National Environmental Justice Advisory Council

Monday, December 3, 2001

Members Present:

Peggy Shepard (Chair)
Larry Charles
Veronica Eady
Eileen Gauna
Michel Gelobter
Richard Gragg
Robert Harris
Savonala "Savi" Horne
Annabelle Jaramillo
Mary Nelson
Graciela Ramirez
Yolanda Sinde
Moses Squeochs
Jane Stahl
Dean Suagee
Wilma Subra
Jana Walker
Kenneth Warren

EPA Representative:

Barry Hill
Ron Kreizenbeck
Charles Lee (DFO)

Also Present:

Velma Veloria

Carmen Caldwell (Virtual Tour Facilitator)
Rosa Franklin (Senator)
Rosemary Antuangaruak
Daniel Morfin
Frank Roberts
Lee Tanuvasa
Jeri Sundaval

I N D E X

KEYNOTE: "---" denotes inaudible in the transcript.

P R O C E E D I N G S

(2:11 p.m.)

Welcome and Opening Statements
By Peggy Shepard, Chair

MS. SHEPARD: Good afternoon. I am Peggy Shepard, and I welcome you all to the 17th meeting of the NEJAC Council. The NEJAC is a federal advisory committee that was established to provide independent advice on environmental justice to the EPA Administrator.

I have some housekeeping remarks. Please remember that the meeting is being recorded by a court reporter. It is very important to always speak in to the microphone. Executive Council members, please note your microphones do have an on and off button. They will always be on. Therefore it is important for you to not have side conversations, and when you wish to speak please speak directly into the microphone.

Also for those who wish to offer public comments, there is a public comment period sign-up desk outside the room by the registration desk and please follow the public comment guidelines posted by the desk. The period will begin tomorrow night at 7:00 p.m. If you have not already checked in at the NEJAC reservation desk please do so, because this will insure that you receive a copy of the proceedings.

Rest rooms and telephones are located directly outside the room past the escalators, and the telephone number here at the hotel is 206-583-0300. The fax number is 206-624-8125, and messages and faxes will be posted on a message board by the NEJAC registration desk.

So again, let me welcome you to our 2001 meeting, and I want to extend a special welcome to Seattle Community Groups, Organizations for the Northwest Region, and the Indigenous Communities, who have all worked over the last 18 months to help us prepare a report that is an excellent one that you find a draft of, and this report will serve as a basis

for discussing our overarching policy questions.

The --- represents the efforts of the NEJAC Fish Consumption Workgroup to really begin to identify and discuss aspects of the issues that are related to the relationship between fish consumption, water quality, and environmental justice. The workgroup has just begun the effort to gather numerous and diverse perspectives, but it recognizes that there are more concerns to be noted. So again the draft is available to you. We look forward to an open discussion on these issues over the next days, beginning tomorrow.

We thank the co-chairs of the workgroup, Coleen Poler of the Indigenous Peoples Subcommittee and Leonard Robinson of the Air and Water Subcommittee. We thank all of the members and the DFO, the designated federal official, Alice Walker, for presenting us an excellent draft report.

Now, over the past six months the NEJAC Council has been involved in a strategic planning process which we will discuss in depth tomorrow and on Thursday. But during that process we have come to consensus on a number of very important issues; issues of how the NEJAC will conduct its meetings, issues of how we will take into consideration public comment and make sure that -- help to insure that those comments and concerns are addressed in a more efficient and responsible manner. We have also come to a number of agreements about how we will begin to evaluate and conduct our subcommittee agendas, and you will see beginning tomorrow a time table for the establishment of a number of workgroups so that we can implement this plan.

You will see. You will get a handout at the back of the room, but the talks to you about how -- the new look of the NEJAC. As you will notice, we are all in a circle. We are organizing our meetings so that we can have a more effective, deliberative process. So we have felt that conducting the

meetings in a round table will add to that format, that we will be able to engage in a robust dialog, and we will insure that the public comment period is still conducted in the traditional manner.

But again as I have said, the Office of Environmental Justice has initiated a strategy so that the regional offices will begin to hold their own listening sessions and begin to better able address some of the community concerns that have been coming to the NEJAC over many, many years. So we look forward to the implementation of that strategy and we will be hearing a report on that at a later meeting.

We will be treated today to a virtual tour dialog. Our structured presentations for the Council will begin today, and it is an opportunity for stakeholders to present their views to the NEJAC as it relates to the broad policy issue related to water quality standards, fish consumption, and the issue of environmental justice. As you all realize, over the last couple of years we have transitioned to issue-based meetings. The last was on community-based research, this one on fish consumption, and next December will be pollution prevention. That meeting will be in Baltimore. We believe that the issue-specific meetings are a more effective method for us to provide advise and counsel to the Environmental Protection Agency.

Now, I also want to wind up by simply saying that we look forward to a really invigorating dialog over the next couple of days, and we invite you all to again get the report, read it, and we are prepared for your comments. So thank you all for coming.

We are very happy to be here in Seattle, and we got some -- we have some representatives from Washington who are here with us today, such as Velma Veloria, who is the State Representative here in Washington. I saw Velma come in. Hi. There you are. I know Velma from New York City many, many years ago. Thank you. It is great to see you again. I also

want to mention Rose Franklin, who is the State Senator here in Washington, and again welcome, Rosa. Good to see you.

Our first speaker today will be Ron Kreizenbeck, who is the Deputy Regional Administrator for Region 10 of the EPA, and I would like to ask Ron to come forward. There you are. I am sorry.

Community Welcome

By Ron Kreizenbeck

MR. KREIZENBECK: Thanks, Peggy. Well, on behalf of EPA Region 10 I would like to welcome you all to Seattle, and for those of you who were here today at noon let the record show that the sun was shining. We are honored that you have selected Seattle as the host city for your 17th meeting.

Region 10 includes the states of Washington, Oregon, Idaho, and Alaska, and is home to many diverse, low-income communities, communities of color, and over 270 native tribes, who unlike many other people subsist on fish, plants, and wildlife. For these communities the harvesting, preparing, and consumption of wild species is endemic to the heritage and traditions of their culture.

The degradation of habitats and depletion of resources threatens their very way of life. For many of these communities there is no real alternative to living off the resources of the land. It is impractical for instance to simply switch or substitute when the resources become contaminated. Moreover, for these communities not consuming these resources is unimaginable for cultural, traditional, or religious reasons. For many tribal communities a subsistence lifestyle is more than simply a tradition. It is fundamental to the very concept of self-determination. It is therefore fitting that you have selected Region 10 to host this meeting with this focus on subsistence fish consumption, water quality, and environmental justice.

For those of us who work in Region 10, environmental justice issues

are a part of our everyday work as we issue and review permits, review and approve water quality standards, work on environmental impact statements, perform risk assessments, develop monitoring plans, and a host of everything else that is part of Region 10's everyday work. Without addressing subsistence issues we cannot insure that everyone receives equal environmental protection. Without equal environmental protection for all regardless of race, income, culture, or ethnicity, there is no environmental justice.

I hope that you will enjoy your stay here in Seattle and that you have a very productive and successful meeting, and I would encourage you all to spend some time tomorrow taking in some of the exhibits in the Washington Room on the second floor that tell some of the stories that I have alluded to here addressing subsistence issues in those communities on a daily basis. Thank you all for coming to Seattle and have a productive meeting. Peggy?

MS. SHEPARD: Okay. Thank you. Our next presenter will be Rosa Franklin.

By Rosa Franklin

MS. FRANKLIN: Thank you, Madam Chair. It seems as if Mr. Kreizenbeck has said much of what I had anticipated saying. He read my mind, but let's say my time spent as a member of the NEJAC certainly served to broaden my horizon about the various environmental issues and that it has a disproportionate health effect on people of color, indigenous communities, and low-income people. This council certainly has the opportunity to give the needed input to EPA, and not only be a sounding -- and be a sounding board for communities that make a real difference in helping to address these very compelling issues.

It is quite appropriate that you have chosen this winter meeting to focus on relationships between water quality, fish consumption, and

environmental justice. It is a very timely subject, because it has consequences for all of us. Water quality, clean air, and fish, interdependent for healthy quality of life. Contaminated air, toxic streams, increased levels of metals, fish harvest, and we ask by whom. Our changing demographics has brought a new urgency to this issue of fish consumption. What are the risks, and who are bearing this risk, because fish certainly is a subsistence food for many of our population. Contaminated fish with high quantities of heavy metal such as mercury being risk factors, very, very high.

So what you are doing and what you have chosen to focus on will have a long-term effect as it affects the health of our communities, and I certainly hope that the meeting here that you have, that you have a very productive meeting. As a member of NEJAC, many of the meetings that I attended we did well. Thank you for being here, and I wish you well.

MS. SHEPARD: Thank you, Rosa. I invite remarks from Velma Veloria, State Representative of Washington.

By Velma Veloria

MS. VELORIA: Thank you, Ms. Shepard. It is good to have you out here today, and welcome to Washington State. We are happy that you are here with us to discuss the issue of environmental justice as it affects water quality and fish consumption. The health of our salmon is a direct result of the health of our water, and as you know our salmon has been placed on the ---. For the past three years environmental groups, tribes, business, government, and our residents, have worked hard to insure that our water is clean and that our salmon and fish continue to flourish.

Your presence here today regarding this specific issue is a reaffirmation that salmon and fish is not just a concern of the business industry, but that it is a concern also of the tribes and other people of color. Fish is eaten differently in minority communities than in the mainstream,

and this sensitivity of the mainstream population is really important. Having you here today to make this presentation will really give it the force that is needed. We have done much in the State to make sure our water is clean and our fish remain healthy. We, our community groups such as the Environmental Coalition, Community Coalition and Environmental Justice, are here to support the work that you are doing and will be giving presentations to you about the work that we have done.

In the legislature I just wanted to give a little briefing about what we have done in terms of environmental justice in this state. In 1994, Senator Rosa Franklin, myself, and several other legislators introduced a bill asking the Department of Ecology and the Department of Health to jointly prepare a report on environmental risks faced by low-income and minority groups. We got funding for that, an initial funding to do the work. It was an incredible first step in addressing the problem of low-income communities and peoples of color being disproportionately affected by hazardous and solid waste sites.

In 1997 we worked on incorporating environmental health into the overall public health improvement plan. This allowed the Department of Health to consider community environmental health risks when doing assessments of public health, and if you don't yet we -- in the spring, the Department of Public Health actually had a hearing on the impacts of environmental justice in our communities.

That same year we passed legislation reforming the way in which the work at clean-up sites is taxed. In the past, the owner of a clean-up site was taxed at a higher rate if they cleaned it up right away. They paid a lower rate if they waited until the Department of Ecology formally placed them on a list of sites that needed to be cleaned up.

This did not make sense. The tax system encouraged the late cleanups that might have allowed contamination to spread while owners

waited to be put on the list. By changing the tax system and instituting a uniform tax for cleanups regardless of when they were done we took away the incentive to wait.

Three years ago we introduced legislation asking the Department of Health to look at the health effects of noise, particularly around SEATAC. We wanted them to review existing studies of noise pollution to see if disadvantaged groups had disproportionately higher exposure to unhealthy noise levels, and we didn't stop there.

This year the Agriculture and Ecology Committee had a hearing on legislation that I introduced that would have required public notice following the release of hazardous substances. Specifically these notices would have been mailed to residents, land owners, and businesses within one mile of the facility and include details on the chemical involved, the address of the facility, and the release date. Unfortunately this bill has not yet passed, and we are planning to introduce it again this year.

We are happy that you are here. We are looking forward to entertaining you this evening. We hope that you come to our community reception. It will be held at the --- Museum, 5:00 p.m. Food will be served, so please do come. Thank you.

MS. SHEPARD: Thank you.

(Applause.)

MS. SHEPARD: Thank you. Thank you very much. We are going to hear remarks from Moses Squeochs from the Yakima Nation.

By Moses Squeochs

MR. SQUEOCHS: Thank you, Madam Chair. I appreciate this opportunity to participate in opening and welcoming remarks. The National Environmental Justice Advisory Council, its rule, its responsibility, I appreciate it, but at the same time I am troubled by it. What it speaks to is sort of an extra effort that is required to carry out laws that are legislated

and promulgated by the Congress of the United States of America. It's extra encouragement even while there are the words that are written in section, for instance, 4.4, subsistence consumption of fish and wildlife, assist and identify a need for insuring protection of populations with differential patterns of subsistence consumption of fish and wildlife. Federal agencies shall collect, maintain, analyze information on the consumption patterns of populations who principally rely on fish and/or wildlife for subsistence.

The situation that we have in my perspective today throughout the land from one side of the nation to the other is a super imposition of the one civilization onto another. I am here today from the 14 confederated tribes and bands of the Yakima nation, and we are from the interior mid-Columbia River basin. We are only one of many indigenous communities who have held on very significantly to a subsistence way of life, and in the American educational institution you find a reference in anthropology courses "hunter/gatherer". This way of life is still practiced, and there is a very deep intent to hold on to this way of life. It is very crucial. Today the people that I'm from, the indigenous people, there is a very new and upcoming effort to preserve our culture and restore our language. This is extremely important. It reflects a deep connection to the earth, our mother.

So I believe that this council that has arrived in the ancestral homelands of the tribes of this particular region -- in addition to the Yakima I appreciate the reference to the indigenous communities. I have a map here, and I could give -- it would take me several minutes to read all of them, but I'm just going hit on a few. The Makah, the Quinault, the Hoh, on over to Yakima, you go by the Nisqually, the Muckleshoot, the Skokomish, Suquamish, on up. Tulalip, Lummi, Swinomish, and then over into the interior Columbia basin, the Yakima, the Umatilla, the Nez Perce,

the Coeur d'Alene. Each of these communities continue to sustain the customs and practices of their heritage, a valuable and rich heritage.

So while I'm reading these words in my second language, English, I am troubled by it, thinking that why is it necessary for an additional effort to implement these? The Environmental Protection Agency has been charged to implement the federal environmental statutes. Why is it so difficult to read plain English and carry it out on the ground?

Justice, when I first heard the word justice it took me back when I was six years old. My father put me on a vehicle, took me into a place, and told me it was school. The first thing they made me do was stand facing a piece of cloth that is red, white, and blue. They told me to put my hand over my heart and they told me to say, "With liberty and justice for all." This was over 50 years ago that this occurred, and here today I am participating as an Indigenous People Subcommittee member attempting to encourage justice to happen.

Just recently I witnessed William J. Clinton on the television. He expressed and related that the United States of America has a long history in the search of justice. So that's what all of us that are here today are seeking in some form or fashion. Some sense of fairness, some sense of equality, and we are aiming at the environment, the whole environment. We are aiming at attempting to put together efforts that will insure us.

So with that I just want to welcome all of you to what has been described to me as a deliberative process. Meaning we sit down, we talk openly, honestly, and we respect one another with the hopes that we can continue to make history in that search for justice. Thank you.

(Applause.)

MS. SHEPARD: Thank you very much. I would like to ask Yolanda Sinde to come forward. Yolanda is a member of Community Coalition for Environmental Justice. Welcome, Yolanda.

By Yolanda Sinde

MS. SINDE: Thank you. I really appreciate the opportunity to welcome NEJAC members to our beautiful, dry city of Seattle, Washington. I am a native of Seattle and very excited to hopefully get a chance to talk to you all personally at the event that the Hosting Committee of which I'm a member has put together for you guys tonight.

The Community Coalition for Environmental Justice is a multi-rational organization. We were the first official non-profit environmental justice group in the Seattle area. There are a lot of organizations across the region that you'll be hearing from later. I'm here on behalf of our organization, but definitely I'm not trying to speak for every community in the region because there's a lot of diversity in the Northwest Region 10 from Alaska to Idaho. There's people here who speak for themselves and will do that this evening.

One of the things looking at some of the goals of the meeting with fish consumption, looking at water quality issues, what an appropriate place to have the NEJAC meeting. There's a lot of water coming from the sky, and there's some on the ground, too. Surrounded. So this is an appropriate place for that. So we're real excited to be bringing those issues before you.

One of the things that would be helpful during this process is that -- an understanding more of where -- I don't know if that is part of this program -- where is NEJAC at. Some people in the community or there's rumors that it may not be around for a while, and it would be nice to know where things are with that because I think it's good to have a forum where people can represent communities and bring forth issues and hear more about how that connection between community and NEJAC happens. More is that staying strong, because my understanding of the history is that it formed to address this disconnect with the EPA and the community, and

I just want to encourage you to keep that connection with community. That's what tonight's event is about, and encourage you to come to -- if you are going to be speaking on issues, making recommendations, hearing from folks like us on the ground who are working on these issues every day, experiencing health problems as a result of environmental injustice. So again, welcome.

(Applause.)

MS. SHEPARD: Thank you. Thank you, Yolanda. We are going to turn to Charles Lee for a couple of announcements. Charles?

MR. LEE: Oh. Thanks, Peggy. Good afternoon, everyone, and I wanted to just call your attention to the agenda. Even though the agenda says that the next portion of the program is going to go to 6:00 p.m. that in fact is not the case. That was just an earlier version. The next part of the program is going to go to 4:00 p.m., at which point approximately thereof we will adjourn.

The reason that is the case is because we are trying to coordinate this with the community event that Velma and Yolanda have spoken of, and that is scheduled to begin at 5:00 p.m. So, you know, so that to clarify any confusion, and I know many people have raised this to us. I just want to make sure you knew that. You all have a copy of the flyer that, you know, gives you the location and instructions for going there, and so I would just refer you to that sort of information about the event this afternoon. Then --- did you want to say something?

MS. : I just want to say that we're going to have a shuttle going between the hotel and the museum between 4:30 and 5:15, and I will put the information on that on the back table.

MR. LEE: Great. Thank you. Thank you. It is actually also pretty easy to get there by cab, taxi, if you so choose to do that, but the organizers of this event wanted to grace us and you with, you know, as

much hospitality as they could muster. So they got a bus to transport you if you wanted to.

The second announcement I wanted to make is as I had indicated to many of you before, the members, I would like to get together with Annabelle Jaramillo and the members of the panel who are going to present to the NEJAC tomorrow at 4:00 p.m. right after this program for about 15 minutes. So with that, Peggy, that should be all.

MS. SHEPARD: Okay. Thanks, Charles. The focus of our agenda today is the virtual tour dialog, and these are structured presentations and opportunities for stakeholders to present their views to the NEJAC Council as it relates to the broad policy issues around fish consumption, water quality, and environmental justice. Now, this tour will take the place of an actual site visit, and it's geared to present a holistic overview of the environmental and public health concerns of the community. Again, this tour does not take the place of our public comment period, which will -- as I would like to assure Yolanda, will be taking place at this meeting as well as all NEJAC meetings.

Now I would like to introduce Carmen Caldwell, who is the facilitator for the virtual tour, and the presenters will include Frank Roberts of the Coeur d'Alene tribe, Lee Tanuvasa of the Korean Women's Association, Martin Janez of the Northwest Community and Education Center, Wilbur Slockish, Jr. of the Columbia River Education and Economic Development, and James Rasmusen of the Duwamish tribe. Carmen Caldwell, please. Hi.

Virtual Tour

Carmen Caldwell, Facilitator

MS. CALDWELL: Good afternoon. I'm facilitating this session, and I've been informed that each person speaking has 10 minutes. So I have my note cards here, and I ask that you please stick to the 10 minutes, and

we will go ahead and get started if Frank Roberts is here from the Coeur d'Alene tribe.

Presentation
By Frank Roberts

MR. ROBERTS: Thank you very much for the opportunity to be here and to be a representative of the Coeur d'Alene tribe. I am a nuts and bolts, computer, forestry-type, environmental person out on the field for the Coeur d'Alene tribe. My specialty is in geographic information systems. I've worked for the Coeur d'Alene tribe for the last 10 years. In that time my primary duty has been to develop base-level information for natural resource damage assessment that is currently occurring in the Coeur d'Alene aboriginal homelands.

It's a very interesting project, but I'd like to put some urgency on the words "environmental justice." The Coeur d'Alene people are a very small tribe, relatively speaking, and the issues we are dealing with there are heavy metals contamination from mining activities that have occurred in the basin over the past 100 years. Much of the land that the tribe has traditionally used is contaminated with very high levels of lead, zinc, cadmium, arsenic. We are going through the legalities of having this cleaned up, but that's a very time-consuming process.

In the meantime from a personal perspective I'm seeing the tribal elders pass away, and that's going to be one of the topics I'm going to cover in my discussion tomorrow of the traditions are passing away and they aren't being able to be passed on because the tribe can't use their resources. At this time the Coeur d'Alene tribe has less than five people that fluently speak their language, and those people are all at the ages of over -- close to 70 to 80 years of age.

Environmental justice is a very important issue to the Coeur d'Alene people, and it needs to be an important issue to all the people, because

once these people pass away that legacy will be lost forever. We are working to preserve that using the computer and GIS technology, and that's what I'll speak of, but I would just like really like to emphasize how important that is.

I was recently invited to go to Nigeria three weeks ago to speak on cultural preservation techniques. One of the questions that came up from the aboriginal people there, they looked at me when I said there was only five people, they said, "Don't you have rules in the United States about endangered plants and animals? Are the Coeur d'Alene people an endangered persons? Aren't the rules for that?" I didn't know how to answer that question, but I think that's an important issue for this kind of group to look at and to think about. Thank you very much.

(Applause.)

MS. CALDWELL: Thank you, Mr. Roberts. Am I on? Next we will have Lee Tanuvasa from the Korean Women's Association. Is she here yet?

(No response.)

Okay. We'll move on, and if they do come in we'll make time for them at the end. Martin Janez from the Northwestern Community Education Center.

(No response.)

Okay. Wilbur Slockish, Jr., from the Columbia River Education and Economic Development.

MS. : We are going to have Daniel Morfin from the ---.

MS. CALDWELL: Okay. Instead of Mr. James ---?

MS. : Yes.

MS. CALDWELL: Okay. Once again, we have 10 minutes, and if you will just watch me I'll give you a five, three, and one-minute time frame. Thank you.

Presentation
By Daniel Morfin

MR. MORFIN: (Translated from Spanish.) Good afternoon, and I am glad to have the opportunity to come and speak before you about the problems that farm workers are having with pesticides, herbicides, and other chemicals and how they are affecting the quality of water. My family and I have worked in the agricultural for the past 26 years in the Yakima Valley in the State of Washington. In my family personally we have all kinds of different ailments, and they are related to the pesticides and herbicides that we use during our work.

We are coming to the point of water quality. In the Yakima Valley there is a network of thousands of miles of canals, small ones, bigger ones and smaller ones, and --. Before they used to use machinery to clean these ditches and canals. The way they clean these waterways now is through chemicals. Sometimes when they are full of water they apply these herbicides and they go directly to the rivers. Thousands of gallons of herbicides are used in the farms. There's a lot of pesticides that are used on the farms. I use some of these pesticides. The prosperous pesticides, that's what they call some of them. If the wind is blowing it'll travel up to 25 miles in the wind. The orchards may be two, three miles away from the rivers. The orchards are also near towns and cities.

There was a study in Yakima Valley. They recently did a medical study in the Yakima Valley. The results were that there's a lot of respiratory ailments, asthma and others, the highest in the nations. Seeing that the State of Washington there is no laws -- or no laws exist for the protection of farm workers, and I guess referring to enforcement of the laws. The laws are there, but they are not being enforced by the agencies that have that responsibility.

We've contacted some of the agencies that are responsible for the

enforcement of the use of pesticides and herbicides because we know for a fact that illegal pesticides and herbicides are being used. The head of these agencies and even the governor has told us that they are not responsible for this. We've also contacted some federal agencies and in the Yakima Valley we don't know of any federal agency that exists around there that we can address these problems to.

Another study that was made in the State of Washington and Oregon is that those two states are the ones who use the most chemicals in agriculture. Being that the apple industry is one of the largest in the country it is here in the State of Washington --- from Washington. We feel that is the reason they use all these pesticides. There is another -- there are other crops that are also number one in the State of Washington, such as cherries, asparagus, and pears and other soft fruits.

If we don't ask for the advice or listen to the farm workers and what they are saying, because they are the ones that are using these chemicals, applying these chemicals, mixing these chemicals, they are the ones that come and tell us that farmers are using for economic purposes four, five, six, even 12 chemicals in one tank to apply for different applications, whatever may be, but they are, and that's illegal. That is illegal. They are supposed to use one chemical and then use the other one and such, and there has been a lot of well-known facts that they are using several chemicals, mixing them together. Farm workers are the only ones that are going to tell you the truth. They have nothing to hide. The farmers, the farm industry is not going to tell you, "Yes. We do this. We violate the law this way."

So he is saying if we don't start listening to the farm workers, if we don't start asking them what are the things that are happening out there, he says if we turn the face on these farm workers then there is no reason for us to come over here and make any presentations because we are not

going to get to the truth unless we talk with the farm workers and ask them what is happening in the agricultural community.

As far as illegal chemicals, the farm worker knows where they are stored and where they are going to take them out of storage to use them. The farm worker is the only one that knows. We bring it to the attention of the state agencies, and they have never done anything. Okay. Again he is repeating that if we don't listen to the farm worker, if we don't ask the farm worker what is happening, because the farm worker is the one that mixes the chemicals, the one that applies the chemicals, the one that knows where the storage of the chemicals is, and who gives them the instructions to use them. So we have to listen to the farm workers. Thank you for the opportunity.

INTERPRETER: (Speaking for himself.) Yes. Water quality in the Yakima Valley and the Columbia basin is something that we have been very concerned about and we've brought it up to the different governmental agencies. We bring the farmers from the community. We ask them what is happening. They are the ones that are giving us these horrible stories. In the Yakima Valley the water pollution is of course the herbicides, the pesticides that are being used. The cattle industry, the dairies, and there is -- the contamination of the water tables of the Yakima Valley, it's alarming, and there have been studies done by EPA, et cetera, et cetera, and reports coming out and what we have to do to clean up the water and such, but we don't see much happening outside of that.

MS. CALDWELL: Excuse me. We are going to have to end your time right now. Thank you. We appreciate it. Thank you.

(Applause.)

MR. LEE: Excuse me. Don't leave, because we are going to have time for questions and answers and discussion later.

INTERPRETER: Sure.

MS. CALDWELL: Next we will have Jeri Sundaval from Environmental Justice Action Group. I hope I'm doing okay with the names.

MS. : If you're not we'll correct you.

MS. CALDWELL: Okay. That's fine. Once again there is a 10-minute time limit, and I have the card. So just nod when I -- so I know that you've seen.

Presentation

By Jeri Sundaval

MS. SUNDAVAL: My name is Jeri Sundaval. I'm with the Environmental Justice Action Group, which is out of Portland, Oregon. I am a member of the Klamath tribe, which was terminated in 1954 and reinstated in 1986. Because of that I am an urban dweller because when our tribe was terminated we were expected to assimilate into the rest of the population and just group up like everyone else, which robbed us of our heritage and such. When we were reinstated in '86 they said -- I was raised -- I was told when I was raised, "You are a quarter-Mexican, half-white, and you are a quarter-nothing because the government took it away."

But because of this I was raised in urban surroundings, both Salem, which is the capital city of Oregon, and Portland. I have been a low-wage worker for the majority of my life. I'm currently the director of the Environmental Justice Action Group in Portland, a group that works specifically with issues in North and Northeast Portland, communities of color, and low-income communities. I was first introduced to NEJAC in 1994 as a hotel worker being exposed to toxic chemicals. NEJAC actually stepped in and wrote a letter to the Red Lion Corporation asking that they deal with the toxic chemicals and the fact that they were exposing people of -- especially women of color to high exposures of toxic

chemicals, and I appreciate that because as someone who is -- who has been a low-wage person and felt very oppressed most of my life it actually means a lot when someone steps in who you don't even know to try and stand up for your rights.

I am pinch hitting for Wilbur, so I'm here actually to talk about our water quality issues in Portland. Portland recently became a superfund site because of the Willamette River. Part of the issue about Portland becoming a superfund site was the state and the city basically were saying, "Well, no. Just hold off. Just hold off because we don't want to be embarrassed by the fact that we have a superfund site in the state of Oregon or in the city of Portland." Eventually it did become that.

There was a study done by a group called the Willamette River Keepers, which are friends of ours down in Portland, that basically states as far as carcinogens go one-in-a-thousand recreational fishers will from eating fish out of the Willamette River catch cancer. The EJ part of this is that one-in-a-hundred Native American fishers are liable to catch cancer from eating those fish. Many folks come from around the area, the Warm Springs tribes and many other tribes, to get fish and collect eels from the Willamette River, specifically around Oregon City. So what we see is that this is a large issue in Portland.

There are many, many environmental justice issues in the state of Oregon and in Portland, Oregon, and some of the problems that we have as far as identifying environmental justice issues is the large disconnect folks are talking about. We actually have a great Region 10 EJ representative from the EPA who has been helping us greatly.

Our current issue has to do with the -- with transportation. They are trying to build a freeway through our neighborhood, basically enlarge the freeway through our neighborhood, I-5, Interstate-5, and we've been fighting that and we've been winning because we brought up the

environmental justice issues, and we organized the community and found displacement, and we fought the fact that air quality is bad enough.

EJEC has been doing surveys of our community for the last three years around air quality and asthma, and what we have found is that the rate of asthma in North and Northeast Portland is 14 percent compared to a seven percent national average, the seven percent state average. We were told at an I-5 meeting recently by one of the business taskforce members that because we didn't have a control group it really didn't mean much. So working closely with a college, Lewis and Clark College, which is who we partnered with to collect this information and write the report, we went out and did a survey in Southwest Portland, which is a more affluent part of town, and what we found was less than a five-percent average of asthma. We went back to the taskforce and reported that.

What we found shocking was that in the environmental studies, the air quality studies we had requested, the modeling results came out saying that in 20 years the air in Portland is going to be 40 percent better, even if you add all of the options, light rail, commuter rail, and many lanes of freeway, that the air will still be 40 percent better in 20 years. We found that kind of surprising. Although the four-lane option is still the worst, what we found is that they were basing this on future technology, that folks would have better cars and better trucks, and that there would be laws passed that would guarantee that gas would be better and not as polluting. We find that kind of absurd at the moment. So we are questioning the methodology on that.

The other thing we found was that although we are winning on the four-lane issue, we had successfully worked with the task force members to convince them that this was not the best solution for the community. That they needed to pick something that would benefit the community more, that they needed to not pick the worst option. Last week the Federal

Highway Administration sent -- had a representative come in and send and basically state, "We want this issue on the table still," despite the fact that we had successfully organized it off the table. It is once again back on the table again for a vote on December 11th.

So these are the kinds of issues we deal with as people of color in this community, that when we stand up that our voices be heard and that our issues are not simply anecdotal. They are our lives. They are truly what happens to us. Thank you.

(Applause.)

MS. CALDWELL: Thank you. Next we have Rosemary Antuangaruak from the native village of Nuiqsut.

MS. ANTUANGARUAK: Hi. My name is Rosemary Antuangaruak. I'm from the native village of Nuiqsut. I'm speaking on behalf of the natives of Alaska. I cannot speak specifically. We are very different indigenous peoples. I appreciate their diversities that changed my views as well as I support their views. In Alaska we may not have as the severity to the factor that some of the other areas are facing in as far as the levels of contamination, but in Alaska we are also facing these issues of contamination to our water and contamination to our fish resources. Rural Alaska depends heavily on our subsistence resources for survival. It is not a desire -- it is desired, but it is not an option in rural Alaska.

Even though I live in Nuiqsut, which is only 60 miles away from Prudhoe Bay, and it's also 130 miles outside of Barrow, we have very few people from our village working in the oil industries. You cannot expect the people to give up all of the other hats that you have as a community member when you are living in a small village to go out and provide income to your house, because as a community member you are providing a service. You may be a fisherman. You may be a hunter. You may be a whaler. You may also be our only search and rescue member, our only

fire department chief, our community council leader, our village liaison, as well as the oil field worker that is leaving. So when a person leaves the village to try to go out and obtain an income it does not meet the needs for providing for our families.

Throughout the state you have many different tribes; 229 is the count that is currently federally recognized. In the State of Alaska our EJEC formation is in the infancy stages. We are just starting to formally get a coalition together with the Alaska tribes to try to address some of the issues that we've been facing. As individuals we feel like we are a straw in the haystack trying to deal with the state agency who does not always follow the tribes' views, as well as the regional entities that are looking for profit and not looking at the tribes' best interest. So you have to recognize that we're working with many different layers of regulations and agencies that we interact with. One of the coalition members that we are down here with was stating there are seven different entities, layers of leadership that we have to go through, and when you are a small village of 500 people not -- our views do not always get recognized to the level that they need to be.

In Nuiqsut we are facing a tremendous increase to asthma rates, and I'm sure that this is also going to be shown in our water quality. As formal testing and studying is being done they are monitored by the developers that are doing the activities, which can construe the way data is presented. In Nuiqsut we worked with ATSDR on a lay basis. ATSDR came out to look at our fish quality, and they came in after a year of doing their studies to try to reassure our village, but what they did was cause a lot of harm and concern.

A year before they finally showed up they put in an advisory that we should not eat more than six tilapia, which is the link cod as you call it. The reality was that if they had looked at how we use the --- they would have

seen that we value the liver as a delicacy, and an elder or a minor could eat six livers in one setting. Then the fear that was given to our village by the information that was brought to some of the side effects to the contaminants that they found, well, if they had only known that we nearly lost one of our elders to seizures on a plane when she went to a Presbyterian meeting. But this caused so much hurt and pain to our people that were giving the elders the fish. They feared, "Did I cause her more harm? Did I have a big impact into what happened to her?" But they didn't talk to us first.

They brought -- went out, brought studies from all over the United States as to levels that are acceptable according to the federal standards, but if they had only looked at us first and communicated with us initially they would have seen that our usage greatly construed that study. It was not relevant, and our numbers would be greatly changed when they looked at our consumption rates as well as the parts of the animals that were being utilized. All of these play a factor in some of the issues that we face.

Alaska as a whole is very for development. Our regional corporations as a whole are very for development, but that does not mean that our tribes and our people support this. Many of our people feel that we cannot fight this. If we try to come in with an abrasive attitude we are swept to the wayside and not allowed to interact in a meaningful means. So this has to play a factor in your interpretation of some of the presentations that you read -- receive, because I do know that there are people that say that tribes do not exist, and I have 229 tribes that say we do. So I appreciate your time. I appreciate the efforts that are being presented by all the people that are here as well as your --- to hear what we are saying, and I really appreciate and hope that all of this in the end comes out with policies and regulations that support our views and our needs, that protects us.

(Applause.)

MR. LEE: Excuse me. Please don't leave the --

MS. CALDWELL: If you could return to the table? Yes. Because after our last presenter, Mr. Lee Tanuvasa from the Korean Women's Association, we're going to have a question and answer period. So thank you.

Presentation

By Lee Tanuvasa

MR. TANUVASA: Good afternoon. My name is Lee Tanuvasa. I am from the Korean Women's Association in Pierce County. Unfortunately I wasn't supposed to be here, but my director is at the moment in the hospital assisting her daughter giving birth. So she gives her regards to the members for not being present here today. I was informed this morning about 10:00 to come and talk to you about our projects that we have developed within our agency in regards to the marine resources for the future of Asian and Pacific Islanders in Tacoma and Pierce County.

In the past year we received funding from the Puget Sound Water Quality Action Team and also with the EPA, Environmental Protection Agency, with some of the moneys that were given to create a project that would assist the Asian and Pacific Island communities on how to gather and understand the safety of shell fish within the Puget Sound region. So within the project we started in 2000, last year, from January to June of 2001, and with great confidence we have accomplished a lot of work through that time period of 18 months together. Through the work with the recruited people that were participating we understand and came to a conclusion that the need was still existing within the communities that we serve.

We have collaborated with the two agencies that were a partnership in this collaboration, the Indo-Chinese Cultural and Services Center, which

serves the Southeast Asians. It comprises of Vietnamese, Cambodians, Laotians, and also with the Korean Women's Associations that serves Koreans, Filipinos, and the --- community of Pierce County.

Throughout that time frame we were given the greater task for the minimal amount of money that was given to us, but with the expectation so high we wanted to come out positively to provide the services to our community. I have the books sitting in front of me, but I -- sorry that I don't have the copies for you today, but hopefully during the time down in the future there will be some copies available. There has been an assessment and evaluation that was provided by the projects, and we have gathered so much information on how to assist communities that were inclined to understand the basic understanding of how the rules and regulations of our communities could be informed to them in the cultural and sustainable manner that they could understand.

Now, the problem that we faced without our counties and the communities that we serve was the language barrier, and through that we managed to establish a linkage through the partnership of the communities and the partnership of the volunteers that were eager to learn and participate in the program who were able to serve primarily the Asian and Pacific Island communities of Pierce County as a whole. Even though we managed to accomplish a little piece of that project, there is still a need to provide more education and prevention materials to these communities. A lot of these communities do not take on the services from the mainstream agencies and service providers. So they come to the local agencies such as the Korean Women's Association and the Indo-Chinese Cultural Services Center to get this information that are available to them.

I am here to present to you some of the findings that we have through my participation in the state-wide health conference that was held back in early October in Yakima for the state of Washington. Mercury has been a

problem within our communities, especially with women. The rise of dangers in fish consumption with mercury in the fishes, our community didn't understand what mercury is. They all thought of it as a thermostat element, but not in fish. So with our work we have managed to assist and help them with health conditions and health problems that involves with mercury in fish. Our communities, their everyday diet is fish, mainly fish. So it is unfortunate that the understanding came too late to most of the -- some of the people that were affected by fish poisoning and also within the shellfish area. So we managed to give them that understanding and education on how to prevent themselves to have better health. So, you know, I am fortunate to be here to talk with you and to see how this process could be manageable and be presented to the communities that we serve. Thank you.

(Applause.)

MS. CALDWELL: Thank you. Now I think we're going to open it up to the panel for questions.

Introductions, Comments, & Questions

MS. SHEPARD: Okay. Now before we go to comments and questions from the council, I am going to ask all the council members to introduce themselves. But first let me remind you that the NEJAC is a federal advisory committee. There are 26 members with staggered terms of one to three years. There are six stakeholder groups that are represented on the council. They are academia, community, industry, business, NGOs, non-government organizations and environmental groups, tribal and indigenous groups, as well as state and local government.

There are seven subcommittees which are all chaired by voting members of the council. They are Air and Water, Enforcement, Health and Research, Indigenous Peoples, International, Puerto Rico, and Waste and

Facility Siting. So I just want to make sure for those of you who are new to the NEJAC how we are structured.

I will begin. I am Peggy Shepard. I am Chair of the NEJAC, and I'm the Executive Director of West Harlem Environmental Action.

MR. LEE: Good afternoon. I'm Charles Lee. I'm the Associate Director for Policy for the Office of Environmental Justice, and I'm the designated federal official for the NEJAC.

MS. JARAMILLO: Good afternoon. I'm Annabelle Jaramillo. I am -- represent local government and the County Commissioner in Oregon, and I'm also Chair of the Air and Water Subcommittee.

MR. CHARLES: I'm Larry Charles. I'm Executive Director of a community-based organization called ONE/CHANE. Community organizing is a major part of the work that we do, and I'm happy to be here.

MS. EADY: My name is Veronica Eady. I'm the Director of Environmental Justice for the Executive Office of Environmental Affairs in Massachusetts, and I'm the Chair of the Waste and Facility Siting Subcommittee.

MS. GAUNA: Hello. My name is Eileen Gauna. I'm with Southwestern University Law School.

MR. GELOBTER: My name is Michael Gelobter. I'm the outgoing academic Chair of the Community Academic Partnerships for the Environment and EJ Research Consortium in the Northeast and Puerto Rico, and I'm the present Executive Director of Redefining Progress, which is a sustainability think tank based in Oakland.

MR. GRAGG: My name is Richard Gragg. I'm Associate Professor and Associate Director of the Environmental Sciences Institute of Florida A&M University, and I also direct state-funded Center for Environmental Equity and Justice.

MS. STAHL: Good afternoon. I'm Jane Stahl. I'm the Deputy

Commissioner of Environmental Protection for the State of Connecticut and I'm the Vice Chair of the Health and Research Subcommittee.

MR. HARRIS: Robert Harris, Vice President of Environmental Affairs, Pacific Gas and Electric Company, San Francisco.

MS. HORNE: Savi Horne. I'm the outgoing Chair of the Enforcement Subcommittee, and I'm the Associate Director of the Land Lost Prevention Project in Durham, North Carolina.

MR. SUAGEE: I'm Dean Suagee. I'm the Director of the First Nations Environmental Law Program at Vermont Law School. I'm a member of the Indigenous Peoples Subcommittee, and I'm serving as proxy today at this meeting for Jennifer Hill Kelly, who is the Chair of the Indigenous Peoples Subcommittee who is not with us because she recently had a baby.

MS. SHEPARD: Mary?

MS. NELSON: Oh. Next one. Okay. Mary Nelson. I'm President of Bethel New Life Community Development Corporation in Chicago, and I'm a community representative.

MS. RAMIREZ: Good afternoon. I am Graciela Ramirez. I come from Puerto Rico. I am the Director of the Center for Environmental Education Conservation and Interpretation of Inter-American University.

MS. WALKER: My name is Jana Walker. I have a solo Indian law practice in Placidos, New Mexico. I'm a member of the Cherokee Nation and I'm Cherokee, Shawnee and Delaware. I'm the Vice Chair of the Indigenous Peoples Subcommittee and I also serve on NEJAC's Fish Consumption Workgroup.

MS. SUBRA: My name is Wilma Subra. I represent Louisiana Environmental Action Network on this committee. I'm a member of the Air and Water Subcommittee, and I worked on the strategic plan.

MR. WARREN: I'm Ken Warren. I'm Chair of the Environmental

Practice at a Philadelphia law firm, Wolff Block Schorr and Solis-Cohen. I am Vice Chair of the American Bar Association Section on the Environment and serve as general counsel to the Delaware River Basin Commission.

MS. SHEPARD: Okay, and Charles?

MR. LEE: Oh, yes. Thank you, Peggy. There are a number of NEJAC council members who are unable to make it to this meeting for different reasons, but one of them I wanted to bring to your attention and ask you to keep her in your prayers, and that is Pat Wood. As you know, Pat -- many of you probably don't know, but Pat Wood is undergoing chemotherapy for breast cancer, and she actually was going through this in August for those of you that may not have known, during the facilitated dialog, but she felt it important enough to want to make it. But now that she is undergoing the treatment she can't leave Washington, DC. So I just want to make sure everyone knew that, and ask you to keep her in your prayers. She did tell me that she especially was -- had wanted to come here. She had actually a lot of things to talk about, share with you, but those will come up later in the agenda. So thank you, Peggy.

MS. SHEPARD: Okay. Council members, if you would like to direct comments or questions to our presenters. Yolanda Sinde, if you would like to join us please do. Yes, Wilma?

MS. SUBRA: I have two questions dealing with the farm worker exposure. Are the family of the farm workers also experiencing health impacts; and then, secondly, when you talk about these illegal pesticides, is it because they are using more than one at one time? Or are these pesticides that are no longer registered or permitted for use, but are continuing to be used?

INTERPRETER: (Speaking for himself.) Yes. The first question. Yes. The families are being affected. The health of families are being

affected. We have through the Washington State Migrant Council and the other programs we are providing education to the parents who work out in the fields as to how to protect their children from these chemicals, from these herbicides and pesticides, how not to bring them home. How to take your clothes outside, your shoes, et cetera, et cetera. How not to get close to your children, not to come and pick them up at the child development centers, et cetera, et cetera, until after you've taken a bath, gotten some clean clothes, et cetera.

But the fact is that a lot of these families, they live in these communities that are being surrounded by the agriculture fields, by the orchards, et cetera, et cetera. So when they go out there and spray, aerial spray or with tractors and sprayers, all of these, okay, the residues are there and they're left there. There was a study done about lead in children. They found that five percent of the children of farm workers have higher levels of lead than children who do not live out in the country, and as to the whys they don't know. They say that it is a lead that is produced by the tractors and the farm machinery, and I say boloney to this, but then of course there is nothing concrete. So I blame this on these chemicals also. So the rate of asthma on farm worker children is very high.

MR. MORFIN: (Through interpreter.) Yes. The chemicals that he was referring to are chemicals that have been banned by the federal government as well as the state government. Yes. They say that last year they took some salmon from the Columbia River and they were contaminated with DDT, and they claim that this was DDT that was disposed of 20, 30, 40 years ago before that chemical was banned, but Mr. Morfin is saying no, we know better. We know that these chemicals are still being used. He says that he sprayed chemicals for about 10 years, and he knows what the farmers

-- instructions of the farmers. They go out there and mix the chemicals at

night, et cetera, et cetera, and then sometimes they spray them at night. Others they spray them during the day, but they use -- mix illegal chemicals.

MS. SUBRA: Could we get a list of the chemicals, the illegal chemicals that he knows?

MR. MORFIN: (Through interpreter.) He says that most of these illegal chemicals they take the tags off the containers. So they take the tags off and they hide them so the inspectors when they go out there, they never find them.

MS. SUBRA: Thank you.

MR. MORFIN: (Through interpreter.) When the farm worker goes and complains about the use of illegal chemicals to -- when the farm worker goes to the state agency and reports the use of illegal chemicals and such these inspectors they generally call the farmer and tell them that they are going to go out there and do an inspection of the storage of their chemicals. So the farmers has advance notice that they are coming. So he is saying that it's like a conspiracy.

MS. SHEPARD: Thank you. Yes, Larry?

MR. CHARLES: I just want to make a couple -- just to follow up a little bit. You know, one thing that came through loud and clear is that you have a whole litany of violations that are occurring in your judgement and being heaped upon your community having significant health effects. But what came through clear was that no matter where you went, state or federal government, there was no answer. There was no one taking responsibility for helping address the issue and the problem.

As devastating as the story is, at NEJAC we hear a lot of cases like this, no matter where we go throughout the country, and one of the things we have struggled with is as human beings how we respond from this chair when the purpose of NEJAC is to provide advice to EPA on overall

policy. Part of the answer came back with the one that Peggy mentioned. We would continue the public information sessions to hear these kinds of stories and then try to find ways to influence EPA to do all that it can immediately to address some of these issues.

Now, one of the things that I'm aware of that has recently happened, the National Director of Environmental Justice has gotten a commitment from each of the regional administrators to hold listening sessions at the regional and to find ways to be involved in some of the issues and problems that have come forth. So first of all I would suggest if you haven't done so already to contact your regional administrator in EPA to attempt to get some action, and I would be very interested in following the case and seeing what happened after that.

TRANSLATOR: Thank you.

MS. SHEPARD: Okay. Veronica and then Jana.

MS. EADY: I had a question for the people that came and spoke about fish consumption and the education program that's going on. Of course education is one part, and studies is one part about learning what's in the fish and how dangerous they are. But the other piece of it is stopping the contamination. So if it is mercury, are there any initiatives going on in your communities or in the region to put bans on some of the sources of mercury, like medical waste incineration? You know, there are cities across the United States that have done bans on mercury thermometers and things of that sort through partnerships with hospitals and physicians and things like that. So I was wondering if there was anything going on to cover that piece of it, because without that then the contamination is just going to continue.

MR. : In the process within Pierce County itself there is a small amount of that going on within the community responding to these issues due to a lot of these communities the major problem within the under-

served communities is language barriers. So through the work of the agencies that are serving these communities we are the advocates for them and trying to promote these issues to bring them to the table, to the counties that we reside in. But there has been very little effort in legislative issues
--- action to be taken.

MS. NELSON: I just want to respond to that point. Is it maybe one of the possibilities for the NEJAC to help make available samples of that kind of either legislation or whatever it is that may have happened in other cities or in other counties or whatever else as being helpful?

MR. LEE: You know, tomorrow when you discuss this, these are some of the recommendations. You can certainly recommend that EPA do something in terms of making sure this kind of information is available.

MS. NELSON: Maybe on the website or something. Yes.

MS. SHEPARD: That can be a recommendation. Thanks, Mary. Jana?

MS. WALKER: I was going to ask Rosemary just for a clarification. My understanding is that Alaska is one of the few states that has never issued any fish consumption advisories. So could you please clarify again how that study on the cod came out and the caution went to the village?

MS. ANTUANGARUAK: Statewide Alaska is worried about the fish, the salmon fishing industry. So, no, they have not done a statewide advisory, but in Nuiqsut we had a local advisory that was done for ---, and it was related to contaminates issues with Department of Defense issues. We had already been stating that we are definitely seeing some changes into the fish, the quality of the fish. There is more parasites. The fish, the fat content has decreased. The taste of the fish had changed, and over many, many years they finally went and did a study, and it was the involvement of the study that caused the problems. There wasn't any local

involvement, which constrained the actual presentation of -- if they had done it looking at our usage the numbers would have been very different.

MS. WALKER: So that number of six, what time period was that? You mentioned don't eat more than six cod. Within what kind of time period?

MS. ANTUANGARUAK: The advisory came out in 2000. It was about March of 2000, and they showed up March of 2001 to have a community meeting concerning this advisory.

MS. SUBRA: No, but six a month, six a year, six a week?

MS. ANTUANGARUAK: Six a year.

MS. SUBRA: Six a year?

MS. ANTUANGARUAK: Yes.

MS. SUBRA: Peggy, I have a follow-up. Has anyone provided any information on body burden, what kind of levels of these chemicals are actually in the bodies of the people in Alaska?

MS. ANTUANGARUAK: There are attempts to do the core blood studies, and there are attempts to decide at the state level what other additional studies are going to be done, but there are problems in delineating all of the different issues with that and the politics associated with it. So not all of the details. I know that the state is going to be doing other studies, but it's hard to say what's going to come out of that. The issue with the worry about getting Alaska's fish labeled is a big factor that we're having to face.

MS. SUBRA: Because there are national and tri-national organizations that I participate in that have some of that data available. It is not getting to your communities?

MS. ANTUANGARUAK: I could say no, and some of the other people with me would say no. Not on an overall level.

MS. SUBRA: Okay. I'll work on that.

MS. SHEPARD: Okay. Larry?

MR. CHARLES: I think Yolanda and -- what is his name?

MR. : Lee.

MR. CHARLES: Lee. Right. I am sorry. Yolanda and Moses asked a question that relates a little bit about where is NEJAC at and what is the value of this organization right now in the face of so many things happening out in the community and the imbalance between the powerful and powerless with NEJAC somewhere in the middle to provide aid, especially to the powerless. That's an appropriate question right now, because in addition to a major focus on fish consumption part of this meeting in Seattle is to answer that question, is to look at how NEJAC has functioned in the past, how we're structured, and how effective we have been in addressing the mission in the original charter of the organization.

Inside the language of the charter there is this fine area regarding our mission with respect to advice on policy, and many of us, both members of the NEJAC who are representing the community as I am, and others from other stakeholder groups as well as staff from EPA are doing a lot of good work to make sure that, one, NEJAC continues and it appears that -- not appears, but in fact that is a done. But then secondly that we do make sure we find a way to make this organization relevant to some of the issues and problems that are happening outside, and what we're kind of leaning towards, at least from the impression that I have, is that we are leaning towards the view that we can be much more effective as an organization if we don't use the two meetings a year to focus on the one or two or three or five individual projects that come before us, but rather try to put more time into impacting how EPA acts and whether it does its job and how effective it is.

So I we are going to be doing I think everything we can to make sure

that EPA does its job effectively in all places and in all communities, and that's our goal I think in this meeting here, to try to confirm what our structure and our procedures are going to be in order that we could be more
effective and more useful. I think a major thing that has changed about NEJAC is to move the focus on the discussions regarding individual projects and issues at the meetings from the national meeting and to place that where it is supposed to be, on the operational body of EPA at the regional level. So if somewhere during the course of the next few days you have any comments about that direction I would really appreciate it.

MR. : Thank you.

MS. SHEPARD: Okay. Yes, Velma.

MS. VELORIA: I just wanted to ask a question in terms of your structure. So for example in the state of Washington if we are talking about developing legislation as Mary was talking about, how do we work with you or what is the structure? I mean, how can I access the resources that you have so that I can bring it home and work with the groups here in Washington State?

MS. JARAMILLO: Let me try to attempt to answer that. Actually NEJAC doesn't have resources that can address your specific question. What I think that can occur is that NEJAC can advise the Environmental Protection Agency's Administrator on basically enforcing the laws that exist, and those laws obviously have equal impact on all communities. Or they should have. Let me put it that way, and that's really what our intent is.

But the types of resources we have are not necessarily monetary, but the resources are more of people from around the table and the collective experience and knowledge if you will, and how to help with that. I think that there's many people in communities that can help pull together the type of

information and the type of anecdotal data that are necessary to try to develop the legislation and also provide -- for example in the state of Washington and in my state being citizen legislatures they really do depend on the word of the people a lot who come to Salem to for example to lend support on particular types of legislation; and perhaps that type of support, the support of people, would be the major resource, but in terms of physical resources they are not there.

MR. LEE: You know, let me -- can I just put this question into some kind of historical context? I mean, the question that has been raised about the role of the NEJAC and its future and its mission, so on and so forth. I think we have to step back a little bit, because I think normally your questions start from a certain assumption, and that is if we go back to I guess 1994 when the NEJAC first got established. You know, the NEJAC got established at a point when the community came to the federal government for all kinds of things and there were all kinds of needs, and the NEJAC sought, actually sought to fill that void in many different kinds of ways. So the NEJAC became all things to all people, but the NEJAC when it was first established was established to be a federal advisory committee. As a federal advisory committee it really only has one function, which is to provide advice and recommendations to the EPA's Administrator.

Now, because of all the kinds of things that became associated in terms of the needs -- and I think we need to understand as the issue of environment justice and all of you who come here with issues realize that -- well, make it real clear that there are a lot of needs to be filled, and there is no argument with that. However, you know, the question of the NEJAC as was questioned in terms of its ability to effectively produce -- you know, fulfill its mission going into the future it has to be more focused. What that means is that we have to also step back and talk about those other kinds

of needs that have to be fulfilled. Not by the NEJAC, but by other things, including the Environmental Protection Administration.

So one of the questions that was a real big need is addressing all these specific site cases -- site-specific cases that come up. Now, it's always been assumed that somehow the Environmental Justice Advisory Council was going to respond to that in some way, which had no authority, no ability, and in fact is doing everybody that comes an injustice because of undue expectations that were never going to be fulfilled. So what Larry talked about and the conversation in terms of asking and talking with all the EPA regions about the need to do more regional kind of meetings and things like that so you have the point of contact with not the federal Environmental Justice Advisory Council, but those in the regions who have real -- some kind of -- can have a real say in terms of how those cases, those issues, get addressed.

Now, there are a lot of other issues, a lot of other kinds of things, needs that need to be filled around environmental justice, and I think that the NEJAC's role is actually to provide advice about how to best do that, not to fulfill that. So there is a need that comes up in terms of what is the need to help, you know, promote the ability of states to address environmental justice. That is something that the NEJAC should in its advisory capacity make some recommendations around. So we need to go from there. So this is where the sorting out has begun to take place with respect to the mission of the NEJAC, and so that's what is going to become clearer over the next couple of days.

MS. SHEPARD: Okay, Charles. Dean Suagee.

MR. SUAGEE: Yes. Thank you. Frank Roberts brought up a point that I thought that I would like to hear him elaborate on, and that was the connection between language and --- contamination. I think that helps. It brings out a kind of disproportionate impact on tribal cultures that seems

to be different from the kinds of impacts that other cultures suffer. I guess I'm intuitively thinking that, you know, tribal languages are used to described place names, to describe plants and animals that occur in places where you go to harvest fish, that, you know, stories are told, oral traditions are transmitted in the context of the traditional cultural activity. If you can't eat the fish then there's less opportunities for that kind of cultural transmission to take place, and that sort of -- I think this is an important idea, and I was intrigued by that. I wanted to ask him if he cared to elaborate. I'd also like to hear if the lady from Alaska would like to add to that, too. Thank you.

MR. ROBERTS: Most definitely so. Throughout in our case the Coeur d'Alene basin there are signs, large signs posted that say don't eat the fish, and that's just what the Coeur d'Alene people are currently doing. They are not eating the fish and they are not going out and gathering water potatoes, a traditional plant that the tribe subsisted on. So now when you tell the kids where you get your fish, they go, "You go down to --- and you go to isle six. That's where we get our fish." There's not a lot of culture in that.

I mean, previously they would go out with their grandparents and their parents, and while they were out there, you know, you figure out you have to go to a point or someplace where we go to fish at. Those places all had Coeur d'Alene names, and now the children aren't exposed to that. They aren't exposed to the name of this plant that you use to, you know, do a certain thing with in the Coeur d'Alene language. Yeah, maybe they hear about it once in school or something, but they aren't really exposed to that.

It's really easy to say, "Well, we'll clean up the problem and make it go away," or, you know, "In 100 years from now we'll dig up all the dirt and put new dirt there and everything will be better." But that link of the culture

in that 100 years time it will take to clean it up is severed. It is not just severed and new fish comes out 100 years later. It is severed and it doesn't come back, and I think that's really important. I'd like to hear what ---.

MS. ANTUANGARUAK: I also support what he has to say about that. We do have barriers throughout the state. Even one tribe can have a problem communicating with another tribe because of the language barriers we have. Then when you are dealing with chemicals, especially there are such different types of words, there aren't translations in our language to adequately use to provide the education. So we have to formulate words that are a combination of words that get the idea across. But it takes discussions among entities that have the ability to discuss what all the issues are. The limits that you have with trying to deal with this statewide when there are so many different needs there, you have to get additional funding to get all of the translations done in order to meet the needs. So that increases the cost factor itself. So there are definitely factors that affect this, and there isn't an easy solution to it because you are dealing with such a diversity of the population there.

The effect also to the social lifestyle I can attest to, problems that we've had with whaling. With industrial activity it prevented us from harvesting in two years. I worked as a community health agent in my village for 14 years. I also went off to become a physician assistant and passed my National Boards to increase the quality of care I provide for my community, but it also changed my view in how I was dealing with stuff.

I was not traditionally raised in my village. I was -- came in from Tacoma. I graduated from Franklin Pierce here, but my mom was born and raised in the barrier area.

So my interpretation of how things were are very different than the people I was living with, but I learned their

traditional knowledge and I have given that knowledge to my children.

But you have to have the elders working with the young on a continuous basis to keep the traditions alive as well as keeping the language alive, and it's something that we're working on. But we have a very strong uphill battle when our elders were taught not to speak the language, and people in my age group and a little older don't have the fluency as the older people do, 50 and over.

So it's something that we're facing, but we still have the traditional knowledge of the techniques on how to harvest, where to harvest, and the ways that we need to do this. But we don't have the interactions on how to give the variations to what's happening to our subsistence resources to educate our people in that, and that's something that has to be developed. It's not something that's there.

MR. ROBERTS: Can I add to that just briefly? It's very -- I mean, I wouldn't say very easy, but it's pretty easy to ask EPA or to ask some part of the federal government, "Can I do a study? Can you provide me with money to do a study on blood lead levels or things like that?" You know, we've got that kind of funding to do those kind of things, but to do the documentation of the culture. Like right now people aren't going to those sites and doing those things they traditionally have done, and to get the money to actually document that stuff before those tribal elders pass along is a very difficult thing to get. It's very difficult for the tribes, because the tribes are reluctant to get federal monies because they're not sure they want to let loose that type of information. They don't want to have a lot of strings tied to it. That's a challenge I think we face.

MS. SHEPARD: Thank you. Moses Squeochs and then Mary.

MR. SQUEOCHS: Thank you. In my opening comments and my welcome, it was supposed to have been a welcome, I mentioned -- I made reference to culture, and I made reference also to the preservation and

restoration of culture and language among the indigenous populations. We've nearly lost our language. Among the indigenous-speaking people today the language is almost non-existent. The predominant language as you'll hear is English today. So that remains to be a problem. It is a signal, and I heard someone comment from the perspective of seeing indigenous cultural language endangered or threatened, wondering why it isn't perceived in this manner. So it is an important issue.

One of the things that I got in my notes that I meant to remark to in my opening comments was a recent invitation that I just received from the state of Washington. The state of Washington announced their intention to initiate an effort focused on environmental justice. The role and the responsibility of the NEJAC in its capacity to advise the federal agency of the Environmental Protection Agency very much involves the state, and that's the problem that we as tribes have.

The states feel or they believe that they have been authorized to carry out these federal environmental statutes, and they have done so without regard for the differentiation of culture. So I was in the hopes that in the opening and welcoming remarks that today the Washington State Department of Ecology would also be given an opportunity to participate. They are crucial in this whole protocol of environmental management. So I think that we must remind ourselves that they are also involved in the outcome of aquatic ecosystems, good, bad, or otherwise, however it may turn out.

We are attempting as a tribe, as an indigenous community, to develop standards that specifically address the needs and the requirements of our 14 confederated tribes and bands of the Yakima Nation. This is no easy task. We have no references that are easily found that help us and give us guidance to do this, but we are determined to make sure that we do the most objective effort that we can without the

biases, without the politics, if we can manage it. So that's what we have going, but I just wanted to mention in my absence of thinking that I wanted to mention the state of Washington and its recent initiative.

Now, I don't know what else is going on across in the other states, but I very much appreciated the invitation to come to Olympia to participate in those initial deliberations if you will. I thought that was very, very respectful. I thought it was very good of the state of Washington to invite someone representing indigenous people. So I just wanted to mention that. Thank you.

MS. SHEPARD: Thank you, and I should just say that a number of states around the country are developing environmental justice policies, some with more success than others, and it might be helpful if you are involved in such a process to gather and review some of the policy statements that have been issued by a variety of state governments so far. Mary.

MS. NELSON: You've hit precisely I guess what my point was going to be, is I appreciate the new clarity that the NEJAC now has in terms of focusing in on an advisory role to EPA. But it seems to me there is another function, and that is sharing information or making connections between people. So whether it is a state that is beginning to get into the act can we suggest several other states that are doing good things in this that might be a resource. You mentioned some cities or counties that might have some legislation. You know, can we suggest and certainly -- or, you know, maybe we can just help. Through the internet it seems to me there are some wonderful ways to share some information, and that's so helpful, because we don't all have to reinvent the wheel.

So I would hope we would also take on that task, and it seems to me Wilma was talking about some connections she could probably make for some of the speakers here. So it seems to me we can informally share

information and connections, but we might want to figure out some other ways to make connections and share information that we have just even around this table. We have a wealth of information that might be helpful. So hopefully we can get creative and figure out ways to do that.

MR. LEE: Two things. You know, I mean, I think that, you know, just because you are members of the Environmental Justice Advisory Council doesn't mean this is your only -- the only thing you do, and encouraging the communication among all of you as a community of people is really very, very important. There is nothing that stops anybody from doing that, and we would really encourage that. The second thing is that I just want to let you know that one of the projects that some of our summer interns at the Office of Environmental Justice did was a review of all of the state programs related to environmental justice, and certainly we would be willing to share that with all the members of the NEJAC and you, Moses, and anybody else. You know, and hopefully -- I mean, this is all preparatory work, because we realize how important this issue is, and certainly in sharing this with -- I mean, let's look at the NEJAC function. Really taking that and extrapolating out of that so that you can take and relate that to issues such as this as well as many other issues so that, you know, we can become more addressing of this.

The third thing relative to states is that you should note that in the memorandum that Administrator Whitman issued on August 9th in terms of reaffirming the commitment of EPA to environmental justice there is a reference there to performance partnership agreements. A performance partnership agreement is a vehicle by which the EPA and states, you know, kind of come to terms around problematic activities, and that is very important. So focusing on the use of performance partnership agreements for, you know, issues relative to environmental justice as stated in the memorandum of August 9th.

MS. NELSON: And maybe when they have the regional listening posts that we can advise them very intentionally to encourage all of the states in that region to come and be a part of those listening posts and to share information. I think that would be another way to encourage states to be in the middle of things.

MR. LEE: Absolutely.

MS. SHEPARD: Larry Charles.

MR. CHARLES: Just briefly. I am sorry the state representative had to leave, but, you know, I got him to question, you know, the whole point that maybe it's a waste of time to come to NEJAC if you all can't do anything or if

-- and when she asked the question, "How is my information being used?"

This is my first time attending NEJAC as a member, but it's not my first time attending NEJAC. I've come before this group on behalf of my community with issues that we had, survival issues and issues that threaten life and health of residents of our community. There are many communities who find a way to struggle to get to the NEJAC under the idea that, "Lord, if I can just get NEJAC and let them understand the justice issue here and the injustice being heaped upon our community and people are dying that I will be carried through to justice." I know many of us felt that it was unfair to have communities have that expectation, and therefore one of the changes in the new NEJAC is to say that. You know, we are not the place to -- with the resources to address the specific and individual issues. However, we're human beings here, and when we hear stories about children being impacted and all kinds of things that are happening we will try to find a way to be helpful and to respond in whatever way we can.

But just to show the value of your testimony I think, in your testimony

you confirmed ideas that the issues that we will be focusing on here on fish consumption is more than just analysis of impact to human health. That inside of that same discussion is the issue of survival, you know, of a group of people. Inside of that is the issue of more than just the issue of impact on health, but also the issue of cultural continuity from generation to generation. Even if the people survive they may come out different and be, you know, integrated and assimilated instead and the culture lost.

So that is the value that what you have provided here. So what we will do now with the information you have given and the testimony you have given is to make sure that the publication from the NEJAC advising EPA on fish consumption and the relation to water quality and environmental justice will include all these aspects of the issue as you have helped us clarify. So that's the value of your coming here. We thank you for that, but I think Mary mentioned that we ought to do a little bit more than just listen and try to find ways to be helpful. I think that will spark a whole new set of conversations as we meet tomorrow and the next day to talk about the structuring process of NEJAC.

MS. SHEPARD: Thanks, Larry. I would like to ask the last question to the representative from the Duwamish tribe, who I also see would like to speak. My question concerns the high level of lead that you mentioned in your talk, and you mentioned that anecdotally it could be coming from farm machines. So I just wondered, are they using leaded gas, gasoline?

INTERPRETER: (Speaking for himself.) No. Not that we know of. No. Leaded gasoline is not being used as far as we're concerned, as far as we know that it's being used in the farms as such. Maybe it has been stored in tanks for a number of years and now it's being used because of the economic situation in the farm area. That could be a possibility, but that we know of, no. There is no leaded gasoline being sold in the Yakima Valley or around there.

One thing I wanted to comment a little -- just a little bit on, the illegal use of pesticides. This spring and summer there were traces of DDT in the Yakima River, and we asked -- we tried to get answers as to where and such, and the reason is because if we don't get answers then the perception of the farm worker community is, yes, the illegal pesticides are being used. We are being exposed to these. The other is that a lot of farm workers doing the cherry harvest and other soft food harvest bathe in the Yakima River, and that's the only place. They live in the orchards and then they go and bathe in the Yakima River. So we get concerned about this traces of pesticides that are being found in the Yakima River, and we have not gotten any answers where it's coming from or what is being done to find the source of those traces of DDT in the Yakima River.

MS. SHEPARD: Okay. I thank all of you for your presentations and for responding to questions and concerns. I'm going to ask Charles Lee to provide a summary and then we will close.

INTERPRETER: (Speaking for himself.) Yes. The other thing, it was just brought to my attention. We are not part of the Duwamish tribe. We are the Washington Farm Workers Union of Washington State.

MS. SHEPARD: Okay. Thank you very much.

MR. LEE: Thank you, Peggy, and I, too, want to thank the presenters for spending time with the NEJAC. Before I start, let me just ask is Dr. Dolores Garza in the audience? She used to chair the Alaska -- great. We've been looking for you. We are going to meet at 4:00, Dr. Garza. You are going to hear from her tomorrow. She used to chair the Alaska Native Science Commission.

In terms of just summing up, and I will just state a few quick points to sum up, part of the whole -- part of the discussion in terms of the future of the NEJAC has to do -- and if you look in their strategic plan, there is a point in there about insuring that there is an ongoing incorporation of the

community's issues, concerns, and voice in the formulation -- in the policy dialog and in terms of the formulation of the NEJAC's products and in the content and the substance of its recommendations.

So this is part of trying to do that, and this is I think, if I'm not speaking out of turn, the commitment on the part of all the members to try to insure that. So, you know, even if you are looking into the future, the fact that NEJAC provides advice does not mean that they provide advice without the -- you know, the real input of particularly impacted communities.

So I would say that two big points that came out from these presentations is that even from the few presenters -- and I know that you presented on issues that perhaps may be bigger than in some cases than just, you know, fish consumption and water quality. But, you know, the issues of fish consumption and water quality is an issue that is germane and common to a lot of different communities, from Alaska to -- you know, to farm workers, to Asian-Americans, to -- and if we were -- had a chance to look at it across the country, you know, the Southeast and the urban populations and, you know, we can go on and on.

So that's one thing, and the second is certainly the sense of urgency that you brought, you know, that you have expressed around these concerns, and, you know, certainly there's nothing more poignant than the statement that was made by Mr. Roberts about, you know, the traditions of the tribe cannot be passed on because the tribe cannot use their resources. I think that captures a lot of the kind of deeper level that's there, and I think that if you were to look into the -- look at the draft report that you all have in front of you that that point is made over and over again, you know, in terms of the stories of the different communities and the tribes that are there.

You know, in trying to relate this discussion to tomorrow's discussion, you know, on fish consumption certainly, you know, what this shows is --

I mean, the thesis of the report that the workgroup developed was that certain communities, particularly low-income communities of color and tribes, consume fish in greater quantities and ways which affect them more than just the general population. Therefore they are disproportionately affected by contamination and then require the kind of protections -- for example, water quality standards that would be commensurate with the kind of disproportionate impact, or inversely the present water quality standards set to protect the general population may not be protective of these certain subpopulations.

You know, the report I think and the presentations you are going to get from the members of that Fish Consumption Workgroup are, one, you know, how do we know that this is the case. The kind of research issues and the assessments of the studies that lead to their conclusions around this as well as, you know, perhaps the limitations of research and things in the areas that needs to be looked into.

Then the second, what are the implications of this, and the report talks about two kinds of different approaches. One in terms of risk prevention, and that of course has to do with -- I mean, the report looks at a number of contaminants that make for fish advisories such as mercury, which was mentioned, and how utilization of existing environmental statutes can be used to prevent.

Then the second one is risk avoidance, which is more, you know, in the area addressing the question of the use of fish advisories, you know, to avoid the risk. You know, I think the question in a larger sense in terms of, you know, what place does that fit in the overall scheme in terms of the various kinds of solutions, and given the fact -- given that place, how can they be made much more effective. That of course goes back to the kind of questions that you have raised today in terms of understanding the context of language issues, the cultural considerations, and the other kinds

of things.

Then lastly, you know, in terms of that report, the special considerations in terms of government and government relationships to trust responsibilities that have to be thought about when we deal with American-Indians and Alaska natives. So these are the ways that I think these presentations begin -- gives you the glimpse of what is to come tomorrow, and for that, I mean, I think we could probably -- you could have probably gone on for a long time in terms of the discussion of this, but there is a real kind of basis here now to move to tomorrow. So thank you.

MS. SHEPARD: Okay. Thank you all for coming and for your participation. We will reconvene tomorrow at 8:30 a.m., and I hope to see you all there.

(Whereupon, the meeting was adjourned, to reconvene at 8:30 a.m., December 4, 2001.)