalesce actions of senior officials from multiple  
3 federal agencies; and provide a model for integrated response. It led to  
4 sustained regional and local efforts and, in fact, the federal agencies out  
5 of those two particular sessions made 36 concrete commitments, many  
6 of which are fulfilled and many of which are still ongoing; many of which,  
7 in fact, are translated into some of the work of this interagency action  
8 agenda.

9 Tim Fields just talked about the conference in South Carolina on  
10 environmental justice strengthening the bridge between economic  
11 development and sustainable communities held in June of 1999. The  
12 lessons from that are that it involved all stakeholder groups, the  
13 participants called for the integration of environmental, economic, public  
14 health and social concerns; and called for coordinated leadership by  
15 federal agencies, at which point the federal agencies did commit to  
16 developing this integrated action agenda.

17 Another important thing to note was that Representative Jim  
18 Clyburn announced the formation of the Congressional Black Caucus  
19 Environmental Justice Braintrust.

20 The goals of the action agenda are to promote greater coordination  
21 and cooperation among federal agencies, make government more  
22 accessible and responsive to communities; to formulate strategies to  
23 ensure integration of environmental justice policies, programs, and  
24 activities of federal agencies and to initiate environmental justice  
25 demonstration projects to develop integrated place-based models to  
26 address community liveability issues.

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1 There are 15 demonstration projects. Many of the locations you  
2 can see; they are geographically dispersed from Boston, New York,  
3 Camden, Washington, Spartanburg, Savannah, Georgia to Chicago,  
4 East St. Louis, New Madrid County in Missouri, the State of Colorado,  
5 Oregon, Ft. Belknap, Montana, Albuquerque and San Diego. And we  
6 are very proud to say, a project in Alaska with the Metlakatla Indian  
7 community, and the Island of Puerto Rico, a project around asthma.

8 The objectives of these -- I'm going to go over them very quickly;  
9 you've heard them -- is to learn how federal agencies can better work  
10 together, achieve concrete benefits for affected communities, promote  
11 greater partnerships with state, tribal and local governments, and  
12 develop a template for integrated problem solving.

13 We have never seen this action agenda as just a vehicle or a  
14 product or an effort that's just comprised of federal agencies. Like I said  
15 before, it is the collaboration of all these groups together that's going to  
16 develop this template for integrated local problem solving.

17 We want to document the lessons learned to positively impact  
18 more communities and recommend changes in federal policy where  
19 appropriate.

20 Some of the highlights of these projects -- you heard from Harold  
21 Mitchell before about Re-Genesis leading a community clean-up and  
22 revitalization effort in Spartanburg, South Carolina. This is one of the  
23 demonstration projects that Neftali, Franchesca, and others are going  
24 to talk about tomorrow.

25 There are 15 demonstration projects selected. They range from  
26 environmental clean-up, public health and children's health, economic

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1 development and community capacity building. There is in your  
2 materials a directory of EJ contacts to ensure better access to federal  
3 agencies and thus far we have counted leverage between \$12 million to  
4 \$15 million in money in federal and other resources, and involving 11  
5 federal agencies.

6 Some of the projects, a highlight, includes Re-genesis, which  
7 Harold Mitchell talked about before, the environmental clean-up and  
8 revitalization effort in Spartanburg. That has, among other things,  
9 leveraged over \$1 million in resources, \$250,000 of which comes from  
10 the Ford Foundation.

11 Another highlight would be the fact that the Postal Service has  
12 committed \$1.93 million for purchase of alternative fuel, that's electric  
13 and natural gas vehicles, for the South Bronx.

14 Bethel New Life which you're going to hear from, is using  
15 innovative technology to turn environmental liability into a community  
16 asset. This is in the West Garfield section of Chicago.

17 Bridges of Friendship, which is a project here in Washington, D.C.  
18 around the Washington Navy Yard, is trying to address the issue of  
19 displacement and gentrification.

20 In East St. Louis there is a lead project that has leveraged more  
21 than \$4 million for lead assessment and abatement activities.

22 In Barrio Logan in San Diego the California Air Resources Board  
23 has selected this as a model for neighborhood assessment and  
24 children's health programs.

25 There is an asthma coalition developing strategic approaches  
26 towards addressing asthma in the Island of Puerto Rico.

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1 There is a partnership of three rural communities in New Madrid  
2 County in Missouri focused around children's health.

3 There are technology centers being established in Savannah,  
4 Georgia and Fort Belknap using as a basis surplus government  
5 computers.

6 The Metlakatla, Alaska project and a community in East St. Louis  
7 have been selected National Brownfield Showcase Communities.

8 And a Farmworker Project in Colorado is developing GIS maps of  
9 migrant farmworker camps and drinking water sources.

10 The next number of slides are -- I have given you a copy of these  
11 slides -- are around specific projects. We're just going to go through  
12 them very quickly. Part of the reason why this is here is because we're  
13 going to be giving this presentation again and most of the things I  
14 wanted to highlight I have highlighted for you, so, in the interest of time,  
15 I'm going to go through this, like I said, very quickly.

16 This is the New York City Alternative Fuels Summit which has the  
17 \$1.93 million commitment from the U.S. Postal Service; Bridges to  
18 Friendship; the Farmworker Drinking Water Project; this is the rural New  
19 Madrid County Tri-Community Project; and Barrio Logan.

20 Next steps. Tim kind of alluded to this, and we thought in terms of  
21 how to address or think about the next steps for this action agenda is to  
22 really begin the process of thinking what would a programmatic  
23 framework for the work of the Interagency Working Group look like?

24 We see six major items. That is, to enhance communications,  
25 training and outreach. For example, if you were to go to the EPA's  
26 Region 9 home page, there is now a Website on the Barrio Logan

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1 project. We want to do that for all the projects.

2 The second is to institute an evaluation methodology based upon  
3 environmental justice principles. It is really important for us to begin to  
4 understand what is it that makes these projects work, what is the  
5 approach that will work, and what kinds of lessons can we gained.

6 In the materials that you have there is the first set of thinking  
7 developed Katherine Dawes and others at EPA around what would an  
8 evaluation methodology look like. That is something we would really like  
9 for you to help us with.

10 Thirdly, that we want to develop and solidify partnerships both  
11 within and among the Federal Government and outside of the federal  
12 agencies because, like I said, this is an effort that is rooted in the  
13 collaboration of all the different stakeholder groups.

14 Next we want to identify a set of cross-cutting themes for  
15 integrating environmental justice across federal agencies. There are  
16 many ways of thinking about this, and you will note in the report that  
17 Grover Hankins did based upon the interviews that were done in  
18 preparation for this meeting, that there was a view that basically said  
19 there are in fact enough resources within the federal agencies to  
20 address environmental justice issues. That is counterpoised against  
21 another view that basically says that the resources are not there.

22 I think the real issue here is how to better strategically think about  
23 this so that we are tapping into those initiatives which lend themselves to  
24 support and addressing of environmental justice issues and  
25 communities. For example, Brownfields. For example, children's  
26 health. For example, the whole initiative to initiative to eliminate health

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1 disparities. And we can go on and on.

2 But we can't do it all at once. We need to figure out what is  
3 strategically the set that is going to really better the integration of  
4 environmental justice.

5 Next we want to actively nurture new demonstration projects. We  
6 have been talking and soliciting ideas and we want to make the end of  
7 March the target date for the solicitation of a new round of  
8 demonstration projects, at which point we will start to evaluate and come  
9 up with another round.

10 Lastly, we want to develop regional environmental justice  
11 integrated action plans. It is our view that environmental justice needs  
12 to happen at the local and regional levels.

13 And, in fact, you should note that a lot of the efforts that have taken  
14 place in this action agenda only took place as a result of the work of  
15 many of the EPA and other federal agency regional offices where this  
16 whole notion of working together to address the needs and the problems  
17 of the communities in an integrated collaborative fashion really does  
18 have a lot of resonance because they deal with these issues all the  
19 time. We want to begin a conversation about how we begin to  
20 institutionalize that in partnership with all of you.

21 So, basically that is the presentation, we hope. Like I said before,  
22 this is a platform by which to advocate for a new way of doing business.  
23 That's where we want to end this presentation. What will constitute that  
24 new way of doing business will be an integrated methodology,  
25 collaborative partnerships, community-based capacity building, and the  
26 targeting and leveraging of resources, which will lead to a truly proactive

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1 and comprehensive community-based problem-solving approach.

2 Thank you very much. One last thing I want to just note for you.  
3 There is a brochure in your materials that basically has just been  
4 published in preparation for this meeting on the IWG.

5 So, thank you. I guess we can at this point open it up for questions  
6 and discussion.

7 (Applause.)

8 MR. TURRENTINE: Can we have the lights again.

9 Thank you, Charles, and thank you, Tim.

10 Members of the Council, do you have comments?

11 (No audible response.)

12 MR. TURRENTINE: Vernice, I think you had a question or you  
13 needed to make a statement early on. Do you still want to make that.

14 MS. TRAVIS-MILLER: It was related to the presentations before  
15 this, but not for the presentation that Charles just did, and that is simply  
16 to say about both Tim and Charles that I've been blessed and lucky to  
17 work with both of them.

18 I think other than Charles' wife, Linda, his life partner, I've known  
19 Charles and worked with Charles longer than anyone else here. It has  
20 been truly, truly a blessing.

21 I can say without reservation that Charles is responsible for the  
22 work that I've done, my growth and development in thinking about these  
23 issues. He was the first person to present to me the framework of  
24 environmental justice, and then within two weeks Peggy Shepard was  
25 the second person to present the issue to me in a place where I lived  
26 at home.

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1 So I just want to say that I feel particularly blessed that Charles and  
2 I have been able to work together since 1986. No matter where Charles  
3 goes, believe you me, we are joined at the hip and we will continue to  
4 work together.

5 In addition to that, Charles was the first chair of the Waste and  
6 Facilities Siting Subcommittee and when he was selected by EPA to be  
7 an associate director of the Office of Environmental Justice, I was asked  
8 to be the second chair of the subcommittee. It has been an absolute  
9 privilege to work with Tim Fields who is the exemplar of what public  
10 service is and what one can do if one has a commitment and talent to  
11 really bring --

12 (Applause.)

13 MS. TRAVIS-MILLER: -- the issues of federal service.

14 I wanted to say a quick story. One of the first persons -- what's the  
15 word? -- "approved" by the Senate and Congress in the Clinton  
16 Administration was Elliott Laws who was the first assistant administrator  
17 for the Office of Solid Waste and Emergency Response. I think Elliott  
18 was the assistant administrator for three years and then Elliott went  
19 back to the private sector.

20 We had gotten to know Elliott very well and had developed a really  
21 great relationship with him and were really beginning to move  
22 environmental justice issues there, and then Elliott -- the rumor started  
23 creeping that Elliott was leaving. Elliott and I were at a conference  
24 together in Indianapolis and I pulled him aside and I said, "So, what's  
25 this? You're leaving? We're just getting started."

26 He said not to worry. He said, "Tim is the number two person. Tim

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1 will be the person who will carry the agenda and you couldn't have better  
2 leadership on environmental justice issues than Tim Fields." He was  
3 absolutely prophetic, and that is absolutely true.

4 I just wanted to say that on behalf of the Waste and Facilities Siting  
5 Subcommittee, it's been a privilege to work with you, Tim Fields.

6 (Applause.)

7 MR. TURRENTINE: Peggy.

8 MS. SHEPARD: Are we ready for questions?

9 MR. TURRENTINE: Yes.

10 MS. SHEPARD: How do communities begin to proactively access  
11 this process?

12 MR. FIELDS: Thanks, Peggy, that's a good question. Charles and  
13 I were talking about that on Friday, actually.

14 We have the 15 projects that are underway right now. You'll hear  
15 from the federal agencies who will be making presentations this  
16 afternoon that some of them already have identified other communities  
17 that they would like to include in the next round of interagency  
18 demonstration projects that we are looking at sponsoring as the Federal  
19 Government.

20 We're going to be requesting that people who want to be  
21 considered for a demonstration project -- their community be considered  
22 for a demonstration project -- to submit applications to us, as Charles  
23 said, by the end of March.

24 We'll be developing criteria. We'll be communicating and  
25 publishing a notice of those applications being requested and then we'll  
26 be reviewing them according to criteria that we've developed and will be

1 modifying based on the first round of 15 that we selected.

2 So we want to get the word out. People can apply to be  
3 considered as an environmental justice community. There are several  
4 criteria, obviously. One is that you have two or more federal agencies  
5 that are willing to participate and provide resources to assist that  
6 community to deal with environmental justice issues, that there be a  
7 demonstrated need or a documented environmental justice concern that  
8 needs to be addressed in that community.

9 By using those types of criteria -- you know, we wanted it to be  
10 community-driven, community support for the initiative that will be  
11 undertaken.

12 The criteria will be going out, the advertisement will be going out,  
13 and the Interagency Working Group will be reviewing the applications  
14 that come in and make selections for the next round of projects.

15 Charles may want to add to that.

16 MR. LEE: That's a really good question, Peggy, and that's a  
17 question that I think we've been trying to think about ever since this idea  
18 began.

19 I've said many times that -- you know, we're trying to see the issue  
20 of how to access resources of the Federal Government from the  
21 communities' perspective. The first thing that we try to do is to make  
22 sure that you have better access to the agencies themselves. That's  
23 why we developed this directorate.

24 I think this is now in its second printing, second edition. We also  
25 made a commitment because many of the states and local governments  
26 and tribal governments have said to us they wanted to include their

1 environmental justice contacts in this, and that's the next version, to do  
2 this.

3 The second point in terms of making sure that the communities  
4 have access is that obviously the word on this -- this is just an idea that  
5 has just started. There is not enough of an understanding of this yet,  
6 and so a lot of what we're trying to do is, through meetings like this one  
7 and others, to develop the kind of partnerships and collaboration that  
8 really begins to talk about this.

9 There are meetings, with the support of the Ford Foundation and  
10 other partners. We want to make sure that you are beginning to bring  
11 together people to talk about how to resource the resources of the  
12 Federal Government in a way that it makes most sense to you.

13 Thirdly, we've made sure that the lessons from this are beginning  
14 to get disseminated, so in addition to this action agenda which is printed  
15 in your packet there is a report from all 15 demonstration projects that  
16 we would like you to read to have a better sense of this.

17 And then, obviously, we want to make sure that we're aggressively  
18 sending the message that we would like to nurture more projects. Tim  
19 has gone into that in detail.

20 I would only want to say that at this point this is an idea. This is an  
21 idea that has begun to get particular support -- currency and support --  
22 from many, many different parties and we need to rethink very carefully  
23 and specifically about the kind of outreach and communications, the  
24 kinds of education, mutually speaking, that needs to be done and the  
25 furtherance of specific initiatives like particular projects that can be  
26 pulled together in the next three to six months.

1 MR. TURRENTINE: We're going to take one other question. I  
2 think that's Alberto. And then we're going to break for lunch.

3 MR. SALDAMANDO: It's relative to the question that was just  
4 asked. I think the Executive Order itself requires, or at least would ask  
5 the agencies to identify those communities that are impacted. It seems  
6 to me that perhaps that might be an additional desirable goal.

7 I mean, to wait for a community to find out that it is being  
8 threatened is I think -- I mean, the question is how are they going about  
9 -- are the agencies committed to themselves doing their own strategies  
10 as described by the Executive Order and identifying those communities  
11 themselves without having to wait for the community to get itself  
12 organized?

13 MR. LEE: I totally agree with you, and I think that that's what is  
14 going to happen. However, there is a delicate balance between the way  
15 -- I mean, an approach that is really community-based and community-  
16 driven. So that it has to be a two-way street. There has to be -- you  
17 know, it has to be -- the federal agencies themselves have to go out and  
18 be more proactive. But then it can't be done in the absence of a lot of  
19 communication and input and actual leadership from the communities  
20 themselves.

21 And we also have to be very careful to make sure that resources  
22 are mobilized and to make sure that that leadership can actively be  
23 exercised.

24 MR. FIELDS: I think that some of that is going on because this  
25 identification process, the projects that are coming to our attention are  
26 ones where the various federal agencies, ten or more federal agency

1 partners in this process, have come to us and said, look, for my  
2 particular agency this particular community is an environmental justice  
3 community; there are some really significant concerns regarding energy  
4 issues or military issues.

5 And so some of that identification of these demonstration projects  
6 is coming to us because various departments are saying and  
7 recognizing that there are issues that need to be addressed and they're  
8 coming to an Interagency Working Group and saying, look, I can better  
9 address those issues if there are other federal partners assisting me as  
10 I address those environmental justice concerns in this community.

11 So some of the nominations will be self-selected or nominated by  
12 the various federal partners who already know where environmental  
13 justice concerns exist with respect to their areas of responsibility.

14 One other thing I'd like to add is that I'm very pleased that now  
15 we're hearing from some of the business community, the private sector,  
16 who are saying they want to get involved more in these Interagency  
17 Working Group demonstration projects where they believe they can  
18 work together with communities, with local government, with state  
19 government and the Federal Government together to try to better  
20 address those EJ concerns that exist in those communities.

21 So I think there's a great opportunity here for the private sector who  
22 have a lot of resources and have caused some of these problems to  
23 also be part of the solution in these communities that we've identified  
24 where EJ concerns exist.

25 MR. LEE: One other thing that I wanted to --

26 MR. SALDAMANDO: I would just appreciate it if in fact in the

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1 process of -- as the Executive Order requires, the agencies do identify  
2 communities or projects or whatever activity they conduct that have  
3 posed environmental justice problems, that those lists be published. I  
4 think it would be interesting to us and interesting to those communities.

5 MR. FIELDS: Yes, we should, for example, in the next round of  
6 competition when we identify all of the candidate projects, we should  
7 make that publicly known, as well as those who get selected to be a  
8 demonstration project. That way people will begin to know what the pool  
9 of projects are that need environmental justice resolution even though  
10 they might not be selected to be a demonstration project.

11 MR. LEE: One thing that I wanted to really highlight is, one of the  
12 efforts, one of the projects, was a roundtable on environmental justice  
13 in Indian country. That was held in Albuquerque. That was really to  
14 bring together I think it was 50 different Native American community  
15 groups and others to really talk about and to scope out the issue that  
16 there is a lot of misconceptions or differences in how best to address.  
17 It was really clear that an area that did not have enough attention was  
18 Alaska Native communities.

19 In February there's going to be a major follow-up to that up in  
20 Alaska. So I've got to go to Alaska in February to follow-up on that.

21 We're very proud of that and we're proud of the fact that we've  
22 been really aggressively going after paying attention to Native Alaskan  
23 issues.

24 Now, a corollary to this is the fact that we are not beginning to use  
25 the same model for Asian-American and Pacific Islander issues  
26 because recently there has been, as you've heard, an Executive Order

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1 on Asian-Americans and Pacific Islanders, and so we're going to try to  
2 do the same thing with that.

3 Part of that is part of that aggressive outreach and identification of  
4 environmental justice communities and environmental justice issues,  
5 and that hopefully the beginning for some partnerships and  
6 collaborations on how to best address them.

7 MR. TURRENTINE: And with that we're going to cut it off this  
8 morning and break for lunch. All Council members, we need to be back  
9 at our stations by 1 o'clock because we have another panel that has to  
10 present and then some important reports after that. So, this session  
11 stands in recess until 1 o'clock.

12 (Whereupon, the meeting in the above-entitled matter was  
13 recessed, to reconvene at 1:00 p.m., this same date.)

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AFTERNOON SESSION

1 MR. TURRENTINE: I now call this 16th session of the NEJAC  
2 back in order.

3 Charles Lee.

4 MR. LEE: Thank you, Haywood. At this point, if you look at your  
5 agenda, it is a portion of the agenda dealing with Panel Number 3,  
6 which is the federal agency presentations.

7 Like we said this morning, we wanted at this point to take a  
8 thoughtful review of what kind of progress has been made to integrate  
9 environmental justice among all the federal agencies. We wanted to  
10 take a look at each specific agency and the work that has gone on over  
11 the past six and a half years.

12 Like I said, and like you said, this is not meant to be a report card;  
13 it is meant to be a thoughtful look at some of the accomplishments, the  
14 challenges, the barriers, and the opportunities for addressing  
15 environment justice in the future.

16 We have before us a very distinguished panel that includes Lois  
17 Schiffer who is the Assistant Attorney General for the Department of  
18 Justice; Sherri Goodman, the Deputy Under Secretary of Defense for  
19 Environmental Security; Dr. Carolyn Huntoon, the Assistant Secretary  
20 for Environmental Management, Department of Energy; Ron Stroman,  
21 Director of the Office of Civil Rights of the Department of Transportation;  
22 and Lisa Guide of the Department of Interior. They will speak in that  
23 order.  
24

25 (About 30 seconds missing due to AV system failure.)

26 Admiral Christopher Weaver is not going to be able to be with you

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1 tomorrow. We wanted to fit him into our schedule, given the perspective  
2 that he has to offer and the work that he's been undertaking is really  
3 very, very significant.

4 So, with that, I will ask that, Lois, you begin.

5 There's something wrong with the microphones right now.

6 MS. SCHIFFER: Well, let me talk loud.

7 MR. TURRENTINE: Lois, hold up because we have court  
8 reporters, and if we don't have microphones, we aren't going to be able  
9 to record the presentation.

10 People in the sound booth, do you have the panelist mikes  
11 working?

12 (Pause.)

13 MS. SCHIFFER: Is that better? Yes. Okay. Don't touch anything.

14 (Laughter.)

15 **PANEL 3A**

16 **INDIVIDUAL FEDERAL AGENCY PANELS**

17 **PRESENTATION BY MS. LOIS SCHIFFER**

18 MS. SCHIFFER: Thank you, Haywood and Charles, and thank you  
19 for inviting me to speak at this meeting. I'm pleased to be here with the  
20 NEJAC again.

21 As you may recall, a few years ago in Oakland, California I came  
22 before you to talk about the Department of Justice's environmental  
23 justice activity. Today I'm going to provide an update and focus on how  
24 we've worked together with other agencies to implement Executive  
25 Order 12898.

26 One of the main themes of this meeting is the importance of

1 interagency collaboration. I think of the task before us of putting  
2 together a complex and difficult puzzle; each agency has some of the  
3 pieces and some perspective on the overall picture, and we need to  
4 achieve a coherent whole but we can only do that with everyone's  
5 participation.

6 I'm going to tell you some of the parts of the puzzle that the  
7 Department of Justice has helped piece together. This includes our  
8 work in environmental litigation, civil rights coordination and the  
9 Department's community-based programs. Not all of these are  
10 programs in my division; they're all work of the Department of Justice,  
11 and in my capacity as the representative of that Department, I'll touch  
12 on them. I'm going to conclude on some thoughts of where we go from  
13 here.

14 The first part of the puzzle is our work in the Environment and  
15 Natural Resources Division to ensure that all communities enjoy the  
16 benefits of our environmental laws. As the Assistant Attorney General  
17 for the Environment and Natural Resources Division, my job is to  
18 enforce the nation's environmental laws, defend agency actions in  
19 environmental lawsuits, work on cases related to public lands and  
20 natural resources to wildlife cases, to land condemnation cases, and to  
21 some issues involving Indian Tribes.

22 Our role under the Executive Order is to implement the principles  
23 of the Executive Order throughout all of our litigation.

24 As you know, one of the key principles of environmental justice is  
25 meaningful community participation in agency decisionmaking. This is  
26 one of the most important legacies of the environmental justice

1 movement and it is the one we have strived most assiduously to  
2 incorporate in our environmental litigation.

3 For example, we have brought affected communities to the table  
4 to solicit their input in the settlement of our affirmative civil enforcement  
5 cases. This is particularly helpful when we're looking at injunctive relief  
6 to clean up problems and when we're exploring the component of  
7 settlement that we call supplemental environmental projects. These are  
8 environmentally beneficial projects the defendants in pollution  
9 enforcement cases agree to undertake to settle their enforcement  
10 actions. They are efforts that the company is not otherwise legally  
11 required to do, but which they do in addition to paying a civil penalty and  
12 injunctive relief.

13 A set project must have a connection or nexus with the underlying  
14 violation, and they usually directly benefit the affected communities. We  
15 work hard to consult with environmental justice communities in selecting  
16 these projects.

17 For example, last year we resolved some Clean Air Act complaints  
18 against the City of Chicago that arose from the operation of a now-  
19 closed municipal incinerator. The incinerator is located on the near west  
20 side of Chicago, a community with a significant low income and minority  
21 population. Soon after we notified the city of our pending enforcement  
22 action, we began the process of community outreach with a grassroots  
23 umbrella organization -- the acronym is WASTE; it's name is the West  
24 Side Alliance for a Safe, Toxic Free Environment -- which was  
25 composed of over 20 community-based groups.

26 Over the course of the litigation -- and it actually went on for quite

1 a while because Chicago wasn't too swift to come to the table -- not too  
2 swift to settle once they came to the table -- we met with the leaders of  
3 the group on several occasions and held community meetings.

4 Under the terms of the settlement the city agreed to pay a civil  
5 penalty of \$200,000 and perform supplemental environmental projects  
6 that were valued at \$700,000. The SEPs, which were chosen with were  
7 chosen with significant community input, included two brownfields  
8 projects and two lead abatement projects.

9 Another example of a supplemental environmental project that I'd  
10 particularly like to talk about is in some cases related to failure of  
11 landlords to give notice about lead problems in their apartments, which  
12 is now required under a relatively new statute. We got the real estate  
13 companies to agree not only to abate the lead problems in those  
14 apartment units, but also to buy small pieces of equipment which can be  
15 used to test blood levels in kids and which are very portable. So, that  
16 was very helpful in the District of Columbia.

17 Another effective way to achieve environmental protection and  
18 environmental justice is through initiatives that focus on particular  
19 problems. In the last couple of years the Justice Department, HUD,  
20 EPA and state and local governments around the country have  
21 embarked on a nationwide initiative to enforce the Residential Lead-  
22 Based Paint Hazard Reduction Act that I just mentioned.

23 This law requires landlords and sellers of older housing to warn  
24 prospective tenants and buyers of the dangers of lead paint and to tell  
25 them whatever they know about the lead paint in the buildings.

26 In this country almost one million children under six years old suffer

1 from lead poisoning, which as I'm sure people here know, causes I.Q.  
2 deficiencies, reading and learning disabilities, impaired hearing,  
3 hyperactivity, and behavior problems.

4 Childhood lead poisoning disproportionately affects low income and  
5 minority children. A recent survey indicates that 18 percent of children  
6 and 22 percent of African-American children suffer from this entirely  
7 preventable disease.

8 Just in the last year we've secured a number of settlements in D.C.  
9 with major landlords which has resulted in the adoption of over \$2  
10 million for lead poisoning prevention measures, including inspections  
11 abatement projects and community-based projects, including the  
12 portable blood measuring devices that I mentioned.

13 Coordinated enforcement efforts are ongoing in a number of other  
14 cities around the country. Other efforts that benefit low income and  
15 minority communities are our continuing role in enforcing the Superfund  
16 law in obtaining clean-ups of hazardous waste sites and helping  
17 redevelop brownfield sites with the input of affected communities.

18 Brownfield development has been a high priority for the Federal  
19 Government because it can help restore our cities' vitality and alleviate  
20 suburban sprawl by reducing development pressures on green space  
21 and natural habitat outside of cities and at the same time recycling inner  
22 cities.

23 One way the Environment Division is involved in promoting  
24 brownfields development is through completing our Superfund cases  
25 which, as we talked about last week, a wonderful event that Tim Fields  
26 was involved with was the 20th anniversary of Superfund has been in

1 fact a very successful program.

2 We also work through our role in approving prospective purchaser  
3 agreements. They provide a buyer of property who is buying property  
4 where the Federal Government has a role with protection from  
5 Superfund liability for existing contamination caused by previous  
6 property owners if the new purchaser has had no role in that pollution.

7 Prospective purchase agreements, of course, do not provide  
8 protection for prospective purchasers who create new contamination or  
9 if they were involved in the contamination that was at the site. But if  
10 they're coming to an old contaminated site afresh to make it new and  
11 move it forward, then we'll give them an agreement saying they're not  
12 liable for the past contamination.

13 In return for our promise not to sue the, prospective purchasers  
14 typically agree to pay for or perform some of the response actions at the  
15 site by providing reassurance to buyers of contaminated lands regarding  
16 their liability.

17 Prospective purchase agreements have significantly contributed to  
18 redevelopment and have helped to create many hundreds and  
19 thousands of jobs across the country as these sites are recycled.

20 An example involves the Pullman Liquid Dynamics site on the  
21 south side of Chicago. I'm not particularly picking on Chicago, we just  
22 have some good examples there.

23 In the early part of this last century the famous Pullman train cars  
24 were made at this site, but the shops had closed down and the buildings  
25 were razed by 1970. In 1980 Liquid Dynamics Corporation bought a  
26 portion of the property to operate an industrial waste treatment plant.

1 Only two years later the company went bankrupt and abandoned the  
2 operation, leaving approximately 266,000 pounds of hazardous waste  
3 in drums, tank trailers, vats, and tanks at the site.

4 Emergency removal actions were performed that abated the  
5 immediate threat, but they did not address the residual contamination.  
6 In the meantime, the State of Illinois and the City of Chicago were  
7 anxious to redevelop the site.

8 Just a few months ago we worked out the terms of a proposed  
9 prospective purchaser agreement with the Salem Baptist Church under  
10 which the church will purchase, remediate and redevelop a substantial  
11 portion of the site in return for a covenant not to sue for past response  
12 costs and a release for future liability for existing contamination. Of  
13 course, if they create new contamination, they'll be liable.

14 The church proposes to construct a campus on the site consisting  
15 of a community center, a sanctuary, and a retail center, so it will be a  
16 great community project and generate jobs.

17 In all of these examples, Justice is one player in coordinated  
18 interagency efforts to bring the pieces of the puzzle together.

19 A second example is civil rights coordination. Another piece of the  
20 puzzle that the Department helps work on is enforcement and  
21 implementation of the civil rights laws. The Attorney General is charged  
22 by a different Executive Order, 12250, with coordinating, implementation  
23 and enforcement of Title VI of the Civil Rights Act of 1964. I don't need  
24 to tell this audience what Title VI is.

25 The Attorney General's role has been delegated to the Civil Rights  
26 Division. Over the past few years, our division has worked closely with

1 the Civil Rights Division to coordinate Title VI issues as they relate to  
2 environmental justice. The Civil Rights Division has a Coordination and  
3 Review Section that coordinates federal agencies responses when  
4 multiple administrative Title VI complaints are filed with different  
5 agencies.

6 Over the past years, the Coordination and Review Section has  
7 committed a significant percentage of its resources to consulting on and  
8 coordinating the Title VI complaints that raise environmental justice  
9 issues. Many of these complaints involve multiple agencies, and the  
10 Civil Rights Division is uniquely situated to bring these parties together.

11 For example, it is currently coordinating the response to Title VI  
12 complaints filed with the Department of Defense, EPA, Health and  
13 Human Services and HUD regarding the clean-up and re-use of Kelly Air  
14 Force Base in San Antonio, Texas. In a sense, the Civil Rights Division  
15 is acting as the glue for the separate pieces of the puzzle.

16 A third area in which the Department is working with other agencies  
17 to promote environmental justice is through out community-based  
18 programs. I've spoken before about Operation Weed and Seed, which  
19 is a community-based strategy that focuses on weeding out crime, drug  
20 abuse and gang activity and seeding human services and neighborhood  
21 revitalization.

22 Local Weed and Seed Programs are guided by steering  
23 committees which typically include the United States Attorney and are  
24 operated through the U.S. Attorney's offices, the mayor, chiefs of police,  
25 district attorneys, community residents, and a number of others. All of  
26 these partners work together to improve the quality of life in targeted

1 communities.

2 Recently the Office of Weed and Seed undertook a nationwide  
3 survey of its approximately 250 sites to identify environmental concerns.  
4 This was with a little prodding from us. Based on the survey results, the  
5 Department selected four sites for follow-up assistance: St. Louis,  
6 Missouri; the now-famous Dade County, Florida; Portland, Oregon; and  
7 Phoenix, Arizona.

8 The Office of Justice Programs, a part of the Justice Department,  
9 along with the appropriate U.S. Attorney's Office, the Weed and Seed  
10 Steering Committees and our Environment Division, will convene  
11 meetings in each of these four sites to better identify and understand the  
12 environmental issues each community faces and to develop a strategy  
13 to address the problems.

14 Another example of a Department of Justice community-based  
15 program that is promoting environmental justice is the Community  
16 Oriented Policing Services, or COPS Program. It's a program that  
17 promotes funds and trains community oriented policing, which is a  
18 community-driven approach to law enforcement and problem solving.

19 Recently we've been working COPS, EPA, and the Department of  
20 the Interior to explore ways in which we can incorporate environmental  
21 protection in the community policing model. One project we are working  
22 on is to incorporate environmental training for police officers into the  
23 COPS basic training program. We've done some work with Indian  
24 Tribes in the COPS Program as well.

25 We also want to put out the word that COPS funding is available  
26 for funding environmental officers. For example, in fiscal year 2000

1 COPS funded 32 tribal officers in 13 environmental and natural resource  
2 departments, totalling over \$5 million.

3 That's where we are. Now, what about the future? And I'll just  
4 mention this briefly.

5 We, and other federal agencies are working to put together the  
6 pieces of the puzzle to solve the complex, multi-jurisdictional and multi-  
7 dimensional problems that face low income and minority communities  
8 and Native American communities. But there's a lot left to be done.

9 One big point that I'd like to make because I think that we've had  
10 the effect of invigorating a lot of communities across the country, and  
11 hopefully they will continue to remain active -- importantly, we're not the  
12 only players at the table. While the federal agencies have some of the  
13 key pieces, what is needed to fill in the gaps is the collective wisdom  
14 and efforts of the affected communities, the states, the tribes, industry  
15 and other stakeholders. A key part of environmental justice is that the  
16 people most affected by environmental decisions should have access  
17 to and participate in the decisionmaking.

18 I think you will hear in this conference of the many efforts where we  
19 are bringing the right people together to address environmental justice  
20 issues. It's not always easy to coordinate among the various players,  
21 but the results have been worth it.

22 Ultimately I believe it is up to the people in this room to maintain  
23 the pressure on the next administration to make sure it continues to  
24 work on the puzzle instead of putting it away in a box.

25 I recently came across the following Chinese proverb: "The person  
26 who says it cannot be done should not interrupt the person who is doing

1 it."

2 It's been a real privilege to work with all of you over the years in  
3 doing the work on the ground, and I certainly hope that we can stay in  
4 touch. Thank you.

5 (Applause.)

6 MR. LEE: Thank you, Lois. I would ask that we hold questions  
7 until the end and allow each of the speakers to present

8 Next we will have Ms. Sherri Goodman, the Deputy Under  
9 Secretary of Defense for Environmental Security. Sherri.

10 PRESENTATION BY SECRETARY SHERRI GOODMAN

11 SECRETARY GOODMAN: Thank you, Charles. Can you all hear  
12 me? Okay.

13 Good afternoon. Thank you for inviting me to address this  
14 important federal advisory council. I'm pleased to have the opportunity  
15 to present the Department of Defense's progress regarding  
16 implementation of the Executive Order 12898.

17 I'd like to begin by telling you about our most recent activities  
18 leading up to today.

19 Just last month we held a stakeholder forum to provide community  
20 members and citizens one last opportunity during this administration to  
21 talk to Defense leaders about clean-up activities in their communities  
22 and provide input on ways to improve in the future.

23 At the forum, which we held in St. Louis, I heard from several  
24 individuals, many of whom are here today, representing environmental  
25 justice communities around places like the Memphis Depot, Kelly Air  
26 Force Base and the Hunter's Point Naval Shipyard. There were many

1 concerns expressed that we are not doing enough to address the  
2 minority and low income populations living and working in those  
3 communities.

4 After listening closely to Ms. Doris Bradshaw talk about our  
5 activities at the Memphis Depot and the health concerns of local  
6 citizens, I became very concerned that we could be doing more. I  
7 asked my staff to meet with the lead health investigator at ATSDR to  
8 discuss how we could help this community in particular.

9 My staff and ATSDR have developed some ideas that they will now  
10 work directly with the community to determine if these ideas will be  
11 beneficial. But we know there are other things beyond ATSDR that also  
12 need to be done.

13 One idea that is promising and that we actually need to pursue with  
14 Ms. Bradshaw and others who are interested is the possibility of  
15 providing surplus government property, such as computers or trailers,  
16 to the community for use in establishing more accessible health care  
17 facilities.

18 The Air Force recently transferred surplus trailers to an Indian  
19 community for much needed housing. We learned from that example  
20 that by putting our collective thoughts together we can not only  
21 implement the mission of the Department but we can also be good  
22 neighbors to the surrounding community.

23 I also met this morning with a group of community representatives  
24 that are in Washington to attend this meeting here today, about half a  
25 dozen individuals who are here for this NEJAC meeting who are  
26 concerned with EJ issues around military installations.

1 I said that, you know, even though some of us, like myself, will be  
2 departing with the end of the administration, I will do my best to make  
3 sure that we have continuity in our programs, and I think we will.

4 I believe that the citizens I met with recognize that even though  
5 there are some things perhaps that political appointees cannot promise,  
6 there's much that is going to continue that is very important in what we  
7 have done.

8 So now let me discuss some of the concrete actions DOD has  
9 taken to implement the Executive Order.

10 Like other federal agencies, after the President signed the  
11 Executive Order the first step DOD took was to design an  
12 implementation strategy that focused on institutional changes rather  
13 than one-time events to implement the Executive Order.

14 DOD identified five principles within its strategy: Promotion of  
15 partnerships with all stakeholders; identifying impacts of DOD activities  
16 on EJ communities; streamlining government; improving day to day  
17 operations at installations related to environmental justice concerns;  
18 and, lastly, fostering non-discrimination in all DOD programs and  
19 activities.

20 Next, DOD issued regulations to the military departments and  
21 agencies based on that strategy, requiring that an analysis of the  
22 impacts of proposed actions on minority and low income populations be  
23 performed as part of our implementation of the National Environmental  
24 Policy Act, or NEPA.

25 Each of the military departments have issued correspondent  
26 requirements for their environmental justice analyses. The Department

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1 of the Navy, for example, issued policy guidance with the goal of having  
2 all Department of Navy commands apply environmental justice  
3 considerations to applicable mission-related activities. In addition, the  
4 Navy incorporated a environmental justice guidance into its installation  
5 planning, design and manage guide, and into the Marine Corps  
6 Environmental Compliance and Protection Manual.

7 The Department of the Air Force issued similar guidance based on  
8 their experiences with several environmental impact statements and  
9 other planning activities usually in urban or small town built-up areas.  
10 Its focus is on the determination of potentially disproportionate impacts  
11 to low income and minority populations.

12 Our work with Native American Tribes also falls under the EJ  
13 Executive Order. In 1998 Secretary Cohen signed the first ever formal  
14 DOD policy governing how we should work with federally recognized  
15 tribes. This was a real milestone for us. It took a number of years for  
16 us to put this together. We had extensive government-to-government  
17 consultations.

18 This policy is the most comprehensive, I believe, of all the federal  
19 agencies and goes beyond the Presidential memorandum on  
20 government-to-government relations with federally recognized tribes and  
21 the administration's Executive Order on consultations with Indian Tribal  
22 governments. The policy brings uniformity to DOD's interactions with  
23 tribes and helps DOD meet its responsibilities under the Federal Trust  
24 Doctrine, treaties and other obligations.

25 One of the outcomes of the policy is that it sets the groundwork  
26 that allows tribes to function as equal partners in DOD actions that affect

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1 them. We think that's very important. For example, to assist tribes in  
2 working directly with DOD to address environmental impacts on tribal  
3 lands, we actively used cooperative agreements.

4 These cooperative agreements create a partnership between DOD  
5 and the tribal government, enabling tribes to take a significant role in  
6 mitigation efforts for projects on their lands while also allowing them  
7 capacity building opportunities. Cooperative agreements provide a  
8 mechanism for DOD and the tribes to work cooperatively to mitigate  
9 environmental impacts and empower tribes to receive technical  
10 assistance and training to be an equal partner.

11 During the last three years we have entered into cooperative  
12 agreements with over 16 federally recognized tribal governments or  
13 tribal consortia. Thankfully we are getting funding to support those  
14 cooperative agreements so that we can actually assist in the training  
15 and have the tribal organizations undertake some of the clean-up and  
16 environmental mitigation work that needs to be done.

17 In addition to our policies and guidance documents, the  
18 Department has reached out to EJ communities. One of DOD's largest  
19 outreach efforts with communities is through our Restoration Advisory  
20 Boards, which we call RABs.

21 RABs provide communities affected by DOD's clean-up activities  
22 the opportunity to participate in the environmental restoration process  
23 and provide input to our decisions.

24 To assist RABs in understanding the restoration process and how  
25 it affects them, we have Technical Assistance for Public Participation,  
26 or TAPP, grants that are available for independent technical consultation

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1 and scientific advice.

2 RABs empower community members to take an active role in the  
3 protection of their health and safety and that of the environment. The  
4 understanding that grows out of these partnerships increases  
5 community trust and confidence in the environmental restoration  
6 activities where it is working well.

7 Although RABs have been by and large very, very successful in our  
8 clean-up program overall, sometimes these efforts are not so  
9 successful, and I heard about some of those this morning when I met  
10 with some representatives of the EJ community. Of over 250 RABs that  
11 we have nationwide, there are only a handful -- but they are probably  
12 represented here today -- that have not been successful. And I want to  
13 point out that as a matter of policy RABs must reflect the diversity of the  
14 community and be inclusive of all citizen groups.

15 An outreach example that I would like to highlight is an effort of the  
16 Defense Logistics Agency is conducting focusing on youth. In California  
17 a partnership between DLA and the local youth and community has  
18 rescued the endangered Palos Verdes blue butterfly from extinction.  
19 This is a small butterfly that was thought to be extinct and found several  
20 years ago to live only on a fuel depot south of Los Angeles, a fuel depot  
21 managed for DOD by the Defense Logistics Agency.

22 The rescue saved not only a rare species, but also has saved a  
23 number of disadvantaged youth in the community and provided skills  
24 and opportunities for these individuals in the Greater Los Angeles area.

25 I personally have gotten to know some of these individuals. I've  
26 been out to San Pedro and met an individual, Arthur Bonner, who

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1 himself was a former member of a gang, had served time in prison, and  
2 said to me, "the butterfly saved me; now I'm saving the butterfly." And  
3 he is now employed at the Defense Logistics Agency depot there and  
4 he supervises the effort to breed over a thousand butterflies and  
5 maintain this endangered species not only at the depot but in the  
6 surrounding areas where it also lives.

7 This is a good example of where we have seized the opportunity.  
8 We've recruited in this case not just Mr. Bonner, but other  
9 underprivileged youth from the inner city to play a vital role in the  
10 restoration efforts and also to give them opportunities beyond those that  
11 they would otherwise have had.

12 Now, I fully acknowledge that we haven't -- you know, not every  
13 case is as successful as this one, but I hope that we can do more  
14 undertake more efforts like that.

15 We also provide technical assistance outreach directly to minority  
16 institutions, including Historically Black Colleges and Universities,  
17 Hispanic-serving institutions, tribal colleges and universities. The  
18 technical assistance includes information about DOD's organization,  
19 mission and responsibility of various DOD components, requirements,  
20 development, programming and budgeting processes, information on  
21 the acquisition process and bid and proposal preparation. The overall  
22 purpose of this program is to present opportunities for minority  
23 institutions to participate in DOD's contracts, grants and programs.

24 Training is another way we are implementing our policies and  
25 ensuring that our personnel understand the Executive Order. We have  
26 produced an EJ video that explains to military and civilian personnel the

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1 requirements of the Executive Order on Environmental Justice and what  
2 the order means to the policies and programs of DOD.

3 The goal is to train military personnel and civilian employees to  
4 increase the awareness of environmental justice and infuse the spirit  
5 and intent of the Executive Order into DOD's decisionmaking process.

6 We have recently embarked on an aggressive program to provide  
7 sensitivity training on American Indian and Alaska Native cultures to our  
8 military and civilian personnel who work with tribes. The training  
9 provides DOD personnel at all levels with knowledge of the DOD policy  
10 applicable to American Indian and Alaska Natives on how they should  
11 interact with tribes on a government-to-government basis.

12 Like most agencies, we have an EJ Website and many documents,  
13 brochures and pamphlets on environmental justice are located there or  
14 through its various links.

15 Now, I know there are concerns over use of the Internet, so we  
16 also use other media to communicate with the EJ community:  
17 conferences, meetings and workshops, postings in community  
18 newspapers. Translations into other languages besides English are  
19 examples of ways we are communicating our information.

20 Now, the Army's chemical demilitarization program also has a  
21 number of documents available for distribution, both through the Web  
22 and other means. This program actually is extremely important whether  
23 or not you live in an environmental justice community because it has the  
24 daunting task of identifying and disposing of chemicals at over 200  
25 known and suspected sites around the country, 8 stockpiled sites, and  
26 numerous other non-stockpile sites. Some of them are located in

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1 minority and low income communities.

2 The ChemDemil Program is taking an aggressive approach to  
3 ensuring that minority and low income communities are aware of all  
4 these actions that may be taken to dispose of these materials. For  
5 example, program officials plan to compile census tract data on each  
6 potential site to fully understand whether there are minority or low  
7 income populations present, form site-specific research for outreach  
8 consultation purposes, and conduct risk communication and cultural  
9 sensitivity training for personnel in charge of the operations.

10 Another area where DOD is working to meet the re-energized  
11 efforts of the Federal Interagency Environmental Justice Working Group  
12 is the Environmental Justice Demonstration Projects. As part of the  
13 integrated Federal Interagency Environmental Justice action agenda,  
14 DOD is taking the lead in two of the 15 EJ pilots that the action agenda  
15 supports.

16 The first pilot that we are leading addresses environmental  
17 concerns on the Annette Islands Indian Reserve located in southeast  
18 Alaska. Through a partnership with federal, tribal, and local government  
19 agencies and organizations a process to clean up contamination on the  
20 Annette Islands Reserve is being developed. The master plan  
21 addresses land use and future development on the Annette Islands  
22 Reserve.

23 To date five federal agencies have been actively involved in  
24 investigating and cleaning up contamination on the Annette Islands  
25 Reserve. The pilot project benefits to the community include  
26 collaborative relationships between the tribes and federal officials.

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1 protection of the customary and traditional use of food resources,  
2 building tribal capacity to manage and conduct environmental programs  
3 which I believe is vitally important, and federal technical assistance.

4 The second EJ pilot that DOD is leading is just across the river  
5 here at the Washington Navy Yard, and in a moment I'm going to  
6 introduce Admiral Weaver sitting right next to me who has been a  
7 marvelous leader of this effort and other efforts here as the Commander  
8 of the Naval District Washington.

9 In conjunction with other federal agencies, the District of Columbia  
10 and local community groups, the Department of Defense and the Navy  
11 are working to improve the economic viability and quality of life  
12 surrounding the Washington Navy Yard.

13 This project, called Bridges to Friendship, focuses on  
14 environmental justice concerns related to the revitalization of Southeast  
15 and Southwest Washington, D.C., neighborhoods that are next to the  
16 Navy Yard. The project includes a low income population that will  
17 benefit through job training, business development, and economic  
18 growth spurred in part by the revitalization at the Navy Yard which has  
19 been receiving jobs as a result of our base closure process.

20 Bridges to Friendship is a good example of an overall effort to  
21 identify, mobilize and make use of existing federal and local resources  
22 to benefit the environmentally and economically distressed  
23 communities.

24 I'm very happy that Admiral Weaver could be here today to explain  
25 personally this exciting project. And before I turn the microphone over  
26 to him, I just want to conclude with the following comment.

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1 I agree with some of the community members in the audience, a  
2 number of whom I met with earlier today, that we can and should do  
3 more for communities surrounding our installations. We must be good  
4 neighborhoods to the communities in which we are located.

5 In the eight years I've been with the Department of Defense I have  
6 tried very hard personally to establish the trust I think we need at the  
7 local level to do our environmental work. And I think we've made  
8 enormous progress, but I also realize that we still have a long way to go,  
9 and it's in this area that we perhaps have still the most work yet to do.

10 My hope is that what we have started will have good momentum  
11 and that we, with the help of the NEJAC, with the help of the Federal  
12 Advisory Council we've talked about, the Federal Facilities Group that  
13 we have discussed creating, and some other ideas I discussed with the  
14 people I met with this morning, that we will be able to sort of write the  
15 next chapter on environmental justice interaction among the Department  
16 of Defense in a way that helps establish the trust that lets us get the job  
17 done, address the real health concerns that citizens properly have, and  
18 lets us continue to be good neighbors in the community.

19 So, I thank the panel very much for the opportunity to -- the Council  
20 to speak today, and I want to introduce to you Admiral Weaver, who, he  
21 and his team have done a stellar job at the Washington Navy Yard and  
22 are a very good example of what we would like to do around the country.

23 Admiral Weaver.  
24 (Applause.)

25 PRESENTATION BY ADMIRAL CHRISTOPHER WEAVER  
26 ADMIRAL WEAVER: Thank you, Secretary Goodman. To the

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1 Council, thank you very much for the opportunity to join you today.

2 I would like to couch and characterize my comments today in an  
3 oversight/overview type of context in that what I will tell you is what has  
4 worked for us here in the Washington, D.C. area. It's possibly  
5 transferable elsewhere, but I would tell you that it is not the only way.  
6 And hopefully you'll be able to see some elements that are transferable.

7 First of all, I would tell you that this is a transitory opportunity. We  
8 have here in the Washington, D.C. area the confluence or the aligning  
9 of planets, such that will probably not occur again.

10 We have an awareness of our environment and the improvements  
11 that we need to make of it here in the local area that is quite timely.

12 We have a rebirth in the government of the District of Columbia  
13 with responsible forward-thinking, aggressive people led by Mayor Tony  
14 Williams.

15 We have, as Secretary Goodman indicated, 4,000 -- actually, a  
16 total of 5,500 jobs transferring from areas outside the District of  
17 Columbia into the Washington Navy Yard to go into sustainably  
18 redeveloped buildings that go back to, in some cases, the turn of the  
19 century, and sometimes earlier than that.

20 The bottom line is, we have all these things occurring together, and  
21 I would tell you that if we don't do these things, if we don't take  
22 advantage of these things now, we will never see them again.

23 What do I mean about taking advantage? Well, first of all, the  
24 Washington, D.C. area has had the Navy Yard in Southeast Washington  
25 since 1799. It is absolutely by far the oldest Naval installation in the  
26 country. It has had time to become a strong member of the community.

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1 Early members, early employees of the Washington Navy Yard helped  
2 to form the first African-American school in the District of Columbia  
3 before 1810.

4 We have been there a long time and we'll be there another 200  
5 years. And, as I say, we are very much committed now to taking and  
6 leveraging the situation we have now into better environment, better  
7 opportunity for the people outside our gates, as well as the improving of  
8 the quality of the workplace that we must have for our own people in  
9 order to retain both military and civilian people in the face of a very  
10 difficult job market.

11 So how do we get all these things done together? Well, the first  
12 thing I think is to examine the fact that we were an industrial facility for  
13 160 years, from 1800 until 1963. During that timeframe there's no  
14 question that because there was always a national calamity at hand,  
15 that we were constructing ordnance to save the Republic, and  
16 sometimes as far back as the Civil War.

17 That, and a lack of understanding of what impact the process has  
18 had on the environment, led to environmental problems, environmental  
19 deprecations. Those things are acknowledged. They are not hidden.  
20 And we are addressing those aggressively.

21 An example is, over \$20 million of storm drain upgrades just in 66  
22 acres of land have been undertaken over the last several years. The  
23 fact that we have embraced status as a Superfund site.

24 Not many DOD people are trained to think that that's a good deal,  
25 by the way, Tim.

26 But, in order to move the ball down the field, if you get yourself on

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1 the NPL, that's what you have to do, and we did that in partnership with  
2 Mr. Fields, with at the time Region 3's administrator Mike McCabe, and  
3 now we continue that great relationship with Mr. Brad Campbell in  
4 Philadelphia.

5 We have embarked on an environmental remediation. We have  
6 embarked on what we call in-stride construction whereby we take this  
7 environmentally degraded site, the opportunity to test, characterize,  
8 remediation and build -- test, characterize, remediation and build --  
9 rather than try to perfect the land completely in fell swoop, such that we  
10 can then bring jobs and economic opportunity more rapidly than if we  
11 tried to do things in a heel-to-toe sequential linear fashion.

12 So, one of the things -- and that's the preamble -- one of the things  
13 that's provided us a tremendous leverage to make this a success is  
14 Bridges to Friendship. We saw several years ago, the Navy saw several  
15 years ago, the need to reach out to the community in ways that we  
16 probably had fallen away from over the 200 years that we were in  
17 southeast Washington.

18 Bridges to Friendship was a way to combine community groups,  
19 the Navy, other federal agencies, private individuals, the community  
20 itself, and the City of Washington all in what we refer to as a flat plain  
21 organization. It is decidedly non-hierarchical, it is decidedly non-  
22 bureaucratic. In some respects, people who look at us from the outside  
23 don't like us very much because we don't look like a pyramidal  
24 organization; there's no belly-button to keep poking.

25 But the bottom line is, we have a referee, we have a guy who's at  
26 the middle of all of this. His name is Mr. David Ouferkirk, who's here in

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1 the audience with us today.  
2 David is the man who manages the clearinghouse. We, the  
3 partners in B2F, bring together the job needs with the job opportunities,  
4 with the job takers, the job users, as well as community pride and youth  
5 development -- all together in such a way that in a continuum beginning  
6 in the community, we taken young people who are at risk, bring them  
7 through life skills training, pass them on into job skills training, and pass  
8 them on into job and career opportunities that are waiting on the other  
9 end of this entire process.

10 Now, this isn't written down anywhere. There isn't a lot of -- other  
11 than a short prospectus that we've written. But the bottom line is that  
12 this provides an opportunity to take advantage of the rebirth of  
13 Southeast Washington, and economically and environmentally to bring  
14 social justice in ways that had not existed before.

15 So, I would tell you, as Secretary Goodman said, there are a lot of  
16 what we call basic first principles of this process, meeting with the  
17 community, being on a very close working relationship basis with the  
18 community association such as Covenant House and Friendship House,  
19 having a direct impact on the Department of Employment Services in  
20 the District of Columbia, having such good friends as Mr. Roland  
21 Droitsch, the Deputy Assistant Secretary of Labor who is probably with  
22 us today.

23 The fact that we are all able to work in this non-bureaucratic flat  
24 plain sometimes on the basis of just telephone calls, moves this engine  
25 forward. As I said, it's maddeningly simple and in a town known for its  
26 bureaucracy, it is decidedly counter-bureaucratic.

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1 While we're doing this, by the way, we continue to move forward in  
2 environmental restoration, not just at the Navy Yard, but all around our  
3 neighborhood. We are co-founders of the Anacostia Watershed Toxics  
4 Alliance, which has set its goal of mapping the toxics in the river and  
5 cleaning the river as rapidly as we can. And, indeed, the Navy and the  
6 AWATA combined their moneys this last year to bring a Navy  
7 technology over land all the way from San Diego which it was a large  
8 research vessel that actually went up and down and mapped the  
9 Anacostia River for all of its toxics. And now we are putting together a  
10 plan whereby we're going to address those toxics.

11 So I will conclude by saying that Bridges to Friendship -- whether  
12 we call this effort -- ladies and gentlemen of the Council, whether we call  
13 this environmental justice or not, I will leave to you. I will leave it to you  
14 as to whether this is environmental justice in action.

15 I would like to think it is, but I would also like to think that this is  
16 something that we would be doing if we did not have this august focused  
17 body to use as a precept, if we didn't have the examples of Secretary  
18 Goodman who I want to commend as my mentor over the last several  
19 years going back to when I helped to negotiate the Kyoto Protocol on  
20 behalf of Secretary Goodman -- but if we weren't doing these things, we  
21 would be missing an enormous opportunity.

22 That we are at the Department of Defense, makes me very proud,  
23 but it doesn't matter whether we're the Department of Defense or not  
24 we are citizens, we need to work together and we think that this is a way  
25 to do it.

26 I thank the Council very much.

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1 (Applause.)  
2 MR. LEE: I'm struck by the fact that these presentations give us  
3 a picture of enormous complexity with respect to the issues that have to  
4 be addressed. But also, they offer incredibly rich opportunities.

5 I think that it wouldn't be remiss for me not to say for all the  
6 panelists, that they all bring to us a real deep personal commitment to  
7 these issues, and I want to thank you for that.

8 Next we have Dr. Carolyn Huntoon, the Assistant Secretary for  
9 Environmental Management, the Department of Energy.

10 PRESENTATION BY DR. CAROLYN HUNTOON

11 DR. HUNTOON: Thank you, Charles. It's a pleasure to be here  
12 today. I welcome the opportunity to speak with you about the  
13 Department of Energy's environmental justice activities and  
14 accomplishments.

15 Even more importantly, I welcome the opportunity to discuss how  
16 environmental justice has become a part of the fabric of DOE's  
17 programs and policies.

18 There was a time when public participation and environmental  
19 justice considerations were not part of the DOE culture. That time has  
20 gone. The President's Executive Order ensured the Department would  
21 take environmental justice into consideration in its decisionmaking  
22 process.

23 Certainly, Environmental Order 12898 was the catalyst for the  
24 programs and policies you'll hear today. But I'd like to think that the real  
25 catalyst for DOE's commitment to environmental justice springs from an  
26 even more basic premise: that it's the right thing to do.

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1 Today I will provide a quick snapshot of DOE's successful efforts  
2 to implement the Executive Order. You'll hear about a variety of  
3 programs that benefit low income, minority, and indigenous  
4 communities. You'll also hear how we've moved to institutionalize  
5 environmental justice within the Department's culture. Finally, you will  
6 hear about efforts underway to work within an interagency framework to  
7 implement environmental justice projects.

8 The Department already has had a number of successes. The  
9 Environmental Justice Resource Center sponsored by the Department  
10 of Energy is the premier environmental justice center in the nation.  
11 Located at Clark-Atlanta University, it serves as research, policy, and  
12 information clearinghouse on issues related to environmental justice,  
13 race, the environment, civil rights, land use planning and other equity  
14 issues.

15 The Department of Energy has entered into a cooperative  
16 agreement with the National Conference of Black Mayors. Through this  
17 agreement we are assisting in the rebuilding of the City of Princeville,  
18 North Carolina. This city is known as the birthplace of the Afro-  
19 American Freedom, which was nearly destroyed by Hurricane Floyd last  
20 year.

21 In addition, the Department's Samuel B.P. Massey Chairs of  
22 Excellence Program consists of national and international renown  
23 environmental experts from nine Historically Black Colleges and  
24 Universities and one Hispanic-serving institute, are assisting the  
25 National Conference of Black Mayors and disadvantaged communities  
26 in improving sewage systems, solid waste incineration and other

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1 municipal environmental issues.  
2 The Massey Chairs also assist educationally disadvantaged  
3 students in grades K through 12 who reside in small towns and rural  
4 areas by providing opportunities to participate in environmental research  
5 and college scholarships.

6 The Department's Office of Energy Efficiency and Renewable  
7 Energy provides a home modernization program for more than 80,000  
8 low income residents throughout the United States. The Department is  
9 also addressing (inaudible) recognizing the increased need for  
10 communications in an increasingly digital world. The Department has  
11 provided disadvantaged communities with the technology and the  
12 training to participate.

13 One stunning success, the Hyde Park/Aragon community located  
14 near the Savannah River site, used computers and training provided by  
15 DOE in partnership with the Environmental Protection Agency to  
16 research enforcement issues affecting their community. Ultimately the  
17 used their new-found expertise to apply for and receive an EPA  
18 brownfields grant to clean up areas affecting their community.

19 I'd like to talk briefly about the institutionalization of environmental  
20 justice with the Department of Energy, how environmental justice is now  
21 a part of not only what we do, but how we think about environmental  
22 issues.

23 The Department now has an environmental justice coordinator  
24 located in the Office of Economic Impact and Diversity, as well as  
25 environmental justice points of contact in our major programs and field  
26 centers. Environmental justice considerations are now a part of the

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1 Department's National Environmental Policy Act review process.  
2 An increasing number of our offices, including my Environmental  
3 Management Office, are offering environmental justice training to  
4 educate and sensitize our managers and staff. The Office of  
5 Environment Safety and Health conducts health studies in communities  
6 around our sites. The Office of Energy Efficiency and Renewable  
7 Energy is using environmental justice-based considerations in its review  
8 process for awarding funding.

9 We've come a long way, but there's much more to be done. One  
10 of the Department's continuing programs is an aggressive public  
11 information outreach effort to continue to reach all affected peoples and  
12 communities.

13 The Office of Energy Efficiency and Renewable Energy's excellent  
14 Center for Sustainable Development operates a Website in English and  
15 in Spanish that provides information on green building, transportation,  
16 rural issues, resources efficiency and economic issues. This site  
17 receives over one million hits per month.

18 Our Center for Environmental Management Information provides  
19 information on our environmental management program, including  
20 distribution of the Executive Order and DOE's environmental justice  
21 strategy and maintaining environmental management's Environmental  
22 Justice Webpage.

23 Our Office of Environment Management is partnering with EPA's  
24 Office of Federal Facilities Restoration and Savannah State University  
25 and Citizens for Environmental Justice to support workshops and public  
26 involvement programs for adversely impacted communities near the

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1 Savannah River site.

2 Activities include community workshops with hands-on training,  
3 literature and exhibits on environmental radiation, weekly radio  
4 programs, and the interaction with site managers and the Savannah  
5 River's Citizen Advisory Board.

6 This project is just one of an increasing number of interagency  
7 projects that the Department is pursuing.

8 We are an active participant in the Federal Interagency Working  
9 Group on Environmental Justice and have taken the lead on several  
10 interagency demonstration projects. For example, the Department of  
11 Energy has led and received praise for the recent American Indian and  
12 Alaska Native Environmental Justice Roundtable held in Albuquerque,  
13 New Mexico. There, federal agencies, in collaboration with tribes, tribal  
14 organizations and other interested parties, conducted a roundtable to  
15 discuss and identify means to address the broad range of tribal cultural,  
16 religious, economic, social, legal and other issues related to  
17 environmental justice in Indian Country.

18 An overview of the roundtable was favorably received at the annual  
19 Congressional Black Caucus session in September.

20 Another project DOE is leading is on the meeting the digital divide  
21 through technology sharing. DOE has partnered with federal, tribal and  
22 local agencies, community organizations and Historically Black Colleges  
23 and Universities to help communities gain access to information  
24 technology and gain capacity to participate in environmental  
25 decisionmaking by providing excess computers and technical  
26 assistance to establish community technology centers.

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1 Two specific projects are underway, one in Savannah, Georgia and  
2 the second at Fort Belknap Indian Reservation in Montana. These will  
3 serve as models for future replications by other communities and tribes.

4 The Department of Energy has made a real commitment to  
5 environmental justice, but there's much more to be done. Everyone in  
6 this room has a common interest to be able to live in a clean, safe and  
7 healthy environment. I will look forward to learning from you and  
8 working with you to solve the common problems that we all face.

9 Thank you.  
10 (Applause.)

11 MR. LEE: Thank you, Dr. Huntoon.

12 Next we have the Department of Transportation. Perhaps  
13 unbeknownst to many the Department of Transportation has actually  
14 made a very significant commitment to environmental justice.  
15 Transportation is, of course, a critical issue for communities, and this  
16 commitment has come personally from Secretary Slater.

17 I'm going to introduce Ron Stroman, the Director of the Office of  
18 Civil Rights of the Department of Transportation.

19 /////  
20 PRESENTATION BY MR. RON STROMAN

21 MR. STROMAN: Thank you. In the interest of time, let me try to  
22 summarize, if I can, my written remarks.

23 I really did want to emphasize the point that Charles Lee just made,  
24 in that the work that we have been able to -- the accomplishments that  
25 we have been able to achieve certainly could not have happened but for  
26 the leadership at the highest levels of the Department of Transportation.

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1 Secretary Slater, Deputy Secretary Mort Downey, our former  
2 General Counsel, Nancy McFadden, the agency heads, all really  
3 formed, I think, a critical mass which enabled the Department of  
4 Transportation to achieve much of what we have been able to achieve  
5 over the last couple of years.

6 Our essential approach to environmental justice has been to try to  
7 affect the front end of the planning process of transportation projects  
8 around the country. Once transportation projects obviously are built, are  
9 developed, developing a remedy for concerns of environmental justice  
10 often come too late and there's not much you can really do at that point.  
11 So we have worked assiduously to make corrections to the planning  
12 process and the public participation process.

13 In that regard, we believe -- we are optimistic that before the end  
14 of this administration we will be able to issue a final rule on the Federal  
15 Highway Administration and Federal Transit Administration joint  
16 planning process. As a part of that role we expect, and we certainly  
17 hope, that environmental justice concerns and analysis and approaches  
18 will be part of that final rule.

19 Obviously the rule is not final and I am not able to get into the  
20 details of it, but let me just say first, Assistant Attorney General Schiffer  
21 talked about interagency cooperation. I certainly want to thank her for  
22 the work that she has done with us as a partner in pushing to make sure  
23 that both the rule bets implemented as well as environmental justice as  
24 a part of that rule.

25 She somewhat courageously testified before the Senate Public  
26 Works Committee I believe, and despite the opposition of a number of

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1 Senators, stood firm in her support for environmental justice principles  
2 within our planning process, and so I wanted to certainly thank her and  
3 to say that is the type of cooperation that we have as an administration  
4 been able to achieve.

5 The planning process, as many of you may be aware, around the  
6 country before transportation projects can be implemented, there is a  
7 planning process which requires local metropolitan planning  
8 organizations to come up with a plan as to how those transportation  
9 projects should go forward.

10 Our proposed rule builds on a Federal Highway and Federal Transit  
11 Administration memo that was issued in October of 1999 which clarified  
12 how environmental justice issues should be considered as part of that  
13 planning process. The memo was required as part of the certification  
14 process for local metropolitan planning organizations, and for the first  
15 time I can tell you that environmental justice became a real part of that  
16 analysis.

17 Prior to that memo I think it is safe to say that environmental justice  
18 issues were really given lip service as part of a review of the planning  
19 process by local metropolitan planning organizations. That is certainly  
20 no longer the case, and for the first time in the history of the Department  
21 two local metropolitan planning organizations were given conditional  
22 certification. That is a first.

23 Essentially what the conditional certification required was that  
24 those planning organizations go back and satisfy the Department as to  
25 how they would incorporate environmental justice concerns in their  
26 analysis of transportation projects in their region. It was a contentious

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1 certification issues, but it was done I think because, in large measure,  
2 of the work of people like the Secretary.

3 Another approach that we have taken for environmental justice has  
4 been a review that we are in the process of doing now in the Atlanta  
5 Region. Several years ago we received a notice of intent to sue the  
6 Department from a number of environmental justice organizations in the  
7 Atlanta Region.

8 Because Atlanta is so important to the Department in terms of  
9 transportation projects, the Secretary suggested that we try an approach  
10 that was both a win-win for both sides. So we met with environmental  
11 justice groups in Atlanta and instead of the litigation what we agreed on  
12 was a two-part environmental justice review in the Atlanta Region.

13 The first part of that review was a review of the public participation  
14 process in Atlanta. We held three days of meetings in Atlanta. We had  
15 document reviews that took place over a series of months.

16 After our investigation we went back and we came up with an  
17 approach which not only included local environmental justice  
18 organizations but also included the Georgia Department of  
19 Transportation, including the Atlanta Regional Commission, the local  
20 transit agency, MARTA, and we came up with a series of about 25  
21 recommendations for change to the public participation process in the  
22 Atlanta Region.

23 It is our hope that those recommendations will also be used around  
24 the country in other areas as well.

25 We are now in the process of implementing Phase 2 of that Atlanta  
26 review. Phase 2 will be an analytical analysis of the benefits and

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1 burdens on transportation projects in the Atlanta Region.

2 We have hired an organization to work with us to do a study over  
3 the next several years and to come up with how we should measure the  
4 impact of transportation projects on low income and minority  
5 communities in the Atlanta Region. Again, the expectation is that out of  
6 that review will also come a nationwide effort to measure the impact of  
7 transportation projects.

8 In addition, we have for the first time settled the first -- for the first  
9 time in the history of the Department, settled an environmental justice  
10 lawsuit involving Jersey Heights.

11 Jersey Heights, as many of you may know, was an African-  
12 American community in Maryland who when Route 50 was built was  
13 uprooted. I think it is safe to say that the decision was certainly race-  
14 based at the time. After that, there was an effort on the part of the State  
15 of Maryland to once again have a highway go right past that community.

16 We settled that. We settled it in a way that we think is a win-win  
17 for both the community and the State of Maryland. And it really set the  
18 stage for the way in which we began to address environmental justice  
19 complaints throughout the Department.

20 We now have an Environmental Justice Review Committee made  
21 up of senior officials within the Department of Transportation who review  
22 the impact of transportation projects on minority communities around  
23 the country. As a result of that committee, we have expanded the use  
24 of environmental justice principles beyond Federal Highway  
25 Administration, beyond Federal Transit Administration.

26 We recently had a major environmental justice analysis on the

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1 issue of location of pipelines within minority communities, particularly in  
2 the area of Texas.

3 We are applying environmental justice principles to Maritime  
4 Administration with regard to ship scrapping. Many of you may be  
5 aware that in scrapping of ships PCBs are often let loose into local water  
6 streams, and oftentimes the ship scrapping takes place in and around  
7 minority communities.

8 Our Federal Aviation Administration is now taking environmental  
9 justice principles into effect when they expand airports around the  
10 country.

11 And so part of that has to do again with the fact that we have  
12 established this review committee at the highest levels of the  
13 Department.

14 We also have established a coordinated team effort with regard to  
15 environmental justice and Title VI complaints within the Department.  
16 Recently we had an issue where a transit facility wanted to be built in  
17 Atlanta (sic). The administrator, the acting administrator, along with the  
18 Secretary, dispatched a group of expert investigators to Seattle (sic) and  
19 we did an environmental justice review of that and reached a decision  
20 within a one-month period, which was certainly a record for the  
21 Department of Transportation.

22 Finally, let me say that we have really gone out of our way to do a  
23 number of workshops and training. Around the country our staff is  
24 training -- not only our own staff, our local departments of transportation  
25 around the country, metropolitan planning organizations or  
26 environmental justice principles.

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1 In terms of the future, we believe, again, that the importance of  
2 having support from the top is absolutely critical. Interagency  
3 coordination of the type that we've talked about I think is going to be  
4 essential, and ensuring community participation at the table when  
5 decisions are made is probably the most important thing that we believe  
6 needs to be addressed certainly by the Department of Transportation  
7 over the next several years.

8 I thank you for this opportunity.

9 MR. LEE: Thank you, Ron.

10 (Applause.)

11 MR. LEE: Next we have Lisa Guide from the Department of  
12 Interior.

13 MS. GUIDE: Thank you very much. Thanks for the opportunity to  
14 be here today.

15 We're going to split up our presentation. I am going to introduce  
16 Dr. Willie Taylor who is the Director of our Office of Environmental  
17 Policy Compliance. He's going to give an overview of the Department's  
18 environmental justice program and then I'm just going to briefly touch on  
19 an issue of much concern to us, which is that of persistent organic  
20 pollutants and its effect on indigenous peoples, particularly in Alaska.  
21 So I'm going to hand the mike over to Willie.

22 PRESENTATION BY MR. WILLIE R. TAYLOR

23 MR. TAYLOR: Thank you, Lisa. The Department of Interior is a  
24 fairly old-line agency. We have been around for over 150 years.

25 If you look at what it is we do, the entire Federal Government owns  
26 approximately one-third of all of the land in the United States, and the

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1 Department of Interior manages, controls approximately two-thirds of all  
2 of all that federal land. So that means that the Department of the  
3 Interior manages approximately 18 percent of the nation's land mass.

4 That does not include another three billion acres of OCS, outer  
5 continental shelf, lands that we manage for the resource values.

6 We're also the nation's largest natural resource manager and a  
7 very large cultural resource manager.

8 And finally, as I think you've heard, the federal agencies that you'll  
9 hear from today and throughout the rest of this meeting talk about, there  
10 is a Federal Government responsibility to Indian Tribes. It is not just the  
11 Department of Interior. But one of the major agencies in the  
12 Department of Interior is the Bureau of Indian Affairs and they are  
13 responsible for treaty obligations and trust responsibilities for tribes.

14 The Department's mission is to protect and to provide access to  
15 our nation's cultural and heritage resources and to honor our trust  
16 responsibilities to tribes.

17 Now, that's the overall mission of the Department of Interior. But  
18 as I think many of you know, we are put together, if you will, with eight  
19 major bureaus. Those bureaus are the Bureau of Indian Affairs, the  
20 Bureau of Land Management, the Bureau of Reclamation, Minerals  
21 Management Service, the National Park Service, the Office of Surface  
22 Mining, Fish and Wildlife Service, and the U.S. Geological Survey.

23 Those agencies collectively are responsible for over a half a billion  
24 acres of lands that they manage. Some of those you've probably never  
25 heard of. The Minerals Management Service, they're responsible for  
26 collecting revenue from OCS leasing. They collect somewhere between

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1 \$4 and \$5 billion every year.

2 The Park Service, one that you have heard of certainly, they're  
3 responsible for managing approximately 81 million acres of land, and  
4 they have a dual mission. The Park Service's mission -- it's dedicated  
5 to conserving unimpaired natural and cultural resource values of the  
6 park system for the enjoyment now and for the future.

7 That's a conflict. But if you take a look at all of the bureau  
8 missions -- and I'm not going to go through all of them here -- each one  
9 of those bureaus has a mission that in fact in some way, shape or form  
10 conflicts internally as well across the Department.

11 Lisa Guide, who is our Acting Assistant Secretary for Policy  
12 Management and Budget is responsible for making sure that those eight  
13 bureaus act and cooperate with one another. One of the ways that  
14 we've done that is through DOI's Environmental Justice Strategic Plan.

15 I want to thank somebody who is not here today, and that's Bob  
16 Faithful. Bob Faithful was given the original responsibility of putting this  
17 environmental justice plan together, and he did a great job.

18 That plan can be seen at our Website. That plan deals with  
19 basically two components. One is the natural resources as well as  
20 coastal resources that the Department manages, and our relationship  
21 to people.

22 In order to implement that plan we've done several things. One of  
23 the things that we've done is we've put together coordinators for each  
24 one of the bureaus. And you'll find those listed in our Webpage. They  
25 are responsible for making sure that environmental justice is put inside  
26 each one of the missions of each one of those eight agencies inside of

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1 the Department.  
2 Our implementation of that overall strategy deals with three major  
3 topics: cooperating with our federal agencies, state and local  
4 governments and communities, the protection of culture and natural  
5 resources, and fulfilling our trust responsibilities toward American  
6 Indians and Alaska Natives.

7 In terms of that first bullet, in terms of cooperation, we at the  
8 Department of Interior have worked in the Appalachian Clean Streams  
9 which OSM, the Office of Surface Mining, has provided over \$25 million  
10 to help clean 68 streams primarily in the east in terms of looking at acid  
11 mine drainage in those streams and taking care of that issue.

12 We have worked with the Interagency Working Group on the 15  
13 demonstration projects and in particular, the Department of Interior has  
14 been able to work on four of those projects. Now, you will hear about all  
15 15 projects later on. The Department, though, has worked on the  
16 Bridges to Friendship project through our National Capital Region in the  
17 Park Service that you heard described earlier.

18 We played an integral role in the EJ roundtable that was done in  
19 Albuquerque.

20 We're working with the Metlakatla Indian community in dealing with  
21 that project and bringing economic development in an environmentally  
22 friendly way in Alaska.

23 And we're also working with the New York City alternative fuel  
24 vehicle summit.

25 We firmly believe that the interagency process is the only way that  
26 this can work. We've talked to Barry and Charles in working with Tim,

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1 and if we don't collectively get together to make things happen, they  
2 won't happen because most EJ problems are not just problems that can  
3 be dealt with by one agency, not just one bureau in the Department of  
4 Interior. We have to cooperatively work with each other. If we don't, it  
5 doesn't happen.

6 We are a protector of natural resources. We've done so in several  
7 projects. I'm not going to go through all these projects. You will find the  
8 projects on our Website. You'll also find a person that you can call, talk  
9 to, e-mail, about each one of these projects individually if you want more  
10 information. But let me just give you one of them, the top one, which is  
11 sea otters and sea urchins.

12 Again, the Department of Interior through USGS and their  
13 Biological Research Division has in fact worked with the Makah Nation  
14 to look at what do you need to have a healthy sea otter population as  
15 well as the commercial value of sea urchins and their harvesting.

16 Now, to some, you know, it's a trivial problem, but not to them  
17 because this is how they are able to get commercial harvesting done.  
18 And so the question is how do you balance those two things.

19 Again, it's not something you'd think of the Department of Interior  
20 doing, but through the work of some of the best biologists in the country  
21 we've been there to try to help them solve this question.

22 In terms of our trust responsibilities -- I smile because Lois was  
23 talking about Chicago and I'm a Chicago kid. When somebody asks me  
24 about sheep dip, I just kind of -- I mean, I just reach a blank. Okay?  
25 And I have to admit this. But in dealing with what is called the Central  
26 Hazardous Materials Management Fund which my office chairs how we

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1 grant money throughout the Department to clean up the problems that  
2 we've created or helped create out there, we learned about a problem  
3 on the Navajo Reservation.

4 A sheep dip is where they take sheep and they push them trough  
5 about 2,000 -- this is a concrete pit and the sheep go through these pits  
6 which are filled with water and pesticides. What happens is, yes, it  
7 takes care of the pesticides for the sheep, but, as you can imagine, the  
8 stuff goes all over the place. There's a real health problem surrounding  
9 these vats.

10 Now, we've been able to look at nine of them cooperatively with  
11 ATSDR. Found that there were serious health problems in two of them  
12 and we're working to remediate those.

13 Well, part of the issue that my office deals with is how do you get  
14 the Department to act as a whole. Well, by looking at these sheep dip  
15 operations, believe it or not, we're now able to go in a whole bunch of  
16 other places where we've got pesticide problems and figure out fairly  
17 cheap ways to deal with them.

18 This is not a one-way street with any given agency inside of the  
19 Department. We are working with the federal community. We're able  
20 to find ways if there are spillover effects to deal with problems, common  
21 problems.

22 Lisa is going to talk about a problem that is fairly topical and deals  
23 with persistent organic pollutants. Let me just turn it over to my boss,  
24 Lisa Guide, who is the Assistant Secretary.

PRESENTATION BY MS. LISA A. GUIDE

25 MS. GUIDE: Thank you very much. The Interior Department has  
26

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1 responsibility for the subsistence diet of Native Americans in Alaska.  
2 Since we do manage such a great part of the land mass in Alaska and  
3 we do have a relationship with the tribes, this is a responsibility that we  
4 have. As a result, there are many, many things that we are involved in  
5 with Alaska Tribes.

6 One of the things that we've been focusing on lately is persistent  
7 organic pollutants. POPs, as they're generally known, include a name  
8 which many of you here who are much bigger experts than I am on  
9 these chemicals and on this issue know -- they include, just briefly,  
10 DDTs, PCBs, dioxins and also heavy metals. Heavy metals are not  
11 technically POPs, but they are persistent pollutants that we find turning  
12 up in the Arctic.

13 They come from industrial waste, industrial chemicals and  
14 pesticides, and they are increasingly turning up in both the Canadian  
15 and the American Arctic. It's very disturbing because they aren't  
16 produced there. They end up traveling there through air and water  
17 transport. Basically the air currents and water currents and through  
18 migratory species, and because of cold temperature, the Arctic tends to  
19 be a sink for all these different pollutants. In the winter time, the arctic  
20 front actually extends down into the continental United States and it  
21 encompasses the northern part of the Great Lakes as well.

22 In people the studies are still in their infancy, particularly in the  
23 American Arctic. But we know that POPs do accumulate in fatty tissues  
24 of mammals. As nutrients move up the food chain, the concentration of  
25 POPs increases and these POPs and heavy metals are found in  
26 traditional food sources such as marine mammals and fish.

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1 The effect on people is disturbing, as you know. Once again, we  
2 don't have a lot of research on this in Alaska, but we do know that there  
3 is a reduction of reproductive ability, a decreased immune system  
4 function and impairing of neurological and developmental ability as well.  
5 Because of all of these issues the most vulnerable people to POPs are  
6 nursing babies and developing fetuses.

7 In the Canadian Arctic there is quite a bit more research than in  
8 America, but from what research we have not only with people but with  
9 fish and wildlife, we do know that the Inuit blood level of PCBs are  
10 higher, seven times higher, than the common level, and also much  
11 higher than in Native Americans who do not reside in the Arctic Circle  
12 or on the Aleutian Islands or the Alaskan chain of islands which are  
13 close to Russia, thought to be a source of many of these POPs.

14 Also, sea otters have very high levels of DDT and killer whales in  
15 the North Pacific are considered the most contaminated in the world; in  
16 fact, they're considered a toxic substance if they come up on land.

17 In the lower 48 we do find that we have a strong Clean Air Act,  
18 Clean Water Act. Environmental laws in this country have cut down on  
19 the amount of these types of pollutants in waters. But other countries  
20 production of POPs undercuts the POPs that we've been able to reduce  
21 through domestic regulation.

22 We still have 36 states in the country that have fish advisories and  
23 other advisories because of pollutants, most near the Great Lakes. And  
24 we're still finding that bald eagles are suffering from thinning eggshell.  
25 As you will remember, DDT is the cause of much of that, which led to  
26 their listing on the Endangered Species List in the '70s. Just recently

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1 they've been delisted off of that list.

2 Also, consumers of fish tend to be indigenous peoples or low  
3 income people from the Great Lakes Region, and they have two to three  
4 times higher levels of contaminants in their bodies from eating the native  
5 fish.

6 The Interior Department has engaged in a campaign over the last  
7 year where we've been trying to do four things. One is to educate  
8 people about contaminants and their impact in the U.S., making that  
9 connection between the Arctic and the lower 48.

10 One thing that I'm really proud that we've been able to do is that  
11 we've produced a report called Contaminates in Alaska. It's an  
12 interagency collaboration paper. We were very happy to work with the  
13 EPA and with NOAA, with the State of Alaska, a number of different  
14 agencies in the State of Alaska, to produce this document which  
15 basically for the first time got everyone in Alaska working on these  
16 issues on the same page. It's just that we felt that the first step towards  
17 making some progress was for everyone to agree what the problem  
18 was.

19 We are looking to commit resources for more cooperative research  
20 and monitoring. I was very happy that Senator Stevens this year was  
21 able to insert \$400,000 into the Interior budget for Fish and Wildlife  
22 studies on POPs in Alaska and also I believe \$400,000 to EPA for the  
23 ATSDR study on the same issue in Alaska.

24 We've also been working to strengthen partnerships with agencies  
25 and universities. This report I just referred to is the first step. We've  
26 had a very good productive series of meetings within the federal family

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1 in Washington to try and raise the visibility of the issue, and I think that  
2 we're going to come out hopefully with a strong partnership that's arisen  
3 out of these discussions.

4 And then, I end on a happy note, which is our fourth bullet item  
5 here which was a goal and is now a -- well, it's closer to being a reality.  
6 We have reducing exposure to POPs and heavy metals through an  
7 international treaty, and over the weekend there was an agreement,  
8 which is roundly considered a good agreement, to reduce and eventually  
9 ban 12 very hazardous chemicals.

10 It now goes to 120 nations for ratification, to the U.S. Senate, and  
11 hopefully we'll be able to sign that treaty in May. So we've really made  
12 a very, very substantial amount of progress through the treaty being  
13 agreed to.

14 I end with the incentive of the Interior Department, which is "A thing  
15 is right when it tends to preserve the integrity, stability and beauty of the  
16 biotic community." That's something that we try to live by and we hope  
17 that we've made some progress on this and many issues in the last few  
18 years. I do hope that this body will continue to work with the  
19 Department and whoever may be coming in with the next administration  
20 and continue to push these measures forward.

21 I appreciate the chance to be here today. Thanks.  
22 (Applause.)

23 MR. LEE: Thank you. Can I ask that you give all the presenters  
24 a round of applause.

25 (Applause.)  
26 MR. LEE: One of my goals for this meeting was to really put to

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1 rest what I think is a myth that the federal agencies other than EPA are  
2 not doing anything around environmental justice. I really believe that is  
3 a myth and the kind of in-depth presentations that were given I think  
4 really does bring a lot of credit to the federal agencies that are  
5 presenting here and will be presenting later on this issue.

6 At this point I want to turn the program over to Tim Fields. There  
7 has been, for those of you that may not know, work between a number  
8 of federal agencies around the federal facilities issue, and there is work  
9 on a memorandum of understanding between the Departments of  
10 Defense, Energy, Interior and EPA. I would turn the program now to  
11 Tim.

12 MS. TRAVIS-MILLER: Charles, can we just ask a question?  
13 What's the process for Q&A?

14 MR. LEE: We're going to do it right after --

15 MR. TURRENTINE: Right after the panels.

16 MS. TRAVIS-MILLER: Okay.

17 MR. LEE: The reason why is because we're running into a time  
18 problem.

19 MS. TRAVIS-MILLER: Yes, we know, that's why we're asking.

20 SIGNING OF MEMORANDUM OF UNDERSTANDING

21 MR. FIELDS: I'd like to ask Secretary Goodman, Secretary  
22 Huntoon and Secretary Guide to come up to the podium for a minute.

23 We're today going to be signing an important memorandum of  
24 understanding. Please come on up. We're going to be signing an  
25 important memorandum of understanding around the whole issue of a  
26 Federal Facilities Working Group which was called for by several

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1 participants at our last-- as a matter of fact, several NEJAC meetings.  
2 We have committed now to enter into a partnership with these four  
3 agencies, but recognizing that other agencies will be joining on to this  
4 partnership in the near future. This talks about a coordinated effort  
5 between DOD, DOE, the Department of Interior and EPA to provide an  
6 important and necessary source of support and input for the working  
7 group on federal facilities.

8 This is an historic day for NEJAC and we applaud these agencies  
9 for signing on to this memorandum of understanding. Thank you.

10 (Applause.)

11 MR. FIELDS: We have committed to support a Federal Facilities  
12 Working Group on Environmental Justice on behalf of the rest of the  
13 administration and the government leading into the future.

14 Thank you all very much.

15 (Applause.)

16 MR. LEE: Thank you. I know there's a number of questions. Why  
17 don't we start with you, Vernice.

18 MS. TRAVIS-MILLER: Mr. Stroman, it looks like you might have  
19 something to get back to in your office, so let me start with you.  
20 I actually have several questions; I'm going to ask them all at once and  
21 then they can answer them as they choose.

22 For Mr. Stroman, you talked about working through the NPOs. I  
23 know you've worked with people in New York City, which is my  
24 hometown, but I just want to highlight this for you, that NPOs are  
25 woefully nondiverse and unrepresentative of the metropolitan area that  
26 they serve. In fact, I think the one in New York should be the subject of

1 a voting rights action for not being representative of the population of  
2 New York City.

3 So that's point number one. I think you all need to really look at  
4 how you break into that process. If that is your main instrument for local  
5 transportation planning, it will forever be exclusive of the needs and  
6 concerns of EJ communities.

7 Secondly, I want to ask you, how would you say the DOT's Title VI  
8 implementation differs from or mirrors EPA's recently released Title VI  
9 implementation plan? So that's the question for you.

10 For Lois and Sylvia, I guess you will answer this hopefully in Lois'  
11 stead: What percentage of Superfund enforcement actions have been  
12 undertaken in EJ communities in the Clinton/Gore administration?

13 Secondly, Sherri Goodwin, how are EJ groups in San Antonio  
14 being incorporated into the McClellan Air Force Base RAB process? I  
15 understand that they're having a hell of a time trying to get their  
16 concerns integrated into that process, and you talked about RABs as  
17 being, you know, something that you all are really sort of focusing on.

18 Admiral Weaver, what other opportunities do you see within DOT  
19 activities, and in particular within the Department of the Navy, to  
20 advance EJ understanding and activity?

21 Lastly, Lisa Guide, how surprised was DOI to find a significant  
22 presence of POPs in the Arctic Region? I guess, Willie, you'll have to  
23 try and answer this for her. And what are you going to do about the  
24 presence of POPs in the blood systems of Native and Inuit people in  
25 Alaska? I mean, what's the plan of action to deal with that?

26 That's it.

1 MR. LEE: The panelists may need a little bit of prompting to make  
2 sure they remember the questions.

3 MS. TRAVIS-MILLER: That's why I wrote mine down.

4 MR. LEE: Okay. Ron I think is first.

5 MR. STROMAN: I think with regard to the local metropolitan  
6 planning organizations, you're exactly right. The way in which the NPOs  
7 operate is that you have a one-to-one voting ratio with regard to  
8 jurisdiction. So that if you have New York City, for example, they may  
9 have exactly the same representation a suburban area in the region;  
10 therefore, they consistently are outvoted with regard to transportation  
11 projects.

12 We found that in the Atlanta Region where the City of Atlanta was  
13 consistently outvoted on transportation issues because of the needs of  
14 the surrounding communities.

15 So one of the things we're looking at is some type of proportional  
16 voting representation system where you look not to a city or a  
17 jurisdiction, but look to the population in that area. In that way, it  
18 becomes more representative. That's one of the ways we're trying to  
19 address it.

20 With regard to Title VI, we are revising our Title VI procedures even  
21 as we speak to become more complaint with EPA's. As a matter of fact,  
22 we have Title VI principles -- one of the things I didn't mention because  
23 we haven't done it, is that we have now new Title VI principles that all of  
24 the operating administrations have agreed upon, which we're hoping to  
25 get out within the next two weeks.

26 MS. LIU: My name is Sylvia Liu. I work with Lois Schiffer on

1 environmental justice issues.

2 I don't have the answer to your question right here, but I can go  
3 back and look for the answer.

4 MS. TRAVIS-MILLER: I was asking Tim if he knew how many  
5 enforcement activities they've referred?

6 MR. FIELDS: I do not know the answer to that either. We'll have  
7 to get back to you on that one for sure --

8 MS. TRAVIS-MILLER: Okay.

9 MR. FIELDS: -- on the referrals and actions.

10 ADMIRAL WEAVER: I'm ready. To answer the question where  
11 are the possibilities in DOD -- I was going to talk about my part but I'll let  
12 Secretary Goodman talk about her part.

13 SECRETARY GOODMAN: I think the question you asked me was  
14 about Kelly Air Force Base which is in San Antonio, not McClellan.

15 I know there have been longstanding environmental justice  
16 concerns at Kelly, and I have had interaction over the years with a  
17 number of individuals representing those concerns. I had one  
18 gentleman in my office just this morning from the Southwest Workers  
19 Union.

20 There is an extensive public outreach program. There is a RAB.  
21 I know that despite all the efforts that there are, there continues to be  
22 dissatisfaction because of health concerns that the community around  
23 Kelly has. It's one that the Air Force is continuing to work on and I know  
24 it's one of the most difficult cases because there are a lot of  
25 complicating factors with not only what has occurred at Kelly and the  
26 contamination that has been affecting the community, but a number of

1 other factors in that community as well.  
2 It's one that I think the Air Force is committed to and I'll  
3 acknowledge that there are no easy answers but ones we have to keep  
4 working on.

5 I was very pleased to have the meeting this morning to learn more  
6 from the citizens of Kelly about their specific concerns.

7 ADMIRAL WEAVER: With respect to our experience in Bridges to  
8 Friendship in Southeast Washington and the possibility of exporting that,  
9 I would say that practically anywhere that there is potential  
10 environmental litigation or an environmental or social situation or  
11 economic situation in which there is a disadvantaged piece of the  
12 population adjacent to a DOD installation or a DOD entrance.

13 What we have found is that it's almost as much an attitude as it is  
14 mechanical things that you do. Three years ago we would have been  
15 in court for years over things that we now resolve in weeks. For  
16 instance, just recently we concluded an NPDES permitting protocol with  
17 the City of Washington, EPA, Navy and a private interest along the  
18 Anacostia River in four weeks worth of alternative dispute resolution.  
19 Didn't have to go to court.

20 With the leadership of Mr. Tim Fields and Secretary Goodman we  
21 concluded last year a federal facilities agreement in seven months,  
22 which normally takes three or four years to do.

23 So it's as much about attitude as it is about where you would -- the  
24 short answer is, you can do it anywhere that you want to do it and where  
25 everybody sees an opportunity to give a little to get something back for  
26 the environment and the people who live around the installation.

1 SECRETARY GOODMAN: I'll also say that I wish we had more  
2 people like Admiral Weaver. If we could clone Admiral Weaver and put  
3 him in command at all of our troubled spots -- I mean, it is about attitude  
4 because he has put his credibility on the line, he's taken a lot of his time  
5 as a commander and brought a lot of his staff in to work on these issues  
6 and built a lot of trust in the community that did not previously exist.

7 So, the more we can do that -- and I would say to the Council  
8 members and others in the audience that your appeal directly to  
9 commanders -- directly to commanders -- at installations where you  
10 have issues I think is very important. You need to get their attention and  
11 command their time. And that's what can make a difference.

12 MR. TAYLOR: In terms of the POPs issue, I think your question  
13 was, was the Department surprised in finding this?

14 Yes. I think it's the degree and the places that we found it. The  
15 fact that one of the slides that Lisa talked about showed the air flows  
16 and the deposition of some of these POPs, and to find them in places  
17 that they've been found, in concentrations that they've been found, I  
18 think -- especially in the Arctic -- were things that I think surprised a lot  
19 of us at Interior, although people have been talking about this issue for  
20 a long time.

21 Hopefully with the ratification of the treaty -- and we've all got our  
22 fingers crossed -- we will be able to deal with that deposition and where  
23 it's coming from because it really is an international problem. It's not  
24 just the United States; it's an international problem. And that's the only  
25 way it's going to get stopped.

26 In terms of what do we do next, I think you put your finger on the

1 real issue, and that is, okay, now we've seen that we've got a problem,  
2 we've got some seed money coming from Congress, can we leverage  
3 that money to deal with the subsistence issues in Alaska in the Arctic.

4 I think the answer is yes, but we'll have to get together with the  
5 Indian Health Service and a bunch of other agencies in the same  
6 fashion that people have been brought together in the IWG to deal with  
7 the issue because it's not one that can be dealt with by one agency. It  
8 just can't happen.

9 MR. LEE: Let me just say that I think the discussion of this nature  
10 is really very important, but we do have a time problem. We are at this  
11 point 25 minutes late and there are seven people that want to ask  
12 questions or make comments.

13 So I would just ask that each of you restrict yourselves to one  
14 question. Vernice, you got away with it. And we can go on from there.

15 The order I have is Tom Goldtooth, Harold Mitchell -- I'm just going  
16 side to side --

17 MS. RAMOS: I'm sorry, I was the first to raise my hand.

18 MR. LEE: Sorry. Oh, okay. Well, then, Rosa Hilda, you can go  
19 first. Okay? And then Tom, Harold, Don Aragon, Michel Gelobter,  
20 Janet Walker and Rose Augustine. Rosa.

21 MS. RAMOS: I must say that a few years ago I criticized harshly  
22 the Department of Justice for not enforcing criminal acts of the power  
23 plants in Puerto Rico. I want to express my appreciation to the  
24 Department for enforcing these horrible criminal acts from the power  
25 plants in Puerto Rico which are government owned.

26 Ms. Schiffer moved expeditiously and she got an admission from

1 the power plants that they have committed a crime.

2 I would like to ask Ms. Lois Schiffer to move as expeditiously to go  
3 to court because to bring to the court's attention that the power plants  
4 are not complying with the probation terms. The probation will expire in  
5 March. They have not complied with the terms of the probation and the  
6 Department of Justice is looking to the other side. So we would like to  
7 see the same commitment from you.

8 Also, I would like to ask the Department to look and revise its  
9 policy to oppose in court the reimbursement of legal fees to affected  
10 communities, especially when the money comes from violators. It's  
11 totally incompatible with environmental justice to defend the violator's  
12 pockets. So I would encourage the agency to look into that  
13 expeditiously.

14 I know it's been hard. I know that many of you have had really hard  
15 times. But you did it, and we appreciate it.

16 Thank you very much.

17 MS. LIU: Thanks, and I'll convey those messages to Lois.

18 On the issue of attorney's fees, I would say that in court we're  
19 taking the position that we're not opposing attorney's fees for all  
20 intervenors as a matter of right. That's a position that in the district court  
21 they're taking -- the district court ruled the opposite view.

22 MS. RAMOS: I'm sorry not to be in agreement with you. You  
23 opposed the reimbursement of our fees in court as intervenors.

24 MS. LIU: I guess we did in this case, but not as a general matter.  
25 I guess I don't want to go into more detail now. We can talk about it  
26 later.

1 I agree that there are lot of issues we need to work through.  
 2 MS. RAMOS: But the justification was that it was a policy of the  
 3 agency.  
 4 MS. LIU: Well, definitely let's talk about this afterwards.  
 5 MR. LEE: Okay, great. Tom.  
 6 MR. GOLDTOOTH: Thanks, Charles. You know, I have a couple  
 7 of pages of questions, you know, Charles.  
 8 MR. LEE: You should have jumped in before Vernice.  
 9 MR. GOLDTOOTH: That's right.  
 10 (Laughter.)  
 11 MR. GOLDTOOTH: But you also limited her to one question.  
 12 I have a couple of observations I'd like to lead out with that lead to  
 13 my question.  
 14 I commend you all to be able to put all these different bits and  
 15 pieces together. That is impressive as far as the different levels of  
 16 outreach and education and services under the scope of environmental  
 17 justice that you've done with our tribes, our communities, the public, the  
 18 states, the industry. It sounds impressive.  
 19 I'd like to make a couple of observations. You know, like with the  
 20 Department of Defense, we continue to have reports from fly-bys. I  
 21 participate in a very religious ceremony in South Dakota, and every year  
 22 we have these military planes that go by and disrupt our ceremony in  
 23 the summertime.  
 24 I think the tribe there at Standing Rock, the Lakota Reservation,  
 25 has made numerous, numerous attempts to contact the Department of  
 26 Defense officials with no resolution.

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1 My question is I guess directed to all of you. I just got back from  
 2 the Persistent Organic Pollutants Treaty in Johannesburg myself. We  
 3 had a Native delegation that traveled there and our network, the  
 4 Indigenous Environmental Network, has been working on this for a  
 5 couple of years.  
 6 I think there's light at the end of the tunnel to know that the federal  
 7 agencies are just beginning to address this issue. When we started this  
 8 a couple of years ago there was no federal agency that was seriously  
 9 addressing this issue. It was through our tribes and the African-  
 10 American communities like Mossville, St. Charles, that started to raise  
 11 these issues about these silent and invisible chemicals that are  
 12 accumulating in our environment and in our bodies that the agencies  
 13 started to take heed.  
 14 In my observation of the treaty I was very appalled that there  
 15 seemed to be a lack of policy or commitment from our federal agency  
 16 representatives and Department of State in these international activities  
 17 of a commitment to the public back home, civil society. It seems like  
 18 they have a tremendous -- they spend a tremendous effort to satisfy  
 19 Congress because they have to get a treaty that's going to be ratified by  
 20 Congress so they're very concerned about Jesse Helms' approval of  
 21 this treaty as well as the industry that's there. They've got the funding  
 22 and they're there in strength -- industry; the Chemical Manufacturers  
 23 Association, chlorine industry, paper industry.  
 24 So my question is, you seem to have a policy or some guidance on  
 25 how you address environmental justice here at the so-called domestic  
 26 level. What is your commitment to environmental justice in international

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1 Another observation is the serious issues of the clean-up of the  
 2 formerly used defense facilities in Alaska. I know that there's been  
 3 recent attempts to address that issue, but it seems to be very  
 4 unmanageable, not enough funding. It's a serious issue. We just lost  
 5 another elder, from my understanding, who died in that area of the  
 6 Aleutian Islands.  
 7 Also another observation was the concerns around the burning of  
 8 chemical weapons, mustard gas, et cetera, at two facilities. I think the  
 9 Umatilla Confederated Tribes have expressed this both as a treaty right  
 10 issue but they also used an environmental justice forum to address this  
 11 as an EJ issue, that they were opposed to the siting of the Umatilla  
 12 Depot, the facility there, the incinerator that burns Department of  
 13 Defense chemicals, as well as Tooele in Utah, which is another facility.  
 14 I think that's been shut down numerous times from explosions and other  
 15 activities.  
 16 In Hawaii I know that Kahoolawe Island is a sacred island and  
 17 decades of bombing and unexploded ordnances -- it seems to also be  
 18 an issue where the Navy has said that they just don't have enough  
 19 money for clean-up.  
 20 Another observation, Charles, that I wanted to make was the  
 21 legislative effort -- you know, I think there's been concerns from  
 22 communities and tribes that we work with concerning the exemptions  
 23 and immunity of Department of Defense to environmental laws. I think  
 24 that's been a very serious issue.  
 25 I don't want to appear like I'm picking on the Department of  
 26 Defense but I wanted to kind of prioritize some of these issues.

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1 activities, such as this recent treaty on POPs, the climate change,  
 2 Commission for Sustainable Development? There's a lot of international  
 3 activities where the United States Department of State is very active in  
 4 making decisions on behalf of us back home that do impact our tribal  
 5 governments, our tribal membership, our public back here in the States.  
 6 And I think if it wasn't for our participation as Native people with  
 7 near 50 resolutions from Tribal Councils demanding a strong treaty, as  
 8 well as the active participation of a lot of U.S. based environmental  
 9 organization and health groups, that maybe the U.S. would not have  
 10 taken such a strong position. But we held them accountable there in  
 11 Johannesburg.  
 12 I don't think it should be a situation where we have to go and do  
 13 that, there should be a mechanism. So, my question is, what is your  
 14 commitment to environmental justice within these international  
 15 activities?  
 16 SECRETARY GOODMAN: Can I respond?  
 17 MR. TURRENTINE: Please, go ahead.  
 18 SECRETARY GOODMAN: Okay. Let me take a stab at some of  
 19 the comments and even the last question you raised, although the last  
 20 one was not directed solely at the Department of Defense.  
 21 On the problem you're having with fly-bys, I'd like to ask you to  
 22 speak with Len Richeson who is our Environmental Justice Coordinator  
 23 -- Len, can you stand up and raise your hand -- afterwards because we'd  
 24 like to take that issue on and see if we can help you get that addressed.  
 25 As far as FUDS in Alaska, I am acutely aware of our -- I mean, very  
 26 much involved in our FUDS program. I've been arguing for several

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1 years to increase funding for FUDS. I've argued this year and am  
2 pushing almost doubling the funding for the FUDS program, increasing  
3 it by almost \$200 million. We'll see if that makes it through fully our  
4 budget process and whether the next administration sustains it.

5 Senator Stevens who created the program of which the FUDS  
6 program -- formerly used defense site program -- is a part, has been a  
7 assisting us with funding, and your voice in that is important because I  
8 think that, you know, we can use increased funding there to address  
9 more rapidly the issues at those sites.

10 As far as the ChemDemil program, I know there are some people  
11 who are inalterably opposed to incineration. You know probably that at  
12 the eight stockpiled sites there is a mix of incinerators and non-  
13 incineration technology which is going to be used to destroy the  
14 chemical weapons stockpile.

15 You know, the work at Johnston atoll in the Pacific has just been  
16 completed and we have successfully destroyed the entire stockpile there  
17 of chemical munitions.

18 So, the good thing is that it can be done and it can be done safely.  
19 Kahoolawe which is an island in Hawaii that was a Navy bombing  
20 range has been for several years in a very well funded \$400 million by  
21 Congress clean-up program. It's going to take a long time because it  
22 was extensive use of this island as a Navy bombing range. At the same  
23 time, there are no -- you know, there are currently no inhabitants of the  
24 island. I've been there myself.

25 I know that the Native Hawaiians want to use it for ceremonial and  
26 other purposes, and that's been the initial focus of the work, to allow it

1 to be used by the Kahodawe Island Reserve Commission for the  
2 purposes which they want, and then to move on and address other  
3 priorities.

4 There is no immunity -- I mean, there is no exception for the  
5 Department of Defense from environmental law. We comply with  
6 environmental laws, like other federal agencies. I know there's been a  
7 considerable debate about whether the sovereign immunity provisions  
8 should be -- the waivers on sovereign immunity provisions should be  
9 expanded for federal facilities.

10 I can tell you that from my personal experience -- here's what I  
11 think. I think it's going to happen sometime in the next few years  
12 because I know there's a fair amount of support for it. And I can tell you  
13 what I think will happen when that does.

14 There will be greater opportunities to bring lawsuits and there will  
15 be an ability to force the federal facilities -- not just Defense, but Energy  
16 and other federal agencies -- to have to get permits before they can  
17 conduct clean-ups.

18 That doesn't really, in my view, make a lot of sense. It's not going  
19 to produce better clean-up. It's not going to make it faster. It's not  
20 going to make it more responsive to communities.

21 It's just going to give more work for state regulators and state  
22 attorneys generals, and I think it gives them more power. And if I were  
23 in their shoes, I'd probably be arguing for this authority. But if I were in  
24 your shoes as a citizen at a base, I would not think that this provision  
25 which I'm completely aware of is going to help me get my base cleaned  
26 up faster.

1 I think there are other things that we should do to address this.  
2 Funding is an important issue. Better public participation is important  
3 in how we go about it. But I don't think this provision expanding the  
4 waiver of sovereign immunity is going to get citizens around local  
5 installations better and faster clean-up.

6 POPs. I've had a couple of my folks on the delegation in South  
7 Africa. In fact the person from my office who was there has spent more  
8 time in Alaska than anybody else on my staff, so he's acutely aware of  
9 all of the Native issues in general on our programs and as they relate to  
10 POPs.

11 We've also been very much involved in the climate change  
12 negotiations. We have reduced by -- how much did you say? By two-  
13 thirds our emissions, our greenhouse gas emissions, from military  
14 operations and other DOD activities. So we are very interested in  
15 making a contribution here, on doing the right thing.

16 I can't speak for all the other federal agencies, but I know most of  
17 them here have also been part of the delegations and we're all very  
18 concerned about doing the right thing, particularly on POPs.

19 Thank you.  
20 MR. GOLDTOOTH: Charles, that question was --  
21 MR. TURRENTINE: I call on --  
22 MR. GOLDTOOTH: -- for the federal agencies as well.  
23 MR. TURRENTINE: Tom.  
24 MR. GOLDTOOTH: Yes?  
25 MR. TURRENTINE: Hold up. I know Charles indicated that we  
26 have about seven other people that he would allow to raise questions,

1 but in the interest of time and the fact that we have another panel that  
2 has to come forward, I'm going to have to -- someone keeps going up  
3 and down on my mike. Are you doing that back at the sound system?

4 I'm going to have to invoke the prerogative of the chair and cut off  
5 any further questions for this panel and ask you to thank the panel for  
6 their presentations, and we will then get the next panel that's on. We  
7 only have 45 minutes left for the next panel.

8 MR. GELOBTER: Mr. Chairman. Mr. Chairman, I'm sorry, but --  
9 MR. TURRENTINE: Michel, we're not going to do it.  
10 (Simultaneous discussion.)

11 MR. GELOBTER: -- the statutory --  
12 MR. TURRENTINE: We're going to close it off.

13 MR. GELOBTER: -- discussion of statutory rules and we're going  
14 to caucus on some rules and I'd like to know which ones we should be  
15 pushing to be signed before we lose this administration.

16 MR. TURRENTINE: Michel --  
17 MR. GELOBTER: -- didn't talk about policy; they talked about, you  
18 know, projects.

19 MR. TURRENTINE: Will you cut that mike off? Michel, we are  
20 closing this session out now.

21 Thank you all very much.  
22 (Applause.)

23 MR. LEE: If I could ask the people in the audience -- we're going  
24 to have a time issue. We don't actually expect so many federal  
25 agencies to --

26 Can I get the Council members up here because we have to have

1 a quorum in order to continue.  
2 We do realize that given the fact that so many federal agencies did  
3 agree to come and present before you that it was going to be a time  
4 issue. This is a very difficult set of problems to address and I think that  
5 we had tried, and we are going to try, to make sure that there be as  
6 much time for interaction with the presenters.

7 So I would ask that each of the presenters try to limit your  
8 presentations to ten minutes or thereabouts. I've taken the philosophy  
9 that, you know, if you have a lot of things of importance to say, it is  
10 really important to present them and I don't want to stop that at this  
11 point.

12 I also think that we are going to have to -- those of you in the  
13 audience -- great, thank you -- so the presenters for the second panel  
14 are going to be Jerry Clifford -- and they're going to present in this order  
15 -- the Deputy Regional Administrator from EPA's Region 6; Roland  
16 Droitsch, the Deputy Assistant Secretary for the Office of the Assistant  
17 Secretary for Policy, Department of Labor; Dr. Charles Wells, Director  
18 of Environmental Health, Environmental Justice Health Disparities for  
19 the National Institute of Environmental Health Sciences; Rueben Warren  
20 who is the Director of Environment Justice and Urban Health for the  
21 Agency for Toxic Substances and Disease Registry; Terry Harwood,  
22 Director of Hazardous Materials Management for the U.S. Department  
23 of Agriculture; and Hubert Avant who is the Director of Urban Health for  
24 the Bureau of Primary Health, the Health Resources Services  
25 Administration.

26 So, in that order, I would ask that each of you present. Jerry.

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1 and departments.

2 As we look to the future, I think communities are affected by all of  
3 us every day in a multidisciplinary manner and it is incumbent on us as  
4 federal agencies, as state government and local government to figure  
5 out how we can convey what we do and how we do it and address our  
6 issues that we have responsibilities for in a manner that communities  
7 can relate to.

8 For example, any one community at one particular time, they may  
9 be dealing with a federal facilities and a base closure. They may be  
10 dealing with tribal issues with the Bureau of Indian Affairs and Indian  
11 Health Service. They may be dealing with environmental issues as it  
12 relates to air permitting or water permitting or solid waste permitting or  
13 hazardous waste permitting on the part of EPA. They may also be  
14 dealing with housing project issues and health care issues.

15 And most of our communities, most of our EJ communities, are ill-  
16 equipped to have sufficient expertise and resources to have a person  
17 focusing on multiple working groups that we graduate agency officials  
18 decide are expeditious for our benefit.

19 And so I think as we look into the future one of the key areas that  
20 we need to be focused on is how can we do a better job of coordinating  
21 our efforts at the federal, state and local government area so that we  
22 can go to the community and speak at one time covering a multiplicity  
23 of issues and not expect to create a community work group that EPA  
24 chairs in a community about environmental health issues, that Housing  
25 and Urban Development might go into the community and want to  
26 create a forum to discuss housing issues in the community, that HHS

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PANEL 3B

PRESENTATION BY MR. JERRY CLIFFORD

1 MR. CLIFFORD: Thank you, Charles. I'll mess things up here but  
2 hopefully at least some of the you on the Council know who I am.

3 It's nice to be here this afternoon. It seems a bit odd that we're on  
4 the panel, actually, from EPA, that is, because it seems that you all hear  
5 from us all the time and that you're probably well informed as to what we  
6 are and aren't doing as an agency in this whole arena.

7 So I thought in the interest of time I'd focus my comments on some  
8 food for thought as the NEJAC looks to the future and its role in  
9 addressing environmental justice issues not only across this country but  
10 looking globally as well.

11 I want to speak to what I'll refer to as the three I's:  
12 interrelationships, integration, and initiative. It seems to me we've spent  
13 an awful lot of time today talking about interrelationships, some time  
14 talking about integration and not as much time talking about initiatives  
15 in terms of a forward-looking perspective. We've talked a lot about what  
16 we've accomplished over the last eight years in this administration. I  
17 think it's quite noteworthy and worthy discussion.

18 But I think what we learned from all of this falls into these three  
19 areas. Let me talk first about interrelationships.

20 Since the NEJAC was formed it seems that within EPA and within  
21 many agencies on the environmental justice front we've seen a  
22 tremendous education occurring inside each agency as to what  
23 environmental justice is and very good attempts at trying to figure out  
24 how to address these issues primarily within our respective agencies  
25  
26

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1 or its independent agencies would go into the community and try to  
2 create independent access to communities.

3 We've got to figure out a way in the future to work collaboratively  
4 across our respective responsibilities to address the issues that are  
5 most pertinent to communities in our areas of responsibility. It's a huge  
6 challenge for us and I think we have a very long way to go and I think  
7 the NEJAC might be able to spend some time providing some guidance  
8 to all federal agencies as to how we might do a better job in this arena.

9 One example I'll use is with HHS and with HRSA and ATSDR in  
10 Lake Charles, Louisiana. It involves the issue of health care. That's not  
11 within EPA's responsibility; it's not within ATSRD's responsibility. But  
12 it is of primary concern to the community and residents of Mossville,  
13 Louisiana.

14 So what we are attempting to figure out this next year is how we  
15 can create a forum and bring the right people who do know about health  
16 care into a symposium for the community where they can help them  
17 understand how they get access to health care and what the various  
18 opportunities for them getting access to health care are.

19 Let me talk briefly about integration. I mean integration of  
20 environmental justice within our respective agencies and departments.  
21 I think at the national level and for EPA on EPA's side at the regional  
22 level, we've done a very good job of creating an Office of Environmental  
23 Justice. Each region of EPA, ten regions, have an Office of  
24 Environmental Justice or primary focal point for environmental justice.  
25 We have good people working at headquarters and in regions in those  
26 areas.

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1 As we look to the future, we have got to figure out a way where we  
2 don't need an Office of Environmental Justice to guide our activities in  
3 this area. We have not yet gotten to the point where our air programs,  
4 our water programs, our hazardous waste and solid waste programs,  
5 our underground storage tank programs -- as they implement  
6 programmatic environmental responsibilities under the environmental  
7 statutes and regulations where every individual at the region or in  
8 headquarters, whether they're rewriting the permit or they're drafting policy  
9 and guidance, is drafting it in a manner that is addressing environmental  
10 justice issues institutionalized every day in how we do business.

11 I know that's got to be a challenge for every federal agency and  
12 department, not just the Environmental Protection Agency.

13 I think what we need to do is look, and the NEJAC can help us in  
14 this arena as we look to the future, what agencies have been most  
15 successful in this regard, what agencies and departments are becoming  
16 the most successful in this regard, and what can we learn from their  
17 efforts to try to make this happen within our respective agencies.

18 Should the NEJAC pilot -- and I call the NEJAC a pilot -- should it  
19 be replicated, for instance, at other federal agencies? Should it be  
20 replicated at the regional level? Should we have regional NEJACs?  
21 Environmental Justice advisory committees that aren't focused merely  
22 at the national level, focused merely on the part of EPA, that works  
23 through the Interagency Working Group to accomplish interagency  
24 coordination.

25 Maybe we should think about developing a broader perspective of  
26 having discussions at the state level, at the local level, that involves

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1 multiple agencies, multiple departments across state, local, Federal  
2 Government agencies to address these issues and hear issues that are  
3 pertinent to Louisiana or Texas in Louisiana and in Texas, and not about  
4 Louisiana and Texas in a discussion about New Mexico, Alaska, Maine  
5 and Philadelphia, because as we all know, the issues are very different  
6 from state to state, from locality to locality within each of those states.

7 Lastly, let me talk briefly about initiative and leadership. No  
8 question, EPA and the other departments and agencies represented  
9 here on this panel and the panel before this, that they have done more  
10 in the last eight years, that they could have done more in the last eight  
11 years, including EPA, to address issues of environmental justice than  
12 we have.

13 But I think we also know that we could not have done as much in  
14 the last eight years without the leadership of this administration within  
15 EPA of Carol Browner, Fred Hansen, Mike McCabe, Peter Robertson,  
16 the Assistant Administrators like Tim Fields and Steve Herman, the  
17 Deputy Assistant Administrators like Sylvia Lowrance and Susan  
18 Whalen and Dana Minerva working on tribes, and the Regional  
19 Administrators like Gregg Cooke from our Region 6, Felicia Marcus in  
20 Region 9, Brad Campbell from Region 3. Without their leadership we  
21 could not have accomplished as much as we have.

22 That leadership needs to continue at the national level, but we  
23 need to build a cadre of individuals who will take the initiative and exert  
24 leadership at the regional, state and local level. And where does that  
25 capacity exist today and how can the NEJAC and how can we as federal  
26 agencies and departments begin to build that cadre of individuals so

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1 that we can leverage the resources out there across this country to  
2 address these issues?

3 We cannot accomplish significant change on the environmental  
4 justice movement across agencies with 15 pilot projects. And these  
5 agencies can't devote the necessary resources that's needed in those  
6 15 pilots and attempt to replicate it at hundreds and hundreds of  
7 communities across this country.

8 So we have got to figure out a way today to figure out how to turn  
9 those pilots into institutional change, and it will take leadership at the  
10 state, local, and regional level to make those things happen.

11 Lastly on the issue of initiative and leadership, I want to come back  
12 to something that Tom -- as Tom takes a bite of his sandwich -- as Tom  
13 Goldtooth said, and that's on the international front.

14 I think that we should figure out a way and begin the thinking that  
15 goes into how do we ensure as federal agencies and departments how  
16 our actions on the international level are geared to addressing  
17 environmental justice issues on the international level and how much of  
18 our emphasis should be placed on the international environmental  
19 justice issue as we are going to have to place on the environmental  
20 international level because the world is getting smaller and smaller as  
21 we speak, neighbors today weren't neighbors 50 years ago; everybody  
22 is a neighbor now with the advent of the Internet and the digital  
23 globalization that's occurring across this world.

24 And so one of the charges I would the hope the NEJAC would  
25 address in the next term is how do we address these issues of  
26 international environmental justice issues and how can federal agencies

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1 begin the process of ensuring that our actions internationally are  
2 meeting the same standards that we're attempting to meet here within  
3 the United States.

4 Thank you.

5 MR. LEE: Thank you, Jerry.  
6 (Applause.)

7 MR. LEE: Next we have Roland Droitsch from the Department of  
8 Labor. Roland.

9 PRESENTATION BY MR. ROLAND DROITSCH

10 MR. DROITSCH: I'd like to thank the National Environmental  
11 Justice Advisory Council for entertaining our views. I'm Roland Droitsch  
12 from the Department of Labor.

13 In many ways we do not have quite as spectacular list of activities  
14 that we have done in the area of environmental justice, and I think it is  
15 indicative of the nature of the beast that a lot of agencies still do not  
16 understand exactly how their programs fit into environmental justice.  
17 Hopefully we're well on the way to remediating that.

18 I'd like to talk a little bit about what the Department of Labor does  
19 -- and I know we're going to speed through this because of our time  
20 constraint. We really have three strategic goals. One is to have a  
21 prepared workforce, one to have a secure workforce, and the third is to  
22 have quality work places.

23 We accomplish this through a series of programs that are  
24 administered by the various agencies within the Department, some well  
25 known such as OSHA and the Employment Training Administration.  
26 We literally administer over 180 federal statutes, which gives us quite

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1 a task to perform.

2 The Assistant Secretary for Policy's office is charged with  
3 implementing the Executive Order and we also represent the  
4 Department on the IWG.

5 There are several programs that we have that fit very squarely into  
6 the environmental justice movement. I want to kind of distinguish those  
7 a little bit from everything else. In some sense you can almost take  
8 everything we do and squeeze into that box, but I think that's a danger  
9 that if you dilute everything that you do as environmental justice, you  
10 have nothing.

11 There are several movements and actions and initiatives that I  
12 think really do very closely track the environmental justice are. The one  
13 that comes readily to mind is the Youth Opportunities movement which  
14 is aimed directly at serving minority and low income populations. The  
15 main vehicle of this activity is the Youth Opportunity grants which have  
16 been directed towards specifically those areas of great need in low  
17 income and minority areas. Here we have a happy youth.

18 Another program that I'm working very hard to get started and  
19 funded that I think is extremely dead center with environmental justice  
20 is a program that I call Enviro-Jobs.

21 The big connection that the Department of Labor has and can  
22 contribute to environmental justice is the area of employment and  
23 training, and training programs. Whenever we have been involved in  
24 some of the activities and some of the demonstration projects, the issue  
25 constantly comes up that for the community to share in the benefits of  
26 an environmental justice activity, the jobs and training issue comes up

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1 continuously.

2 Well, one of the things that we can do as the Department of Labor  
3 is to provide leadership in developing a program that clearly sets  
4 together a training process that deals with environmental clean-up and  
5 all the other aspects of environmentalism.

6 We are working with an organization called PETE, Partnership for  
7 Environmental Technology Education to mount a number of courses on  
8 a nationwide basis that can be then pulled down by whatever community  
9 of need is available to service that activity and that need.

10 The reason why we are so excited about this is that the  
11 environmental training area offers a series of jobs that are not just jobs  
12 but careers. You can actually start out with a fairly modest amount of  
13 training in an area. In areas such as lead abatement and hazardous  
14 waste clean-up, which is fairly modest in terms of being trained, to full  
15 careers that lead up to paths that are career paths, rather than sort of  
16 dead-end kind of one-shot deals.

17 Landscaping. That's one of the many aspects of Enviro-Job  
18 possibilities.

19 We've also been involved with the National Training Collaborative  
20 for Environment Justice which I think is very important, which is to train  
21 those people in the community to understand how to reach out and  
22 make their voices heard and understand what environmental justice  
23 means for their own communities. I think this is the bottom-up part of  
24 the connect that is very, very tricky and very difficult, yet very, very  
25 important.

26 We are also a participant in a number of the IWG demonstration

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1 projects, including of course, the Bridges to Friendship. And I'd like to  
2 talk a little bit about that.

3 It is to me one of the more interesting and spectacular efforts, but  
4 it really, to me, brings forward -- there's been a lot of talk today about  
5 the success, which indeed is merited, and Admiral Weaver is an  
6 extraordinary person. But what comes to me in this project is not the  
7 ease with which it was done, but the difficulty which it takes to  
8 accomplish one of these tasks.

9 The difficulty is that we have three layers of government -- I mean,  
10 two layers of government and one layer of community-based  
11 organizations. This was very much an issue in how we organized this  
12 effort.

13 You have the federal agencies. Yet, most of the federal agencies'  
14 funding flows through a state government. In this case, the District of  
15 Columbia. And then the District of Columbia, in turn, funds projects  
16 within communities and deals with community-based organizations.

17 Now, having all those people in a room together causes enormous  
18 legal difficulties, problems with the appropriations laws. So, a concept  
19 of simply sitting together and coordinating everything really comes four  
20 square at sharp edges to the many regulations and requirements of  
21 federal agencies, state agencies, and local community-based  
22 organizations.

23 I put this on the table because I think it's important to understand  
24 that these demonstration projects, while they are small in number and  
25 while we need to do more -- and I echo what EPA just stated -- they  
26 must become for us the pilots to see our way out of the thicket of how

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1 we can work together in this concept of working together at the federal,  
2 state and the community level and not run afoul of all the complex  
3 regulations and requirements that we all must adhere to.

4 There are a number of other projects we are involved with, the  
5 easing of troubled waters in Colorado, a lot of them, but I don't want to  
6 dwell on that right now.

7 On the Bridges to Friendship I think is an extraordinary project  
8 because I think if done correctly, it can actually transform the entire  
9 Anacostia area in a way that supports the community-based  
10 organizations and literally bootstraps that entire area in an extraordinary  
11 fashion. It is to show that one project like this can really have a  
12 tremendously powerful impact.

13 I couldn't find a picture of the Anacostia, so we slid in one from  
14 someplace that has a suspension bridge.

15 (Laughter.)

16 MR. DROITSCH: Also we want to make a point that the Anacostia,  
17 which is one of the 10 or 12 historic rivers -- the clean-up of that and the  
18 kind of bringing of D.C. to the waterfront, is just one of the magical  
19 aspects of this entire project.

20 We, of course, in the Department of Labor are extremely excited  
21 about dealing with the youth. One of the Youth Opportunity Grants has  
22 gone to D.C., a \$30 million grant which is now being used by some of  
23 the partners we have in Covenant House and Friendship House. It is  
24 actually extraordinary to see some of this activity happening.

25 The other night Covenant House held its annual candlelight vigil.  
26 There were about 15 buses and a whole stadium in Anacostia High

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1 School filled up with young children, all enthusiastic about what is  
2 happening in that area. And when you contrast that to the incredible  
3 difficulties in that area with the crime and the jobless rates so difficult,  
4 it is very, very heartwarming to see. In other words, clearly these things  
5 can work and do work.

6 We have a number of other activities, just quickly. We have a  
7 grant to the Medical University of South Carolina to support the  
8 commission. We have funded the design of a brochure which we hope  
9 you'll pick up in the back there. Provide some programmatic  
10 representation and we certainly are a member of the IWG's outreach  
11 activities.

12 That's basically what I want to say. I want to reiterate how  
13 important I think this activity is, how difficult it is to integrate it into an  
14 agency where you have -- in the case of the Department of Labor you  
15 do not want to stop with setting up an office like in my operation, and  
16 that is Environmental Justice. You have to integrate it into the programs  
17 and you have to integrate it in such a way that not everything is named  
18 environmental justice. You have to focus it on needs that actually are  
19 directed towards working with other agencies.

20 Thank you so much.  
21 (Applause.)

22 MR. TURRENTINE: Thank you. We will next hear from Charles  
23 Wells.

24 PRESENTATION BY MR. CHARLES A. WELLS

25 DR. WELLS: Thank you. I am very glad to have the opportunity  
26 to talk to you about our policies and our new programs in NIH since the

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1 implementation of Executive Order 12898.

2 What I'm going to talk to you about today is some changes in  
3 policies and some of the new programs we have implemented in our  
4 NIEHS since the Executive Order 12898.

5 All of you know, NIEHS is a part of the NIH. We have sort of  
6 divided our research up into translational research and into basic  
7 research. But mostly what I'll talk about today is translational research.

8 One new program we started there is our community-based  
9 prevention and intervention research project. This project is basically  
10 designed to implement culture relevant prevention intervention activities  
11 in disadvantaged underserved populations that have a lot of adverse  
12 environmental contaminants. At the moment this project is composed  
13 of nine grants and what we hope to do by the end of this program is to  
14 refine scientifically valid intervention and methods to strengthen our  
15 involvement of affected communities that are affected by these  
16 pollutants.

17 A second program we have started in our translational research is  
18 the environmental justice partnership for communication. This program  
19 is basically our design to get our populations at risk for pollutions  
20 involved in shaping the research and our day to day responsibility for  
21 this research.

22 Currently we have 15 active grants to this program. At the moment  
23 we don't have a budget but we hope to before October of 2001. We are  
24 planning to fund 15 more grants in this program.

25 Another major program we have is the agricultural chemical  
26 minority health issue. In the last 12 months we have sort of expanded

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1 our environmental justice to involve our health disparities at the NIEH  
2 also. Currently NIEHS is the only institute at the NIH that has the  
3 responsibility for environmental justice but we're working on strategies  
4 to get the other institutes involved because, as all of you probably know,  
5 in the Department of DHHS there's going to be funds to deal with health  
6 disparities.

7 But what we have here, we have our Environmental Health Centers  
8 that are in academic settings. Three of these centers are concentrating  
9 on some environmental justice issues. The University of Iowa, the  
10 University of California at Davis, Oregon State University.

11 They are basically focusing on our concerns of agricultural workers  
12 who are many times disadvantaged individuals. As a result of this  
13 research we hope that we will be able to define the risks to this  
14 occupational group so that better prevention and intervention strategies  
15 can be developed to protect their health.

16 Another program under this is the Health Studies. In partnership  
17 with NCI, which is another institute at the NIH, we are looking at the  
18 long-term agricultural health studies of farmers and pesticide  
19 applicators, as well as their kids and families, to really determine what  
20 is the real outcome of these types of exposures. At NCI, their long-term  
21 end points would be cancer, but for my institute the end points would be  
22 our looking at issues that are related to reproduction, our endocrine  
23 disrupters, looking at childhood development, asthma and other  
24 respiratory diseases and other types of neurological and other types of  
25 various diseases that we are concerned about.

26 In terms of asthma, we have sponsored several studies at the

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1 NIH, but since the Executive Order we have sort of redesigned these  
2 studies and here we're looking at a new study here where we're going  
3 to look at the function of air pollutants among kids in the cities and in the  
4 urban areas.

5 We currently have a new study in five cities where we are basically  
6 assessing the degree which are minority or other kids that are  
7 disadvantaged are at increased risk for adverse respiratory health due  
8 to ozone and aerosols and other types of air pollution.

9 We also have the inner city asthma study. This is a study that  
10 NIEHS is doing with the NIAID, which is another institute at the NIH,  
11 where we're looking at inner city asthma studies.

12 In the interest of time I won't go through all of these. If you have  
13 concerns or have questions or want more information, you can give me  
14 a call.

15 Basically what we're doing here, the goal of this study, is to design  
16 and look at asthma intervention aimed at reducing asthma morbidity in  
17 a cost effective manner in a health care setting.

18 Now, in terms of lead, which is a big issue that we all know about  
19 in environmental justice, we have our clinical trial here. This is basically  
20 a clinical trial designed to look at low levels of lead in children and also  
21 assess at the same time the neuro-behavior problems that they may  
22 encounter in life later.

23 This program is currently being co-sponsored by the Office of  
24 Research for Minority Health which is in the Office of the Director of NIH.  
25 Basically what we're looking at here is that we are going to do a clinical  
26 trial to test whether the chelating drug Succimer can really reverse the

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1 neuro-behavioral effects in kids with moderate to low blood levels.

2 This is unique and hopefully from this we will be able to not only  
3 develop interventions, but hopefully we will develop a chelator where we  
4 can remove lead from people who have been exposed to it.

5 Also in terms of lead, we're looking at our low birth in babies. This  
6 basically here again is another inner city issue that we're looking at in  
7 terms of lead stored in the bones and how during pregnancy this lead  
8 can be mobilized from the mother across the placenta to the developing  
9 youngsters.

10 Now, in terms of lead, we have studies that show that middle age  
11 and older men have shown that high levels of led stored in the bone is  
12 significantly associated with risks for hypertension.

13 Also we have studies to show that lead also can cause kidney or  
14 renal damage, which is another issue that we're looking at. But  
15 basically we have had studies in the past to show that lead can lead to  
16 end stage renal disease.

17 Now, we are sort of changing our policy to get more of the other  
18 institutes at the NIH involved. As I stated before, NIEHS at the NIH is  
19 among the 20 institutes, and has the major responsibility for  
20 environmental justice, but by working with other institutes at the NIH we  
21 are going to be able to hopefully have more resources and more dollars  
22 to do studies.

23 So we already have another study here where we're identifying the  
24 adverse effects of PCB, mercury, lead and fluorides on the health of  
25 children. We're also looking at this in Native American kids who are  
26 exposed to environmental toxics through their diet sometimes -- they get

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1 perhaps PCB from contaminated fish.

2 We're looking at also methylmercury in our kids also, and we  
3 currently have copper studies that we're doing at the NIH. This is a  
4 longitudinal study which we will follow these kids roughly five and a half  
5 years to look at the effects of methylmercury in these kids and also at  
6 the same time we're going to be looking for interventions and prevention  
7 techniques to deal with these issues.

8 This is unique in many ways. This is a program we have now with  
9 EPA and CDD. This is the first federal program where it's devoted  
10 strictly for looking at environmental issues in kids. We're very excited  
11 about this because, as you know, we can't do enough or too much for  
12 our kids. So we feel very good about this program and I think it has the  
13 potential for hopefully developing some effective intervention or  
14 strategies and prevention strategies to deal with our lead.

15 And also at the same time we have an outreach program where  
16 we're basically stressing how important it is for scientists to get to know  
17 the populations that they are working with as partners. So this we are  
18 very excited about.

19 Here again we have EPA. We're very happy to have EPA and  
20 CDC as partners.

21 Also, we have recently -- my institute has had a meeting recently  
22 with our players in EPA where we hope to start some new programs like  
23 this where EPA, CDC and NIH will be partners again.

24 As a follow-up to what I just said about the centers, we have  
25 roughly eight programs of this nature. I won't go through the list, but  
26 briefly, these eight centers that we have I have listed here and I will give

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1 you just a feel for some of the environmental issues or problems that we  
2 are studying or looking at at the moment. This is a very exciting  
3 program and we feel that we will come up with some excellent  
4 intervention strategies and prevention programs to deal with some of  
5 these disparities for our kids.

6 We also have our training program at our institute, which is not  
7 unique because I think -- this also is done in collaboration with EPA.  
8 The basic thing here is that we train minority inner city kids hopefully for  
9 future jobs, giving them skills and knowledge to identify and address  
10 environmental problems within their own communities. Hopefully these  
11 youngsters will have opportunities where they can work in their own  
12 communities and help to address, identify and prevent some of these  
13 environmental issues.

14 We also have our programs that we're working on to hopefully  
15 develop or increase the number of underrepresented minority involved  
16 in environmental health sciences research. We are working very  
17 aggressively to hopefully to increase the pool of our minority  
18 environmental scientists who hopefully will be able to help us to work in  
19 various communities and to eliminate some of these problems. And  
20 hopefully these individuals will stay in these communities so that these  
21 problems will be taken care of.

22 Basically since the Executive Order we have basically changed our  
23 policy and in all of our programs we are stressing outreach and we're  
24 stressing various strategies to empower the people in the communities  
25 that are victims of environmental injustice.

26 Thank you.

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1 (Applause.)

2 MR. LEE: Thank you, Charles. One of the things that I would like  
3 the Council to be mindful of is this importance of the health disparities  
4 initiative and where that may fit in.

5 I just want to ask one question. Mr. Avant, did you have a time  
6 problem?

7 MR. AVANT: Yes.

8 MR. LEE: Is it okay with the other presenters if he goes next?

9 PARTICIPANT: Absolutely.

10 MR. LEE: Great. Mr. Avant is with the Health Resources Service  
11 Administration.

12 Let me just say that we are really pleased that HRSA was able to  
13 come. Dr. Claude Fox, who is the Director of HRSA, communicated  
14 with us about his interest in the environmental justice issues. And, as  
15 you know, HRSA is the agency that deals with health care. The health  
16 care access issue comes up over and over and over again. This is the  
17 agency that we all need to work with in order to address those issues.  
18 So we're really pleased that HRSA is able to be here with us.

19 PRESENTATION BY MR. HUBERT AVANT

20 MR. AVANT: Thank you for inviting us to participate. We have  
21 been actively involved in community health access for many years. I  
22 would just like to give you a little backdrop on what we think we are and  
23 what we try to do best.

24 We reference ourselves as the access agency. We spend an  
25 awful lot of time in underserved communities dealing with uninsured and  
26 other vulnerable populations.

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1 The Health Resources and Services Administration is made up of  
2 four major bureaus.

3 The Bureau of Maternal and Child Health works very closely with  
4 state, local health departments and training institutions at the local level  
5 in providing access to mothers and children.

6 The Bureau of HIV-AIDS is a bureau that's about two years old but  
7 has been very actively involved in the whole area of service delivery for  
8 HIV-AIDS patients as well as HIV-AIDS education in communities. So  
9 they have a very comprehensive program to work with the HIV-AIDS  
10 population and work very closely with community health centers in the  
11 preventive efforts.

12 The third major bureau that we have within the agency is the  
13 Bureau of Health Professions. The Bureau of Health Professions is  
14 basically a training and education agency that spends much of its effort  
15 in setting up area health education centers that work very closely with  
16 other academic institutions in establishing education centers both for  
17 professional and continued medical education but for other training for  
18 other persons within the community.

19 In my current day to day role when I'm not representing Dr. Fox,  
20 work for the Bureau of Primary Health Care, which is the fourth Bureau  
21 in HRSA.

22 Next I would like to spend a little bit of time to explain to what we  
23 have been doing in working with both Terry and Rueben in some of the  
24 activities that we are very excited about and what we think we can really  
25 do and accomplish with the partnership.

26 I, too, believe that only through an integrated approach to health

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1 service delivery can we begin to address the issues that are facing the  
2 many underserved communities that we have in this country. Therefore,  
3 we believe that the mission of the Bureau of Primary Health Care is to  
4 increase access to comprehensive primary and preventative health care  
5 and to improve the health status of underserved and vulnerable  
6 populations. We think that can happen when a comprehensive plan that  
7 takes into consideration community development, economic  
8 development, environmental development, human development and  
9 primary care.

10 So we feel that if we can integrate those services, we can  
11 successfully begin to address the issue of changing the health status in  
12 these medically underserved areas.

13 Let me give you a quick backdrop on the Community Health  
14 Centers Program. The first community health center was started in  
15 1965 in Boston and a few months later the second health center was  
16 established in Mississippi. Both of those centers are well and thriving  
17 and continuing to do its job.

18 When you talk about the history of the great society, which I know  
19 some of us don't like to bring up, this is an example that it works,  
20 because they're still around.

21 Today we have over 800 community health centers. One of the  
22 requirements for funding for our community health center is that the  
23 community-based organization, which is the grantee, has to agree that  
24 the health center will provide all five life cycles of care, from prenatal to  
25 gerontology. Hospitalization as well as on-call.

26 And now I'll use some of the vernacular that I heard my kids use in

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1 their conversation with their buddy, they're 7/24/365, which means  
2 basically, seven days a week the doctors are there; they provide  
3 services 24 hours a day; and the service is available to that community  
4 365 days per year.

5 So, the 800 community-based organizations that we fund have  
6 about 3,700 clinic sites. These clinic sites employ more than 2,500  
7 M.D.s, an additional 2,500-plus mid-level professionals. The majority of  
8 the M.D.s are either board eligible or board certified. Total employment  
9 in the Community Health Center Program is about 57,000 individuals  
10 nationally.

11 The operational budget for the Community Health Center Program  
12 is about \$2.8 billion. Only less than \$900 million comes from the  
13 Federal Government. The remainder is generated through patient  
14 payments, and we believe that part of good health is giving everyone an  
15 opportunity to participate in his or her health care.

16 We have a long and very rich history of serving high-risk, whether  
17 it be environmental, financially, physically, mentally or people at risk for  
18 diseases. We have a long history. We have a history that now expands  
19 more than 35 years of providing services to this population.

20 One of the things, again, that we have really begun to recognize  
21 and implement, and not just talk about, is the need for an integrated  
22 delivery system. Part of that effort then takes us to talk about our  
23 federal partners. Whether they're ATSDR or whether it's the  
24 Environmental Protection Agency, all of us are partners because no  
25 single organization, no one individual, can take care of one patient. It  
26 takes a team to take care of that patient.

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1 Part of our continued quality improvement then led us into  
2 discussion with ATSDR around the whole issue of building  
3 environmental medicine capacity within the Community Health Center  
4 Program. In 1998 we entered into a memorandum of understanding  
5 with ATSDR to build environmental medicine capacity within our  
6 Community Health Center Program.

7 Since that time -- Rueben will give you a little more detail, but I'll  
8 quickly give you the gist of where we are with it -- the goal is not only to  
9 provide environmental medicine training to providers in community  
10 health centers, but to provide environmental medicine training to all of  
11 the providers that work with and have been partners with HRSA in terms  
12 of the service delivery capacity throughout the country.

13 We have, again, health centers I believe located -- and every time  
14 Rueben shows me a new map, a new brownfield, we have a health  
15 center in proximity or nearby. And so, to that end, in November of this  
16 year we had some nurse and physician training in Memphis. We had a  
17 similar type of training effort in Mossville.

18 So that will give you some idea of the current activities but I'd like  
19 to go fast forward a little bit and talk a little bit about the future.

20 One of the things that you talked about was this whole issue of job  
21 creation and education. Job creation can be done through the  
22 Community Health Center Program. The Community Health Center  
23 Program, as I said, employs more than 57,000 people and have  
24 employed many people from the communities where many of the  
25 environmental and other problems exist.

26 To that end, when we hire an individual physician, that physician

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1 generates about seven jobs, four of which would fall within the low  
2 income category. So, to that end, we recently entered into an  
3 agreement with another partner in CDC, the Division for Sexually  
4 Transmitted Diseases, to talk again about the health disparities that  
5 impact the populations that we serve, particularly syphilis.

6 When I was a kid, syphilis was talked about a lot. Didn't hear of it  
7 for a while. Believe me, folks, it's back and it's nearby in many of our  
8 urban enclaves, as well as in the rural areas.

9 To that end, we have developed a program called Community  
10 Health Outreach and Educational Services. That program is a vehicle  
11 that we hope to get Rueben and the EPA and some others to support  
12 so that individuals from the community are employed, indigenous health  
13 workers from the community are employed to disseminate information  
14 around health disparities, whether they are diseases or whether they are  
15 chronic diseases of diseases that can be transmitted community-wide.

16 To that end, we have been successful in establishing this  
17 Community Health Outreach and Educational Program in Baltimore,  
18 Indianapolis, Washington, D.C., Oklahoma City, El Paso and the  
19 Mississippi delta.

20 The challenge is basically we're using existing community  
21 infrastructure. And that's what I challenge all of you to do. Do an asset  
22 inventory. Don't talk about need always. Do an asset inventory and find  
23 out what's in your community that can do the job best for you.

24 We looked around and every time we would try to employ outreach  
25 workers, we simply didn't have enough money. So now we are  
26 contracting with the community action agencies who are out there every

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1 day putting Meals on Wheels and Head Start. In Mississippi alone we  
2 can reach over 2,500 households daily simply by working with Head  
3 Start and Meals on Wheels.

4 We challenge you to use a similar kind of vehicle, employ a similar  
5 type of vehicle, to begin to educate other segments of our community.  
6 I don't know how many of you -- I know some of you must watch  
7 football, particularly the Redskins. I won't watch them anymore, after  
8 yesterday.

9 (Laughter.)

10 MR. AVANT: But, anyway, the only good thing that came on  
11 probably was the Phillips Morris commercial where the gentleman goes  
12 in and delivers a Meals on Wheels item to the lady and she says, "Will  
13 you sing me opera."

14 Well, what we would like for her to do is talk about the  
15 environmental medicine impact. We want her to talk about the disease  
16 impact. We want to talk about syphilis. We want to talk about HIV-  
17 AIDS. So each time he goes back -- I'm quite sure over 365 days, we  
18 can find a different theme for him to take into that household.

19 So that's the kind of thing that we are talking about for the future  
20 and that's the type of stuff that we're doing in the future.

21 And thank you very much for letting me present.

22 (Applause.)

23 MR. LEE: Thank you. Next we have Rueben Warren from  
24 ATSDR.

PRESENTATION BY MR. RUEBEN C. WARREN

25 MR. WARREN: Dr. Wells says he's going to time me, so I'm going  
26

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1 to really go fast.

2 In the interest of time, when you work with partners that you have  
3 relationships with, they really say all the good stuff, so I just cut my good  
4 stuff out in saying a lot of the things that Jerry has said, that Charles has  
5 -- that he would have said.

6 I'll turn my comments into really kind of bullets to give you some  
7 key issues that I think may be important for this session.

8 One is, first and most importantly, that we view environmental  
9 justice as a subset of public health in that public health is simply social  
10 justice. So you really can't do public health generically without sharing  
11 with environmental justice.

12 However, the public health community is really late in the  
13 environmental justice movement and so it's really a switch around. And  
14 so our learning curve is very, very steep. So we're just excited about  
15 working with the EJ community. We're in fact learning a lot, maybe not  
16 as quickly as we should, but we're learning a lot.

17 This next bullet is, when in doubt, err on the side of the public's  
18 health. That's a generic principle to public health -- when in doubt, err  
19 on the side of the public's health. Also, I'm paraphrasing one of the  
20 recommendations from the Executive Order. It simply says, when in  
21 doubt, err on the side of the public's health. We're learning that we have  
22 to err on the side of the public's health when in doubt.

23 So, when in doubt, err on the side of the public's health because  
24 with the newness of environmental medicine and environmental science  
25 we also are in doubt and we do not have the luxury to wait until all the  
26 information is in; it will never all be in.

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1 The third bullet is that ATSDR is a very small agency, some 400  
2 people, about a \$70 million budget. We are a separate PHS agency in  
3 the Department of Health and Human Services. We have such a  
4 working relationship with EPA, with CDC, and with others that it  
5 sometimes gets lost. But we are really a separate public health agency  
6 and committed to the public health agenda.

7 A couple of accomplishments, if you will, that I think are worth  
8 mentioning. And most of these are process accomplishments.

9 We think we're learning to listen. So if we listen, I think we'll hear  
10 the right messages.

11 There was an office established called Urban Affairs, that included  
12 environmental justice, minority health and brownfields. That was  
13 established in 1997 at ATSDR. That was the structural commitment to  
14 environmental justice.

15 We're working hard to translate that structural commitment to a  
16 functional one, and we've had tremendous support from EPA,  
17 particularly through Tim Fields and through Barry Hill's office. We're  
18 trying hard to change the structure into function.

19 Within the office there's minority health, there's environmental  
20 justice and brownfield. It gives us an opportunity to reach the same  
21 populations three different ways. So we hope that we can at least reach  
22 them effectively in one of those strategies.

23 I won't go through it in detail, but we are small and my office is  
24 small, but we are fully, fully staffed. We thought that what we heard was  
25 that we need medical care, we understand our health needs, and so we  
26 have a medical doctor physician, Joe Crawford. A lot of the folks know

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1 Dr. Crawford.  
2 We also know that you don't do what ATSDR has historically done  
3 without engineering expertise, so we have Dr. Francisco Tomei-Torres  
4 who's an environmental engineer.

5 And we need Dr. Codge (phonetic) to help us understand how to  
6 translate what we're doing into real world circumstances. And Dr.  
7 Vincent Nathan has joined us.

8 I say that because we really believe in the infrastructure of science.  
9 All that we do is based on good science, so we try to bring good  
10 scientists aboard, but make them scientists who understand what's  
11 going on with a bit of cultural competence at the same time.

12 Our process is simply to establish a mechanism to move forward.  
13 Much of what we do at ATSDR is to try hard and don't move forward  
14 because of a number of issues. So we're trying to establish a  
15 mechanism to move forward.

16 We believe we can only do that by working closely with  
17 government, which we are part of, at the federal, state and local level.  
18 You heard ATSDR mentioned kindly in many instances today, but we  
19 really are working with EPA, with NIEHS, with CDC, with DOD, with  
20 DOE, and others at the federal level, with HRSA.

21 We're also working with one of our major constituents, and that's  
22 the states, both the health departments and the environmental quality  
23 departments.

24 And most importantly, we're working at the local level. Where the  
25 rubber hits the road is at the local level. Where it gets translated is at  
26 the local level. So we're working at the local level also.

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1 Equally as important, we're working with communities of concern,  
2 EJ communities. We could name them: Memphis, Tennessee;  
3 Columbia, Mississippi, Mossville, Louisiana; Brunswick, Georgia. And  
4 if time will allow, we can tell you how we're trying to be helpful trying to  
5 listen in those communities and we're not going to leave until we listen  
6 and until we hear.

7 We're working with the academic community. You're seeing that  
8 others are working with many of them, but we're targeting particularly  
9 those academic institutions that in fact we believe can make a  
10 tremendous difference in the health and welfare of those communities.  
11 We're working with Mehara Medical College. We're working with Clark-  
12 Atlanta University, with Howard University.

13 And we're very excited to work with five new programs in public  
14 health at HBCUs. This is historic. Right now we have five programs in  
15 public health at Historically Black Colleges and Universities. Mehara  
16 Medical College has a program. Florida Indian has a program. Morgan  
17 State has a program. Jackson State has a program. And the fifth is --  
18 did I name five? Morgan State is the fifth.

19 What's exciting about that is the folks who in fact are experiencing  
20 the problem can be exposed on how to solve it. We believe we're going  
21 to change the human capacity, the expertise, the people solving the  
22 problem -- the scientists -- through these programs. And Dr. Payton  
23 directs one of those programs and we're excited to work with him.

24 We just held a workshop, a symposium, with all five of them and  
25 excitingly, four of the five have environmental science efforts within their  
26 program. That's new and that's historic. You know the limited number

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1 of environmental scientists and environmental health professionals of  
2 color. So we're excited about working with them.

3 We're also working with environmental justice organizations at the  
4 national and local levels. We believe that we need to understand and  
5 listen a little bit better. We think that they can help us to learn.

6 Major lessons, and I'll do these in bullet form quite quickly.  
7 Stay with your mission. If you try to go outside of your mission, you  
8 wind up in trouble.

9 I've got three minutes.

10 In addition to your mission, find ways to collaborate with others.  
11 And you've heard about our working relationship with EPA, with HRSA,  
12 with NIEHS. Work with them to do what they do and find ways to work  
13 together.

14 Use the best science available and acknowledge when the science  
15 is not there. We do not have the luxury when there is no science to  
16 stand still. We need to at least be able to evaluate what we've done  
17 even if the science is not there. People are suffering and they need our  
18 help.

19 Don't be wedded to the cause and effect relationship in  
20 environmental science, in environmental health. Sometimes it's not  
21 there, but there is ample evidence to give you enough information to  
22 move forward. So you're not going to find a cause and effect  
23 relationship all the time; we still have to move forward.

24 Find new partners. That's critically important. We're working with  
25 the National Medical Association, the Interamerican College of  
26 Physicians and Surgeons. We've just established an Environmental

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1 Health Task Force with NMA. Fantastic opportunity that we're going to  
2 take advantage of. We're working with the National Association of  
3 Hispanic Health.

4 Strive to be trustworthy. We talk about trust all the time, but really,  
5 it's an internal struggle to be trustworthy. Once you establish that trust  
6 worthiness, you'll find your partners will trust you more and more.

7 And when in error, err on the side of the public's health.

8 A few barriers in my last minute.

9 Eliminate the artificial barriers between Federal Government, state  
10 government and local government. They're truly artificial. Acknowledge  
11 that the science is new and evolving. The environmental science is  
12 new. We don't have all the answers; we may not ever have all the  
13 answers. We have enough to move forward.

14 Acknowledge the history of racism and exploitation by and within  
15 government. We spend time in denial and therefore can't move past to  
16 address and resolve those issues.

17 Realize and work within limited resources. We can't do everything  
18 for everybody, but through partnerships we can do more for more.

19 Trustworthiness is a critical component and a critical barrier, and  
20 we need to continue to focus on our trustworthiness.

21 Successes we've had. I think the bottom line is that we learn to  
22 listen, and I would suggest that is the greatest success we will ever  
23 have.

24 We can talk about specific measurable activities in Memphis, in  
25 Mossville, but I think it's getting better. I hope it is. And only our  
26 partners can tell us.

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1 We have much work to do and we have developed a diverse  
2 workforce. We have young people who are at the M.D./Ph.D. level of  
3 color who are now interested in environmental health and are going  
4 back to communities. These top-rate young people are publishing in the  
5 top journals and are getting information about issues that are important  
6 to us. Looking at issues of environmental health and antisocial  
7 behavior. Critically important to what we do.

8 We've just published a paper on Head Start and environmental  
9 health in Mississippi. Critical to what we do.

10 I think we have the ingredients to work together and I'm excited  
11 about working with all of you.

12 (Applause.)

13 MR. LEE: Thank you, Ruben.

14 Charles, I guess you've got a new job at the timekeeper, huh?

15 DR. WELLS: Oh, okay.

16 MR. LEE: Last we have Terry Harwood, the Director of Hazardous  
17 Materials Management at USDA, United States Department of  
18 Agriculture.

19 PRESENTATION BY MR. TERRY HARWOOD

20 MR. HARWOOD: I'll try to be real quick here. Thanks for having  
21 me.

22 I just wanted to touch on a few things that the Department's doing  
23 and then talk a little bit about what's really important to me, and that's  
24 the part of the Department's program that I manage.

25 The Department of Agriculture established their EJ policies shortly  
26 after the Executive Order came out, and basically I just want to touch on

1 the things that are involved in it.

2 One is to incorporate EJ considerations into all of our programs.  
3 I think that's already been spoken about a number of times here. It isn't  
4 just something special sitting out by itself; it needs to be incorporated  
5 into everything that we do.

6 Our policy is to identify, prevent and/or mitigate any adverse  
7 human health or environmental effects that are caused by the programs  
8 of the Department, our activities, to provide the opportunity for minority  
9 and low income populations to participate in planning and  
10 decisionmaking.

11 I'm an engineer and I like to get things done so I sometimes don't  
12 get everybody involved that should get involved because I want to get  
13 out and start moving dirt with a bulldozer. You know, get something  
14 cleaned up. So this is an area that I always have to tweak myself about  
15 getting everybody involved, not just a select group.

16 Some of the key issues in our policy are to work within existing  
17 environmental and other programmatic frameworks. We want to have  
18 an effort to address EJ not just in the NEPA process. A lot of the things  
19 like the Forest Service does has NEPA. And they really do a good job  
20 of that. But there are other areas where the Department of Agriculture  
21 needs to be dealing with environmental justice.

22 We want to collect, maintain and analyze information on  
23 populations who rely on fishing, hunting and trapping for subsistence.  
24 I think it's really important because we can really have some  
25 concentrated effects on folks that get involved -- and we've already  
26 mentioned that earlier about the fish.

1 I'm going to talk just a little bit about some of the things we've  
2 accomplished over the last few years and I'll just read these off real  
3 quickly because I know we're running out of time.

4 We've had cooperative agreements with state agencies, including  
5 health departments, to participate in pest eradication efforts which  
6 involve evaluation and communication of health risks due to pesticide  
7 applications.

8 We provide funds to the National Coalition to Restore Urban  
9 Waterways to members of the minority environmental associations in six  
10 cities.

11 We supported a project with a minority environmental association  
12 in Cleveland to test water quality in minority communities.

13 We've provided support to minority and rural housing areas in  
14 North Carolina for installation of clean water supplies.

15 We've provided integrated pest management strategies for state  
16 and local involvement in priority setting for research, education and  
17 regulatory controls.

18 We're emphasizing the participation of small and disadvantaged  
19 business in our clean-up process, and I'll talk about that in a few  
20 minutes.

21 Responding to the needs of industrial and field workers for health  
22 protection through cotton dust control and grain dust reduction and safe  
23 pesticide application technologies.

24 We've contributed to the safe handling procedures for pesticides  
25 through the USDA Researcher's Programs to describe the degradation  
26 of pesticides and other chemicals. And, of course, since many

1 farmworkers who handle pesticides are minorities, we needed well-  
2 defined safe handling procedures for these products.

3 We're collaborating with other federal agencies, state and local  
4 governments, and public and private organizations to provide grants and  
5 technical assistance to minority and low income urban communities to  
6 accomplish urban ecosystem conservation through locally-driven  
7 initiatives.

8 And we're doing a lot to collect, maintain and analyze information  
9 on the consumptive patterns of populations who primarily rely on fish  
10 and wildlife for subsistence.

11 Now I want to talk just for a few seconds about the program that I  
12 manage, which is basically the Environmental Clean-up Program for the  
13 Department of Agriculture.

14 What's really been interesting to me here so far today is nobody  
15 said anything about the fact that we don't have enough money to get it  
16 all done. I kind of wonder why nobody's mentioned funding. I know in  
17 the program that I manage we inventoried all of our sites and some of  
18 them deal with minority communities and of course a lot of them don't.  
19 A lot of them are in rural areas and we deal with a lot of the folks from  
20 the tribes that we work with there.

21 We've really had to struggle getting enough money to get the job  
22 done. We've cleaned up about 2,000 sites so far and we've still got  
23 about 2,000 of the most expensive ones to deal with. The problems is  
24 with the appropriators and not with the administration, and I'd like to  
25 emphasize that.

26 But, anyway, the USDA has a unique situation. We're an enforcer

1 under Superfund. But we're also a natural resource trustee. So when  
2 we approach one of the clean-ups, we approach it from two standpoints.  
3 One is the enforcement agency to clean up these sites on public lands  
4 where we have a lot of the same authority that EPA does. But then  
5 we're also a natural resources trustee so we work with the states and  
6 the tribes in that area.

7 And we've had a lot of requests in the last few years from various  
8 tribes to help them in the natural resource damage assessment process  
9 because I have a technical staff and we've got a lot of real good things  
10 going on.

11 I'd just like to mention a couple. We just negotiated an MOU in the  
12 State of Idaho where they do a considerable amount of phosphate  
13 mining. We have selenium contamination throughout a large area of the  
14 southeastern Idaho, and we have an MOU now that has the tribes, DOI,  
15 USDA, EPA, and the State of Idaho all signing on to one memorandum  
16 of understanding of how we're going to manage the clean-up of this  
17 extensive area.

18 That is really, I think, an accomplishment because it really gets us  
19 all together on the same page. And, of course, we have many viable  
20 and responsible parties in that area to deal with. So this is going to be  
21 an interesting process that we work through.

22 Like I said before, we're assisting the tribes as co-trustees. I've got  
23 a number of sites in the Great Lakes area where they were post-  
24 treatment areas, and we've got one going in Nevada with a tribe there  
25 that is being affected by downstream contamination.

26 One of the things that we've been doing that's kind of unique and

1 I really appreciate the efforts that take place -- we have some Indian  
2 owned firms that are getting work from us to do clean-ups. They're  
3 training their folks. We're working with them. We're giving them some  
4 of this work. And it's really neat to be able to see these folks out  
5 cleaning up some of the mess that was created in the past and giving  
6 these folks some jobs. It's a good process and we're continuing to  
7 develop that.

8 I was raised in what I consider a rural community in the panhandle  
9 of north Idaho. We've been talking about environmental justice, but I  
10 was a downwinder from Hanford and a downstreamer from the Bunker  
11 Hill Superfund sites. So, environmental justice affects a lot of people,  
12 including me.

13 Just for a second I want to talk about the brownfields showcase  
14 communities. Just recently EPA decided to include representation from  
15 rural and Native American communities in this process, and I just want  
16 to say that USDA has been working with EPA on this.

17 We've worked with the showcase communities and we've worked  
18 with rural communities to get them to sign up for this. We've helped  
19 them with their application process and we've been successful. We've  
20 got two sites, one is Cape Charles, Virginia which is a predominantly  
21 African-American community and Metlakatla, Alaska which is a USDA  
22 companion community.

23 When we talk about environmental justice and we talk about  
24 brownfield, we immediately think of an industrial site, an old industrial  
25 site in an inner city area, but there are a lot of rural communities that are  
26 affected by this. I think there's a big opportunity and I want to put my

1 name in the box right now; I want to see rural communities get the same  
2 chances for brownfields as urban communities because, if you think  
3 about it, maybe an urban community has three or four industries and if  
4 one goes out of business, it's not as big an effect. But you take a small  
5 community and that industry goes out of business, it wipes out a lot of  
6 things. In many cases it leaves a big mess. So we really need to take  
7 a look at that.

8 I appreciate the opportunities to work with EPA on brownfield and  
9 I'll stop because we're running out of time. Thank you.

10 (Applause.)

11 MR. LEE: Thank you. Can I ask for a round of applause for all of  
12 the presenters?

13 (Applause.)

14 MR. LEE: I just want to also bring to your attention the fact that we  
15 have on the panel Marvin Tumer from the Department of Housing and  
16 Urban Development. Marvin has provided for you a fact sheet that you  
17 have in your information. Marvin has graciously agreed to take  
18 questions as well. The HUD presenter was unable to make it today, and  
19 given the importance of HUD issues, obviously, we want to thank you,  
20 Marvin, for offering to be with us.

21 I wanted to just go over a couple of items in terms of time. You  
22 should look in your agenda. In the agenda it says that at 4 o'clock we  
23 were going to get a number of updates around very important  
24 developments such as the recently signed Office of General Counsel  
25 legal memorandum on environmental justice, the Federal Facilities  
26 Working Group report, and other -- the environmental justice training

1 collaborative.

2 I would suggest that we move that to tomorrow morning so that we  
3 have time for questions, which means that if you do so, we would like  
4 you to begin at 8 o'clock instead of 9 o'clock. All things have their price.  
5 Okay? So, we could start with that.

6 The only thing I would do to -- why I ask this is because one of the  
7 presenters is unable to make it tomorrow morning. At quarter to 5 we  
8 would like for you to hear from Damu Smith and Jerry Clifford for ten  
9 minutes. Okay, so we will stop at that point in terms of your questions  
10 and dialogue with the presenters at that time.

11 We will go until 5:30, which will give you an hour for dinner. There  
12 are 50 people signed up for this evening for public comment. So we  
13 need to start promptly at 6:30.

14 So, with that, why don't we open it up. I do have -- I made note of  
15 the fact that there are a number of people who did want to ask question  
16 at the last panel and were unable to, so I moved them up first. So we  
17 will start with Alberto Saldamando and then Peggy Shepard, Luke Cole,  
18 Tseming and then Jane Stahl. In that order. Okay? So, Alberto.

19 MR. SALDAMANDO: Thank you very much, and I really  
20 appreciate this panel, particularly in the positive way they tried to  
21 address it. I'm really going to make a comment to Jerry Clifford who I  
22 appreciate his comments that pilot projects really -- 15 pilot projects are  
23 really not going to make a really substantial impact on the kinds of  
24 issues that we're dealing with.

25 What I would suggest might make a substantial impact is a literal  
26 reading of the Executive Order that requires these agencies to examine

1 not only the damage that they've caused but their programs and policies  
2 that have a significant impact. And if you address it from a policy level,  
3 you might be able to keep it from happening before it happens.

4 For example, I was talking to the Department of Defense people  
5 about Fort Belknap. Fort Belknap is included in this Interagency  
6 Working Group on Environmental Justice action agenda as a  
7 community that's already been identified as suffering a disproportionate  
8 impact of environmental degradation in here. And yet, the Department  
9 of Defense is considering a bombing range for that same community.

10 Now, as I understand it, there may be some benign effects of it, but  
11 it seems to me that then the policy of the Department of Defense is that  
12 it's okay to worsen an already bad situation if they ask for it.

13 It seems to me that that's not really a proper way of looking at the  
14 issue. It seems to me that if a community has already been identified,  
15 then it would seem to me that there would be more care taken as to  
16 whether or not -- at least in a policy way.

17 So I'm just suggesting that looking at policies that have these  
18 effects would do a great deal more in the long-run than picking  
19 showcase brownfields, which seems to be like an oxymoron, but, you  
20 know, trying to address the damage after it's already been done.

21 Thank you very much.

22 MR. LEE: Okay. Did anyone want to respond to that?

23 PARTICIPANT: Not a chance.

24 MR. CLIFFORD: I think it's an excellent point. I mean, in order for  
25 federal agencies, state agencies, and local governments to move into  
26 the realm of having environmental justice institutionalized in our

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1 everyday programs, it has to begin with the policies and guidance that  
2 emanate out of our headquarters offices and how we do business.

3 I don't think it ends there but I think that's an excellent point, that  
4 certainly much more can be done in that arena by everybody that's on  
5 this panel, including the EPA, as well as the previous panels.

6 MR. LEE: Next we have Peggy Shepard.

7 MS. SHEPARD: Hi. I'd like to address to quick questions, one to  
8 Mr. Turner from HUD about the new Smart Growth coalitions growing up  
9 all around the country, nationally and state-wide and how you will work  
10 to be able to respond to creating healthy communities and at the same  
11 time maintaining affordable housing so that gentrification doesn't  
12 displace people who are there. I would like to have put that question to  
13 the man from Transportation as well because this is really an  
14 interagency effort.

15 Then my question would be to Mr. Rueben Warren from ATSDR  
16 about cause and effect.

17 MR. TURNER: First let me thank you for your question. To  
18 summarize your question, I believe you were asking about safe housing  
19 initiatives and healthy homes initiatives within affordable housing as a  
20 guide.

21 When most people think of HUD they think of first the "H" in  
22 housing, but they neglect the "urban development." Everything that  
23 HUD does impacts on particularly the urban communities. If you look  
24 at one of our programs -- one of our projects is the Healthy Home  
25 Initiative which obviously includes building primarily affordable housing  
26 in moderate and low income communities. In addition to that,

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1 particularly with the area of environmental justice, I would also point out  
2 that affordability is really an index, speaking not necessarily from a HUD  
3 perspective but from a prior background which was corporate finance.

4 When people can afford homes, better homes are built. Which is  
5 why under the current administration and the current Cuomo  
6 administration, you're seeing record number of minority homes, record  
7 number of both African-American and Latino and Hispanic communities  
8 building.

9 With regard to any specific issues within your question, I'm  
10 probably not the correct person to ask what detailed level of programs  
11 there are available.

12 One thing that I do -- and let me tell you a little bit about who I am  
13 -- I am in the Office of Special Actions, which means I get involved  
14 across a broad spectrum of things. But it also means that I'm in the  
15 Office of the Secretary. And when there is a question or an issue, even  
16 if I cannot answer it directly, I know the correct button to push to get the  
17 answer.

18 I'm not certain if I answered your question directly. I get the sense  
19 that I did not. But let me just say that I will look into an answer. Let me  
20 just give you my number. I'm not passing the buck. My telephone  
21 number is 202-708-1216. I'll repeat that. 202-708-1216. And my  
22 extension is 2657.

23 To the extent that there are specific questions within the broad  
24 question that HUD may be able to answer, rest assured I'll find you the  
25 answer.

26 MS. SHEPARD: Thank you. And my question to Mr. Warren. You

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1 talk about when in doubt, err on the side of public health, don't be  
2 wedded to cause and effect relationships.

3 Well, that's what we have been saying, the environmental justice  
4 community has been saying to government. And you are now saying  
5 that. But in reality, when we look at permit approvals for industry, when  
6 we look at environment impact statements -- all of these revolve around  
7 cause and effect. Can you document that your health has been  
8 impacted adversely? And we all know that the science is not there in  
9 many cases. So we're saying to you all, when in doubt err on the side  
10 of public health.

11 So, when you say that, are you discussing that with EPA, for  
12 instance, and other agencies that really still cling to a cause and effect  
13 relationship?

14 MR. WARREN: Yes, we are. And what I also said -- I hope I said  
15 clearly -- is that, one, the principles that we try to abide by is to stay  
16 within the context of your mission and collaborate with others. I was  
17 speaking specifically around health issues. What we've had to do is  
18 separate the issue of health in "cause and effect" from health care,  
19 which simply says you don't have to know the cause in order to treat  
20 certain problems.

21 And so we're not saying that is the answer, but it says that's our  
22 responsibility.

23 So, yes, we're having these kinds of discussions. In fact, it's being  
24 translated into some things that we're doing right now.

25 What I'm saying to this Council is that we've heard you and we're  
26 trying to feed back into what we've heard in some kind of an effective

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1 way.  
2 MR. LEE: Great. Like I said before, at quarter to five we were  
3 going to stop this discussion and have a report from Damu Smith and  
4 Jerry Clifford about the situation in Mossville, Louisiana.

5 Mossville, Louisiana was the site of a major examination of issues  
6 at the last NEJAC meeting by the Waste and Facilities Siting  
7 Subcommittee and Health and Research Subcommittee. I think I'm  
8 going to let --

9 MR. COLE: Charles. Charles, can you ask the panel members to  
10 remain through this because we'd still like to talk to them when you're  
11 done with this. I know they've been very patient but I don't want you to  
12 let all the panel members go because then they won't be here when  
13 you're done with your presentation on Mossville.

14 MR. LEE: So asked. Right? I mean, I think that this does go over  
15 the time commitments of many of them -- that we asked of them. So,  
16 those who can, I'm sure they will.

17 Why don't I turn it over to Damu for his presentation, and Jerry is  
18 going to follow up with some of his own perspectives.

19 **MOSSVILLE, LOUISIANA UPDATE**  
20 **PRESENTATION BY MR. DAMU SMITH**

21 MR. SMITH: Thank you very much, Mr. Chairman, and members  
22 of the Council.

23 As all of you know, at the last NEJAC meeting which took place,  
24 believe, in May of this year in Atlanta, NEJAC took the extraordinary  
25 step of having an extraordinary session for about two hours focusing on  
26 the dioxin crises in Mossville, Louisiana.

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1 This forum provided an opportunity for government agencies, both  
2 federal and state, as well as representatives of the communities in  
3 Mossville, as well as Greenpeace and Earth Justice Legal Defense  
4 Fund, as well as representatives from industry to make presentations on  
5 the situation in response to several question coming from members of  
6 the NEJAC.

7 The session from our point of view was extraordinary in the sense  
8 that I'm not sure that there has ever been a situation where a problem  
9 in a community had been devoted that much time by the NEJAC in its  
10 history. And it was important in that it provided an opportunity for there  
11 to be constructive dialogue on a range of issues that not only are  
12 important to the situation present in Mossville, but also the issues that  
13 we discussed and the policy matters that we reviewed very much relate  
14 to the situation that can be found in other communities similarly situated.

15 There is indeed an extraordinary health and contamination crises  
16 in the Mossville community. As you all know, the Agency for Toxic  
17 Substances and Disease Registry conducted blood sample tests and  
18 found dioxin at three times the national average in the blood of Mossville  
19 residents. They also found in those tests very high levels of the worst  
20 dioxins in at least four of the 28 people who were tested.

21 Among the things that we examined at the last meeting was the  
22 response of the various federal and state agencies and industry to the  
23 problem in Mossville. And at that meeting we raised a number of  
24 criticisms about the manner in which we felt the agencies were  
25 responding and not responding to the situation in the community.

26 Among the problems that we raised was what we felt was a lack of

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1 respect by the agencies for the community organizations, namely  
2 Mossville Environmental Action Now, and the failure of the agencies to  
3 respond to numerous recommendations that have been made by  
4 Mossville Environmental Action Now, Concerned Citizens of Mossville  
5 and their allied organizations as to how to respond most constructively  
6 to the situation there.

7 Following the session there was a smaller meeting where members  
8 of the community and, again, Greenpeace and Earth Justice Legal  
9 Defense, met with representatives from ATSDR and EPA. At that  
10 meeting was Dr. Henry Falk, head of ATSDR, and staff from the Office  
11 of Environmental Justice at EPA. In that meeting we developed some  
12 recommendations for follow-up which were disseminated by the Office  
13 of Environmental Justice to the various concerned stakeholders.

14 Between May and September of this year there were a number of  
15 other meetings that took place with staff from the Office of  
16 Environmental Justice, including Barry Hill, and a number of meetings  
17 with EPA staff and ATSDR staff.

18 The first important good news that I want to share with all of you is  
19 that that extraordinary session that took place and post-session  
20 meeting helped contribute to the development of an atmosphere which  
21 has been conducive for more constructive discussions which have led  
22 to some very positive results.

23 Yes, you do hear Damu Smith saying this.  
24 (Laughter.)

25 PARTICIPANT: Can we hear it again, Damu?  
26 (Laughter.)

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1 MR. SMITH: What's good is good. We have been demanding that  
2 there be a scientific, technical, legal meeting with representatives from  
3 the community and experts of its choosing, along with its allied  
4 organizations to meet with the government agencies because we felt  
5 that until we were able to have the community and government agencies  
6 sit down together on "an equal footing" where the community had its  
7 experts at the table who could review the recommendations and the  
8 progress reports that were being given by the agencies as to what they  
9 were going to be doing in Mossville and what they had been doing in  
10 Mossville we were not going to be able to get anywhere.

11 And we felt that there had been resistance. In fact, there was  
12 resistance to having these meetings.

13 Well, we had those meetings. The EPA staff came to Mossville  
14 October 24th and 25th. They were very well prepared for the meeting.  
15 They brought several staff people to the meeting. We spent two days  
16 together getting several questions answered that we had not been able  
17 to get answered prior to that point.

18 That meeting was followed up with another two-day meeting with  
19 ATSDR on November 15th and 16th in Mossville where the same thing  
20 occurred. We had our scientists, our lawyers, our other experts sitting  
21 at the table with lawyers and scientific people from both federal  
22 agencies. And in addition to that, we had representation from the  
23 Louisiana DEQ and the Louisiana Department of Health and Hospitals.

24 We held these meetings out of the view of the press and we had  
25 enough representation from the community to make a difference in  
26 terms of them being able to monitor what was going on.

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1 Out of those two meetings have come several very constructive  
2 recommendations that still need to be implemented.

3 So, again, I'm happy to report that good things have occurred since  
4 that time.

5 Now, having said that, I do want to say that we are still a long way  
6 from where we need to be. But we are certainly a long way from where  
7 we were back in May when there was so much contention among all of  
8 the parties and we weren't getting anywhere.

9 And I really want to thank the NEJAC, I want to thank the staff of  
10 the Office of Environmental Justice, I want to thank Jerry Clifford, I want  
11 to thank Dr. Falk for playing the roles that they have played in making  
12 this possible.

13 Now, I have to say that, you know, during this period of time I, with  
14 the support of the community, with playing a coordinating role in terms  
15 of negotiating through a lot of the things which helped lead to this -- I'm  
16 saying that to make the point that this took a lot of work. But it could not  
17 have happened had we not had a change of attitude in the government  
18 agencies at the highest levels, at the highest levels. That made a  
19 difference.

20 And the fact that the NEJAC provided the opportunity that it did  
21 think contained some lessons because I think in the future as we move  
22 forward this can be repeated again in the case of other communities and  
23 other situations where sometimes you can isolate a situation that you  
24 know has policy implications for other communities. Because I think  
25 what is happening in Mossville, particularly what has happened over the  
26 past few months, can be a model for what can occur in other

1 communities -- when you can get people to sit down with the experts of  
2 their choosing and do it on the terms of the community.

3 Once the agencies were listening to what we were saying, what the  
4 community people were saying, we were able to begin to move. But it  
5 did take breaking down a lot of the fear that existed.

6 I just want to mention one other thing. Greenpeace recently  
7 released a report called Unlawful and Unhealthy: Louisiana's Role in  
8 PCB Expansion and the Global Dioxin Threat. In this report we try to  
9 provide information on the ongoing crises in the Lake Charles industrial  
10 region and Louisiana in general in terms of the dioxin crises and the  
11 impact of the vinyl industry in particular is having on Black and poor and  
12 working class communities where they are located in close proximity to.

13 While we are willing to continue to work with the EPA and other  
14 federal agencies to address the problems in Mossville and other  
15 communities, we would be remiss if we did not continue to do what we  
16 need to do. We're going to keep the pressure on the EPA and the other  
17 agencies to do what they're supposed to do.

18 And, indeed, we did on November 21st write a letter to Janet Reno  
19 asking for an investigation of the enforcement practices of the Louisiana  
20 DEQ and EPA Region 6.

21 That is what we're supposed to do. We're not going to stop doing  
22 those kinds of things even in the face of what we think is good.

23 But I'd like to conclude, Mr. Chairman, by saying once again that  
24 some very good things have happened, I'm very happy to see the  
25 agencies moving in the direction that they are. The Louisiana agencies  
26 still are moving, kicking and screaming into this process, but we're going

1 to keep the pressure on them. But I'm happy to report that we've come  
2 a long way and I want to thank you all for all that you have done to make  
3 this happen.

4 Thank you very much.  
5 (Applause.)

6 MR. TURRENTINE: Thank you.

7 MR. LEE: Rueben, did you want to say something?

8 MR. WARREN: Just one comment. I appreciate your comments,  
9 Damu, and I just wanted to add in response to Ms. Shepard that on the  
10 14th we actually came in and provided a continuing medical education  
11 course for the physicians and nurses at the neighborhood health care  
12 about dioxin. So it was in direct response. We tried to separate the  
13 issue of what do you do with a problem before you even know the total  
14 impact.

15 So I just wanted to add that because it fits right in with what we  
16 were saying, separating the issues of health and health care and moving  
17 on health care. We were there the day before with a physician, with a  
18 toxicologist responding to the physicians and the nurses in the  
19 community because they're already seeing the patients anyway.

20 MR. LEE: Great. As part of this update we're going to ask Jerry  
21 Clifford if you wanted to -- from EPA's Region 6 -- to say a few words  
22 from your perspective.

23 PRESENTATION BY MR. JERRY CLIFFORD

24 MR. CLIFFORD: I clearly don't want to dilute anything that Damu  
25 just said.

26 (Laughter.)

1 MR. CLIFFORD: So let that sit in for a while.

2 (Laughter.)

3 MR. SMITH: Did I hear that?

4 MR. CLIFFORD: I think we have made a lot of progress since the  
5 last NEJAC meeting where we did spend a lot of time focusing on this  
6 particular issue.

7 I do think that the work that is going on in the Mossville community  
8 -- in the Lake Charles community in a broader sense -- is a model.  
9 Now, it won't be the model that will fit every community situation across  
10 the country, but I think it is a model for how, in spite of tremendous  
11 resistance to work together through these issues, that we were able to  
12 get to a point where we could take a step back -- and I think actually the  
13 focus at the last NEJAC meeting provided the opportunity to allow not  
14 just EPA and ATSDR to take a step back but also the community to  
15 take a step back and to start afresh and anew in trying to regain some  
16 respect for one another in an attempt to solve a problem together.

17 I think that we have a long way to go nonetheless. With Dr.  
18 Warren and Dr. Falk at ATSDR and with Damu's help and with the  
19 community's help, with the Louisiana Department of Health and  
20 Hospitals' help we are heading down a path to significantly expand the  
21 dioxin medical work down in that community. We're looking at some --  
22 maybe as many as 340 additional blood samples in the Lake Charles  
23 community.

24 Our hope is that with this next effort we'll be able to identify where  
25 the dioxin is coming from, whether there is ongoing exposure occurring  
26 today, or whether the results of the 28 were primarily the result of past

1 exposures, and hopefully move forward.  
2 It's going to be a tremendous effort. It's going to take a lot of  
3 resources. I think a dioxin blood sample takes a thousand dollars to do  
4 just the analytical work on a dioxin blood sample.

5 But with the continued support of the NEJAC and I think with this  
6 renewed sort of collaboration on the part of Damu and his folks at  
7 Greenpeace, Earth Justice, the residents and members of MEAN and  
8 CLEAN, and the broader Lake Charles, Calcasieu area community, EPA  
9 and ATSDR, the state, I'm hopeful that we're on a very good path right  
10 now and we hope that we'll be able to keep pushing the ball in the  
11 direction that we all want it to go in.

12 I thank also the NEJAC support of our efforts down there.  
13 (Applause.)

14 MR. LEE: Great. Thank you.

15 MR. SMITH: Just a quick comment on the health services  
16 situation.

17 As Dr. Warren mentioned -- and, by the way, I do want to pay  
18 special tribute to the Office of Urban Affairs, Dr. Rueben Warren and Dr.  
19 Crawford have really been extraordinary in taking the steps that they  
20 have taken to make sure that the community's needs were being  
21 responded to.

22 Just to illuminate a little further on the health services situation, as  
23 Dr. Warren mentioned, people from the ATSDR staff came in and did  
24 guess a toxics dioxin training for the medical personnel at the Bayou  
25 Comprehensive Health Clinic.

26 At the ATSDR meeting we had a very long discussion, more than

1 a two hour discussion, with the community about the services that this  
2 clinic can provide, and the head of that clinic made very concrete  
3 recommendations and commitments to going beyond some of the things  
4 that had already been discussed.

5 And so we're going to be having a meeting in January in the  
6 community to discuss how to implement because the Mossville people  
7 will now be able to go to this clinic and get health services. Again, there  
8 are a lot kinks we still have to work out; it's not perfect; there's still some  
9 criticisms there, but we're going to try to make this work.

10 One of the things that was alluded to in this meeting was the  
11 possibility of a facility being put right in the Mossville community to serve  
12 the residents.

13 So, while on the one hand we're working to reduce those emissions  
14 and to find out the source of the dioxin and figure out what to do about  
15 it, at the same time, the people are sick, people are dying, they need  
16 help, and the Office of Urban Affairs and ATSDR have helped to  
17 facilitate an effort to make real the promise of health services to the  
18 Mossville residents.

19 Again, I want to thank Dr. Warren for what you've done and for  
20 what Dr. Crawford has done.

21 (Applause.)

22 MR. LEE: I know that you may have some questions for Damu and  
23 Jerry specific to the Mossville situation. If you do, try to keep them very  
24 short because we do want to go back to the other discussion.

25 MR. FIELDS: I would like to make one quick comment.

26 MR. LEE: Sure.

1 MR. FIELDS: I would just comment Damu for coming to this  
2 meeting and saying some positive things --

3 (Laughter.) (Applause.)

4 MR. FIELDS: -- about the progress that has been made. I wrote  
5 down what you said, Damu --

6 (Laughter.)

7 MR. FIELDS: -- about EPA and ATSDR. So the next time you say  
8 anything bad about these guys, I'm going to remember.

9 MR. SMITH: Remember, I said we have a long way to go.

10 MR. FIELDS: Right. But it takes a big man to -- I was at the last  
11 meeting and there was some very heated dialogue on a lot of the points  
12 about Mossville, and I really commend you, Damu, for coming to the  
13 meeting and acknowledging the progress that's been made, although  
14 recognizing that more needs to be done. But I think that it takes a big  
15 man to also admit that -- to come to the table when progress has been  
16 made --

17 MR. SMITH: I'm not admitting; I'm acknowledging.  
18 (Laughter.)

19 MR. FIELDS: But I thank you very much and I really appreciate  
20 you sharing this progress with all of us and acknowledging it in this  
21 public arena. We've got you on tape, Damu.

22 (Laughter.)

23 MR. LEE: Vernice.

24 MS. TRAVIS-MILLER: I actually wanted to say some of the same  
25 things, and say that I witnessed personally what the efforts are that are  
26 going on down there, and a lot of people have expended some energy.

1 Charles and Barry have expended energy behind the scenes trying  
2 to bring people along. Jerry has just extended himself in every which  
3 way. ATSDR has done some stuff.

4 I think the whole essence of this meeting, which is what happens  
5 when federal agencies cooperate and work collaboratively across  
6 mandate and across constituency -- I think the best example we have  
7 is moving forward on the Mossville situation which two years ago we  
8 thought this was an intractable situation.

9 As Damu said, there's still a long way to go but you've made so  
10 much progress. You've made so much progress since the discussion  
11 we had in May, which some of us were just frankly mystified at how you  
12 were going to move forward given that conversation then. And that  
13 you've done it is a testament to everyone, particularly the community  
14 who hasn't given up faith. But you all haven't given up faith either. And  
15 I think that's sort of the essence of the NEJAC.

16 I'm a little concerned -- and, Jerry, I want to ask you this question,  
17 and it may be difficult, and you dodge it in whatever way you feel you  
18 need to dodge it --

19 MR. CLIFFORD: Now, with that set up --  
20 (Laughter.)

21 MS. TRAVIS-MILLER: -- how do you keep this on track, because  
22 this has been a really politically-sensitive set of circumstances. You've  
23 brought a lot of people together, you still have to bring some more to the  
24 table. But you have expended a lot of political capital to move this  
25 forward, as has Gregg, as have a lot of people at the highest levels of  
26 all the agencies that are involved.

1 I'm just a little concerned that although it took us a while to get  
2 everybody on the page and here we are at the 11th hour and 55th  
3 minute of the Clinton/Gore Administration, how do we make sure and  
4 ensure that this effort and this energy gets extended no matter what  
5 happens today or tomorrow or January 20th.

6 MR. CLIFFORD: I don't know.  
7 (Laughter.) (Applause.)

8 MR. SMITH: We appreciate your candor, Jerry.

9 MR. CLIFFORD: Seriously, I think the way things get done,  
10 especially in this arena, but in most of the work that we do, it takes  
11 leadership, it takes persistence, and it takes accountability. And I think  
12 that although some of the leadership is changing, regardless of the  
13 results of today's discussion in the Supreme Court, a lot of things will  
14 still be here.

15 I'm going to still be here. Henry Falk is still going to be here. And  
16 the commitment that we both have, have given to both the individuals  
17 and the community, as well as to the members at the state that we are  
18 working with -- Dr. Jimmy Guidry at the Health and Hospitals, Dale  
19 Givens in DEQ -- we still have a work plan. We're refining the work  
20 plan on how to move forward on the dioxin reassessment. We've got an  
21 environmental monitoring plan. We've got a plan to increase the  
22 number of air toxics monitors in the area. We are working with Dr.  
23 Warren and Dr. Falk on this issue of health care and how to bridge the  
24 gap between access to health care and knowledge about environmental  
25 health issues. And we intend to follow-up on a regular basis to pursue  
26 what kind of progress we're making on all these fronts.

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1 So, I think persistence and continued attention to this particular  
2 issue -- again, the agencies cannot devote this type of resources to  
3 every significant environmental justice issue across this country. But  
4 through the effort in this particular area I think we can learn an awful lot  
5 about how we can do it differently, be more efficient in how we apply our  
6 resources, and make maybe quicker progress on multiple fronts in other  
7 areas based on the work we're doing down there in Mossville.

8 MR. LEE: I know that --

9 MS. RAMOS: Short.

10 MR. LEE: Short, right. Remember, we have two discussions going  
11 on. There's one that had to do with the larger panel that we cut in on to  
12 do this. So --

13 MS. RAMOS: I just wonder what the state contribution in seeking  
14 the solution to the Mossville problem has been because I suspect it has  
15 been rhetoric.

16 MR. CLIFFORD: Actually, the Health and Hospitals -- it was  
17 interesting, we just hosted a meeting in Region 6 to talk about how we  
18 follow-up with HRSA, with ATSDR and with Health and Hospitals on the  
19 issue of health care and access to health care in environmental health.

20 Dr. Guidry who heads the Louisiana Health and Hospitals was  
21 giving a presentation to a medical community about the dioxin issues  
22 and what they found through the survey that they recently conducted in  
23 the community. Somebody came up to him after his presentation and  
24 said, "Dr. Guidry, you're starting to sound like an enviro; I'm worried."

25 I think it is as much an issue of education about this issue as it has  
26 been about anything in that area. People didn't believe there was a

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1 dioxin issue. Now they're believing there is a dioxin issue. They don't  
2 know how pervasive it is, they don't know what we're going to do about  
3 it once we fully identify where the problem is, but people at the highest  
4 levels in the state are now grasping: We have a particular problem in  
5 Mossville that may not be lost on Mossville; it may be in existence in  
6 other parts of that state as well.

7 MS. RAMOS: So the state is way behind.

8 MR. LEE: Rosa Hilda, I think we need to move on.

9 I'm going to just ask that --

10 MR. SMITH: Charles, just 30 seconds on this point about state  
11 agencies very quickly.

12 We were very pleased that the state agencies attended the two  
13 meetings. However, the state agencies did not participate in the EPA  
14 and the ATSDR meeting in the way that we wanted them to. And so  
15 that's why I made the statement that they're still being pulled, from our  
16 perspective, kicking and screaming as we try to move forward.

17 So, there's a lot of work to do there and we need to be clear about  
18 that.

19 MR. LEE: Okay, Jane, I'm going to ask you to just make your  
20 question or comment and then go back to the other discussion.

21 I was told, Damu, that you had to be out of here by 5 o'clock.

22 MR. SMITH: I'm going.

23 (Laughter.)

24 MS. STAHL: Charles, I'll make you happy and I'll put my card  
25 down after this. I will forfeit my other comment because I think that this  
26 really does -- for me there's really a coalescence here of the case

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1 situation arising out of Mossville and some of the more generic things  
2 that we're hearing from the agencies. I think if we dovetail on the  
3 responses that were given to Peggy's question, what we really are  
4 seeing in the Mossville situation is a move away from trying to define  
5 cause and effect and what we have is a bunch of agencies getting  
6 together and saying what in fact can we do to help because there is a  
7 situation here.

8 I think, you know, in just looking at it from the outside I think that  
9 that was probably a pivotal change.

10 What I would ask in terms of a question back to the panel is, in  
11 order to make this experience more broadly achievable -- I hear what to  
12 me is an apparent inconsistency in some of what's being said in terms  
13 of sticking with the mission of the individual agencies and yet working  
14 together.

15 It seems to me that when each agency sticks to its mission there  
16 are gaps that things fall through, and I'm wondering if broader thought  
17 has been given, as it obviously has been in Mossville, to how you both  
18 stick with the mission and yet interweave those missions to fill those, to  
19 think those gaps, as it were.

20 DR. WARREN: My first response is, in sticking to the mission is  
21 to do what you do best. But then the other part that I may not have said  
22 clearly is the collaboration component, is to find out who does what's  
23 needed even if you don't. So that's the collaboration.

24 Quite frankly, the neighborhood health care in Lake Charles is a  
25 HRSA Bureau of Primary Health Center, and we knew that we couldn't  
26 provide that service, but we knew that somebody could and we found

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1 them to do that. So it's not your mission only -- we don't provide health  
2 care -- that's not the answer; but who does.

3 MR. LEE: Thank you.

4 Luke has been waiting very patiently so I want to go back to him  
5 with his question from way back when.

6 MR. COLE: Thank you. And I'd like to thank the members of the  
7 panel for their patience in staying through the other presentation so that  
8 we get a chance to ask you these questions.

9 I'd like to direct mine to the representative from the Department of  
10 Labor, Mr. Droitsch.

11 I guess that given the wide knowledge of the disparate impact of  
12 the occupational illness and injury on people of color versus whites, I  
13 was very disappointed that the Department of Labor has such a paltry  
14 environmental justice program.

15 If this were an issue that had recently come to our attention, that  
16 would be one thing. But people have been writing about this for more  
17 than 30 years.

18 In 1970 William Lloyd in the Journal of Occupational Medicine,  
19 African-American working on coke ovens had twice the expected  
20 mortality rate.

21 In 1976 another Journal of Occupational Medicine, looking at the  
22 rubber industry, 27 percent of Black workers were in hazardous  
23 occupations; only three percent of White workers.

24 1980, Morris Davis study, Black workers, 37 percent greater  
25 chance of occupational illness and injury than Whites; 20 percent  
26 greater chance of dying on the job.

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1 In 1984 James Robinson, African-Americans 37 to 52 percent  
2 more likely to have serious occupational injury.

3 In 1987 Robinson again looks at a survey of 1968, 1977, 1986  
4 data, finds that Blacks have on-the-job risks of one and a half times  
5 greater than Whites, and Black women twice that of White women.

6 I could go through another half dozen studies of occupational  
7 illness and injury. Look at farmworkers. Look at farmworker housing  
8 and labor standards, drinking water standards that the Department of  
9 Labor has authority over.

10 If you look at this enormous tree of huge, ripe, shiny, low-hanging  
11 fruit and the best thing you can come to present to us is that you're  
12 helping out with five other agencies in this Anacostia program, I'm very  
13 disappointed that that's been your Department's response to the  
14 Executive Order.

15 You can and should do better. And I'd like to know what you're  
16 going to do about this disparate occupational illness and injury and what  
17 you're going to do about increasing resources to farmworker protection  
18 and things like that. Actually doing environmental justice work.

19 You have clearly pawed through everything the Department is  
20 doing to find stuff that might look good for us. But, please, take us  
21 seriously. There is a lot of stuff you could be doing that you're not, and  
22 you should be.

23 MR. DROITSCH: Well, I certainly agree that we have been a little  
24 bit slow on the uptake, and there are several reasons for that which I  
25 don't particularly want to go into.

26 But in terms of the world of the Occupational Safety and Health

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1 Administration, they have been indeed addressing many of these  
2 issues. Now, have they been addressing it under the mantle of  
3 environmental justice, I would say no. But in terms of -- their mission is  
4 to deal with the safety and health issue of every American worker. I  
5 mean, they cannot discriminate on the basis of any particular  
6 demographic group; they have to deal with everyone. Now --

7 MR. LEE: Well, the illnesses and injuries are clearly discriminating  
8 now, so maybe they should pay attention to that discrimination.

9 MR. DROITSCH: Now, in terms of the actual targeting of  
10 inspections and actually going after which is the -- which chemicals are  
11 to be regulated, that is indeed being considered fairly deeply. In other  
12 words, the agency has moved away from trying to go to an enforcement  
13 strategy of every single worksite in America, 6 million worksites, to a  
14 very targeted approach where you try to hit the most dangerous sites  
15 first.

16 In doing that, you actually reach the populations that you talk  
17 about.

18 In terms of the actual going after the -- regulating of particular  
19 substances, that is a very difficult issue and in that complex decision, in  
20 that complex calculus, we have taken a lot of energy in trying to figure  
21 out where to go.

22 As you well know, a lot of energy has been placed upon  
23 ergonomics recently because that is the largest number of injuries  
24 occurring in a particular area.

25 As you well know, to do a standard in the Occupational Safety and  
26 Health Administration, you're dealing with an investment of about ten

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1 years. Our resources are extremely limited when you compare that to  
2 the number of hazardous chemicals out there and the hazardous  
3 situations.

4 So, in some sense, yes, we are guilty; in another sense we are  
5 very, very much understaffed and underfunded. That I think is a terribly  
6 difficult issue. I have no answer except that we have gone after funding  
7 increases, which have not been successful, over the years.

8 MR. LEE: I would just say, to conclude, that if your specific -- you  
9 specific -- if your specific job title encompasses environmental justice,  
10 I would urge you to look far more broadly than you have in your  
11 presentation today.

12 MR. DROITSCH: No question.

13 MR. LEE: Okay. Next is Tseming.

14 MR. YANG: Thanks. Actually, Luke took the words out of my  
15 mouth. I was going to ask the same question.

16 Frankly, I have to confess that I'm a little disturbed by the answer  
17 in part because of the answer because of the time that we're at in terms  
18 of the environmental justice issues that have been raised.

19 As Luke has mentioned, this is not the first time that people have  
20 talked about this. But I won't belabor the point.

21 I wanted to make one comment and I guess maybe turn one  
22 question over to the USDA person. I don't know whether he's still here.

23 Oh, he's already gone. Well, then I guess that's a moot question  
24 then.

25 But it was related to the pesticide and farmworker issue. The  
26 comment that I wanted to make was in regard to the issue of

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1 international environmental justice -- I feel I'm fading in and out here.  
2 As it's been raised a number of times by Tom and also by Jerry Clifford,  
3 the international issue of international environmental justice has been  
4 part of the concern of the International Subcommittee.

5 In fact in Wednesday's subcommittee meeting we will have  
6 representatives from the State Department as well as U.S. Trade  
7 Representative's Office speaking with us about trade agreements and  
8 their impacts on communities and environmental justice issues.

9 Unfortunately, the Executive Order does not include these  
10 agencies, the State Department as well as the Trade Representative's  
11 Office, within it, and it's for that reason that we've had to make this  
12 special effort to have them included. But we're very grateful that the  
13 Office of International Activities of EPA actually went out of its way and  
14 helped to arrange this meeting. Thanks.

15 MR. LEE: And the last question will be from Annabelle.

16 MS. JARAMILLO: I am, too, disappointed that Mr. Harwood left  
17 because my questions really were for him. Although he provided us an  
18 outline on some of the USDA policy and some of the things that they're  
19 undertaking, perhaps, Charles, you could pass on this question and see  
20 if we can get some resolution.

21 It has to do with EPA/USDA collaboration on concentrated feeding  
22 animal operations. I know at the May meeting we submitted a joint  
23 resolution from the Air and Water Subcommittee and the Enforcement  
24 Subcommittee. So far I have not seen a response on that resolution  
25 and when that might be coming.

26 Finding out where that resolution is is important, but I'd also like to

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1 know what the extent of the collaboration between EPA and USDA is on  
2 that. I was hoping Mr. Harwood would be able to tell us more about  
3 that.

4 MR. LEE: I was thinking that in terms of the number of questions  
5 that were not able to be answered, that you make sure that they get  
6 formulated and we'll make sure they get presented to the panelists to  
7 follow-up on.

8 Let me see, Rosa Hilda Ramos wanted to make a two-second  
9 comment. Two seconds.

10 MS. RAMOS: Just a petition to the health related agencies. I  
11 would really like that you once and for all acknowledge that Puerto  
12 Ricans are a different ethnic group in relation to health problems,  
13 particularly in asthma.

14 If it were not for the EPA, we would not know that in our island the  
15 communities range -- the asthma incidence ranges from 30 percent to  
16 46 percent. And still you keep grouping us as Hispanics. There's a lot  
17 of difference in terms of asthma incidence among Puerto Ricans and  
18 this must be acknowledged by the agencies.

19 MR. LEE: Tomorrow Dr. José Rodriguez Santana, who is a  
20 pediatrician from Puerto Rico, is going to talk about the Asthma  
21 Coalition Project there and I think this is something you can take up as  
22 well during that discussion.

23 We are going to bring this session to a close because you need to  
24 be back here at 6:30 promptly. At 6:30 there are going to be at least 50  
25 people signed up to make public comment.

26 Before we adjourn, I was told that I need to announce that there is

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1 a revised -- can you just hold up for one second? There is a revised  
2 Enforcement Subcommittee agenda on the handout table in the back of  
3 the room. The afternoon sessions have been significantly revised, I am  
4 told.

5 Also, that someone lost a cell phone. If you are the person that  
6 lost it, you can claim it at the registration desk. Thank you.

7 (Whereupon, the meeting in the above-entitled matter, was  
8 recessed, to reconvene at 6:30 p.m., this same date.)

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PUBLIC COMMENT

1 MR. TURRENTINE: Could I have your attention, please. Once  
2 again, I'd like to welcome each of you to the 16th meeting of the  
3 National Environmental Justice Advisory Council. We're going into what  
4 I consider one of the very important parts of the agenda for the week,  
5 and that is public comment.

6 I would ask that we remember that the meeting is being recorded  
7 and that a court reporter is taking your testimony. Therefore, it's very  
8 important that you speak into the microphone so that what you have to  
9 say will be recorded properly.

10 If you plan to make public comment tonight, I think you probably  
11 have already checked in at the registration desk outside. If, however,  
12 you have not, then I would ask you to do so; otherwise, we will have no  
13 way of knowing that you want to make public comment and, therefore,  
14 you may lose the opportunity to do so.

15 I would also point out that this is the first of two public comment  
16 periods, and the comments that will be offered tonight will only focus on  
17 the question of -- and I'll read this to make sure I don't get it wrong --  
18 and that is, what progress has the Federal Government made towards  
19 integrating environmental justice into its policies, programs and activities  
20 consistent with existing laws and the Executive Order 12898. Again,  
21 this is what you want to comment on tonight, this particular issue.

22 Tomorrow -- I think it's tomorrow; at any event, at another point in  
23 the agenda -- we will focus on a general overall environmental justice  
24 public comment period.

25 While the order of speakers is determined as much as possible in

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1 advance using the criteria that was listed on the board outside -- and  
2 also you'll find it in your program booklet -- modifications can occur at  
3 the meeting to accommodate changes in people's circumstances.

4 I would ask that each of you be very candid and very upright in  
5 suggesting a change or a modification to accommodate your schedule,  
6 if that's necessary.

7 If you simply want to go to bed early, I really don't think that's  
8 important enough for us to put you in front of someone else who  
9 registered before you. As a result of my not believing that's important  
10 enough, unless you've got some medical condition, I won't allow it.

11 Remember that if there are more than one individual from the same  
12 organization, only one of you will be asked to present. If, however, you  
13 choose to have more than one person present, your time -- the time  
14 allotted to you will not double, triple or quadruple depending upon the  
15 number of people you choose to present. If two of you present, you still  
16 have five minutes and you will have to determine how you're going to  
17 divide those five minutes.

18 We have a timekeeper here that's going to give you an indication  
19 of how much time you've used and how much time you have left. We  
20 would ask that each of you be responsive and stay within the time limits  
21 allotted so that each person who has traveled the various distances to  
22 get here will have an opportunity to make their presentation.

23 If time permits at the end of the presentations, and if there are  
24 multiple representatives from a particular organization, we would  
25 entertain the notion of another person coming back and maybe  
26 amplifying the report that the initial respondent had given.

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1 Lastly, if you have written comments or written statements that you  
2 would want to submit for the record, please let us know and we will take  
3 it to make copies and make that available for the entire record of this  
4 particular meeting.

5 I don't think I need to address the issue of where the bathrooms  
6 are located. I think by now we've figured it out, or if you haven't, you've  
7 figured out an alternative.

8 (Laughter.)

9 MR. TURRENTINE: With that having been said, I would now ask  
10 that the people from Citizens Against Contamination -- I think we have  
11 listed Debra Ramirez, Darwin Ramirez, Frank Ramirez -- but, again, I'm  
12 going to suggest that only one of you need speak -- and Jerome Balter,  
13 if you would approach the table and take a seat at the table, Jerome  
14 Balter would be first, followed by someone from the Citizens Against  
15 Contamination, Debra Ramirez or someone that she would designate  
16 from that group.

17 Is Jerry present?

18 PRESENTATION BY MR. JEROME BALTER  
19 PUBLIC INTEREST LAW CENTER OF PHILADELPHIA

20 MR. BALTER: Thank you very much for this opportunity to  
21 address the NEJAC. I've addressed this organization before and I'm  
22 going to try to be shorter than the five minutes.

23 I want to talk about the fact that the EPA hasn't made any  
24 progress. I don't know how far back that goes, but they haven't made  
25 any progress.

26 One of the most significant activities that has been in your analysis

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1 and their analysis and the analysis of the people has to do with what  
2 they call a Guidance, how to determine whether or not a proposed  
3 permit would be a violation of civil rights. Their first proposal was almost  
4 three years ago, February of 1998. In June of the year 2000 they came  
5 out with another proposal in the Federal Register, 60-70 pages. It's  
6 more confusing and more backward than the first one.

7 There was an exhaustive analysis of that protocol made by the  
8 California Rural Legal Assistance Foundation, Luke Cole. That's almost  
9 as big and as thick as the first one, which examines the EPA's proposal  
10 in great depth, and it concludes -- and, by the way, this got 125  
11 signatories; I was one of the signatories.

12 It concludes with this paragraph, "Because the investigator  
13 guidance is fatally flawed in so many ways, each of which penalizes the  
14 community suffering civil rights violations and benefits the civil rights  
15 violators, we request that the Guidance be withdrawn and scrapped.  
16 We request that EPA begin again the process of formulating a  
17 Guidance, this time with the ambition not of making stakeholders  
18 satisfied, but with enforcing civil rights."

19 That's a great statement, but it's all wrong. It's all wrong because  
20 if we depend upon the EPA to do it again, we'll be sitting here five years  
21 from now doing the same damned thing.

22 What it takes is for this organization or some organization to put  
23 together its own proposal. This organization here, NEJAC, knows that  
24 three years ago I presented two pieces of paper with a whole proposal.  
25 The proposal is based upon looking at the communities' public health.  
26 And I haven't found any investigation by NEJAC or any other

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1 organization dealing with this question.

2 It is time to say whether this is a good approach or do you have  
3 another approach, an approach that communities will be able to  
4 understand. They will not understand 80 pages of this. They won't  
5 understand 70 pages of this.

6 They might understand this (indicating) because this deals with  
7 things like cancer, it deals with things like low baby birth weight. It deals  
8 with infant mortality. They can understand that.

9 The second thing I want to take up has to do with the fact that the  
10 EPA for the last three years has not had one red cent in order to  
11 investigate complaints about permits. No matter what this is, the  
12 Congress cut them off. It cut them off again this year. They cannot  
13 investigate any complaints about a permit. So what's the sense of  
14 submitting complaints to them on permits?

15 I suggest there is one thing that the EPA can do, and I urge you all  
16 to do it. Get the EPA to investigate the criteria that each state  
17 department of environmental protection uses to evaluate the question  
18 of whether or not a permit would violate civil rights. Now that they have  
19 the right to do; they even have the right to investigate and go to court for  
20 an injunction to stop that state agency.

21 Now, if you want to do something, try and do that. But just playing  
22 patsy with these big documents is not going to get us environmental  
23 justice.

24 Thank you.

25 MR. TURRENTINE: Thank you.

26 What I want to point out by way of clarification, the modifications

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1 that we talked about -- Jerry will not be able to be here tomorrow and  
2 that is why Jerry is speaking tonight, though not on the issue of federal  
3 interagency working -- that was a modification that we made to allow  
4 him to present tonight.

5 So I don't want anyone to lose the fact that he didn't speak on the  
6 issue and think that they can get up and do that.

7 If you've already signed up and you've notified us that you have  
8 some extenuating circumstances that won't allow you to be here, then  
9 you can do so.

10 Connie. Oh, I'm sorry, hold on. Connie, one moment.  
11 Luke.

12 MR. COLE: I'm sorry. I just want to say for the record that I  
13 appreciate Mr. Balter's remarks and that, indeed, the NEJAC  
14 Enforcement Subcommittee has taken up the proposal by Mr. Balter,  
15 which is an interesting proposal but doesn't fit within civil rights laws  
16 which are written to protect people on the basis of race, color or national  
17 origin, and not on the basis of cancer statistics, low birth weight and  
18 health-based statistics.

19 It's a very interesting proposal but not within the civil rights  
20 paradigm. So our Enforcement Subcommittee has looked at it and has  
21 decided not to push it forward in the civil rights context though it's  
22 something we might want to talk about in another context.

23 MR. TURRENTINE: Connie.  
24 PRESENTATION BY MS. CONNIE TUCKER  
25 SOUTHERN ORGANIZING COMMITTEE FOR ECONOMIC  
26 AND SOCIAL JUSTICE

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1 MS. TUCKER: Listen, I want to ask you all to don't cut my time  
2 because I'm going to start off with some compliments and if you're going  
3 to cut my time, I won't compliment you.

4 (Laughter.)

5 MS. TUCKER: First I want to say that a movement needs to claim  
6 its victories, and to constantly criticize without claiming those victories  
7 does not show progress made by the hard work of environmental justice  
8 communities or the grassroots movement.

9 So I want to begin by saying that I want to compliment Region 4 for  
10 the change that they've made. It has not been across every division; it's  
11 just been with two divisions, the Waste Division and the Environmental  
12 Accountability Division.

13 There is a real change in commitment among the senior leadership  
14 of the Region 4 Waste Division that has in fact trickled down to  
15 subordinate managers to attack the problems in environmental justice  
16 communities. And the real change is that they are engaging  
17 communities, or there's a collaborative effort to achieve solutions.

18 I think the starship of that effort is Genesis and the work that's  
19 been done there. You know, we've got a lot of -- Region 4 is probably,  
20 with Region 5, cleaning up more waste sites than any other division in  
21 the country. And that's major because eight years ago Region 4 was  
22 reputed to be one of the most racist divisions in the country.

23 The starship of the reform of Region 4 is Spartanburg, South  
24 Carolina and Anniston, Alabama where there's been a real -- not just an  
25 agency commitment, but a moral commitment from the leadership and  
26 the subordinate leadership in those divisions.

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1 We've also seen -- and it's time to claim it because I've also been  
2 a major critic of the Environmental Protection Agency but I think that we  
3 need to claim our victories. We've seen progress in the Environmental  
4 Accountability Office.

5 The Enforcement Roundtables were very effective. The one that  
6 was conducted in Region 4 produced for the first time a criminal  
7 prosecution of corporate -- not small; they were prosecuting small  
8 polluters all the time -- but of a multi-national, of a corporate  
9 organization, LCP, which created one of the worst waste sites in this  
10 country. They prosecuted and imprisoned both the managers and  
11 owners there. And we have to claim that victory.

12 Our progress has not been across all of the departments in the  
13 EPA but we have to claim and really give credit to Tim Fields who is now  
14 retiring. Tim Fields had a moral commitment to us. He could not  
15 consciously see what was going on without having some redress.

16 As a result of his leadership, we got the first Black community  
17 relocated under the Superfund law, and that was the community in  
18 Pensacola, Citizens Against Toxic Exposure. A lot of problems there,  
19 but he bit the bullet and it was the first minority community relocated on  
20 the permanent relocation.

21 I want to also compliment -- and we've had a lot of naysayers --  
22 Barry Hill and Bob Knox and Charles Lee. I think I'm never going to  
23 apply to the NEJAC again. I'm overworked and I'm tired, but I think that  
24 it's in good hands.

25 Before this present administration of the Environmental Justice  
26 Office, the interagency working group was just Barry, it was just written

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1 in the Executive Order. Under the leadership of Barry Hill and I think --  
2 I have to say expressly that Charles Lee really has moved the whole  
3 concept of the interagency working group; it just did not exist before this  
4 administration.

5 And we cannot -- I'm a radical and I'm always going to be a radical  
6 -- but we've got to give credit where credit is due, and they have moved  
7 that forward.

8 But I have to get down to the bottom line. While the demonstration  
9 projects and the promise of more representations made to progress, it  
10 simply is not enough. We need all these agencies, all of them who  
11 presented here earlier, to follow the letter of the Executive Order and  
12 ensure environmental justice across all programs.

13 And I've got to say it is an injustice for the Department of Defense to  
14 burn nerve gas in a community, Anniston, Alabama, that has already  
15 been exposed to PCBs, a persistent organic pollutant, and lead, a toxic  
16 metal. So while we appreciate the DOD participating and the  
17 interagency process, when they allow this kind of injustice to go on, they  
18 are still not living up to their responsibility.

19 Again about DOD. It is an environmental injustice to further  
20 expose the Memphis Depot community to more chemicals during the  
21 cleanup process and fail to tell the community that they have some  
22 accidental emissions during the cleanup process.

23 It is also a further injustice that the DOD does not provide health  
24 intervention and treatment to those at the Memphis Depot in that  
25 community. The people are sick and dying. ATSDR has stepped up to  
26 the plate to try to do something, but they are the single voice in that

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1 community around health intervention. Something needs to be done.  
2 People are sick and dying there.

3 Now DOT. We've got a major problem in rural communities. The  
4 fact is, America still lives with institutional racism at the local and state  
5 level. Local governments get federal funding for roads, but our most --  
6 without having to study it, you can guarantee, if you look at a rural  
7 community, a small community, you're going to find that the paved  
8 roads in a white community, in a community of color -- if you want to find  
9 unpaved roads, go to the community of color.

10 The DOD -- and this is a recommendation -- needs to assess how  
11 federal funds are being allocated for road construction in small and rural  
12 community. We have communities where emergency vehicles go off  
13 road because there are no paved roads in those communities.

14 The fact is we're still living with apartheid in America. And if the  
15 government, the ones that are providing the funds for the roads, become  
16 compliant with these racist local governments, then they are also to  
17 blame.

18 So we want to stop the disparate allocate of resources for road  
19 building.

20 Regarding the comments that were made by Ron Stroman  
21 regarding the Atlanta transportation sprawl project and the suit that was  
22 settled, the Southern Organizing Committee for Economic and Social  
23 Justice and the Environmental Justice Resource Center -- well, not the  
24 Environmental Justice Resource Center -- but the Southern Organizing  
25 Committee for Economic and Social Justice was the organization that  
26 organized the Atlanta community for this suit and it was settled.

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1 But we are not confused. Public participation and an impact study  
2 on minority communities falls very short of addressing the problems that  
3 we are facing in the Atlanta area. We're dying. The largest cause of  
4 death among youth and elders in Atlanta is asthma and other respiratory  
5 infections -- respiratory diseases.

6 So, public participation -- we want it, but it's not going to solve the  
7 problem. And an impact study is not going to help. We already know  
8 that during the '60s and '70s when they built the highway system, they  
9 targeted communities of color to build those highway systems through.

10 So in Atlanta we live where I-85 and I-75 converge and then we're  
11 surrounded by the beltway, which you all call it here, 285. It's life-  
12 threatening. We're in non-compliance of the Clean Air standards.

13 So we urge DOT to be not conciliatory to make state governments  
14 and local government happy, but to be proactive and to educate these  
15 elected officials. Our governor says that we're putting the cart before  
16 the horse when we talk about fast trains and more local train  
17 transportation, and that we should expand buses and expand HOV  
18 lanes.

19 We know that for Atlantans to put down their cars, we've got to be  
20 like New York City; we've got to build a major transit -- a train transit  
21 system. That has to be the priority if Atlanta is going to become  
22 compliant with the Clean Air standards and we can get rid of the health  
23 risks associated with it.

24 More buses? We need then, yes, but it's not the priority. We ask  
25 DOT not to be a wimp when they're dealing with these local and state  
26 governments, and demand -- we need fast trains. Not just Atlanta; all

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1 metropolitan areas need regional fast trains. If we get regional fast  
2 trains, people coming from two or three hours away would jump on the  
3 train instead of jumping into a car.

4 I'm getting to the end.

5 For DOE and DOT it would not address clean energy research and  
6 renewable energy -- and demonstration projects for that would not  
7 achieve environmental justice. We've got to have renewable energy and  
8 clean energy resources. And the Federal Government ought to be the  
9 lead; we shouldn't have to demand that the Federal Government invest  
10 in research and demonstration projects to achieve that.

11 HUD? They're still building houses in toxic zones. And when they  
12 do that, they deprive the average person who gets those homes of  
13 economic mobility. Home ownership is the stepping stone for economic  
14 stability. When they build these homes in toxic zones and people don't  
15 know it, they deprive those people of moving up economically. And it  
16 also kills them in the process. So HUD needs to do that.

17 Finally, and around HUD, they've got to change "weed and seed."  
18 The term "weed and seed" implies that we're going to weed out our  
19 youth. We understand that there's some good programs that are going  
20 on under weed and seed, but principally those people who are really  
21 working at the grassroots level cannot involve themselves with weed  
22 and seed, because I'm not going to weed out my young people. I want  
23 to reform my young people, not weed them out.

24 Finally, there are two other things I want to say around  
25 enforcement and states.

26 MR. TURRENTINE: You heard me now.

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1 MS. TUCKER: There's two things -- enforcement. We have not  
2 done what we ought to do at the NEJAC level around enforcement.  
3 The reason we have Superfund sites and waste sites is because there's  
4 been a failure of states to carry out their delegated responsibility of  
5 enforcement. And EPA has failed their oversight of that.

6 We've got to be more creative around figuring out how we can  
7 make at least these companies to comply with the existing  
8 environmental laws, and the states.

9 The new administration, if it's going to be Bush, are focusing on the  
10 states. The interagency working group has got to have a very proactive  
11 and workable plan to address the divide between the Federal  
12 Government and state governments.

13 Thank you.

14 MR. TURRENTINE: Thank you. I have Doris or -- however you're  
15 going to proceed, would you proceed now.

16 PRESENTATION BY MR. KENNETH BRADSHAW  
17 DEFENSE DEPOT MEMPHIS TENNESSEE CONCERNED  
18 CITIZENS COMMITTEE

19 MR. BRADSHAW: I'm going to take up three or four minutes and  
20 leave as much as I can for Doris, as usual, I guess.

21 My name is Kenneth Bradshaw. I'm from Memphis, Tennessee.  
22 I'm with the Defense Depot Memphis Tennessee Concerned Citizens  
23 Committee. And I've been to -- I'm losing count I've been to so many  
24 NEJACs and everything. I would really like to address the issue of what  
25 progress has the Federal Government made in implementing Executive  
26 Order 12898 and environmental justice in general.

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1 First of all, I have to say that I thought this was my last NEJAC  
2 because I barely was able to get here. And so I'm going to try to make  
3 my peace by thanking a lot of members on the NEJAC for tolerating my  
4 antics because I have ranted and raved, I have begged and pleaded,  
5 I've turned a couple of cartwheels and I've slammed my hand down on  
6 the table a couple of times. Some of it has been misdirected; most of  
7 it has been directed at agencies which I thought weren't giving the  
8 people in Memphis a fair deal.

9 But in the five or six years I've come here, I've grown a little bit, I've  
10 matured and I like to reflect that by also congratulating Mr. Tim Fields  
11 for his tremendous effort, and one of the hardest tasks that he could  
12 face was federal facilities.

13 We begged and we pleaded and we finally got a little movement on  
14 federal facilities. But it wasn't all because of Mr. Fields; it's because a  
15 lot of environmental justice like AJ and the National Black Economic and  
16 Environmental Justice Network, Military Toxic Project, The People of  
17 Color, and so many other organization that kept on fighting. While we  
18 complained and while we attacked EPA -- some of it was justified -- we  
19 kept working, we kept working.

20 A couple of weeks ago we got lucky. We got real lucky. We got  
21 movement from the Federal Government, and I'd like to say this since  
22 this might be my last NEJAC, that everybody in BLA are not evil, corrupt  
23 people like I might have said on other occasions. Some of them are  
24 some truly dedicated people trying to do the best they can.

25 And I'd like to also reflect that remark to the NEJAC and to the  
26 EPA in general.

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1 While I can't say too much about ATSDR, I do have to recognize  
2 that Dr. Rueben Warren did a great job and made a lot -- I have to  
3 commend him for that.

4 And where we got lucky, we went in San Diego and had one of the  
5 most beautiful protest march, EJ hearings and everything where the  
6 Congressman Bob Field out in California was dedicated and took some  
7 initiative in trying to do something because we have complained no one  
8 has any control over the United States military, and there's some effort  
9 being made. We got a lot of press and Congressman Field is  
10 introducing a bill that will bring attention to the injustice that's occurring  
11 not only in Memphis but all across the United States, Puerto Rico,  
12 Japan and everywhere.

13 If anyone wants to know any more information, there's a lot of  
14 people in here that's with the Military Toxic Project that can give you  
15 some additional information.

16 I feel good this evening, through the efforts of Doris and a lot of EJ  
17 organizations, we finally got to do what Mr. Fields said he was going to  
18 do. We wanted to see the boss over the DOD people, and we finally got  
19 to talk to Sherry Goodman. Doris talked to her in St. Louis a couple of  
20 weeks ago and that was followed up by a meeting today.

21 I'm optimistic and I'm going to make my peace with everybody  
22 'cause I don't know how long my time is. And I'd just like to thank you  
23 for enduring what I had to endure, and I would like to encourage you to  
24 do a little better because we still have some serious problems with the  
25 Department. We went from engineering control to land use control, to  
26 psychological control.

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1 We don't need any more Ph.D.s and M.D.s coming in our  
2 community. All we need is somebody to remove the toxins or remove  
3 the people.

4 I'll give these other minutes to Doris.  
5 PRESENTATION BY MS. DORIS BRADSHAW  
6 DEFENSE DEPOT MEMPHIS TENNESSEE CONCERNED  
7 CITIZENS COMMITTEE

8 MS. BRADSHAW: One person that Kenneth forgot to thank was  
9 Louise Dyson from the Non-Stop Pal Program. It was the United States  
10 Army that had a vision on working with communities that dealt with  
11 chemical warfare material, and this vision was to implement  
12 environmental justice across the board, one of the most diverse groups  
13 that I have worked with.

14 Louise is sitting back there. I want her to stand up and you all to  
15 see her. Stand up, Louise.  
16 (Applause.)

17 MS. BRADSHAW: Louise has worked closely with the Non-Stop  
18 Program and the community people, Elizabeth Crow, with the chemical  
19 working group. I think that was a very successful program in educating  
20 communities around chemical warfare material.

21 I guess you're wondering, Sherry didn't say everything that we  
22 talked about. But in St. Louis is was painful to go to that meeting and  
23 the black people that was there was one percent of one percent  
24 stakeholder's meeting.

25 Now, I don't know how I got there, but I did let them have it. That  
26 was not a diverse group of stakeholders. Our Latino brothers and

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1 sisters were left completely out, and also the Native Americans from the  
2 southern part of the United States. They had Alaskan Natives, but there  
3 was no tribal people from the southern part of the United States.

4 I was promised that they would try to work better on culture  
5 sensitivities and diversity across the board. So hopefully DOD is going  
6 to put forth an effort to work with communities across the board. I hope  
7 and pray. Maybe they will use some of the organizations that have been  
8 dealing with environmental justice, some of the networks, to try to help  
9 them get the type of diversity that they need.

10 Our military toxic project is 400 military organizations across the  
11 board. We have some videotapes, so if you want to see them out in the  
12 hall, we have the videotape of the news clip of what happened in San  
13 Diego with community people speaking. And I also have videotapes  
14 of Memphis with the media stating that DLA said no apology and no  
15 clinic. I just want you to see this for yourself.

16 Thank you.  
17 MR. TURRENTINE: Thank you.  
18 Before we got any further, I'm going to point out that we've got two  
19 presenters who've given -- they won't be here to present, but they've  
20 given written comments, and I would like to read that into the record.

21 One is by Manuel Mirabel, President and CEO of National Puerto  
22 Rican Coalition. It's testimony on a U.S. Navy bomb in Puerto Rico.

23 WRITTEN STATEMENT  
24 SUBMITTED BY MANUEL MIRABEL  
25 NATIONAL PUERTO RICAN COALITION  
26 (was accepted into the record)

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1 MR. TURRENTINE: The other is a report from -- testimony from  
2 Albert Donnay. He's president of MCS Referral and Resources, and he  
3 has submitted his presentation to the NEJAC, and I want it to go in the  
4 record so that it will be a part of the official record of this particular  
5 meeting.

6 WRITTEN STATEMENT  
7 SUBMITTED BY ALBERT DONNAY  
8 MCS REFERRAL AND RESOURCES  
9 (was accepted into the record)

10 MR. TURRENTINE: I would ask if there are any comments by any  
11 of the Council members -- I would ask people to help me not get sticky  
12 about the time issues and that we would try to stay with the five-minute  
13 timeframe because otherwise we're going to run out of time and then I'll  
14 have to do the thing that I like to do least of all, and that is cut you off.  
15 I don't want to do that, so I'm going to ask people to be mindful of that  
16 and help me out in that regard.

17 Mary.

18 PRESENTATION BY MS. MARY LAMIELLE  
19 NATIONAL CENTER FOR ENVIRONMENTAL HEALTH  
20 STRATEGIES

21 MS. LAMIELLE: My name is Mary Lamielle, from the National  
22 Center for Environmental Health Strategies an education advocacy  
23 organization fostering the development of creative solutions to  
24 environmental health problems with a focus on chemical sensitivities  
25 and environmental disabilities.

26 Members of the FACA should have a handout which is my

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1 statement and comments on the ATSDR -- on the interagency report on  
2 chemical sensitivities.

3 For 15 years our organization has worked to keep healthy people  
4 healthy and help those sick, injured or disabled by environmental  
5 exposures achieve a reasonable quality of life. We represent these  
6 individuals and advocate for their needs in government and in the  
7 medical research and scientific communities and the disability arena in  
8 hometowns across the country.

9 My comments will provide a very brief description of the public  
10 health crises faced by those sick from chemical exposures and point out  
11 the disproportionate number of people of color, the poor and tribes  
12 subjected to significant levels of environmental pollutants that may  
13 cause multiple chemical sensitivities and trigger disabling symptoms on  
14 a daily basis.

15 I'm going to comment on NEJAC for its initiative in presenting the  
16 MCS resolution to EPA. The resolution is consistent with our agenda  
17 and our goals. I should add, however, that we do not and never have  
18 supported the draft interagency report on multiple chemical sensitivity  
19 and have recommended its withdrawal from when it first was issued. My  
20 guess would be that if most of you were to read it and you knew sort of  
21 largely the facts in this area, you probably would be there also.

22 We challenge EPA's unnecessary rejection, though, of the entire  
23 resolution based on very dated, erroneous information in the draft  
24 report. EPA relied on a document that sustains an anti-MCS agenda  
25 and further stigmatizes those disabled by this disorder.

26 Two things: one is that the some final decisions on that

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1 interagency report are due shortly, and I don't think that -- that may have  
2 played some role in EPA's decision to punt rather than just take any  
3 action. I'm also going to make some recommendations for NEJAC  
4 reaction, including the fact that I think you might do well to have some  
5 type of a forum to discuss the issue of chemical sensitivity and perhaps  
6 a representative from the MCS community nominated to serve on the  
7 FACA.

8 Federal agencies have failed to identify and address the needs of  
9 people of color, the poor and those suffering from chronic and  
10 debilitating effects of low level chemical exposures in their homes,  
11 schools or places in minority and low-income communities.

12 Several years ago I was invited to assist a nurse who ran a support  
13 group for children and young adults with asthma in Camden, New  
14 Jersey. I was told the children's reactions included a wide range of  
15 neurological and respiratory symptoms not solely a traditional asthmatic  
16 response. The reactions were being triggered by many exposures,  
17 including formaldehyde in their desks, gas stoves, kerosene heaters,  
18 cleaning products, and pesticides.

19 Camden is an impoverished city across the Delaware River from  
20 Philadelphia. The entire area is engulfed in fumes from refineries,  
21 chemical companies, sewage treatments plants, and so forth.

22 Whether it's Camden or Newark in the chemical state of New  
23 Jersey, Superfund sites in Louisiana, farmworkers in California or Native  
24 American Tribes in the southwest, as a population, the poor people of  
25 color, tribes, and women in general, are more likely to live in  
26 contaminated communities without the power to seek a remedy or

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1 financial resources.

2 A series of government and university based studies have  
3 surveyed populations for frequency of chemical sensitivity. In California  
4 the Department of Health found that 16 percent of the population were  
5 unusually sensitive to chemicals, while 4 to 6.3 percent suffered from  
6 multiple chemical sensitivities. Rural North Carolinians reported 38.8  
7 percent women, versus 23.5 percent men, sensitive to chemicals. And  
8 Native American in New Mexico reported a 27 percent likelihood of  
9 chemical sensitivities.

10 I can't believe I'm down to like one minute. I'm going to -- well, I'm  
11 going to make like other people. These other people have extended  
12 their time and I'm going to take a little bit more on this.

13 I wanted to let you know that in the context of some of the things  
14 requested in resolution, the Architectural and Transportation Barriers  
15 Compliance Board has adopted a frequency policy for board meetings  
16 and meeting spaces in July 2000. It's also committed a quarter of its  
17 budget for 2001 toward research on indoor air quality and chemical  
18 sensitivities and it intends to hire an environmental engineer the  
19 following year to enhance its work on environmental access issues.

20 Here are some of the recommendations I would like to make for  
21 NEJAC action or support

22 One is to establish a disease registry for MCS. We attempted to  
23 do it with directed congressional funds back in 1992 or '93, but it did not  
24 happen. Support efforts to make MCS a reportable condition, study the  
25 incidence and prevalence in MCS in minority and low-income  
26 communities, examine the possible study of MCS in the context of the

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1 human genome toxicology research -- there are a number of survey  
2 tools available to do this. One is called the QEESI which is a survey  
3 tool developed by Dr. Claudia Miller who is currently at NIEHS, the  
4 National Health Interview Survey, the National Behavioral Risk Factors  
5 Surveillance Survey, as well as agency use at ATSDR and NIEHS.

6 I would additionally like to recommend that we educate government  
7 agencies and the public, and I think that that's happening to a good  
8 degree, but perhaps NEJAC could take a role in that, support research  
9 opportunities, but keeping in mind that peer review panels have been a  
10 roadblock to this issue. This issue has stumbled and not found a place  
11 in terms of research funding.

12 Also, supporting housing accommodations for those with MCS, and  
13 the construction of least toxic Section 811 segregated housing for those  
14 with MCS in both low income communities and in the general  
15 population.

16 I think I'll conclude there. If you have any questions, I'd be glad to  
17 answer them.

18 MR. TURRENTINE: Thank you very much.

19 Let me point out to you, Mary -- and I've just got a note here from  
20 -- I think it's the Enforcement Subcommittee -- they indicate that EPA  
21 will take comments received about MCS and will share them with the  
22 appropriate offices within the agency. In addition to that, they will also  
23 forward those comments to the interagency work group chaired by Dr.  
24 Lester Smith of ATSDR.

25 MS. LAMIELLE: But of course that's the group we've already been  
26 working with for eight years and who are not doing anything more on

1 MCS. But --

2 MR. TURRENTINE: But what I --

3 MS. LAMIELLE: Since 1992.

4 MR. TURRENTINE: I'm not suggesting for one moment that you  
5 should do anything other than listen to what I'm saying and then  
6 determine if there is something you can do.

7 What has been passed to me is that upon receipt and review of the  
8 comments, that EPA will decide what course of action is most  
9 appropriate.

10 Now, that's not coming from Haywood Turrentine.

11 MS. LAMIELLE: Right.

12 MR. TURRENTINE: That's coming from EPA.

13 MS. LAMIELLE: And the individual?

14 MR. TURRENTINE: And so I'm just pointing that out. Shirley  
15 Pate.

16 Shirley, where are you?

17 Shirley is in the rear. You can see Shirley for further clarification --

18 MS. LAMIELLE: Okay.

19 MR. TURRENTINE: -- or further complaints regarding what has  
20 not been done.

21 MS. LAMIELLE: Actually, just to add one piece --

22 MR. TURRENTINE: Sure.

23 MS. LAMIELLE: -- we had worked to get the first congressional  
24 money for research in this area, that was in 1992. It was supposed to  
25 go toward an MCS registry and construction -- or, toward the  
26 construction of an environmental medical unit for testing to determine

1 MCS in patients.

2 ATSDR got that money. They decided to have an expert panel.  
3 At that expert panel in 1993 I made the recommendation that an  
4 interagency group be formed that would pull in agencies that have dealt  
5 at all with this issue, which included all kinds of disability agencies who  
6 had a handle on this, but it merely narrowed down to EPA and some  
7 HHS organizations, which basically put a roadblock out there and not  
8 much has moved forward since.

9 But thanks for that information. I will check with Shirley.

10 MR. TURRENTINE: Okay. Thank you.

11 Is Dagmar Darjean in the room?

12 (No audible response.)

13 MR. TURRENTINE: Dorothy Felix?

14 (No audible response.)

15 MR. TURRENTINE: Pat Hartman?

16 (No audible response.)

17 MR. TURRENTINE: Erica Jackson?

18 (No audible response.)

19 MR. TURRENTINE: Lynn Pinder?

20 (No audible response.)

21 MR. TURRENTINE: All of those people are from the same  
22 organization and I wanted to know if anyone was here representing that  
23 organization.

24 (No audible response.)

25 MR. TURRENTINE: Apparently not.

26 Is Lynn Pinder in the audience?

1 (No audible response.)

2 MR. TURRENTINE: Ethel Lane? Is Ethel Lane in the room?

3 (No audible response.)

4 MR. TURRENTINE: Lawrence Plumlee? Oh, okay.

5 Come on over, Lawrence. Okay, Ethel, you will go first and then  
6 followed by Lawrence.

7 PRESENTATION BY MS. ETHEL M. LANE  
8 NEIGHBORHOOD FOR JUSTICE

9 MS. LANE: I'm Ethel Lane from Phoenix, Arizona, representing the  
10 downtown southwest neighborhood of Shoshone.

11 I wanted to make a few points on your interagency that works with  
12 the environmental justice agency: There's no such thing.

13 I have a letter from the Corps of Engineers when they got ready in  
14 May of '98 to put in the Rio Solado River running along the site of a  
15 hazardous waste site. They never looked at that at all.

16 I have another letter written to you August the 7th, 2000 about the  
17 same hazardous waste site, IWU, that still sits and is now getting ready  
18 to enlarge their facility. It is not just a waste facility; it is a storage facility  
19 for toxic waste.

20 The environmental justice agency we were only made aware as  
21 long as we've been working in the neighborhood -- we were only made  
22 aware of you about '99. Even though we have worked with the Arizona  
23 Department of Environmental Justice, the Maricopa County's health  
24 department. We worked with all of our governmental agencies in  
25 Phoenix. We are, as usual, south of the tracks, a minority and low  
26 income group of people.

1 So, you see, it would be nice if the agencies could work together  
2 because until then, and make the citizens aware that you do exist,  
3 nothing will happen.

4 We are suffering, and I'll save the rest of my comments until  
5 tomorrow evening on what our problem is, but just to bring to your  
6 attention, there's no such thing in Phoenix, Arizona as an environmental  
7 justice and working with interagencies because one agency don't tell  
8 you about the other one. You find out the best way you can. Thank  
9 you.

10 MR. TURRENTINE: Thank you. Lawrence.

11 PRESENTATION BY MR. LAWRENCE A. PLUMLEE  
12 NATIONAL COALITION FOR THE CHEMICALLY INJURED

13 MR. PLUMLEE: I'm Lawrence Plumlee, a Johns Hopkins  
14 physician, formerly medical science advisor to EPA's Office of Research  
15 and Development. I'm presently co-president of the National Coalition  
16 for the Chemically Injured.

17 We're very happy that NEJAC passed your resolution on multiple  
18 chemical sensitivity this year. We wrote Ms. Browner that we agree with  
19 your recommendations. On October 26th Congressman Udall of New  
20 Mexico also wrote Ms. Browner in support of your resolution.

21 They say that a picture is worth a thousand words, so I decided to  
22 start by showing you what the chemical sensitivity patient's community  
23 feels about environmental racism, the disproportionate pollution of the  
24 neighborhoods of minority people.

25 Our outrage is symbolized by the anger of this Navajo kachina  
26 dancer overlooking the sacred lands strewn with the bodies of dead

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1 animals. This wolf kachina is at the north fork of the Rio Puerco in  
2 Gallup, New Mexico where the United Nuclear Corporation spilled lethal  
3 uranium tailings.

4 Because pollution often causes chemical sensitivities, we urge you  
5 to inform your constituent groups that those of us who have learned how  
6 to manage our chemical sensitivities are volunteering to help other  
7 victims. There are nonprofit support groups around the country for  
8 persons with chemical sensitivities. To locate a group near you, contact  
9 our coalition member, the Chemical Injury Information Network, at 406-  
10 547-2255.

11 Also, an excellent new book entitled "Multiple Chemical Sensitivity:  
12 A Survival Guide" by our former board member, Dr. Pamela Gibson,  
13 devotes a section to the increased risk which minority people have for  
14 MCS.

15 A linkage between MCS and environmental justice was established  
16 at the 1994 Interagency Symposium on Health Research and Needs to  
17 Ensure Environmental Justice which was held in February of 1994 here  
18 at Crystal City. A summary and recommendations from that symposium  
19 are available from the Department of Health and Human Services and  
20 must be utilized.

21 Veterans groups, populations impacted by pesticides, like  
22 farmworkers, and those exposed to hazardous waste sites include a  
23 high percentage of minority and low income members. It is crucial to  
24 establish the prevalence and treatment for MCS.

25 It is also crucial to address the impact of multiple chemical  
26 sensitivities on children. As you may know, recent reports show high

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1 prevalence of asthma in inner city populations. Populations  
2 experiencing asthma are also likely to have multiple chemical  
3 sensitivities.

4 We have reviewed EPA's official response to the NEJAC resolution  
5 and find it outdated and incomplete. Since the workgroup's draft report  
6 a consensus definition of multiple chemical sensitivities has been  
7 agreed to by 89 clinicians and researchers with extensive experience in  
8 MCS. This year, Germany listed MCS in its list of officially recognized  
9 illnesses.

10 The EPA should not be relying on the interagency work group on  
11 MCS to formulate its MCS policy. This work group has been unable to  
12 reach consensus in over five years of discussions because its report  
13 was drafted by the chairman of the board of an industry front group and  
14 then distorted by the Department of Defense which has been shown by  
15 the Presidential Advisory Committee on Gulf War Veterans Illnesses to  
16 hide data on the connection between chemicals and chronic MCS.

17 We hope that NEJAC will ask EPA what it has learned from the  
18 many EPA employees who developed MCS after toxic carpet was  
19 installed at Waterside Mall in the mid-1980s. We also hope that NEJAC  
20 will ask EPA to develop its own multiple chemical sensitivity policy  
21 based upon information which is not tainted by the obvious biases of the  
22 chemical industry or military.

23 Thank you very much for listening.

24 MS. SHEPARD: Okay, thank you. Our next speaker is Richard  
25 Burton, St. James Citizens.

26 PRESENTATION BY MR. RICHARD BURTON

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1 ST. JAMES CITIZENS FOR JOBS AND THE ENVIRONMENT

2 MR. BURTON: Good evening. I'm Richard Burton, St. James  
3 Citizens for Jobs and the Environment, Convent, Louisiana.

4 As we all know, in Louisiana there is no such thing as  
5 environmental justice. The governor, the head of the state, does not  
6 believe in environmental justice. When we say environmental justice to  
7 those people, they have something else in mind. We might cry and say  
8 we have too much, we don't want no more, we don't need no more;  
9 however, they will give us more.

10 Most of the United States cries out the same thing. They're  
11 building plants in predominantly low income and minority  
12 neighborhoods. This is a known fact. And if EPA, the representative of  
13 the people by the government, doesn't do something about it, it's going  
14 to continue. EPA is supposed to be the protector of the people in  
15 Washington, the head organization, and they are doing nothing.

16 In Convent we've fought and fought to keep Shintech from coming  
17 there. At the same time we're fighting to keep Shintech from coming  
18 there, DEQ gave permits to two other companies that came in.

19 That tells you right then that they didn't care what we were saying  
20 at the time or what we were doing. DEQ continued to let any company  
21 that wanted to come into Louisiana come in.

22 It's time for EPA and Washington to give a directive to Region 6  
23 EPA as to how to handle themselves and also tell them to withdraw the  
24 authority that they have given Louisiana Department of Environmental  
25 Quality.

26 LDEQ has full authority to grant permits without Region 6 knowing

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1 anything about it. By the time Region 6 knows about it, we are fighting  
2 the Louisiana Department of Environmental Quality.

3 The government is not helping the poor people in Louisiana. The  
4 government does not consider the Executive Order of the President. It  
5 seems like the only way that something will be done is if NEJAC keeps  
6 pressuring EPA to do something about the situation in Louisiana.

7 Thank you.

8 MS. SHEPARD: We have a comment or a question. Rosa.

9 MS. RAMOS: State accountability is an issue of concern of all  
10 abused communities. This has been discussed so many times by  
11 communities represented by the gentleman and communities  
12 represented practically all around the United States.

13 I think that it's about time for EPA to think seriously how to make  
14 accountable the states when they are themselves abusing the  
15 communities by ignoring the health issues, the areas of concern, and,  
16 you know, ignoring the right of the people to have a safe environment.

17 There are a variety of abuses, hidden information, ignoring the  
18 public as part of the process of making decisions. When is the time that  
19 EPA will think about this seriously and begin establishing a mechanism  
20 to make the states accountable?

21 MR. BURTON: What happened, we went to a conference of the  
22 Mississippi River Basin Alliance. At the Mississippi River Basin Alliance  
23 we asked the representative of EPA for Children's Health -- we asked  
24 them would they visit Louisiana, Texas, Ohio and New York, talk to  
25 some of the people and the children to find out the problems that faced  
26 the children.

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1 The person that we talked to was very receptive and she tried to  
2 help us as much as she could. But she found out that they had no  
3 money for such a task. And that's from EPA in Washington.

4 MS. SHEPARD: Okay. Rose.

5 MS. AUGUSTINE: I understand your concern and your problems  
6 because it's not just Louisiana that's having the problem where the EPA  
7 has delegated authorities to the state and when you call the state and  
8 complain about the permits, or you complain to the EPA, they tell you  
9 to go the state.

10 At some point the Federal Government, the EPA, is responsible for  
11 the chemicals and the toxics that -- either hazardous waste that's being  
12 stored or managed in a facility -- the EPA has to have some kind of an  
13 oversight.

14 This is happening to us right now. So we need to look at getting  
15 that oversight away from the states so that communities can look up to  
16 the EPA and their mandate of protecting communities.

17 MS. SHEPARD: Luke.

18 MR. COLE: Thank you, Madam Chair. First I'd just like to  
19 acknowledge Mr. Burton. I believe this is your third NEJAC meeting  
20 now. Baton Rouge, Oakland and Washington, D.C. Or is it your fourth?

21 MR. BURTON: North Carolina.

22 MR. COLE: Your fourth. Wow. Welcome back and thank you for  
23 presenting your comments.

24 I have a question for the EPA Office of Environmental Justice staff  
25 who are conveniently out of the room while I'm asking this question.

26 About a year and a half ago, or maybe two years ago, there was a

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1 high level meeting between Louisiana representatives of the Louisiana  
2 Department of Environmental Quality and about five or six of the NEJAC  
3 subcommittee chairs and the chair of NEJAC in Washington where we  
4 discussed the Mississippi River Basin Alliance.

5 We had that meeting with great fanfare, and then there was really  
6 no follow-up to it. I'm just wondering if, based on Mr. Burton's  
7 comments, we can get a follow-up from EPA on whatever happened to  
8 that initiative.

9 Thank you, Richard, for your patience in all of this.

10 MS. SHEPARD: Thanks. Tom.

11 MR. TURRENTINE: Let me just respond to Luke.

12 Luke, you're correct, the EPA staff people aren't in the room, but  
13 I will take that message to Charles and do what we can to get a meeting  
14 as soon as possible.

15 MR. GOLDTOOTH: I want to make some comments in support of  
16 Mr. Burton's issues.

17 I come from upstream 30 miles from the headwaters of the  
18 Mississippi River, and it appears, when you look at it, that it's clean up  
19 in our homeland in Minnesota. But we also have issues similar to what  
20 you're experiencing with the expansion of the chipboard and pulp and  
21 paper mills.

22 I've been down in your area numerous times, in Convent, St.  
23 Charles, Mossville, and witnessed the human rights violations. I stayed  
24 at a couple of family homes and was really appalled at the fear that a lot  
25 of them families have whether or not their children are going to be all  
26 right the next day, seeing the severe asthma. And the treatment for the

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1 asthma is they take steroids. And then the side effects of that. Little  
2 kids wearing air masks.

3 I wasn't there when one of their sirens went off in Convent along  
4 the river there, but the policy for those that don't know, in Louisiana for  
5 a lot of these community members, when there's a serious air pollution  
6 problem, sirens go off and emergency response in these communities  
7 is for the community members to close their windows and their doors.  
8 A lot of them don't have air conditioning and this is in the middle of  
9 summertime.

10 So this is emergency response for a lot of these community  
11 members that he's talking about. A whole corridor of chemical plants  
12 and other -- granaries and other industries -- definitely a serious issue  
13 of human rights.

14 You know, I think that in addition to the Environmental Justice  
15 Office that had some meetings on this issue, I believe that there were  
16 some commitments by some other departments at EPA to lock into this  
17 matter to address the issue. There were some meetings with the  
18 regional office. Unfortunately the State of Louisiana officials were very  
19 reluctant to meet with a number of us in that area.

20 Definitely I feel this is a rogue state that definitely is not complying  
21 with the federal laws that were implemented, and I know that -- you  
22 know, I was told that it would be difficult for EPA, and it has the authority  
23 to pull -- the delegated authority that they gave this state to implement  
24 its own programs. If there is any state here in the Union that is a shining  
25 example to get its delegated authority pulled, it's Louisiana.

26 So I think that EPA should seriously look at this issue again so we

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1 don't have to continue to have these community members come back  
2 time and time again on these issues.

3 MS. SHEPARD: Okay. Rosa.

4 MS. RAMOS: I want to share with Luke my recollection of that  
5 famous meeting in Washington, D.C. with the State of Louisiana.

6 My recollection is that Louisiana state's strategy was to bring some  
7 African-American citizens in an intent to convince us that our  
8 intervention in Louisiana will eventually harm the wellbeing of African-  
9 Americans because it will reduce the opportunities for jobs. And that's  
10 it.

11 There was no commitment from the state to really look into  
12 environmental justice. I think they sincerely believe they are doing  
13 something because they don't understand anything about environmental  
14 justice.

15 MS. SHEPARD: Okay, thank you.

16 Our next speaker is John Runkle and ten LaVonne Stone.

17 PRESENTATION BY MR. JOHN RUNKLE

18 CONSERVATION COUNCIL OF NORTH CAROLINA

19 MR. RUNKLE: Thank you, Ms. Shepard. Members of the Council,  
20 it's going to be hard for me to make eye contact with everybody, so I'm  
21 just going to wave here.

22 I'm general counsel for the Conservation Council of North Carolina,  
23 a state-wide environmental group, and I've been involved with several  
24 communities in North Carolina on these multi-state regional solid waste  
25 landfills and I want to bring two examples to you and then talk about a  
26 problem.

1 The most recent one was in Halifax County, North Carolina, which  
2 is right south of Warren County along Interstate 95. Waste  
3 Management wanted to have a minimum 400 acre landfill with the  
4 potential to grow much larger. The service area was North Carolina,  
5 Virginia, South Carolina, Georgia and Tennessee, with the service area  
6 kind of open to be expanded.

7 And we know that the New York City landfill is going to close next  
8 year, and so we just figure that we'll just take all that waste.

9 Now, to put this in context, Halifax County, if they would have a 20-  
10 acre solid waste landfill, would last them at least 15 years, maybe 20  
11 years. So this thing was many, many times as big.

12 So where was it? A poor, rural part of the county with a fairly high  
13 minority population. County commissioners lived elsewhere. They were  
14 looking at several million dollar payments that they could get out of the  
15 company as different permits were issued. But the impact was going to  
16 be real careful on the community.

17 Success. We got together the coalition, both black and white, rich  
18 and poor, people in the county, people across the state. A good solid  
19 group. The county commissioners backed down.

20 But failure, because the State of North Carolina Division of Solid  
21 Waste Management issued a permit for that landfill, because they've  
22 done that, they've done that in a number of cases.

23 We've just had to file a Title VI complaint, the Environmental  
24 Poverty Law Program, and I filed this two weeks ago because they had  
25 issued one of these multi-state landfill permits in Anson County, which  
26 is on the South Carolina line, a couple of counties to the east of

1 Charlotte. That was a 200 acre landfill. When it's finished, it will be the  
2 tallest manmade structure between Charlotte and Wilmington because  
3 it will be 300 feet over the horizon. They're just going to take waste and  
4 they're just going to dump it there.

5 Within two miles of that landfill it's 47 percent African-American,  
6 and within a quarter mile it is all African-American.

7 The state never paid any attention to the population around that  
8 landfill. It took us actually six years of pretty solid lobbying to even have  
9 them to even look into the racial and economic makeup around that  
10 landfill.

11 Even using the broad census track that -- I mean, there could have  
12 been a much better study. We did our own study door-to-door within the  
13 two miles. The conclusion was, given my experience in demographic  
14 and ethnic analysis, this landfill is surrounded by predominantly minority  
15 communities.

16 This was the conclusion. The state never did anything with that  
17 survey; it wasn't used in the permitting process.

18 We had to put the Title VI complaint in. This is the problem. This  
19 is a permit by permit complaint system. You have six months; in that  
20 six-month window there may be only one other landfill that's permitted.

21 Out of the last ten landfills, eight of them have been these multi-  
22 state regional landfills that want to take waste from as many different  
23 places as they can take, not just the county -- of those, eight of them are  
24 in low income rural communities, and of those, six of them I think will  
25 have a racially disparate impact.

26 What the State of North Carolina is doing in their permitting

1 process is permitting these landfills that have a disparate impact and  
2 say, this is not going to make any difference. It doesn't make any  
3 difference. We have sort of a condition that says they have to apply  
4 with the Federals. So the EPA interim guidelines fail because they're  
5 only looking at one permit at a time rather than to go after the whole  
6 permitting process to say I don't care if it meets all the technical aspects  
7 for a landfill, the outcome is racial. It's a racial discrimination; it  
8 discriminates against rural people and poor people. And so that's really  
9 the problem.

10 So what the state has responded to this is by issuing an  
11 Environmental Equity Initiative. The State of North Carolina did not  
12 even have the fortitude to call it the Environmental Justice Initiative. It's  
13 an Environmental Equity Initiative because our chamber group, the  
14 Citizens for Business in Industry, were one of their top ten items this  
15 year to oppose any environmental justice initiatives, so let's call it  
16 environment equity -- the same kind of thing: No teeth in the matter.

17 We will look at the problem. Yeah, we looked at the problem in  
18 Anson County, and what the problem was, was that it's going to have a  
19 disparate effect on the minority community.

20 Thank you much.

21 MS. SHEPARD: LeVonne Stone.

22 MS. RAMOS: You know, after visiting North Carolina, I think that  
23 they have some kind of brotherhood with Louisiana. I'm aware of that.

24 But, really, it's my opinion, and it's for me very, very sad to tell you  
25 this, but EPA does not have any jurisdiction with waste facility siting.  
26 That's a land use problem and they are limited in dealing with that.

1 That's a problem for all the communities that are affected by  
2 disparate intent against communities regarding the siting of waste sites.  
3 But it's a reality.

4 MR. RUNKLE: I have to disagree with that because if the siting  
5 has an effect on special populations, people that are poor that can't  
6 have health care, people that will face hundreds of these trucks and  
7 noise and pollution in groundwater and wells and cannot move because  
8 they cannot afford to move, this is not a siting; this is a pure public  
9 health and safety -- whether it goes here or there it doesn't make any  
10 difference, it's the people that it impacts and the people that it affects  
11 and people that it just screws up.

12 MS. SHEPARD: Vernice.

13 MS. TRAVIS-MILLER: He's right, Rosa Hilda, it's not true that EPA  
14 doesn't have any statutory authority. Under RCRA Subtitles C and D  
15 they have direct statutory authority around landfill operations, permitting,  
16 et cetera. Under other provisions they have direct statutory authority.

17 What they cannot do is tell local governments where to place those  
18 landfills. That is a matter of local land use and zoning, or lack of local  
19 land use and zoning. But they do have many statutory provisions that  
20 enable them to inform and/or deny permits because those permits then  
21 have to go up line to EPA. It's not just the local governments in many  
22 instances that can issue those permits.

23 And that's what the permitting report that the working group of the  
24 NEJAC put forward, was really to look at that issue and to say that  
25 where EPA has stepped back and not used its statutory authority, that  
26 it has left communities hanging in the balance when in fact they did

1 have something to say and they did have statutory authority to act.

2 I do think, though, that this is being promulgated all over the  
3 country and that the issues that Mr. Runkle identified about the  
4 deficiencies within the Title VI guidance are directly on point.

5 If you remember, we were having this conversation around the  
6 confrontation between the permitting report that we put forward and the  
7 Title VI guidance that EPA put out -- that there's a direct confrontation  
8 between what we recommended and what EPA has recommended  
9 through the Office of Civil Rights and the Title VI guidance when it  
10 comes to permitting of waste facility siting.

11 This issue has not been resolved by the NEJAC. It's not on our  
12 agenda for this conversation, but I dare say that, you know, we need to  
13 resolve this because we now have EPA saying two different things  
14 under the guise of environmental justice.

15 MR. RUNKLE: Thank you.

16 MS. SHEPARD: Okay. Thank you. Ms. Stone.

17 PRESENTATION BY MS. LeVONNE STONE  
18 FORT ORD ENVIRONMENTAL JUSTICE NETWORK

19 MS. STONE: Thank you. This is my third NEJAC meeting. I just  
20 want to start out by saying that we are a very stressed community,  
21 extremely stressed, and stress seems to be a byproduct of this entire  
22 process for communities like mine.

23 I'm speaking tonight on agency responsiveness to EJ issues, and  
24 I'm speaking as a person that has waited for responses. I'm speaking  
25 from the view of federal facilities, Superfund sites, NPL sites, hazardous  
26 waste sites. Timely and honest responses are extremely necessary.

1 I think that we stated before that to address the NEJAC without the  
2 proper authority present creates a gap that is not easily traceable. My  
3 remarks went to the Compliance Office in Washington, D.C. and to my  
4 regional office, Region 9. I'm still waiting on a response to the issue of  
5 groundwater and drinking water contamination. Eight months on these  
6 latest issues.

7 Each time we bring concerns there are promises that are being  
8 made that would help our communities if they were kept. We have over  
9 a 120 landfill in the midst of about five housing areas, some of them  
10 students, some of them poor mothers with children. Just entire housing  
11 areas.

12 The City of Seaside has the most contaminated ranges, 44 and 45  
13 on the facility. The base -- Fort Ord has been around since 1919, to  
14 give you some background. Over 28,000 acres, as large as the City of  
15 San Francisco. These ranges have not been touched.

16 We have fences. It's been suggested by groups without our best  
17 interests at heart that higher fences are built and left in place until they  
18 can dissolve disputes within agencies to clear the ranges.

19 A geologist contracted by the clean-up team said, we didn't do  
20 anything over the years because the people of Seaside didn't say  
21 anything. Although we're told something different by the local clean-up  
22 group.

23 We have public schools in the vicinity. At the middle school the  
24 students found a number of explosives -- approximately 26 I was told --  
25 out of the impact area, and brought them to the school. Yellow powder  
26 spewed from the explosives on the school window sill. We just thank

1 God that they didn't go off. My son is a student at that school. I'm not  
2 even sure what the powder was.

3 Now they're building taller fences. The advice was not given by our  
4 community but by groups not connected with our community, by the  
5 impacted, affected local community people themselves.

6 Next to Fort Ord -- next to those ranges -- is Del Ray Oaks which  
7 was cleaned up in six months to build a golf course and a hotel. Our  
8 facility is being overrun by developers and contractors.

9 Our local affected community is not being included in any  
10 decisions, health studies, or effects, redevelopment or any real  
11 decisions about what has or is happening to us. Our concerns have  
12 been totally disregarded.

13 I was approached at the last NEJAC meeting by Mr. Fields who  
14 said that he would form a federal facilities committee in a very timely  
15 fashion and that as a person living on a federal facility, that I would be  
16 included. I have constantly called and was told that it was being  
17 developed.

18 I even saw Mr. Fields this morning and he told me that my name  
19 would be on the list. Now I'm told my name is not on the list because  
20 they're looking at ethnicity or some such thing. I'm beginning to feel that  
21 if there is more than one African-American on a community or  
22 subcommunity, that that's one too many, and that's environmental  
23 racism or racism in any form.

24 If public participation is so important, why am I, the EJ rep from  
25 Fort Ord, California, constantly left out? I signed up for the St. Louis  
26 meeting for stakeholders. I was registered but not supported by my

1 installation for travel for community people and therefore could not  
2 attend. Yet my name was on the list, but I could not participate openly.

3 Yes, environmental racism is alive and well, and somebody is  
4 making selective decisions to make sure that some of us are not  
5 included or really listened to. We are children who have been and who  
6 are still being affected by the hazardous waste site. We have  
7 endangered species; we call them the local affected historically  
8 disenfranchised communities.

9 And I wish for you and yours and anybody in a position of  
10 responsibility much better than we're getting. But I know that if health  
11 and if hearts are to be changed and if our country will be great, that  
12 someone in authority and a position of responsibility will listen to that still  
13 small voice that instructs them to do the right thing. We need  
14 responsibility, implementation, we need care, due to a broken process  
15 that has left waste and lifelessness in our communities.

16 Our pollutants are heavy metals, lead, mustard gas, chemical  
17 agents, asbestos, chemical mixtures, hazardous burn from landfill  
18 contamination seeping through the floors, and much more.

19 I'm speaking before you again. I don't know if there is anybody  
20 here who can hear and really act on the things that I'm presenting, but  
21 this is why I'm here. And I thank you very much for listening.

22 MS. SHEPARD: Thank you. Luke.

23 MR. COLE: Thank you very much, Ms. Stone. I'd like to  
24 encourage you to continue to work with EPA Region 9 through their  
25 small grants, through their Office of Environmental Justice and hopefully  
26 you can get with Felicia Marcus, the Regional Administrator who is here

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1 -- not here right now, but who is here this week, and maybe Rome  
2 Pascual who is in the room, can organize that meeting with you and her  
3 so that you can get some satisfaction.

4 MS. SHEPARD: Rosa. Excuse me, Ms. Stone, there's another  
5 comment. Why don't we take Vernice.

6 MS. TRAVIS-MILLER: Well, I asked, since the federal facilities  
7 discussion was had with Tim Fields and also in our Waste and Facilities  
8 Siting Subcommittee at the last meeting, I asked our DFO, Kent  
9 Benjamin, what has been the follow-up. Ken said that in fact that  
10 workgroup has been formed, that there are three community based  
11 organizations on that workgroup. But, unfortunately, your group is not  
12 one of the ones chosen to be on the workgroup.

13 I don't know the background --

14 MS. STONE: That's always the case, even though I was told and  
15 approached and was told something quite different was going to  
16 happen. And I am very, very upset.

17 MS. TRAVIS-MILLER: But let me say, though, there's a difference  
18 between that there's a workgroup formed and that unfortunately you  
19 haven't been asked to serve on the workgroup. That's not the same as  
20 nothing has been done.

21 But I do think that what Luke said is accurate. That there has to be  
22 some follow-up about why you're getting different kinds of comments  
23 and different kinds of responses, and what is the issue. If you're not  
24 going to be a member of the workgroup, how can still the issues of your  
25 community and Seaside be addressed. You don't have to be a member  
26 of the workgroup for them to take up your issues and be responsive.

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1 MS. STONE: I would like to know why I can't be and why there's  
2 always these various roadblocks whenever I bring concerns to the table.  
3 I would really like to find that out and have them address those concerns  
4 because I can't see any other reason, and I have not been given any  
5 reasons.

6 MS. TRAVIS-MILLER: And that I think goes back to the point that  
7 Mr. Cole made, that you are due a response from the EPA Regional  
8 Administrator and the Environmental Justice Coordinator of that region,  
9 as well as somebody from the Office of Solid Waste and Emergency  
10 Response.

11 Your complaint has been duly noted and a response will be given  
12 to you about those issues, that this issue is not going to drop off the  
13 table.

14 MS. SHEPARD: Thank you. Are we going to move on Rosa?  
15 (No audible response.)

16 MS. SHEPARD: Rosa, we're going to move on, okay?

17 Our next speaker is Kathryn Mutz and then Laura Hunter.

18 PRESENTATION BY MS. KATHRYN MUTZ  
19 NATURAL RESOURCES LAW CENTER

20 MS. MUTZ: Good evening. My name is Kathryn Mutz, and I'm  
21 from the Natural Resources Law Center, which is at the University of  
22 Colorado in Boulder.

23 I'd just like to take a moment to introduce both to the NEJAC and  
24 also members of the audience, and if there are any of the federal  
25 agencies with us tonight, a project that the center is doing because you  
26 might be interested in participating.

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1 The center has worked for about 20 years on natural resources  
2 issues in the West. Those are water issues, forestry issues, minerals,  
3 recreation, appreciation of open lands for religious purposes, for  
4 recreational purposes, for aesthetic purposes.

5 A year and a half ago we instituted a project to look at  
6 environmental justice issues in natural resources. These are issues  
7 involving the protection and conservation of natural resources, but also  
8 the development of natural resources and the use of natural resources.  
9 Some of the issues brought up today are uranium mining, maybe some  
10 of the DOI issues that Willie Taylor addressed, that kind of thing.

11 In the West, natural resources issues are important because a lot  
12 of the land important to the federal agencies is managed by the federal  
13 agencies. These are the Department of the Interior, the Department of  
14 Agriculture with the Forest Service, or the Department of Defense.

15 We're working to identify what are environmental justice issues in  
16 this natural resources context and also how justice can be promoted and  
17 how injustice can be alleviated in different ways.

18 Some of the issues that we've dealt with in the last few months are  
19 mineral development in communities of color and low income  
20 communities and the enforcement of environment laws associated with  
21 those developments, water and poverty in Colorado, and what are the  
22 differential water resources for people of different incomes in Colorado  
23 and other issues like that.

24 One of the issues that we've identified but haven't really dealt with  
25 is the fact that there is both a convergence and a conflict between  
26 environmental groups and social justice groups around natural

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1 resources. Around most of the environmental issues that we've talked  
2 about today there's usually a convergence; usually everyone is working  
3 together-- maybe working against the agencies, maybe working against  
4 industry, but at least the environmental and the social justice groups  
5 working together.

6 But in the natural resources issues, that's not necessarily always  
7 the case. I think this is important to federal agencies, or at least to land  
8 management agencies, because they have to deal with it. The  
9 environmental groups and the communities, whether they be  
10 environmental justice communities or not, are the stakeholders and  
11 they're going to advocate for their position and the agencies are going  
12 to have to deal with that. So I think it's an issue that the agencies might  
13 be interested in.

14 An example of convergence might be where environmental groups  
15 have supported, for example, tribes when they want to have more  
16 stringent water quality standards. Another is a situation in Colorado  
17 where the environmental groups and the local Hispanic communities,  
18 the poor farming communities of southern Colorado, work together to  
19 keep water in the valley, in the communities, and not have it transported  
20 to Denver for urban use.

21 Examples of conflict, though, are, for example, management and  
22 use of forestry resources, timber resources, and also grazing in northern  
23 New Mexico where the environmental groups and the land grant  
24 communities are in conflict.

25 Another is the process in which natural resources management  
26 has been developed. An example is for botanical products, the non-

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1 timber forest products of the Pacific Northwest where mushroom  
2 workers -- the industry is being regulated but they don't feel like they  
3 have any voice in the regulation, and there's everything from white  
4 mushroom pickers to Asian and Hispanic.

5 Another very seemingly innocuous example is preservation of land  
6 through the Land and Water Conservation Fund where it seems like that  
7 would be an issue that everyone would support. Well, it turns out some  
8 of the land is former land grant land and the groups don't want it put into  
9 the federal estate.

10 I mention this project just because we're starting to work on it and  
11 wanting to see how we can address both the conflicts and the  
12 convergence between these groups and how we can promote social  
13 justice and environmental justice and environmental protection at the  
14 same time.

15 If anyone is interested, I'd be happy to talk with you about it and let  
16 you know a little bit more of what we're doing. We're just starting the  
17 program. So that's basically why I'm here.

18 Thank you.  
19 MS. SHEPARD: Thank you. Laura Hunter.

20 PRESENTATION BY MS. LAURA HUNTER  
21 ENVIRONMENTAL HEALTH COALITION

22 MS. HUNTER: Thank you very much. My name is Laura Hunter.  
23 I'm representing the Environmental Health Coalition here tonight. We're  
24 an environmental justice organization working in the San Diego/Tijuana  
25 Region in Southern California. I also serve as a national board member  
26 on the Military Toxics Project.

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1 We want to say, first of all, that we're delighted to be here today  
2 and delighted to be selected as one of the environmental justice  
3 demonstration projects for air toxic contamination in Barrio Logan, one  
4 of our environmental justice communities in San Diego.

5 What I'd like to address specifically tonight, however, is the impact  
6 of one particular federal facility on the health of our communities, and  
7 that is the Department of the Navy.

8 The Navy has an enormous impact on our communities in San  
9 Diego. Because they are the Navy, we have much more pollution with  
10 less enforcement than other areas of the country because they are  
11 immune or exempt from a number of very important environmental laws.  
12 There are numerous violations by federal facilities in San Diego.

13 Here's an article recently put into the Union Tribune about this  
14 problem. The regulators are very frustrated. The Navy and the Marines  
15 can violate their permits and nothing can be done to them. I think you  
16 all probably know that. But we have a very specific solution that we're  
17 trying to address that I'll bring up in a minute.

18 We have a serious problem with the nuclear megaport that just was  
19 permitted for San Diego Bay. The Navy repeatedly in its multiple  
20 documents refused to recognize the environmental justice impact on the  
21 communities of Barrio Logan. They are not recognizing the cumulative  
22 impact; they're saying that because there's a white community that's  
23 right on the fence line and Barrio Logan is further downwind, that there  
24 was no environmental justice here.

25 And that was just not true. The environmental justice communities  
26 are eating fish out of the Bay. These fish -- and there is a cumulative air

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1 toxics impact on these communities and they consistently fail to  
2 recognize it.

3 We have a real problem with lack of access to our decisionmakers  
4 in San Diego. In the seven hearings, we never once spoke with a  
5 decisionmaker from the Department of the Navy or any regulator about  
6 that project. They constantly sent representatives; never did a  
7 decisionmaker hear from the community. We had one hearing with 300  
8 people in attendance; no decisionmaker was there. Our local admirals  
9 have repeatedly rebuffed requests to meet with the community.

10 I want to thank Felicia Marcus and Clarice Gaylord, both who have  
11 tried to get our local Navy representatives to meet with local  
12 communities, a small group, you know, on their terms. We have been  
13 constantly rebuffed.

14 They even refused to accept a notebook from us that had a  
15 collection of articles and messages from local people. They wouldn't  
16 even take our book, much less even meet with us.

17 One of the groups we would like you to focus on in the NEJAC is  
18 a group we don't see in any of your documents anywhere, and that's the  
19 Office of Naval Reactors. They're completely self-regulated. They have  
20 an enormous impact on communities from where the nuclear reactors  
21 are made to where they're put on the vessels to where they're home-  
22 ported, which is in our community.

23 In a very few years we will have as many as 19 nuclear reactors in  
24 San Diego Bay in the middle of a densely populated area. We'll have  
25 six carrier reactors and between six and 12 submarine reactors.

26 We have no emergency planning -- well, there is an emergency

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1 plan, but it's secret. We don't have sirens for the community. We don't  
2 have information for the community. We are less protected than we  
3 would be if we just lived next to a commercial reactor.

4 Our solution and what we would like to suggest tonight is -- Bob  
5 Fellner and Kenneth mentioned this earlier -- is carrying this bill, the  
6 Military Environmental Responsibility Act -- we will be sending this to all  
7 of you and I know you can't endorse it as a group, but we would ask that  
8 you would support and endorse this law individually.

9 What it will do is say that the military needs to comply to the same  
10 standards -- we need to raise those standards, too, but at least get up  
11 to the bottom level of compliance -- they would have to comply with all  
12 environmental laws, that there would be an enforcement mechanism for  
13 EPA to be able to fine them if they don't comply. I mean, the way it is  
14 now, they can say, well, we're subject to those, but we can't be fined.  
15 So what's the motivation? There isn't any.

16 We would also ask you to recommend to the military that they send  
17 decisionmakers out to meet with impacted communities. Sending the  
18 same poor people out who have no power and authority to make any  
19 changes in our lives to meet with the community is frustrating for us and  
20 unfair to them. We need a chance to talk to the decisionmakers, and  
21 maybe you can help convince the Department of Defense that they need  
22 to do that.

23 The last thing on the specific request -- you asked for specific  
24 information where -- instances where information was denied. I have  
25 two that I think are particularly interesting.

26 The Department of the Navy applies a very confusing standard to

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1 what they release to us and what they don't. There was a classified  
2 index that was attached to two of the environmental impact statements  
3 that they gave us. We asked for it repeatedly. We were denied it. And  
4 then one day it appeared in the mail. It turns out it wasn't classified out  
5 at all. How is that possible?

6 Another instance. We asked for a document. It was redacted,  
7 most of it. And then I found the same document in a public library in the  
8 record.

9 So I think they need to apply consistent standards, tell us what we  
10 need to know. And I thank you very much for your time.

11 MS. SHEPARD: Thank you.  
12 Our next speaker is J. Gilbert Sanchez and then Chavel Lopez.  
13 PRESENTATION BY MR. CHAVEL LOPEZ  
14 SOUTHWEST PUBLIC WORKERS UNION, and the  
15 COMMITTEE FOR ENVIRONMENTAL JUSTICE ACTION

16 MR. LOPEZ: Good evening. My name is Chavel. I'm going to go  
17 before Gilbert Sanchez. I'm from San Antonio, Texas and I represent  
18 the Southwest Public Workers Union and the Committee for  
19 Environmental Justice Action.

20 We're dealing in San Antonio with a contaminated federal facility,  
21 one that's closing up in just seven months from now, Kelly Air Force  
22 Base.

23 Before I go into that, I'd like to make a comment concerning the  
24 Title VI Guidance. There was a recent comment period that came up  
25 this summer. We reviewed -- I guess it's the second draft. In the first  
26 draft that came up there were several organizations that made

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1 recommendations that should be applied to the particular guidance. In  
2 looking at the second draft that came up, we saw that none of the  
3 recommendations that were made by the grassroots organizations were  
4 included in that particular guidance.

5 So, we feel, you know, why do you want public comment from the  
6 grassroots organizations, the EJ organizations, if you're not going to be  
7 including them in that particular Guidance?

8 Another thing that I want to talk about is the contamination at Kelly  
9 Air Force Base. It's only seven months from now that they're going to  
10 be closing it and turning it over to the City of San Antonio to an authority  
11 that was formed by the city, the Greater Kelly Development Authority.

12 Still there is no plan for the off-base contamination. I'm talking  
13 about groundwater contamination with TCE, PCE, very toxic chemicals.  
14 We're talking about that it affects over 100,000 people, over 20,000  
15 homeowners are affected.

16 The only thing that we've heard is that they're proposing a natural  
17 attenuation which the community feels is an insult because that is not  
18 a cleanup, it just states that nature should take care of it in between 30  
19 and 60 years.

20 Another point is also that the Texas Department of Transportation  
21 is proposing to put a highway right through this contaminated  
22 community. That's going to be displacement, first of all, for the low  
23 income community, and it's going to create more contamination, more  
24 particulate matter because of the increased traffic, because of, you  
25 know, those 18-wheelers -- you know, they're supposed to convert the  
26 base there into a NAFTA center and bring in 21,000 jobs.

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1 Then, on the other side, you have the joint use of the runway by  
2 Greater Kelly Development Authority, which at some point is supposed  
3 to be bringing in over 18,000 flights per year.

4 So we're looking at the cumulative effect that this highway, the joint  
5 use of the runway, and then the fact that they don't have a clean-up plan  
6 in place. So it's the cumulative effects.

7 So instead of helping this community, they're helping to kill it off  
8 because right now the community has a high cancer rate, there's liver  
9 cancer, there's kidney cancer, there's chronic disease.

10 Just recently we found out that there's approximately 50 workers,  
11 former workers that used to work at Kelly Air Force Base that were  
12 diagnosed with Lou Gehrig's disease, that ALS.

13 So it's a very, very chronic situation over there with the health.

14 Another thing that's happening is that they're building houses on  
15 top of the contaminated plumes. New houses. They're not notifying the  
16 homeowners that they're buying homes on top of a TCE plume.

17 Another thing I want to point out is on the public participation. We  
18 feel that the public participation has completely failed.

19 You know, the Restoration Advisory Boards are just a sham  
20 because they don't have -- you know, all we've had is just difficulties  
21 with them. There's no translations. The majority of the people that live  
22 in that community is about 90 percent Mexican, so there's no  
23 translations while they're talking back and forth -- there's no verbatim  
24 translation for the community to know what they're talking about.

25 Plus, the affected community wants to be at the real table where  
26 the real clean-up decisions are being made, and it's not at the

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1 Restoration Advisory Board meetings. We want to be at the clean-up  
2 team. That's where we want to sit at, where those real decisions are  
3 being made.

4 Some other points I want to make. There's workers that the Air  
5 Force has contracted to clean inside the base-- for example, in Site 1  
6 -- where the contractors, and then there's workers cleaning up  
7 contaminated soils with various chemicals, and yet they don't have any  
8 protective equipment -- you know, they're not wearing any type of  
9 protective equipment.

10 This is also happening at the Newell Industries, which is another  
11 contaminated community there in San Antonio which is heavily  
12 contaminated with lead. Also, the contractors that they've hired to clean  
13 up that particular contamination are also not wearing any type of  
14 protective equipment.

15 One more point. The Department of Defense stakeholders  
16 meeting that was held in St. Louis just a few weeks ago, we were not  
17 informed about it, yet we've been at this struggle for a clean-up of Kelly  
18 Air Force Base for seven years -- yet, you know, we weren't invited to  
19 this particular stakeholder meeting that's supposed to deal with clean-  
20 up.

21 That's about it. Thank you,  
22 MS. SHEPARD: Thank you. Mr. Sanchez.  
23 PRESENTATION BY MR. J. GILBERT SANCHEZ  
24 PEOPLE OF COLOR AND DISENFRANCHISED COMMUNITIES/  
25 ENVIRONMENTAL HEALTH NETWORK  
26 MR. SANCHEZ: My name is J. Gilbert Sanchez. I come from New

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1 Mexico. I'm here to speak of behalf of the People of Color and  
2 Disenfranchised Communities, and also my Travel Environmental  
3 Watch Alliance. The item on the page that you have, focus public  
4 comment session, I would like to address item number 5. Before I do  
5 that, I'd like to ask for a couple of minutes of silence.

6 (Moment of silence.)  
7 MR. SANCHEZ: I guess when you sit down and you listen, the  
8 only voice you hear is that of a young person, a young child. I think  
9 that's where I want to begin.

10 First of all, I want to thank NEJAC for developing the working  
11 group. But in your development of the working group under federal  
12 facilities, the silence that you heard was the silence that you've done to  
13 the community.

14 NEJAC from my understanding was an avenue for grassroots  
15 communities to be heard. We talk about public participation, my brother  
16 to the right here talked about that, and the advisory committees that  
17 we're giving advice to or giving input to do not take us seriously enough  
18 to give us a call, to contact us, and asking us how this thing should be  
19 developed or where we should be going with these things -- that is what  
20 happens, we are silenced.

21 The communities here are silenced. The communities that were  
22 here a year ago are not here because they've been silenced.

23 I think there are some fundamental flaws that are there and we  
24 should not allow those flaws to continue as we move on.

25 It happens to us in our local communities by the facilities that we  
26 work against, or work with, or try to work with. They silence us in many

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1 ways. In that minute or so, or 45 seconds or so, of silence, the only  
2 sound I heard was that of the little baby back there. And I heard my  
3 communities across the nation speaking out, asking where are we, why  
4 are we here.

5 NEJAC is an advisory committee, yes. You have a lot of power if  
6 you use it right. But when you start silencing the committees, the  
7 grassroots communities when they ask you for something and when we  
8 ask for something, you give us something, we need to be there, we  
9 need to be a part of that. I think that is the only thing that I can say.

10 I have made my recommendations. Please open your doors, your  
11 hearts, your minds, to all the grassroots communities as we speak when  
12 we come to ask for something. If you're going to give it to us, please let  
13 us be a part of that.

14 I'd like to give a portion of my time to Teresa Juarez from New  
15 Mexico Alliance.

16 PRESENTATION BY MS. TERESA JUAREZ  
17 NEW MEXICO ALLIANCE

18 MS. JUAREZ: First of all, I'd like to thank Gilbert for the  
19 opportunity to speak before you tonight. I would also like to ask your  
20 forgiveness ahead of time if in any way my words would offend you.

21 A year ago at the last NEJAC meeting that we were at, the room  
22 was full of people that came to ask that NEJAC create an entity, a  
23 vehicle, by where our voices could be heard. The response that we got  
24 is like the response we get from any other agency: It is created and  
25 done.

26 If I'm not mistaken, I thought in the creation of NEJAC that it was

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1 created to give a voice to the people, to allow our communities to come  
2 and voice their concerns, to be able to express the agony and anxieties  
3 that they have in their communities, to be able to come here and feel  
4 like there's hope.

5 We look across the country and we see the struggles that are  
6 going on between the Republican and the Democratic parties, and they  
7 continue to fight over who has power, and then we go back and we  
8 reflect on our communities and we see that our communities are still in  
9 the same place, the same conditions.

10 And even though we talk about the gains that we have made, I  
11 think we still lack one, and that is the ultimate respect to the community  
12 people that come here and to ultimately understand that it takes a lot for  
13 us to come here.

14 First of all, we are not financed in any way and so when we come  
15 to these hotels where we have to make a sacrifice and maybe  
16 sometimes even take the food from our family's table to ensure that we  
17 can come here and express that we don't want to face one more death  
18 in our communities, and yet we come here and we're faced with the  
19 same thing. That is, the lack of respect to our communities.

20 When we asked that a committee be developed so that federal  
21 facilities would have a voice, we expected that NEJAC was going to look  
22 at it in a way and see the many faces of people that come here, that  
23 come here to express their desires to have a voice, to be able to be part  
24 of a committee that would allow us to express to you the many years  
25 that many people have endured the sacrifice and the continued  
26 humiliation in our communities from these agencies. And yet, we come

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1 here with our hands open and asking, help us.  
 2 And it isn't that you didn't respond, it's just the way we did it. Have  
 3 we forgotten where we came from?  
 4 That is the question. That is the question before this whole  
 5 country. Have we forgotten where we came from?  
 6 I hope not.  
 7 Thank you.  
 8 MR. SANCHEZ: Thank you very much.  
 9 (Laughter.)  
 10 MS. SHEPARD: Just a minute, please. Mr. Sanchez, please,  
 11 there's a comment or question.  
 12 MR. COLE: I just had a question of what is -- I guess this is one  
 13 of the things we were going to hear about today that we put off until  
 14 tomorrow, the report back on the Federal Facilities Work Group. I  
 15 mean, I hadn't heard about the composition of the work group so I don't  
 16 know how to evaluate that comment and maybe what I can do is wait  
 17 until tomorrow morning to find that out.  
 18 But I am totally sympathetic to the commenters' suggestions and  
 19 my ambition in voting to have such a work group was that communities  
 20 be represented on it. And if they're not for some reason, I think we need  
 21 to do some work on it. So let's say we'll take it under advisement.  
 22 MR. SANCHEZ: Thank you for your comment.  
 23 MS. SHEPARD: One more. Vernice.  
 24 MS. TRAVIS-MILLER: I would like to just highlight for Charles that  
 25 this be a discussion point with Tim and Barry tomorrow because, once  
 26 again, I feel caught in a cross-hairs. We specifically were responding

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1 that.  
 2 But I do want to have a response, you know, from whoever has that  
 3 information. I think one of the concerns that LaVonne Stone had was  
 4 why wasn't she appointed to this work group. Of course, part of that I'm  
 5 assuming was part of this update, or whatever, but I think she deserves  
 6 a response, whether here or out there in the lobby, or something.  
 7 It seems like -- you know, one thing I'm concerned about, we don't  
 8 have a flawed process any further than things have been in the past. So  
 9 we need to take action on this.  
 10 MR. LEE: Yes. I mean, I think it's best if we talk about it as a  
 11 whole in terms of the work group. I can say that as far as the  
 12 composition is concerned, it went through a process, and it also has to  
 13 perform to a set of diversity as far as stakeholder groups. There are  
 14 community people in this work group. In fact, there are three community  
 15 people in this work group.  
 16 MR. COLE: I don't want to get into an argument about it tonight --  
 17 MR. LEE: Yes.  
 18 MR. COLE: -- because I'm happy to do that tomorrow morning.  
 19 (Laughter.)  
 20 MR. COLE: The idea behind the work group was that we could  
 21 have 20 community people on it.  
 22 (Applause.)  
 23 MR. COLE: I mean, the work group doesn't have to match the  
 24 stakeholder requirements of the NEJAC. That's why it's a work group.  
 25 MS. AUGUSTINE: You know, Mr. Sanchez may not be here  
 26 tomorrow. If I'm not mistaken, he had an emergency that he was

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1 to the request that at least four of the people who have spoken on this  
 2 issue asked us about this and asked us for a number of years to deal  
 3 with this. And when we finally did deal with it, we thought that was the  
 4 purpose of it.  
 5 So now we have committed to something that seems as if it's been  
 6 subverted somehow. But they're coming to us and asking us why the  
 7 NEJAC has not followed through on their request to us.  
 8 So we need to know so that we can give an honest answer. We  
 9 also need to know what is going on with this entity that I understand is  
 10 a work group of the Office of Solid Waste and Emergency Response,  
 11 not a work group of the NEJAC.  
 12 Charles, can you clarify that? Can you just answer the question?  
 13 Is it a work group of the NEJAC or is it a work group of the Office of  
 14 Solid Waste and Emergency Response, the federal facilities?  
 15 Of the NEJAC. Okay.  
 16 MR. COLE: Because we -- I mean, our ambition in creating it was  
 17 to have these very stakeholders at the table as part of the work group.  
 18 That's why it was called a work group, so that people who weren't on the  
 19 Executive Council could be members.  
 20 So, if that's not happening, then we'll figure out why.  
 21 MS. SHEPARD: Tom.  
 22 MR. LEE: Do you want to discuss it tomorrow when the report is  
 23 given?  
 24 MR. GOLDTOOTH: Charles, I was waiting for that report. You  
 25 know, I know that we weren't able to have that update today. It would  
 26 have been good to have that update so that these folks could listen to

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1 supposed to leave and he may not be here for the report tomorrow.  
 2 MR. LEE: Yes, I hear you, but the fact of the matter is that there  
 3 are limitations as far as the ability to support in terms of resources the  
 4 number of people and there are requirements that it does reflect the  
 5 diversity of the stakeholder groups that are on the NEJAC. So, you  
 6 know, we need to look at this in terms of concretes and in terms of the  
 7 process that was used.  
 8 I would say at this point that it was thoughtfully done and it was  
 9 done with a great deal of attention to the groups of people that brought  
 10 the issue to us and to you.  
 11 MR. SANCHEZ: Madam Chairman, I guess my reconnaissance  
 12 was more exclusive than inclusive and whatnot than what should have  
 13 been there. Maybe my report was wrong. I'll take the blame for that.  
 14 But I still state the facts when we, as grassroots communities, came to  
 15 you to suggest something, I as Chairman of the People of Color and  
 16 Disenfranchised Communities, have not had any communication per se  
 17 as to what the makeup or what the intent of the makeup is going to be.  
 18 That's all I'm saying.  
 19 Whatever you do, do it, but let's do it in a proper way so that we  
 20 can be satisfied because I have communities that I am obligated to  
 21 explain some of the things, or at least to be responsive to them in my  
 22 accountability.  
 23 So all I'm saying is, if the process is going, let the process be done.  
 24 But from my reconnaissance, this is the way I see things, or this is what  
 25 I've been told.  
 26 So I beg your pardon. As Teresa said, if we stepped on some

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1 toes, we ask for your forgiveness, but we have to be blunt at times and  
2 we have to take the time that we have to get our point across the best  
3 we can. And I know that we have not discussed the Federal Facilities  
4 Working Group but I'm glad that Charles has stated that it is under  
5 NEJAC, it is not under another facility at this point in time.

6 So I thank you for your time.

7 MR. TURRENTINE: Thank you. Also, Mr. Sanchez, I was sitting  
8 in this chair when you all came to us.

9 MR. SANCHEZ: Right.

10 MR. TURRENTINE: And we made the commitment that we would  
11 do everything we could to address your issues. One of the things we  
12 attempted to do -- and we obviously failed because we have not  
13 communicated with you all who brought the issues to us -- and as I hear  
14 my fellow Council members' concerns, it has not been adequately  
15 communicated to us as to what happened, how it happened.

16 We're sitting here now feeling somewhat uneasy because we can't  
17 respond to you. And I'll be very frank with the EPA and the Office of  
18 Environmental Justice, I don't like being put in that position where I don't  
19 know what's going on and yet we're the ones that initiated, at your  
20 request, this movement.

21 So, Charles, I think we have to get some information, and you've  
22 got to get some information to us. I appreciate the fact that you don't  
23 want to get into it tonight in fragmented bits and pieces, but we are not  
24 in a very good light at this particular time due to a failure to  
25 communicate.

26 I don't think there's anything sinister going on, but I do know that

1 the communication process has not worked because, as Council  
2 members, don't know, you, as the responders, don't know, and we're  
3 sitting here looking like fools. And I just don't like that.

4 So I'm saying in a very candid way to EPA, don't do this again.

5 MS. SHEPARD: Don.

6 MR. ARAGON: Thank you. I appreciate Mr. Sanchez and his  
7 group coming forth and sharing their concerns with us again, and I  
8 appreciate what you just said, Mr. Chairman. You know, I feel the same  
9 way, that if we did not follow through, you know, then it's our  
10 responsibility.

11 But one of the things I wanted to say was, today when we had the  
12 DOE, the DOI and the DOD here and they all signed the MOU up there  
13 with the EPA, what they should have been doing was signing an MOU  
14 with the communities because I think --

15 (Applause.)

16 MR. ARAGON: -- that those are the people that they impact. And  
17 we, as Indian Tribes, have had a real difficult time with the DOE  
18 Uranium mill tailing sites on several Indian reservations are still there.  
19 We've been complaining for over 25 years now on getting those things  
20 cleaned up, and it's not happening.

21 The DOE says that they signed cooperative agreements with the  
22 Indian Tribes, but yet, they don't uphold those cooperative agreements.

23 I would like to see the DOE person come back and let us talk to  
24 him again. I know that the schedule was extremely short today, but I  
25 really feel that we out in the West need to get the DOE to the table  
26 again and have them come in and clean up some of these messes that

1 they have left on our lands.

2 Thank you.

3 MS. SHEPARD: Rose.

4 MS. AUGUSTINE: I'd like to state to Teresa that I remember when  
5 you came at the last NEJAC meeting in May, and if the NEJAC was  
6 disrespectful towards you, I think that the NEJAC should apologize. I  
7 understand what you were saying because I felt it too, and I'm sorry it  
8 happened. It should not have happened and I really apologize.

9 MS. AUGUSTINE: Thank you, Rose.

10 Our last speaker is Rodney Livingston. He's not here? Okay.  
11 Armando Gandarilla.

12 PRESENTATION BY MR. RODNEY LIVINGSTON  
13 DC URBAN

14 MR. LIVINGSTON: I drag myself down here every time it's in  
15 Washington, knowing that it's going to be a disappointment talking to  
16 people that really don't understand or don't care who happen to have  
17 this position.

18 At the very first meeting of this Council in Washington, I sat here  
19 and whined about the fact that there are too few minds here to get  
20 anything accomplished in a substantive way. So you get a failing grade,  
21 and it's a disaster, and frankly the spirit and the presence of these  
22 people on this Council offend my spirit.

23 I have to drag myself down here because you don't want to use  
24 technology. I don't like being in your presence. I'd rather e-mail it or  
25 conference it, or send it over the Internet to you so I can be in the luxury  
26 of wherever I am, and you need to recognize that and figure out why.

1 This Executive Order hasn't been addressed ever, and you're  
2 fooling yourselves when you glad-handing people for doing such a good  
3 job because they've done nothing. You people have done nothing.

4 It's a monumental waste of time. Intellectual masturbation is what  
5 it is.

6 It's no different than if I signed this Executive Order. That's how  
7 much you've gotten done. You could have had Bush, you could have  
8 had Carter, you could have had Reagan, you could have had Rodney  
9 Livingston sign this Executive Order, and as much as has gotten  
10 accomplished, that's what you've done. Absolutely zero.

11 Why is that? As I've said before, one, you want to do it in a closet  
12 in this place. You don't want anybody to know what you're doing.

13 I don't need to sit here and tell you how to reinvent the wheel, how  
14 to PR yourselves, how to get the information out there. You don't want  
15 to do it because you're about nothing. You're a worthless Council that's  
16 about doing nothing. You do it in a vacuum. You do it in a closet.

17 Number two, apparently nobody on the Council has ever read the  
18 Executive Order and asked why are we not doing anything.

19 Number three, there's too much coffee klatch, we do a good job,  
20 we're part of a team, we enjoy our company.

21 Number four, what counts? There's a big discussion right now  
22 about counting the votes. Nobody on this Council wants to count the  
23 votes. I sit up here and listen to somebody whine, well, we have  
24 resource limitations and we have funding limitations. You can BS that  
25 all day because it's being BSed wonderfully now.

26 The people on this Council, they don't want to count the votes just

1 like other people don't want to the votes. You don't want to open the  
2 tent just like other people don't want to open the tent. It's the pot calling  
3 the kettle black, and it's disgusting.

4 But it's always been that way. At least since I've known about you  
5 and since I've been showing up here.

6 You don't want to count the votes. There were people sitting here  
7 a while ago asking you the question and then you have somebody whine  
8 and say, well, I don't want that to happen again, we're sitting here  
9 looking like fools. That was the most apropos thing I have heard so far  
10 from that side of the table.

11 So, the question is, what's going to get done. And I'm going to  
12 answer that question. You're going to sit here and you're going to glad-  
13 hand and you're going to slap each other on the back and say, we did  
14 such a good job, aren't we just marvelous. While people on this side  
15 don't use their intellectual property and they come before you and whine  
16 and say, these people are killing us, can you still help us and keep them  
17 from killing us.

18 I ask the rhetorical question and I answer the rhetorical question.  
19 I don't want to have to come down here in this presence again. I want  
20 you to get off your duffs, get the technology in so I can be on the screen  
21 and don't have to be insulted in this way.

22 If you have any questions, I'll listen.

23 MS. SHEPARD: Okay. Our last speaker is Armando Gandarilla.  
24 //

25 PRESENTATION BY MR. ARMANDO GANDARILLA  
26 NEIGHBORHOOD FOR JUSTICE

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1 MR. GANDARILLA: My name is Armando Gandarilla. I am the  
2 President of the Grand Park Neighborhood Association from Phoenix,  
3 Arizona.

4 I want to speak to you, Mr. Chairman, especially since you said  
5 something about being embarrassed here earlier. I want to speak to  
6 you guys about restoring public trust.

7 On a number of occasions the City of Phoenix has selected  
8 community leaders to go out there and help them out, especially like this  
9 Rio Solado project, and they tell us, well, we're going to run the  
10 airplanes down the river bottom and not let them come into the  
11 neighborhood.

12 As soon as they receive their contracts the rules change and now  
13 they're running over our neighborhoods. Consequently, we now have  
14 some major noise pollution as well as contamination.

15 In the articles I didn't read too much about noise pollution in there,  
16 but that's a very real issue. Because of noise pollution our kids cannot  
17 get a good education because they can't rest at night. Because of the  
18 pollution in our communities, they are sickly and they cannot go to  
19 school. Consequently, that leads them to the juvenile authorities. If  
20 they don't mend their ways, of course they end up with adult authorities  
21 and then into the Arizona State Prison.

22 The sad commentary is that 18 percent of the people incarcerated  
23 in the Arizona State Prison are black, 22 percent are Hispanic. And to  
24 me that's a very real problem. Kids who drop out of school and then  
25 end up self-medicating for whatever reason, for the frustrations they're  
26 going through, and then end up in our court system.

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1 But the other issue that the City of Phoenix did is that they offered  
2 us, hey, we're sorry, we're going to give you an abatement thing.

3 What's an abatement thing? Well, what we're going to do is we'll  
4 fix up your homes so that the noise level doesn't bother you. However,  
5 sign this form.

6 Now, if you read the form carefully, it says that you cannot sue the  
7 City of Phoenix for any contamination that occurs above your homes.

8 So that's another issue where, again, citizens, because they're low  
9 income and don't have the money for attorneys, they cannot deal with  
10 those issues.

11 Another slap in the face, an embarrassment, is the Grand Park  
12 Apartments. In the Grand Park Apartments the local utility company  
13 admits that there is contamination underneath.

14 The only time they discuss that issue is when they want to rally our  
15 community in their favor. So, they come up and do these clean-ups and  
16 then you ask them, well, when are you going to remove the creosol with  
17 the cancer carcinogenic items in it, when are you going to get it out of  
18 there? And they don't because we don't have the leverage.

19 It's a slap in the face to us community leaders, especially since we  
20 are the ones that are up in the forefront. We have to stand up and  
21 speak on behalf of our communities trying to implement new projects  
22 that will help them out and we are failing them with the real issue, and  
23 that is health.

24 I believe that when I read the articles I was thinking of things that  
25 we could do and I got three policy possibilities.

26 One is, to direct the appropriate agencies to assist community

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1 organizations to come up to speed with the present issues. And I'm  
2 talking about NEJAC. To give us the information. I mean, this is the  
3 first time I'm here. The first time that I've heard of this organization.  
4 Had it not been for Ethel Lane, I wouldn't have been here. But I'm proud  
5 to be here because at least I'm hearing some good things.

6 The second policy is not allowing private corporations to hide  
7 behind legitimate governmental agencies. In the contamination of the  
8 Grand Park neighborhood, what the corporation has done is it has  
9 positioned itself saying that, well, you know, if we take out the  
10 contamination, then we'll have to destroy the apartments. If we destroy  
11 the apartments, you won't have the housing stock.

12 Well, they never cared about housing stock until now. It was a  
13 good response.

14 The third one is, a policy to protect and assist people on fixed  
15 incomes so they don't lose their homes by allowing devaluation  
16 practices, whether be of contamination issues or of morally wrong. And  
17 when I say morally wrong, when our children cannot get an education  
18 because of what's around them, that's morally wrong. It's morally wrong  
19 to have as many blacks and Hispanics incarcerated in the Arizona State  
20 Prison.

21 Thank you.

22 MS. SHEPARD: Thank you. Luke.

23 MR. COLE: I have a comment, not on Mr. Gandarilla's thing, but  
24 a request for the staff that in preparing the list of commenters in the  
25 past, we've often been aware of the geographic location of the  
26 commenter. That's extraordinarily helpful for me in figuring out both the

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1 context of the environmental justice issue and who some of the resource  
2 people are that we might be able to connect them with. So I'm  
3 wondering if we can put that back in the sheet. Thank you.

4 MS. SHEPARD: Yes, I notice that that was missing. Thanks,  
5 Luke.

6 That ends our public comment period. Thank you all for coming  
7 and hanging in.

8 One announcement. All of the Council members should take their  
9 documents and packets with them tonight because the room will be  
10 cleaned.

11 I'll see you all in the morning --

12 MR. TURRENTINE: Peggy, just one moment. It's 8:30 -- we start  
13 at 8:30 tomorrow morning.

14 MS. SHEPARD: Eight o'clock.

15 MR. TURRENTINE: See what I say about communication? I'm  
16 sitting here looking at a document that you all gave me saying 8:30.  
17 Now it has changed and now I hear about it

18 MR. LEE: We had to change it in order to accommodate --

19 MR. TURRENTINE: I'm not concerned about why; I'm concerned  
20 about the communication process. And you're not communicating with  
21 us.

22 (Whereupon, the hearing in the above-entitled matter was  
23 recessed, to resume on December 12, 2000 at 8:00 a.m.)

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