

MEETING SUMMARY
of the
PUBLIC COMMENT PERIODS
of the
NATIONAL ENVIRONMENTAL JUSTICE ADVISORY COUNCIL

**May 23 and 24, 2000
ATLANTA, GEORGIA**

Meeting Summary Accepted By:

A handwritten signature in black ink, appearing to read "Charles Lee" with a stylized flourish.

**Charles Lee
Office of Environmental Justice
U.S. Environmental Protection Agency
Designated Federal Official**

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**Haywood Turrentine
Chair**

**CHAPTER TWO
SUMMARY OF THE
PUBLIC COMMENT PERIODS**

1.0 INTRODUCTION

During its meeting in Atlanta, Georgia, the Executive Council of the National Environmental Justice Advisory Council (NEJAC) held two public comment periods, the first on Tuesday evening, May 23, 2000 and the second on the evening of Wednesday, May 24, 2000. During the two sessions, 61 individuals offered comments.

This chapter presents summaries of the testimony the Executive Council of the NEJAC received during the public comment periods and the comments and questions that the testimony prompted on the part of the members of the Executive Council. Section 2.0, *General Public Comment Period Held on May 23, 2000*, summarizes the presentations on general environmental justice issues offered on that date, along with the dialogue those presentations prompted. Section 3.0, *Focused Public Comment Period Held on May 24, 2000*, summarizes the testimony offered related to community environmental health and environmental justice issues during the public comment period held on that date and the dialogues between the presenters and the members of the Council that followed those presentations.

Opening the fifteenth meeting of the NEJAC, Mr. Haywood Turrentine, Executive Director, Laborers Education and Training Trust Fund (an affiliate of the Laborers International Union of North America) and chair of the Executive Council of the NEJAC, thanked the members of the council and the public who had traveled considerable distances to attend the meeting. Mr. Turrentine requested that commenters adhere to the specified guidelines to ensure that everybody on the schedule would have an opportunity to speak. He also asked that members of the Executive Council to focus on expressing questions and observations in response to the issues presented. Mr. Turrentine added that members of the council would be welcome to ask questions intended to clarify a comment offered.

**2.0 GENERAL PUBLIC COMMENT PERIOD
HELD ON MAY 23, 2000**

This section summarizes the comments presented to the Executive Council during the general public comment period held on May 23, 2000, along with

the questions and observations those comments prompted among members of the Executive Council.

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

**2.1 Elizabeth Crowe, Chemical Weapons
Working Group, Berea, Kentucky**

Ms. Elizabeth Crowe, Chemical Weapons Working Group (CWWG), Berea, Kentucky, stated that her organization is a national coalition that works to ensure the safe disposal of chemical weapons in the continental United States and U.S. territories located in the Pacific. Ms. Crowe noted that she had spoken at the previous meeting of the NEJAC, held in Arlington, Virginia in December 1999. At that time, she said, she had discussed environmental injustices within the U.S. Department of Defense's (DoD) chemical weapons disposal program and chronic problems associated with the U.S. Department of the Army's (Army) chemical weapons incinerators in the Pacific and in Utah. The Army has illogically insisted on constructing additional incinerators in minority communities located in Oregon, Alabama, and Arkansas, continued Ms. Crowe, despite the availability of safer, more acceptable non-incineration disposal technologies.

Ms. Crowe stated that, since the December meeting of the NEJAC, Mr. Gary Harris, a former employee of the Utah incinerator, had alleged that, to maintain the Army's operating permits, the Army and its contractor intentionally falsified information submitted to the state of Utah. Those allegations corroborate handwritten statements and memorandums released to the CWWG by Mr. Steve Jones, safety manager at the Utah incinerator, she stated.

On Monday, May 8, 2000, she continued, when chemical agents were released from the incinerator smokestack, the Army waited four hours before notifying county officials. The public was not notified until Wednesday, May 10, she added. Further, she pointed out, requests for basic information about the incident made by citizens during a public meeting were ignored.

Ms. Crowe stated that the U.S. Environmental Protection Agency (EPA) is poised to grant the Army a permit to burn shipping tubes laden with

polychlorinated biphenyls (PCB) in the incinerators. The permit is applicable to any chemical weapons incinerator, including the one in Anniston, Alabama, she said, but a public hearing was held only in Utah. Ms. Crowe pointed out that minority communities should not be subjected to the risks that incinerators capable of releasing live chemical agents pose when safer non-incineration technologies have passed demonstration tests successfully.

Ms. Crowe then expressed her belief that the existing subcommittees of the NEJAC are not well equipped to handle issues related to Federal facilities. She requested support from the NEJAC in “pulling” permits for chemical weapons incinerators in favor of safer, non-incineration technologies.

Mr. Tom Goldtooth, Indigenous Environmental Network and chair of the Indigenous Peoples Subcommittee of the NEJAC, stated that he was aware of several of the facilities Ms. Crowe referred to. Mr. Goldtooth noted that the incinerator at Umatilla Army Depot, Utah, burns toxic materials. That issue already had been identified as an environmental justice one, he said. He asked Ms. Crowe to verify whether the Umatilla Tribe has opposed the facility since its initial siting. Ms. Crowe verified that the tribe had expressed a number of concerns about the site, adding that over the preceding few months, several problems had arisen at the site. Ms. Crowe stated that 63 percent of the stockpiled chemical weapons in Oregon are identical to those stored in Maryland, where they currently have a pilot plan under construction for neutralization. A number of people in that affected community, including members of nearby tribes, favor that neutralization technology for use in Oregon, she added. Mr. Goldtooth also asked Ms. Crowe whether the Utah facility still was in operation. Ms. Crowe said that the incinerator had been shut down, on May 8, until the cause of the release of the chemical agents could be determined.

Ms. Annabelle Jaramillo, Oregon Office of the Governor and Vice Chair of the Air and Water Subcommittee of the NEJAC, asked Ms. Crowe what types of chemicals are involved in causing the problems. Ms. Crowe said that the types of chemicals involved are lethal chemical agents, nerve agents, and mustard agents.

2.2 James Friloux, Louisiana Department of Environmental Quality, Baton Rouge, Louisiana

Mr. James Friloux, Louisiana Department of Environmental Quality (LDEQ), Baton Rouge, Louisiana, reminded the members of the NEJAC that

they had toured the community of Norco, Louisiana during the meeting held by the NEJAC in Baton Rouge, Louisiana in December 1998. During that week, he continued, several industrial companies had alerted the community to a possible chemical release. Citizens of Norco attended the meeting of the NEJAC and, during one of the public comment sessions, expressed their concerns about living next to the Norco industrial complex, he continued. Following that meeting, Mr. Friloux said, he had formed a panel consisting of 30 members of the community and representatives of five industries. Topics discussed by the panel have included emergency response, evacuation routes, health issues, and job training, stated Mr. Friloux. Mr. Friloux expressed his view that the meetings had been very productive to date and that the formation of the panel has fostered an open dialogue between the citizens of the community and their industrial neighbors.

Ms. Rosa Hilda Ramos, Community of Cataño Against Pollution and member of the Air and Water Subcommittee of the NEJAC, asked Mr. Friloux what efforts the state had made to engage affected communities early in the Title V permitting process under the Clean Air Act (CAA). Mr. Friloux responded that information is shared primarily through a public hearing process. Ms. Ramos added that the Title V process is a very complicated one that citizens find difficult to comprehend and that it is necessary that the state share information to educate communities about the permits. Ms. Ramos then asked whether the state would be willing to extend the comment periods for some of the Title V permits that have passed without community participation. Mr. Friloux stated that the state had extended comment periods several times at the request of citizens.

2.3 Farella Esta Robinson, United States Commission on Civil Rights, Kansas City, Kansas

Ms. Farella Esta Robinson, United States Commission on Civil Rights, Kansas City, Kansas, stated that her organization had been examining environmental justice issues in Louisiana since the early 1990s. The commission, she said, currently is responsible for conducting fact-finding studies and hearings on civil rights developments and issues across the country. In 1993, the U.S. Commission on Civil Rights released a report, *The Battle for Environmental Justice in Louisiana ... Government, Industry, and the People*, which examined environmental concerns in Louisiana. The commission, she continued, currently is conducting a follow-up study because the problems in Louisiana

continue to exist. One of the recommendations made in the report was that EPA, state, and local officials consider Title VI of the Civil Rights Act of 1964 (Title VI) as an element of environmental justice and prohibit discrimination based on race. She invited the members of the NEJAC to a public hearing to assess successes and problems that continue following efforts made to implement the recommendations set forth in the commission's 1993 report.

2.4 Jerome Balter, Public Interest Law Center of Philadelphia, Philadelphia, Pennsylvania

Stating that he is an attorney who performs environmental work, Mr. Jerome Balter, Public Interest Law Center of Philadelphia, Philadelphia, Pennsylvania, noted that all his clients are community groups formed by minority populations who are experiencing problems with existing polluting facilities or proposed facilities. Mr. Balter explained that, since EPA releases its *Title VI Interim Guidance for Investigating Administrative Complaints Which Challenge Permitting Decisions*, he has been addressing issues related to Title VI. In his opinion, he continued, EPA's interim guidance does not address the disparities in health conditions that exist in this country. The guidance does not seek any information about the health of the community in which the siting of a facility has been proposed, he added. In response to that lack of information, the Law Center of Philadelphia developed an alternative guidance system, or an environmental justice protocol, he explained. The protocol is based on the philosophical concept that, if a community already has a disparately poor health record, it should not be made to endure the presence of another polluting facility.

Mr. Balter explained that the law center examines the health of a community on a comparative basis. All data used for comparative analysis are extracted from official state health data, he noted. While a community may not be familiar with the intricacies of the toxic chemicals, its members are familiar with their health, he explained. Mr. Balter stated that a system based on health should be implemented to replace EPA's proposed impact analysis and cumulative impact analysis, which do not address the protection of communities.

Dr. Marinelle Payton, School of Public Health, Harvard University Medical School and chair of the Health and Research Subcommittee of the NEJAC, observed that the Health and Research Subcommittee would like to consider the issue raised by Mr. Balter. Ms. Ramos then suggested that Mr. Balter engage in the process of commenting

on EPA regional environmental justice policies. Each EPA region must develop an environmental justice policy, she explained, suggesting that Mr. Balter work with the region to incorporate the concepts he had described into that policy.

2.5 Doris Bradshaw, Defense Depot Memphis, Tennessee, Concerned Citizens Committee, Memphis, Tennessee

Observing that a complaint system for Federal facilities is needed, Ms. Doris Bradshaw, Defense Depot Memphis, Tennessee, Concerned Citizens Committee, Memphis, Tennessee, stated that emergency response and preparedness are not addressed when removals of chemical weapons are carried out in her community. The community, which consists primarily of older people, is adjacent to a 60-acre landfill called Dunn Field from which the U.S. Defense Logistics Agency (DLA) is removing chemical test kits that contain mustard and nerve gases. DLA selected the emergency preparedness plan for the community, which is to "stay in place" in a worst-case scenario, she explained. The plan is not adequate, she continued, because the people live on a dead-end street with a 40 foot wall located at the end of the street making it impossible for those people to be rescued by air lift in this "stay in place" scenario. Further, she explained that DLA chose the middle of June to remove the chemical test kits; at a time when the weather is hot and humid. This "stay in place" scenario requires that residences stop using air conditioning, "stuff" towels under doors, and hang plastic sheets over windows to avoid contact with the air, Ms. Bradshaw stated. She expressed fear that such procedures would cause high incidents of heat related deaths. According to Ms. Bradshaw, the more the members of the community approach DLA, the more retaliation the community is subjected to. EPA also had been unresponsive, she added.

Ms. Bradshaw requested that EPA and the NEJAC implement a complaint system for Federal facilities so community voices can be heard. Mr. Turrentine acknowledged Ms. Bradshaw's recommendation and noted that the issue would be addressed by the subcommittees during the week. Mr. Turrentine stated that more research on the Federal facilities issue would be needed before it could be determined which direction the NEJAC should take, but added that the subcommittees would meet with representatives of the Memphis community to determine how they can act on the issues Ms. Bradshaw had raised. Ms. Ramos then asked what role the local emergency planning committee had played in Ms. Bradshaw's community, noting that complaints can be filed with that body. Ms.

Bradshaw responded that the local emergency response committee had informed DLA that the team was not prepared to deal with a chemical weapons emergency. Ms. Bradshaw told the members of the council that she would give them a letter explaining the situation that had been submitted to the highest-level official of DLA. Ms. Ramos noted that the law requires that a local emergency planning committee be maintained that includes a representative of the community and that it is important that the council address the lack of community involvement in local emergency planning in Ms. Bradshaw's community.

2.6 MaVynee Oshun Betsch, A.L. Lewis Historical Society, American Beach, Florida

Ms. MaVynee Oshun Betsch, A.L. Lewis Historical Society, American Beach, Florida, began her presentation by noting that she is the great-granddaughter of A.L. Lewis, who was Florida's first black millionaire. A.L. Lewis founded American Beach, a black beach community, in 1935, she said. Ms. Betsch pointed out that there are three telecommunications towers in the community. In addition, she continued, the community is surrounded by beach resorts, two paper mills, several military bases, and a coal-fired plant. Therefore, she stated, the air pollution is unbearable. Black males in northeast Florida are more likely than any other population to develop lung cancer, she continued, and, blacks in general have a death rate 2.5 times higher than that for whites. Developers are building seven new condominiums and placing the sewage treatment plant right in her community, Ms. Betsch said.

Ms. Betsch concluded by emphasizing that American Beach is a very special and historical place. Ms. Betsch requested that the Health and Research Subcommittee of the NEJAC encourage EPA to investigate air pollution cause by the towers. She stated that the telecommunications towers "are going up like cancer" that primarily affect black communities.

2.7 Sarah Craven, Sierra Club, Atlanta, Georgia

Ms. Sarah Craven, Sierra Club, Atlanta, Georgia, informed the members of the council that she would be discussing some examples of how the current regulatory processes and state agencies delegated authority by EPA are failing the communities they are designed to protect. Before the current year, she said, Alabama had no regulations governing concentrated animal feeding operations (CAFO) for hogs. The Alabama Department of Environmental Management (ADEM) allowed the CAFO industry to

recommend regulations, which the public then was allowed to comment on, she explained. ADEM appointed an environmental committee to provide recommendations about CAFOs to ensure the protection of public health and environmental quality, but ADEM subsequently neglected to accept any of the significant recommendations, she stated. As a result, she continued, the regulations were written by the corporations they were intended to regulate, which has resulted in CAFOs operating 100 feet from people's homes.

In Amelia, Louisiana, LDEQ issued a permit for hazardous waste incinerator operated by GTX without establishing any rules or regulations to govern the operations of the incinerator, Ms. Craven continued. The agency gave the public an opportunity to voice concerns about the issuance of the permit, but no agency decision maker was present during that event, she stated. Ms. Craven explained that the public was given only six weeks to read an excessive amount of technical information, learn to interpret that information, and provide comments. All the critical EPA health impact studies that demonstrate that the facility poses health risks were hidden from the public throughout the comment period, she said.

Ms. Craven pointed out that permit processes place the expression of views by citizens at the mercy of the agency, while the state agency justifies its decision on the basis of information provided by the corporation seeking the permit. Agencies are charged with protecting the public, she stated, but they cater instead, to the permitted industry. Communities therefore are forced to use the court system as their only recourse, and affordable representation is rarely available, she said. Ms. Craven stated that agencies should perform risk assessments, impact studies, and health studies before the permit process begins.

Mr. Luke Cole, Center on Race, Poverty, and the Environment and chair of the Enforcement Subcommittee of the NEJAC, informed Ms. Craven that the Enforcement Subcommittee was to hear a presentation on CAFOs during its meeting on the following day and welcomed her participation in that meeting.

2.8 Jeannie Economos, Farm Worker Association of Florida, Apopka, Florida

Stating that her organization represents more than 7,000 farm workers in Florida, Ms. Jeannie Economos, Farm Workers Association of Florida, Apopka, Florida, expressed concern for the well-being of farm workers because of the nation's

dependency on pesticides. Farm worker health is jeopardized by exposure to pesticides, she said. Despite the warnings set forth by Rachel Carson in her book *Silent Spring* (Houghton Mifflin Company, Boston, Massachusetts, 1962), the pesticide situation is worse today than it was when that book was published, she stated, with thousands of new pesticides being approved every year.

Methyl bromide is one of the most toxic pesticides and one of the most widely used today, Ms. Economos continued. Even though use of methyl bromide had been scheduled to be phased out by 2001, lobbying by “agribusiness” pushed the date back to 2005, she said. Ms. Economos pointed out that methyl bromide is 50 times more potent than chlorofluorocarbons in destroying the ozone layer, which leads to increased cancer rates. Instead of pursuing sustainable alternatives like soil solarization, integrated pest management, or crop rotation, agribusiness is looking for a “quick-fix,” she stated. The Farm Workers Association currently is protesting the use of toluene-2, which is being proposed by agribusiness to replace methyl bromide, she said.

Ms. Economos requested that EPA examine the pesticide registration process and research into alternatives to reduce the nation’s dependence on pesticides, especially methyl bromide. Mr. Cole then pointed out that methyl bromide has a disproportionate effect on residents of homes and students in schools located near the fields on which it is used. Mr. Cole stated that a Title VI administrative complaint had been filed at EPA because of exposure to methyl bromide in a Latino community in California, but, he said, the Agency had taken no action. Mr. Arnoldo Garcia, Urban Habitat Program and chair of the International Subcommittee of the NEJAC, stated that the issue was to be discussed during the meeting of the International Subcommittee on the following day. Mr. Fernando Cuevas, Farm Labor Organizing Committee and member of the International Subcommittee of the NEJAC, noted that a friend of his suffered a coma in 1979 after three days of exposure to methyl bromide while working in strawberry fields. Ms. Ramos pointed out the possibility of a catastrophic accident while transporting methyl bromide and stated that the NEJAC should not overlook the issue.

2.9 Chavel Lopez, Southwest Public Workers Union, San Antonio, Texas

Representing the Southwest Network for Environmental and Economic Justice, Mr. Chavel Lopez, Southwest Public Workers Union, San

Antonio, Texas, stated that people of color throughout the Southwest are organizing to create healthy communities. The Southwest Network is composed of more than 70 grassroots organizations, trade unions, and student groups throughout the southwestern United States and Mexico, he explained. For years, he continued, their communities have been treated as expendable members of society and have been exposed to toxic contaminants. Health care institutions do not know how to deal with the sicknesses that are a result of exposure to toxic contaminants, Mr. Lopez said.

Mr. Lopez pointed out that low-income, working class communities of color live in neighborhoods that are affected disproportionately by environmental hazards. In Los Angeles, California, a much higher percentage of Latinos and African-Americans than whites live in areas in which levels of air pollution are dangerously high. In addition, he continued, rates of lead poisoning and asthma among African-Americans and Chicanos are higher than among whites. For Navajo teenagers, cancer rates are 17 times the national average, while uranium spills from mining activities on Navajo land occur frequently and have contaminated their water, soil, and air, he said. U.S. farm workers, a majority of whom are minorities, are poisoned every year by pesticides, he added. The disproportionate siting of polluting industries and hazardous dumps in communities of color has contributed to the poisoning of their people, land, and air, he stated.

Mr. Lopez called upon the NEJAC to ensure that this health crisis becomes a priority for EPA and all other Federal agencies responsible for protecting people’s health and the environment. He then submitted a summary of a “health symptoms survey” that was conducted in San Antonio, Texas in communities contaminated by pollutants originating from Kelly Air Force Base. He stated that representatives of the Southwest Network had a productive meeting with Mr. Gregg Cooke, Regional Administrator of EPA Region 6, and Mr. Jerry Clifford, Deputy Regional Administrator of EPA Region 6, to discuss the contaminated areas in Texas.

Ms. Vernice Miller-Travis, Partnership for Sustainable Brownfields Development and chair of the Waste and Facility Siting Subcommittee of the NEJAC, asked Mr. Lopez what response his organization has received from the Air Force. Mr. Lopez stated that the Air Force did not accept the health symptoms survey. The Agency for Toxic Substances and Disease Registry (ATSDR) conducted a health assessment and found high cancer rates in certain areas, but did not attribute the sicknesses to contamination originating from the Air

Force Base, he said. Ms. Rose Augustine, Tucsonans for a Clean Environment and Vice Chair of the Health and Research Subcommittee of the NEJAC, asked about the need for adequate health care. Mr. Lopez responded that the community does not have adequate health care and that a majority of the people of the community cannot afford to meet their medical needs.

2.10 Marvin Crafter, Wollfolk Citizens Response Group, Fort Valley, Georgia

Mr. Marvin Crafter, Wollfolk Citizens Response Group, Fort Valley, Georgia, first stated that five minutes is insufficient time for representatives of communities affected by the problems created over the past 100 years to set forth their concerns. He then expressed a lack of trust in the NEJAC and EPA, stating that those entities had not done enough to reverse the problems affecting minority communities today. The NEJAC has the reputation of being "two-sided," he said, leaving the community out of important decision-making processes. EPA is supposed to protect people, he continued, but the record of what has been done over the past 15 years shows that it has not done so, he stated.

Mr. Crafter informed the members of the council that he recently had requested a list of recommendations that the NEJAC had made to EPA, but that he had not received the information. That experience, he said, demonstrates to him that the actions of the NEJAC have been inadequate to meet the needs of communities affected by environmental justice issues.

Mr. Crafter stated that communities are tired of being assessed, when immediate action is necessary. Requests for health care have fallen on deaf ears, he said. Mr. Crafter requested that the scope of the NEJAC be expanded to include a group of consultants to affected communities from each EPA region who would serve as a conduit between the NEJAC and communities to assist in the identification and addressing of the needs of those communities. He also suggested that a series of pre-NEJAC national committee meetings and other outreach tools would facilitate the addressing of community needs. Mr. Crafter then stated that too much money is spent to analyze research. The money would have been better spent on health care for people in communities affected by contamination originating from Superfund sites and Federal facilities. He requested that the NEJAC recommend EPA expand its relationship with ATSDR to provide health care funding for communities affected by contamination originating from sites on the National Priority List (NPL) and Federal facilities.

2.11 Earnest Marshall, Ombudsman Development Foundation Inc, Atlanta, Georgia

Mr. Earnest Marshall, Ombudsman Development Foundation Inc., Atlanta, Georgia, mentioned that environmental conditions in several neighborhoods in Atlanta, Georgia are causing numerous illnesses. The University of Georgia's wastewater treatment facility discharges waste into the Oconee River and there is questionable dumping of radiation feed for chickens, supposedly to make their chickens bigger, he said. Members of minority communities who live in close proximity to a former General Motors site that once manufactured munitions are becoming ill, but they do not understand why, he added. ATSDR and EPA examined that site, but nothing was done beyond some research, he said.

Justice should be sought under Executive order 12898 on environmental justice, Mr. Marshall said. Georgians have been told that they can no longer eat fish from the Savannah River because of tritium contamination, he pointed out. If EPA Region 4 is to gain credibility, he stated, the region must deal with the state of Georgia and with contaminated sites in the region, he stated.

2.12 Henry Rodriguez, Native American Environmental Protection Coalition, Valley Center, California

Stating that he is a resident of the La Jolla Reservation in north San Diego County, California, Mr. Henry Rodriguez, Native American Environmental Protection Coalition, Valley Center, California, informed the members of the council that a landfill had been sited next to a river on that reservation. The proposed landfill would be located adjacent to Medicine Mountain, where coming of age ceremonies are held, he explained. Mr. Rodriguez questioned the wisdom of siting a landfill adjacent to a river. At a recent meeting in California, he added, engineers had discussed the technical aspects of the landfill, but did not consider its effect on the community. Mr. Rodriguez requested that the NEJAC examine the issue.

2.13 Elodia Blanco, Concerned Citizens of Agriculture Street Landfill, New Orleans, Louisiana

Stating that her community overlies a toxic landfill, Ms. Elodia Blanco, Concerned Citizens of Agriculture Street Landfill, New Orleans, Louisiana, described the development of her African-American community. The U.S. Department of Housing and

Urban Development (HUD) had approved funds under a Federal grant to allow the city of New Orleans to build the community on top of a toxic landfill, she explained. She pointed out that no efforts were made to inform new homeowners about the landfill underlying their property when they purchased the homes. The Agriculture Street Landfill covers 100 acres and was in use from 1910 until 1960, she stated. Exposure to more than 150 toxins, heavy metals, and carcinogens has led to elevated incidences of birth defects and breast cancer in her community, she added.

Ms. Blanco, stated that several attempts had been made to recommend that EPA Region 6 support relocation of the community, but those attempts were ignored. The remediation plan proposed by EPA will clean only 10 percent of the site and will increase the risk of broken water lines, she said. Ms. Blanco urged the council to take the necessary steps to request that EPA consider a relocation plan. Ms. Miller-Travis suggested that representatives of Ms. Blanco's organization speak with Mr. Kent Benjamin, Outreach and Special Project Staff, EPA Office of Solid Waste and Emergency Response (OSWER), and Designated Federal Official (DFO) of the Waste and Facility Siting Subcommittee.

2.14 Jerilyn Lopez Mendoza, Environmental Defense, Los Angeles, California

Ms. Jerilyn Mendoza, Environmental Defense, Los Angeles, California, stated that her organization focuses on ensuring equal access to clean parks and schools for children, ensuring transportation equity, and alleviating exposure to toxics. Several ongoing campaigns in Los Angeles are related specifically to environmental justice, she said. Expansion of the Los Angeles International Airport will have direct effects on the neighboring community, Inglewood, she stated. Airport traffic is projected to almost double by the year 2020, she explained, which would increase the environmental degradation already suffered in the predominantly African-American community, which includes noise pollution and air pollution related to diesel emissions from airplanes and trucks. Environmental Defense, in conjunction with a number of other organizations, is attempting to persuade airport authorities to address environmental equity and justice issues in their planning, she said. Ms. Mendoza said that Environmental Defense also is working to encourage those authorities to promote participation by communities in the planning process.

In addition, Environmental Defense is working with environmental and community groups to increase the amount of green space for children in Los

Angeles, she said. Ms. Mendoza explained that, in Los Angeles, there is a vast disparity in green space in communities; that disparity, she pointed out, is related directly to race and income. Chinatown, a predominantly Asian section of Los Angeles, has no open space, no parks, and no schools, she stated. Environmental Defense is working to persuade the city to commit a 47-acre plot of unused land in the community for use for schools and parks. Ms. Mendoza stated that she would appreciate speaking with anyone on the council who had any insight into these issues she had raised.

2.15 Donald Brown, People for Environmental Progress and Sustainability, Vallejo, California

Mr. Donald Brown, People for Environmental Progress and Sustainability, Vallejo, California, stated that there is a need to clearly define environmental justice and the relationship of that concept to the civil rights movement. He added that there is a communication gap between industry and the communities in matters related to environmental justice. He pointed out that representatives of industry never attend meetings of the NEJAC. Mr. Brown stated that our country focuses many of its resources on problems that occur abroad; that focus limits what is done about contaminated communities in our country. While the global economy is moving forward rapidly, he continued, the problems that existed in minority communities years ago persist today. Mr. Brown emphasized that the time to act is now and that people must "stick together" and trust each other to effectively achieve their goals.

Ms. Patricia Hill Wood, Georgia Pacific Corporation and member of the Waste and Facility Siting Subcommittee of the NEJAC, stated that a number of industry representatives were in attendance at the meeting. Those representatives she said, are concerned about environmental justice issues. Ms. Wood stated that several members of the NEJAC are industry representatives. Mr. Brown responded that he hoped Ms. Wood would make resources available to cleanup communities. He stated that industry pays for remediation when a certain incident occurs but does not change processes or actions.

2.16 Bill Burns, Environmental Awareness Foundation, Atlanta, Georgia

Stating that his organization addresses household health hazards, Mr. Bill Burns, Environmental Awareness Foundation, Atlanta, Georgia, stated that lead poisoning is a significant problem in the state of Georgia. According to Mr. Burns, the city of Atlanta does not have a telephone contact that people in the

city can call to obtain information about lead poisoning, a situation that his organization would like to change, he stated. He said that the Environmental Awareness Foundation had gathered statistics and facts that demonstrate that lead contamination and asthma are significant problems in communities in Atlanta. Mr. Burns asked for advice from the NEJAC about how he can obtain information, funding, and resources to allow the community to address the issue.

Dr. Payton asked Mr. Burns whether there is a lead poisoning prevention program in the state of Georgia. Mr. Burns responded that Georgia had reimplemented its lead poisoning program, but noted that the program is not reaching the community. Ms. Peggy Shepard, West Harlem Environmental Action; member of the Health and Research Subcommittee of the NEJAC; and Vice Chair of the Executive Council, suggested that the Environmental Awareness Foundation consider applying for an EPA environmental justice grant to acquire resources to undertake a community education campaign.

2.17 Samara Swanston, Sierra Club, Brooklyn, New York

Noting that she would be speaking on behalf of two organizations, Ms. Samara Swanston, Sierra Club, Brooklyn, New York, stated that the National Sierra Club is opposed to the National Association of Home Builders (NAHB) bill. The NAHB bill is brownfields legislation that would permit owners to build homes on contaminated land and would abrogate EPA's enforcement authority under the Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA) in a situation in which imminent and substantial danger exist because a home builder wanted to construct homes on contaminated land, she said. Under current law, she continued, EPA has the authority to order a polluter to stop a release or a threatened release and to impose fines if the polluter fails to cooperate. The proposed NAHB bill weakens Federal provisions under CERCLA that protect communities from economic, health, and environmental consequences resulting from inadequate cleanup of Superfund sites, she explained. Ms. Swanston stated that under the NAHB bill, the ability of EPA and the public to provide oversight of brownfields sites is impeded by provisions that allow the state to withhold the names and locations of facilities undergoing voluntary cleanup.

Ms. Swanston stated that the Sierra Club would like to propose stringent cleanup standards to protect human health, retention of Federal enforcement authority, and provision of financial assistance to help communities assess and remediate brownfields

properties. She also pointed out that substantive public participation should be provided for early in the brownfields redevelopment process.

Ms. Swanston then stated that she also was speaking on behalf of Minority Environmental Lawyers who represent a community group in Dobbs Ferry, New York that is working to protect a historical, indigenous site. According to Ms. Swanston, the site qualifies for listing on the National Register of Historic Sites. The state of New York is allowing the destruction of cultural sites like the one she had described, she said. Ms. Swanston read a letter prepared by the director of the community group that stated that the sacred site had been desecrated by the siting there of a demolition landfill and the construction of townhouses. Ms. Swanston added that, every year, a bill is brought before the New York state legislature to protect such sites that are not on a reservation, but the legislation never passes, she said. The NEJAC and the U.S. Department of the Interior (DOI) should take action against the state of New York if the state continues to allow the destruction of archaeological sites, she declared.

Ms. Miller-Travis asked Ms. Swanston about the status of the NAHB bill in Congress. Ms. Swanston replied that EPA supports the bill and that it probably would be introduced.

2.18 Michelle Xenos, Shundahai Network, Las Vegas, Nevada

Noting that she had spoken at the meeting of the NEJAC in Arlington, Virginia, in December 1999, Ms. Michelle Xenos, Shundahai Network, Las Vegas, Nevada, stated that she lives an hour south of the Nevada Nuclear Test Site, where the proposed Yucca Mountain high-level nuclear waste dump is to be located. There is a lack of monitoring of Federal facilities, she pointed out, and the public does not have access to U.S. Department of Energy (DOE) or DoD information about environmental effects. Ms. Xenos explained that she grew up on an island on which more than 3,000 nuclear weapons were located and near a location at which millions of gallons of radioactive waste had been dumped into Pearl Harbor. Breast cancer rates in that area are 10 times higher than average, she stated. The environmental effects of nuclear weapons are felt throughout the process of nuclear development, from uranium mining to detonation, she continued. Ms. Xenos requested that the NEJAC establish a subcommittee to examine the operations of Federal facilities because, she stated, "they are not held accountable for anything."

2.19 Jay Gilbert Sanchez, Tribal Environmental Watch Alliance, Espanola, New Mexico

Mr. Jay Gilbert Sanchez, Tribal Environmental Watch Alliance, Espanola, New Mexico, stated that he lives near the Los Alamos National Laboratory. Mr. Sanchez acknowledged that EPA does not have the authority to monitor DoD and DOE, both of which, he charged, operate without considering the effects of those operations on human health and the environment. Stating that he also is the chairman of the People of Color Disenfranchised Communities, Mr. Sanchez explained that the effect of Federal facilities extends beyond the United States to adversely affect people in Puerto Rico, U.S. western territories, and the Pacific Ocean.

Mr. Sanchez discussed the fire at the Los Alamos National Laboratory that had been burning for 14 days. He explained that air quality is declining, stating that the air pollution caused by the fire “will be around forever.” Mr. Sanchez asked that the members of the NEJAC address the issue of Federal facilities and the effects of their operations.

Mr. Goldtooth asked Mr. Sanchez whether there was evidence of radioactive contamination outside the facility that could have been released into the atmosphere during the burn. Mr. Sanchez responded that the flora and fauna around the laboratory are contaminated. Mr. Clifford stated that the New Mexico environmental department had asked EPA Region 6 to conduct additional air sampling, beyond that performed by DOE. There was concern not only about plutonium in the concrete vaults, he continued, but also about the solid waste management units throughout the site that are contaminated with chemical and radioactive wastes. Data from 20 air monitors, Mr. Clifford said, indicated no increase in radiation as a result of the fire. Mr. Clifford confirmed that air monitors did not begin operating until several days after the fire began. Mr. Sanchez pointed out that the wind had not been blowing in the direction of the monitors. Mr. Sanchez reiterated that he has firsthand proof that there is contamination on the site. How can the government be trusted, he stated, when it is obvious that its representatives are not being honest with American citizens.

2.20 Teresa Juarez, New Mexico Alliance, Chimayo, New Mexico

Ms. Teresa Juarez, New Mexico Alliance, Chimayo, New Mexico, expressed her dismay about the variety of issues and concerns in communities described by commenters who had preceded her. She then explained that she lives near the Los Alamos controlled burn site that had been burning out of

control for days. “Nobody knows what kinds of contaminants are being released into the air people are breathing,” she said, pointing out that many of the burned houses also contain asbestos. People were told that plutonium at the Los Alamos Laboratory was enclosed in concrete vaults and that there was nothing to worry about, she said, but, months earlier, a meeting was held at which 450 workers expressed concern about contamination buried around the site and elevated cancer rates. Ms. Juarez demanded of the council that a subcommittee be established to address issues related to Federal facilities.

Ms. Juarez pointed out that a majority of the firefighters on site were Native Americans and Hispanics and that they were not properly protected. “When the government can prove to us that there is no contamination, then we will be satisfied,” she said. Mr. Cole stated that it is not credible that a fire of such magnitude can burn without increasing the level of chemicals in air. Mr. Clifford then stated in clarification that the levels of chemical and radioactive contamination the monitoring indicated were no higher than those that would be found during a typical forest fire.

2.21 Mark Mitchell, Connecticut Coalition for Environmental Justice, Hartford, Connecticut

Mr. Mark Mitchell, Connecticut Coalition for Environmental Justice, Hartford, Connecticut, stated that his group provides assistance to local organizations in Connecticut. A few years earlier, he continued, the group formed the Hartford Environmental Justice Network. Hartford is 78 percent black and Latino, he pointed out, and incomes in the city are very low in a state that is very wealthy. Hartford has more waste disposal facilities than any other city in the state of Connecticut, the largest sewage treatment plant and sewage sludge incinerator in Connecticut, and the largest trash incinerator in the state, he said. The trash incinerator has an average of 100 fire calls per year, as well as a major explosion or fire approximately once a month, he added. Eight regional waste facilities and four power plants are located in the eight-square-mile area surrounding the community, he said.

Mr. Mitchell pointed out that the Hartford Environmental Justice Network has had several successes, including the removal of a power plant that was built without any public notification or hearings. In addition, he said, the organization persuaded the city council to ban a ninth regional waste facility. Mr. Mitchell stated that the group is very concerned about the city’s asthma rates, which,

he said, are the highest in the country. Forty-one percent of the community's children have asthma, he explained. He requested that the NEJAC address the asthma epidemic in Hartford's communities and that EPA fund research into alternative waste disposal technologies that would eliminate hazardous air pollutants.

Ms. Miller-Travis asked Mr. Mitchell whether he had conversed with Ms. Jane Stahl, Assistant Commissioner of the Connecticut Department of Environmental Protection and member of the Health and Research Subcommittee. Mr. Mitchell stated that representatives of his organization had spoken with Ms. Stahl and that the organization has a good relationship with her department. Ms. Miller-Travis informed Mr. Mitchell that Ms. Stahl is a member of the NEJAC, suggesting that he discuss with Ms. Stahl the specific initiatives and actions he would like the NEJAC to take. Mr. Mitchell stated that some of the research should be funded on the Federal level, stating that such funding was the purpose for which he had brought the issue to the NEJAC. Ms. Shepard asked what relationship the organization has with the state Department of Environmental Protection's Office of Environment Equity. Mr. Mitchell stated that the organization worked closely with that office, but that progress is slow.

Mr. Charles Lee, Associate Director for Policy and Interagency Liaison, Office of Environmental Justice (OEJ), EPA Office of Enforcement and Compliance and Assurance (OECA) and DFO of the Executive Council, requested that Mr. Mitchell elaborate on the recommendation that the NEJAC examine the asthma epidemic. Mr. Mitchell responded that there is a link between air pollution and respiratory illnesses. EPA should address those relationships, he said. Mr. Lee pointed out to the members of the NEJAC that one approach to addressing health issues related to environmental justice is to examine specific diseases and illnesses. Mr. Mitchell pointed out that, in the United States, asthma is an epidemic that affects urban areas and minorities disproportionately.

2.22 Le Vonne Stone, Fort Ord Environmental Justice Network, Marina, California

Noting that she had spoken before the NEJAC several years earlier, Ms. LeVonnie Stone, Fort Ord Environmental Justice Network, Marina, California, explained that Fort Ord is one of the largest Superfund sites in the country. The goal of her organization when she spoke before the NEJAC earlier was to secure help for affected communities through the establishment of health clinics and through testing for contamination, she explained. She said that smoke from emissions, detonations,

and large burns aggravates respiratory problems, especially in sensitive children and adults. Even the Federal workers are concerned about the safety of their work environment, she pointed out. The communities have seen their economic base deteriorate because of the closing of massive facilities, she continued. Those areas must be cleaned up to ensure the safety of communities, she stated. The local Army environmental division has spent more than \$350 million on the cleanup of Fort Ord since 1993, but no health clinics have been established in affected communities, she explained.

Ms. Stone stated that she wants to see the site cleaned up and that the community should be involved in the process. Mr. Turrentine explained that, before the end of the current meeting, the NEJAC hoped to develop a process for dealing with issues related to Federal facilities. He stated that the NEJAC hoped to establish a working group that will initiate interaction with members of affected communities. Ms. Stone indicated that she also would like to see an end to the intimidation and harassment of individuals in the community who bring up health issues.

2.23 Rabbi Dan Swartz, Children's Environmental Health Network, Washington, D.C.

Rabbi Dan Swartz, Children's Environmental Health Network, Washington, D.C., explained that the same forces that exploit people for racial or economic reasons also exploit children because of their lack of political and economic power. Rabbi Swartz said he recently had attended a private seminar on children's environmental health sponsored by the Congressional Research Service. He expressed concern about policies that might result from the meeting, pointing out that many of the participants were representatives of polluting industries who claim that the public already is protected by existing environmental standards. No minorities attended the seminar, he added, and the issue of environmental justice would not have been brought up if he had not done so.

Rabbi Swartz pointed out that many of the protections currently implemented on behalf of children may disappear, including the abolition of the Office of Children's Environmental Health Protection in two years. It is time to think about the future, he stated, and to plan for our children's health, especially that of those who suffer from environmental discrimination.

2.24 Jim MacDonald, Pittsburg Unified School District, Pittsburg, California

As an elected official of the Pittsburg Unified School District, Mr. Jim MacDonald, Pittsburg Unified School District, Pittsburg, California, stated that it is his responsibility to look after the health and welfare of the children in his district. Mr. MacDonald pointed out that state and Federal agencies are rewriting what constitutes an environmental justice community. He explained that the California Energy Commission requires that a community have a population of at least 130,000 before they will consider environmental justice. His city has a population of 60,000, he continued. Even though that population is 70 percent minority, the community is not considered a minority community for purposes of consideration of environmental justice, he said.

The Pittsburg Unified School District requested that EPA Region 9 designate the city an environmental justice community, Mr. MacDonald said. He pointed out that there are four major power plants and four minor power plants, a major chemical facility, and several refineries in the city. EPA responded that the Agency does not have the authority to designate environmental justice communities, he said. The Pittsburg Unified School District filed a complaint against EPA Region 9 with EPA's Office of Civil Rights (OCR) for violation of Title VI, he stated. EPA is at fault, Mr. MacDonald continued, because the Agency is supposed to enforce environmental justice regulations. Environmental impact reports should be required in minority and low-income school districts and should be presented to the school district, not to EPA, he said.

2.25 Jackie Ward, Southern Organizing Committee for Economic and Social Justice, Brunswick, Georgia

Ms. Jackie Ward, Southern Organizing Committee for Economic and Social Justice, Brunswick, Georgia, read a letter sent to Ms. Connie Tucker, Southern Organizing Committee for Economic and Social Justice, Brunswick, Georgia and former member of the Waste and Facility Siting Subcommittee of the NEJAC, by Reverend Zack Lyde, Save the People, Brunswick, Georgia. Reverend Lyde explained that his mother had fallen ill because of toxic shock. Her illness originally had been misdiagnosed as liver cancer, he wrote. Toxicity in a community is not taken into consideration when performing a medical diagnosis, he stated. Reverend Lyde stated that the NEJAC should investigate lack of health insurance and misdiagnosis of illnesses in contaminated communities. He also recommended that the NEJAC establish a pollution victims compensation

fund to receive revenue from a pollution tax on all releases reported to the Toxic Release Inventory (TRI). Such a tax also would serve to encourage industries to reduce toxic discharges, he wrote.

2.26 Fred Lincoln, Wando Concerned Citizen Committee, Wando, South Carolina

Stating that he lives in a small African-American community, Mr. Fred Lincoln, Wando Concerned Citizen Committee, Wando, South Carolina, explained that the community has been inundated with pollution from chemical plants and steel mills. According to Mr. Lincoln, no environmental impact study was performed and no community hearing was held when a chemical plant recently was sited "right in the middle of the community." Currently, a railroad route is proposed that would run through the community, displacing 30 percent of the homes, he said. The community was not notified of the meetings held between the U.S. Army Corps of Engineers (USACE), EPA, and the port authority of South Carolina, he stated. Mr. Lincoln stated that EPA is supposed to protect citizens and that the community should have been notified about the railroad before the decisions became final. Members of the community are concerned that their community was chosen arbitrarily to be destroyed when there is vacant property nearby that could have been used to house the facilities, he said.

2.27 Adora Iris Lee, United Church of Christ Commission for Racial Justice, Washington, D.C.

Rev. Adora Iris Lee, United Church of Christ Commission for Racial Justice, Washington, D.C., submitted a written report to the Executive Council. For 60 years, the U.S. Navy has used the island of Vieques, Puerto Rico as a target range, causing human health problems and environmental degradation, she said. The United Church of Christ Commission for Racial Justice urged the council to investigate EPA's plans to cleanup the affected areas, investigate health-related problems in Vieques, and continue to deny the U.S. Navy permission to conduct bombing activity that results in discharges into the water, she stated.

2.28 Maria Elena Lucas, Farm Worker, Arlington, Texas

Ms. Maria Elena Lucas, farm worker, Arlington, Texas, stated that she has been a migrant farm worker all her life and that therefore she has suffered lifelong exposure to many chemicals and pesticides. In 1988, she continued, she experienced an accidental exposure that had a lasting effect on her memory and a variety of other neurological functions.

Ms. Lucas explained that she continues to have numerous problems. She stated further that hers is not an isolated case. She pointed out that migrant camps are located next to the fields on which pesticides are applied. Research on pesticides and exposure to pesticides has been insufficient, she said.

Mr. Garcia noted that Ms. Lucas was to attend the meeting of the International Subcommittee, and that she was to make a presentation to that body. He reiterated that there are thousands of cases like that of Ms. Lucas today.

Closing the public comment period for the evening, Mr. Turrentine referred to the videotape "Eyes on the Prize," noting that issues that were focused on during the civil rights movement are still at play today. It is troubling, he observed, that communities must come begging to the NEJAC to make their problems known, he said. He stated that the NEJAC must begin to realize results. Ms. Augustine stated that there is a need to evaluate whether the NEJAC is accomplishing its goals and whether the NEJAC is representative of the people it is supposed to represent. Mr. Cole then stated that such remarks should be presented to the Administrator to encourage EPA to begin to respond to the advice the NEJAC gives the Agency.

3.0 FOCUSED PUBLIC COMMENT PERIOD HELD ON MAY 24, 2000

This section summarizes the comments presented to the Executive Council during the public comment period on May 24, 2000, along with the questions and observations those comments prompted among members of the Executive Council.

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

3.1 Mable Anderson, Village Creek Human and Environmental Society, Birmingham, Alabama

Indicating that she would discuss two issues, Ms. Mable Anderson, Village Creek Human and Environmental Society, Birmingham, Alabama, stated that she recently had returned to Alabama to lead her community in the battle against environmental injustice. She stated that water in Village Creek, polluted as a result of agricultural and industrial activities, tends to flood people's homes. In 1997, she said, the Federal Emergency Management Agency (FEMA) provided a buyout of \$5 million for relocation of 125 homes. However, she continued, people still have cancer, asthma, and

other health problems to deal with. Ms. Anderson complained that universities and other groups that study contamination in the community neglect to inform the community of the types of studies they are doing, charging that such groups do not know what the community's health problems are. Ms. Anderson informed the NEJAC that her organization needs funding to implement a health proposal developed by the community. She requested the NEJAC's help in funding such a proposal and informing other Federal agencies about it.

Ms. Anderson added that her organization also was requesting the NEJAC's help in conducting a creek-bank restoration project intended to improve water flow. One high school is located on the bank of the creek, and another is under construction on the bank, she stated. She noted that school authorities do not know that the waters are contaminated with agricultural and industrial wastes. Ms. Anderson stated that the community wishes to reclassify the area of the creek bed from industrial and agricultural use to residential use.

3.2 Karl Fuller, Pechanga Environmental Program, Temecula, California

Mr. Karl Fuller, Pechanga Environmental Program, Temecula, California, a resident of the Pechanga Indian Reservation, stated that a draft environmental impact statement had been prepared to build a landfill in Gregory Canyon, California. Five Indian reservations lie in the immediate vicinity of the proposed landfill site, he said. The landfill would affect Indian tribes disproportionately, he explained, because the tribes do not generate large amounts of waste; therefore, the effect the facility would have on the tribes cannot be justified, he declared.

Mr. Fuller pointed out that important village and ancestral sites of the Pala Band of Mission Indians are found in Gregory Canyon and Mount Gregory and that these sites are sacred for the Luiseno Tribe. The environmental impact statement addresses that issue to some extent, he said, and the proposed project includes the preservation of areas at relatively high elevations on Mount Gregory. However, Mr. Fuller explained, the sacred ceremonies are conducted at sites at all elevations, not solely at the top of the mountain. Odors and other undesirable effects of a waste facility would desecrate the site, no matter what efforts might be taken to mitigate those effects, he said.

Another issue the impact statement does not address sufficiently, he stated, are the potential effects the proposed landfill might have on groundwater in the area. Water from Gregory

Canyon, he continued, can be dispersed to many different water supplies, such as the San Luis Rey Water Basin. He explained that the mitigation measure intended to protect the water supply puts a limit on the quantity of water that the applicant is liable for if contamination should occur; he then expressed the opinion that the limit is too low. In conclusion, Mr. Fuller stated that enforcement also is included in the environmental impact statement as a mitigation measure, observing that enforcement is not an adequate form of mitigation.

3.3 Cecil Corbin-Mark, West Harlem Environmental Action, New York, New York

Mr. Cecil Corbin-Mark, West Harlem Environmental Action, New York, New York, stated that, despite substantial improvements in the nation's health, minorities still fare worse than their white counterparts. Disparities in health status persist, he explained, and communities of color suffer disproportionately from a variety of illnesses. Current disparities demonstrate the need for the development of strategies to address the health problems of minority communities, he said. He pointed out that the development of strategies to reduce such health disparities require that policymakers be educated about environmental conditions in minority communities and that the social environment of such communities be examined.

West Harlem Environmental Action has worked for the past five years to promote community-based research for the benefit of the Northern Manhattan Community Reserve, said Mr. Corbin-Mark. That effort is being accomplished through collaborative partnerships, he explained. The first study conducted by the group involved exposure to diesel fuel exhaust and lung function among adolescents in Harlem, he stated. The study, he pointed out, showed that 76 percent of participating students had been exposed to detectable levels of diesel fuel exhaust. By presenting air monitoring data to policymakers, the group hopes to help bring about a change in policies that affect air quality in minority communities, he explained. He noted that, after 13 years of fighting, New York City finally is beginning to use clean-fuel buses to reduce diesel exhaust. Mr. Corbin-Mark requested that the NEJAC examine some of the models produced under West Harlem Environmental Action's partnerships and call upon EPA to provide more funding for the research and approaches those models demonstrate. In addition, Mr. Corbin-Mark recommended that EPA reestablish the Community-University Partnership grant program.

3.4 Michael Lythcott, The Lythcott Company, Marlboro, New Jersey

Mr. Michael Lythcott, The Lythcott Company, Marlboro, New Jersey and Relocation Advisor for Citizens Against Toxic Exposure, Pensacola, Florida, provided the Executive Council of the NEJAC an update on the progress of the national Superfund relocation pilot project underway in Pensacola, Florida. Since the meeting of the NEJAC in Arlington, Virginia in December 1999, he said, representatives of EPA Region 4 have demonstrated due diligence in responding to and investigating every allegation and problem brought to their attention, he said. Mr. Lythcott then pointed out that the relocation differential payment remains a crucial issue. He explained that, after property has been appraised, the resident searches for a house at a comparable price in a clean neighborhood. Such houses almost always cost more than the appraised value of the contaminated property. There is money available to make up the difference between the appraised value and the cost of the replacement housing, he continued. However, he pointed out, owners who do not reside at the affected property are not eligible to receive any of that money. That policy, he said, is discrimination, noting that property owners, who do not live at the affected property, should not suffer financially because of relocation.

Mr. Lythcott also stated that some residents remain "trapped" at the Escambia Arms Apartment complex because they are unable to afford the move themselves, and EPA and the USACE will not offer those residents any help until Escambia Arms comes to agreement with the government. Escambia Arms Apartments are located in Pensacola, Florida, near the Superfund site associated with the abandoned Escambia Wood Treating Company. Residents there are living in toxic conditions, he stated, and they suffer from numerous health problems. In addition, he continued, babies are being born with birth defects. Mr. Lythcott requested access to the negotiations between Escambia Arms Apartments and EPA so that he can inform the residents of the status of the relocation process. He also requested that the NEJAC help him obtain a copy of a report being prepared by HUD on the living conditions in the apartment complex that is to be used in pressing for a quick settlement.

3.5 Lionel Dyson, Public Interest Law Center of Philadelphia, Philadelphia, Pennsylvania

Mr. Lionel Dyson, Public Interest Law Center of Philadelphia, Philadelphia, Pennsylvania, began his comment by declaring that the development of a substantive national environmental justice policy that

incorporates public health criteria is essential to bringing about meaningful change. The NEJAC's handout, *Community-Based Health Model Discussion*, he pointed out, states that one should not treat minority, low-income communities through an "all things being equal approach," stating that it is obvious that there is currently no equality in terms of the baseline health status of communities of color and low-income communities. Whether or not the substandard health of a community is a result of toxic exposures or inequities in socioeconomic opportunities and educational attainment is irrelevant, he pointed out. He explained that health considerations are linked inextricably to the search for solutions to problems related to environmental justice, he explained. Mr. Dyson stated that EPA's *Title VI Interim Guidance for Investigating Administrative Complaints Which Challenge Permitting Decisions* is fundamentally flawed because it excludes public health considerations.

The Law Center of Philadelphia has proposed an alternative policy called the Environmental Justice Protocol and tested that policy for the city of Philadelphia, continued Mr. Dyson. The protocol, he explained, requires the parametric mapping of four health criteria in Philadelphia: noncancer mortality, cancer mortality, infant mortality, and low birth weight. In addition, he continued, spacial analysis of demographic data is incorporated into the analysis. The rationale of the protocol is that, if certain population groups already are experiencing substandard health, those groups should not be subjected to further environmental depredation, he stated. He pointed out that, in Philadelphia, 94 percent of those living in the areas in which health statistics are poorest are minorities. Mr. Dyson stated that, if his organization can develop a health-based method for securing environmental justice in the city of Philadelphia, the EPA, with all of the available resources of the Federal government, should be able to devise a policy to ensure the protection of the entire nation. Mr. Dyson urged the NEJAC to take action now, stating that the integration of health considerations into an environmental justice policy begins with the NEJAC.

3.6 Daisy Carter, Project Awake, Coatopa, Alabama

Ms. Daisy Carter, Project Awake, Coatopa, Alabama, told the members of the Executive Council that her community needs help in acquiring funding to improve its water system. She stated that the county in which her community is located is the site of a large hazardous waste dump that has been receiving waste for more than 30 years from 50 states and 17 countries. Members of the

community are concerned that waste is leaking from trenches into the aquifer that provides the community's water, she explained, and the town is unable to purchase the equipment necessary to bring the water system up to date. Ms. Carter noted that she recently had called the appropriate state department about the water system, and that department had informed her that the system currently was being cited for a violation. Ms. Carter pointed out that the citizens of the community suffer from a variety of health problems, including rashes, cancers, and kidney problems.

Ms. Carter stated further that water from the aquifer is salty, which can lead to hypertension and high blood pressure in individuals who consume that water. Every citizen has a right to safe drinking water, she stated. She asked that the NEJAC provide her community with some financial assistance or advise the community about applying for a grant. Mr. Robert Varney, New Hampshire Department of Environmental Services, Concord, New Hampshire and member of the Enforcement Subcommittee of the NEJAC, stated that his department had worked with several communities to improve their public water systems. One source of funding, he explained, is the U.S. Department of Agriculture's rural development program, which provides grants and low-interest loans to communities. He added that low-interest loans also are available under the state revolving fund (SRF) low-interest loan program, which, he noted, is available in Alabama. Ms. Ramos asked Ms. Carter whether any agencies had tested the water in her community. Ms. Carter replied that members of the community had been buying test tubes and sending water for analysis themselves, but that no agencies had performed testing for them. Ms. Ramos declared that the issue was an urgent matter that EPA should address immediately.

3.7 Gary Grant, Concerned Citizens of Tillery, Tillery, North Carolina

Addressing the issue of cesspools in rural America, Mr. Gary Grant, Concerned Citizens of Tillery, Tillery, North Carolina, stated that vertically integrated industries raising confined animals are entering predominantly African-American communities in rural America. Many of those communities rely on well water, he said, and no guidelines are established to govern the digging of cesspools for the CAFOs. Waste from cesspools seeps into groundwater and eventually migrates to well water, explained Mr. Grant. North Carolina has no requirements governing the design of cesspools, he continued, and no permit is required for their use. The odor is offensive, and respiratory problems are

elevated in areas in which people live near CAFOs, he stated. The industry recently has learned how to mask the odor, he said, but members of the affected communities still must breathe the harmful airborne agents.

Mr. Grant stated that EPA is working to develop standard guidelines for cesspools. EPA, he noted, does not know what communities are being exposed to because “they don’t live where we do,” said Mr. Grant. He added that environmental justice issues are not confined to urban America alone; rural America has such issues, as well. Mr. Cole stated that Mr. Grant was to attend the meeting of the Enforcement Subcommittee on the following day; the subcommittee was scheduled to discuss the issue further, noted Mr. Cole.

3.8 Omar Freilla, New York City Environmental Justice Alliance, New York, New York

Mr. Omar Freilla, New York City Environmental Justice Alliance, New York, New York, stated that his organization focuses on low-income communities of color that suffer from asthma epidemics. He pointed out that low-income communities of color have some of the highest asthma rates in the country. Mr. Freilla noted that he would discuss two factors that are blocking the adequate assessment of environmental injustices in New York City.

First, Mr. Freilla stated, environmental impact studies performed in New York City do not take into account actual effects on a neighborhood. He pointed out that such studies consider environmental effects citywide, but not the local effects. Many projects are approved, he explained, because the focus of the study is much broader than on the actual area that would be affected. Mr. Freilla asked that the NEJAC encourage EPA in turn to urge New York City to address the issue adequately. An example of such problems, he continued, is the battle over interim garbage export contracts in New York City. Tens of thousands of trucks are proposed to export garbage from the city through primarily low-income communities of color, he explained. The impact study for the proposal examines the impact on the city as a whole, instead of the individual routes traveled, he pointed out.

The second issue, he continued, is that the metropolitan planning organization for the greater New York City area has failed to monitor compliance with Title VI. The agency has established no procedures for identifying disparate effects on low-income communities of color, he said. Each of the agencies that make up the organization is required to file its own Title VI report, he stated, but there is

no coordination among the agencies on the issue. The reports, he charged, are “completely vague” and are designed to create an impression that there is equity how the transit systems operate. Other problems in New York City that should be addressed include waste transfer stations and access to parklands, he explained, but those issues receive little attention from EPA Region 2. Mr. Freilla urged that the NEJAC advise Region 2 to improve its regulatory performance.

Ms. Miller-Travis suggested that Mr. Freilla reexamine the New York City Environmental Justice Alliance’s research framework, stating that it is not only low-income communities of color that are affected by the placement of facilities, but all communities of color.

3.9 Mildred McClain, Citizens for Environmental Justice, Savannah, Georgia

Representing the People of Color and Disenfranchised Communities Environmental Health Network, Dr. Mildred McClain, Citizens for Environmental Justice, Savannah, Georgia, reminded the members of the Executive Council that she had spoken at the previous meeting of the NEJAC in December 1999 about Federal facilities. Environmental justice, she stated, calls for universal protection from nuclear testing and extraction, production, and disposal of toxic wastes and poisons that threaten the fundamental right to clean air, land, water, and food. Environmental justice demands an end to the production of toxins, hazardous waste, and radioactive materials, she continued, and all producers must be held strictly accountable for remediation. Workers have the right to a safe and healthy work environment without being forced to choose between an unsafe livelihood and unemployment, she added. Dr. McClain stated that victims of environmental injustice have the right to receive full compensation and reparations for damages, as well as quality health care.

Dr. McClain explained that there are African-Americans at the Savannah River site, one of 165 Federal facilities that must be cleaned up, who have been exposed excessively to contamination and are being denied the right to health care. She stated further that DOE had held a workers hearing at the Los Alamos National Laboratory that was attended by more than 400 people who had been exposed to contamination. Workers claimed that records had been falsified to cover up exposures at the facility. DoD and DOE should help to formulate policy, she declared.

Continuing, Dr. McClain stated that, to ensure that risk assessments are meaningful, the community should be involved from the initial stages and those performing the assessment should have an understanding of the health background of the community. Dr. McClain called upon the NEJAC to establish a subcommittee to address environmental justice issues at Federal facilities.

Mr. Lee stated that the Health and Research Subcommittee would serve as the point of contact for the NEJAC for issues related to Federal facilities and that OEJ will work with EPA's Federal Facilities Enforcement Office (FFEO) to follow-up on issues at facilities identified during public comment periods, he said. Federal facility issues fall within the responsibilities of several branches of EPA, he explained; it is necessary to coordinate plans with those offices before a working group or subcommittee is established.

Dr. McClain asked the Executive Council how community-based organizations can help to influence matters related to the issues that the NEJAC addresses at its sessions. Issues related to Federal facilities are discussed continually, she said, and it is made clear that the Health and Research Subcommittee is the point of contact, but people do not know how to influence what that subcommittee does and discusses during its meeting session. Ms. Shepard responded that such organizations as Dr. McClain's are influencing the process and that the Executive Council considers all the information it hears. Mr. Barry Hill, Director, EPA OEJ, noted that the commenters have been heard by the NEJAC and by EPA, and that the NEJAC will address the Federal facility issue.

Mr. Turrentine stated that the NEJAC takes under advisement all information it hears. He stated that it would be unfair to ask Mr. Lee or Mr. Hill to make a commitment about the formation of a Federal facilities subcommittee before they have the opportunity to speak with representatives of the various program offices within EPA that have an interest in Federal facilities.

3.10 Beverly Wright, Wampanoag Tribe of Gay Head, Aquinnah, Massachusetts

Ms. Beverly Wright, Wampanoag Tribe of Gay Head, Aquinnah, Massachusetts, informed the Executive Council that her tribe lives on Martha's Vineyard Island and has been Federally recognized since 1987. She explained that, with Federal recognition, the tribe had received money for education and health services and protection of natural resources. Between 1940 and 1994, she continued, the U.S.

Department of the Navy (Navy) conducted bombing practices on the Island of Normans Land located five miles off the coast of Martha's Vineyard. When the Navy decided it no longer wanted the island, she said, the tribe applied for access to it, but that access was denied because the U.S. Fish and Wildlife Service (FWS), DOI, wanted to use the island as a refuge. Ms. Wright pointed out that, under the Indian policy of the FWS, Native Americans are not to be denied access to their traditional homelands.

Last year, continued Ms. Wright, the state of Massachusetts performed a cancer study that indicated that residents of the reservation had a 93 percent higher cancer rate than other residents of Massachusetts. She stated that she would like to reassess the island, noting that she cannot prove that contamination on the island causes cancer, but stating she would like to determine whether that is the case. She asked the NEJAC for assistance in nominating the Island of Normans Land for a grant under CERCLA. She added that the reservation is building a fish hatchery to spawn a variety of species, noting that production of seafood is the basis of the tribe's economy. Contamination of the water, she explained, would create "a vicious cycle of cancer." Ms. Wright urged that the NEJAC help the tribe obtain funding, which is available because it is a Federally recognized tribe, to support a cancer study.

Ms. Miller-Travis noted that Ms. Wright would be attending the meeting of the Waste and Facility Siting Subcommittee to discuss how the NEJAC can provide assistance in resolving the issues Ms. Wright had raised. Ms. Miller-Travis stated that Mr. Timothy Fields, Jr., Assistant Administrator of EPA OSWER, who has responsibility for oversight of the implementation of CERCLA, would be present at that meeting, as well. Mr. Goldtooth mentioned that the Indigenous Peoples Subcommittee would be interested in working with the Waste and Facility Siting Subcommittee to ensure that the issue is pursued.

3.11 Grace Hewell, Health Policy Group, Chattanooga, Tennessee

Dr. Grace Hewell, Health Policy Group, Chattanooga, Tennessee, expressed her interest in learning how she can help the NEJAC solve civil rights issues. She stated that she has a variety of degrees in public health and social work and noted that much of the discussion during the meeting of the NEJAC had focused on community health. Dr. Hewell said that she had performed public health

work in many areas of the country, including Queens and Harlem, New York.

Dr. Hewell expressed her disappointment that the NEJAC has not yet accepted her long-standing invitation to hold a meeting in Chattanooga, Tennessee. She also requested that the NEJAC provide environmental health education in Chattanooga, since few people in that area are knowledgeable about that subject. Dr. Hewell then stated that people must be educated about environmental justice. With today's technology, she added, people must be given access to information. Mr. Cole stated that, in 1996, Dr. Hewell had requested that the NEJAC hold a meeting in Chattanooga. In 1997, he continued, the NEJAC passed a resolution to meet in Chattanooga, but a transition in leadership at OEJ had brought the NEJAC to Atlanta, Georgia, instead. Mr. Cole apologized to Dr. Hewell for the NEJAC's failure to schedule a meeting in Chattanooga.

3.12 Sandra Jaribu Hill, Center for Constitutional Rights, Greenville, Mississippi

Speaking on behalf of the Mississippi Workers Center, Ms. Sandra Jaribu Hill, Center for Constitutional Rights, Greenville, Mississippi, informed the Executive Council that she would discuss an issue that, she declared, has not yet been addressed adequately by government agencies. That issue, she said, is "dying to make a living." Every year, continued Ms. Hill, numerous workers in the United States are killed as a result of hazards in the workplace. She explained that, while some of those workers were victims of fatal accidents, many were poisoned by toxic substances. Segregated workplaces are found throughout the country, she pointed out, especially in the southern region, where workers of color often are assigned the dirtiest, most dangerous jobs.

Ms. Hill recounted a story about a man who worked at a Tyson Foods, Inc. poultry plant. When the worker, who used chlorine to clean processing machines, became sick and approached his supervisor, said Ms. Hill, the worker was told to quit if he did not like the work. The worker contacted the Occupational Safety and Health Administration (OSHA), which performed an on-site inspection. The worker later was fired, continued Ms. Hill. She added that, because of health problems that arose while he was working at the Tyson plant, the man involved currently is unable to work a steady job.

Ms. Hill then described another incident that occurred in 1992, when 25 workers were killed after a boiler exploded at a poultry plant located in

Hamlet, North Carolina. The fire doors had been locked to prevent workers from stealing chickens, she pointed out. When officials of the Food and Drug Administration (FDA), U.S. Department of Health and Human Services (HHS), inspected the plant before the accident occurred, workers had told them about the unsafe work conditions. The officials, however, were concerned only about the cleanliness of the plant, she said.

Ms. Hill recommended that the NEJAC facilitate the establishment of an EPA and OSHA task force to address the chemical poisoning of workers and environmental racism. Ms. Ramos stated that community leaders should be encouraged to file complaints with OSHA on behalf of mistreated employees. Ms. Hill responded that her community had filed complaints with OSHA, adding that workers do not have the right to sue an employer for compensation for injuries. In response to Ms. Augustine's question, whether Ms. Hill's organization works with welfare workers trained to work in hazardous conditions, Ms. Hill responded that the welfare workers are forced to work in toxic conditions without any hazardous waste training.

Ms. Augustine asked Mr. Turrentine whether, as an environmental issue, OSHA's failure to protect workers would fall under the jurisdiction of the U.S. Department of Labor (DOL). Ms. Hill responded that it would seem that the proper agencies with which to collaborate on the issue are EPA and OSHA, since they both acknowledge hazards that affect workers. Mr. Tseming Yang, Vermont Law School and member of the International Subcommittee of the NEJAC, noted that such issues are related to matters that were to be discussed during the meeting of the International Subcommittee; he therefore invited Ms. Hill to attend that meeting. Mr. Yang asked Ms. Hill whether the problem is lack of enforcement, lack of adequate laws, or lack of employee education. Ms. Hill responded that OSHA does not cover farm workers or domestic workers who work with dangerous cleaning materials. The number of OSHA inspectors is insufficient to assess sites, she stated, and enforcement is an issue, as well. Mr. Turrentine suggested that Ms. Hill join forces with a local or national labor union that has resources and capital to invest. Ms. Hill stated that her organization had been working with unions, but that government accountability is needed to protect workers.

3.13 James Hill, Scarboro Community Environmental Justice Network, Oak Ridge, Tennessee

Stating that he is president of the Oak Ridge Branch of the National Association for the Advancement of Colored People (NAACP), Mr. James Hill, Scarboro Community Environmental Justice Network, Oak Ridge, Tennessee, noted that the predominantly African-American community of Scarboro is located 500 yards from the Y-12 nuclear weapons plant. The state of Tennessee was called upon to investigate why so many children in the community were suffering from health problems, he stated, but that the state of Tennessee refused to take action. For the past two years, the Scarboro Community Environmental Justice Network has been meeting with local, state, and Federal officials to establish leadership in the community and to conduct health examinations, he said. The results of those examinations indicate that asthma rates are higher than the national average, he pointed out. The community currently is discussing with DOE the performance of additional soil sampling, since an initial sampling showed high levels of contamination in the community, he said. In addition, Mr. Hill continued, EPA had presented a sample plan to the community and provided the community an opportunity to comment on the plan. Mr. Hill stated that he wished to inform the NEJAC that many activities were underway in Scarboro, but that "there is no closure yet."

3.14 Mildred Colen, Private Citizen, Warren, Arkansas

Ms. Mildred Colen, a private citizen, Warren, Arkansas, stated that there are five lumber companies located in Warren, one of which is located adjacent to the residences of many families in the community. She explained that many people in the community had died of cancer, cardiovascular disease, or diabetes because they used water from contaminated wells. She pointed out that city water was not available to the community until the 1970s. For more than three decades, the lumber industry discharged and dumped its wastes on residents' property, she said. Recent sampling by EPA revealed the presence of 15 heavy metals in soil, including arsenic at a level of 17.2 parts per million, she said, pointing out that the maximum contamination limit is 0.05 parts per million. Other testing revealed the presence of nine volatile organic chemicals that are identical to chemicals used by the hardwood industry in the manufacturing of its products, she stated. The chemicals are known to cause cancer, kidney and liver problems, and

circulatory disorders, she said, but EPA tells the community there is no need for concern.

The Arkansas Department of Environmental Quality (ADEQ), EPA, ATSDR, and the Arkansas Department of Health are all aware that there is an illegal landfill created by the industry in the community, Ms. Colen said. Runoff from the landfill flows from a stream onto the properties of residents of the community, she stated. She stated that an investigator had examined the landfill after she had offered comments at an environmental justice enforcement roundtable meeting of the NEJAC in San Antonio, Texas in 1996. After the examination of the landfill in her neighborhood, she continued, and of another landfill in a white neighborhood, cleanup of the landfill in the white neighborhood was ordered within weeks.

Ms. Colen added that she since had filed two administrative complaints with EPA's OCR under Title VI. She noted that those charges were against the city of Warren for participating in the pollution of the neighborhood and ADEQ for issuing a permit under the National Pollutant Discharge Elimination System (NPDES) that authorized industry to discharge effluent onto private property without monitoring. Not only were the complaints denied, she said, but OCR also violated her privacy rights by turning the complaints over to the agencies against which she had filed them. Since then, she stated, she had experienced several forms of harassment. Ms. Colen asked the members of the Executive Council for any advice they could provide about her predicament.

Dr. Michel Gelobter, Rutgers University and chair of the Air and Water Subcommittee of the NEJAC, asked Ms. Colen what role EPA Region 6 had played during the proceedings she had described. Ms. Colen responded that representatives of Region 6 had visited her community several times to investigate conditions, but that no action had resulted from those visits. Dr. Gelobter suggested that Ms. Colen speak with him after the public comment session to determine how the Air and Water Subcommittee of the NEJAC can be of assistance to her community.

3.15 Caitlin Waddick, City Planning Program, Georgia Institute of Technology, Atlanta, Georgia

Speaking on behalf of her professor, Ms. Caitlin Waddick, City Planning Program, Georgia Institute of Technology, Atlanta, Georgia, introduced to the members of the Executive Council that program's research on multiple chemical sensitivity. She noted

that the Enforcement Subcommittee of the NEJAC had prepared a draft resolution on multiple chemical sensitivity that requested that EPA review a host of issues. Ms. Waddick stated that representatives of the university's city planning program had reviewed the resolution and suggested that Item 7 of the proposed resolution be amended to read as follows, "The EPA should devise and adopt a reasonable accommodation policy for affected persons who work and/or attend meetings held at or sponsored by the EPA. This should include the identification and provision of EPA work places and EPA meeting places which are non-toxic and suitable, a fragrance-free policy for EPA offices in internal and external meetings, and other actions to accommodate multiple chemical sensitivity, disabled workers, and meeting participants." (Appendix A of this meeting summary provides the full text of the resolution that was approved by the Executive Council on May 26, 2000.) For example, she stated, several people had been unable to attend the public comment period because the room was not fragrance-free.

Ms. Waddick stated that studies indicate that multiple chemical sensitivity in the United States could affect from 16 to 32 percent of the population. Such persons are so sensitive to chemicals that the condition is very disruptive in their lives, she said. Ms. Waddick stressed the importance of passing the resolution on multiple chemical sensitivity. Action should be taken now, she said, to prevent more individuals from becoming sensitized to chemicals. She explained that people can become sensitized by exposure to pesticides, indoor air pollutants, and new carpeting, for example. Mr. Cole stated that Ms. Waddick should give any recommended changes in the resolution to him, so that the members of the Enforcement Subcommittee can discuss those changes during their meeting.

3.16 Pat Hartman, Concerned Citizens of Mossville, Westlake, Louisiana

Ms. Pat Hartman, Concerned Citizens of Mossville, Westlake, Louisiana, stated that, a few years earlier, the city of Mossville had experienced a toxic spill that caused several illnesses and deaths among members of the community. The people of Mossville filed a class action lawsuit, she said, but she characterized the settlement reached as unfair. In addition, there are refineries throughout the community that contaminate the land, air, and water, she said. State and Federal agencies have not provided any assistance, she stated. Many people in the community continue to be sick, she explained, from cancer and other illnesses resulting from the spill. Ms. Hartman asked that the NEJAC help the people of Mossville in their effort to have a health

clinic established in their community. Doctors do not understand that the illnesses are caused by chemical contamination, and they prescribe medication that is unaffordable, she explained. Ms. Hartman noted that the community has united with other minority communities in Louisiana and around the country to address the environmental injustices that occur in their respective communities. Ms. Shepard stated that residents of Mossville were to meet with members of the Health and Research and Waste and Facility Siting subcommittees to discuss the issues further on the following day.

3.17 Pat Costner, GreenPeace International, Eureka Springs, Arkansas

Dr. Pat Costner, GreenPeace International, Eureka Springs, Arkansas, introduced Mr. Damu Smith, GreenPeace International, Washington, D.C., and stated that Mr. Smith would present the opening comments of her presentation. Mr. Smith reminded the Executive Council that, at the December 1999 meeting of the NEJAC, he had discussed an investigation of dioxin exposure that ATSDR had conducted in Mossville. ATSDR had completed that investigation, he said, adding that Dr. Costner would provide a critique of the scientific evidence related to the dioxin crisis.

Dr. Costner stated that the 28 people who were tested in Mossville during the investigation had levels of dioxin and PCBs in their blood at three times the background level for the population of the United States. Those levels fall within the range at which adverse health effects have been identified in both laboratory animals and humans, she said. That finding suggests that there are unique local sources of dioxin and PCBs in Mossville, she added. ATSDR also analyzed a sample of breast milk that contained levels of dioxin and PCB that were 30 percent higher than average, she pointed out. In addition, she said, dioxin levels in soil in people's yards in Mossville are 17 times higher than levels found in rural areas of the United States. On the basis of those findings, she continued, the citizens of Mossville recommend that the NEJAC make it a priority to identify and eliminate the source of contamination of dioxin and PCBs in Mossville. Not only must the facilities be dealt with, she declared, but the dumps and landfills also must be remediated.

3.18 Charlotte Keys, Jesus People Against Pollution, Columbia, Mississippi

Stating that she has personal experience with local public health issues arising from exposure to contamination, Ms. Charlotte Keys, Jesus People Against Pollution, Columbia, Mississippi, stated that

the only true remedy for many such issues is to bring all agency resources together. She pointed out that sites being remediated under the Resource Conservation and Recovery Act (RCRA) and Superfund, Federal facilities, pesticide sites, and similar sites often are the source of the same public concerns. Most of the sicknesses in minority communities result from environmental pollution, not poverty, she noted. Ms. Keys recommended that the NEJAC work to enact or enforce existing policies to make it mandatory for agencies to foster partnerships with communities to develop corrective measures through a joint effort involving all agency resources. DoD, DOE, HUD, HHS, the U.S. Department of Transportation (DOT), EPA, and other agencies should resolve public health issues through the use of existing funds and develop new funds so that communities can receive health care services, she said. In addition, she continued, medical professionals should undergo training in the effects of toxic contaminants on health so that they can make accurate diagnoses of illnesses related to exposure to contamination.

3.19 Ian Zabarte, Western Shoshone National Council, Indian Springs, Nevada

Mr. Ian Zabarte, Western Shoshone National Council, Indian Springs, Nevada, stated that environmental racism in policy practiced by agencies of the government, such as the U.S. Department of Justice (DOJ) and EPA, is killing the Western Shoshone people. The Western Shoshone have filed documents in U.S. courts that present an analysis and critique of Federal plenary power over Indians, he said. The doctrine of U.S. Federal trusteeship that is asserted over American Indians originated in an era of racial discrimination, he explained, and is unacceptable in modern society. The Federal government asserts that it has plenary power and trusteeship over the Western Shoshone, he said. From the government's perspective, he said, such a position means that the government can exert unlimited administrative control over the Western Shoshone people and their property. The policy destroys the Western Shoshone language, culture, and tradition, he pointed out. The Federal government maintains that Western Shoshone territory was taken, and that money has compensated them for such taking, but at no time have the Western Shoshone relinquished title to their lands, he added. Further, they have refused payment for claims on their territory, said Mr. Zabarte. The foundation cases of U.S. Federal Indian law are grounded on principles of supremacy that date back to the 15th century, he stated. Mr. Zabarte pointed out that the cases that the United States uses to justify its policies are based on distinctions between Christians and heathens that

penalized Indians for not believing in Christianity. Today, that unjust posture of Christian right continues to influence the government's dealings with Native Americans, he stated, and is used to justify the ongoing theft of land and natural resources.

Mr. Zabarte noted that the United States has detonated 924 nuclear weapons within Shoshone territory and buried 828 such weapons underground. Radiation is entering the groundwater, he said. Native Americans also have been targeted for a proposed high-level nuclear waste repository at Yucca Mountain, Nevada, he added. Mr. Zabarte stated that Native American communities have compiled research to deal with such problems and representatives of those communities were to present that research at the meeting of the International Subcommittee.

3.20 Michelle Xenos, Shundahai Network, Las Vegas, Nevada

Ms. Xenos explained that the definition of health discussed during the public comment periods had excluded mental and spiritual health. Mental and spiritual health are equally important, she pointed out, and manifest physical health. People are linked with other people and their environment, she continued; what happens to one person affects other people, as well. Ms. Xenos noted that the people of her community believe there are flaws in the methodologies used in the conduct of health studies and that people have difficulty accepting the way the results of such studies are interpreted. She stated that a profit-driven society will not be healthy, because profit is generated through exploitation of the earth. Not only is the environment exploited, she continued, but Native Americans and African-Americans also are mistreated. Ms. Xenos stated in conclusion that EPA and the NEJAC should protect the resources that create profit.

3.21 David Baker, Community Against Pollution, Anniston, Alabama

Thanking the NEJAC for visiting Anniston on its fact-finding tour the day before, Mr. David Baker, Community Against Pollution, Anniston, Alabama, stated that three and one-half million tons of PCBs currently are buried in the neighborhood of Anniston, Alabama. A number of industries have assaulted that city, he said. The community has been working with EPA, he continued, and the results to date had been satisfactory. Mr. Baker stated that, on the preceding day, a judge in one of the litigation cases had informed Monsanto Company that the corporation must alleviate the contamination in Anniston, he stated. Yet, three and one-half million

tons of PCBs remain buried in the community, he reiterated. The community requested that EPA relocate people or remove the mountain of PCBs, he stated. Mr. Baker asked for the assistance of the NEJAC in addressing the issue, adding that the community also needs assistance in arranging the establishment of a health clinic.

3.22 Natalie Leverette, PEACE, Richton, Mississippi

Ms. Natalie Leverette, PEACE, Richton, Mississippi, stated that all the households in her predominantly black community experience some type of health problem. Members of the community had requested information from DOE about the chemical companies in the community, believing that those facilities could be causing the health problems, she explained. The community discovered that wells in their neighborhoods were contaminated with high levels of chloride, sodium, strontium, and boron, she said. Members of the community reviewed some water reports of the U.S. Geological Survey (USGS), DOI, she continued, and discovered that their wells consistently showed high levels of contamination year after year, while wells in nearby neighborhoods did not show any contamination. The chemical companies and DOE both deny any involvement in the contamination of their community, she stated.

Ms. Leverette mentioned that the community also had discovered that their water supply comes from a separate system from that supplying other communities nearby. In 1993, she continued, the community learned that there were traces of arsenic in the water, but the state environmental department of Mississippi denied that finding, she said. The contaminated well recently had been sealed, she stated. Ms. Leverette requested that the NEJAC arrange for EPA to help the community test the sealed well to identify contaminants its citizens have been exposed to. In addition, she said, the community needs health facilities to address the medical problems of its people.

3.23 Nan Freeland, Natural Resources Leadership Institute, Raleigh, North Carolina

Ms. Nan Freeland, Natural Resources Leadership Institute, Raleigh, North Carolina, expressed concern about fish consumption advisories and how they are related to environmental justice. In North Carolina, she stated, fish consumption advisories rarely are posted in areas in which poor people and African-Americans will see them. Advisories typically are posted in areas to which people who have fishing boats go, she explained, but rarely in areas in which

people fish without boats. Children often play in the water, as well, she stated, adding that fish advisories sometimes are not posted until after dead fish have been found. Streams and tributaries affected by advisories often run through communities, she pointed out, but the advisories are not placed in communities in which people work and live. North Carolina has had a significant problem with pollution of streams and rivers, she stated, and it is important that fish consumption advisories be posted. Fish are dying and disappearing in places in which they once were plentiful, she said. Ms. Freeland stated that, when fish consumption advisories are issued, they should be highly publicized, not merely posted in recreational areas. Citizens also should be educated about what fish advisories mean, she said. Dr. Gelobter pointed out that Ms. Freeland was to attend the meeting of the Air and Water Subcommittee on the following day. He added that such issues are relevant in Indian country, as well.

3.24 Connie Tucker, Southern Organizing Committee for Economic and Social Justice, Atlanta, Georgia

Ms. Connie Tucker, Southern Organizing Committee for Economic and Social Justice, Atlanta, Georgia, explained that on May 5 and 6, 2000, representatives of 15 communities in EPA Region 4 attended a citizens training forum. The goals of the forum were to educate citizens about the structure of the NEJAC, discuss public health issues that affect low-income and minority communities, and discuss recommendations related to policy for addressing public health issues, she said. The forum focused on a community-based public health model to elicit the views of representatives of affected communities, she stated. A planning committee subsequently was formed to identify major issues and policy recommendations gathered during the forum, she said. The major issues identified, she pointed out, were children's health, air and water pollution, Superfund and brownfields sites, Federal facilities, and commercial agriculture. The planning committee is preparing a document that sets forth policy recommendations on assessment, intervention, and prevention. The document will be presented to the NEJAC when it is completed, she stated.

Ms. Tucker suggested to the Executive Council that each region that hosts a meeting of the NEJAC should provide funding for environmental justice organizations to conduct similar forums so that those organizations can present a list of recommendations to the NEJAC before the meeting begins. She added that EPA should provide adequate funding to foster community participation and allow

communities to obtain technical assistance. Ms. Tucker also stated that the NEJAC should develop a process for reviewing and adopting recommendations provided during public comment periods. Concluding her statement, she requested that the NEJAC begin to concentrate on the failure of EPA to provide oversight of enforcement and compliance responsibilities delegated to states.

3.25 Edgar Moss, McIntosh Environmental Justice Taskforce, Inc., Atlanta, Georgia

Noting that he was a retired worker for Ciba-Geigy Chemical Corporation, Mr. Edgar Moss, McIntosh Environmental Justice Taskforce, Inc., Atlanta, Georgia, stated that the African-American community of McIntosh is located on the fenceline of facilities of the Ciba-Geigy and Olin Corporation Chemical Divisions. Ciba-Geigy produces pesticides that cause cancer and developmental problems in children, he explained. He pointed out that the companies contaminated the basin of the Tombigbee river, creating a Superfund site. Mr. Moss indicated that the rates of cancer and other illnesses are high among workers in the community, and children suffer from learning disabilities. He pointed out that no state or Federal agencies have intervened or provided help to the community. Mr. Moss requested that the NEJAC intervene and investigate the need for relocation in McIntosh.

3.26 Usha Little, Native American Environmental Protection Coalition, Valley Center, California

Noting that some of her colleagues had spoken previously about the Gregory Canyon Landfill, Ms. Usha Little, Native American Environmental Protection Coalition, Valley Center, California, informed the Executive Council that the proposed landfill would cover 1,770 acres of canyon land, part of which is the watershed of the San Luis Rey River, which replenishes groundwater sources in southern California. The habitat includes a diverse population of native plants and animals, she stated, and the area is adjacent to the lands of six Indian tribes. The landfill site would have a significant effect on the livelihood of a minority population whose voices are unheard, and whose resources are already limited, she explained.

The site proposed for the Gregory Canyon Landfill is Medicine Mountain, which is a Native American place of worship, she stated. Medicine Rock, a location on the mountain, has been a part of Indian culture through many generations, she said, adding that it is a place where Native Americans can connect with their ancestors' religious and spiritual

knowledge. There are 22 prehistoric and historic sites on the mountain, Ms. Little added, and three types of vegetation present there are listed in the California Environmental Quality Act. She pointed out that traffic will increase significantly, and air pollution will affect six reservations. Ms. Little requested that the NEJAC contact and advise the agencies responsible for issuing the landfill permit. She closed her statement by reiterating that the Gregory Canyon Landfill is an environmental and cultural disaster, and is a desecration in the eyes of Native American people. Ms. Little submitted a videotape to the NEJAC that documented comments from tribal leaders and community members who had been unable to attend the meeting. Mr. Goldtooth noted that the Waste and Facility Siting and the Indigenous Peoples subcommittees would follow-up on the issue.

3.27 Hazel Johnson, People for Community Recovery, Chicago, Illinois

Pointing out that she is a former member of the NEJAC, Ms. Hazel Johnson, People for Community Recovery, Chicago, Illinois, stated that her community is affected by heavy toxic contamination. Instead of asking the state or the health department to perform a health study, Ms. Johnson said, she is requesting that the NEJAC help train residents to conduct their own health study. Residents then would not be concerned about being misled by the government, Ms. Johnson explained.

After PCBs were discovered in the community, its citizens filed a class action lawsuit against the public housing authority because the authority had neglected to inform residents of the toxic living conditions before they moved in, she said. Several people in the community are dying of a variety of illnesses, she explained, and health care is too expensive for residents of the community to afford. Similar problems are occurring around the country, she stated, and it is time that agencies take action. Ms. Johnson also requested that the NEJAC help provide training for medical personnel because they are not skilled in diagnosing illnesses caused by toxic contamination.

3.28 Mark Mitchell, Connecticut Coalition for Environmental Justice, Hartford, Connecticut

Mr. Mitchell stated that his organization had performed some community-based, community-driven research on contamination in Hartford, Connecticut. Hartford has the highest documented rate of asthma in the United States, as demonstrated by a study conducted by the Connecticut Children's

Medical Center that indicated that 41 percent of the city's children have asthma, he said. Mr. Mitchell pointed out that it is important to examine the high rates of asthma and the relationship of such rates to air toxins. Trash and sewage sludge in the community account for 2,000 tons of air toxins a year that are not reported to the TRI, he stated.

Mr. Mitchell informed the Executive Council that his organization had documented a new kind of medical condition called chronic recurrent respiratory ailment that occurs in Hartford and other urban areas around the country. Such respiratory illnesses, he explained, have symptoms similar to those of minor colds and last several months. Studies show that the incidence of the condition is not distributed evenly through the city, he said, adding that it is concentrated in areas in which rates of air pollution are higher than those in areas in which the incidence is relatively low.

Mr. Mitchell stated that asthma is a two-step process that involves an initiator and a promoter. Toxins are the initiators, he explained, and other air pollutants, such as allergens or dust mites, are promoters of asthma, once it has developed. Mr. Mitchell stated that hormonal mimics, such as PCBs and dioxins, should be studied because they may cause allergies and autoimmune conditions. Mr. Mitchell stated that community-based organizations should be represented on NEJAC subcommittees. He added that people should be tested to determine whether there is a relationship between the increase in chemical contaminants and the increases in disease rates. Such testing should focus on health outcomes, rather than engineering controls, he said, and diseases related to environmental conditions must be addressed.

3.29 MaVynee Oshun Betsch, A.L. Lewis Historical Society, American Beach, Florida

Ms. Betsch informed the Executive Council that there are three dump sites in Jacksonville, Florida that should be addressed by EPA. Representatives of Jacksonville had been unable to attend the meeting, she stated, but the information they wished to bring to the attention of the NEJAC had been provided to the Executive Council.

Continuing, Ms. Betsch stated that she is a survivor of environmental injustice. She then recommended that the NEJAC form a work group of people who have survived such injustice. She stated that she once lived in London, England where the air pollution caused by coal-fired plants was so heavy that she had found it necessary to wear surgical masks. Ms. Betsch explained that she lives a very healthy

lifestyle, even though she has colon cancer. She pointed out that illnesses caused by contamination can be treated with the right diet and medications. People should listen to folklore, she stated, because there is a chance that folk remedies can cure their ailments. She pointed out that understanding the culture of a community and talking to members of communities on their level will enhance the ability to treat their ailments.

3.30 Damu Imara Smith, GreenPeace, International, Washington, D.C.

Mr. Smith discussed environmental justice issues affecting the community of Mossville, Louisiana that were to be addressed during the scheduled joint meeting of the Waste and Facility Siting Subcommittee and the Health and Research Subcommittee. He noted that, while the meeting would focus on the health and dioxin crisis in Mossville, he also wanted the NEJAC to examine the policy implications of the government's dealings with the community. It is important to examine Mossville's situation to determine how other communities in similar circumstances would be dealt with, he stated. Mr. Smith noted that his organization would demonstrate the seriousness of the dioxin crisis in Mossville and discuss the responses of state and Federal agencies. State and Federal agencies have taken a series of actions to frustrate the communities' efforts to obtain environmental justice and to undermine the work of Mossville Environmental Action Now, the organization that has been mobilizing the community for three years, he stated. Mr. Smith requested that the Executive Council provide advice on the most effective way to follow-up health studies. In addition, he continued, the communities would like to address the proper role of Federal agencies in cases in which state agencies fail to act.

3.31 Elizabeth Crowe, Chemical Weapons Working Group, Berea, Kentucky

Noting that there were some points that had been missed in discussions of community-based health assessments, Ms. Crowe pointed out that there had been no mention of alternative assessment in discussions of shifting the burden of proof to industry and the military. A justice-based, community-based health assessment is not feasible until EPA and other agencies stop presuming that industries are innocent until proven guilty, she stated. It should be assumed that chemicals are harmful, she explained, until industry can prove otherwise. A precautionary principle states that, when science cannot fill data gaps, even because of a lack of evidence, it is imperative to err on the side of precaution and public

health, she said. A protective model linked with a precautionary principle is the alternative assessment that, if implemented, dictates that, if an action is too dangerous it will be unacceptable from a public health standpoint, she explained. Lacking such an assessment, she continued, EPA provides little incentive for the development and use of cleaner technologies. Ms. Crowe then stated that, in the case of the issue of community health assessment, the burden of proof continues to be placed on communities like Mossville. The people of such communities are the people who are dying, she declared, and they should not be expected to prove that they are being harmed.

3.32 Jim MacDonald, Pittsburg (California) Unified School District, Pittsburg, California

Mr. MacDonald stated that EPA has made many decisions that make environmental justice impossible. Industry can bypass most of the programs instituted by EPA simply by saying that it is not creating adverse effects, he explained. The argument about cause and effect can go on for years, he said. EPA must recognize that environmental justice is a civil rights matter, he stated, and that everyone has the right to breathe the same quality air. The placement of industry in African-American neighborhoods is brought about by the same mechanism that caused the segregation of public education, he said. Zoning practices arose from racism and discrimination, he stated.

Mr. MacDonald pointed out that a minority of people “run this country” because so many individuals choose not to vote. City councils have more control than most people understand, he said. It is important that communities understand their city council, because those bodies often are controlled by big business and commercial interests, he stated. Mr. MacDonald suggested that, before voting for politicians, people should ask those politicians whether they intend to support new industries or sources of pollution if they are elected.

3.33 Donnel Wilkins, Detroiters Working for Environmental Justice, Detroit, Michigan

Noting that EPA's mission ensures the protection of health, Ms. Donnel Wilkins, Detroiters Working for Environmental Justice, Detroit, Michigan, recounted the story of a 15-year-old girl who died of an asthma attack. A common-sense approach must be taken to address the health effects on communities and the issues of concern to those communities, she said. She suggested that a remedial education project should be developed that includes representatives of local, state, and Federal agencies,

and of communities, as well. There is an assumption, she continued, that communities do not understand the issues they face, and there is disregard for the knowledge members of communities possess. Existing laws should be enforced, and health must be placed first in importance, she stated. Also needed is a reversal in the trend that places the burden on communities to prove that health disparities exist, she added.

Ms. Wilkins discussed a recent battle against a hospital in her community that had a medical waste incinerator that was not in compliance with applicable regulations. The community learned that rates of asthma were higher in areas adjacent to the facility, and it was successful in shutting down the facility, she explained. Before that was done, she stated, the community was required to prove that the health problems of its members were linked to emissions from the incinerator. Ms. Wilkins pointed out that the answers to some environmental problems exist, but more interaction among agencies and sharing of resources are necessary to effectively implement such solutions. She noted as well the need for a better understanding of cumulative effects and the health risks they pose.

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