

## U.S. EPA NEJAC Committee Meeting

April 13, 2004

### Members Present

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

### EPA Representatives Present

Charles Lee, DFO

Keynote: "—" indicates inaudible in the transcript.

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### Public Comment Session

(7:00 p.m.)

MS. EADY: We are going to begin now, we do have a quorum. We are going to begin the public comment session. And in just a minute, we do have one additional council member who arrived late. So if you don't mind introducing yourself, sir.

MR. WARREN: Ken Warren.

MS. EADY: You haven't had the microphone experience yet.

MR. WARREN: I am unaccustomed to this microphone.

MS. EADY: They are very good mics.

MR. WARREN: And an industry/business stakeholder representative on the Executive Council. This is my fourth, and I believe, final year, having been extended for one year following my three year term.

MS. EADY: Great. Welcome Ken. We are glad to have you.

So the NEJAC will begin the public comment period, and what we do during this session is that we call on commenters who have signed up in advance to present comment. After each has had an opportunity to speak, the Chair, that would be me, will ask

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whether any NEJAC members wish to ask clarifying questions. So that will be at the end of each statement.

Each commenter is limited to five minutes, we do have a timekeeper next to us and she is very good in her job. One representative from her organization. For those who did not register in advance, we will take the commenter on first come/first serve basis; provided, there is sufficient time remaining.

So I want to begin by just reading briefly the names of two people who have submitted written comments. First of all, Roosevelt Roberts with the Rubbertown Emergency Action in Louisville, Kentucky, he submitted written comments. They are included in your binder.

Additionally, Bob Collin, who is a member of the NEJAC Waste and Facilities Siting Subcommittee from Salem, Oregon, also submitted written comments. Those are going to be distributed soon, within moments.

So if we could just begin with the people who are here who are going to give oral comments. Johanna Congleton, Physicians for Social Responsibility, Los Angeles, California. So come up to the table.

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**Comments**

**by Johanna Congleton**

MS. CONGLETON: Thank you. Johanna Congleton, Physicians for Social Responsibility, Los Angeles. I am the Public Health Associate there and I have a comment and a question. The comment is in reference to working with health professionals on a community capacity building research projects; particularly, health professionals that work at community clinics serving impacted communities. The safety net providers and those that treat the uninsured.

Some of impacted communities are already doing this, of course. Places in California and Louisiana, but I just wanted to highlight several reasons why this type of work is important. The first is that researchers and community members will have a better understanding of the health outcomes providers are actually seeing that are potentially related to environmental risk factors. That includes high rates of asthma, blood lead levels, ADD, things like that.

But, most importantly, it is a reciprocal opportunity to inform community clinics staff, safety net providers, about environmental risk factors. Being experienced, they might not actually be aware of. On average, physicians receive about zero

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to seven hours of environmental health training while in medical school.

I direct a program in partnership with the California Department of Toxic Substances Control on clinical education workshops on patient risk communication and exposure prevention strategies dealing with mercury in fish. Believe it or not, there is a limited number of physicians that know the Food and Drug Administration even has a consumer advisory warning, women of childbearing age should not eat certain types of fish because of the potential for nervous system damage to the unborn.

So this really presents a reciprocal opportunity to work together both for health professionals to achieve a better understanding of what is happening in impacted communities, and for researchers and community members to take note of what health professionals are actually seeing in the clinic.

Also, to jointly develop environmental exposure history intake exams. ATSDR and the American Academy of Pediatrics have models of these history intake reports. My organization, Physicians For Social Responsibility, has developed one specifically for clinics that see uninsured farm workers, which is in the Central Valley. They see a lot of pesticide exposure and poisoning.

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And my question — I know that the EPA Region 6 Stakeholder Group met during dinner, and I just wanted to see what progress was being made with implementing the recommendations in the EPA Louisiana Environmental Program Oversight Audit Report. If anybody is there from that meeting.

MS. EADY: Do we have anybody here who can respond to that? Can you come up to the table and speak into the microphone. Thank you.

MR. NELEIGH: Yes, I am David Neleigh. I am Chief of the Air Permits Program in Region 6. That subject was not actually discussed in the stakeholder meeting this evening, although if you have questions, I will be glad to meet with you separately. You know, I am not sure everyone wants to hear a long dissertation.

Where we stand on the water, the RCRA, and the Air Program Oversight Reports — and, I mean, that is a whole evening all unto itself. And quite interesting, for those that care.

But we did do extensive reviews of Louisiana in all three programs. Two of the reports are out and great progress has been made. We expect the third one, which is the RCRA Report to be out very soon.

MS. EADY: Thank you very much.

MS. CONGLETON: Thank you.

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MS. EADY: Any comments?

(No response)

MS. EADY: Okay, let's move on. What I am going to do is I am actually going to call the next three people, since we have a number of chairs up here. So, Shawna Larson, Alaska Community Action on Toxics. Shawna Larson. Richard Burton, Jr., St. James Citizens for Jobs in the Environment. Tom Goldtooth, Indigenous Environmental Network. Doris Bradshaw, Defense Depot, Memphis, Tennessee.

So, first we have — well, you will say your name, right? Okay.

**Comments**

**by Shawna Larson**

MS. LARSON: My name is Shawna Larson, (Not speaking English). I am Aleut on my mother's side from the Village of Port Graham, and I am Athabaskan on my father's side, from the Village of Chickaloon. I currently live and serve on my tribal council. As a mother and as a Native person, I have serious concerns with the risk-based approach that the U.S. EPA is currently using.

Let me start by trying to help you understand where I come from. In my mom's Village of Port Graham, the population is about 200 people. We are almost all related. You can only get

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there by boat or plane. We fly in on a six passenger plane and the air strip is a gravel pad in the center of the village. There are no paved roads and most people get around by walking or four-wheeler.

Mail only comes on Monday, Wednesday and Friday. In our village when I was growing up, we did not have indoor plumbing. We used what we call the honey bucket. Now, since HUD Housing has come to our village, we have the modern convenience of indoor water and bathroom. We have one school, which is K-10, we have one clinic, one community hall, two stores and a dump. At the store, a pound of butter is \$5.00 and a gallon of milk is \$6.00.

In almost every hard in Port Graham there is a smoke house which is used for drying and smoking fish in the summer months. Every summer when the fish start running, the entire village comes alive. People are anxious to start putting away fish for the winter. We have fresh boiled humpy, fresh fried salmon, fresh seal, halibut, octopus, clams and muscles. We pick wild onions to eat with our fresh seafood and we start drying and preserving our meats for the winter. In our village, winter starts in October and lasts through April, but in other villages, it lasts longer.

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Our village thrives on gathering during the summer months. We get our foods and we share with those who can't go out and get for themselves, especially, our elders.

Our village has survived many things, including Russian settlers, European settlers, which brought colonialism, genocide, oppression, outside new religions, boarding schools, alcoholism, different events, such as the Exxon Valdez oil spill.

We have also survived things like the BIA and new diseases, such as diphtheria, polio, HIV-AIDS, cancers, diabetes, and we even see things today like no-gut syndromes. That is how our babies are born, with their intestines on the outside of their stomach. And, yet, we as indigenous people have survived, and we continue to do so.

Today is a new time and it brings new things to survive. Eight-five thousand chemicals are on the market today. Approximately 8,000 new chemicals are being introduced every year. Breast milk is now the most contaminated food on the planet. I will say that again. Breast milk is now the most contaminated food on the planet.

Most people in the U.S., including all of us here today, have an average of 90 chemicals running through our veins. We then pass these toxic chemicals down to our children. Now our

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animal relatives have these toxic burdens as well. It is not uncommon to find carabao, moose, fish or seals with tumors, puss sacks, and lesions. These chemicals recognize no limits and no boundaries.

How did we get here? Let's talk about the current risk-based approach. Science versus traditional knowledge. When we talk about science, it really depends on what definition you are using. Science, on one hand, leaves a lot of room for interpretation, whereas, traditional knowledge does not. In traditional knowledge, we have what our elders tell us. They learned from thousands of years of knowledge that has been passed down from them, and they have learned from experience.

There is no room for political mumbo jumbo in traditional knowledge. The chemical companies do not lobby our elders, our elders don't stand to lose elections. We know that science can be bought and paid for, common sense can't.

Including all stakeholders. I think we need to redefine stakeholders. I feel insulted when as a tribal member I get lumped in with industry. People are so concerned about including industry as stakeholders, but it really seems like a conflict of interest to me. Obviously, if the regulations change to benefit the people's health, then industry is going to lose out on money. It seems like if EPA

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had regulations that eliminated toxic chemicals, the industry would invent and create new safer alternatives.

Protection. How does risk assessment protect us? We use tools and we do studies, but even after all that, we are still contaminated. Working with communities. Please define communities. If you are talking about the local state government, that presents a problem for me and my community. The State of Alaska does not recognize tribes. We have nearly 40 percent of the nation's tribes in Alaska. Fishing is the third largest industry in Alaska, behind oil and tourism. The state is not going to let anyone say that our fish have contaminants because that would effect the economy.

Risk assessment is a flawed concept. It does not work for us, it works against us. It allows us to be contaminated against our own will. This system we are working under forces us as community members to prove that the contaminants are, in fact, causing us harm. It puts the responsibilities on the communities.

And just in closing, tonight I bring to you real life experience. I can tell you the main concern I hear from all the tribes in Alaska is cancer. Since the '50s, we see a lot of cancer, and before that it was virtually unheard of. I am here today to ask that

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you please not let risk assessment be just one more thing our communities have to survive.

Please start looking at the precautionary principle. It is better to be safe than sorry. Test the chemicals before they are allowed on the market. And, lastly, as you sit around this table with the power to make recommendations to the Administrator of EPA, please remember who you are making recommendations for. It is not just a 170 pound White male test model. It is my children, it is my grandmother, it is the plants, it is the animals, and it is me. Thank you.

MS. EADY: Thank you, Ms. Larson, can you wait for just a minute to see if we have any questions. Do we have any clarifying questions or comments for Ms. Larson? Connie.

MS. TUCKER: I feel you. What we are hoping to do, and it will take some time, that the cumulative risk tool will replace the risk assessment. And your concerns about risk assessment are the concerns that, I think, most environmental justice communities share. So let's just work hard at making sure that we implement a new paradigm, and that is cumulative risk assessment.

MS. EADY: Thank you. And Terry.

MR. WILLIAMS: I just want to thank you for bringing up the issue of traditional knowledge, and you did it in such a

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wonderful way. But it is an important part of our knowledge base and from looking at impacts into the future. I hope you continue to make people aware of that. Thank you.

MS. EADY: Thank you, Terry. And thank you, Ms. Larson. Richard Burton, Jr., St. James Citizens for Jobs in the Environment.

#### Comments

**by Richard Burton, Jr.**

MR. BURTON: I am Richard Burton from — Louisiana. I am the Vice President of St. James Citizens for Jobs in the Environment. If the panel will turn to the part about hazardous analysis, they can see for themselves some of the stuff that I am going to explain now.

Okay, this hazardous matters that I have now is from 1994. We have not reduced any of the pollution since then, we have gained more. There are more plants that came in our area. At the same, we was fighting against Shintech coming to our area. There was two other plants moving in back-to-back, and then another plant came in. At that time, we didn't think too much of it because we were too busy on one front.

In our area, we have plants that are distributing water into the Mississippi River. These plants is less than a city block

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away. There are five of them. And when I asked the question, when all of that stuff from those different plants go into the Mississippi River and they get mixed together, what would happen? I was told that because of the size of the river, the all the chemicals that go into the river would dissipate.

On the page marked page 4, I have underlined some of the most dangerous chemicals in our area. Another thing too, most of these chemical plants is located in the Fourth District. The Fourth District is an agricultural district. Performing district. That is where they had most of the slaves working on the farms.

After slavery, most of those people stayed in the same place. Some of the houses were sold to the former slaves. One lady bought her house, or her husband bought the house for \$500.00. Three years ago when she applied for her food stamps, they give her \$25.00 worth of food stamps because she owned a house.

On the page marked page 25, you can see how much of a release we are having in our area. If EPA — I should say DEQ because the EPA have distributed the power to DEQ to take action. When we was in a conflict with Shintech, we kept saying over and over that we had enough. We got enough. Previous to that,

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everybody heard about how much money could be made in that area.

They brought Whites from Texas and Mississippi in that area where most of the plants are. We are the poorest people. We don't have jobs. But all the plants are in our back yard. And every time we complain about it, no one do anything. Why? Because it is just a few of us who are complaining about it.

We try to get the other people to complain about it, but they have the same slave mentality. Whatever the White man says go. Once a person gets in that concept, it is hard to change them.

I used to live in New Orleans. I left New Orleans to go out there to help the people. And it is very frustrating sometimes to try to help a person that don't want to help themselves. We work hard, and I am going to continue to work hard. Because I think this is something that God wanted me to do. I will stay in convent and I will work for the people. We have got more people with upper respiratory problems than I ever even dreamed of.

Xavier University run a study and I didn't think that we would have so many adults with upper respiratory problems. We have adults with upper respiratory problems, we have kids that have to take respirators to school with them. We should not have that.

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1 And when all these kids move out of the Fourth District,  
2 they are going to the First District to school. And because of their  
3 slow learning and everything, the other kids laugh at them and they  
4 fight. Nobody want to address that.

5 We tried to get some medical help for the people. Nobody  
6 want to address that. We have been to NEJAC several times on  
7 different occasions. I will probably come again. And one of these  
8 will be the same thing. I would hope that everyone hold the panel  
9 that they have, because tomorrow I will be discussing another  
10 problem that we have there. Thank you.

11 MS. EADY: Thank you Mr. Burton. If you could just wait  
12 for a second. Do we have any clarifying questions for Mr. Burton?

13 (No response)

14 MS. EADY: Okay, thank you very much. Oh, I'm sorry,  
15 Connie Tucker. I am sorry Connie.

16 MS. TUCKER: I just feel obliged to respond. Mr. Burton  
17 didn't say anything, but he suffers from Lupus himself. I just  
18 wanted to note that he is one of the — he has been here all day, so  
19 he is one of the community people who is willing to come to  
20 meetings. So it may be a myth that you can't get the folks to come  
21 to a meeting.

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1 Two, you know, this community, I think, represents an  
2 example of how all that we have done has failed. And I would  
3 recommend that we at least do some sort of special initiative to  
4 really investigate what we can do for this community. It's too  
5 much. I don't have the answer, but I know we need to do  
6 something.

7 MS. EADY: Thank you. Juan. That is you, Juan.

8 MR. PARRAS: I thought I saw Graciela, or saw her card.  
9 But anyway, I haven't hardly made any comments, but I would like  
10 to comment on the previous speaker, on Ms. Larson. And I guess  
11 what really bothers me is, see, I have gone to other meetings  
12 where we deal with Native Americans and it really saddens me  
13 how the Native American Tribes are not even recognized by the  
14 state.

15 You know, we are at war today in Iraq to bring  
16 democracy to Iraq. And it really bothers me and I think there should  
17 be a formal of resolution at least from this council that says, look, if  
18 we can go to war somewhere to bring democracy and freedom to  
19 people in other countries, why can we not do it for Native  
20 Americans.

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1 They are just like us. And they need to be treated with  
2 equalized — and dignity. And that is the comment that I wanted  
3 to make. Thank you.

4 MS. EADY: Thank you Juan. Are you trying to put that up  
5 Judy? Okay, Judy.

6 MS. HENNEKE: Thank you Mr. Burton for being here all  
7 day and making your comments in writing as well as in person. I  
8 appreciate it.

9 I look at page 25 that you asked us to look at. And  
10 coming from New Mexico, we don't see the petrochemical  
11 companies that you do here in Louisiana. I am shocked by the  
12 release rates and the large quantities of petrochemical exposure  
13 that your community has. It is — you know, I have to agree with  
14 Connie, we have been talking about environmental justice for many  
15 years now, and for you to tell us that things have not gotten better  
16 in your community is a very sad situation. For your community, for  
17 the State of Louisiana, and for all of us, and for this country.

18 Because we really need to identify how we can make  
19 progress and not come here 10 years from now for you or your  
20 grandchildren, or their children to tell people like us that things have  
21 not changed. But I thank you.

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1 MS. EADY: Thank you Mr. Burton. Our next speaker is  
2 Tom Goldtooth, followed by Doris Bradshaw. And if Brenda  
3 Brandon of Haskell Environmental Research Study Center from  
4 Lawrence, Kansas could take a seat, you are third.

#### **Comments**

#### **by Tom Goldtooth**

7 MR. GOLDTOOTH: Thank you, Madam Chair.

8 MS. EADY: Welcome back.

9 MR. GOLDTOOTH: And members of the Executive  
10 Committee of the NEJAC. First of all, on behalf of the Indigenous  
11 Environmental Network, I would like to compliment the Cumulative  
12 Risk and Impacts Working Group and the EPA staff persons and  
13 the consultant for their hard work and dedication to the drafting of  
14 this report. I want to make some comments specifically to this  
15 report.

16 We do have a number of Native people that come a long  
17 ways, and they have comments both tonight, as well as tomorrow.  
18 Also, with some presentations to the Indigenous People's  
19 Subcommittee.

20 I want to mention that we are pretty familiar with the EPA  
21 charge for NEJAC on this report, and I just wanted to quote here:  
22 "To provide advice and recommendation on short-term and long-

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term actions EPA should take on the issue of cumulative risk and impacts to ensure environmental justice for all communities.” It is very timely to do this.

It is an action item that has been consistently requested for over 10 years by the environmental justice movement.

My comments are very brief and not meant to be a comprehensive analysis or recommendations of the report. I do, however, want to reserve another time and place to submit written comments that are more comprehensive than my report here.

These comments supplement comments made by a staff member. I believe she already made some comments, and that is Shawna Larson. She is a staff person of the Indigenous Environmental Network, in partnership with the Alaska Action on Toxics, a non-profit organization in Anchorage dealing with a wide-range of environmental justice issues, including military toxics.

The Indigenous Environmental Network embraces and fully supports most of the draft text within the report. We commend the drafters that consistently included the mention of tribes, in addition to the mention of communities. This addresses one aspect of our environmental and economic justice work, educating the EPA, other federal agencies, state governments, and

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local authorities that are federally recognized American Indian and Alaska Native Tribes and villages are not just another stakeholder.

We are not just another community. But our inherent sovereign powers which were self-governing nations centuries before European nations arrived on this continent.

On page 41, titled, Special Concerns of Tribes, this section needs some editing. I will be expressing these concerns to the NEJAC Indigenous People’s Subcommittee for discussion and recommendation back to this body. It is my understanding this subcommittee meets on Thursday.

As the previous Chair of Indigenous People’s Subcommittee that developed through NEJAC the guide on consultation and collaboration with Indian Tribal Governments and public participation of indigenous groups and tribal members in environmental decision-making. This subcommittee understands the importance of correct language concerns the complex legal and political relationship our tribal members and tribal governments have with the EPA and the U.S. Government.

On other matters, I would like to briefly mention some challenges that need to be addressed. Tribal environmental and natural resource programs, Native environmental organizations, and tribal grassroots have been in dialogue with EPA and other

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federal agencies for over 10 years on the need for developing mechanisms for assessing cumulative impact within the NEPA process, with standard setting, and within risk management.

One problem continues within the risk management framework of EPA, and that is how to quantify cultural and spiritual values that are important to the American Indian and the Alaskan Natives.

Stressors mentioned within the report recognize social, economic and cultural factors. In addition to this, I must mention the stress factor of a term I call the psychological post-colonization syndrome that still prevails within the minds and emotions of even our young children. Like victims of post-war syndrome, our people are still mourning and are in grief of the loss of our lands and waters and the views of what we hold sacred. And that is the respect of the sacredness of our mother earth.

I ask, how does a risk manager quantify these multiple-layered stressors that are interwoven with the symptoms of colonization, such as internalized oppression. IEN recognizes the need for better and improved mechanisms for collaborative models and problem-solving initiatives that bring all stakeholders, our tribal governments, and our impacted tribal grassroots communities to the table.

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In recent years, the private sector, including the multi-national mineral extractive and natural resource industries that are active in Indian country have been part of these collaborative models. IEN is concerned with the mechanisms that would level the playing field within these collaborations, breaking historical practices that have left legacies of corruption, deception, betrayal and manipulation of laws in permitting processes to gain access to our rich minerals and resources of our lands and waters.

To be advocates for true, fair and equal levels for collaboration in multi-stakeholder processes within the national trend to erode civil rights and tribal sovereignty rights will definitely be challenging. IEN and the communities we work with that are in struggle for environmental and economic justice and the defense of our treaty rights. We will not give up the fight. How far will the EPA go to stand with us in that struggle?

This report is a first step in many steps towards addressing a new paradigm of environmental protection in this country. IEN will continue to work with you to fight to achieve change that will not only protect our indigenous people but all people, including those that can’t speak for themselves. The animals, the fish, the birds, and the ecosystem.

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1 MS. EADY: Thank you Tom. Do we have any questions?  
2 Terry.

3 MR. WILLIAMS: Well, again, I want to thank Tom for his  
4 eloquent ways in identifying the issues. And maybe it is a question  
5 more suited for Thursday, but when you mentioned the  
6 collaborative problem-solving way of addressing cultural  
7 ceremonial risks, can you be a little bit more specific in what you,  
8 yourself, are thinking as a way to approach that?

9 MR. GOLDTOOTH: I think some of the members of NEJAC  
10 here, as well as some of the audience, have heard many  
11 testimonies of not only our tribal grassroots who are a part of the  
12 fence line communities from mining industry, to pollutants coming  
13 from incinerators, or mercury contamination, as well as our tribal  
14 environmental managers. I think in the history of NEJAC there,  
15 actually, have been some elected tribal officials who have come  
16 here to testify.

17 But one of the biggest factors that is a foundation of who  
18 we are as indigenous people is the relationship that we hold very  
19 valuable and sacred, and that is a relationship to mother earth,  
20 which is a sacred entity. When we talk about environment, as  
21 tribal people, we talk about something that is sacred language, and  
22 that is water, that is air, that is fire, and that is the earth, our sand.

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1 So doing this work is spiritual work, as many of the  
2 points of view, or the world view of our tribal people when we talk  
3 about environmental justice or environmental protection. So when  
4 we talk about these issues, we are talking about a spiritual  
5 relationship to the land. We are talking about what they call values  
6 when they start factoring in risk management. And one of the  
7 problems that I saw a couple of years ago when the tribes and IEN  
8 participated in the national meeting on risk assessment, I have  
9 actually seen risk managers to understanding the importance of the  
10 issues coming from a spiritual perspective.

11 And then literally, I used the analogy, they were arguing  
12 and debating with each other that one evening, playing with their  
13 little calculators, try to quantify a model. How to develop a model to  
14 factor in mathematically those values that we hold very sacred and  
15 that we are trying to convey to the agency that we need protection  
16 around. That is one small attempt to address that issue and to  
17 respond to that.

18 MS. KINGFISHER: Well, thank you. Thank you Tom. You  
19 brought up a really important point that has been on my mind over  
20 time, in that the guidelines that you all have developed on the  
21 Indigenous People's Subcommittee. And many of the other  
22 documents that have been developed through EPA, the NEJAC, it

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1 seems like so much work has been done that we can't always  
2 reinvent the wheel and start over every time.

3 So I am wondering if you saw enough thread in this  
4 report that you think the guidelines have actually been looked at  
5 and adopted by even this group, or if we really need to be better  
6 about bringing all these things to the table as we develop a new  
7 document? Was I clear?

8 MR. GOLDTOOTH: Well, like I said, there is a vast amount  
9 in the report that the Indigenous Environment Network agrees with.  
10 There are, I would say, some minor changes, especially on page  
11 41 that I think there was an attempt to address the specific  
12 considerations of tribes. I commend the people who took that  
13 leadership to put that in there. There is a footnote at the bottom of  
14 that page that does recognize the guidelines.

15 But my concern was specifically on one of the  
16 paragraphs, I think there is some language there that needs to be  
17 corrected. Whether or not the reader is going to do more research  
18 and refer to the document, I have some questions on. So I think  
19 there might need to be additional language that really clarifies the  
20 political and legal relationship our tribes have with the Federal  
21 Government and the fiduciary responsibility that the EPA Agency  
22 has to tribes and the environmental protection, and providing

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1 capacity building, as well as implementation of these programs to  
2 tribes.

3 MS. EADY: Any other questions?

4 (No Response)

5 MS. EADY: Thank you Tom. Next, we have Doris  
6 Bradshaw, Defense Depot, Memphis, Tennessee. Can I ask  
7 Rebecca Jim of Tar Creek, Ottawa County, Oklahoma to come and  
8 take a seat.

#### Comments

##### **by Doris Bradshaw**

12 MS. BRADSHAW: My name is Doris Bradshaw, I am the President  
13 of the Defense Depot, Memphis, Tennessee Concerned Citizens  
14 Committee. I am the community liaison for the Coalition of the Black  
15 Trade Unionists — Team.

16 I was told that we were supposed to talk about cumulative risks,  
17 and I noticed that in dealing with federal facilities that every time it  
18 seems like there is a portion that is left off. I feel like that there was  
19 a lot of information that should have been in that report that was  
20 omitted.

21 One of the issues is around base closures doing the clean up.  
22 When a site is recommended, the record of decision is to have

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institutional controls by — remediation. And no one is addressing issues with these toxic sites within 15 feet from homes.

Now, if this site is not going to be cleaned up, what is the risk in a community like ours where there is cancer, there is other diseases, those diseases that people don't like to talk about, reproductive health. That whole section on women's health and reproductive health was totally left out. Because we know that these chemicals cause birth defects, and then we use the water on the most sensitive bodies to clean it, and things happen.

I am not a doctor, but I know what I see in our community. It is sad that the people that is chosen to participate in these panels, they have a special interest, but you are not bringing in the voices of the impacted people. Sometimes communities don't like to come to meetings like this because you want to set the agenda. And even with the open mic time, five minutes, and we may have something to say. And I feel like that is being disrespectful. And I know that there is a lot of people that want to talk, but that is the culture part of a lot of us.

I feel like that in dealing with the issues around community risks on the federal facility sites that we should look at the issues between from the mining itself to the finished product, where that product has been, where that product have laid, and

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even at the end, Iraq, where the bombs end up at. What are these risks going to do to communities for the next 50 to 100 or 1,000 years?

And federal facility issues is the most complex issue all around. And EPA do not like to address this. Now, I think I saw one person who was supposed to have been on this board that was dealing with that, and that is probably brought in to respect the federal facility, and that was Hernato. I think that he was on that.

But my question is, and it will always be to EPA, is that how are you protecting public health when you won't address federal facilities? And if this is out of your domain, how are you going to put this in your report? I still charge EPA with that they are supposed to protect public health. I don't care who it is, the military is not above the law. And EPA should take their stand.

In our community, I just got a report that was added on to a document that you all will see probably later on, but the issue is the record of decision was in our community to do institutional controls. Is EPA going to be the watchdog for that community when something start bubbling up out the ground when someone decides that they are going to dig a well?

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Well, we know that the risk factors in our communities have hurt our communities in many ways. From little kids getting uterine cancer, from little boys, teenagers, getting testicular cancer. And there is other illness that we don't look at. There is a doctor in our community that said that he noticed a 10 percent rise of where little boys, young boys, where they have like — it's not hernias, but where they have a little birth defects where their testicles come out into the skin.

I am not a doctor, so I don't know what it is called, but they have to have operations to close that little hole up in the scrotum. Now, we don't look at all the diseases that these type of chemicals do, but I feel like that if you go back, you go into the schools and you find some of the roughest schools, it is not the roaches and the rats that is in the houses that are giving kids lead poisoning and the dust because we don't clean it up.

The roaches and rats come from somewhere. They came from the industry. You tear down a building, they are building Brownsfield, trying to build up the community, and you send the chemicals into our house. We don't create the roaches and rats, they come there in the urban communities.

I am listing to people talking about, well, you know the roaches and rats give folks asthma and all this kind of stuff. The

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lead and all this, but did you ever think that these things migrate from somewhere else and they are carrying a burden, a load of chemicals on their back into our houses?

I think that when we start really addressing the issue around the risk and public health, because health don't mean public health from my perspective, from a community person. Health assessments don't mean health assessments. Health assessments mean site evaluation of that site, not of the community. And so until we start being honest with ourselves and start communicating with the peoples that is impacted, then things will get a lot better. Thank you.

MS. EADY: Doris, don't go away yet. We have a couple of people who have some questions. So Connie and then Andrew.

MS. TUCKER: Doris, are you still a coordinating council member with the African-American Environmental Justice Action Network?

MS. BRADSHAW: Yes, I am.

MS. TUCKER: Oh, I didn't hear you mention them, that is why I asked.

MS. BRADSHAW: Well, Connie, if I start giving you all my credentials, I will be here for 30 minutes.

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MS. TUCKER: Oh, well, perhaps, the — Team has been more effective for you. But anyway, I am very familiar with Doris, for everybody else's information. I am just unclear about in the report, the Cumulative Risk Report, is there a section in there that you think needs to be strengthened for federal facilities? That is the first question. And I will let you answer that and then I will have another comment to make.

MS. BRADSHAW: I think that federal facilities needs a whole chapter by itself. Quit trying to link us in, because actually the chemicals that we use are not that — around federal facilities, it is not the everyday factory chemicals that some people are dealing with. Most of the time we are dealing with multi-chemicals, heavy metals, and radiation. And sometimes it is a mixture of all of them.

So, actually, federal facilities need to be kind of like out there by their self looking at it. Because the disease that come out of there is a lot different, and you see it from community-to-community. And the issue around reproductive health, that go across the board with all federal facilities, people having issues around that.

MS. TUCKER: Okay. Now, I do know that there has been a special report on federal facilities for unintended impacts. I am

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wondering whether or not there are things — you have been involved with that, is that not right?

MS. BRADSHAW: I am on the Federal Facility Working Group. And, hopefully, I get an opportunity to voice my opinion about that tomorrow.

MS. TUCKER: Well, I would suggest that because of — in my view, and I am going to just be very frank — the EPA has put maybe compared to the rest of the impacted communities quite a bit of resources for federal facilities. Mildred McLean has headed up this effort for you all and, in fact, you are the only ones who have gotten paid a way to the NEJAC, etcetera.

I question the strategy and I am going to say it publicly. The EPA is an agency, it will not, and never will, have the authority to address DOE and DOD in a very effective way.

MS. BRADSHAW: I beg to differ, Connie. Because EPA is supposed to protect the public health. That is one of their mandates. EPA do not want to fight its big brother, but EPA have jurisdiction. It's three people that look at those rods, the state, EPA and DOD. EPA have to stand their ground and stop weakening out like a little wimp running. Because that is what it is all about and you don't live there. We have to deal with this all the time. And that

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is EPA's problem, is they won't stand up. Whatever the government decide, EPA run.

MS. TUCKER: Good. I got what I wanted out of you. Thank you.

MR. SAWYERS: I actually just wanted to, and I think Connie raised the question, I wanted to find out if your questions were related to the Federal Facilities Working Group Report, or the Accumulative Risk Report. But I think I got that answer.

I just want to say to you that a lot of the concerns you have, we are going to be discussing in the report with some additional things on Thursday in the Waste and Facility Siting Subcommittee Workgroup for the entire day. I would be happy to sit with you and get whatever comments or inputs you would like to be incorporated into that report.

As I say, it is still a draft report. I know you were a member of the working group and I suspect that your concerns sort of resonate much more with that report versus the cumulative risk.

MS. BRADSHAW: Hopefully, I will have other letters from communities Friday when you go into that workgroup.

MR. SAWYER: Thursday.

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MS. BRADSHAW: Well, Thursday. The only thing that I hate is when we are doing this, when we do reports like this, it is not quite enough information from the impacted communities. I can say this over and over again, I can't speak for everyone. I don't think I speak for anyone, I speak only for Doris Bradshaw. But the problem is that you can't get enough feedback because this is such a broad issue.

My recommendation is that their — become a subcommittee for federal facilities on this board. Because it is needed. And my other recommendation is to start looking at DOD as far as EPA can make the recommendations to DOD to set up its own FICA. It may not be called a FICA, it may be called some type of board community that addresses the issues, because there is no mechanism set in place for us to complain but here. If there is issues that come up, we have to come here. We don't have any mechanism that is set up. You go to Washington, you go to the Pentagon, you go to Ft. Belvoir, the places where they are, and you are not heard.

At least we have it in writing that we have complained. At least we have it in writing where our people are dying And are children are sick. And this is the most important thing. All I care about is that you put it in writing and so when we get ready to do

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1 what we have to do, we have told you. EPA have the information  
2 and it is up to EPA to give it to where it need to go.

3 So, since they are out there to be on our sights, then  
4 while you are there, if EPA can't do anything, why do you come out  
5 to the sites? Stay at home.

6 MS. EADY: Doris, one more question. Mary Nelson.

7 MS. NELSON: I hear your frustration, and as somebody  
8 who has been on the committee that has tried to deal with this  
9 federal facilities thing, it is a very frustrating situation. Because it is  
10 a question of jurisdiction, and who can you talk to, and so forth and  
11 so on.

12 It seems to me two things. Number one that in this  
13 cumulative risk thing, we are proposing a different paradigm. A  
14 collaborative model and I think that we have got nothing to lose with  
15 trying to follow through on some of the things you were saying.  
16 But to say can't we get the DOD and DOE through a friendly  
17 persuasion kind of a way, to think about setting up a collaborative  
18 — I know you have your inter-agency working group. I mean, I  
19 don't know if that is the mechanism, but to think about some more  
20 creative ways to keep trying to get a voice into them to cooperate  
21 and at least be in the mix of hearing these things and figuring out  
22 what to do.

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1 The second would be the alternative, which is to say that  
2 outside of EPA, we need to try both internally and externally, that  
3 maybe a lot of groups need to think about how do we get some  
4 kinds of congressional interest and begin to say to a DOD and a  
5 DOE that, hey, here is a whole thing you have got to take into  
6 account and to begin to set up the mechanisms. I think we have  
7 got to keep trying every way we know to begin to do something  
8 about this and it may take a variety of kinds of approaches.

9 MS. BRADSHAW: We understand that it is going to take a  
10 congressional act to get anything done about federal facilities. And  
11 we understand that. But, how do we know that some  
12 congressman or some senator won't pick up this report and read  
13 it?

14 MS. NELSON: So you would like to strengthen then.

15 MS. BRADSHAW: I think that that is the only way things  
16 are going to happen, is congress do something. Bob Filner has a  
17 bill that he tried to work on, and he is probably still working on it. It  
18 was the Mirror Bill, no one is above the law. It was dealing with  
19 federal facilities. We got it started, 9-11 happened, everybody ran.  
20 Sort of scattered. But still the communities are effected by these  
21 toxins, they are not going to go away. We will probably hear

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1 people from Iraq talking about the radiation and the other different  
2 things that the United States have left there.

3 Now, the issue is, it is sad because this military issue is a  
4 very complex issue and it goes all across the board. It deals with  
5 industry that is subcontracted by the government. So the  
6 communities has no right to sue, and the way the bills are — a lot  
7 of exemptions are happening right now where the military is  
8 saying, well, we can't do our job and we can't practice, we can't  
9 bomb islands, we can't poison the community, well how can we  
10 fight? So it is very complex.

11 I don't have a solution, but I think this needs to be an  
12 ongoing dialogue. This need to be on EPA, and I am not going to  
13 say radar, it need to be on their satellites and notifying people that  
14 this is going on.

15 It is not just a few people. That is the thing that is so  
16 painful. It is not just Memphis, Tennessee, it is hundreds of  
17 communities over this nation. There was 1,800 non-stockpile sites.  
18 That mean where weapons of mass destruction — you know that  
19 stuff they told Saddam to get rid of — in our community, in the  
20 ground, all over this country.

21 And then there is other stockpile sites. We have more  
22 stockpiles than a little bit. Anniston is burning that mess right now,

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1 and probably the wind pattern take it up to Memphis and we get  
2 another good dose of it. EPA know that it is putting out more PCBs,  
3 but nothing is being done about it.

4 Now, those people I heard had enough PCBs in them.  
5 Why isn't EPA there addressing and shutting down those  
6 incinerators? People, I just don't understand. I understand that  
7 EPA is supposed to protect public health, that is their responsibility,  
8 that is their mandate. And if they are going to do that, they need to  
9 do it for everybody. Or either they should put a disclaimer, we do  
10 not help anyone dealing with government facilities. If the  
11 government poison you, too damn bad. And thank you.

12 (Applause)

13 MS. EADY: Thank you. Thank you Doris. Is Cynthia  
14 Laramore of Action Belle Glade, Florida is in the room, could you  
15 come to the table. Our next speaker is Brenda Brandon, Haskell  
16 Environmental Research Study Center, Lawrence, Kansas.

**Comments**  
**by Brenda Brandon**

19 MS. BRANDON: Yes, I am Brenda Brandon. I am Seneca Cayuga  
20 from Oklahoma region. I wear many hats, as most tribal people do.

21 Most of you that know me, know me as the Technical Outreach  
22 Services for Native American Community's Coordinator with the

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Hazardous Substance Research Centers. I don't want to speak on that level today, though I do want the committee to realize that I have experience working with 22 tribal communities dealing with hazardous substance issues.

I want to speak on a personal level first. As a native woman, first I want to say our leaders are men that we put forth in power and as speakers do not speak out of eloquence. Their words are prayers to us.

Secondly, I want to touch on Haskell Environmental Justice issues of the southwest Lawrence traffic way. I don't want to go back to the Haskell alumni and the elders that I go to church with regularly on the medicine — at Haskell, I don't want to go back to them and tell them that our spiritual values have been reduced to vulnerabilities, social vulnerabilities. I want to say that our spiritual values are everything. They are life to us.

I also want to talk about my job at Haskell and the Environmental Research Studies Center as a co-director with Dan Wildcat, also a leader. Our job there is to help in the education system with the integration of traditional ecological knowledge, and that of western science which serves us, not the other way around.

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Our traditional knowledge is rooted in thousands of years and ways of knowing, and the way that we learn is much different than how we learn here in this room, set forth in books or conventional teaching methods.

My big question here today, and what I would like to stimulate dialogue with the committee is that of the current and overwhelming increase in environmental impacted tribal communities, the lack of addressing cumulative and cultural risk issues through the different processes, NEPA, Superfund, other regulatory programs.

And along with that, hand-in-hand, goes the lack of educational resources for tribes. Do you all realize that less than one percent of minority federal college funding — minority funding, goes to the 32 tribal colleges. Therefore, it is our feeling that not only are 80 percent of the nation's resources located on tribal lands being taken from us, but you are keeping us stupid so we cannot deal with the policy issues at hand.

So I want to say that I feel personally that the collaborative problem-solving grants set forth by the EPA where at a college that I work 180 tribes are represented there, the students could not go to a major university for lack of funding, and they

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choose to go to a university that teaches from a traditional background and traditional educational processes.

So I want to be able to find ways for the students to get opportunity to be able to address their own concerns, tribal capacity building. How can we compete with the other minority colleges when we have computers that are 20 years old? How can it be done? How can we compete? So can we put forth ways that there is true collaboration, honest efforts by the agencies to work with the tribal colleges and tribal educational systems so that we can deal with our own issues? Develop the leadership skills, develop the technical skills, the communication and sensitive skills so that we can address our own tribal concerns. Thank you.

MS. EADY: Thank you Brenda. Do we have questions for Brenda?

(No response)

MS. EADY: Okay, thank you Brenda.

MS. BRANDON: Okay. I scared you all.

MS. EADY: You did.

MS. BRANDON: I am sorry.

MS. EADY: Our next speaker is Rebecca Jim, Tar Creek, Ottawa County, Oklahoma. And can I just announce again, if

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Cynthia Laramore is in the room, Action of Belle Glade, Florida, Velma Johnson, Educational Asthma Support Team, New Orleans, Louisiana, and Leo Woodberry, Eastern Carolina Community Development of Florence, South Carolina. So, Ms. Jim go ahead with your comments.

**Comments**  
**by Rebecca Jim**

MS. JIM: I didn't have much to say, I just wanted to add a few things. There were some questions this afternoon, so I would like to clear it up. The community-based risk assessment that I hope that this panel will really, really encourage, not just occasionally to really pursue in as many sites as possible can be a real benefit to communities that have culturally based risks that they have. If you look at an area like ours where you have tribal lands and tribal people that are fishing and hunting and living off the land.

My hope is that some day our lands, all of our lands, will be evaluated so we know where to pick the blackberries, and where you can pick the strawberries, and where you can pick anything else that is left to eat like we are supposed to the old ways.

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I would really like to tell you a little bit about where we are coming from. Tar Creek, as many of you know, is a little bitty creek. It lends itself about seven miles long. It is not very long. There haven't been any fish in it for 24 years. Occasionally, one will get lost in a flood and flow up-stream and be lost up there but won't live long.

This creek is a symbol. And as a high school counselor and working with students all my life, I took a group of students out to see it. I take them weekly, it seems like, in different groups. But this one particular time I took a student out, he was a 10<sup>th</sup> grader. I said, what do you see there? And he says, you know, it looks like an eternal flow of evil. And it does.

We have a creek that runs orange with acid mine water that continues to flow down these few miles and load into the land that flows by Connie's land, into the Neosho River And dumps into a lake. And the lake is the grand lake of the Cherokees.

So we have impacted lands, the lands flow from the Quapaw tribal boundaries, flow on into the Miami, the Peoria, the Modocs, the Ottawas, the Eastern Shawnee, the Wyandotte, and finally, the Seneca-Cayuga, and then pass on into the Cherokee Nation. So we have got tribal lands that are impacted and we don't know what plants to eat, we don't know culturally which plants,

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where can we pick the wild onions and eggs for the spring that we should eat.

The reason I am bringing this up is when you are looking at the multiple metals exposures, the multiple exposures that we have as people, you are looking at low-dose exposures, you are looking at generation, after generation of exposures.

How much damage has to happen before we figure out a way and a process where we evaluate the lands to tell people what they can eat and what they cannot? And what amounts of what? What is left that we can eat?

One other thing I wanted to bring up is we have the Quapaw lands are really terribly, terribly impacted by the mine waste at the Tar Creek Superfund site. Most of their tribal lands are covered with mine waste that is unsellable due to an arrangement that the Department of Interior and BIA had placed on their land.

They cannot sell this product. Many of them don't want to sell it, many of them would like to be paid, many of them would like to have the money that was promised them by BIA years ago.

But there is a confusion on do you want to sell contaminated waste to get your money. Lots and lots of issues at our site. And when you are looking at solutions, some of it has to

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do with what you are doing here, and that is encouraging the collaboration where you have agencies working together. We finally have some of that at Tar Creek and it is almost a celebration.

We have one of our congressman has introduced an Act of Congress, and it will truly take an act of congress to clean up our site. But what a waste. How many sites in the room, how many Acts of Congress is it going to take to clean up America? Thank you.

MS. EADY: Thank you. Do we have any clarifying questions for Ms. Jim?

(No response)

MS. EADY: Okay, no questions. Thank you very much.

Cynthia Laramore; Velma Johnson; Leo Woodberry; Darryl Malek-Wiley, Sierra Club New Orleans Group; Hilda Booth, Native Village of Noatak, Noatak, Alaska; Carletta Garcia, Laguna Acoma Coalition for a Safe Environment. All right. And Ms. Garcia's comments, her written comments are in the binder if you want to refer to them.

**Comments  
by Carletta Garcia**

MS. GARCIA: I guess Doris scared everyone off.  
(Laughter)

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MS. GARCIA: Just kidding Doris. Good evening. I am going to go ahead and read the written statement that I have, just because it is very emotional to me. I feel like when I have it written down it is easier for me to convey.

These are P-8 Just Glasses, Public Health Service, so I can't see worth a darn with them. They are bi-focals, so now you know how old I am.

MS. EADY: Can you make sure that you speak into the mic.

MS. GARCIA: Okay, can you hear me now?

MS. EADY: Yes, that is good. That is better, yes.

MS. GARCIA: Good evening. My name is Carletta Garcia, I represent the Laguna Acoma Coalition for a Safe Environment. I have many concerns that I would like to address here today but, unfortunately, we are on a time limitation. She is looking at the cards already.

The area of concern that I would like to address about is the area of uranium mining. The land where I was born was once host to the world's largest opium pit uranium mine in North America. This area has not been reclaimed, if you can call 18 inches of top soil reclamation.

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1 My concern is the state of health within my community,  
2 and other areas like that that are tainted with radiation. The  
3 Radiation Exposure Compensation Act, RECA, that was passed in  
4 1990, proposes to provide individuals with compassionate  
5 payments who have contracted certain cancers and diseases as a  
6 result of their exposure to radiation. And I say compassionate  
7 because if you go to their website, they use compassionate quite a  
8 few times. But it excludes many cancerous diseases in all uranium  
9 miners who worked after 1971. Just how compassionate is that?

10 Most of the Native Americans in my area rely on the  
11 Public Health Service for their medical needs. The Public Health  
12 Service is notorious for their record-keeping systems. This is  
13 partially due to the lack of funding and job down-sizing of the Public  
14 Health Service by the government.

15 But the federal screening criteria is the least of our  
16 worries. The RECA Trust Fund has run out of money and  
17 approved claimants have been given IOUs from the Department of  
18 Justice. The continuation of this program lies in the hands of the  
19 Senate Judiciary Committee.

20 Uranium mining has long reaching devastation to our way  
21 of life, and yours. The water in our communities is contaminated  
22 because of mill tillings that have continued to seep into the aquifers

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1 and will remain hazardous for millions of years. This waste will  
2 eventually reach the rivers that channel water to largely populated  
3 areas and contamination will spread.

4 Many families who are exposed to radiation because of  
5 the clothing worn by the miners. This clothing was then washed  
6 with the family laundry and there were some who were unlucky  
7 enough to live close to the mines. They are exposed when the  
8 winds carry dust into their homes. I am one of the unfortunate  
9 ones who grew up living in this radiation nightmare. Our home  
10 was located about 1,000 feet from the uranium mine.

11 This giant monster has consumed my culture, my health,  
12 and my family. My mother, the late Dorothy Perli, was a uranium  
13 miner. Even though she was gravely ill, she tirelessly lobbied for  
14 compensation for uranium workers due to cancer with radioactive  
15 contamination.

16 Since mom worked after 1971, she wouldn't have been  
17 eligible for compensation. This did not discourage her from  
18 continuing her work as an activist. She died with her boots on.

19 Today, I would like to recommend that we make a  
20 commitment to fight for the rights of our people. We have the right  
21 to live a healthy life. We have the right to have good drinking

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1 water. We have the right to breath clean fresh air. We have the  
2 right to ask EPA to protect us because that is their job.

3 It is their job to strengthen the laws that protect us to be  
4 the voice that speaks for us. My mother always told me never to  
5 complain unless I had some answers for the complaints. And I do  
6 have some answers. My answers are solar wind and water  
7 generated power; no nucs; do unto others as you would have  
8 them do unto you; and most of all, peace. Thank you.

9 MS. EADY: Ms. Garcia, can I just ask you a question,  
10 what state are you from?

11 MS. GARCIA: I am sorry, I am from Albuquerque. Well,  
12 actually, it is 65 miles west of Albuquerque, New Mexico on the  
13 Laguna lands there. The tribal lands.

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

15 MS. TUCKER: Ms. Garcia, did you have an opportunity to  
16 read the Cumulative Risk Report?

17 MS. GARCIA: I have been going over it, but since I wasn't  
18 able to get it beforehand, which would be nice. That is something I  
19 also needed to mention, that when we come together for a  
20 meeting, it would be really, really nice to have these sent to us as  
21 soon as possible. Because some of us aren't wealthy enough to

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1 have computers so we couldn't get online to view them. So I was  
2 very — I lightly scanned through it.

3 MS. TUCKER: Well, you have got a copy off of the table  
4 back there. We have how long for public comment period after  
5 this? Ninety days?

6 MR. LEE: Thirty days.

7 MS. TUCKER: Thirty days. I highly recommend that you  
8 look at the report. Doris has already made some recommendations,  
9 and you all can come together and make some recommendations  
10 on what we can include in the report to address some of the  
11 concerns that you raise. That would be very appreciative.

12 MS. NELSON: Just a question on the RECA Trust Fund  
13 and being out of money, and so forth. Where is that at now? You  
14 said it is at the Senate Judiciary Committee. But wouldn't it also be  
15 an appropriations issue, or what?

16 MS. GARCIA: I think so. And right now, we are not quite  
17 sure. If it is approved, it will be until I think 2005 that this money will  
18 actually be there in the trust fund. So right as of today, I am not  
19 quite sure yet.

20 MS. NELSON: And how does it end up in the Department  
21 of Justice? Is that not an EPA issue, the uranium contamination and  
22 the impact of that?

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MS. GARCIA: I guess you all need to answer that for me.

MS. NELSON: Well, I guess I am looking at Charles.

MR. LEE: I really don't know the answer to that.

MS. NELSON: Okay, can there be at least somebody to look into the whole issue of the impact of uranium on the health of people and so forth, and whether or not that comes under EPA's jurisdiction?

MR. LEE: Yes, sure. I mean, I will find out, but I don't really know the answer to that.

Mr. Williams: You know, we have heard this evening discussions from the tribes from contaminated breast milk to different types of plants that are used for subsistence, the ceremony, to animals and fish, air pollution, different types of water pollution. And sometimes I think I get numb from hearing this stuff. When I was Director of the Indian Office, I tried to visit most of the tribes in the country, and walk the ground.

The staff at the office told me that within the first 18 months I was at EPA that I put on 150,000 air miles getting to the tribes and walking the ground and listening to these stories.

And, myself, I come from a reservation. When I was graduating in a high school in the 1060s, our tribe at that time, 600, had a life expectancy of 47 years, and an average education of

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eighth grade. These tribes need a process. We are always looking for processes. I have been, myself, involved in numerous federal and state processes for 20 years now, with 20 years plus. And we keep looking for the vehicle that is going to open the door to get some attention.

And in some ways, we have opened a lot of doors. But then again, when I look back, all the problems are still there. It is mind boggling. I hope you do make comments because we can never stop making comments. But I can tell you, even today, as our Tribe of Tulalip has become more economically sound, and we have got a lot of our people coming back and we have improved on our life expectancy, because of our economic stability we have brought back a lot of people. Our population is now about 3,500, and yet, we still have about one to two deaths a month on average, usually from cancer, heart disease, diabetes.

The cumulative effects are just the way of life in the United States. Tell me a food source that is not impacted, even for those of us that are not Indian, for the rest of the population? And for those who are dependent upon the traditional foods, it is an impossibility. So the importance of finding a way to protect those foods, or protect the culture, is real. This is just one mechanism that I hope we can gain some ground with. I think you.

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MS. EADY: Thank you Terry. Pam.

MS. KINGFISHER: Thank you Carletta for being here. I am really happy that you are carrying on your mother's work and that you have brought her spirit to this room. And from working so long with her, I really think that, again, it is the same thing that — I am losing everything, sorry — that Ms. Bradshaw brought up is that whenever the Nuclear Regulatory Commission, the DOE, the DOD, whenever somebody else is in charge, they just stay away. And we really found that with Kerr-McGee and when we caught them taking the sludge back to New Mexico and dumping it back in the mine holes.

You know, all those stories, so again, I think Connie's suggestion is perfectly right on target, that if some of you can come together so that we break down some of these federal walls. Because when they want something from us, there is no walls between them to get it, but when we need them to cooperate and work together on something, the walls are immediately up. So I just really thank you for bringing this up again and again.

MS. EADY: Thank you Pam. Judy.

MS. HENNEKE: Thank you. Carletta, thank you for being here and coming to bring this story, and also the story of your mother. And just like others have done that, it is very profound to

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listen to real life stories and to what people have experienced. Because when you read it, it just, obviously, is not the same.

But I wanted to say what has happened in Acoma Laguna and Navajo Nation and others with uranium mill tailings And that source of contamination has been a complicity for many ages and many years of the Federal Governments and the State Governments, and the Local Governments, and I am sorry to say some of the Tribal Governments in the past, of economic development is over all else.

The need for jobs and for doing that is above the health and welfare of our people, and our communities, and the environment, and our natural resources. And that is what happened in New Mexico, and that is what continues to happen with the federal facilities, not only in New Mexico, but other places as you have heard here in Texas, and in Tennessee, and New Mexico.

And I do think Charles that we probably ought to look at addressing this issue within our report. And I hope that some of the other members agree because, perhaps, in one of the sections, or maybe some new recommendations. The problem is the fact that you have so many of these external agencies that point to one another and say, I do not have the jurisdiction, I do not have the

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1 enforcement, I do not have the regulatory control. I mean Puerto  
2 Rico is the same way with —.

3 It does come down to, I am sorry to say, the EPA and  
4 everyone looking and saying EPA is the agency that is to protect.  
5 And it is very difficult for EPA because their sister agencies — you  
6 know, you are not supposed to fight with one another and you are  
7 all supposed to try and get along. I hope that the collaborative  
8 approach that is outlined in this report will help do that.

9 But we also need, and I hate to say this, some kind of a  
10 hammer with some of the defense related entities, including the  
11 business and industry and contractor end of it as well. Because  
12 now they are cloaking themselves in homeland security, and  
13 security, and we can't give you the information. I mean, before it  
14 was hard enough to get the information, what the heck are we  
15 going to do now with the security issues that everyone cloaks  
16 themselves in now?

17 And Carletta talks about a history in New Mexico that  
18 occurred in the '50s and '60s. It is how many years later and her  
19 community still feels the results of that. So I hope that we can, by  
20 this Cumulative Risk Report, that we can provide EPA with the  
21 strength and the back-up that it needs from all of you and from

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1 other agencies to be able to say to those sister agencies, we really  
2 need a new paradigm shift in this direction.

3 So I think you and all of the others who have brought that  
4 to our attention, and I would hope that maybe we can discuss this  
5 in our workgroup in how we address these issues to include them  
6 in the report.

7 MS. EADY: Thanks Judy. Mary, is that a new card? You  
8 had a comment? Okay, Mary Nelson.

9 MS. NELSON: It just occurred to me that I thought it was  
10 really powerful this afternoon when Sue Briggum talked about the  
11 shifting mind-set as the representatives of the business  
12 community, and going through this collaborative process. And the  
13 first was, it is not my fault, and then the discovery of it is not all my  
14 fault, and then beginning to think, well maybe if there is something,  
15 we can do something about it.

16 You know, I don't know exactly how to do that, but it  
17 would seem to me if we could get the DOD and the DOE and these  
18 others to the same table and begin to go through this paradigm  
19 shift, instead of worrying about whose — it is not my fault, or it is  
20 not all my fault, but beginning to think what are the things we can  
21 do about it, even within the limited framework that we are at.

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1 I think that it is worth the struggle in trying to do this. I  
2 think this new paradigm, this new way of saying let's tackle this  
3 thing, is worth really putting full effort onto it and not giving up on  
4 that approach.

5 MS. EADY: Great. Thank you. Judy.

6 MS. HENNEKE: I just wanted to say one thing. Thank you  
7 for that, because I think there is examples within the states that we  
8 can take as to how they deal with some of the federal facilities,  
9 and what they have done to bring a collaborative approach, or a  
10 dispute resolution, or settlements, or bring folks to the table to make  
11 some of those resolutions.

12 I think that if the states can do it, it can probably,  
13 obviously, be done at the federal level as well. I think that is  
14 important for us to try and address here as best we can.

15 Because in the end, when you are talking about all of  
16 those federal agencies being involved with contamination issues  
17 and multiple stressors, and cumulative risk issues, how much  
18 money does that cost us to continue on that same path decade  
19 after decade, and we are the ones that pay for it, right? All of us  
20 who pay taxes pay for that.

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1 So, hopefully, we can — I have really heard a lot of new  
2 things here that has my mind thinking we can start to do some of  
3 this.

4 MS. EADY: Ms. Garcia, thank you very much.

5 For the council, I am just going to read through these  
6 names of people that were non-responsive and make sure that  
7 they are not in the room. Cynthia Laramore, Velma Johnson, Leo  
8 Woodberry, Darryl Malek-Wiley, Hilda Booth.

9 (No response)

10 MS. EADY: Okay. Given no response, that is the end of  
11 our public comments.

12 Before you move, I have some announcements. That is  
13 part of my announcements, but first, don't forget to fill out your  
14 travel vouchers, members of the council. Are these going to be  
15 collected? Will these be collected?

16 MS. : (Member not speaking into microphone)

17 MS. EADY: Oh, the vouchers.

18 MR. : How about the ones that were left for people  
19 who weren't here today? Do you want them back?

20 MS. EADY: Yes. So don't forget to fill out your travel  
21 vouchers so that you can get your money.

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MR. KELLY: I have a question. I came in and I got registered for this, but they said that they had closed the public comment period. So I was wondering since there was so many people absent, could I possibly speak?

MS. EADY: Yes.

MR. KELLY: Okay, thank you.

MS. EADY: Can you make sure you introduce yourself and where you are from and everything.

#### Comments

**by Hilton Kelly**

MR. KELLY: Okay. I will be brief. My name is Hilton Kelly, I am the Founder and Director of an organization called the Community Empower and Development Association in Port Arthur, Texas. I am also the Coordinator for the Refinery Reform of Bucket Brigade where we take air samples.

I live in a community that is surrounded by refineries and chemical plants. Port Arthur, Texas sits right on the Gulf Coast, it borders Louisiana, and we are just about 13 miles west of the Louisiana border.

All along the Gulf Coast, we have refineries, chemical plants, we have these oil rigs out in the middle of the Gulf of Mexico, and our waters there are totally contaminated. I remember

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a time we used to could go to the beach. The last time I went to the beach I was 13 years old and I got stuck in this tar pit because of all the oil that have washed ashore. And that was the last time that I went to McFadden Beach between Port Arthur and Galveston.

But at this particular time, we have a much bigger problem. We have BASF that borders Port Arthur on the east side of town. On the west side of town, we have the Prim Corp. Refinery, we have Motiva, And we have Huntsmen Chemical Plant.

Port Arthur, Texas is about 57,000 people strong. But on the west side community, which is on the other side of the tracks, it is about 4,000 to 5,000 people that live there, predominantly African-American, low-income, very under served community. I am the voice for that community and many like that in the State of Texas.

Many people are suffering from asthma, respiratory infections, liver and kidney disease, because of the chemicals that are coming from these refineries and chemical plants. We had a case study done by the University of Texas Medical Branch where Dr. Marvin Legator came out and they concluded that it is a direct correlation between the chemicals that are being emitted from these refineries and chemical plants, and the illnesses that these people display.

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I lost an uncle to asbestos poisoning, I lost an auntie to a liver disease, I lost a cousin to brain cancer. Brain cancer is supposed to be really rare. A neighbor of mine lost her little 17 year-old girl last year, April, to brain cancer. She first developed tumors. They got one of the tumors out and then they kept cropping up again and again. This is just one story of many in Port Arthur, Texas, that is only 57,000 people.

We know that there is a major problem. A lot of these chemical plants in our area produce benzene, which is a known carcinogen. They have produced hydrogen-sulfide. Hydro-sulfide is emitted almost daily which attacks the nervous system. I know five women that have, not ovarian, but cervical tumors and they all know each other. They are not related at all.

We have a major problem when it comes to cooking and producing gasoline in such large quantities in small areas. People are suffering, kids are dropping out of school because of dyslexia, and we know that sulfur-dioxide attacks the nervous system. We have a very high drop-out rate. Society is going to pay for this if something isn't done.

For at least four years now, I have been on the campaign trail. I have spoke before the United States Congress on these issues. I have went to my congressman's office in Washington,

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D.C., Nick Lampson. Had him come to Port Arthur. They brought the Tiger Truck down. I have worked with Wilma Subra, and we know that there is a major problem here.

I think that we are finally starting to gain some ground when it comes to working with EPA and I am very appreciative of this forum and this opportunity to speak, but we must understand one thing. That we cannot let up under this new deal that these industries are hiding under. This homeland security.

Because homeland security is one thing, but what about the security of the people that live on the fence line of these industries. Day in and day out they are processing gasoline, they are cooking chemicals, and this stuff is admitted into the air everyday in Port Arthur, Texas.

We get the odors, we get the smells, we make the complaints, but nothing really ever happens to protect our health. I am fighting very hard for my community to have what you call a community health and environmental resource center, which there is nothing like it in the whole southeast of Texas. Southeast Texas produces large quantities of gasoline and other chemicals that come from this oil.

It is desperately needed and I am fighting desperately to get the funding to open up this clinic, this environmental health

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1 resource clinic. At this point, I have bought the building, it sits on  
2 the corner. The only thing I am looking for now is to get the  
3 resources to continue to build it and to make it hospitable for people  
4 to come and get industry to reinvest in this because they created a  
5 lot of the problems that these people have. But yet, they have to  
6 suffer the burden of trying to come up with the money to buy  
7 respiratory medicines for their kids when they are barely making  
8 ends meet.

9 We live on the fence line of \$16 billion companies a year,  
10 but yet our community has 13.5 percent unemployment. Our  
11 government gives them tax abatements, but yet we see nothing  
12 from it. They are supposed to be training people for jobs, they are  
13 supposed to be reinvesting in the community.

14 If you ever come to Port Arthur and take a tour and you  
15 see all the industry there, you would have to ask yourself why are  
16 these people so under served? Why is this community so poor?

17 Thank you. Are there any questions?

18 MS. EADY: Thank you. Do we have any questions for  
19 Mr. Kelly? Connie Tucker.

20 MS. TUCKER: Just very briefly. I love the idea of a  
21 community environmental justice resource center, because I can

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1 tell you, we haven't been getting any help from the academic  
2 environmental justice resource centers.

3 MR. KELLY: Exactly.

4 MS. TUCKER: You know, that is on the light side. Port  
5 Arthur is a model cumulative risk community and it is very serious.  
6 What can I say? I mean, that is one of the reasons I didn't want to  
7 be on this Executive Council because we are really powerless to  
8 have some sort of immediate response.

9 But I beg you to read the Cumulative Risk Report,  
10 because I do think that this — if we can get cumulative risk as a  
11 tool, that at least we will have something to work with. As it now  
12 stands, we don't. I feel hopeless. I feel hopeless for all of the  
13 communities that have come up here.

14 But I think the cumulative risk tools can help us  
15 somewhat. Thank you.

16 MR. KELLY: I will look into that. And definitely, I was  
17 staunchly behind the EPA. Last year, we fought very hard. We  
18 lobbied our legislators to try to get more money for the EPA to be  
19 able to do their job more efficiently. We understand that is a  
20 problem, hopefully, we can all work together and alleviate that  
21 problem.

22 MS. SUBRA: Thank you for your comments, Hilton.

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1 MR. KELLY: You are welcome. I know you arrived late  
2 and you missed a lot of the discussion today, as well as the  
3 community panel. On the wall behind you, is the matrix from a  
4 number of different communities all located within Region 6. When  
5 you registered, if you received a ring binder, they are also included  
6 in there just before the subcommittee index divider. I would  
7 suggest as a starting point that you put a similar thing like this  
8 together for your community, and use that as part of the message  
9 when you go around. I will be glad to help you put it together.

10 MR. KELLY: Great. Thank you very much, Wilma. I  
11 appreciate it. Thank you all.

12 MS. EADY: Thank you Mr. Kelly. Terry.

13 MR. WILLIAMS: It just occurred to me as you are  
14 wrapping up here, one of the things that I didn't see or hear today  
15 were comments from the Native Hawaiians. And I think that we  
16 need to think about how to solicit some information. As I know I  
17 have worked with the Native Hawaiians over the years, and they  
18 face all the same issues that you are hearing about. We need to  
19 be able to find some way of getting comment from them.

20 MS. EADY: Thank you for mentioning that. That is an  
21 important issue.

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1 Okay, well let me finish with my announcements. So you  
2 got the part about the travel vouchers. Here is the other piece.  
3 Everybody needs to take all of their belongings, including your  
4 binders. So don't leave anything here.

5 MR. WILLIAMS: Name tags?

6 MS. EADY: Name tags?

7 MR. LEE: Do they have to take their name tags?

8 MS. EADY: You mean the tents.

9 MR. LEE: Leave the table tents.

10 MS. EADY: Okay, so leave the tents, take everything  
11 else.

12 Okay, tomorrow morning, 8:30. We did really well today  
13 on finishing on time, so let's try to start on time tomorrow morning.  
14 We need nine people for a forum. Just nine, so nine of you show  
15 up.

16 MR. LEE: Thank you.

17 MS. EADY: Have a good night.

18 (Whereupon, the public comment session adjourned at  
19 9:03 p.m.)

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