MEETING SUMMARY

of the

INDIGENOUS PEOPLES SUBCOMMITTEE

of the

NATIONAL ENVIRONMENTAL JUSTICE ADVISORY COUNCIL

May 25, 2000
ATLANTA, GEORGIA

Meeting Summary Accepted By:

Daniel Gogal
Designated Federal Official
Office of Environmental Justice
U.S. Environmental Protection Agency

Robert Smith
Alternate Designated Federal Official
American Indian Environmental Office
U.S. Environmental Protection Agency

Tom Goldtooth
Chair

CHAPTER SIX
MEETING OF THE
INDIGENOUS PEOPLES SUBCOMMITTEE

1.0 INTRODUCTION

The Indigenous Peoples Subcommittee of the National Environmental Justice Advisory Council (NEJAC) conducted a one-day meeting on Thursday, May 25, 2000, during a four-day meeting of the NEJAC in Atlanta, Georgia. Mr. Tom Goldtooth, Indigenous Environmental Network (IEN), continues to serve as chair of the subcommittee. Mr. Daniel Gogal, U.S. Environmental Protection Agency (EPA), Office of Environmental Justice (OEJ), Office of Enforcement and Compliance Assurance (OECA), continues to serve as the Designated Federal Official (DFO) for the subcommittee, and Mr. Robert Smith, EPA American Indian Environmental Office (AIEO), serves as the newly appointed alternate DFO. Exhibit 6-1 presents a list of the members who attended the meeting.

This chapter, which provides a summary of the deliberations of the Indigenous Peoples Subcommittee, is organized in six sections, including this *Introduction*. Section 2.0, *Remarks*, summarizes the opening remarks of the chair and the DFO. Section 3.0, *Discussions of the Subcommittee Related to Environmental Health*, summarizes both the discussions between members of the subcommittee and technical advisors from Federal agencies involved in the protection of environmental health in Indian country and the discussions among the members about the specific problem of persistent organic pollutants (POP) and persistent bioaccumulative toxins (PBT) that affect environmental health in Indian country. Section 4.0, *Presentations and Reports* presents an overview of each presentation and report received by the subcommittee, as well as summaries of the questions and comments the presentations and reports prompted among the members of the subcommittee. Section 5.0, *Recommendations on Environmental Research Needs in Indian Country*, presents recommendations of the subcommittee on environmental health in Indian country. Section 6.0, *Resolution and Significant Action Items*, summarizes the resolution forwarded to the Executive Council of the NEJAC for consideration and the significant action items adopted by the subcommittee.

Exhibit 6-1

INDIGENOUS PEOPLES SUBCOMMITTEE

Members
Who Attended the Meeting
May 25, 2000

Mr. Tom Goldtooth, **Chair**
Ms. Jennifer Hill-Kelley, **Vice-Chair**
Mr. Daniel Gogal, **DFO**
Mr. Robert Smith, **Alternate DFO**

Mr. Brad Hamilton
Ms. Sarah James
Mr. Charles Miller
Mr. Dean Suagee
Mr. Moses Squeochs
Ms. Jana Walker

2.0 REMARKS

Mr. Goldtooth opened the subcommittee meeting by welcoming the members present and Mr. Gogal and Mr. Smith. After making administrative remarks, he asked Mr. Gogal to review the guidelines of the NEJAC to remind the members and observers of the protocol to be followed. Mr. Gogal stated that the meeting was conducted for the members of the Indigenous Peoples Subcommittee and that the comments of observers, rather than open discussion, would be welcome.

3.0 DISCUSSIONS OF THE SUBCOMMITTEE RELATED TO ENVIRONMENTAL HEALTH

This section summarizes the discussions between members of the subcommittee and technical advisors from Federal agencies involved in the protection of environmental health in Indian country and the discussions among the members about the specific problem of POPs and PBTs that affect environmental health in Indian country. (Section 3.2 provides a definition of POPs.)

3.1 Presentations Environmental Health and Research in Indian Country

Mr. Michael Rathsam, Senior Environmental Health Officer, Division of Environmental Health Services, Indian Health Service (IHS), U.S. Department of Health and Human Services (HHS) discussed the role of IHS in ensuring environmental health in Indian country, and stated that IHS is responsible for assisting tribes in health matters. Mr. Rathsam described how IHS solicits by letter the views of tribes about health issues the tribes wish to be given priority. He noted that it seems tribes have only that single opportunity to identify their priorities. To remedy that problem, he suggested, a representative of IHS's Environmental Health Office should be present during the health priority assessment for each tribe. Mr. Dean Suagee, First Nations Environmental Law Program, Vermont Law School, observed that the process as Mr. Rathsam described seems haphazard, noting a need for increased interaction among the agencies involved.

According to Mr. Rathsam, the responsibility and resources for the protection of tribal environmental health are distributed among a number of Federal agencies. Projects address specific problem areas rather than overall problems in a community, he said. As a broad example, Mr. Rathsam described problems related to sanitation systems and their maintenance. Development of such systems is provided under a different funding mechanism from that which funds training in the maintenance of the systems. A lack of coordination between the government agencies, therefore, can result in the development of a sanitation system that a tribe is unable to maintain properly, he pointed out. In response, Mr. Suagee commented that progress is being made in implementing the basic policy of tribal self-sufficiency.

Mr. Smith asked how IHS coordinates with other government agencies in the development of tribal solid waste and water programs. Mr. Rathsam responded that he does not address those issues. Ms. Jennifer Hill-Kelley, Environmental Quality Director, Environmental Health and Safety Program, Oneida Nation, then explained that agencies do not get involved unless a specific issue related to development falls under their respective jurisdictions. Mr. Goldtooth commented that Mr. Smith's question was important, especially with respect to the interagency memorandum of understanding, and suggested that the question be flagged for Mr. Gogal to address.

Ms. Hill-Kelley asked from what sources IHS gathers the data necessary to track environmental health in Indian country. Mr. Rathsam explained that obtaining accurate data is a special problem because many individuals among the Indian population are born and raised on the reservation, but move off the reservation in adulthood. Therefore, cradle-to-grave health data in Indian country is often skewed, he pointed out. A program called Epicenter, based in Portland, Oregon, he commented, is trying to fill the data gaps by working with hospitals to collect health data on American Indians that no longer live on reservations. Further, the data is usually three years old before IHS obtains it. IHS, therefore, is working with local communities to gather data on their own respective populations, he continued.

Ms. Daphne Moffet, Agency for Toxic Substances and Disease Registry (ATSDR), inquired about the administrative level within IHS at which Mr. Rathsam works. Mr. Rathsam responded that he works at the district level, and that his position combines general administrative responsibilities with services to community populations.

Mr. Paul Matthai, Environmental Protection Specialist, EPA Pollution Prevention Division, Office of Prevention, Pesticides, and Toxic Substances (OPPTS), discussed the authority to protect environmental health under various environmental laws. Mr. Matthai explained that each act of Congress grants specific authority to address specific matters of environmental health. For example, the Toxic Substances Control Act (TSCA) provides the authority to regulate a toxic chemical in commerce, but not in a specific product, he explained. The problem of regulatory authority is compounded further because authority in areas under tribal jurisdiction is unclear.

Mr. Matthai also discussed EPA's agency-wide PBT Chemicals Initiative. He explained that EPA is developing a new approach to reduce risks from and exposures to priority PBT chemicals through increased coordination among EPA's national and regional programs.

The PBT Initiative, Mr. Matthai continued, had been established to overcome the remaining challenges in addressing priority PBT pollutants. He then informed the members of the subcommittee that EPA is committing, through this program, to create a cross-office system that will address cross-media issues related to priority PBT pollutants. Mr. Matthai then highlighted several of the goals of the PBT Initiative:

- Prevent new PBT chemicals from entering commerce.
- Identify and reduce risks to human health and the environment from current and future exposures to priority PBT pollutants.
- Stop the transfer of PBT pollutants across environmental media.

The initiative, Mr. Matthai also explained, will provide staff of EPA to the World Health Organization for the global phase out of dichlorodiphenyltrichloroethane (DDT) and will add PBTs to the Toxic Release Inventory (TRI) data base and lower reporting thresholds.

Continuing the discussion on environmental health in Indian country, Ms. Moffet then discussed four specific environmental health concerns in Indian country from the perspective of ATSDR: (1) interpretation of authority delegated by Congress; (2) research needs and the state of environmental health; (3) programs in Alaska and Hawaii; (4) and interagency agreements between IHS and the Center for Disease Control and Prevention (CDCP). She explained that ATSDR has responded to research needs in Indian country by organizing information in a central website data base to provide a research base. Currently, there are no environmental health programs in Hawaii; for native populations, she said, and the only native health care programs in Alaska are associated with formerly used defense sites (FUDS). Finally, she said, IHS and CDCP have an interagency agreement, noting that Mr. Tom Crow, Chief Environmental Health Services Branch, IHS, is the point of contact.

Mr. Moses Squeochs, Confederated Tribes and Bands of Yakama Nation, then asked for the specific charge of authority for agencies with regard to tribes. He stated that ATSDR becomes involved in issues related to the provisions of the Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA). However, he asked, what is the full line of authority to act on behalf of the over 560 tribes and tribal variations recognized by the Federal government. Mr. Squeochs stated that he can cite the responsibilities of all the agencies but not the full authority of any agency to fulfill such responsibilities.

Mr. Goldtooth stated that, in general, native people living in communities report high cancer rates. However, he continued, tribal people bear the burden of proof with regard to environmental health problems and the people become frustrated because they do not have the resources to gather data. Mr. Rathsam responded that the mission of IHS is to extend life as long as possible, noting as well that there is a question of what indicators of health should be used in assessment of effects on tribal communities. Ms. Jana Walker, Law Office of Jana L. Walker, then asked whether statistics are available at the community level. Mr. Rathsam said neither names nor individual case data are available; however, statistics on communities are available, he added.

Mr. Dean Seneca, Health Program Specialist, CDCP, discussed environmental health from the perspective of the CDCP. Mr. Seneca suggested that the CDCP should empower tribal communities to facilitate the protection of environmental health. He said he would like all Federal agencies involved to identify to the public the problems they have dealing with environmental health in Indian country. Further, he would like to see tribal communities define the specific environmental health problems they wish to have addressed. He then said many people are not trained to deal with interactions between tribal communities and Federal agencies. He suggested that tribal communities and Federal agencies should hold community meetings to develop consultation practices and to work together to define research needs. Continuing, Mr. Seneca stated his belief that it is of utmost importance that tribes monitor their own environment, reforesting, and acculturation. Federal agencies, he said, should work harder to fulfil their obligations in the area of environmental health. He described Alaskan tribal programs as successful examples that should be replicated in the lower 48 states. Last, Mr. Seneca declared that all environmental health data should be shared with tribes, data collection should be executed by the tribes, and health research should be authorized by tribes before such research begins. Mr. Goldtooth expressed agreement with Mr. Seneca's view that it is beneficial when researchers work with tribes before working with Federal agencies.

Ms. Sarah James, Council of Athabascan Tribal Government, responded to a portion of Mr. Seneca's remarks by describing her experience in collecting community health data. Ms. James said that tribal people are not credited for their research. Often, she said, tribal members collect data and perform data coding for agencies, but the agencies receive credit for the research effort. Funding then is allotted to the agency credited with the research rather than the tribe that performed the research effort, she said. She added that she would like to know who reviews the work and delegates the money.

In response, Mr. Rathsam asked, "What is environmental health?" IHS attempts to be comprehensive in identification and anticipation of deficiencies in its services that could be detrimental to environmental health, he said. However, he pointed out that IHS has a limited budget, and, as a result, the available expertise is underused. He suggested that agencies concentrate on sustainability and develop a protocol for health assessment in Indian country. Mr. Squeochs commented that providing funds is a trust responsibility of the Federal government and that IHS should push the trust responsibility in its requests for funds.

Mr. Roy Miller, Program Manager, Uniformed Services University of Health Sciences, U.S. Department of Defense (DoD), discussed the environmental health policy study that IHS conducted which confirmed a desirability and opportunities for greater collaboration among Federal agencies on environmental health assistance to tribes. Mr. Miller explained that he worked with Mr. Crow to define the policy and prioritize a program to provide this assistance to tribes. He stated that environmental health is a very broad subject. In sum, he said, environmental health is anything that affects human health. Responsibility for environmental health is distributed among a number of agencies, he continued, and each agency has policy priorities in allocating resources. Focusing resources solely within an agency leaves gaps in the broad IHS program, rendering some projects unsustainable, he said. First and foremost, therefore, IHS must facilitate relationships between government agencies that will facilitate the focusing of resources on sustainable environmental health, he said.

Currently, there is no comprehensive program that covers environmental health, said Mr. Miller. He suggested that agencies adopt common standards and criteria. He also suggested that all agencies evaluate their respective policies. Policy, he said, is the sum of an agency's actions, rather than what is written on paper. Continuing, he stated that agencies must come to collaborative agreements to facilitate a comprehensive Indian environmental health program. He suggested that all the agencies come together at a summit meeting to create such a program.

In conclusion, Mr. Miller informed the members of the subcommittee of the Federal Interagency Environmental Justice Pilot 2000 Proposal. He described the proposal as a postgraduate training program for American Indians, Alaska natives, and other minorities to gain practical experience with a number of agencies. The purpose of the program is to afford selected individuals the opportunity to learn the processes of various organizations and to facilitate relationships, said Mr. Miller. Mr. Goldtooth suggested that the project should be open to all minorities.

3.2 Presentation on Persistent Organic Pollutants and Persistent Bioaccumulative Toxins

Dr. Sterling Gologergen, POPs Organizer for Alaska, Alaska Community Action on Toxics, IEN, began discussions of the effects of POPs on Arctic and Alaska Native communities that pursue a subsistence lifestyle. Exhibit 6-2 provides a description of POPs. POPs bioaccumulate in the Arctic and Alaska, she said. The environmental health effects are compounded in Alaska and the Arctic because native peoples and tribes subsist upon land and sea resources that are contaminated with POPs. In particular, she said, an island off the coast of Alaska, on which Dr. Gologergen and her people live and depend for subsistence, is at risk of POP bioaccumulation resulting from contamination at a former military site. She cited the example of the whaling industry's effect on her island as a precursor to today's problem. Since the advent of the whaling industry in the vicinity of her island, the whale population has decreased from 16,000 to fewer than 1,500, she explained. In her community, she continued, the whaling season during spring time is the time of acculturation and value-learning passed from the old to the young. The loss of the whales inhibits the continued cultural practice, yet the state of Alaska shows no sympathy for their tribal interest. Similarly, it appears that the Federal government has done no research on the effects of POPs on native peoples during the 50 years the army base has been unused. Dr. Gologergen

Exhibit 6-2

PERSISTENT ORGANIC POLLUTANTS

Persistent organic pollutants (POP) are highly stable chemicals used as pesticides. POPs also are generated unintentionally as byproducts of combustion and industrial processes. In addition, POPs chemicals are toxic, usually persistent, and are capable of being transported long distances through the environment, where they bioaccumulate in fatty tissue and can pose risks to humans and wildlife. Levels of these pollutants are particularly high in human and wildlife populations that reside in the Arctic.

explained that her tribe does not have the knowledge or the capacity to research the environmental health problem. Her tribe has a great fear of the invisible and odorless POPs, she said, and has been working with the Alaskan Native Tribal Leadership Organization to resolve the problem. However, after 50 years, the community should not find itself still begging for help.

Mr. Goldtooth then mentioned the unreleased Draft Dioxin Assessment Report prepared by EPA. Although most tribal leaders do not have enough information about the subject, dioxin is a major issue, said Mr. Goldtooth. He then mentioned the crucial issue of the elimination of dioxin in the negotiation of the Global Treaty Against POPs, which calls for reduction and elimination of POPs, during his introduction of Dr. Pat Costner, Senior Scientist, GreenPeace International.

Dr. Costner's presentation included an explanation of the "grasshopper effect." She explained that the "grasshopper effect" refers to the bioaccumulation of POPs toward cooler climates; when POPs are released into the environment they migrate, because of their chemical properties, to cooler climates. POPs also are poorly soluble and accumulate in the fat of human and animal tissue, she said. In a contaminated area, concentrations of POPs in the water supply can be almost undetectable, but, as one measures concentrations upward along the food web, the concentrations increase, explained Dr. Costner. For example, she said, concentrations are 25,000 times higher in birds than in water in a contaminated area. Dioxin levels are five times higher in farmyard chickens than in industrial chicken houses. Further, she said, people living at lower economic levels subsist on wildlife; therefore, they are much more likely to be affected by contamination than more well-to-do groups. The human species is at the top of the food chain, and people living in the Arctic are at the apex of the grasshopper effect, she continued.

Dr. Costner identified a short list of POPs first targeted in the negotiation of the global treaty that will eliminate the continued production of POPs. She then asked, "How do they affect us?" She explained that the incidence of POP contamination peaked in the 1970s and that breast milk contains the highest rate of contamination. Contamination suppresses development and impedes the immune and reproduction systems. A major problem in defining the effects of POPs, continued Dr. Costner, is that there are no uncontaminated populations to be used in qualifying the health effects on contaminated populations. She stated that, toxicologically speaking, there is no greater problem in the environment than POPs. However, she pointed out, 15 countries, including the United States, are opposed to the elimination of dioxins under the global treaty currently being negotiated; the current global treaty calls for the elimination of polychlorinated biphenyls (PCB) and hexabutylchloride only. Dr. Costner stated her belief that the latest direction taken by the United States bodes a bleak fate for tribes in the Arctic. Responding, Mr. Goldtooth stated that the U.S. Department of State takes its technical lead from EPA and that ratification of the current global treaty would reflect EPA's position on the issue.

4.0 PRESENTATIONS AND REPORTS

This section summarizes the presentations made and reports submitted to the Indigenous Peoples Subcommittee.

4.1 Summary of the Videotape "The Forgotten America - Alaska's Rural Sanitation Problem"

Members of the subcommittee viewed the videotape "The Forgotten America - Alaska's Rural Sanitation Problem," which portrayed the current state of sanitary facilities in many Alaskan villages, many of which lack such facilities. Fifty percent of all villagers take water from a public source and bathe in a community bath house. The Chevak villagers collect human waste in buckets and carry the waste to an open-air public lagoon, where it is dumped. Fourteen percent of villages use a system by which a four-wheel all-terrain vehicle (ATV) hauls the waste to a public lagoon. In both systems, the waste is carried in open-air containers through the community and often spills on community grounds. The public water source is often contaminated by human waste left untreated in the waste lagoons.

The Rural Alaskan Sanitation Task Force produced a Gray Book that set forth 60 recommendations for long-term solutions to the sanitation problems. Alaskan villagers are calling for coordinated efforts from local, state, and Federal governments to improve current conditions. Currently, the state is responsible for the design of proper facilities, and communities are responsible for maintenance of those facilities. The video depicted the success story of a village that sustained its sanitation system through a one-percent sales tax and a small house fee; however, most villages cannot afford even that small cost. Communities need subsidies to maintain their sanitation systems. The cost of treating epidemics stemming from poor sanitation is more expensive than that of developing and subsidizing sanitation systems. The video concludes with the

question: Is solving the problem worth the cost of subsidies?

4.2 Presentation on the Proposed Gregory Canyon Landfill

Mr. Henry Rodriguez, President, Native American Environmental Protection Coalition, discussed the proposed Gregory Canyon Landfill to be built directly over the Pala Indian Reservation's water supply aquifer in California. Approximately 4,500 Pala Indians live on the reservation. The landfill would have a direct effect on Medicine Rock and a pictograph site used in coming-of-age ceremonies held sacred by the Pala Indians. Further, he continued, the Pala Indians fear the landfill could destroy threatened and endangered species known to inhabit the area. Mr. Rodriguez stated that EPA has a responsibility to prevent the construction of the landfill. In conclusion, Mr. Rodriguez asked for the help and intervention of the members of the subcommittee.

Mr. Goldtooth responded that he had informed the members of the Waste and Facility Siting Subcommittee of the matter and asked that he be provided updates as events unfold. Mr. Seneca asked whether the landfill would be sited on private or public land; Mr. Rodriguez responded that the site is private land. Ms. Hill-Kelley said a permit must be obtained from the U.S. Army Corps of Engineers (USACE) before construction of a landfill on private land; the project therefore would fall under Federal jurisdiction, she observed.

4.3 Public Utility Activities of the U.S. Environmental Protection Agency Region 10 in Rural Alaskan Villages

Ms. Jill Nogi, Environmental Protection Specialist, EPA Region 10, discussed drinking water and wastewater needs in Alaskan Villages. Under the 1996 amendments to the Safe Drinking Water Act (SDWA), the state of Alaska is assessing approximately 1,700 public water systems and then will provide that information to the public about contaminants that may threaten the drinking water supply, she reported. However, the state is assessing only Class A and Class B sources; Native Villages are not included, she said. Further, the provisions of SDWA are applicable only to hydrogeologic or man-made public water supplies used by more than 25 people. The program review began as a vulnerability study that revealed a large data gap and lack of consistent sources, continued Ms. Nogi. The problem is now becoming a right-to-know issue because the quality of the water is unknown. Ms. Nogi stated that she had begun gathering data from surveys in pilot villages, including Eek in southern Alaska, Shishmaref on a barrier island, and Tanana in interior Alaska. The objective of her research, said Ms. Nogi, is to develop a statewide survey representative of all Native populations and to empower villages to make educated decisions about the development of public utilities. She added that the next phase of her research is to hold community workshops and develop educational materials.

Ms. James expressed agreement that explaining scientific messages to tribal people is difficult. She said the difficulty lies in the failure of non-tribal government workers to understand traditional tribal ways. Ideally, she added, villagers should be trained to do the research in the spirit of self-determination.

Mr. Seneca said he had visited Shishmaref; he then asked about the Agency's suggestions for remediation. Ms. Nogi replied that EPA is not yet ready to make suggestions. She added that the only solution now available is to close contaminated water sources. Mr. Seneca replied that villagers need water sources for many uses beyond drinking water. Closing contaminated water sources, he added, is a "temporary fix" from the perspective of the CDCP. He then asked for recommendations for a permanent solution. Again, Ms. Nogi responded that the EPA currently does not have recommendations. However, she said, from the perspective of EPA, the safest solution would be to build public water supplies and sanitary systems that can be monitored. She said the difficulty in making recommendations is that the research she had discussed is the first study of traditional sources of water.

4.4 Nuclear Risk Management Native Program -- Radiation Exposure of Shoshone People

Mr. Ian Zabarte, Western Shoshone National Council, Nevada, Nuclear Risk Management Native Program, discussed the programs' research on the effects of exposure to radiation on the Western Shoshone people. Mr. Zabarte first stated the 1863 treaty between the Western Shoshone and the United States has been violated by the establishment of the Nevada Nuclear Test Site. The U.S. Department of Energy (DOE) conducted a cultural resource study through which the native peoples were forced into "cultural triage," declared Zabarte. Further, he added, the data in the DOE dose reconstruction study are incomplete. Mr. Zabarte stated only limited historical data was available, the data were insufficient, estimated doses for Native Americans were inaccurate and low, and the study limited models of lifestyles and pathways.

Exhibit 6-3 identifies the limitations of the DOE study. Tribal members had taken researchers hunting to show them how they used animals for both subsistence and for cultural artifacts that were not considered. Researchers appeared culturally insensitive by considering people to be subjects of the study, failing to ask permission, and failing to communicate openly, he charged. He added that IHS had been informed that no off-site releases had taken place. Mr. Zabarte stated that he would like EPA to approach the Western Shoshone National Council to provide guidance in dealing with nuclear fallout and to empower and train tribal members in research methods.

Exhibit 6-3

U.S. DEPARTMENT OF ENERGY NUCLEAR FALLOUT STUDY DATA GAPS

Limited Historical Data

- Only 111 of the 220 U.S. atmospheric tests from 1951 through 1963 were monitored off-site.
- Complete monitoring data were recorded for only 77 of the events.
- Complete fallout patterns and data time travel of fallout were recorded for only 55.
- Research on underground tests that leaked radiation into the atmosphere was not completed.

Insufficient Data

- Direct measurements did not monitor all areas adequately.
- Estimates were made to compensate for limited data.
- Estimated doses are comparable only from town to town.

Limited Models of Lifestyle and Pathway

- The Native American lifestyle was not identified as it exists.
- A "shepherd lifestyle" was used in place of the traditional lifestyle.

Mr. Goldtooth asked how many research staff were working with Mr. Zabarte. Mr. Zabarte responded that four staff members were involved: two Western Shoshone and two Western Piaute. Mr. Running Grass, Environmental Protection Specialist, EPA Region 9, asked what type of assistance Mr. Zabarte needs from EPA. Mr. Zabarte asked that a line of communication be established between EPA and the Western Shoshone Nation. The two organizations, he stated, must define the group affected and define why there is conflict between his culture and the purposes and operations of the facility. Further, EPA should communicate with the appropriate authorities to help the Western Shoshone Nation.

4.5 Effects of Navy Bombing Range on the Wampanoag Tribe, Nomans Island, Massachusetts

Ms. Beverly Wright, Chairperson, Wampanoag Tribe of Gay Head Aquinnah, and Mr. Jeff Day, Ranger, Natural Resources, Wampanoag Tribe of Gay Head Aquinnah, discussed the effects on the Wampanoag Tribe of test bombing by the U.S. Department of Navy (Navy) at Nomans Island, located in Weymouth, Massachusetts. Ms. Wright described the cultural background of the Tribe of Gay Head Aquinnah and explained that the tribe manages a 500-acre Federally recognized reservation near Nomans Island. In particular, she described her people as a fishing tribe who maintain a natural strand of cranberries integral to their culture. In conclusion, she stated that her cultural heritage is tied to Nomans Island.

Mr. Day then explained that the Navy had bombed Nomans Island during the years from the early 1940s through 1996. He then explained that the town of Aquinnah has a cancer rate that is 93 percent higher than rates in the rest of the state. He identified an inadequate environmental assessment as a major factor causing the health problem because shellfish had not been tested for residual contamination levels. Continuing, Mr. Day explained that the prevailing winds blow directly across the island to Aquinnah. Further, he pointed to an inadequate surface clean up of unexploded ordnance (UXO) left on the island as another major factor causing the environmental health problem. Mr. Day said that Federal authorities will not clean the area because the island is a habitat of threatened and endangered species. Finally, Mr. Day claimed the burden is on the tribe to prove that the island is contaminated.

Mr. Goldtooth asked Mr. Day whether any evidence existed that the Navy had used depleted uranium (DU). Mr. Day responded that such evidence does exist, but the Navy has denied using DU. Mr. Goldtooth then said that remediation of DU is still the subject of research; however, he said, there is a network that maintains health data. Mr. Goldtooth then said he would contact Mr. Willie Taylor, U.S. Department of the Interior (DOI), to discuss the matter. Mr. Day then asked that the members of the

subcommittee support the resolution the tribe would submit to the NEJAC. Exhibit 6-4 provides highlights of the tribe's resolution. Mr. Goldtooth asked that copies of the resolution be shared and discussed with members of the other subcommittees.

Exhibit 6-4

HIGHLIGHTS OF THE WAMPANOAG TRIBE RESOLUTION

The following lists of major requests by the Wampanoag Tribe of Gay Head Aquinnah:

- Center for Disease Control and Prevention-supported cancer study.
- Study of fish contamination and consumption.
- Nomination of the site under the Comprehensive, Environmental Response, Compensation, and Liability Act.
- Enforcement of the Clean Water and Clean Air acts.
- Protection of historical and cultural resources.
- Public involvement.

5.0 RECOMMENDATIONS ON ENVIRONMENTAL RESEARCH NEEDS IN INDIAN COUNTRY

The NEJAC, in its continuing efforts to provide independent advice to the EPA Administrator on areas related to environmental justice, focused its fifteenth meeting on a specific policy issue – community-based environmental health. For that effort, members of the Indigenous Peoples Subcommittee discussed at length recommendations to EPA on identifying environmental health research needs in Indian country. The following list outlines the recommendations.

Environmental Health Research Needs for Infrastructure

- Deficiencies are due primarily to the inadequacies of funding and technical expertise to design, develop, and implement environmental health research programs for Indian country and, therefore, the Federal government should fund and meet these needs fully.
- These issues need to be addressed in a proposed Indian Work Group Roundtable on Environmental Justice in Indian Country.
- There needs to be a financing mechanism to fund the infrastructure of the environmental health research project.
- Support innovative and sustainable technologies within Indian country (such as, waterless toilets, solar energy systems, and constructed wetlands).
- Need to ensure through funding and technical assistance the appropriate design and operation of sanitation facilities.

Environmental Health Research and Data Related to Indian Country

- Involve the tribal community in designing, planning, and implementing culturally appropriate environmental health research.
- Ensure that research data is reported back to the tribal community promptly and in a manner understandable to the tribal community.
- Incorporate training into each environmental health research project so that, upon completion, trained personnel will remain in the tribal community to continue long term efforts related to promoting and monitoring the environmental health of the community members.
- Preserve confidentiality of the individuals who contributed to the data, protect the data from Freedom of Information Act (FOIA) requests to the greatest extent permitted under Federal law, and ensure that the tribal community understands that some data may be made public.
- Identify the benefit of the research to the tribe before, during, and after the completion of the environmental health research.
- Ensure that researchers obtain all approvals from the tribe, or its delegated review board, before conducting research.
- Conduct an assessment to address and evaluate the lack of baseline environmental health data.
- IHS annual data on health status needs to be made available to each tribe.

- IHS needs to retain and store data by each tribe.

Interagency Collaboration and Coordination

- Ensure agency services by IHS; Bureau of Indian Affairs (BIA); DOI; and EPA are provided equally and consistently to tribes.

- Federal agencies need to be more proactive in helping tribes identify resources (financial and technical) within all Federal agencies to address their concern or need.

- In consultation with tribes, develop an integrated Federal interagency, comprehensive, funded program on environmental health that will address fully the environmental justice needs in Indian country.

Training and Education on Environmental Health

- Ensure that EPA staff and management have a thorough understanding of the unique governmental structures of the Alaska Native Tribes, especially those who are working on Alaska Native issues.

- Mitigate the effects of human exposures to POPs and PBTs .

6.0 RESOLUTION AND SIGNIFICANT ACTION ITEMS

This section summarizes the resolution forwarded to the Executive Council of the NEJAC for consideration and the significant action items adopted by the Indigenous Peoples Subcommittee.

The members discussed a resolution in which the NEJAC recommends to the EPA Administrator that EPA address environmental justice issues related to POPs in Indian country.

The members of the subcommittee also adopted the following action items.

✓ Agreed to coordinate with the Waste and Facility Siting Subcommittee efforts to respond to the request of Mr. Rodriguez for intervention by the NEJAC to prevent the construction of the proposed Gregory Canyon Landfill.

✓ Agreed to develop a resolution addressing the concerns of the Wampanoag Tribe of Gay Head Aquinnah related to remediation of contamination at Norman's Island, Massachusetts.

✓ Submitted for the review and comment of all members of the NEJAC a "revised draft" of the Indigenous Peoples Subcommittee's guide on consultation and public participation; comments are due August 15. A final draft is to be submitted to the Executive Council for approval before the December 2000 meeting of the NEJAC.

✓ Coordinate with the members of the International Subcommittee arrangements to convene a round table meeting to discuss tribal issues along the borders of the United States with both Mexico and Canada.

✓ Submitted a letter to the Director of EPA OEJ articulating the necessity that a NEJAC meeting be held in Alaska to address the wide range of environmental justice issues that confront Alaskan Natives.

✓ Agreed to jointly sponsor with the Air and Water Subcommittee a work group to study fish contamination and consumption.

✓ Support the plans of IHS to hold an environmental health conference and strongly recommend the participation of all Federal agencies.

✓ Support the plan of the Interagency Working Group on Environmental Justice to hold a roundtable meeting to address concerns related to environmental justice in Indian country and among Alaskan Native Tribes.

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