National Environmental Justice Advisory Council

Wednesday, April 14, 2004

Members Present:

Veronica Eady (Chair)
Charles Collette
Judith Espinosa
Robert Harris
Jodena Henneke
Philip Hillman
Lori Kaplan
Pamela Kingfisher
Mary Nelson
Juan Parras
Graciela Ramirez-Toro
Andrew Sawyers
Wilma Subra
Connie Tucker
Kenneth Warren
Terry Williams

EPA Representative:

Charles Lee (DFO)

I N D E X

Page

Welcome

by Charles Lee, DFO 4
by Veronica Eady, Chair 5

Public Comment Period

by Viola Waghiyi 7
by Rosalie Kalastook 30
by Roy Matsuno 33
by Randall Mitchell 39
by Yvonne Powell 46
by Shawna Larson 52
by Patricia Rite 60
by Doris Bradshaw 64
by Dan Johns 69
by Benton Davis 81
by Pat Bryant 83
by Hazel Apok 92
by Jose Bravo 95
by J. Kyle Bryant 101
by Anne Rolfes 105
by Willie Jean Turner 110

by Debra Ramirez 112
by Tom Goldtooth 123
by Susana Almanza 129
by Genaro Lopez 137
by Richard Burton 155

KEYNOTE: "---" denotes inaudible in the transcript.
"*" denotes word was phonetically spelled.

E V E N I N G S E S S I O N

(7:09 p.m.)

WELCOME

Charles Lee, DFO

Veronica Eady, Chair

MR. LEE: (The tape begins mid sentence.) -- which is on. I wanted to make sure everyone knew about -- first of all, I hope you had a good dinner. The video that is being run up here is available. And I wanted to -- the one that is being projected.

It is a -- I want to give you some background on it. There is copies here for everyone. They are being distributed for free by the Office of Environmental Justice.

And this is a video that was done to become a companion piece for the Environmental Institute's Guide on Securing Environmental Justice Through the Use of Federal Environmental Statutes. And it is called "Communities and Environmental Laws".

And it is a 20 minute piece that is meant to be used in all different kinds of ways, including training sessions, or workshops, and panels, and even for public service announcements because it is of broadcast quality.

The partners that were involved in producing it were the Environmental Law Institute, the Southwest Network for Environmental Economic Justice, and the United Church of Christ.

And it is also available in Spanish. And the disk that it is being distributed on has an English copy of the video, and a Spanish copy of the video, as well as English and Spanish copies of the Citizens Guide. Okay? So, I will urge you to get it and to use it widely.

MS. EADY: There is a copy of the video in all of the binders. Did you already say that? No. Everybody has a copy of the video if you have a binder. And if you need additional copies, of course, you can get those from OEJ.

So, lets reconvene. First, I want to thank all of the NEJAC members for being so prompt. Yes, all right. That is great. I really, really appreciate that. And you will appreciate it as the evening wears on. Because it looks like we have 28 people.

But they are making a change. So, there may be more. They have written a 29 down here. There may be some additional ones. So, thank you for being on time.

I left my guidelines that I read last night up in my room. So, I am just going to make it up until they print me another copy. But tonight is Public Comment Period.

As I said, we have a number of speakers. Last night, I was a little more lenient. And when people sort of went over the time, I didn't interrupt them. With 28 or 29 speakers tonight, or maybe more, I am going to be a little more firm. And we are fortunate to have a timekeeper here to remind me when your time is up. So, we will be trying to adhere to the five minute time limit.

Please be sure to speak into the microphones as we are being recorded by a Court reporter for the proceedings. And after you give your testimony, those of you who are giving testimony, please wait for a moment before you go back to the audience just in case any of the NEJAC members want to ask clarifying questions.

And, finally, as a matter of procedure, what I am going to do is -- I have some written comments that have been submitted. I am going to name the people who have submitted written comments. You will either find them in your binder or they will be handed out later.

And what I will do is I will call up three people at a time and ask you to take the seats next to Terry Williams here, (indicating), and wait your turn. And I will call you again.

Okay. So, Jean Public from Florham, New Jersey. She submitted a written statement. Her concerns are about the location of the meeting and sufficient notice about the meeting. And the comments are in the binder.

Viola, and I know Viola and I can't pronounce her last name, Waghiyi. And I know she is in here. She is from Alaska Community Actions on Toxics in Anchorage, Alaska. And her letter is about concerns about health problems associated with formerly used defense sites or also known as FUDS.

I now have the guidelines. So, let me just go through what I have here. We will begin the session by calling on the commentors who have signed up in advance to present comment.

As I said, after each has had an opportunity to speak, I will ask whether any NEJAC members have clarifying questions. Oh, great, Vi is here.

Each commentor is limited to five minutes, one representative from an organization. For those who did not register in advance, we will take the commentor on a first come first serve basis provided there is sufficient time remaining.

I have called the people who have had written statements that were enclosed in the binder. Viola is here. Her statement is also in the binder.

Rosalie Kalastook, AVCP, Bethal, Alaska. If you are in the room, could you come to the table. And Johanna Congleton from Physicians for Social Responsibility, Los Angeles, California. So, Vi, why don't you begin.

Public Comment Period

Viola Waghiyi

MS. WAGHIYI: (Spoke in native tongue.) My name is Vi Waghiyi. I will ask you to bear with me. I am terrified of speaking in groups, but my issue is very important to me, dear to me. And last time I was here 25 years ago, it snowed in January. I didn't bring the snow this time.

My family is from Savoonga, Alaska, a Yupik Eskimo community on Saint Lawrence Island. I am a Coordinator on the Saint Lawrence Island Environmental Justice Project at Alaska Community Action on Toxics in Anchorage, Alaska.

ACAT is a nonprofit organization that empowers individuals and tribes mostly from rural communities seeking assistance with contamination issues and their impacts on health and the environment.

Two of my colleagues, June Martin and Jesse Gologergen, along with Pam Miller, Director of ACAT, testified before the NEJAC in Seattle, Washington,

December 3 to 6, 2001 and, to date, have not received any follow up on our Environmental Justice issues presented before them.

Alaska has 700 formerly used defense sites, two of them on Saint Lawrence Island, located in the Bering Sea. The Village of Gambell is a former Army and Air Force Base and is located on top of the FUDS waste site today.

Northeast Cape is a former Air Force Base and was also used as a White Alice Site, an important military sounding post established during the Cold War, and is a traditional food gathering and hunting camp of the Village of Savoonga.

The Army Corps of Engineers is responsible for the cleanup of the two FUDS on the island. They have failed to adequately investigate chemical and munition hazards in 1,500 FUDS throughout the nation.

The Congressional investigation was prompted by Congressman John Dingell, ranking member of the Committee on Energy and Commerce in a report released by a general accounting office report dated September 2002.

Our people have expressed concerns that the Army Corps of Engineers has ignored advice from elders and witnesses about the locations of the dumping of toxic contaminants and munitions, hot spots of the hazards, and debris to be removed and

cleaned up. We believe the science of the Army Corps of Engineers is biased, in some cases, inconclusive by design.

Our people are concerned about health problems that are associated with the military contamination, including cancers, diabetes, reproductive problems, thyroid disease, nervous and immune system disorders, learning disabilities, health problems that did not exist until after the military occupation.

Our study funded by National Institute of Environmental Health Sciences show that our people have elevated PCBs in their blood, six to nine times the U.S. average, particularly those who use Northeast Cape area for hunting, fishing, and food gathering.

The military has caused impacts that are devastating to our land and environment that affect our traditional subsistence lifestyle and culture.

We are stewards of our land with utmost respect for it and also the marine mammals, fish, plants, other wildlife that have sustained our very existence and survival in the health and lives of our people and future generations.

The Army Corps of Engineers has stated that the water of the Suqi River in Northeast Cape is safe to drink, where clearly our sample analysis indicates the contaminants are from the main complex that are distributed into the main drainage and are sources

of PCBs, PAHs, Mirex and other pesticides into the lower regions of the Suqi River system. So, therefore, the Suqi River is not safe to drink.

Our studies have concluded that Mirex is a highly toxic chemical used as a fire retardant and pesticide is an onsite contaminant. Mirex is now banned for use in the United States. The military has failed to test for it. And it is likely present at other sites.

EPA has reviewed the Northeast Cape FUD site and determined that it ranks high enough to be included in the National Priority Site list, also known as Superfund.

The EPA has not filled its obligation to conduct proper oversight, exert regulatory authority to hold the military accountable for an adequate cleanup. We believe that it was a political decision not to make Northeast Cape a Superfund site.

Lastly, I would like to emphasize my people, the Yupiks of Saint Lawrence Island, welcomed the military on our island, who set up bases on it to protect the American people.

Our people volunteered for the Alaska Territorial Guard, formed prior to the National Guard, without pay, heroically rescued men from a downed plane on the island, and served our country, and are very patriotic and proud of our contributions.

With this in mind, the United States Department of Defense needs to be held liable for their legacy, conduct an adequate and responsible cleanup of the two FUDS on our island.

The land and waters must be restored in order to protect the well-being of the environment and health of our Saint Lawrence Island Yupik people.

We request that EPA take immediate action to assist the people of Saint Lawrence Island in this very important environmental issue.

We ask EPA to use their oversight and regulatory authority for responsible cleanup and to protect the health of my people of Saint Lawrence Island. Thank you.

MS. EADY: Council members, any clarifying questions? Connie.

MS. TUCKER: I know that she testified before the NEJAC in Washington State, at the NEJAC session there. And she says that no action, no response has occurred. Can we find out why there has been no intervention from the EPA, Charles?

MR. LEE: Yes, you can, but you won't know now.

(Laughter)

MR. LEE: We will check into with Region 10.

MS. TUCKER: Okay. We are not -- the likeness of the discussion is not to in any way demean the seriousness of the issue that you face. We are kind of tired and we are making light of things. But we understand the situation that you are in.

And I tell you, it is very frustrating to hear people come back again after testifying before the NEJAC and not have any kind of answer -- intervention. And I can't apologize for the Government, but I am sorry. And I feel what you are going through.

MS. WAGHIYI: Thank you.

MS. EADY: Terry and then Pam.

MR. WILLIAMS: This is a question for Charles as well. Again, we have another issue here with the Defense Department. And I am wondering if we shouldn't look to having a more formal presentation to the NEJAC from the Defense to talk to us about what the Defense process and obligations are as well as EPA and that relationship between the EPA and Defense.

But I think we need to relay the types of issues that we are hearing. These issues seem to be ongoing. And that the lack of response to the people that are impacted is not acceptable. But there must be a way for the agencies both in Defense and with the EPA to find resolution.

MS. TUCKER: Before you say anything, Charles, I think that is an excellent suggestion. I mean especially -- this community is not the only community that has been contaminated by DOD.

And there is so much frustration from the Federal facilities communities. And I know that EPA has attempted to find at least some work around Federal facilities, but it doesn't appear to be very effective.

So, I think your suggestion about having DOD come to the NEJAC to give us some sort of explanation about what they are doing around these communities is and excellent one.

MR. LEE: Yes, I mean we will look into that. All right. I mean I think the other thing that we should recognize is as important as this forum is for providing communities with an opportunity to raise their issues is not necessarily the only place or even the best place for them to become resolved.

And that is why there has been -- there was a lot of discussion and effort around creating other venues, such as these regional listening sessions and other things. And that is, as I say, those are the only things that should be available either.

And I mean I think the set of issues that gets raised by any particular community needs to be addressed on its own

particulars, which means that identifying the right EPA Office and working through them to follow up on that is important.

On a different level, the question you are raising, Terry, I think it is something we could look into. But, again, there are -- I would very much caution about assuming that just because that that happens that that is also going to lead to the kind of breaking the log jam that exists in terms of, particularly, defense related facilities.

So, having said that, we don't need to go into a whole of discussion around this other than to say that with respect to this particular case, we will make sure to follow up with Region 10.

We have your name, and you know all this is being -- has been transcribed, and have the right person get in touch with you in terms of following up around the particular issue.

MS. WAGHIYI: Thank you.

MS. KINGFISHER: Thanks for explaining that, Charles. And thank you Viola for coming here and being brave and speaking to us. And I guess I would just like to say that it feels like, to me, I am a little biased, but that Alaska Natives seem to be our new Mossville.

I remember coming to NEJAC and hearing the executive committee say we have heard Mossville for the last six, seven

years. They come to every meeting. We hear these horrible things. When are we going to do something?

And at that meeting, there were some decisions made to do something. I don't know what was done. I will find out tomorrow because we have a Mossville panel at our health and research subcommittee.

But anyway, I think -- we have eight Alaskans on the agenda for tonight. These people come here at a great expense to their communities. I would like to commend their communities and the indigenous environmental network for making sure that happens to bring these voices to NEJAC whether it is the right place or not.

How can we help them? Hilda Booth, she is here again. There is just -- my heart just can't take it over, and over, and over.

The burden continues to go to the community to come here, to do the research, to do everything. And it is just -- it is breaking my heart. I think we should take NEJAC to Alaska. I vote we have the next meeting in Region 10.

(Applause)

MR. LEE: You know, Pam, this has been an issue that has been on the table for a long time. And so, being very -- real

frank about this, I mean there was a number of communities that we had conference calls with right here in Texas.

And what we cautioned was if you had to spend a whole lot of expenses to come here, use the money to address the issues. That you can be -- make most productive in terms of addressing the issues at home.

Now, having said that, we do encourage people to come and present these things because it is important to get this kind of airing. But I think it is also important that we realize that this is not the only body that one needs to have to really address a lot of these types of issues.

And one of the things that as an advisory committee is appoint -- provide advice around what the agency can do in terms of how to set up the right mechanisms to address these.

And I don't mean to say -- and I don't mean to sound, what is the word, unsensitive -- insensitive about this because I have gone through this with -- for years around this.

And every community person keeps telling me we need to have the NEJAC meeting be able to be made available so communities can come and talk about their problems.

But the thing is is that the NEJAC is not going to be the entity that is going to really address them. And I do not think it is doing anybody any good to create a lot of undue expectations.

And so, it isn't -- I don't mean to be insensitive. I just need to be frank about what is it and how we think through what are the kinds of things that need to be done.

MS. TUCKER: Okay. Then I have another proposal.

MS. EADY: Can we just, Connie, can we just wait because I have to let Graciela go.

MS. TUCKER: Okay. I am sorry.

MS. EADY: But I will come back to you.

MS. TUCKER: I didn't see her card up. I am sorry. I thought that was --.

MS. RAMIREZ-TORO: Yes, just -- I come from the island of Puerto Rico. It is 100 times 35. And we had a long battle with Navy, Army, whatever, because we had in
100 times 35 bases.

And the last long battle that we won was getting the Navy out of the island of Vieques, where there is a town with 30,000 people, that we said the same issues that you presented here.

What occurs to me is that there are many communities in the States that are suffering from the same issue. And maybe it will be a benefit for those communities to join and to look for strategies together because, as a group, maybe you become more powerful.

And I am going to be sure that I give your name to the people in Puerto Rico that are there still committed to dealing with the cleanup of the island of Vieques in Puerto Rico.

MS. WAGHIYI: Thank you.

MS. EADY: Terry and then Connie.

MR. WILLIAMS: Yes, I wanted, again, to respond to Charles. I do understand your issue and about finding the right forum. And I know in Indian country when there are problems, I myself have been forum shopping in looking for a place to express frustration.

But I also, at the same time, believe that in Alaska there are plenty of legitimate Environmental Justice issues or claims. And I think that many of them have been brought here before.

And the suggestion that Pam raised about holding a meeting in Alaska, I think, is a legitimate request. In fact, I was going to raise that myself Friday.

But we do have, in the United States, 228 tribes in Alaska. And because of circumstances that occurred with the settlement with the tribes in Alaska, it has made life even more difficult.

And, personally, I think the agreements that came together with the Alaskan people was a travesty to this country. And I think that we ought to be able to find a way to work through that in terms of sorting out other mechanisms that are legitimate for these people to utilize.

And with no disrespect, their identification as governments or as communities that leaves them little choice but to form shop.

And in some ways, I think that in our process in the indigenous section, we are trying to better understand that and find mechanisms that will be productive.

But until then, I think we need to be conscious of that and to be aware of what type of thinkings they are going take from this forum to be able to help find a solution with them, otherwise, I think what will have is just a continuation of villagers coming to visit, and coming to visit, and coming to visit without any productive direction.

MR. LEE: You know the set of comments made about the Environmental Justice issues in Alaska and their need to find both

the forums and the specific problem solving mechanisms to address them is taken very seriously.

And I think what is the best way to approach this in terms of the suggestion about a NEJAC meeting or something that takes place in Alaska is something that we will take up with Region 10 to discuss fully so that it isn't just -- so it is part of something in terms of some well thought out set of strategies that does not lead to more meetings that just has a lot of issues raised, which is important in and of itself, but that is not where I think anyone wants to end up with.

Now, it does need to lead to something else that addresses some of the problems involved. So, I think this issue -- the real issue that you are raising is how do we better address Environmental Justice issues and Alaska Native issues in Alaska. And I think that question deserves a really thought out answer.

MS. EADY: Connie and then Mary.

MS. TUCKER: Although I have a lot of Native American blood running through my veins that I don't claim, some of it documented, my bias is not toward Native Americans. My bias is against injustice.

And the problem with the Department of Defense is broader than Alaska. It is in Vegas. It is in Memphis, Tennessee. It is all over this country.

And the DOD has continuously been able to escape addressing the problems that they have created, life and death problems. And we have been following around with this for a long time.

And I want to propose something to the NEJAC that may be a bit out of the box in terms of the traditional strategies that NEJAC uses.

I want to propose that the NEJAC address a letter, not OEJ, but the NEJAC itself, address a letter to the DOD about this problem. It has gone on, and on, and on, and on without redress. And people are frustrated.

(Applause)

MS. TUCKER: And quite frankly, I am not willing to sit on the executive council to hear these testimonies year after year after year without resolution. We have to, I think, be proactive and call on the DOD and all of the agencies that are responsible for the condition that people are living in.

So, I propose, and we can work it out later, that we come up with a letter to them and push it, don't let -- send the letter

and follow up on it. So that it really ought to be DOD having some sort of public hearing in Alaska and other communities that they have contaminated. So, that is pretty much what I have to -- the recommendation that I have.

MS. EADY: Mary.

MS. NELSON: Connie, I second your motion because I really think -- but, again, last night, we had a big discussion about the Department of Defense, the sites. And so, we have got to help create something.

What I was wondering is if the Federal facilities working group, does that exclude the Department of Defense sites?

MS. TUCKER: It does. But what it --.

MS. NELSON: Or does it not?

MS. TUCKER: It does.

MS. EADY: It includes the --.

MR. SAWYERS: What was the question, Mary?

MS. NELSON: Does the -- in our waste and facilities siting committee, we have this sort of ad hoc -- we have this subcommittee called the Federal Facilities Working Group.

MR. SAWYERS: Right. Yes, I know. I know they have a subcommittee.

MS. NELSON: Yes.

MR. SAWYERS: I mean what was --?

MS. NELSON: But isn't that -- doesn't the DOD sites fall under that purview?

MR. LEE: Those are DOD and DOE sites, yes.

MS. NELSON: Okay.

MR. LEE: Those are Department of Defense and Department of Energy sites, yes.

MS. NELSON: Right. And I think that that committee -- Mildred McClain, is Jim Woolford around?

MS. McCLAIN: He is coming tomorrow.

MS. NELSON: Okay. Well, it may be good to get some of the folks who have been -- who are, if they are still here, who are -- have DOD sites that they are worried, Department of Defense sites, that they are worried about to have at least a little conversation with that working group --

MR. LEE: No, I think --.

MS. NELSON: -- because that is the particular problem they are dealing with.

MR. LEE: Yes, I mean I think -- Trina, are you here? If we can set -- if there is an opportunity to set up something for tomorrow with Jim, that would be good.

MS. EADY: And Andrew can add something.

MR. SAWYERS: Charles, I mean I would be happy to entertain some discussion tomorrow around this. We have a sort of a full day session, but you know I would be happy to talk to the group about -- I am not -- the group. And, no, there was not a study done in Alaska. But I would be happy to talk to you guys.

MS. EADY: Juan.

MR. PARRAS: Just a quick comment. That I concur with what Connie and Mary said. And I would just like to add that, even as an advisory committee to the EPA, that anyone that speaks before this forum at least we should have the courtesy to address them and direct them to the proper agency without having to wait two or three years.

I mean that is just a common courtesy that I think we should extend to anyone who speaks on EJ issues in their communities.

MS. EADY: Connie, is that --?

MS. TUCKER: That is it.

MS. EADY: Okay. And I have made this suggestion before and I will just make it again. I think that having someone who -- I will come to you. You are next Wilma. I will just say that I

think that it would be -- that the agency should think very seriously about having a representative from Alaska on NEJAC.

I have suggested it before. And, hopefully, by seeing so many people from Alaska coming to give testimony, maybe it will move that proposal forward. Wilma.

MS. SUBRA: I know everyone would like to go to Alaska for the next NEJAC meeting, but what don't want is to wait till then to start addressing the problem. And I think having the discussion tomorrow is great. There are a number of different organizations that deal with Federal facilities.

But, perhaps, Charles and some of his staff could identify the stakeholders who may be able to address the issues. And I would carve out and make it Alaska issues so it is not so huge -- that it doesn't encompass the whole United States.

But put together a group, and it may not be under the Office of EJ, but just identify the stakeholders and put together a group to start the conversation going with the community members and then have them report back intermittently so that we can run it through one of the sub committees.

But we don't want to wait. We don't want to have all of them come to the next NEJAC meeting. I think that is something that

needs to occur now. And we can identify some of the stakeholders. And then, other entities can identify other stakeholders and get them to start talking to try an address these issues.

MS. EADY: Judy and then Robert.

MS. ESPINOSA: I had a question of Viola. And have you talked to Region 10 folks? Have they given you time?

MS. WAGHIYI: Yes. This past summer, Ken, from Region 10 Office, was in our office. And I invited him to come out to Saint Lawrence Island.

And also, on another note, my two co-workers, Shawna Larson and June Martin, they are with the Federal Facilities Working Group. And they also had requested that EPA come up to Alaska, but they haven't.

MS. ESPINOSA: So, no one from Region 10 has been up there?

MS. WAGHIYI: Ken, with Region 10, came to Alaska.

MS. ESPINOSA: Oh, okay.

MS. WAGHIYI: And just real quickly, Alaska has 700 formerly used defense sites. Everybody thinks that Alaska is the last frontier, real pristine. And you know this is on the face of contamination. This is happening to me and my people.

And the DOD established restoration advisory boards. I am on the restoration advisory board on Saint Lawrence Island. We are just advisory. They don't have to do what we ask them to do.

What I would like to see is for all of us with these sites that -- these 700 sites in Alaska, be there from the very beginning instead of them coming to us and say this is what we are going to do.

And what I would like to see is we are participating in the beginning of the process of planning how to do the cleanup.

MS. ESPINOSA: Viola, if I could just ask you, again, one more question. Do you have a process in place with Region 10 at all on what they are doing, or what they are trying to do, or if anything is happening between EPA and the DOD in that area?

MS. WAGHIYI: Not really. I don't think so.

MS. ESPINOSA: Okay. Thank you.

MS. EADY: Bob Harris and then --.

MR. HARRIS: My question has pretty much been dealt with. I was going to direct it to Charles. If you will recall when we had our retreat three years ago, we discussed these kinds of issues in detail. That it would be referred to the region of jurisdiction and that it would proceed that way.

So, it just seems to me that some type of follow up ought to be made through your office or the appropriate office for the follow up on it. Do you recall that --?

MR. LEE: You are talking about which conversation now?

MR. HARRIS: When we were on our retreat in D.C. three years ago, when we talked about how do you deal with these kinds of issues that come up? There will be legitimate issues that come up.

At that time, we indicated, if you go back and look at that -- all that material we had and charted out on the board, that when these kinds of issues that are brought before us that clearly we do not have jurisdiction. We went through all that.

But we had an informal agreement, if I recall correctly, that the region of jurisdiction, the matter would be referred there and ask the region to follow up on it. And it would be followed through the appropriate staff at whatever office since we had no jurisdiction.

But somebody ought to follow up on these kinds of things. And we thought that the regions would be the appropriate matters.

MR. LEE: You are talking about the discussion around the Environmental Justice listening sessions?

MR. HARRIS: Absolutely.

MR. LEE: Yes.

MR. HARRIS: Absolutely.

MR. LEE: And at this -- you know there was a commitment on the part of each of the regions to do some.

MR. HARRIS: Exactly.

MR. LEE: And some of them have -- are doing them several times. I can't tell you, you know, off the top of my head, you know, where that is in terms of Region 10. So, you know, I apologize for that.

MR. HARRIS: It's something you guys --- on.

MR. LEE: Yea. That is something we -- that's why I said in terms Terry question the -- you know, that we need to have a conversation with Region 10 to think about this much more comprehensively and much more practically. Right. The thing, you know, in having an environmental justice listing instruction in Region 10 does not mean in and of itself that that is going to address the Alaska Native question, and that is just a particular part of that question which I think one needs to kind of talk through.

So, the other questions that have been raised which I think will -- you know, will it be important to kind of tell you what the status of it is, you know, there is a -- the federal facilities workgroup developed it's own work plan, and one of the questions as part of the work plan was to -- possibility of a site visit to Alaska. You know, and when the federal facilities workgroup presents, you know, I think you're going to have the conversation about what lead to the decisions around where they went. So, you know, I just don't want just leave that out there.

The third thing -- or the second thing, we have been working to see if there is a possibility of somebody from Alaska being a member of the NEJAC, and progress is being made on that, and I'm not at liberty to say, you know, exactly how that is -- you know, exactly what -- where we are on that, but I can tell you, you know, a lot of progress has been made on that.

MS. EADY: Okay. Thank you, Vi. Thank you for testifying. You generated a lot of conversation, so you did the right thing. I just want to remind the counsel we have 28 more speakers, several of whom are from Alaska. So just keep that in mind as we continue the conversation.

Our next speaker is going to be Rosalie Kalastook from AVCP in Bethal, Alaska, and then if Johanna Congleton is in the room could you come to the table. Rosalie.

Rosalie Kalastook

I am very nervous ---. My name is Rosalie Kalastook. I'm originally from a village located along the Bearing Sea of about 250 people, but I now live in Bethal. I work as an environmental planner, but I mainly work -- look at myself as a liaison between the tribes and the state and federal agencies. AVCP is a nonprofit organization that shares 56 tribes scattered in a region that is about the size of Oregon State. We do not have a road system between villages, and the only way to get to each community is by boat or plane in the summer and by plane and snow machine in the winter. The communities are located approximately 10 to 15 miles apart. Only 40 percent of our villages currently have running water, and the other 60 percent use honey buckets. The state is putting in water systems, but progress is slow. We suffer from low income rates which are below the poverty level. Fuel costs are up to $3 a gallon, and because of the employee problems in our village it makes it very difficult to afford groceries.

Obviously with these types of problems our subsistence lifestyle is extremely important to us. It helps supplement our

income, but also it is our way of life has been since the beginning of time. Now our traditional foods which are the only foods that we have are contaminated. We will be forced to pass on this legacy of toxics onto our future generations.

Many of our villages currently have uncontrolled landfills and lagoons. There are several landfills that are at least 30 years old which are currently leaching through the water systems. Some of the landfills are located across a river from where our people live, and this makes it very hard for community members without transportation to access them. Although we have an abundance of contaminants in our villages, most of our peoples are unaware of the damage that is currently being done.

Here is a list of some of the environmental justice sites that we have in our area: abandoned air force site, mercury mine, methane site, abandoned platinum mine, and a proposed gold mine. These sites are located along the Kuskokwim River, which provides about 85 percent of our subsistence foods. We have high rates of cancer and other diseases, including asthma, birth defects, and learning disabilities. Although the EPA's Indian general assistance program has helped us to begin to look at some of these issues, it is still not enough. We can plan our projects, but there are still implementation restrictions. We are rich our culture,

but in the Western way we live in third-world country conditions, and I am sure that is true for the tribes in the lower 48 as well.

I am here to ask NEJAC to provide more assistance in Alaska. There are so many environmental justice problems. We need more than just reports and documents. Our people are suffering today as I sit here and speak. Please make the necessary recommendations to help us, to help get us the environmental justice we need and deserve in our communities. Thank you, and may God bless you all.

MS. EADY: Counsel, do we have clarifying questions?

(No response.

MS. EADY: We have had a lot of discussion about issues with EPA in Alaska with our last speaker, so I would imagine that your comments would be similar. Okay. Thank you, Ms. Kalastook. Let me call the next few speakers. Oh, I'm sorry. Ms. Kalastook, could you wait just one second? Juan has a question.

MR. PARRAS: I just have one quick comment for the Native American tribes from Alaska. Could they let us know, you know, at some -- at one point in their speech or presentation whether they are recognized as official tribes of Alaska or not? Thank you.

MS. EADY: Federally recognized tribes?

MR. PARRAS: No. If they are recognized by the State of Alaska.

MS. EADY: By the State of Alaska. Yes.

MS. PARRAS: That's so that I can an idea of how many people who are making presentations yet are not recognized, and I just kind of feel that if they're not recognized, you know, much less we're going to deal with their problems, you know.

MS. KALASTOOK: Well, from my understanding, we are federally-recognized tribes.

MS. EADY: Okay. Thank you. Johanna Congleton. Roy Matsuno, Ugashik Traditional Village, Anchorage, Alaska. And then if the other -- the following two speakers could come and joint Mr. Matsuno; Randall Mitchell, Treme for Environmental Justice, New Orleans, Louisiana, and Yvonne Powell, People Effected Against Chemical Eugenics, Richton, Mississippi. Mr. Matsuno.

Roy Matsuno

MR. MATSUNO: Thank you. My name is Roy Matsuno, and I'm the Tribal Administrator for the Ugashik Traditional Village. My concern is with the brown field cleanup funding. The Alaska tribes can't receive that funding. Senator Stevens took it out last

year from the EPA funding, and it's available for the corporations and other nonprofits, but not for the tribes.

Ugashik was one of the few villages up in Alaska that received a targeted brown field assessment, and we had asbestos down in our village and our cannery, and we are look to these funds to do the cleanup and do an economic development to build a seafood processing plant and rebuild our dock. We're planning on using the --- Bay economic development funds also with this project. We would like to see the cleanup funds reinstated for the tribes of Alaska or have EPA come in and cleanup our village, our other villages. There's a lot of villages up in Alaska that have canneries and I think in a lot of the boilers they have asbestos. The asbestos is about that thick on the outside of the boilers, and a lot of the canneries are getting disintegrated. The wind is blowing through it and asbestos flows freely.

Also I just got of the phone with a lady from another village north of us, and one of her concerns was talking to one of the elders that back in probably the 1940s the Army dumped some barrels of material out in the --- Lake, and I was kind of concerned because, you know, what they did back then. They might have dumped some of this into Ugashik Lake. I know up in King Salmon, you know, with that Air Force clean up there they dumped a bunch

of stuff and it's finally starting to get cleaned up. I know down in Port Hide in the village south of us they have a lot of high cancer rate down there, and that's a former defensive -- or DOD site also. I'd like to thank you for listening to my testimony.

MS. EADY: Thank you. Juan, did you want me to ask your question? You can ask it.

MR. PARRAS: Yes. Is your tribe recognized by the State of Alaska?

MR. MATSUNO: The tribes, I was on the millennium agreement with the State of Alaska as one of the tribal members, and the State of Alaska had the millennium agreement. Governor Knolls, Tony Knolls, recognized the tribes. So the tribes are recognized, but the State of Alaska is very -- I mean, they're not very tenable to working with the tribes. I don't know. I've heard a lot of that done. Some of the areas the states don't --- also. So, you know, it's probably the same way.

MR PARRAS: Another followup question. The money for brown fields, was that cut completely for Native American tribes? I thought I heard you say that it's still in, there us funding, but not for Native American tribes.

MR. MATSUNO: No. The funding was cut for Alaskan tribes. The corporations up there are different than the tribes. The

corporations are for profit. The tribes are nonprofit. The corporations can donate money, you know, centers can't --- or something tribes can't, and the funding got cut from the tribes and it got -- I think I heard it got cut from 2,000,000 to 200,000. We can apply for it, but we'd have to form another organization like a church function or something within the village, but -- or else we could turn the land over to our corporation, and we don't want to. I mean, a tribe bought that piece of land, and we don't want to turn it over to our corporation. I talked John Ioni with Region 10 about that also, and also I testified up in the brown field up there in Portland.

MR. PARRAS: So then the lack of funding is actually forcing you to live in contaminated land and no resources to clean it up, right?

MR. MATSUNO: Yeah. I mean, we had an assessment done and -- you know, the funding got taken away from us to try to clean it up, and -- you know, I don't know. We'll have to try to find funding someplace else.

MS. EADY: Terry and then Mary.

MR. WILLIAMS: The governor of Alaska has been arguing with EPA over funding in what should go to the state and what should go to the tribes and corporations for the last couple of years now and changing some of the former programs. With that,

though, has the State of Alaska made any commitments to pick up and of the projects or fund cleanup to any of those sites that they've asked EPA not to get engaged in?

MR. MATSUNO: Far as I know they haven't, but the governor has backed off on trying to take the EPA funds into the state hands. He's left it in the federal hands.

MR. WILLIAMS: But he is not committing the State of Alaska dollars to do cleanup in those areas?

MR. MATSUNO: No, he is not.

MR. WILLIAMS: Okay.

MS. EADY: Mary.

MS. NELSON: I don't want to belabor it, but is there anybody here from the brown field staff and just to identify the -- you know, where the rub is. Is there some wording? Is there something that would help enable them to be eligible for future brown field kinds of things?

MR. LEE: Yeah. Linda Garchinsky* is here, but she is not here right now, but she is going to be part of the waste facility siting subcommittee meeting tomorrow. So, you know, I think the best thing to do is to pose it to her or one of her staff.

MS. NELSON: Are you going to be here tomorrow?

MR. MATSUNO: Yes, I will.

MS. NELSON: Okay. It would be good to sit down and talk with her to find out the technicalities or what would -- if there is any way to -- for the future to change that.

MR. MATSUNO: Well, Senator Stevens wrote in a rider at the last seconds from my understanding. Region 10 leaders or officials didn't even know about it, and it was stuck in at the last second and it took -- like I said, it took the funding away from Alaskan tribes. That, you know, is my understanding of it, the reason why it got taken out from the tribes.

MS. EADY: Judith.

MS. ESPINOSA: You might have answered my question. I thought I heard you say, sir, a little bit ago that the State of Alaska has refused to take funding from the EPA. Is that --? Did I hear that correctly or not?

MR. MATSUNO: No. They were trying to take over the EPA program from the federal government.

MS. ESPINOSA: Oh, I see. Okay.

MR. MATSUNO: But they got so much backlash about it that they dropped it.

MS. ESPINOSA: Backlash from --?

MR. MATSUNO: From the EPA and from the tribes and from the people up there. A lot of people wrote in and there was a lot of public comment about it.

MS. ESPINOSA: But your US Senator actually wrote a rider in some bill that took away direct funding to the tribes for oversight on remediation and all that, or for remediation?

MR. MATSUNO: That's not oversight. That was the cleanup funding.

MS. ESPINOSA: Okay. Well, this is --

MR. MATSUNO: Brown field, yes. We can still -- I mean, as a tribe I can still go after assessment or other programs within brown field, but for cleanup funding we can't. I mean, there is -- you know, he's done it with law enforcement up there, with -- I can't remember that one, but he's done it with the law enforcement. He's taken away from the tribes and they're putting in, you know, into other different pockets, other corporations and stuff.

MS. ESPINOSA: You have got a big political problem is what you have. You know, you need a new senator is what you need.

MR. : Is that a recommendation?

(Laughter.)

MS. EADY: Thank you, Mr. Matsuno.

MR. MATSUNO: Thank you.

MS. EADY: Our next speaker is Minister Randall Mitchell, Theme (sic) for Environmental Justice, New Orleans, Louisiana, and if you will just hold on one second.

MR. MITCHELL: Could I sit over there so that I could look at the people that I'm addressing?

MS. EADY: Certainly.

MR. MITCHELL: Thank you.

MS. EADY: And if Sherri Jones is in the room, Community Environmental Support Team, Roxworth, Mississippi, you can come up and take a seat.

Randall Mitchell

MR. MITCHELL: Okay. It is actually Treme.

MS. EADY: Oh, I'm sorry.

MR. MITCHELL: It's Treme. It's the oldest African American community in the continental United States. I'm here representing that community and direct descendants of the slaves that were brought here to build it. I'm also representing Calvary Spiritual Church of Treme, one of the oldest Spiritual Churches in Louisiana. Eventually we will evolve into an organization is our hope. I'm also here in the spirit of Christ inasmuch that I must put

him first, God first, in everything that we do, because man continually fails us in this community.

You ask for a description of concern. What we have in Treme is a large tract of neighborhood land where Allstate Sales Company from 1952 to 1960 conducted its business in our community. In that building they mixed rat poison, roach poison, Perk that was used in dry cleaners, trichloroethylene, creosote, and in 1960 it became the United Chemical Company because the employees got smart and they bought it away from the owners. So from 1960 to 1972 the United Chemical Company continued about the business of mixing chemicals and selling chemicals to neighborhood businesses, the dry cleaners, many of which are not abandoned who in fact left numerous tanks of the solvent to rot away and go into the ground and reconvert into vinyl, which for over the last almost 30-something years our community has been ingesting.

According to the State of Louisiana's Office of Toxicology and Epidemiology, the staff scientist who will now swear to God she never met with me, the Treme is the largest cancer epidemic in the State of Louisiana. I know this because she didn't have to tell me this. I eulogize almost all of the people over the last 17 years that have died from some form of cancer in our

community. We have throat, we have liver, we have lung, and we have one incidence of brain cancer that we know of at this time. We believe the possible contaminants are lead, the Perk, the tri, and the vinyl that's coming up out of the ground. We believe also that our community, the 27 squares of our community -- it is a 200-square community, but the 27 squares that are grossly affected are sitting on a pool of Perk.

What is the desired outcome? Well, it's real simple. We want to enlist true help in identifying the contaminants. We would like to have the sources of the contamination removed. We want to move to remediate the health issues working in collaboration with public agencies. We would like to declare all of Treme a superfund site, because as I look into the old sandborn* mass we are finding more and more industrial sites within the community.

Recommendations to address the problem. Well, you know, I heard a lot of stuff discussed over the last few hours that I have given my life to this matter, and I have never heard racism raised one time. This place, New Orleans, is the most racist, segregated city in all of the continental United States, and we must recognize that as a major impediment. You know, bias is another whole -- it's another thing. That's personal. But racism is institutionalized in this city and in this state. So we have got to look

at that if you are to have us believe in Treme that you are coming in good faith and that we can trust you; that all the above community issues be addressed within the realm of all human possibilities within all agencies charged with resolving these human rights issues within the Treme in its entirety, all 200 squares that make up our community, because people are dying all over our community; that the proposed relationship continues until the environmental issues of the historic Treme community is cleared up for its current and future residents, as more than this site is a problem for us as residents. That's it.

MS. EADY: Thank you. Questions? Connie.

MS. TUCKER: Are you working -- has EPA done investigation of the site that you are talking about? You have identified one site in particular and you say you suspect that there are other --

MR. MITCHELL: No. We've identified all of the -- through the sandborn* map process we've identified not only -- well, we grew up looking at the chemical plant, but the businesses that that business sold those chemicals to that have abandoned, I've identified all the dry cleaners in the 27 squares, all the sites where you can find remnants of the tanks. Pieces of scrap metal where the tanks just rotted away and fell under the

ground and just over the years have become part of the environment.

MS. TUCKER: So has a regulatory agency, either DEQ or the EPA, come in and done a site --

MR. MITCHELL: Connie, let me tell you about the DEQ in the State of Louisiana -- and I'm going to make this allegation, and I don't care what you do. The DEQ sent the gentleman in our community to do soil samples. We had people watching because I was in Pensacola talking to these attorneys that just got this water settlement there, and Marcal* told me that, yeah, he took the soil samples, and Randy when he put that dirt in his bottle and shook it he literally jumped the fence getting off the property. We got some people in law enforcement looking for that young man, because we believe that he went to Mayor Mark ---, the current director of the National Urban League, and sold that information and got an instant estate. He left the DEQ two weeks after doing those soil samples. We don't have any faith in anything that the DEQ might do in this matter because we don't trust them.

MS. TUCKER: Well, you know you can ask if you think that your community is being exposed to contaminants from a waste site. You can ask the Emergency Response Office at the EPA to come in and do an assessment. Were you aware of that?

MR. MITCHELL: No. I've been as quick a study as I could be in the last year, two years. It was interdicted by a near fatal car accident. A lot of people seem to think people tried to kill me. The women of the agricultural landfill are the best scientists in America as far as I'm concerned. They've helped me with phone calls trying to inform me about what some of these chemicals can do to people because they're living through it still. No, I wasn't aware of that, and we'll be trying to get to that as soon as possible.

MS. TUCKER: Well, see, sounds like to me that you have one site in particular, but you suspect that there are other sites.

MR. MITCHELL: There are multiple sites. We believe there's almost an arch that was formed by these various dry cleaners, and the scientist who has volunteered his time from Martin Marietta seems to believe that the entire 27-block area is sitting on a pool of these chemicals when they were released into the ground, and people have been breathing that vinyl because the throat cancers is just unreal up in there. It's just really unreal. Another thing that you might find interesting also, Connie, is that Treme is coming up out of the ground at the agricultural landfill. The houses that were torn down in our community to build the --- park was buried there. All of those houses had lead on the walls on the

interior, lead-based paint, and all of those houses had lead on the exterior. So we have a unique kind of freakish environment where some of Treme is destroying people's lives in the ninth ward and what was left from the businesses that conducted their business in our community when we had a lot of black people in there are destroying us. So it's a kind of an interesting dynamic.

MS. TUCKER: Well, I would suggest that you -- the first thing you do is you ask for the Region 6 emergency response to come in there and do a major site assessment of all those suspected contaminants at least as your first step.

MR. MITCHELL: Who do we --

MS. TUCKER: Is there anybody here from Region 6?

MS. SUBRA: Yesterday I introduced him to the people from Region 6, and last night we had the Region 6 meeting from 5:00 to 7:00 and he met some additional people. At that time I asked that Region 6 go in and do an evaluation of the contaminants and the extent of contamination. So I'm going to track that. That doesn't address all of his issues. He has a lot of social issues as well, but at least I think we got that ball rolling and I'll be tracking that process.

MS. TUCKER: Okay. Good, and I'll be in contact with you.

MS. SUBRA: Thank you for coming.

MR. MITCHELL: And thank you for having us.

MS. EADY: Thank you very much. Okay. Our next speaker is Yvonne Powell, People Effected Against Chemical Eugenics of Richton, Mississippi. Before you speak let me just call -- pardon me one moment and they can start coming to the table. Shawna Larson, Chickaloon Village, Alaska, and Sherri Jones, Community Environmental Support Team, Foxworth, Mississippi. So, Ms. Powell. Thank you.

Yvonne Powell

MS. POWELL: I am sick and tired of being sick. Hi. My name is Yvonne Powell. Today I am here once again to talk about a small town of Richton, Mississippi. Community leaders have been here before on several occasions. They have not seemed to amount to anything. It seems that everyone has had a different agenda than addressing concerns of our community. We watch EPA come into our community only to walk over, trip on, and step on top of creosote wood blocks located at many of the homes in Richton. We asked them if these blocks could be causing our illnesses. They continue to walk by and put a death ear.

It later came to our attention from one of the EPA agencies that the chemical treated blocks that we burned in our

homes for heat, that we cook with for food, could in fact be causing some of our illnesses. Even after being told this, no one ever addressed this in phase one or phase two of the environmental assessment. It was as if mention of the wood blocks would be better left untouched. Why is it that doing the right thing for EPA is the wrong thing?

I was told that this committee was established to insure the safety of the community. What about safety? We first believed that our contamination was coming from a drinking water well, which we were advised by Mr. Lee and others that we are not in the process of opening a well. After EPA came into Richton, Mississippi and did that assessment from this plant, American Wood, Dana Hugh ---, they came to the conclusion that the water was fine to drink; but they failed to come to the conclusion that the creosote blocks that we burn in our fire place, that we wore to school, the dioxin that was in our clothes, in our beds that we slept in, was a part of our everyday lives. When doing the assessment we were not aware that Jimmy Palmer was the director of DEQ and now is the head of Region 6, which made this assessment in my opinion totally biased, and I am asking that someone else look over his work, because it's like the fox watching the hen house in Mississippi. ATSDR had agreed to do a health assessment, but

once again we had an employee from the state health department took over CEC. Now we're not getting ASTDR (sic) to a health assessment.

We're tired of this. We're tired of coming to these meetings, sitting here. Region 4, Region 1, none of their administrations are sitting at this table. Where are they? One time a year we come here. Where is Jimmy Palmer? Where is all these regional heads? Are we not counted as people? We come here every year. We spend money, but the people that needs to hear what we're saying, they're not here. We asked for a meeting with them. They're still not seeing us, and when we come here why can't they be here? If the federal government puts funds out here, why can't Jimmy Palmer sit here and look me in the face? I mean, one time. We're here talking to you guys, but the people that we need to be looking at for EPA, they're not looking at us, and it looks like a big joke. So I'm asking that another region come in and look at the work that Jimmy Palmer did in Richton, Mississippi, because I totally fear that it was not fair. Thank you.

(Applause.)

MS. EADY: Connie.

MS. TUCKER: I apologize. I mean, I have no power over Region 4 EPA, but I concur with you. I think that the work that they

did there was not complete. For the rest of you, this is in my -- I have been to Richton, and I have seen where the creosote company was located. It is just right across the street. I mean, it is closer than the table over there to where the people -- the other side of the table, where the people live. So clearly there were some impacts, and I have seen first hand the kind of illnesses that exist there, so I know something happened there. EPA in my view, Region 4, failed in its intervention there, and I know there are some people probably in the room who would disagree with that, but I know that there is something wrong in Richton, Mississippi. But, yes, the Region 4 EPA has not been able to decide what that problem is. They drug their feet for a very, very long time. It is possible that a lot of the chemicals now have -- what is it? Disappeared, but they were there at one time and the people were exposed to these chemicals and they were impaired by them. I think the EPA Region 4 was very insensitive based on the reports that I got. They were very insensitive to the community. I don't know what else to say, except for that I do know that EPA is a political animal and that they respond to political pressure, and I am willing personally to work with you to do some sort of press conference at the EPA, outside of the EPA, to target all of the

1 people who have participated in an effort that does not bring some
2 resolution to your community.
3 MS. POWELL: Thank you.
4 MS. EADY: Mary.
5 MS. NELSON: I just was going to ask, the assessment
6 was done, and did it -- what were the results of the assessment?
7 MS. POWELL: They found -- they didn't find anything.
8 We had children with brain cancer dying. We had lupus, leukemia.
9 I have lupus autoimmune disease. What happened was these
10 wood blocks -- I don't know if you all are familiar with the telegram
11 poles. This company sold them to us for $10, and we took these
12 wood blocks home and burnt them every day. We barbequed our
13 meat with them. We did everything that was possible, and our
14 community is dying, and it seemed like Jimmy Palmer, he knows this
15 was going on when he was the region -- when he was with DEQ,
16 and he knew that he should have stepped aside when this
17 assessment went down, but he didn't.
18 MS. TUCKER: Well, If I could make one other comment, I
19 worked with a number of communities that were --- to these
20 creosote companies. Without exception, they all got contaminated,
21 so I don't understand how they somehow can't find the
22 contamination in Richton. You don't live that close to a creosote

1 production facility without getting that kind of exposure during the
2 years that you all live there, during the years that the company
3 operated. All across the country you have these sites, and the
4 contamination exists. For some reason they didn't turn it up in
5 Richton, and that I don't understand at all.
6 MS. POWELL: And, see, benzopyrine is Agent Orange,
7 and it was in these blocks that we burned. So, you know, we
8 have a lot of dioxin there.
9 MS. EADY: Okay. I didn't see what order your two
10 cards went up, so Wilma and then Judy.
11 MS. SUBRA: Do you have any cases of neuroblastoma?
12 MS. POWELL: Yes. We do.
13 MS. SUBRA: Okay. Thank you.
14 MS. POWELL: Yeah, that tell you. But yet the EPA
15 somehow can't find it. That's ---.
16 MS. SUBRA: They are familiar with that one.
17 MS. ESPINOSA: Is there anybody here that came from
18 Region 4 to the meeting?
19 MS. : Cynthia is here.
20 MS. : Cynthia ---.
21 MS. ESPINOSA: Yes, there is somebody here?
22 MS. EADY: Thank you. So maybe you can talk with her.

1 MS. POWELL: Well, I have exhausted my efforts with
2 Cynthia as far as talking with her, because like I said she is one of
3 the ones that walked over the creosote blocks and acted as if they
4 wasn't there.
5 MS. EADY: Connie, thank you for volunteering to work
6 with her.
7 MS. POWELL: Yeah, but the point I wanted for the
8 record, Wilma just asked whether or not some of the conditions
9 that are classical exposures to creosote are present in that
10 community. Yet the EPA somehow has not been able to make the
11 connection, and that's how come folk will get very, very frustrated.
12 But in addition to them not finding stuff, to be insensitive to the
13 plight of the community is a real problem for me.
14 MS. EADY: Juan, did you want to make a comment?
15 MR. PARRAS: Yes, very quickly before the next
16 presentation. I stand corrected. The question that I should have
17 asked is if the Alaskan tribes are recognized by the federal
18 government instead of the state.
19 MS. EADY: Okay.
20 MR. PARRAS: So I'm sorry for creating confusion, but I
21 got educated very quickly.
22 (Laughter.)

1 MS. EADY: Okay. Thank you for the apology. Next is
2 Shawna Larson from the Village of Chickaloon in Alaska. Shawna,
3 if you will just hold on for one second. This is the last call for
4 Sherri Jones, Community Environmental Support Team, Foxworth,
5 Mississippi, Hilda Booth, Native Village of Noatak, Noatak, Alaska.
6 Go ahead, Shawna.
7 **Shawna Larson**
8 MS. LARSON: Thank you. Shawna Larson, Chickaloon
9 Village. I serve on my tribal council. I'm Aleut on my mother's side
10 from the Village of Port Graham. I'm Athabascan on my father's
11 side from the Village of Chickaloon. In our language ---. I always
12 like to start out by thanking the original people that are from this
13 land. I'm on some indigenous person's land here. I don't know who
14 that is, but I like to thank them for allowing me to be here today. Mr.
15 Lee, I want you to know that I don't want you to feel bad.
16 MR. : What was that?
17 MS. LARSON: Mr. Lee, I want you to know I don't want
18 you to feel bad, about being insensitive that is. I know you are just
19 doing your government job. In fact, we are used to being told
20 these types of line. Let me guess. You're sorry. There is just not
21 enough money. How about Alaska is too far away? What about
22 this isn't necessarily the best branch of EPA or of the agency, and

you should try somewhere else? See, I've got these lines down just like you. Maybe I should work for EPA. I am a young, oppressed, Alaskan Native woman, and I want you to know that without all of these environmental injustice community members sitting around here you, my good sir, would be out of a job.

As far -- and I'm going to just touch on the recognized and the not recognized. I want to make it very clear to everybody here. Whether you recognize me or not, I'm still sitting here. I heard you, Mr. Lee, say that you guys are hoping to get somebody from Alaska to serve on NEJAC. My comment on that is please make sure that it is a tribal traditional person that lives off the land and eats the subsistence foods, not an urban Native person that works in Anchorage and that doesn't do the hunting and fishing.

(Applause.)

MS. LARSON: I'm glad that you brought this up, because I actually came here tonight to testify on the Federal Facilities Working Group. I was invited to serve on the Federal Facilities Working Group. I was I guess their token Alaskan. I submitted this letter, and I will read it to you. It says don't cite or quote, but I wrote it so I'm going to cite it.

"My name is Shawna Larson, and I serve on the Federal Facilities Working Group. I am Athabascan from

the Village of Chickaloon where I serve on my traditional tribal council. I also work for Alaska Community Action on Toxics and Indigenous Environmental Network as the environmental justice coordinator.

"I have requested to have this document added to the report to express my concern and frustration over the fact that the Federal Facilities Working Group has not allowed consideration of Alaska when looking at formerly used defense sites in the United States. When I asked about this issue, I was told that there were not enough funds to have any sites visits in Alaska. This comes as a shock to me considering that we have over 600 FUDS, including the world's largest underground nuclear test site at Amchitka and several DOE sites. We also have nearly half the nation's tribes in Alaska, for which EPA has a government-to-government responsibility.

"From my understanding, we are only sending two to three people from our working group to all the sites chosen, except for South Carolina. It didn't make any sense to me why there wouldn't be enough funds to send two people to Alaska, especially if I'm from Alaska, so then we would only have to send one person.

"As a Native person that is directly affected by military sites and as an environmental justice coordinator, I must submit this formal protest to the final report. I hope that in the future EPA will recognize that Alaska must be included in all aspects of environmental justice efforts."

It is a total shame to me. This was a shame. This was a bust. I'm sitting around the table of NEJAC, and under that came out Federal Facilities Working Group. They asked me to serve from Alaska on this working group, and then they told me there was not enough money to come. You know, this is complete -- the is the prime example of environmental injustice. This is it. What is NEJAC about? You tell me, "Well, we issue all these permits for all these companies to pollute up your land, but now we don't have enough money to come up there and help you." I don't understand how that works. I do not understand. So maybe, you know, the process of that working group, I am happy to sit with any of you as a fellow working group person who served under NEJAC. I am happy to sit with any of you and tell you about how terrible it was. It was bad. You know? I don't mean any disrespect to the people that put a lot of hard work into it, but the whole process was horrible, and I -- you know, I'm happy to sit with anybody. I would just -- you know, my main concern is that we are constantly told

there is not enough money and there's all these other problems why EPA and NEJAC can't come to Alaska. This is the prime example of environmental injustice. Thank you.

(Applause.)

MS. EADY: Andrew.

MR. SAWYERS: Hi. Shawna, I have just assume the position of the Chair of the Waste and Facility Siting Subcommittee, and I have since -- you have actually been on one of the conference calls with me, and my understanding, and you have cited it, the workgroup made a concerted -- they made a decision if they visited Alaska they would end up doing three sites in the US. But it is my understanding that based on the conclusions and the recommendations and findings, much of those recommendations and findings certainly apply to the Alaskan communities. I want to also offer to you that tomorrow we are going to have a full day meeting. The workgroup is meeting for the entire day, and I will be personally -- you know, personally avail myself to sit and talk to you about how best we could talk -- think about how we could use some of these recommendations to address your concerns. I fully understand your concerns, and I have acknowledged them and I have talked to the workgroup. However, you know, it is my recommendation that we should figure out how best to move

forward. So I thank you for your thoughts, and I hope that we can sort of figure out a way to move ahead with this.

MS. LARSON: I hope so, too.

MS. EADY: Connie.

MS. TUCKER: Well, you know, if you noticed, I don't know how often you have come to the NEJAC, but it used to be when we had NEJAC meetings we would have some food out there for people, et cetera. But because we have been fighting the wrong war all the funds have dried up. So that is partially why the subcommittee -- this working group did not have the money to go to Alaska. But I'm very interested in finding out, you said the process was terrible. Do you mean beyond the fact that they didn't go to Alaska? Could you explain specifically? Because I also serve on the Waste and Facility Siting Subcommittee. I want to know what was terrible.

MS. LARSON: We could really be here for a long time. It's hard for me, because I come from a culture where you really try not to disrespect people, and especially with other people in the audience. You know, it makes me uncomfortable. But I can tell you that I felt like there was definitely racism. I felt like, you know -- I take my son with me everywhere, because I have decided that most people in the US take time off when they have kids, you

know, maybe until their kids are one or two, but I didn't have a year or two to spare to stop fighting to help save his life on these toxic contaminant fronts. So I bring my baby with me everywhere I go. People see me and they know, and I was -- you know, it was very frowned upon.

Just, you know, I mean a good example is -- and I don't think that the person that did this meant any disrespect, but in the end I wrote a letter and I had it in a very formal -- you know, kind of like I was lodging a complaint basically. You know, this is the document that I submitted to the report because I disagree with the process and with the fact that they didn't come to Alaska, and the reason -- I mean, people keep making it sound like we all sat together and decided, well, we can't go to Alaska because, you know, we all agreed together. That wasn't the case. We were told that this working group could not go to Alaska because there was not enough money. It wasn't like we were -- that it was stated, "Oh, you can go to Alaska, you know, but you'll use up all the funds and you'll be able to go to three." That is not the way it was presented. It was presented like, "You can't do that. We're really sorry."

I wrote a letter to Jim Wolford* and I got no response. He was the person who was overseeing this then. I don't know if he

still is that person, but it was not only that. But it was just the way I was treated, and you could speak to some other minority members that sat on that Federal Facilities Working Group. I do believe there are some here tonight, and they can also help to explain the way that we as minorities were treated on this working group.

MS. TUCKER: Okay. Well, in the interest of time, and there are so many other people who want to speak, if you would -- if we could have more detail on this at the subcommittee meeting --

MS. LARSON: I'd be happy --

MS. TUCKER: I am going to be there. You are going to come, right?

MS. LARSON: Well, I will be going between that and the Indigenous People Subcommittee Also the last thing I would like to say is it seemed to make a big difference whether you had the letters "PhD" behind your name or not.

MS. TUCKER: Okay. Well, it's important that you come at least during the time that we have the federal facilities on the agenda so that we can delve into those concerns specifically.

MS. LARSON: Thank you.

MS. EADY: Thank you. Hilda Booth, Native Village of Noatak, Noatak, Alaska; Cecil Corbin-Mark, West Harlen

Environmental Action, New York, New York; Alice Wade, Rubbertown Emergency Action, Louisville, Kentucky; Patricia Rife, Grants Plus, Atlanta, Georgia; Carletta Garcia, Laguna Acoma Coalition for a Safe Environment; Doris Bradshaw, Defense Depot Memphis Concern Citizens Committee, Memphis, Tennessee.

MS. TUCKER: She spoke last night. She presented.

MS. EADY: Last night was a different issue.

MS. TUCKER: Oh.

MS. EADY: Last night was --

MS. TUCKER: Okay. Sorry, sorry, sorry.

MS. EADY: Patricia.

Patricia Rite

MS. RITE: Aloha ---. (Spoke something in a native language.) My name is Patricia Rite. I taught at University of Hawaii. I taught at California State University. I teach at three universities now. I'm a private consultant, and I work for People of the Land. I also represent different sovereignty and tribal movements and peoples. I heard many voices while I was here, and I hope that you can also hear the voices of those who we hear, the land, the water, the birds that fly, the fish that are choking in the waters that are polluted.

I was very impressed with your results as well as your discussion on vulnerability, but I am very worried about the areas of concern when I hear you talking about disproportionate risks. Let me stand back and say that all people, particularly our brothers and sisters that are here from Alaska, request an ear as well as funding for further assistance in training and environmental protection planning. I took offense at when you were talking about people coming this long of a distance just to state issues, because they are not stating issues. There are systematic strategies that have been developed. There are long-term and long-range plans. There are many experts, especially working with tribal governments and other groups. Planning takes time, it takes wisdom, and it takes commitment -- everything that our Native people have. They not only need to be heard, but they need further education support and assistance grants.

Have you ever heard of a political vendetta? It means that people in Washington, DC may yank their funding, so I am looking at you because you know this. There is plenty of money in Washington, DC, and there is money in the EPA as well. We have to find it. That is what part of the work in environment justice is all about. So, EPA, make your RFP and grant processes more transparent. Make them fair and open to all. When I arrived I was

told that the grants processes were already closed and that there might not be environmental justice funding again for another year. We need to leverage funding as well as the enforcement arms.

NEJAC, I take personally that you must address a letter to the DOD. It is wartime. The game has changed. When there's over 600 former defense sites in the state of Alaska and our sister comes as a Yupic representative and tells you "I am the face of contamination," take her voice and her people's voices seriously. Alaskan women have the highest rate of cancer in the United States. Not only are these facts, but the data is not a quantitative scientific method. It's a person and a family and a people's life. It's a genetic inheritance that we have responsibility for.

I came also to speak for the enforcement branch that needs to be leveraged. We come to you because not only do you have some sort of regulatory clout, but you can leverage or put pressure on enforcement, not only by words, but by some sort of mandates. People will listen to your reports. We came here so that we will be heard, but we want you to be heard. Don't wimp out. As we were told by our sister last night, the community groups are listening to you, but we want to put pressure on you so that you are heard.

Last but not least, I want to also say to Terry it is important that you know that voices aren't coming just as a forum to be heard. These issues have to be taken seriously as a platform for action. We have been hearing that you are bias towards action. We must be, because the time is running out when people are dying of cancer. So I am also here to ask for further training so that indigenous people can work on plans, learn the assessment tools and the methods, and with your help come together in other more creative strategy sessions so that plans can be made and then implemented.

In conclusion, because I also lived in Hawaii and I know that the rainbow bridge between Alaska and the other cultures are very strong, that you need to educate yourselves about the federal status that occurred five to six years ago now in Alaska. Also, if you didn't know that the funding was taken away for cleanup, listen to this. $200,000 will not go very far in any Alaskan village, particularly to clean up toxic waste and dump sites. So if numbers speak to you, just know that without that kind of funding cleanup cannot occur. Thank you for your respect, and good luck please to leverage the enforcement arm of EPA.

MS. EADY: Council, clarifying questions?

(No response.)

MS. EADY: Thank you, Dr. Rite. The next speaker is Doris Bradshaw, Defense Depot Memphis Concern Citizens Committee, Memphis, Tennessee, and let me just call two more speakers. Carletta Garcia, if you have come into the room; Dan Jones, Ponco tribe, Ponco Oklahoma; Benten Davis, Native Village of Selawik, Selawik, Alaska. Doris.

Doris Bradshaw

MS. BRADSHAW: My name is Doris Bradshaw and most of you met me last night, and I'm here again addressing federal facilities issues. I have four letters from communities from Hawaii, James J. Rodriguez, a press release from the Military Toxic Project, Elizabeth Crowe, the Chemicals Working Group, Albert Huang from the Environmental Health Coalition in San Diego, California, and Mabel Mallard, the Right to Know Committee in Philadelphia, and these letters has been submitted to the NEJAC panel. These are some of the communities that are just like mine, and you hear us come to this table time and time again talking about how crucial it is for you all to address the issue around federal facilities.

I heard Connie bring up that DOD need to be at the table. DOD was at the table in 1999, December of 1999, and signed an MOA, a memorandum of agreement, not an MOU. Like this reports show, this Federal Facility Working Group reports shows, and I

1 think that need to be clarified tomorrow, but it was specific things
2 that DOD stated what they could do in the communities. I feel as
3 though four years have passed and EPA has not addressed those
4 issues. They have not went back to DOD. If they did, we was not
5 informed, and I don't know if it's a breakdown in communication,
6 because I'm tired of coming to the table. I'm tired of complaining
7 about our community being re-exposed to chemical warfare
8 materials, about how the cleanups are sloppily done in our
9 communities and no cleanup.
10 I'm so upset because in the case study report that was
11 done by the Federal Facility Working Group on the Defense Depot
12 it's a section, it's the third section, and actually we didn't discuss
13 this. This is something new that was put into the report, and we're
14 supposed to be a Federal Facility Working Group, and this wasn't
15 discussed with us. This was just put in the report. Now, if EPA
16 bring us to the table to work on a specific document and do what
17 they want to do, and we're seeing new things in the report that we
18 have had no discussion on, I feel like that the process is flawed
19 from the beginning. So they could have wrote this report without
20 us, with the community, because in the report it seemed as though
21 time and time again I saw little tidbits where EPA tried to pat
22 themselves on the back.

1 EPA has not done a good job in dealing with federal
2 facilities at all. Only thing that we are constantly being told, "Oh,
3 we can't do this. This is our big brother. Who we going to sue?
4 To sue the President? You all just have to do this yourself. You
5 have to go to another venue," but there is a triangle on the ---.
6 That's the base alignment cleanup team. It's a triangle. EPA is at
7 the top, or DOD may be at the top, whichever way you turn it. EPA
8 is on the side and the state. EPA have input in that triangle on how
9 those sites is going to be cleaned up, but EPA do not push the
10 power to try to make sure that they are heard unless the
11 community is white.
12 Spring Valley in Washington, DC is a model how
13 communities are actually being cleaned up. Spring Valley is a rich
14 community with mansions where house were literally built on top of
15 bombs. Homes in Spring Valley because of EPA, they have air
16 monitoring machines inside of their homes. They also have
17 informed the people enough that the children don't go outside to
18 play at all. So during the cleanup time there was a luxury trailer
19 brought into that community by DOD where the community could go
20 in and watch the cleanup. Our community, same agency, DLA, we
21 was kicked off the grounds, and because we was kicked of the
22 grounds there was a news agent that was us and he did a story.

1 He did a real, life story on how the community was treated in
2 dealing with the cleanup within itself. So --
3 MS. : Doris, can you start to wrap it up?
4 MS. BRADSHAW: I will.
5 MS. : Thank you.
6 MS. BRADSHAW: So in dealing with federal facilities all
7 together we're all in the same boat that have to deal with them; and
8 I'm sure you're tired of me coming to this table, but I will be here
9 until doomsday until EPA do their job because I feel like that it's their
10 responsibility. They fit in that triangle, and they are supposed to
11 protect our health. Thank you.
12 MS. EADY: Do we have comments or questions from the
13 Council?
14 MS. TUCKER: Just a quick question. You are going to
15 come to the Waste and Facilities Siting Subcommittee during the
16 federal facilities?
17 MS. BRADSHAW: I'll be there.
18 MS. TUCKER: Okay.
19 MS. BRADSHAW: And by the way, Connie, my way
20 was not paid. I was on that subcommittee, worked hard, and I
21 was not paid to -- you know, for my hotel, my travel, or anything to
22 get here. The last time I was here I was not paid to -- you know,

1 as far as my expenses to take care ---. So we have to come to
2 here on our own money, Shawna and myself, and I don't think that
3 is fair, because if they're going to ask for your time to work on
4 something and then don't even want you to be at the meeting when
5 they present report.
6 MS. TUCKER: We should raise at the meeting, at the
7 subcommittee meeting tomorrow.
8 MS. EADY: Andrew, did you have a comment?
9 MR. SAWYERS: No. I was just going to say to Doris that
10 the report is still in draft form, and if there are things that you would
11 like to see changed, you know, certainly I would like for you to say
12 so. We will -- as I said before, it is in draft form, so there are
13 changes that are going to be made.
14 MS. BRADSHAW: Thank you. I think that's why EPA
15 didn't want us here. Thank you.
16 MS. EADY: Thank you. Dan Jones, Ponco tribe, Ponco,
17 Oklahoma. Oh, I'm sorry, Mary.
18 MS. NELSON: Just a comment. In the listing of the
19 committees, our Waste and Facility Subcommittee is listed, but the
20 Federal Facilities Working Group Committee is not listed. I mean, is
21 not -- we don't have a list of who was on that committee, so I just
22 hope that would be made available tomorrow.

MR. SAWYERS: The Federal Facilities, it is a working group which is a component of the Federal -- of the Waste and Facilities Siting Subcommittee.

MS. NELSON: I understand that. Right, right. I would like a list of who was on that Federal Facilities subcommittee of the subcommittee.

MR. SAWYERS: It is in the report, so I could certainly give that to you if you like.

MS. EADY: Great. Thank you, Doris. Let me just read out the next few speakers. Dan Jones, Ponco tribe, Ponco, Oklahoma, followed by Benten Davis, Native Village of Selawik, Selawik, Alaska, and if Pat Bryant is in the room, Urban Strategies, you can come to the table. Dan.

Dan Jones

MR. JONES: I want to start by thanking this committed for having us here. I am a representative of the Ponco Tribe of Indians of Oklahoma, and my name is Daniel, Dan C. Jones. We are a small group of people from Northern Oklahoma who have made a big impact on American history. It was our chief, Standing Bear, who took the United States to Court in the trial of Standing Bear v. General Crook and proved that American Indians were human beings to be dealt with under the constitution of the United States.

So we have had a rich history, and why I am here today is to talk about a questionable future.

Our concerns is the Ponco with the labor union PACE, which is Paper Allied Chemical and Energy, have filed three suits, air, water, and a civil rights complaint against Continental Carbon. They are owned by a Taiwanese family, one of the richest families in the world, called the Koo family. In our complaint basically we are not asking for damages. We are only asking that they adhere to federal standards, or at least Taiwanese standards, and I say that because we sent two representatives recently to Taiwan, one of them a PACE worker, a union worker who has worked in the plant for many years, and a tribal member who lived near the plant. They couldn't find the plant in Taiwan because it was so clean. None of the chemicals question here, carbon black, was exposed. The conveyers were all covered. The men were wearing white suits. There's gardens in the plant. The plant is white.

If you visit the plant at Ponco it's filthy. It's filthy for hundreds and hundreds of yards around it. Our community, one of our communities of the four in Ponco, live there. The problem that we are facing right now is the Oklahoma Department of Environmental Quality has filed an amicus brief on behalf of carbon black -- Continental Black (sic) basically saying there's no problem

here. We believe DEQ without a quality assessment has made this decision on political and economic bias.

Our tribal members have also filed individual suits. We're a tribe in poverty. We are trying to support them any way that we can. There is high vulnerability here. The company alleges that our suits are basically a union issue, a workers' issue alone, but we uncovered a letter from the Bureau of Indian Affairs, our superintendent at Pawnee Indian Agency, dated August 8th, 1969, that he is sending to his supervisor, the area director, stating we have had many complaints from the Harriet Rush in the Battle property, which is the property that the plant is located on, the Harriet Rush in the Battle allotment, that the land is too contaminated to sell. So basically we have entered this. We have tried to have discussions with the State of Oklahoma, the governor. They don't really want to meet with us.

Basically we are asking the Bureau of Indian Affairs what did they do in this letter. They were requesting -- the superintendent was requesting an investigation for possible litigation. Well, they don't know what the outcome from 1969 was, but us as Ponco know what happened. Three years later the Bureau of Indian Affairs sold the land -- excuse me, bought the

land from the Harriet Rush in the Battle allottees and gave it to HUD and built homes for our people on that contaminated land.

What is our desired outcome here? We basically want the EPA to assume a government-to-government relationship with our tribe similar to the role that they now have with the State of Oklahoma. Ponco, PACE, and affected members have basically filed a petition with the EPA Administrator to reopen the Title 5 Air petition. We feel that because of mistakes -- that it contains mistakes and it needs strengthened. We want the Oklahoma DEQ to withdraw their amicus brief. We feel that they do not have the right to use federal taxpayers' money to work against people who are trying to defend themselves, and they are using your money for that purpose. There are no Indians on the Board of Oklahoma DEQ. I don't see any here either, but maybe that will change in the future. The DEQ is -- basically their board and council is stacked with industry representatives. So what we have in Oklahoma basically is we have a regulated industry running the regulators. We basically have the tail wagging the dog in Oklahoma.

Excuse me for my time here. Our recommendation is basically we need a quality assessment conducted by the EPA. We really feel this is the tip of the iceberg, and I have to say that in -- in conclusion here, and excuse me -- in 2001 we were

1 approached by the Center for Disease Control and by the
2 Department of Heart, Lung, and Blood, and basically offered us a
3 program called the Health Hearts Program. We were a little
4 suspicious, because we're usually not -- you know, these are
5 competitive, and so when we started checking into it we found that
6 the Ponco are one of three tribes in American who have received
7 this because of the amount of heart problems we're having,
8 especially in our women. Thank you very much.
9 MS. EADY: Thank you. Wilma.
10 MS. SUBRA: Is the air program in Oklahoma delegated to
11 the state?
12 MR. JONES: It was. Yes.
13 MS. ESPINOSA: That was my question, and --
14 MR. JONES: And what difference would that make as
15 far as whether they've done their job or not is what I would have
16 to ask. I think the question is if it was delegated to them, but we've
17 gotten no satisfaction from --.
18 MS. SUBRA: And have you considered filing a complaint
19 that the state agency that has jurisdiction over the air is not
20 enforcing the requirements?
21 MR. JONES: We have, and I have some of that in this, in
22 the documents that are accompanying my testimony here today.

1 Yeah, and it is brought to my attention that we would like to invite
2 this board to have a site visit at the Ponco Nation.
3 MR. : Region.
4 MR. JONES: Region? The region, I'm sorry.
5 MS. EADY: Judy and then Terry.
6 MS. ESPINOSA: Thank you for all this information and for
7 your testimony. I had a question about the Congressional letter.
8 Did Mr. -- is it Mr. Woo or Mr. --
9 MR. JONES: No.
10 MS. ESPINOSA: Did they respond to the Congressional
11 letter? No?
12 MR. JONES: No. We've had no response.
13 MS. ESPINOSA: And this March, 2004, Yahoo email, is
14 that telling me that the DEQ finally sent a notice of violation to the
15 company?
16 MR. JONES: That's correct.
17 MS. ESPINOSA: And that was based on what you had
18 done?
19 MR. JONES: We look at it as basically smoke and mirrors
20 to say that they are doing something about it.
21 MS. ESPINOSA: And with a fine of $4,800?
22 MR. JONES: A $4,800 fine.

1 MS. ESPINOSA: And is this same company still having
2 their lawsuit with Goodyear Tire Company and all that?
3 MR. JONES: That's correct.
4 MS. ESPINOSA: Has any of the information that has
5 come out from that lawsuit helped you at all?
6 MR. JONES: Not at this point. The fact that the carbon
7 black that was used to put into tires of course is -- makes the tires
8 actually weaker is an interesting point. We've had several -- when
9 I first got involved in this was just pretty recently. I was reading
10 some of the inspectors' reports from the DEQ, and I was looking at
11 it as being this is the most ridiculous thing I've ever read. The
12 inspectors would report that they would enter the house where
13 the complaint was filed, was made, and they would say, "Yes, we
14 saw this black particulate, and I touched it with my fingers and,
15 yes, it was," and here is the kitchen window that they are looking
16 at the plant, and they go on to state in their reports, "But we don't
17 know how it got here." We took testimony two weeks ago from a
18 woman, an elder of the Ponco tribe in a wheelchair, who cried in
19 front of us saying that she needed to mop her floors every day, but
20 only had the energy to do it three times a week. This is a sad
21 situation. I'm so sorry that the quality of life is not an issue behind
22 the EPA at this point in time, because this has been so demeaning

1 for our people. You cannot believe what this does to people over
2 a period of time.
3 MS. SUBRA: And have you talked to the Region 6
4 Administrator about this issue?
5 MR. JONES: I have, and I believe that we will get -- or I
6 was told that we will get our quality assessment, but, as I'm
7 saying, this is the tip of the iceberg.
8 MS. SUBRA: Well, I just want to say I heard him say
9 yesterday -- and I'm not trying to speak for him, and I hope I
10 paraphrase him correctly -- that he was disappointed that there
11 was no one from the Oklahoma DEQ at this meeting and that it has
12 been very difficult I think for him to get them to come to these
13 meetings. And he also mentioned that they told him they didn't feel
14 they had any problems at the tribes at all in Oklahoma. So I know
15 that that is a concern of his. I know he expressed that at the
16 meeting yesterday evening, and so I hope that -- I think he is open
17 to a lot of what you are talking about, and I hope that you continue
18 to dialog with him.
19 MR. JONES: Yeah. We are willing to talk with anybody.
20 We've asked to talk with the state. They are ignoring us. If I could
21 throw in just very quickly, the Ponco tribe is the home where
22 Conoco Oil Company was founded. It's on the old Buffalo Head

allotment. So it's within our 101,000-acre jurisdiction. EW Marlin when he struck the first producing wells would literally eat his lunch sitting on our gravestones of our cemetery. The first well that was hit was there at our cemetery. That was in 1918. We are probably the longest continuous people with a history who have been so close to a refinery that have a history, a medical history, kept by the United States Government in one place. I think it's a fascinating approach that you wouldn't find where generations, our culture, our social orders, are all kept on the earth there. We eat the fish, we eat the berries, the fruit that is there. We are really a model test study on how the petroleum industry has affected mankind.

MS. SUBRA: Can I ask two questions about his permit before Connie comments?

MS. EADY: Yes. It is on this topic?

MS. SUBRA: Yes.

MS. EADY: Okay. Yes, and after Wilma then Terry and then Connie.

MS. SUBRA: Okay. Two questions. When this email talks about the noncompliance with fugitives, is the fugitives a permitted emissions source with a limit in the Title 5 permit? And then my second question is, when you filed your suit did you have

documents from the company that said they were out of compliance that you based the suit on?

MR. JONES: I believe that is correct, but I don't want to make a false statement on that because I'm really not sure on that, that information. We had on the water is a different issue than the air. The air was just filed last week. The basis of it was based on the lagoons, an amount of carbon black in barrels that were dumped that the lagoon was leaking. So, yes, it was based -- the water suit was. Now, for the air, the particulate matter of the particular size that we're monitoring, which would be the fugitive emissions, it's not that common. But what is common is the larger particulate. Our tribe and local members there, they refer to it as dustings, and they get these several times a week, and you can't keep this stuff out of anywhere.

But we're saying now to the EPA and Region 6 is we've been testing for the wrong things. Basically they've had us testing for carbon black, which is basically inert except for the minute particles. Really what we need to be looking, with sulfuric acid plant that is there, is what is called the carbon extracts, and that is what is forced out, what they get rid of to get this carbon black substance; and we haven't, and those contain the most deadly hydrocarbons, the benzenes and --

MS. SUBRA: Okay. Thanks.

MR. JONES: Yes. I'm sorry.

MS. EADY: Terry, and then Connie and then Jody.

MR. WILLIAMS: I just wanted to ask, you made request of working with the Environmental Protection Agency through a government-to-government process.

MR. JONES: Yes.

MR. WILLIAMS: And the agency has already committed that government-to-government relationship previously. So my interest is are you working through the Indian office in the region or at headquarters to help develop the approach or strategy that is going to be necessary to work through this, or are they providing that type of support for you?

MR. JONES: I believe they will. I've just entered this office for a period of a little over a month, and I'm just now getting to know these people in Region 6, and so far they have been very supportive.

MR. WILLIAMS: I would suggest you continue that dialog with the Indian office and request specific help on sitting down with -- not as leadership, with you as leadership, but also for legal assistance in sorting out what are the issues that are in front of

you and how you might best take this step by step to start working through to find a solution.

MR. JONES: We will take your advise, sir. Thank you.

MS. EADY: Jody.

MS. HENNEKE: Dan, I am little familiar with area. You and I talked last night.

MR. JONES: That's correct.

MS. HENNEKE: I think I know the answer to this, but I wanted to make sure. Continental Carbon is the only carbon black plant there in Ponco City, right?

MR. JONES: Yes, ma'am, in Oklahoma. There are only three in the nation.

MS. HENNEKE: Okay. There is no longer one --

MR. JONES: I'm sorry, that are owned by the same family. Yes.

MS. HENNEKE: Okay. Okay. Thank you, but it is the only carbon black source there in Ponco?

MR. JONES: Yes.

MS. HENNEKE: Okay.

MS. EADY: I just want to comment. Have you met Jonathan Hook?

MR. JONES: I had yesterday several discussions with him.

MS. EADY: Okay.

MR. JONES: I had discussions this morning and I'm -- you know, he's open and I feel like the tribe with his guidance, maybe we can work together on this issue.

MS. EADY:

MR. JONES: It's a complicated issue.

MS. EADY: Okay. I just wanted to make sure you made contact with him since he is here. Okay.

MR. JONES: Yes, ma'am.

MS. HENNEKE: Can I ask one clarifying question?

MS. EADY: Yes. Sure.

MS. HENNEKE: When you all have had complaints filed and all there with the DEQ, have they done like tape lifts of anything like that as far as source evaluating of what is within the homes there?

MR. JONES: The evaluations that I've seen are as I have said, and I'm not making light of this at all, but when I first saw it as layman, to me it was just totally inept. It was almost like it was on purpose it was inept, the reports, and we have the for your, you know, perusal.

MS. HENNEKE: Thank you.

MR. JONES: I hope that answers your question.

MS. EADY: Thank you, Mr. Jones.

MR. JONES: Thank you again for having me.

MS. EADY: Our next speaker is Benten Davis, Native Village of Selawik, Alaska.

Benten Davis

MR. DAVIS: My name is Benten Davis. I'm from the Native Village of Selawik. I have a simple request from a tribal elder. The description of concern is impact of pollutants upon our migratory animals, fish, whales, birds, and how these pollutants impact our people's health. Migratory fish and animals must be tested for contaminants after our traditional processing of storage and cooking. We know they process these animals and birds and fish straight from the water and the land, but after we traditionally process them we would like to know if the contaminants worsen when we traditionally store them and cook them, or are they better off that way. That's what the tribal elder asked, and what is your desire from attending this meeting? Feedback from EPA must come back to us concerning the results of their effect in enforcing these testings of contaminants, and we need responses soon. How the -- and do you have recommendations on how your community's

problems can be addressed? More information and assistance in addressing our health problems. Currently we have a high rate of stomach cancer, asthma, and colon cancer since these killers have increased, especially in the middle-aged people and children due to the 14-year-old lead and zinc mine in the Red Dog, the Red Dog Mine owned by Tech-Cominco out of Canada. There was no or hardly little of these illnesses around before this mine was open. We need EPA to enforce all regulations about this corporate polluter, and that's really all I have for you now.

MS. EADY: Council, do we have any questions, clarifying questions?

(No response.)

MR. DAVIS: And also one more thing. From NEJAC I was also asked to ask you from these questions I asked you if you could get back with us on the feedback of your findings so that we can say that we heard from you at least. Even a letter saying that you didn't look into it would be better than no letter at all, because no letter at all is more frustrating than at least a letter saying you did not ---.

MS. EADY: Are you looking for something from NEJAC or from EPA?

MR. DAVIS: NEJAC to ask EPA to look into this. We know --- tests for pollutants in our fish and animals, but they don't test the meat and fish after we process it our traditional way.

MS. EADY: NEJAC can request that EPA look into these things. We have your email address and your address, so we can --

MR. DAVIS: Yes.

MS. EADY: Whatever correspondence we send to EPA we can also make sure you get a copy of that.

MR. DAVIS: Okay. Thank you, and also one more thing. For the people giving testimonies, on behalf of myself and the Native Village of Selawik I would like to thank you all for coming here and giving testimony, because all your voices here are stronger than just one voice. Thank you.

MS. EADY: Thank you.

(Applause.)

MS. EADY: Our next speaker is Pat Bryant, Urban Strategies, Louisiana.

Pat Bryant

MR. BRYANT: Good evening. Thank you for coming to New Orleans, to Cancer Alley. It's been a long battle. I see a lot of faces here that once were people in the ranks of those who were

trying to get the Administrator of EPA and other folk to pay attention, and now we are here to make sure the message gets to the right places, and that's good.

I want to call your attention a part of environment that most of our states ignore, and that is solid waste collection. Solid waste collection beyond and before the landfill is an everyday American urban problem. If real environmental justice is going to happen it must happen in the urban setting for sure. This is the environmental -- pardon me, I can't -- I'm having a problem reading my paper. I didn't bring my glasses. Bear with me. This is the environmental protection and/or abuse that communities know best.

Since municipal garbage collection and disposal was privatized in the '60s and '70s by many cites, counties, and local governments, garbage collection in cities like New Orleans and the region -- and in South Louisiana have been dominated often by single companies like Waste Management, Inc., the largest waste management company in the world, having more US contracts than all its competitors combined. Solid waste privatization in New Orleans especially has brought racial and income zones of distinction. A minor loophole in the New Orleans waste management contract allows waste management not to pick up all

of the garbage and trash that is put out for collection. That minor loophole creates zones of sacrifice in poor and black neighborhoods. All the garbage and trash that is not collected by the contractors finds its way into vacant lots, into vacant houses, creating a real, real problem. Where do we have these? Where are these vacant lots and vacant houses? You guessed. They're in black and poor neighborhoods.

Why doesn't the local government and in this case New Orleans Mayor and New Orleans City Council close this loophole? You guessed right again. Waste Management pollutes politics with enormous campaign contributions. I declare to you tonight without fear of contradiction that the largest group of campaign contributors in this city are persons and firms connected to solid waste management and disposal. The Mayor of the City of New Orleans has a proposal to extend Waste Management's contract on his desk and it's been there since he fired the previous sanitation director who would not go along with extending Waste Management's contract.

We've made complaints to the FBI, to Waste Management, to all the big companies here, BFI, and now we bring these same complaints to the EPA. All parties say they are investigating. Meanwhile, garbage in our city and in South Louisiana is stuck

between sometime and maybe. That is to say a recent poll showed one of the companies collected here, their customers didn't even know what their collection day -- I mean what day their garbage was going to be collected. That company routinely picks up -- I mean leaves about 10 percent of the garbage down.

The missing component here is community participation. It is nonexistent. These huge companies run the contract and manage themselves. It's not the city managing them. If you try to, the person -- the last person that worked for the City of New Orleans who tried to manage the contract was fired. That's the Waste Management contract. We think that NEJAC -- we bring this information to NEJAC hoping that the EPA will be -- that you can forward this to the EPA. I thought there would be EPA stakeholders at the table, but certainly there needs to be the Environmental Protection Agency looking at this problem. It's not just New Orleans. It's large cities where these big contractors have -- are holding them hostage.

How can the EPA get into this? Well, I think this is a part of the environment. The states are not looking at this. I don't know what we have to do. You know, if we have to go to Title 6 or not, but certainly -- for protection, but certainly this is a matter that EPA

needs to -- garbage in our city needs to be regulated before it gets to the landfill.

MS. EADY: Thank you. Connie Tucker and then Mary.

MS. TUCKER: Well, Pat, I don't want to reduce the message that you bring here, but I think that I have a responsibility to let people know who you are. Pat Bryant is a veteran member of the EJ movement. He was one of the first members of the National Environmental -- of this body, but he was a maverick in building the movement and organized the great toxic march back in the '70s. Was it the '70s? The '80s. I got the dates wrong on that. So I just want to applaud.

MR. BRYANT: The first one was -- the first toxic march I believe was -- Charles, you probably know the dates on this -- 1988, and I think we marched from Baton Rouge to New Orleans over 11 days, and had total participation of more than 10,000 people, people coming and going.

MS. TUCKER: So the bottom line is that he has played a major role in the fact -- the existence of the NEJAC, et cetera. I never saw garbage collection as an environmental justice issue, and I'm going to look into this issue. But I do want to concur with you about the corruption of the local and state officials from the garbage industry, and that phenomenon alone I believe deserves a

major investigation, if not by the Justice Department at least by some interested researchers to look at the pattern of corruption of local elected officials by the waste companies. Especially -- and lead by Waste Management. You know, --- we have a person on the NEJAC who is just wonderful, supports environmental justice, but Waste Management, Inc. I find especially concentrating in the black belt of the United States is really spending a lot of money trying to corrupt non-white public officials.

MR. BRYANT: Right. --- out of Atlanta is a guy, Calvin Booker, and --

MS. TUCKER: That's him.

MR. BRYANT: Calvin Booker makes his round throughout the south. We see him a lot in New Orleans. We see him a lot in other places, and you're right. You're right on the money with that.

MS. EADY: Mary.

MS. NELSON: Just two questions. You are saying that the actual contract that the city has with the Waste Management contract allows for them not to have to pick it up, pick it all up?

MR. BRYANT: Yes. There is they only pick up -- we have 165,000 households in the city that are covered by the contract. That's all households from single-family units up to four-plexes. About four-plexes are not covered, so that's

approximately 165,000 households. If there is a vacant lot or a vacant house they don't collect. The contract calls for occupied houses. So what happens is they get away with not picking up what is dumped by persons at vacant lots. Now, why would any garbage be dumped at a vacant lot? Because the contractor only picks up 75 pounds of garbage. Anything more than 75 pounds is left at the curb. Sometimes if there is more than 75 pounds they leave it all there. So if you come home and you got -- you come home and you thought they were going to take it away and it's still there then you got to find some way to get rid of that. So what happens is Joe Blow comes by with a truck. You pay him $30, $40. He takes it someplace so it's away from your house. That sofa that you got rid of you're riding around in the neighborhood and you see it at a vacant lot. You got the picture?

MS. NELSON: Does the city require then larger residential units to then have private garbage collection?

MR. BRYANT: Anything larger than four has private collection. They're required.

MS. NELSON: Right, and that's a requirement though of the city. Right?

MR. BRYANT: It is.

MS. NELSON: Okay. So is the new contract -- has it already been let again? Are you saying that?

MR. BRYANT: It's on the mayor's desk, and we expect him to sign it, even though state law says it has to go back out for bid. Now, these guys have so much power, these -- and they -- actually my life has been threatened by one of the guys from Waste Management, one of the subcontractors from Waste Management. Of course, you know, if you're not doing good work you won't get threatened anyway. But to answer your question, we expect him to sign it, even though it's illegal. State law says it has to go back out for bid.

MS. NELSON: Well, it just seemed to me that both Connie's suggestion and the notion of several other alternatives, one is some -- you know, there are many times when you sort of go and take some -- grab up some of that trash and dump it in front of city hall or something like that to raise the consciousness regarding this, and I don't suggest it. You would probably get arrested or something for doing that, but figuring out some dramatic way or bringing that into more public opinion or public light. Then secondly, I don't know if there is a sort of public interest law firm or something like that that might help deal with the whole issue of

contracts and the process and so forth. So it would seem to me there are several -- some other areas that you want to pursue.

MR. BRYANT: Absolutely.

MS. : Plus recycling, too.

MR. BRYANT: Absolutely. We would -- Connie, go ahead.

MS. TUCKER: The other thing is that for me it's not enough to fight against something. You need to be fighting for something.

MR. BRYANT: That's right.

MS. TUCKER: And sustainable waste practices I think is an important element that we leave out of our struggles around waste. So I would suggest that in the -- as you pursue some sort of accountability from these waste -- these multinational waste companies that you also pursue a parallel struggle of recycling and the three Rs.

MR. BRYANT: We do. We were able to save recycling in New Orleans a few years back. The big waste companies had it on the ropes. We were able to save it by rallying at city hall. We got a commission set up where environmentalists and others gave advice to the mayor at that time on how to run the recycling program. My company actually got the contract to do public

education for a couple of years for recycling, and we also did it for solid waste. So there has been a great deal of agitation, and we think we have to do more. I think those were some good -- Mary, what is your last name?

MS. NELSON: Nelson.

MR. BRYANT: Nelson, made some very good suggestions. On the --

MS. NELSON: Just one more is that there -- you know, there is economic value in the recycling, and so there are many examples across the country of community development groups doing cash buy-back centers --

MR. BRYANT: Right.

MS. NELSON: And/or material recovery facilities in terms of turning those into economic enterprises.

MR. BRYANT: We doubled participation in the recycling program in less than one year by really making strong appeals to young people in the city, urban youth, black youth, through hip-hop and art, going into the schools. Thank you.

MS. EADY: Thank you. The next three speakers are Agnes Rychnovsky, Newhalen Tribal Council --

MS. APOK: --- Alaska.

MS. EADY: -- Newhalen, Alaska; Hazel Apok, Manilaq Association, Kotzebue, Alaska; Rebecca Jim, Tar Creek, Ottawa County, Oklahoma. Let me just call a couple of more then. J. Kyle -- Jose T. Bravo, Just Transition Alliance, San Diego, California; J. Kyle Bryant, Fort Valley, Georgia.

MS. APOK: Do you want me to get started?

MS. EADY: Uh-huh.

Hazel Apok

MS. APOK: Thank you for the opportunity to provide comments. It is an important process that the advisory council appears to take seriously. Before I provide comments I believe it is important to let you know who I am and where I come from. My Inupiat name is Tigautchiaq and I'm otherwise known as Hazel Apok. I am an Inupiat Eskimo from the Arctic in Northwest Alaska. My community is located 40 miles about the Arctic Circle. Russia is to the East, Canada is to the West, and the contiguous United States to the South of my homeland. As an Inupiat I am an enrolled tribal member of the Native Village of Kiana, a shareholder of NANA Regional and Kikiktagruk Inupiat Corporations formed under the Alaska Native Land Claim Settlement Act, a service area member of Manilaq Association eligible to receive Indian Health Service and Bureau of Indian Affairs benefits. I am also a resident of the

Northwest Arctic Borough, a home rule state-chartered borough for Northwest Alaska, a State of Alaska resident, and United States citizen. As you can see, I am an individual belonging to many entities because I add to their respective numbers in determining a service area, and I'd like to believe I'm important to each of them.

In reviewing some of the recent documents developed by the National Environmental Justice Advisory Council, by the Agency itself and other federal entities, I am concerned by those who choose to cal me "people of color and low income." Let me tell you why. The multiple contaminants I am exposed to not only affects me, it affects other people of color and low income and it also affects people of no color and medium to high income. The multiple stressors identified by the Council do not know I am a person of color or that I am low income. In fact, it does not know I am a person. It affects all living things in and around me. It affects the meat and fish I harvest. It affects the plants and roots I gather. It affects the berries I pick. In other words, pollution affects the air, water, and land, and all that live in, on, or near it. While people of no color and medium to high income have the opportunity to move away from contaminated sites, those who are not able or are

unwilling to leave their homelands are left with cumulative risks and impacts.

As an Alaska Native dependent on a subsistence lifestyle, I am alarmed at the rate of pollution and how it is affecting the foods harvested. We need to remove imaginary boundaries and lines, much like migrating animals and birds have no boundaries or jurisdictions, and focus our attention to worldwide pollution. My desired outcome from attending this meeting is found in the following recommendation. I believe the answer lies in regulatory enforcement. Environmental laws exist across the board by which everyone should live by. Waivers and exemptions from following the letter of the law by those who produce pollution are killing planet earth. We need to focus on the whole picture and not on parts of the environmental media. Thank you.

MS. EADY: Thank you, Ms. Apok. Do I have any clarifying questions from the council?

(No response.)

MS. EADY: Ms. Apok, as you know, we have been talking a lot about Alaska issues tonight, so I hope that after we have further discussion as a council and figure what it is that we can do to help more some of the issues forward I hope that it will helpful to some of the things you are facing in Kotzebue. But I think

enforcement is something that is very simple and straightforward, so we hopefully we can at least make some recommendations concerning that.

MS. APOK: Thank you.

MS. EADY: Thank you. Jose T. Bravo, Just Transition Alliance, San Diego, California; J. Kyle Bryant, Fort Valley, Georgia; Anne Rolfes, Louisiana Bucket Brigade, New Orleans, Louisiana, if you can take a seat at the table. Jose.

Jose Bravo

MR. BRAVO: Good evening. My name is Jose Bravo. I live in San Diego, California, and I am the national coordinator for the Just Transition Alliance which is an alliance between environmental justice networks and the PACE, the Paper Allied Industrial Chemical and Energy workers, formally known as the Oil Chemical and Atomic Workers Union. I have sat where you are sitting before on a subcommittee being part of -- as a charter member for NEJAC way back when. In the early '90s I think, and I don't envy your responsibilities.

But I wanted to come here and talk about some of the sites that we are working on. We have approximately five sites that we are working on in the United States. One is the San Antonio Kelly Air Force Base site that you have heard some

testimony about. The other is the Ponco City, Oklahoma site that you just heard about, and when you heard mention of PACE that is the labor organization that is in collaboration with the tribe. We have a site in ---, Arizona around the Arizona Portland Cement, and in Los Angles we also have another site. And I am going to talk about this specific site because I was told by the community and the workers in Kentucky that I could come here and read their statement, and this statement is from an organization called the Rubbertown Emergency Action, and the Paper Allied Chemical and Energy workers.

It starts like this: Rubbertown, Louisiana -- Louisville's -- Rubbertown Louisville's industrial area is home to 11 chemical plants, including American Synthetic Rubber, Dupont, Dupont Dow, Rohm Haas, Zeon Chemicals, Noveon Chemicals, and Borden Chemicals. Rubbertown is also home to thousands of African Americans and low-income white residents, and, in spite of their attempts to portray themselves as good neighbors, the chemical plants have a troubling history with workers and neighbors. In 1965 explosions and fires at the Dupont plant killed 112 workers and injured 37. In 1969 Dupont workers were injured in a series of explosions at that plant. In the early 1970s workers at the Rubbertown BF Goodrich plant were diagnosed with a rare liver

cancer attributed to their exposure to vinyl chloride. In 1985 an explosion at Borden Chemical killed three workers. In 1991 500 students at the Cane Run Elementary were evacuated after a spill from Rohm Haas. In 1996 several homes were evacuated from Rubbertown after train cars contained deadly and explosive chemicals derailed. In 1997 a broken valve at the Dupont plant leaked about 11,500 pounds of potentially deadly hydrogen fluoride, and in 2003 the Dupont final agreed to pay a $1.1-million settlement for that leak. In 2003 a fire at the Noveon plant sent acid vapors into nearby communities. Several people were treated in hospitals for exposure.

Then in 2003 a study confirmed what many Rubbertown residents had been claiming for years, the constant emission of air pollution from the chemical plants not only smells bad, the air was also deadly. Air monitors located in Rubbertown neighborhoods detected hazardous air pollutants from the chemical plant at hundreds of times the -- higher than the levels considered safe in the state and local -- by state and local environmental officials. Several chemicals including 1,3-butadiene, acrylonitrile, vinyl chloride, chloroprene and formaldehyde comprise a community of toxic fog that poisons the Rubbertown neighborhood. The air monitors also revealed the level of 1,3-butadiene, a human

carcinogen, has been increasing by 35 percent since the year 2000.

I could go on and on and on, and my time is about to run out, but I want to tell you that one of the things that we are looking at in the environmental justice movement is bringing workers and communities together to tackle these issues together. Because what we say in Just Transition is workers are at the front line and communities are at the fence line so that they are natural allies, and the EPA is going to hear more and more about this type of coalition building. This is not the blue-green alliance, because the blue-green alliance tends to have coalitions with mainstream environmental organizations, which is fine, but at the same time we wanted to bring the people that live in those communities together to talk about their issues alongside those workers.

Lastly I would like to also make a request of the NEJAC so that the NEJAC can request to the regional office to do a site visit in Louisville, Kentucky and meet in Rubbertown and hear the community's concerns. I'm calling for a site visit, not a listening session. A site visit in my understanding includes people that are pertinent to the issues that are happening there from the federal government's perspective. So I hope that the NEJAC takes that in mind as an invitation to visit Kentucky. Thank you.

MS. EADY: Thank you, Jose. Wilma. Wilma, before you speak, let me just say that I believe, Jose, the letter that you are reading is in our binder.

MR. BRAVO: It should be. Tim Duncan I think referred -- had sent that in.

MS. EADY: It is from Roosevelt Roberts?

MR. BRAVO: Oh. Roosevelt also. Yes.

MS. EADY: Yes. I think it is here in the binder, so I just wanted to let people know.

MR. BRAVO: Yes. Roosevelt is the president of the organization.

MS. EADY: Okay. Thank you. Wilma.

MS. SUBRA: Thank you, Jose. Roosevelt and other members of the React Organization had intended on coming to this meeting, and it was going to be a good opportunity for them to interact with EPA Region 4 and headquarters. However, the Senator in their area had promised them a hearing on the air issues, and he announced that the hearing would be held very shortly, so they had to stay home and prepare.

One of the things we heard yesterday and we have heard at the NACEPT Committee is that there is a problem at the national level which is initiated out of the air division that is CARE

Communities, and the Rubbertown area of Louisville has been selected as the one location in Region 4. Each region has selected one location. So there is going to be some additional attention on Rubbertown. In August of last year when EPA did come down and did meet -- not willingly, but met with the community, as a result of that meeting they agreed to do inspections of each of the facilities, and they were supposed to start that the beginning of this year. We are still waiting on the results of that. But it would be really good if they would come back again and meet with the community and give them the results of that as well as come back and talk to the community about the type of program the CARE Program will be. If you are going to be here tomorrow -- are you on one of the subcommittees?

MR. BRAVO: I will speaking at the International Subcommittee.

MS. SUBRA: Okay. Because Larry Weinstock is giving a presentation at 8:30 in the Air and Water Subcommittee about the CARE Program. So if you want to just step out a minute and hear his presentation, it will be about 15 to 20 minutes where he will talk about the kind of program that is going to be focused on one community in each region, and Louisville -- the Rubbertown area of Louisville is the one for Region 4. Again, thank you for all the

support you have done for the community as well as for the workers in Rubbertown, because I know it is greatly appreciated.

MR. BRAVO: Yes. One last thing I wanted to mention to, Wilma, is that the Dow Dupont Chemical or actually a neoprene company is closing down in Kentucky and moving here to --- Louisiana.

MS. : Looking for you, huh?

MS. SUBRA: Oh, yeah. That was because I was fighting them over there, so they figured they'd bring it all to me.

MR. BRAVO: Bring it to you.

(Laughter.)

MR. BRAVO: So stay tuned.

MS. EADY: Thank you, Jose.

MR. BRAVO: Thank you.

MS. EADY: J. Kyle Bryant, Fort Valley, Georgia.

J. Kyle Bryant

MR. BRYANT: Good evening, and before I begin my statements I would just like to preference it by saying that I apologize for the ideological philosophical tone to them, or the cynicism, but I would just like to say that we as Americans generally are not socialized to be concerned about environmental protection. People are most concerned about how destroying the

environment ultimately will bring about our own demise. The current approach to addressing environmental injustices seems to focus on brokering levels of acceptable risk to the have-nots, and as long as private industries are driven by profits in this country there will never be true collaboration made between them, governmental agencies, and impacted communities.

As America becomes more ethnically diverse, something to consider, it is logical to assume that the dynamics of power and privilege will also change. So if you follow that train of thought to its end point then it would be both naive and premature to conclude that the values, priorities, and national interests would remain constant. One possible way to address this pending reality is for the EPA to spearhead the reeducation of the entire US population in terms of humans' connection to the environment. As Americans become more informed their consumer choices should change, thus forcing industries to alter or augment their processes in order to maintain their market share. This would have to include of course an in-depth assessment of our core values as a nation, which is where I think the real problem lies.

So in terms of cumulative risk, personal economic loss is currently not being factored. The cumulative risk draft speaks briefly to the gaps in the statutes. Here is an example of personal

economic loss. Homeowners that reside in superfund or brown-field communities not only risk environmental impacts and health issues, but property devaluation as well. In Fort Valley, Georgia, as the brown field project I manager I coined the term brown houses. The term implies that residences that exist within superfund or brown-field communities are economically stigmatized. There is an obvious disconnect between the EPA and the Department of Housing and Urban Development, HUD, concerning this manner. In the sale of commercial or residential properties, environmental site assessments are required to make the deals happen. Upon the bank's discovery that there are known or perceived environmental contaminants present in many cases this kills the financing opportunity. So you have families that are stuck in communities that have smaller degrees of toxicity so they don't get remediated and people can't sell their homes at proper face value to move out of those communities, so they are stuck.

So there needs to be some intense educating of the housing industry, including banks, mortgage lenders, real estate brokers, et cetera, about environmental impacts, public health, and the projected risk assumptions. So my basic question is who should be responsible ultimately for the collecting, maintaining, and sharing of data relative to this brown houses phenomenon?

MS. EADY: Thank you. Mary Nelson.

MS. NELSON: Charles, is HUD in on the Interagency Working Group?

MR. LEE: Yes. They are.

MS. NELSON: Okay. It would seem to me that this kind of issue about the value/non-value of houses that are -- have potential or in potential places with this is really an issue that it would be a neat one for the Interagency Group to look at or to get -- you know, to get HUD to really do some creative kinds of examination.

MR. LEE: No, I agree. Yes. We could talk more about that.

MS. NELSON: Okay. And it might be good if you -- you are the director of the brown field project there?

MR. BRYANT: Yes.

MS. NELSON: Okay. It might be good if you have some specific examples of, you know, a bank and what the bank's comments was why they wouldn't then finance it, et cetera, et cetera. To write that up and to give -- to make that available, because I think the more examples we can get of this issue that it will be easier to help bring it to HUD's attention.

MR. BRYANT: That's not a problem, but it is not a common occurrence. I would just like to state as an environmental consultant or former environment consultant basically there is a requirement in the housing industry to have these environmental clearances on property.

MS. NELSON: I am well aware of that.

MR. BRYANT: All right.

MS. NELSON: We do a lot of housing ourselves.

MR. BRYANT: So I guess my only point is that EPA in superfund communities sometimes will issue actually letters to home residents saying that you can't use your attic, like in Fort Valley. So you have two-thirds of a home essentially, and so how are you going to see two-thirds of a home to someone who is a potential buyer and who is responsible for telling that future home buyer about the environmental liabilities that are associated with that residence. That is a gap that needs to be addressed, and HUD can't take the ball without EPA's clearance, and EPA has reluctantly dropped the ball.

MS. EADY: Thank you, Mr. Bryant. Our next speaker is Anne Rolfes from the Louisiana Bucket Brigade, New Orleans, Louisiana. Let me just see if some other people are in the room so they can get -- start making their way. Willie Jean Turner,

Educational Asthma Support Team, New Orleans, Louisiana. Debra Ramirez, Citizens Against Contamination, Lake Charles, Louisiana. Ms. Rolfes, you can begin.

Anne Rolfes

MS. ROLFES: Well, it is nice to be sitting between two fellow Louisianans. Thanks for your time. Like a lot of other people, I have a whole lot of stories about people who are suffering from cancers and strange diseases. I spend my time working along Cancer Alley with communities who live next to oil refineries and chemical plants, showing them how to use the buckets to take air samples to document some of the problems that they live with.

What I would like to talk with you all about tonight is the issue of the outstanding notices violations, which I think is really a practical way to solve some of the problems that are happening. A lot of times we can come and list, give a laundry list of problems in communities, and the solutions if they exist at all are amorphous. But in some communities there exists already notices of violation that only require the enforcement. The investigations have already happened. The documents have been gathered, and what lacks now is the will to do something about it.

In Shalmet, Louisiana, which is about 20 miles away from here, not even that many miles away from where we are sitting right now, there is an Exxon Mobil facility that among other things is averaging one incident, one flaring incident, every six days. That was during the year 2003. In a meeting there week on Thursday night there was a living room crammed full of about 40 people, and you have heard the stories tonight. You know what the stories are. People talking about their strange cancers, about respiratory problems. In one block of 17 homes, 16 have been struck by cancer.

The good news there, though, is that there is what I have got in my hand here, a notice of violation. It is a notice of violation issued by the EPA to several different Exxon Mobil facilities around the country, and it was issued in 2002, and I would like to just read a couple of lines from it. One says that this notice of violation documents a pattern of nationwide environmental noncompliance at Exxon Mobil facilities, refineries nationwide, and in this example at the Shalmet refinery between at least 1981 and early 2002 the Shalmet refinery illegally burned noncompliant gas fuel in at least two heaters. It goes on to say Exxon Mobil's illegal combustion of untreated vacuum tower vent gas resulted in significant excess SO_2 emissions since 1981. This document is dated 2002.

Meanwhile, there has not been any action on this notice of violation that we are aware of, and we have been asking for communication about this. Last summer in July we had requested for some time a meeting with EPA officials, and we finally got one, and they sat at the kitchen table with the community members there and assured us that resolution of these notices, of this notice of violation, was forthcoming. Nine months later we haven't heard from them.

So our request today is to ask, number one, an update in writing of the status of outstanding -- of this notice of violation, which again touches on Exxon Mobil facilities in Region 6, but also in other regions. So this could have impact for places beyond just Louisiana. Secondly, I think a resolution -- this has got to be happening in regions outside of Louisiana, outside of Region 6. There is no doubt about that. So we request resolution of those notices of violation also.

I know that you earlier had stated that enforcement was easy, and I wish that it were, but it does seem to me that this is a practical step that you as the advisory council could take where, again, the work has been done. It is sitting in somebody's file somewhere, and what remains now is to do the active of resolving them, of either cleaning up the problems, using the equipment that

they need to use, and hopefully inflicting some serious penalties on the facilities. So that is I think a very clear step that can be taken, and I want to make a couple of other requests regarding refineries in particular. In Louisiana, although a third of the population is African American, within three miles of the refineries here in Louisiana over half of the population is African American. So it certainly bears out the statistics that this council was created for.

The first request was to deal with these notices of violation. Second is to stop this so-called accidental pollution that happens through the flaring and through other mechanisms. The third is to tell the truth about air pollution. We are training people to use these buckets, which is really good of course because people can finally get some answers about what they are breathing, but it is a really sad day when the community members have to go out and take samples. Number three, stop rubberstamping permits. Refiners should not receive new permits when there are outstanding notices of violation. Finally, five, require refineries to become the good neighbors that the claim to be. They ought to paying for a lot of this monitoring. They should be paying for warning systems and providing healthcare to the victims of their pollution. Thank you.

MS. EADY: Thank you, and I should clarify. Enforcement should be easy where EPA has jurisdiction.

MS. ROLFES: Yes.

MS. EADY: Ken.

MR. WARREN: I just wanted to say that we are fortunate at this meeting to have Phyllis Harris here, who is our Deputy Administrator for OECA, the enforcement branch of EPA. She will be at the Enforcement Subcommittee meeting tomorrow morning, and you might want to on a sidebar just let her know what the issue is. I don't know whether she will be familiar enough about it or be able to say anything about it off the top of her head, but she is certainly in a position to follow up.

MS. ROLFES: Thank you. What is her name?

MR. WARREN: Phyllis Harris.

MS. ROLFES: Okay. Thanks.

MS. EADY: Thanks, Ken. Mary.

MS. NELSON: You spiked my curiosity about these buckets. Tell me a little bit more how they work and --

MS. TUCKER: No, not now.

MS. : Not now.

MS. ROLFES: Yes, we can do it. Yes, we can do it on the side.

MS. : Thank you.

(Laughter.)

MS. EADY: Thank you. Good job, Connie. It is not that we are not interested. I think a lot of us know about it already, but -- yes, it would be great if you -- and anybody else who is interested, get a demonstration. Okay. If no other questions, thank you very much.

MS. ROLFES: Can I give you some written comments?

MS. EADY: Yes.

MS. ROLFES: Okay.

MS. EADY: Willie Jean Turner, Educational Asthma Support Team, New Orleans, Louisiana.

Willie Jean Turner

MS. TURNER: My name is Willie Jean Turner, and I live in New Orleans, Louisiana. I am an asthmatic, and I started an educational asthma support team because of all the pollution which is in the air and each day this air harms me and other people. Living in New Orleans has been a challenge to people with breathing problems. In our neighboring parishes there are so many chemical plants. These plants do have elements that are being released into the air, and they are harmful. When an explosion occurs and the gases are released into the air we are told there is

no danger if we are not in a certain radius or if the wind is not blowing in our direction. Well, we are not stupid. We know that those chemicals are harmful and are polluting the air we breathe. How can EPA with a good conscious tell people in other communities that we are not affected? When chemicals are released into the air they travel. They are not contained in a one set area. If you release a balloon into the air do it stay in a contained area? No. It travels.

There is a rise in asthma cases. Children and seniors are being affected more. Breathing is becoming very difficult from the polluted air. More sinus are being reported. I am asking NEJAC to request EPA to do a better job in policing the air we breathe by making sure factories are doing what they are supposed to and stop trying to take shortcuts. This is very important, because pollution is causing many health problems throughout the country. The problem is not only for asthmatics, but for other people, taxpayers and the government. Thank you.

MS. EADY: Thank you. Any questions from the council? Wilma.

MS. SUBRA: Do you have any idea of the sources?

MS. TURNER: As Anne stated -- okay. I live in ---, which is about 15 blocks from here.

MS. SUBRA: I know where it is.

MS. TURNER: I live right across. The river is separating us. So it's coming from the Shalmet plants, which is the Shell Company and -- what is that, Mobil? Mobil across the river, and this air is -- every day I can go outside and I can breathe this air. I call EPA and I will tell them something foul is in the air, and they tell me it's no concern. My backyard for August and September, all my plants had black mold on them. I didn't know what it was. It was a black substance. They came out and tested, but they said it wasn't harmful to us, it was only a substance called black mold, but I didn't get any explanation to how all of the plants in three yards had this black mold and where it came from.

MS. SUBRA: Okay. Thank you.

MS. EADY: Thank you, Ms. Turner. Debra Ramirez.

Debra Ramirez

MS. RAMIREZ: My name is Debra Ramirez and I'm from --- parish, originally from Mossville, which I heard everybody was tired of hearing about, and we're kind of tired, too, because we're tired of being sick and we're tired of burying our family members, and we're tired of hurting and having bad health, and we're tired of EPA denying and being in deceit. Because what has happened to Mossville, people -- and I'm always writing notes, but you know

what? For some reason I just don't follow them, so I'm going to go ahead on and glance at them, and them we're going to talk about some things, because EPA, I came to them in 1993, 1994, 1996, 1998, 1999, and now in the year 2004. When I first met with the NEJAC board I had to fight my way on because they were closing the meeting and no one had heard from me, and I had took a flight that I didn't very well like. I had to get aboard a little plane that bucked me all kind of ways, and it was my first time traveling on an airplane. Just like tonight I came a long ways, and I'm tired. I know that other people have spoken and everything, but sometimes you lose your train of thought and what you're going to say and how you're going to say it, and five minutes just don't do it for me, but I'm sure others as well. But I'm going to go ahead on and give this a shot.

You see, I know that we have health problems, because we had three different surveys telling us, and Wilma Subra did one. Green Peace did another, and I may even say four. Our attorneys did one, but it didn't count too much because a survey was done by Dr. Legate* out of Galveston, Texas that very well showed that we had health problems and health affects from where we were living and from what we were living under. Instead of that report showing the same thing from that toxicologist, we never even got a

report to show what it said or how it said because of class action abuse. I want to throw that in. That's a terrible thing, and that's when the attorneys as you know get all the money and the people that suffer the most doesn't. Our health is being affected in many ways. Endometriosis, asthma, emphysema, respiratory problems, eye, cornea disease, I can go on, even skin rashes called --- acne.

We have Vista, which is now in our area of Mossville still, and they had --- Vista which changed over to ---, and we also have PPG and other industries in that area that throw stuff our way all the time. So even though those who have moved out of the community, are no longer there, they have all been affected because some of those people are dead. Some of the 28 that took the blood docs and tests are dead, and we are tired of being -- seeing our children be sick at young ages, including myself. I suffer with so many pains, joint pains right now and tightening of my skin. I've heard of people turning as hard as stone in my community. I've heard about the young girls who have lost their ovaries and tubes where it was eaten up, literally eaten up. I've heard about women who have had partial or full hysterectomies, and the government does nothing but turn their back.

They come in and they already know what the problems were because there were many communities before ours who had addressed these problems. Everybody here has either been a repeat coming in here with the same issues of cancer, health, cancer, health, and now it's time for EPA to really take a look at these cancer clusters and quit running from community to community trying to avoid giving the correct answer to the community that they ran from. It's time --- for all of that, and I can go on and I can tell you about the Cajun Kitchen which I used to work at over behind the Sheraton Chateau Charles which they closed down. They guard it very tightly because of the wells being contaminated there with ethylene dichloride, EDC. There were two of them, and they were way above the standards that the EPA allowed. I can tell you also that they should have tested at least a half-a-mile in diameter, which would put Mossville or the community where which I come from, which is called Belair Lincoln Heights by right, but it's part of Mossville.

That they never gave a report about it, they never reported the water being contaminated, but yet in this report it says -- and it is the Report of Expert Opinion on --- Vista Company in Lake Charles Chemical Complex, West Lake, Louisiana, and it was by a Michael D. Campbell, PGPH, Campbell and Associates,

Houston, Texas. The Plaintiffs was --- Vista Company out of Houston, Texas, and Conoco, Inc. in Houston, Texas, in the matter of Vista Chemical and Conoco v. ---, Inc., and that was dated August the 26, 1997. In this statement this is what it says. I mean, there are some more, and I have already submitted this in and talked to this with EPA and ATSDR and everybody else I could talk to it about, but yet I was kind of like pushed to the side about it.

I have identified two modes of contaminant entry. Number one resulting from the physical trauma of drilling in open contaminated formations and carrying contaminants --- ongoing drilling in installation of the well. Number two resulting from porous grout in the upper section of the well allowing contaminants to trickle down the formation face over
--- entering any --- zone encountered and eventually finding its way to the well's bentonite seal. Whatever remained after being degraded by the contaminants such as fluids --

MS. EADY: Ms. Ramirez, can I interrupt you?

MS. RAMIREZ: Sure you can.

MS. EADY: Have you submitted that into ---?

MS. RAMIREZ: I have submitted this before, and nothing was done about it. And such fluids would then enter the filter --- well springs for subsequent sampling, and it goes on to end. I'm

going to end it like this. It says because of it's --- in the 200-foot sands it says that when the --- completed of satisfaction of LDEQ. So that means that governmental entities already know about these things, and the most important thing it said, it would be expensive to remediate both --- phase --- and dissolve --- chlorinated hydrocarbons such as -- in such depths. And it also talked about then it would required to mount an effective mediation program to further protect this important source of drinking water. So you see these people know. EPA knows. LDEQ knows. DAH knows. Everybody in the government knows that there is a problem, not just in Mossville, but in the United States as a whole, and as long as they try to ignore the truth and try to go around it instead of attacking it head on because they know that if the main public which we are called end users or poor, indigenous, whatever you want to call us, once people really realize what has happened to them they're going to be pissed off, and that's -- excuse the expression or the word that I used, but when they do they're going to have lawsuits coming out of their behinds, and this is why. This is the truth why they won't address the health for Mossville or any other community. Until they come front with us we're going to always be sitting in this room. We're not going anywhere. We're going to always be sitting here, and we're going to always be

talking and telling you all what EPA needs to know that they already know. You can keep killing up the world, but they better realize they are in it, too, and that nickle and dime that they get from industry ain't going to help them, honey, when it come down to health. Because when you are dead, you are dead. You're not coming back here, and when I got to sit and see even my own child suffer or my children suffer, or my husband, or my brother, or my cousin, or whoever. I lost my dad. I lost a sister at 45 years old. This, I did, who had two children and could not finish raising them because she had what she had from being exposed, overexposed to chemicals. So I can go on and on, but your five minutes is not going to get me, but everybody that do know me, they know what I speak is truth. People can keep closing their eyes to the fact, but they better look around and they better see that the shark is coming to shore and dying or attacking folk, and they're not just doing that for nothing. If you can watch the whale drown and beach itself you better know. If they don't clean up there act and get it together and start telling the truth and telling folk the truth, but what it is, and I'm talking EPA or whoever else is in concern and these industry folk, everybody is going to be dead after a while. But like I told them, if you got to run to my house --

MS. EADY: I really need you to wrap up. I have a lot of people waiting.

MS. RAMIREZ: I'm fixing to wrap up.

MS. EADY: Okay.

MS. RAMIREZ: I'm fixing to wrap up, because you know you have to wrap up, and I know that, but most of the time I sit by there and I hear them go over, but it's no wrap to it.

MS. EADY: I know. It is just that we have a lot of people who have been waiting a long time.

MS. RAMIREZ: I understand what you're saying, but let me get my point out, because I had to wait, too, and the thing is is it's time now for the truth, and the truth is light and it's going to set everything free, and I hope that it get printed just the way I said it. Thank you.

MS. EADY: Hold on just a second. Let me see if we have any questions. Wilma.

MS. SUBRA: Debra, thank you very much for coming. We will never get tired of hearing about Mossville. Debra was the original community leader in the Mossville fight, and she is still there and she is still fighting. She talked about the ground water contamination issues and the air emissions. It is one of the vinyl chloride air contaminated communities as well as the Rubbertown

area of Louisville. It also has the community of Mossville with elevated levels of dioxin in the blood and continued emissions of dioxin into the air from the industrial facilities that surround Mossville. It is a big deal. It needs a lot of evaluation in order to address the problems that the citizens deal with on a daily basis. Debra, if you could be here in the morning, Pam Kingfisher's Committee on Health and Research is having a presentation on Mossville and I am going to present some of the new data if you are interested. If not, I will be glad to send you a copy. But again, thank you for coming and we are never tired of hearing about Mossville.

MS. RAMIREZ: I appreciate that and I would appreciate it if you would send it because I came here. I came here tired. I done been from one end of Louisiana to the other because I had to bring my daughter back, but I was determined to get here to say what I had to say, because now is time to tell the truth. I've asked EPA to do it because now is time to correct all that is wrong, and they cannot do it yet, and until they learn how to do it we're going to keep on coming back.

MS. EADY: Before you leave can I just -- I just want to ask one question of Charles and then get Connie's question as well. I know that Mossville has been coming here for a long time

and Lake Charles, and so my question is I know that a few years ago there was a joint meeting of Waste and Facilities Siting and one of the other subcommittees, and it seemed like -- and there were a couple of regions here, too. I think Region 6 was here and -- so my question is, what has happened since then?

MR. LEE: You know, I can't give you the specific answer because I know that this is after -- this is before that meeting. There was a -- when Jerry Clifford was the Deputy Regional Administrator in Region 6. I think this goes back to even before I got to EPA. It was something like 1999, 1998. EPA began a measuring initiative as a result of a discussion with Debra and others around Lake Charles and Mossville. Subsequent to that one of the things that happened was the ATSDR study which lead to the discussion with everyone at the NEJAC in Atlanta. That was in 2000. So subsequent to that I know that there has been, you know, attention from Region 6, but I am not sure of the specifics of it. But one of the things that I had in my notes to do was go back to Region 6. I mean, there are a number of Region 6 issues that comes up here that -- you know, that after this meeting we will follow up, just like with the issues about Native Alaska, to go through and make sure that, you know, they have them or they have some kind of strategy to address them.

MS. RAMIREZ: I thank you once again, and also if anybody else has any questions I answer, but they haven't been doing too good of a job because you still have people who are out there who do not really realize what kind of danger they are in living under such complex as these are huge industries, and those who moved out, like said, that part of that community was moved and part of it wasn't. If I didn't say it I'm saying it now. But so much info has been given on the Mossville area of --- Parish. You see, they left there and they focused in on coming and doing Lafayette, which I have no problem, to compare to what we went through in Mossville. That's two separate entities. That's two separate situations. Maybe they needed to do that, but you got 28 people who has high dioxins in their bodies right now that's representing all of Mossville. That's way above the standards that EPA allows, and if EPA is not coming clean about things that has happened in that area -- because we got it through the air. We got it through poor grouting. W got it through shale brought in from contaminated water out of a lake. We got it washed down when it overspills in the plant or if it was released in the plant rather. We got it. Our ditches run throughout our community, and the only thing that was separating us from that plant or those plants are streets and two ditches. Any direction you go, north, south, east,

or west, we're getting it. We're getting pound, and they are still getting pound, and this is what I want EPA to acknowledge, that we have children out there that has never been tested that need to be tested. You got other people out there who has different diseases of cancer that they never recognized it as being a cancer cluster in that community. There's a lot of things that EPA needs to go back on and really meet with the people of Mossville and quit meeting with a handful and meet with the people of Mossville. Now if they can't get them out the house then go knock on the door. I told them that before. If you can't get them out the door then go sit down with them and talk with them, but them know what's going on. It's time. It's time.

MS. TUCKER: I just want to say thank you to Debra for the -- you have been working on this for so long, and I know it must be very frustrating. I applaud you for your persistence.

MS. RAMIREZ: Thank you.

MS. EADY: Thank you for coming. The next three speakers are Tom Goldtooth, Indigenous Environmental Network; Susana Almanza, Southwest Network for Environmental and Economic Justice; Genaro Lopez, Southwest Workers Union, San Antonio, Texas.

MR. : Who is first?

MS. EADY: Tom, you are first, whenever you are ready.

Tom Goldtooth

MR. GOLDTOOTH: Did you get my Powerpoint presentation? No?

MS. EADY: We are handing it out.

MR. GOLDTOOTH: Well, I would like to recognize the Executive Committee. My time hasn't started yet, but I just wanted to recognize the Executive Committee. I've been here many times sitting where you are sitting. I think our -- the record was -- I don't know, it was after midnight, and we always used to nudge Charles Lee because he would always go to sleep, but he would continue to keep chewing his gum.

(Laughter.)

MR. GOLDTOOTH: So we knew that he was still processing what we were saying. So I'd like to just compliment everyone's dedication here. You are staying late, and the Chair, I've been there a couple times filling in for Hayward, so I know how it is as a Chair. Okay. So I just wanted to say thank you for time and dedication hanging in here. I'd also like to recognize Kent. I notice that all the NEJAC meetings, you know, we strive to get people from the different regions and central office, and he always

tends to hang in there to the wee hours. Okay. So I just wanted to recognize. Now my five minutes.

MS. EADY: Okay. We will start.

MS. GOLDTOOTH: Okay. Some of things I wanted to say. You got a copy of my presentation and comments, and much of this has been said earlier, but I'm speaking on behalf of our Indigenous Environmental Network and I wanted to bring your attention to some issues that were brought to NEJAC in the past. It was good to see a couple folks here. It was good to see some old school activists, I call them old school, and some of the new ones coming up, but some of the things that were addressed here at NEJAC I just wanted to mention.

Okay. One of those is that it's been a couple years -- a couple years. I'm not just talking two years. I'm talking about a couple years since a request from the Alaska Native with support of the Indigenous Peoples Subcommittee, the International Subcommittee, many of the members of other subcommittees, myself, the Executive Committee. We heard testimony from Alaska Natives that they had some big issues and they wanted to have a NEJAC meeting in Alaska. So I just wanted to say once again for the record that the Indigenous Environmental Network stands in full support, you know, of the Alaska Natives' request to have a

NEJAC meeting up there. You know, as our head cheese right now of this country says and gets in the habit of saying, "You're either with us or you're against us." But I hope that NEJAC and the office and EPA would work with us, with our allies, and it seems to be a strong request to support the request of Alaska Natives to a NEJAC meeting up there. It can be done. I know that when this came up as an issue a couple of years ago Region 10 got together, the Indian coordinator Region 10, the EJ office coordinator of Region 10. They started breaking out their calculators, and the price of the tickets and putting this together was not a factor. They came out with the facts and figures that it was financially feasible.

So when I hear excuses, and that is what they are, you are going into the belly of the beast in Alaska. It is very political. That is petroleum country. There are so many waivers and exemptions when the petroleum industry wants to do what they do and get away with it. One book here that I brought here that we are reading right now in the Network, it just came out, is "Cumulative Environmental Effects of Oil and Gas Activities on Alaska's North Slope." Just like we found in the EJ movement in the Native EJ movement, that a lot of activities and siting of these industries and activities that took place in the '70s and the '80s, they literally started percolating out of the ground in the late '80s

and '80s. Now we have the same situation where they found from this study is that there are some serious issues in the North Slope from the petroleum industry. So there are definitely some big issues coming up out there. We just wanted to say there needs to be some action. I am going to bring this up in the Indigenous Peoples Subcommittee and make sure that something comes with this.

Also I wanted to bring out the issue of the international arena. In the years past we have also made requests of the importance of NEJAC to advise the EPA Administrator on matters pertaining to the application of the Executive Order on Environmental Justice to activities that EPA is involved with within the international community. These requests also apply to international activities and EPA and the Department of State are involved with that impact local, state, and national policies on the environment. The US through the State Department with the EPA and other federal agencies are active within global initiatives such as the UN Framework Convention on Climate Change. Another example is the issue that isn't just a local domestic issue, but an issue that has global consequences. The US environmental program -- I mean the UN environmental program undertook a process to develop a global assessment of Mercury and its

compounds. To complete the global mercury assessment, UNEP is what it is called, established a working group with participants and governments, NGOs, non-government organizations, and the private sector. But part of what they found in that meeting, a report that came out of there of the significant adverse impacts to human health and environment from mercury to warrant international action. So we have an International Subcommittee, so I would like to remind this Executive Committee of the importance to address these international issues and that we need to get that subcommittee active on these and to advise the agency on policy matters that impact our people of color and our indigenous communities. Last in my closing, I borrow that statement from Richard Moore in summary in closing --

MS. : Oh, no.

MR. GOLDTOOTH: Okay. I just wanted to submit to you, it is a new IEN fact sheet on the issues of climate change and global warming. I wanted to say this is a real issue. Since the early 1990s the eco systems of the mother earth have been compounding changing, and I am using that word compounding in change. The earth is in an accelerated spiral of climate change and global warming. Then when you combine that with the continued production of toxic chemicals, and then we get into the

serious crisis issue. We are asking that this body look at this issue. Especially it disproportionately impacts our people of color, or low income, our indigenous peoples, especially those in the arctic area. It will continue to be a crisis as an environmental issue, and that NEJAC needs to seriously look at scheduling some kind of session on climate justice in the near future. Thank you.

MS. EADY: Thank you, Tom. I just have a comment. You may have noticed from the binder the enrollment on some of our subcommittees is kind of low at the moment. I mention that because there is nobody in the room right now I don't think that serves on the International Subcommittee. Phil Hillman, who is the chair of International, will be here tomorrow, and so I just want to make sure that he gets a copy of this as well. So if you have an extra one we will make sure that Phil gets it. Terry.

MR. WILLIAMS: Just a comment to Tom, and I appreciate your raising the climate change issue. It has been an issue I have been following and working on for a number of years as well, but just in the last couple of months from Tulalip we finished a climate change model of the Snohomish River, which is about 7,000 miles of river and tributary next to our reservation. We looked at not only climate change, but the effects of land use or microclimate along with the global change, and what we are discovering in our

research is that the microclimate or the land use impacts exacerbate the effects of climate change. A lot of the effects that we see are being multiplied by these different types of activities that we are doing to our landscape, but it also tells us that there is a way to start affecting the impacts by trying to take care of some those original eco system functions that have been altered.

MS. EADY: Thank you. Any other comments or questions?

(No response.)

MS. EADY: Thank you, Tom. Next is Susana Almanza. I keep mispronouncing your name. I'm sorry.

Susana Almanza

MS. ALMANZA: Good evening, members of the National Environmental Justice Advisory Council My name is Susana Almanza, and I am here today on behalf of the Land Use and Rights Campaign of the Southwest Network for Environmental and Economic Justice to submit commits regarding our deep concerns in the decisions and/or actions being taken on Title VI Administrative Complaints submitted to the Environmental Protection Agency and the "Draft Revised Guidance for Investigating Title VI Complaints". The Southwest Network is an organization which comprises over 55 grassroots community-based organizations in

the Southwest and the border states of Mexico formed to address environmental degradation and other social, racial, and economic injustices that threaten our communities.

As many studies have shown and as our personal realities reveal, people of color and indigenous communities are often disproportionately impacted by environmental hazards. Since 1993, community leaders and organizations have filed 143 complaints with the EPA under Title VI of the Civil Rights Act of 1964 to combat and confront environmental racism with no fruition. In most instances Title VI complaints have been filed because states have historically taken a narrow approach, looking at particular issues of what is required to grant a permit and not at the broader impacts of siting of a facility. By failing to look at adverse disparate or cumulative impacts, community groups often resort to Title VI complaints as a resource of recourse. Yet, of the 143 Title VI complaints that have been filed with the EPA, not one has been found in favor of the complainant; 82 have been rejected, 28 dismissed after acceptance, two informally resolved, and two referred to another agency. We would like to emphasize that most of the complaints were dismissed or rejected for technical reasons, not because of a failure to find discriminatory effects, pollution violations, or adverse disparate health effects. Even more

troubling than the numbers mentioned above is the lack of involvement of the complainant and/or the community in the review process, investigation process, and decision-making when informal resolutions or site-specific agreements are reached as in the case in the state of Texas, where agreements were made and not one of the complainants were involved in the process.

The "Draft Revised Guidance for Investigating Title VI Complaints" has failed to incorporate any substantive recommendations made by the Southwest Network and other environmental justice groups, suggestions pertaining to policy for accepting complaints, the rights of the complainants in the review process and investigation process, the method for determining disparate impact, and the development of a broader policy that covers enforcement, cleanup, and other relevant issues. Not only is the revised guidance unresponsive to the concerns raised by the environmental justice community, but it also introduces many new provisions that place Title VI complainants at even greater disadvantage.

The rights of the complainants have been eroded to the extent that they cannot possibly participate meaningfully in the review of investigation process or decisions related to informal resolution, area-specific agreements. Statements that economic

benefit may be a justification for disparate impact continue to perpetuate environmental injustice and racism within communities of color. Also, the guidance sets forth procedures for the recipient to appeal the decision, yet this process does not exist for the complainant or the community who believe that their complaints have been inappropriately dismissed. The EPA has stated the Title VI administrative process is not an adversarial one between the complainant and the recipient. EPA does not represent the complainants, but rather the interests of the federal government in ensuring nondiscrimination by its recipient. As a result, there are no appeals rights for the complainant built into EPA's Title VI regulatory process. Complainants, however, may be able to challenge the recipient's action or EPA's ultimate findings in Court.

What about the interests of the community? Many community residents do not have the resources to hire a lawyer and to take the issue to Court, much less pay for studies and analyses as required to prove a claim. In the majority of instances the complainant and/or community is totally dependant on the EPA to ensure civil rights.

I was sent here today to say enough with the environmental racism. NEJAC along with other environmental agencies must pursue justice in our communities. The health and

the lives of our communities, our families and communities, are not for sale. We would recommend that members of NEJAC, EPA, the Office of Environmental Justice, and the environmental justice organizations come to the table and address the aforementioned concerns through a series of face-to-face meetings to look at what has and has not happened and what steps should be taken. We appreciate a response by May 31st, 2004. Signed on behalf of the Southwest Network, and I have also attached just for reference -- not everyone got this, but it's a letter where a complaint -- several people. There is complaint one was dismissed and we could not appeal, and also a draft environment justice Title VI of the Civil Rights Act fact sheet by the Network. Thank you.

MS. EADY: Thank you. Chip.

MR. COLLETTE: Susana, of course we will see each other tomorrow, but my question is does your group understand the difference between a disparate treatment and a disparate impact civil rights case?

MS. ALMANZA: Yes. Where there was intention or -- that's the whole process.

MR. COLLETTE: Limitations that have been placed -- yeah. I wondered about that, and the mathematics that go into a disparate impact analysis.

MS. ALMANZA: Yes, and it's up to -- a lot of it is up to different interpretation also.

MR. COLLETTE: Thank you.

MR. LEE: We will make sure the Office of Civil Rights, you know, receives this, and, you know, have them get back with you in terms of your request.

MS. EADY: Judy.

MS. ESPINOSA: Thank you for bringing this to our attention, and actually thank you for giving us a deadline. Because I think it behooves us on this advisory council to really take into consideration the fact that we ought to get back the Network about something; and, you know, thank you, Charles, for saying that you will send it to your council, but I seriously doubt we will have something by the council by May 31st. I think, you know, the fact that we hear this all over our communities on Title VI actions is appalling to me, and I don't want to go on about it, but it is -- you know, our civil rights are just being eroded in our communities because of the interpretations that are being done here, and I think it behooves us to press this as a group. I would like for us to at least make sure that we have some response in a reasonable period of time, and that would be close to the request for a deadline that the Network is stating. I think it is true for -- we have

heard this before from people who have come to tell us there has been no followup, or there has been no response, or they don't know what has happened to some of their complaints over the years, and I think that it would be nice to at least acknowledge that the letter was sent, that it was passed on somewhere, and that something will happen hopefully or at least we acknowledge that it was there. I think that is true not only for Susana and her request from the Network, but also for anybody else who came here tonight. That it behooves us to at least acknowledge the fact that we are doing something, we here, or something may be done, and that is true I think for some of the indigenous complaints that we have heard tonight that no one ever seems to get back to them about anything. That is very frustrating for me to hear, so I hope that we can at least do that and commit that to writing in some way.

MS. ALMANZA: Well, I really appreciate that, because I have to tell you that you will probably be setting a record if you do respond. At least NEJAC would be responding, because EPA itself doesn't even follow its law. It has to respond by a certain amount of days when we file a complaint, and, I mean, our complaint has been since 1995 and it is still -- part of it is still pending. So you talk

about 2004, and so EPA doesn't even follow the laws of the land about when it is supposed to respond to that.

Also I would like to add that in those, making those agreements with the state, that the state also -- and EPA needs to make sure that it cc's those groups who filed Title VI complaints in those states. For instance, EPA and TCEQ in Texas have made agreement, yet we weren't sitting at the table, nor do we know if the State of Texas has been complying with all the different things that were put into that agreement. So it is very important that EPA and the State of Texas make sure that it cc's especially those complainants from the state of Texas as to what was in that agreement and whether it is compliant and when it reports that we be cc'd also.

MS. ESPINOSA: Yes. I think it is important, too, and this letter is written to us. It is not written to the EPA. It has got copies to the EPA, so if -- Madam Chair, I would be happy to work with you on drafting a response of some kind. But I do think that what you just said about feedback from the EPA and from the regions and from the states on what is happening with some of these so that you don't have to -- I mean, the burden is always on the communities to continue to figure out what the heck is going on on all this stuff, and it just would really be nice if things could just be

posted even on a website as to what the status of some of the complaints are and where they might be in the process. That kind of open communication would do a lot I think to alleviate the burden from the communities to continue to come forward and come forward, and ask and ask, and write letters and write letters, and on and on we go, because you all have a lot more important things to be doing than continuing to request information.

MS. EADY: Judy, thank you. I would be happy to have your help on followup on this. Susana, thank you.

MS. ALMANZA: Thank you.

MS. EADY: Genaro Lopez, Southwest Workers Union, San Antonio, Texas.

Genaro Lopez

MR. LOPEZ: Thank you, Veronica. Again I want to thank everybody that is here at this late hour. I know it takes a lot of commitment, so thank you for staying. Like Veronica said, my name is Genaro Lopez. I come from Southwest Workers Union in San Antonio, where our struggle like many of the people that spoke here today is around a federal facility. Formerly known as Kelly Air Force Base, it has now been closed and is Kelly USA, a private industrial park, industries like Boeing, Lockheed Martin, GE, other industries like that.

What I wanted to say first is that Southwest Workers Union -- I am also here representing the Committee for Environmental Justice Action, which is a local organization that is fighting the struggle against the Air Force Base, is that we continue to witness environmental racism alive in our places of work, play, pray, study, and prayer. As the EPA has failed to meet numerous community demands health, cleanup, land use and revitalization in our community, 10 years after the Executive Order on Environmental Justice our communities in San Antonio and across the nation are still heavily impacted. Our communities continue to be disproportionately burdened and ignored by the EPA and other regulatory governmental agencies and continue to take an inactive, ineffective stance towards protecting people of color, indigenous peoples, and poor people from environmental toxins and pollutants.

Kelly Air Force Base officially closed on July 13th of 2001, and the surrounding communities have received no answers regarding the contamination of over 20,000 homes and thousands of workers that worked on the base also. To date there is no cleanup plan for the contaminated communities near the Air Force Base, no responsibility from the Air Force for the alarming level of health problems like cancers, ALS, leukemia, asthma, central nervous system disorders, et cetera, et cetera, that exist within the

Kelly communities and the ex-workers of Kelly Air Force Base. No affected community participation in the decisions made on cleanup, economic development, or health, and no accountability from the EPA or the Texas Commission on Environmental Quality to the affected communities.

We were also one of the groups that was visited by the Federal Facilities Working Group in San Antonio. I briefly read through the report during my time here, which is the first time that I have seen it; and, you know, what was appalling to me was we were the last group that was met with. The community was the last group that was met with in San Antonio. They had spoken with the Air Force, they had spoken with the Metropolitan Health District, the had spoken with everybody first, and the first question that was posed to us and the community was, "Well, what we've heard from the other people is that it's just a group of rebel rousers. So what do you have to say about that?" Now, we felt that was very offensive, especially as an opening question to a meeting that we are having with the subcommittee of the National Environmental Justice Advisory Council. So I wanted to state that, and also in the report it states that the Air Force has a great public participation model, and that they are doing this and that they are doing that, which I totally disagree with. When you look at the

Restoration Advisory Board and who sits on that board, it is not affected community members that sit on that board. What they describe as communities could be somebody living as far as 60 miles away from San Antonio. Now that is not the voice of the affected communities within that board, and again it is an advisory board, and our communities don't want to be sitting on advisory boards. We want to be sitting on boards where decisions are being made, where we can have a direct impact on decisions that are being made that effect our families, that effect our lives, and so forth.

So those are some of the things that I wanted to point out in the Federal Facilities Working Group and on the site visit that the did to us, and also we had set up a meeting with the folks that came from the Federal Facilities Working Group, and to counter that the Air Force then sets up a meeting on the same date in order to split up the group. So we had some of the group then go to the Air Force meeting, even though they had met with them before. We put a lot of effort in pulling together community folks at one of the community's homes, but then again the group that came was split up. So that was another big fault on the visit from the Federal Facilities Working Group.

1 Also another disturbing piece is the direction that
2 environmental justice is now taking with the EPA and saying that it
3 is environmental justice for all. Now this is total devaluation of the
4 indigenous, people of color, poor people, communities, and we feel
5 that EPA needs to take a firm stance on that against the Bush
6 Administration, which we have seen roll back our protection of the
7 air, roll back our protection of the water, and roll back our
8 protection of the soil.
9 Another thing that I wanted to stress also that Susana
10 talked on was the whole question of Title VI and the state of Texas
11 being the number one state that has filed the most Title VI
12 complaints, and not one has been found in the favor of
13 communities. Not one has ever said that, yes, you were
14 discriminatory and you are going to be punished. That has never
15 happened, and another important question is this relationship has
16 now been developed with the state agency TCEQ and EPA on
17 resolving the Title VI complaints in the state of Texas. What is that
18 process, who is involved in that process, and how were our
19 communities able to participate and informed about what this
20 process was?
21 Another piece that I wanted to touch on is also the
22 question of the power that exists here with the NEJAC. I think we

1 have seen documents come out of here. I think, you know, if you
2 look specifically at the guidelines for public participation that were
3 developed out of the NEJAC, who follows those guidelines for
4 public participation? In our community, the Air Force doesn't follow
5 those guidelines. The TCEQ doesn't follow those guidelines.
6 ATSDR doesn't follow those guidelines. So we also have to look at
7 the power that exists with the NEJAC to implement these policies
8 and enforce these policies, not only within EPA, but with other
9 regulatory agencies.
10 I was also informed about a tracking system that was
11 supposed to be developed in order to keep track of, you know,
12 people have said I've been here, I came in 1999 and I haven't had
13 any type of response. You know, NEJAC and EPA also need to
14 have that tracking system in place and working in order to be
15 accountable to these communities. If you leave it hanging then that
16 lack of accountability is what frustrates people and makes them
17 come back, and come back and come back, because there is
18 nothing coming back to them. So they feel that participating on this
19 board they should be receiving some type of answers, and I
20 support that, that answers should be coming back to them.
21 So we demand, you know, from the EPA that it become a
22 transparent organization that is accessible, accountable, and

1 responsive to community organizations, that it compels state
2 environmental agencies like TCEQ and other agencies like ATSDR
3 to take action on the issues of the lack of public participation,
4 environmental racism, and racial discrimination, and that EPA also
5 take a firm stance, concrete stance, on the cleanup standards that
6 must be achieved in community around Kelly Air Force Base and
7 insure that those measures are rigorously enforced. You know,
8 when we look at federal facilities, you know, they say that we are
9 encroaching on them on the question of military readiness. Well, I
10 think that, you know, that also needs to be looked at. I think that
11 they are encroaching on our communities, they are impacting our
12 health, and they are not cleaning up what they left behind, and I
13 don't think that this is an -- you know, I think this is an excuse that
14 they are using, and I will leave it at that. So thank you for your
15 time.
16 MS. EADY: Thank you, Genaro. Judy.
17 MS. ESPINOSA: Thank you. The federal facilities keep
18 coming up, and a lot of it isn't within the jurisdiction or purview of
19 EPA, but what is in the jurisdiction and purview of EPA is to
20 convene and collaborate, and to intervene and to provide
21 feedback. I would just like to suggest that I guess it has been 10
22 years since the order and 10 years since the Interagency Working

1 Group came to the NEJAC more or less, and maybe 10 years later
2 we ought to, as Terry suggested, get some of these other federal
3 folks back, particularly the defense agencies to come in and talk to
4 us about what is going on and why things appear to be eroding. I
5 mean, I have dealt with these federal agencies for many years
6 now, and they play hardball, the defense agencies, in the DOE and
7 the DOD, and they are not going to play anything but hardball.
8 Quite frankly, and I don't like to say this in open public
9 forums too much, but quite frankly the only thing that I have found
10 that has worked is not shame, and is not facts, and is not data, and
11 is not anything. What it is is pure political muscle. It is going to your
12 Congressional representatives, it is going to -- which who often
13 time condone a lot of what goes on anyway, but it -- you can
14 always shame the political people into trying to do something, but it
15 just really takes political pull at your state legislators, with your
16 state legislatures, with voters, and with a lot of people.
17 But, you know, I think it is time we stopped thinking about
18 all the communities that are contaminated by these defense and
19 these federal facilities as expendable communities. That these
20 folks just walk away and all of us as taxpayers are paying for this
21 continued contamination, and poor healthcare and disproportionate,
22 cumulative stressors that are put on these communities. We all pay

for this. The Defense Department doesn't pay for it. The taxpayers pay for it, and those communities are taxpayers and we are taxpayers, and yet they walk away from this and they have no regard for what has happened after the contamination has occurred. They get that because they have many exemptions and waivers; and, you know, maybe if we start now trying to get rid politically in Congress and statutorily and whatever else in the exemptions and waivers, maybe in 10 years from now we will actually have some Congressional mandates that will allow for real contamination cleanup and real justice in some of these communities. But we really do need to talk about I think bringing folks in, because there are serious considerations that need to be made to start some Congressional action, because that is the only thing that is going to happen.

MS. TUCKER: Perhaps you should attend the Waste and Facilities Siting Subcommittee's meeting if you have a particular interest in federal facilities. You made some points, and I am not going to speak on them because I am too exhausted quite frankly, and one of them I wanted to maybe tomorrow talk with you about, the EPA's -- the Bush Administration's initiative around environmental justice for all. I think that it is important for us to

analyze what is happening around environmental justice policy, and we have to stay on the same page about that. I am not sure.

Well, it is just too late and I understand now why perhaps nothing happens through the public comment period. I mean, it is just not sustainable. I mean, people are exhausted here. We have been working here since 8:30 this morning, and I am sorry. I mean, it is not too intelligent a response that is going to come from people who are this fatigued, and I think maybe we ought to look at restructuring how we do public commenting.

MR. LEE: Let me just say a few things, if I may. On Friday morning there is going to be on the agenda a discussion of the Office of Inspector General Report. You know, that pertains to the question that you, Genaro, and Connie raised, you know, and I think it is very important to really sit down and talk about it and to -- I would urge that you be part of that, you be there for that discussion, and that -- you know, that that be part of a long-term discussion around a set of issues that I think are really, really, really very important, but it is not time to get into.

The second question, which goes back down to the question that came out in the very beginning of this around the issues around Alaska and our speaking to -- and I said I don't mean to be insensitive, I mean to be realistic about undue expectations.

Because we went through with the members of the NEJAC and with a lot of community people a three -- four-year process of looking at the role of the NEJAC and not marginalizing everything under the NEJAC. Because it used to be in the --

MS. : But not ---, Charles.

MR. LEE: No, no. It used be. Just let me finish. Because I think we need to just kind of say it but discuss it later. It used to be that every single concern that was voiced at the NEJAC was tracked, and every single concern a letter went out to the person that voiced the concerned, the program office that had responsibility for it, and so on and so forth. You know, and when it came down to it, the response a month before the -- three weeks before the NEJAC meeting all of you got letters, you know, and I can tell of all the letters, all the paperwork that went by and how many things actually got resolved. So, I mean, the question becomes, you know, it is important to have these forums, but we need to go further than that, and so it is not -- you know, this is a real discussion we need to be having, and I just want to say it because I don't want to just leave it out there as though a lot of concerns that you are raising aren't being thought about. I don't think we have all the answers. One of the answers was to really get decision makers, you know, with the people with the problems.

At 10:00, at 11:00 at night, who is the only EPA official sitting here? I mean, who is the only EPA official sitting here?

MR. LOPEZ: I mean, I didn't make the decision to have public comment at this time.

MR. LEE: You know what I am saying? So what I am saying is this. What I am saying is this. We need to have a discussion. We should have a discussion about this, a transparent discussion, but it isn't -- you know, I just want to give a little bit of background on some of the thinking that has gone on around this, and I don't think -- I think it is not time right now to really fully go into it.

MS. EADY: We have a couple more people. Oh, three more people who want to comment. One thing that I will say is that Connie is right. We are exhausted. But I do want you to know that I have been taking notes, and people who have asked for a response or some sort of a letter or something from NEJAC I have noted that, and there will be something coming from NEJAC to respond to these things. I don't know how effective these things are going to be. I mean, I think as a council we are going to need to talk and figure out what it is we want to do about some of these things. You know, the pilgrimage that make from Alaska to come here, how do we respond to that and what can we do? You

1 know, we will put some thought into how to respond to this, the
2 letter that Susana Almanza brought, this --- letter about Title VI, but
3 I can tell you that we will strive to provide some sort of a response,
4 at least from this body, to the testimony that we have heard. So I
5 just wanted to say that. Andrew, Mary, and then Ken.
6 MR. SAWYERS: You know, I hope my response is not
7 too sort of unintelligible. You know, as Connie said, it is pretty late.
8 But the one thing I would like to say, you have had a chance to at
9 least review sort of the basic ideas in the Federal Facilities Working
10 Group, and I would invite you to submit any comments in writing so
11 that we can incorporate your thoughts in the report. As I said
12 previously, it is a draft report and, you know, we -- at some point it
13 will become a final report, but it is a draft report. It is open for
14 public comments. Anything that you would like to submit in writing,
15 you know, we will certainly consider it.
16 MS. EADY: Mary.
17 MS. NELSON: I just want to saw I guess I was thinking in
18 the same vein as Judy over there around the federal facilities thing
19 and particularly the ones we have heard about tonight and we
20 keep hearing about, and I think it is a political solution, and I don't
21 know -- I know EPA can't and we as the formal NEJAC can't
22 always respond in that way, but I am wondering if a convening of

1 the communities impacted by these federal facilities to understand
2 some common denominators, coupled with whether it is the Black
3 Congressional Caucus, the Hispanic Caucus, identifying the
4 Congressional delegations of these communities that are impacted
5 by that and whether some synergism could happen so that our
6 Congressional delegates could begin to try to insert some things
7 into the appropriations or whatever else it is that comes through.
8 That begins to raise some accountability to the communities in
9 which these federal facilities are located. I know our Congress
10 people are always pushing to try to get federal facilities in their
11 areas, and they think that is a plum, but we also then need them to
12 think about that relationship to the communities. So I think we have
13 got to figure outside of the NEJAC. I don't know who the
14 convening or how we could get this mobilized, but I think we have
15 got to think in those terms.
16 MR. GOLDTOOTH: Veronica, real quickly. Some of the
17 innovations that have come out of the NEJAC and efforts out of the
18 Office of Environmental Justice in response to that statement
19 started to happen in Alaska a couple years ago. Charles was
20 there, Danny, but it was an effort to develop an environmental
21 justice workshop track within the Alaska forum on the environment,
22 and that was the main vehicle where a lot of the Alaska Native

1 people come from the village, from the rural areas to Anchorage.
2 The State of Alaska is involved, the corporations are involved, the
3 Department of Defense, to start this dialog of how do we address
4 these issues. In my presentation I didn't mention because of the
5 time factor, there were commitments made by the federal agencies
6 to start this collaboration to address these issues in a systematic,
7 in a realistic way, and there were commitments made to a lot of the
8 Alaska Native people who were there that something was starting
9 to happen.
10 Okay. We are concerned that there hasn't been any
11 followup. The federal agencies basically dropped the ball, and I am
12 not pointing the fingers at anyone because it just so happened that
13 one was assuming that another agency was going to take action
14 and have a conference call, at least a teleconference call to start
15 the process. So what they started doing is working within the
16 federal -- the Interagency Working Group, and then we started to
17 profile only select communities. One out of 200 communities gets
18 all attention, and that just pisses off other communities that don't
19 get any attention, probably won't get any attention within the next
20 20, 50 years. That model does not work, but that is a tool that we
21 can utilize. There are different strategies.

1 Okay. It is just that I am saying that we have to look at
2 these things, and it is late, but there has been a lot of good effort, a
3 lot of good ideas. Some of those good ideas have been shared
4 and have come from communities that were here, from other
5 people that weren't here, and how do we start this process to
6 have true dialog on this within NEJAC
7 -- within NEJAC -- and, you know, a lot of people aren't here that
8 have been involved with that. We need to somehow schedule that
9 in, have these discussions, because we have been there many
10 times before.
11 MS. EADY: Thank you. Ken, have we got your comment
12 yet?
13 MR. WARREN: No, I haven't. I wanted to make two brief
14 comments in response to your presentation, and I in making those
15 comments want to acknowledge the concerns that you have
16 expressed and how real they are and that they need to be
17 addressed. The first is the issue of environmental justice for all. I
18 think that the strategies that need to be employed in today's political
19 environment are necessarily complex, and I think what we need to
20 do is not get hung up on the verbiage, but rather take a look at
21 what the Office of Environmental Justice in particular has been
22 doing to help minority and low income communities. I think if we

1 look at all the good work, we will come to the conclusion that
2 perhaps the strategies were intelligent strategies and that they
3 have in fact kept their eye on the ball, and that the work that that
4 office is doing has really been for the benefit of those communities
5 specifically as well as for all of us generally. So I think they have
6 taken some bum rap in terms of verbiage without people looking
7 behind the words to see whether in fact they are doing what they
8 should be doing, and indeed the dedicated staff has in my view
9 been doing an excellent job.
10 The second is the issue of federal facilities, and there
11 we have to acknowledge we are currently involved in war, and
12 the Department of Defense are the people with the guns. So if
13 there ever was a time for a strategy of collaboration and bring
14 people together in some sort of consensus-building strategy this is
15 it, because the Department of Defense is now in front of Congress
16 asking for exemptions from environmental laws at the same time
17 that we are I think quite appropriately arguing that there needs to
18 be greater enforcement of environmental laws and greater
19 participation by the Department of Defense. So for those people
20 who are advocating consensus-building strategies, I think it goes to
21 Judy's point, it is just realistic given today's political environment
22 and what we at least -- my personal view. I shouldn't say what

1 we want to do, but I want to accomplish is to see actual results on
2 the ground, some environmental cleanup, some benefit to
3 environmental justice communities, and I think the strategies that
4 Barry and Charles and others have been advocating are really in
5 today's environment the best path to those results. So while I
6 appreciate your concerns and I think those concerns need to be
7 addressed, I also applaud, Charles, you and Barry and others for
8 the way you have handled things.
9 MS. EADY: Thank you, Ken.
10 MR. LOPEZ: I mean, I am thinking that I just wanted to say
11 that, you know, I am not in agreement totally with what you said
12 about, you know, the great work of EPA and those type of things
13 because our communities are still very heavily impacted; and I think
14 that those strategies need to be developed on the ground, not on
15 the top. It needs to be a bottom-up process, not a top-down
16 process, which is something that we constantly have to be battling
17 for within our communities.
18 MR. LEE: You know, just let me just say one thing. Tom
19 made a point, and he alluded to some efforts that were started,
20 which I think were really good efforts that started, you know, in
21 terms of attention in Alaska and in terms of collaboration and work
22 with other federal agencies. But, I tell you something, the situation,

1 the kinds of challenges in terms of doing -- you know, bringing
2 other federal agencies together, particularly around environmental
3 justice within this particular climate, are pretty challenging. You
4 know, and so I think that, you know, I just say that to say that those
5 good ideas are still good ideas, you know, and they need to be
6 furthered. But the sense of frustration that you might feel is also
7 shared greatly by the rest of us in terms of trying to, you know,
8 make those things happen, and perhaps, you know, another way
9 of looking at this is I totally understand what Tom says when he
10 said, you know, what gets me, what is -- you know, this is a
11 whole issue of pilots versus, you know, really integrating
12 something programmatically. You know, and like I used to say,
13 that, you know, we are not in the business of doing pilot projects,
14 to just to pilot projects, but to go further beyond them; but the thing
15 is that you start there, and you start there in terms of the lessons
16 and the experience and then you start there and really -- one of the
17 best ways to leverage that is to really promote the successes of it
18 so that it can be shared. But, you know, that is another long
19 discussion that we need to have, and I think, I mean, that is what
20 lead to the collaborative problem-solving grant programs and things
21 of this nature, but that is -- there is a larger discussion in there
22 about -- you know, there is a larger discussion in there about not

1 just, you know, how -- what should the federal government do, but
2 what the states governments do or what everybody -- but also in
3 terms of how the community can get -- the impacted communities
4 can position themselves better to make better use of the kinds of
5 resources that they do have. So I think that that is another, you
6 know, something that at 8:00 in the morning, not at 10:00 at night,
7 we should be having discussion about.
8 MS. : 11:00.
9 (Laughter.)
10 MS. EADY: Thank you both. Council, we are not there
11 yet. We have just a few more people, so have some more sugar.
12 Richard Burton, Jr., St. James Citizens for Jobs in the Environment.
13 Thank you for being so patient. Martha Arguello, Physicians for
14 Social Responsibility, Los Angeles, California. Mr. Burton, when
15 you are ready.
16 **Richard Burton, Jr.**
17 MR. BURTON: I am Richard Burton, St. James Citizens for
18 Jobs in the Environment. Before my time gets started I would like to
19 say something. I guess you would wonder why I was number
20 four last night and I am number 29 tonight. When I came in
21 yesterday morning I signed in for both nights. I went out after a
22 few people had came up to see why I was not on the list. I had

1 submitted the original one of these forms to the people at the desk
2 that stated I was going to speak on this particular subject, and they
3 said that I could not speak on this subject last night. I would have
4 to do it tonight. So I told them it was okay. Then I was informed
5 that the only thing that we could speak on was being spoken last
6 night by you all. So I told them then, well, I can speak on that, too,
7 because I had that in my package. Now, if you notice, the package
8 that I gave you yesterday, it would have the first thing on it would
9 be the Webber Marine and the burning of the grain and also the
10 farm organization and the waste material. That would be on
11 number
12 -- that would be the third page, which is marked number four.
13 Then went to the other stuff. I guess you would ask how I feel
14 about it. Well, I don't feel too good about it, because I still have to
15 drive 60 miles to my house tonight.
16 Okay. I know all of you are tired, because I am very tired
17 also, but maybe you would not be so tired if I tell you that there is
18 possibility that you are using contaminated sugar to sweeten your
19 whatever.
20 (Laughter.)
21 MR. BURTON: This farm organization that I am telling you
22 about is being paid by --- to take human waste sediment and

1 dispose of it. The way they are disposing of it is to taking it to
2 Convent and spreading it on the sugarcane for fertilization. Maybe
3 some people don't realize that human waste will make crops grow
4 very fast and very big. Also Rubber Marine is taking the grain,
5 burnt grain from New Orleans. New Orleans is paying Rubber
6 Marine to take it to Convent to get rid of it. What they have been
7 doing, they have been using that for compost on the fields. Many
8 people have gotten sick because of the smoke coming from this
9 burnt grain. It is not like a fire. The grain starts smoldering in the
10 middle and it continuously gets hotter and hotter. The people in the
11 community contacted DEQ to have them to check into it. DEQ is
12 supposed to have sent someone out at 5:00 in the morning to
13 check the odor and also to check what was the complaint. At 5:00
14 in the morning if this person did come, what they do in the air and it
15 being cool, they would not have smelled anything, plus the fact that
16 they did not notify anybody that they were coming. So whether
17 they came or not is very doubtful.
18 This guy, the farm organization that wanted to put the --
19 they wanted to build a pit to put the waste material in until it was
20 time for the farmers to use it. They had a public hearing on it, and
21 at the public hearing they were so many people against it that the
22 farm organization withdrew. The first thing they did, they made a

1 mistake by letting a lawyer talk for them and told them that it would
2 have a small odor. Then they let me talk right after them, and I had
3 information from the Justice Department that if it has any odor at all
4 it is not treated. These people have been using that prior to the
5 date of the public hearing, and they are still using it.
6 What I would like for you all or someone to do is to
7 prevent the burnt grain from coming in our area, because they
8 have made quite a few people sick. As I stated last night, there are
9 a lot of people that have upper respiratory problems, and to smell
10 this odor, too. The burnt grain smells like burnt coffee, and a lot of
11 people don't realize what is, but all they know is that they smell
12 something. Another thing I would like for you to do is to prevent the
13 waste from being spread on the fields in our area. I am sure that
14 somebody somewhere can prevent all this stuff from happening.
15 Alongside a senior citizen place where the senior citizens go for
16 meals and things some of that stuff was spread and some of the
17 seniors got sick.
18 We have been fighting all kinds of pollution in our area,
19 but it seems like every time we come to report on a different
20 subject it seems like we are the ones who are lying. That is not so.
21 When we was in a struggle with Syntech* we asked for people to
22 come to our area so they can see for themselves. Many of you

1 come from a city. In this city you got streets. You can go down
2 one street then go out another street. Out there we have streets.
3 You go in the street, you come back out the same street. You may
4 have one or two major streets where you wouldn't have this
5 problem. We are suffering. No one is going to help us, but you are
6 going to eat that sugar. Thank you.
7 MS. EADY: Thank you, Mr. Burton. Wilma.
8 MS. SUBRA: Thank you for coming back and bringing
9 those issues tonight. Some years ago when EPA had the Project
10 Excels I got a call from someone at EPA one Friday that said they
11 were getting ready to approve a project on Monday. St. James is
12 one of those river parish communities that Mary Lee spoke about
13 yesterday. It has a lot of industrial facilities, it has a lot of swamp,
14 and it has a lot of sugarcane. Well, what the Excel project was
15 going to allow was the mixture of radioactive waste from the
16 Gypsum waste with sewage sludge and using that to spread on
17 the fields in order to dispose of the radioactive waste. Well, I
18 worked diligently over the weekend, and by Monday I provided EPA
19 enough information that stopped it. Well, then one day Jefferson
20 Parish, which is the parish where the airport is here in New
21 Orleans, in a big urban area, wanted to send their sewage sludge
22 to spread on these sugarcane fields in St. James. We worked the

technical issues. Everything you described was there in the hearings. We appealed it, and we lost. We have very few regulations on the spreading of sewage sludge on agricultural fields, and that is a big issue right now as you know all over the country. My question to you is, one, have additional areas sent waste there, or is it still limited to Jefferson Parish; and, two, on the Webber Marine, was it a one-time burnt grain, or is it an ongoing issue?

MR. BURTON: No. It's ongoing for several years now. In fact, when we was in the process of the struggle with Syntech* we showed the parish government pictures and also movies of the stuff being burnt, the smoke that is coming off of it, and nothing was done. Just recently the parish government again, some of the people in the community, called a meeting, and the parish government was there, the same people. Nothing is done. When we contacted DEQ, DEQ said they can't do anything about it because it is a maritime law. It is on the water. Then when they take it out of the water with trucks and they put it by --- sugar farming they say, "Oh, we cannot do anything about that because --"

MS. SUBRA: It is agriculture.

MR. BURTON: "-- it's agriculture."

MS. SUBRA: Right.

MR. BURTON: So it one of them situations where somebody got to be able to do something.

MS. SUBRA: Okay. I will look into it and get back with him. I will follow up on those two things.

MR. BURTON: Something that they have been doing, too, putting it in the river. It has been poured in the river. In fact, I know that for a fact because when I first got in Convent in 1980 I was doing it myself. I didn't know any difference, but now that I know better I don't do it, but it is being put in the river. Thank you.

MS. EADY: Mr. Burton, I just want to apologize to you for having to wait for so long. I apologize for the mixup, and I do want to thank you for coming and being patient and giving testimony. I don't know what NEJAC can do to respond to your issue, but it is in the record and we will put forth -- well, Charles is about to say something. I will let Charles finish my sentence.

MR. LEE: All the questions that have been raised in terms of Region 6 issues, Jonathan Hook is back there, and you know Larry Starkey* had a meeting with Region 6 stakeholders. You know, we will sit down with them and go through all of them and, you know, make sure that -- I mean, these are all Region 6 issues, but we will make sure that this is all brought to their attention and,

you know, they are well aware of places like Mossville and other places, and St. James Parish. But the thing is that, you know, I am not totally sure exactly what is the state of what they are doing with them right now, but it is certainly important to keep raising it to their attention.

MR. BURTON: Well, I would have liked to be here tomorrow. I have another meeting tomorrow morning at Xavier University. I am going to keep struggling. Thank you.

MS. EADY: Okay. Please drive safely. Mary, you have your card, and Andrew.

MS. NELSON: I just wanted to say the issue of sludge that Wilma brought up is a broader issue than just this region, and so I just hope some way or other we -- some later time we spend some more time on that issue of sludge and what is happening to it.

MS. EADY: Absolutely, and Andrew.

MR. BURTON: Well, one of the main things that they have been saying is that because of the fact that it is sediment, it is suppose to be the human sediment, that it is not harmful. If it has anything to do with human it is harmful.

MS. EADY: Andrew.

MR. SAWYERS: This is not a question or anything for Mr. Burton. I just want to say thanks to Wilma. You know, for the last

two days I have heard so many things in Region 6 and Wilma has promised to get back to every one. Wilma, I just want to thank you for the work that you have done on behalf of these communities. You deserve just about everything that has come your way. Thanks.

(Applause.)

MS. : You deserve a car every three years.

(Laughter.)

MS. EADY: Andrew, I know that you are tired, so thank you for being able to collect your thoughts to say what all of us here on NEJAC feel. We are about to adjourn, but please let me -- just bear with me for a minute so I can make an announcement. Please be sure to take everything with you, except for our name tents I imagine. Leave our tents. Leave your name tent. Please be sure to take everything. This room is going to be broken into four rooms, two rooms for the subcommittees to meet tomorrow.

MR. LEE: Did we make an announcement about your son's restaurant invitation?

MS. SUBRA: No. You can. I gave away all my sheets of paper. My son is the chief chef at La Cote* and tomorrow night, since that is the only night Charles give us off, we are going to go there to have dinner.

MR. LEE: So you all are invited.

MS. SUBRA: It's a seafood restaurant, and he will have a private area that we can sit to talk and all. It is seven blocks from here. It is across ---.

MS. : Oh, thank you.

MS. : What is the name?

MS. SUBRA: La Cote*.

MR. BURTON: Excuse me for a minute. Something that I forgot, to present one of these books to Charles.

MR. LEE: Okay.

MR. BURTON: (Away from mic.) It is --- our hometown. What is is an environment book that --- of the communities of the United States wrote together on how community --- that is a polluted area can reduce their pollution, and I --- to my parish president DOC, and they are saying that it is in the book.

MS. EADY: All right. Thank you. Goodnight, everybody.

(Whereupon, the meeting adjourned at 11:25 p.m.)