National Environmental Justice Advisory Council

Tuesday, December 4, 2001

Public Comment Period

Members Present:

Peggy Shepard (Chair)
Larry Charles
Veronica Eady
Eileen Gauna
Richard Gragg
Barry Hill
Robert Harris
Savonala "Savi" Horne
Annabelle Jaramillo
Charles Lee (DFO)
Mary Nelson
Graciela Ramirez
Jane Stahl
Dean Suagee
Wilma Subra
Jana Walker
Kenneth Warren

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

P R O C E E D I N G S

(7:05 p.m.)

Public Comment Period

By Peggy Shepard, Chair

MS. SHEPARD: We are going to get started. --- a list of approximately --- people registered to speak, and we are giving everyone five minutes for their presentations. First I am going to read into the record the names of the people who have written statements. The first statement is from Chee Choy from the city of Portland, the second is from Rachel Moses from Colville Confederated Tribes, the third statement is from Francis Chin of the Manilaq Association, and the fourth written statement is Dr. Mildred McClain from Citizens for Environmental Justice. Our first speaker tonight will be Chief Johnny Jackson. All right. If he is not here it will be --

MR. : He's here.

MS. SHEPARD: Oh. I'm sorry. Welcome.

MR. JACKSON: What do we have, five minutes?

MS. SHEPARD: You have five minutes. Yes.

By Chief Johnny Jackson

MR. JACKSON: Good evening. I spent the day here listening to and taking in all that has taken place today. I'm from the Columbia River. I live along the Columbia River. I've lived there all my life. I was born and raised there. I'm a fisherman. My family have all been fishermen, and many of the things I've heard and listened to today that affects what's happening to our people, the diabetes, all the things that were brought out here today I took in and listened to. But one of the things I never heard talked about or discussed as we talk about water and the environment is that we never talked about the nuclear issues

and what's happening to our water and our people, the environment, our air.

I live along the river and watch some spent reactors being taken up to Hanford. I'm one person that used to fish and enjoy fishing, but about 15 years ago I caught some fish in my net which was still alive and that really turned me around and got me to start thinking about my people and the river. These fish were badly mutilated, but they were alive. They didn't have no eyes. Some of them didn't have no eyes. People were afraid to take them out of my net, so I had to take them out, and I sent them away to -- with the authorities to have them tested and see what was wrong with them. I never did get no answer back.

Many of my people today are dying of cancer as well as diabetes that I've heard a lot of talk about here this past week that I've been up here, and we talk about cleaning up the area and cleaning up the water and the air, but nobody talks about what's happening up at Hanford and what's happening to the soil and the water at Hanford, what it's doing to our river. I listened to people a few years ago talk about downwinders and what they're going to do about them, but nobody has mentioned anything about downriver, the water that goes through Hanford an empties on back into the river and goes downstream. Our people have to put up with it and live with it. We don't know what's in that river. We don't know what's behind them dams. We don't know what's in that sediment, because we ask and we never get no answers.

I always fear that one day I'm going to see one of them kids or one of them people that go out there for recreation end up like the fish I seen, and I dread the day that I have to see that, because I think this is one thing and this is one matter that I think this group, the people that

were meeting here, should consider it and take it into consideration. Because the Columbia River is something that's never really discussed or talked about or tests made or looked at what's happened, and to the people in all the neighborhoods that don't know what's in that river that's coming down. The pulp mills to Hanford itself, we have to live with it and we have to put up with it, because we're fisherman. We're fishing people. Fishing is our life and fish is our food, but we don't what they're swimming through when they are going back up that river.

I think it's a great injustice until somebody does something about it and cleans that river up and stops the pollution at Hanford. Thank you.

MS. SHEPARD: Thank you very much. Our next speaker is Dottie Chamblin. Is Dottie Chamblin here? Okay. Barbara Harper of the Tyakama Nation? Marcia Henning of the Washington Department of Health?

By Marcia Henning

MS. HENNING: Hi. Thanks for letting me come tonight and speak. I'm a little nervous, so forgive me. I know I have five minutes. I'm Marcia Henning. I'm the community outreach educator for the Washington Department of Health for Toxic Site Assessments, and I just wanted to talk for a couple of minutes on my experience with the Duwamish River superfund site here in South Seattle working with Asian and Pacific Islander communities.

A little background, on September 13th of this year a section of the Duwamish River just south of Harbor Island in Seattle was declared an EPA superfund site. The Washington Department of Health under a cooperative agreement with the Agency for Toxic Substances and Disease Registry is currently preparing a public health assessment of

the Duwamish River site. To determine how people are exposed to toxins in the river we needed to contact community leaders and members to find out if anyone is consuming fish from the river, how much, and what kind of fish people are eating. Initial outreach efforts along the Duwamish River dispelled the notion that everyone knows the river is polluted and that no one ate fish from the river. Many immigrant and refugee peoples do eat bottom fish and crab from river, particularly people from Asian and Pacific Islander communities, and often these people are fishing without a license to feed their families. Many of these people come from countries shattered by war and other misfortunes. Some of these people have overcome incredible odds to live in our country, and they deserve our admiration and our respect.

Often these people distrust government agencies and organizations. Community organizations busy with their own agendas often overlook them. All of us need to walk that extra mile to reach these communities with our messages regarding environmental health education and policies, and in general I'd like to say I'm concerned about our use of quantitative data when we look at these populations because it's been my experience when meeting with these particular communities that such people are fishing without licenses and they come from countries where they are persecuted by their governments, that they will not give us answers to these kinds of questions for fear of reprisal. I think it's very important when we look at consumption studies that we look at the fact that there are people out there consuming this seafood that aren't going to tell us how much they're eating because they're afraid, and to gain the trust of these people is going to take years.

It's also important when you consider conducting these studies if you have to the time to make sure that you can train members of their own communities and do the research for you instead of having somebody like me go into the community, because people will trust a member of their own community. It's also important to have translations of written materials that are available that are correctly translated, and it's helpful to have a member of the community proof those things for you so people understand; because there are many different dialects in a lot of these communities, and people would understand something from an educated person from their own community.

I know I'm running out of time. There's a lot more things I wanted to say. Alan Ramer, my colleague and friend from the aquatic -- he's the aquatic and marine educator for fish and wildlife, had given some suggestions on how to do outreach with these communities; and just quickly I just want to say be aware of the resource limits of your government or community agency if you are going to work with folks, and don't make promises you can't keep, and always keep your commitments. Ask what information you can provide that will help them. Ask for ongoing feedback from the community. Try to find an interpreter who is a respected and recognized member of the community, not a stranger.

Remember you are working with, not for, not to, or not at the community. Be honest in building a relationship. Separate what you can and cannot do. Don't take anything personally, and most of all remember commitment earns respect. So if we're going to be working with folks, we need to follow through and keep our commitments. We need to work out of the box, think out of the box, and be available on

weekends and evenings to work with folks and to build relationships with them. That's about it. Thanks.

MS. SHEPARD: Thank you. The next speaker is Libby McCulley from Willaimette Riverkeeper. Libby McCulley? Okay. Tom Miller from the Columbia River Inter-Tribal Fish Commission.

By Tom Miller

MR. MILLER: Good evening. Before I begin, Ms. Shepard, I'd like to clarify if I may. Perhaps I just misunderstood, but I hope that the written comments that are available in the back of this handout from -- specifically from a Ms. Barbara Harper regarding the circumstances for the Yakima Nation, specifically I hope these comments, these written comments that I have available are included in the record. Just a couple of moments ago you read off a number of folks who had submitted comments, and it wasn't clear to me whether those comments are part of the official record.

MS. SHEPARD: Yes. I believe they are.

MR. MILLER: They are? Okay. I just misunderstood then. Again, my name is Tom Miller, and I speak for the Columbia River Inter-Tribal Fish Commission. The Commission provides legal and other technical assistance to our four member tribes, the Yakima Nation, the Nez Perce tribe, the Umatilla Nation, and the Confederated Tribes of the Warm Springs Nation as well.

146 years ago in 1855 our tribe ceded most of what we now call the Pacific Northwest to the federal government in exchange for the right to harvest salmon in all the usual and accustomed fishing places, and basically from that day on our tribes have lived up to that agreement. Unfortunately I have to sit here and say that our federal government has not lived up to that agreement at all. In fact, our four

member tribes now harvest less that one percent of their historical take for salmon, and the conservation burden continues to grow and our tribes continue to bear a disproportionate share of that conservation burden.

Now, in terms of substantive comments, the Columbia River water quality, contaminated fish, and tribal health comments again submitted by Ms. Harper provide really everything that I need to tell NEJAC in support of what we hope to tell EPA. So please revisit those comments at your convenience. They provide everything again that we need to be sure EPA knows.

One point in particular that I want to reiterate that Ms. Harper notes in her comments is that the historic salmon daily consumption rate for our member tribes is about two-to-three pounds a day; and again as Ms. Harper notes, if our member tribes, including Moses here who is a member of the Yakima Nation and a member of the NEJAC, if his tribe and our other member tribes continue to consume two-to-three pounds of salmon per day that would kill them. So that's how polluted the Columbia River basin is today. There are literally hundreds, we've heard today hundreds, of contaminants in the Columbia River basin. So that's frankly very conclusive evidence that our tribes bear a disproportionate share of the conservation burden in recovering and restoring Columbia River salmon.

So specifically I noted in the guide to the written comments or in the public comments as well that public commentators should be telling NEJAC what they can tell EPA. Well, up until about an hour ago I didn't know what frankly I could tell NEJAC to go back to Washington, DC, and tell EPA what to do. However, just about an hour ago I read on CNN

on a little byline across the bottom of the page that a $500 million PCP cleanup has been ordered for the Hudson River. So, Ms. Shepard, I thought of you when I read that.

(Laughter.)

MR. MILLER: So that gives me faith, and I hope that bodes well for your campaign and for the folks that you work for in your part of the country, and I hope that we here in the Pacific Northwest may see shortly after 146 years of waiting something similar here in our region. Thank you.

MS. SHEPARD: Thank you very much. Our next speaker is Joanne Bonnar Prado from the Washington Department of Health.

By Joanne Bonnar Prado

Ms. PRADO: Well, before I start, I want to say thanks a lot to all of the organizing groups that sponsored your present here, the Environmental Protection Agency, the Coalition for Environment Justice, Yolanda Sinde is there, Matt, Mike Letourno of the Environmental Protection Agency and all the other hosting groups, and especially thank you for -- to you, each member of the panel here, the committee here, to be hear and listen to what I have to say and also provide me the opportunity to hear what others are saying about these issues.

In April -- my name is Joanne Prado, and I work with the State Health Department. I'm a public health educator, and I was directed by our health officer, Dr. Maxine Hayes, to assist the agency develop communication strategy around a fish advisory for mercury, a statewide fish advisory for mercury in fish. Part of that was on a fast track in that we needed to develop something before the start of fishing season. Then another part was something that we all understood

needed to be more longer term and was about really understanding the communities that are most uniquely affected by this information and where we might -- we definitely do need to enter into a longer-term relationship of information sharing and discussion around what it means to communicate fish contamination information within their communities, and what they feel and we feel are appropriate ways to do that, that are helpful and not harmful to the community.

So the first thing I tried to do was develop a strategy that identified our primary, you know, populations for communication, and secondary and tertiary, and all that, and apply, you know, proper public health education theories to doing that. Of course women of childbearing ages and children under six, much like the FDA fish advisory for mercury, highlighting the contamination within the most affected sport fish; shark, swordfish, tilefish, king mackerel, and there may be another one there, but we also extended it to tuna fish, which was different than the FDA, and discussed canned tuna fish.

So that is our advisory, and I have written information that was developed around that, but the thing that I did want to talk with you about is some of the learning that I've achieved in the last, you know, period. Immediately pre the April advisory as I tried to talk and bridge with some of the uniquely affected populations and then bring them into a process if possible of longer-term discussion with the science staff that I work with in the Office of Environmental Health Assessments. Some of the most important learnings, of course there's the basic, again, principles of how you respectfully and effectively communicate within any community and, you know, the issues around understanding history, understanding people's perspectives relative to the issue at hand and all that stuff, which I'm sure a lot of you are well

aware of.

But one of the things that I've learned about this particular issue in this particular state is that we need to incorporate really thoroughly issues of source and where the sources are coming from, and it is a worldwide contamination issue. We understand that, but I think as one of the first speakers spoke of, that we do not talk about -- much within our -- or at all within our health communications about source and source reduction, and unless we do talk about individual strategies for reducing mercury in the environment, in the immediate environment, longhand with dietary considerations and changes that people can meet to, you know, achieve fish, you know, in the diet in a healthy diet. The information is just too sad. It's just too sad, and I do think it does more harm than good. So supplying information about sources, source reduction that individuals and communities and governments and all the various strategies that can be used on a local, statewide, and worldwide basis to reduce mercury, and this would apply to really all contaminants I think is really appropriate for this particular issue that I've been working in; and I wanted to share that with you to bring back to EPA, and I'm certainly bringing it back to my agency. I have written information. I brought copies. I don't know if you wanted that, or if I should just leave it with the secretary.

MS. SHEPARD: We'll have someone give them out. Thank you.

MS. PRADO: Okay. Thank you.

MS. SHEPARD: The next speaker is Enoch Shiedt from the Maniilaq Association.

By Enoch Shiedt

MR. SHIEDT: It's Enoch Shiedt.

MS. SHEPARD: Thank you very much.

MR. SHIEDT: To verify, and I go by --- in my region.

MS. SHEPARD: Okay.

MR. SHIEDT: Okay. I will only speak for the Northwest Artic region. The chum salmon that come to spawn in our Noatak and Kobuk Rivers are healthy. There are no baseline data to compare. This is the first time we're going to have one, within -- they told me in about a couple of weeks.

When the Natives do run into one that don't look normal they feed them to their dogs or in some years they will notice the tapeworms that might be larger than normal, and they know for a fact that is due to warm waters or it might be from spawning conditions. Our fish come to spawn by the thousands, and the healthy ones are less than one percent. The She-fish is our white meat. The She-fish for the spawners numbers nearly 50,000, and these are numbers, our counting fish, that are seven years and older. These are the spawners. They don't spawn until they are seven or eight years old, and the harvesters might run into one that is abnormal due to birth defects or vitamin deficiency. These fish are harvested by the Natives in the Kobuk and Selawik area, and for their dogs for survival.

The trout that do go up the Noatak, Kivalina and Wiluk River, the average number in each river is about 120,000. When they are examined for contaminants there was no noticeable levels of any contaminants to be alarmed of. This includes the mercury level. The people of Kivalina have concerns on the Wiluk River. This is where the largest mine in the world is at. The elders of Kivalina have shared concern of their water. They have taken the notice of film being left on cups and their water containers. This is one village that don't have any water or sewer yet. They have to use water containers to haul their

water.

Since the mine has been in operation in certain parts the Wulik River has seen fewer and fewer trout and in some parts there are no trout during the ice fishing season.

The fish in some river drainages might have higher levels in mercury. In them it's due to the natural causes. In some states of Alaska mercury levels are among the lowest found. Today Alaska is suffering for their water sources and fish when fish are late coming in and berries are growing. This causes the community, villages, and people to accommodate their food source. They don't throw, waste, or misuse the food source, which is a plentiful source in most -- in it's delicacy.

For instance, the caribou, they eat the meat and they do it frozen or dried. The bones are used for various tools, as fish scrapers, scalers, handles for ulus, native artifacts, and knives and other survival needs. The caribou stomach is used for food containers and the fur is used for clothing such as mukluks, shoes, parkas, and sweaters and various native crafts. The sinew caribou and ligaments are cleaned, dried, and used for sewing threat. Heart, liver, tongue, and intestines are eaten. The hooves are stored and saved for later use when the food is scarce. The hoof is boiled until the outer black part comes off and inside is a gelatin substance. The hooves are also used and it's great for making beans.

I this present day the villages, community has already taken limited western foods such as supplied dairy products, fruits and vegetables. This important food nutrition was already lacking in village communities. In these conditions subsistence is used to substitute these nutritions. When the contaminated water supply and fish,

Kivalina, Northwest Arctic region, neighbors on the Wiluk River are fearful of frustration the contamination might be happening. The communities are in a -- they are in a bind of sources of supply. The young and old are struggling due to this.

Along with the introduction of the western world came canned food. Although this type of food may be essential, the older elders do not feel they have adequate fulfillments until they have their Eskimo food. My people's lifestyle comes in seasonal hunting and when fishing -- have their bodies crave for the fish. This the same for caribou, migratory birds, roots and berries. In already desperate needs of food supply and resources, the community, villages, Northwest Arctic region are in devastating and dire need of food sources.

People who are not familiar with the village life might get the impression -- I guess my time is up. You have the written comment?

MS. SHEPARD: Please finish your sentence.

MR. SHIEDT: Pardon?

MS. SHEPARD: Please finish your sentence.

MR. SHIEDT: Okay. This not the case. It's limited to the survival, to put food on the table, sheltering, clothing, and medicine. Knowledge of the animals is important. When hunting, the men look for the only the fattest catch. The skinniest and young ones are left alone. No one catches the pregnant or an animal carrying, and a person hunting must know in what weeks and days and even months of the years to go out hunting, trapping, in our season to harvest. When seining all fish are taken. They just fish for their food and for the survival for their dogs just to make it through the winter. Okay.

MS. SHEPARD: Thank you. The next speaker is Art Ivanoff from the Native village of Unalakleet.

By Art Ivanoff

Mr. IVANOFF: Thank you. Good evening, Madam Chair, members of the Council. My Unalakleet name is --- and my English name is Art Ivanoff. I'm from the Native village of Unalakleet, and I work as an environmental specialist. I've been onboard since 1998. In '98 we conducted an environmental survey to get a feel for what the issues were, what our residents were -- tribal members were concerned about as it related to environmental issues. Contaminants and subsistence food rated number one, so we're trying to find measures to address those issues.

I had the privilege of attending a climate change session in San Francisco in I think it was April or May of last year, and I asked the panel what subsistence was to the group because we have a different definition. Western society tends to look at it as something that's derogatory, before the poverty level. That's not how we define our lifestyle. It's something rich. It's spiritual. It's economic. It's social. It's getting together with your friends and your relatives going out there harvesting, and sharing with elders, sharing with widows, and that's a pride we get.

I think as I reflect back on your question -- "How should EPA improve the quality, quantity, and integrity of our nation's aquatic ecosystems in order to protect the health and safety of people consuming or using fish, aquatic plants, and wildlife?" -- it's a daunting task, and I think the only way it will be achieved is if we work together, and it's got to occur on an international level, a national, state and local level. Which brings me to the issue of climate change, and I see that it's not a part of this package, but I think it's got to be inserted in there. I'd highly recommend that we include the issue of climate change

because it is impacting our people in the arctic region. Last year in December we had the ice leaving the mouth of the river, which is really unusual, and it creates a difficulty for my people because we're not able to go out there and harvest the resources. We've got to go longer routes, and it increase the changes of accidents happening. I had an incident taking my kids out to -- for a snow machine ride, and we had encounter water and I had to jump in the water to try to prevent my snow machine from sinking. I jumped in the water and it was up to my waste. It was like thousands of needles were at my legs, and it was incredible. Fortunately we were close to the community, but these are issues that our people are beginning to face as it relates to climate change.

On the issue of risk assessment approaches, I think the best approach is to prevent contaminants from going into our environment. I think that's critical. We have something unique here to do in Alaska. I heard testimonies yesterday from various groups about the water being so contaminated that they can't fish, they can't go swimming. We have a unique opportunity to prevent that from occurring in Alaska, and we need those measures now. Let's take preventive measures and see that it doesn't happen to Alaska. We've got persistent organic pollutants that are being transported from developing countries, and they are accumulating in the arctic region. It takes forever for this material to break down because of the cold temperature, and it doesn't move around as rapidly as it will in the warmer temperatures of the world.

One other issue I'd like to hit on is the fish farms, that's why I picked up this article. It's from the Anchorage Daily News and it's dated November 28th, "Fish farms are blasted for pollution." I think

this is an issue that needs to be calculated into the picture more than -- and again if you don't mind I'll read. "More than 100 species are grown now in the US operations across all 50 states, with rapid expansion expected over the next five years. In the United States and abroad, aquaculture has led to introductions of unwanted seaweeds, fish, invertebrates, parasites, and pathogens. Accidental escapes and even purposeful releases create biological pollution with irreversible and unpredictable ecological impacts."

What we see happening now is gradually going to impact the people that I work for because there are more and more issues that we face. We've got hatchers in Alaska that produce 1.3 billion -- they have a -- let me try to rephrase that. They have an egg take of 1.7 billion and a fryer release of 1.3 billion. We don't know what the current capacity is of the ecosystem, and it seems like the best approach is to take the most conservative approach. Yet, because of the forces of industry, we're seeing what we can produce without really looking at the total impact. That's all I have. Thank you, madam.

MS. SHEPARD: Thank you very much. Our next speaker is Rosemary Ahtuangaruak of the ICAS Native village of Nuiqsut, and I'd also like to call up Wilbur Slochinsh as our next speaker.

By Rosemary Ahtuangaruak

BY MS. AHTUANGARUAK: Thank you for allowing me the chance to participate. I appreciate the efforts that you all are giving to this project, and I appreciate a lot of the efforts some of the people are providing to keep it at a grassroots level. It makes it very easy for someone like --- who has not a lot of participation in this type of stuff to come in and learn a lot from what's coming out through these discussions.

As you have heard, my name is Rosemary Ahtuangaruak, and I am from the Native village of Nuiqsut on the north slope of Alaska. We're 60 miles west of Prudhoe Bay and 130 miles southeast of Barrow. We are an Inupiat village that relies upon the subsistence resources for our survival. The land, sea, and air provide for us and we in turn protect them. We harvest only what we can consume and never waste. The people leave the land as we follow our subsistence resources as clean and pristine as before we stepped there. The people share the harvests with the village and all of our relations. One hunter or fisherman feeds many families.

Few of our people work for the exploratory and development activities around our village. Many are barred by the requirements unavailable locally and too expensive to travel to obtain. Others cannot leave their families without an able-bodied person to provide for them and to meet the demands for rural living. When a person leaves the village to work, the additional hats they wear leave also. The worker misses the season to harvest and the paychecks do not cover the costs to fill the cellars. The does not provide enough food to feed the village if a person could pay the high cost it takes to get them.

The long, dark months of winter can have many starvation moons until the natural resources of the subsistence return. The concerns we are now facing give us more concern because now not only do we have to worry about being able to put enough away to survive the winter, but also is the supply safe to consume. The people have relied upon the seasons to provide during the migrations, and the cultural protection of these resources has continued to provide, but now this is at risk. For the risk is now that the efforts we have given to preserve them are now causing us concerns as development is now

circumferencing our village and attempts to harvest are coming back empty, and our nets are getting few fish.

The national need for energy is ignoring the need we have for subsisting. We are going without multiple resources for the benefit of the nation's energy need. There are not means for us to address the assault on our resources, which our elders have taught us to use. The recognition of our loss is belittled in the many public meetings which come to our village as a public process without the incorporation of our concerns into the proper framework to address them. We have no control over the development of the resources the nation needs. We suffer the cost and are expected to demonstrate the data before it is recognized.

The hope of providing from the land, sea, and air needs to remain with the people. The benefits of the village as a whole cannot be explained in the five minutes allotted here. The benefits and the joy in the leadership of giving of the food for the sustenance of a village during the dark months is a lengthy discussion, which cannot be perceived without seeing and partaking of this. The fear created in the fall as the darkness encroaches leads to the dismal ills of the social western world. The guilt and the shame of an empty ice cellar can only lead to the demise of the people. The environment we live in demands us to a higher need than other communities in the United States, and this necessity is not easily documented.

The people of Nuiqsut rely upon the fish harvesting, and in the last six years we have seen the devastation of our fish stocks. There are many reasons for this, and part of it is related to the activities around our community. I feed three families with the harvesting I do, and they go out with me as I do. I eat fish or whale two times a day,

five to seven days out of the week. I have to dig through the ice in order to get to the source I need. I got only one to two fish in my net after three days. I cannot feed my family let alone the many extended family members that rely upon me.

We are concerned about the quality of the fish as the meat has changed. They are yellow, and they are not as fat as usual. They have a bitter taste. Every fisherman in our village has cased the same hardships. We depend on the healing qualities of this resource, and now it is being considered a bad thing. The social, economical, cultural, medicinal needs of our resources are needed to sustain our health, and it is not being taken into consideration as with the consumption.

The village has seen a dramatic increase to asthma in the 14 years I worked as a health aide. I saw it increase from one to over 60. What has changed is that development has increased and gotten closer to our community. The village has seen an increase in the number of people with thyroid disorders, but also the assessment as to why is not being addressed. What has happened before? These are acknowledged and work to support the changes to stop this harm. My worst years as a health aide was the years that our village was prevented harvesting whale. We saw an increase to suicide, domestic violence, violence in community meetings, inability to work with one another, and all of the other social ills such as drug abuse and alcoholism. This is not something I want to continue to see happen to Native communities throughout the world, and it's something we have to do to prevent. Thank you.

MS. SHEPARD: Thank you. Wilbur Slochinsh.

By Wilbur Slochinsh, Jr.

MR. SLOCHINSH: Good evening. I'm Wilbur Slochinsh, Jr. I'm a Klickatat member, one of the 14 tribes within the Yakima Nation Confederacy. I don't live on the reservation. I live along the Columbia River, which is my band of people or tribe of people. That's our original homelands. We did not relocate to the reservation, but I'm still practicing my way of life that my ancestors had. It seems to me that whenever things like this go on if you've got a degree you're paid more attention to, but in my lifestyle I don't have this degree that everyone seems to think of, but I have my knowledge because it was given to me by my ancestors and by the animals. That's why the animal life is so important, because they tell when it is time for us to harvest our food supply. But maybe I shouldn't even have mentioned this there, because now you guys are going to find out how come we know when everything is ready to go.

I heard about climate change, but another thing is water temperature. Nobody has mentioned that, because a lot of the things in there, the water is warming up everywhere from the dams, transportation routes using water, dilution, nuclear materials that are going up my river. How about processing of our salmon? One of these times I'd like to invite this whole NEJAC Committee to come down and help me cut fish, and then you can see and feel it. Inhalation, what about that? Absorption through the skin from these contaminants, I don't see anything about that. The water is warm and it comes in and you breathe it. So these are ways that need to be looked at because of our different tolerance levels.

These things need to be taken into consideration, and I heard this morning about somebody saying about a success. What are we going to gauge? Academia wants it to be graded. I guess that's the teacher

mentality. They want to grade. Well, from my perspective it's incomplete or an "F" because people are still being sick, being contaminated, being harmed by flawed studies that are put out so that they can continue production of the harmful materials, the chemicals, nuclear production. All of these things that harm our people's health and our water.

Why I mentioned that was because I don't have the degree, but I do have the knowledge, and that is something that we are born with and it's there. It doesn't come from a book. It comes from living it, practicing it and consuming it, and realizing that the way we see these things they are gifts and fruits of the lands that were given to us. We want to protect them. On this thing here, take into consideration, too, that we have different tolerance levels, that we have different systems. We've just been affected here since the 1850's, and now we're getting these diabetics, we're getting all of these cancers and all of these other diseases which we've never had before.

So I ask you to look at that part, because my system is not the same as everyone else's because I still -- I eat fish from March when they start coming back until October, November. We're fortunate that we don't have just a 10-day time frame. We have all of that time from those months. So we have to take in. My freezer was full, and it's almost empty, and I think that myself I eat more than two pounds a day, because I eat it smoked, I eat it dried, I eat it baked and fried. I even eat the skin. In our younger days that was the potato chips. So there's a lot more work, and I hope that the next time that I see you I can give you guys a better grade. Thank you.

MS. SHEPARD: Thank you. Our next speakers are Tom Goldtooth with the Indigenous Environmental Network, Kendra

Zamzow with NIEHS, and Hilda Booth with the Native village of Noatak.

MR. GRAGG: Peggy, a question of Rosemary.

MS. SHEPARD: Could I ask Rosemary Ahtuangaruak to come back?

MS. AHTUANGARUAK: Yes.

MR. GRAGG: Yes. Do you have any incite on what you attribute the increase in asthma to?

MS. AHTUANGARUAK: There's going to be a lot of factors that partake into this. There's a large history of TB in the population. There's smoking use in the population. There's increase in the quality of housing, which is leading to sick house syndromes, but the biggest factor -- if these were the only contributing factors our population would reach a steady state instead of continuing to increase. The biggest factor is development has come closer to our community. The amount of development on the north slope has increased, and the inversion effects are one of the things that I think play a factor with the particulant matter. My worse nights being a health aide were the nights there were many natural gas flares occurring. Those are the nights I had to spend all night long doing breathing treatments as well as worrying about the rest of the patients in the community.

MR. GRAGG: Thank you.

MS. SHEPARD: Thank you. Tom Goldtooth.

By Tom Goldtooth

MR. GOLDTOOTH: You are witnessing history here in the making. As you know, I rarely ever submit paperwork with my presentation, but I did a paper.

(Laughter.)

MR. GOLDTOOTH: Off my laptop.

MS. SHEPARD: So we get two benefits from you.

MR. GOLDTOOTH: Yes. But one of the issues I do want to talk about was mentioned by Art Ivanhoff in reference to risk assessments and how that is a serious issue, especially in this topic of protection of our ecosystems, wildlife, fisheries, soil, water, air, and definitely the bodies of our communities. It's something we really need to look at if we're going to adequately address the issues of how chemicals are introduced into the environment. Risk assessment is the model that we've used in this country, in fact that we also have been introducing internationally with developing countries. It something that the industry definitely embraces wholeheartedly, is risk assessment as a model.

Whenever there is the introduction of chemicals into the system there's a process that they go through. Basically it establishes numerical figures, bag numbers as we call it, so that, you know, through the process the industry knows and the agency knows, the policy-makers know that eventually in this process that one out of 100,000, one in 1,000,000, two in 10,000 or whatever are going to die from cancer. It's something that establishes a bag limit on people's health. It's something that is very foreign in concept to indigenous peoples, to our tribes and our elders in our outreach to explain risk assessment, and I'm talking about quantitative risk assessment, not comparative risk assessment. It's something that is very foreign in concept to our people that there is bag limits that establish it through the research that we've gathered. As an indigenous environmental network that is something that needs to be changed as a paradigm.

In my presentation to you, you notice I'm just -- I'm not even using the paper now, but in the paper you have I went into various details on

the flaws of risk assessment. Some of those were summarized by Jana Walker in her presentation on that chapter and that section of the Fish Consumption Report. But some the things that we have observed as problems of risk assessment is risk is an arbitrary designation of what is acceptable. Risk assessment is an improvised science that processes data of unequal quality and statistical analysis into dubious predictions. Risk assessment focuses on one chemical at a time, ignoring the fact that most exposures are due to multiple chemicals and accumulative impacts; risk assessment does not take sensitive populations into account, such as children, the elderly, the chronically ill, and land-based cultures. Risk assessment only focuses on cancer and ignores other health problems that occur in contaminated communities.

In our work we've been in many meetings funded by DOE as well as the Department of Defense and the EPA, to address the issue of how do we make risk assessment work in Native communities. We have had presentations with EPA on innovative models on how to quantify cultural and spirituals, which definitely I haven't seen any successes on being able to quantify cultural and spiritual values and how to make risk assessments work. Our network has been working on the POPs, persistent organic pollutants issue, as well as the persistent bioaccumulative toxics issue for a couple of years as a campaign, educating our communities on this issue.

We had to go into -- delve into how risk assessment is part of the problem, especially in how the industry is able to keep controls on how much chlorine is used in industry in the production of various like synthetic -- like plastics production, whether it's incineration, and it goes across the whole spectrum that chlorine is definitely one of the

organic substances that poses a serious threat to the health and environment, not only locally but globally.

One of the most important scientific issues in the chlorine controversy is not about facts and data, but rather the debate is primarily about how we should apply scientifically-derived knowledge in formulating environmental policy. Policy issues that impact the survival of tribes and our right to practice our culture, maintain food security, and practice our spiritual relationship to the earth and all living things, like to the Fish Nation.

In the controversy over this chlorine we are engaged in a clash of two competing paradigms. One is the aging model based upon quantitative risk assessment, assimilative capacities, and acceptable discharges for individual compounds, which has dominated chemical and environmental policy since the rise of the chemical industry. The other is an emerging paradigm based upon prevention, precaution, and clean production processes; and this is what we've been calling precautionary action, or precautionary principle, or precautionary approach.

The precautionary principle approach challenges us to prevent harm before it occurs. It holds that where there is scientific evidence that an activity threatens wildlife, the environment, or human health, protective measures should be taken even in the absence of full scientific certainty. It's a logical extension of metaphors that each of us has used throughout the years, such as -- like the Hippocratic oath of doctors, "first do no harm," or "look before you leap." We've defined some of this precautionary principle as meaning respect of the seventh generation to come or the "seventh generation principle."

The precautionary principle has been out there. It's been a

debate within the EPA agency as well as other agencies. It's something that needs to be looked at. The precautionary approach provides an ideal framework under which to address the concerns that we're talking about here, concerns of persistent organic pollutants, contamination of the fish, wildlife, plants, and the bodies of our communities. These chemicals pose threats as you know that are very serious and irreversible damage from dioxins, to mercury, to PCBs, these toxics rank very high as the most dangerous chemicals known to man. They affect our immune systems, our reproductive organisms, our learning abilities as reflected by Jana Walker in her report on the fish consumption.

The lack of full scientific certainty should not be used as a reason for postponing measures to prevent harm. That's something that risk assessment models perpetuates. The system here within the agency as well as within the industry in environmental policy still embraces risk assessment to determine how much toxics we put into the environment. We need to look at another paradigm, and it has to take place as soon as possible if we're going to really address these issues of turning the facet off on these chemicals that continually are contaminating our environment, Native communities, people of color, all people.

The EPA Reassessment Report on Dioxin still has not been released. There is still debate on that from the Bush Administration as well as the industry that there needs to still be more study, more science on this study, but we know that from the draft report that we looked at that every person in the United States has levels of dioxin in their system, in their bodies. We know from the testimonies here and from the report that there are populations in this country that are at a

higher health risk, and we need to take action now. We need to look at how risk assessment is used again. We need to look at another system, and that is precautionary approach.

It was also mentioned Rio --- 10 years in '92 in Rio de Janeiro where it was recognized -- and I'm ending in summary here. I'm using Richard's summary here, approach -- in summary, at the Rico Declaration on Environment and Development, Principle 15. "In order to protect the environment, the precautionary approach shall be widely applied by states," meaning nations, "according to their capabilities. Where there are threats of serous or irreversible damage, lack of full scientific certainty shall not be used as a reason for postponing cost-effective measures to prevent environmental degradation." Thank you.

(Applause.)

MS. SHEPARD: Thank you, Tom. The next speaker is Kendra Zamzow from NIEHS. Next will be Hilda Booth and Lincoln Loehr.

By Kendra Zamzow

MS. ZAMZOW: Hi. My name is Kendra Zamzow. I'm working under a grant from the National Institute of Environmental Health. I'm from Cordova and Anchorage, Alaska, and I wanted to say that off the cost of Nome, Alaska, lies an island called St. Lawrence Island, and on this island is a village called the village of Savoonja. In this village every single family goes out in the summer to subsistence camp, and the subsistence camps run all along the cost of St. Lawrence Island up to 75 miles away from the village; and people take their entire families out there and stay for the entire summer until school starts again. There's an area 50 miles from the village of Savoonja that's called Northeast Cape, and through it runs a river called the Suqi River. At one time this was one of the most productive rivers in the entire island.

People not only fished there, but they gathered land greens, they gather marine plants, they gathered birds, and eggs and berries. So even though this river if you look at a map it looks like it wouldn't affect any people, contamination of this river has an extraordinary effect on the village.

Last November the Department of Health and Social Services advised that people eat no fish at all from this river because of PCP levels in fish tissues. Most of the fish that they tested were not even large enough to eat. Most of them were about four inches long, and they made composite samples of eight fish of each species. So we have no idea what the maximum levels of PCBs were in the fish tissue, and even with that they advised eating no fish from this river.

Every single water sample -- they've been testing this river doing environmental sampling primarily since 1994, from 1994 until this year. Every single water sample that's been tested has been high in PCBs. PCBs are not the only contaminant in the river. Five of the polycyclic aromatic hydrocarbons have also been found in fish tissue and in reindeer tissue and in the tundra next to it. There are diesel sheens throughout the river, and there are pockets of oil in the sediments as well. In addition, there are heavy metals throughout this area.

We know what the source is. The source is an old military site. It's an abandoned military site. It is beginning in the process of being cleaned up. We have a lot of fears that they will not do a thorough job. They are talking about trying to close the landfills without cleaning up the landfills, and there's some areas that we have extreme concerns about. One of them is a waste water -- a waste facility, and the highest arsenic that we found in that area was 170 parts-per-million, where the cleanup standards are two parts-per-million. This waste water pipe,

which ran from the military facility, dumped into a wetland that drains into the Suqi River, and this of course contaminates the whole area. So we have some serious concerns about whether that's being looked at and whether they're going to do a thorough cleanup of the area. Right now it's being cleaned under the formerly-used defense sites and the ---.

So what I would like to see is I would like to see the EPA really take a hard look at this. The people are dying of cancer. They've been dying of cancer for 10 or 15 or 20 years, and they've been trying to get someone to listen to them. We would like this to be a superfund site so we know the area is cleaned thoroughly and that it's monitored and followed up on in the future. What they want, what the people of Savoonja would like, is complete restoration so they can go back to their subsistence camps without any fear of cancer. Thank you very much.

MS. SHEPARD: Thank you. Hilda Booth. Lincoln Loehr. Bill Doyle from the Sierra Club. Coleen Poler, from the Sokoagon Defense Committee.

By Hilda Booth

MS. BOOTH: Hi. My name is Hilda Booth. I'm from the Native village of Noatak in northwest Alaska. We eat our fish year-round. During the winter we eat our fish, and summertime we eat the fish, but one thing I'm concerned of is we have no way to take samples from our river because there's old grave sites that are showing up and falling to the river. We've got some old batteries and some old -- the PHS, Public Health Service, they did some -- they buried some stuff there. So I just wondered if there is a way to take samples from the river. Thank you.

MS. SHEPARD: Thank you very much. Lincoln Loehr? All right.

By Lincoln Loehr

MR. LOEHR: My name is Lincoln Loehr, and I'm probably going to say a few things that sound a little bit different than what you have been --- else tonight. I just wanted to kind of address some considerations related to comparative risks, and in particular the issue of fish versus red meat consumption as a relevant comparison; and also considerations of the risks associated with PAHs, combustion products in smoke-cured fish.

The notion of choosing a risk level as acceptable is questioned by many, and no risk is always the preferred goal in the absence of relevant information. However, it is quite relevant when advising people to eat less fish, because they may substitute a more risky product in its place where they do not know that it is more risky. A comparison to the risks of a red meat diet is appropriate to help people make informed decisions when faced with a fish consumption advisory. People rarely are presented with red meat consumption advisories. When they are, it is not developed or framed in the same way that fish consumption advisories are. You know, go to England, watch out for Mad Cow Disease. That doesn't tell you a lot, but people react to it.

Risk-based fish consumption information should also be provided to people that relates to preparation methods that add risks to the products. By that specifically I'm referring to smoked fish, because that process has lots of combustion PAHs. The same is probably true for barbequed fish.

The following pages in the handout which I've already submitted to you provide information that may be helpful to understanding the relative comparative risks. The added lifetime death rate from colon

cancer from a high red meat diet compared to a high fish diet is in the one-in-100 lifetime range. The lifetime death rate associated with cardiovascular problems from a red meat diet compared to a fish diet is also substantial and needs to be quantified.

I've also included in the packet that I've provide PAH measurements from smoked salmon from an Alaskan community which had been taken and used in a risk assessment. The average consumption rate in the community was about 45 grams of smoked salmon per day, and that carried a risk level of more than one in 10,000. The PAHs were the cause of the risk level, and it was because of the curing method.

Now, don't get me wrong. I love smoke salmon. I give it to friends and relatives all the time, but I do let them know the risk level connected with it. That's all.

MS. SHEPARD: Thank you very much. Bill Doyle from the Sierra Club.

By Bill Doyle

MR. DOYLE: Many good things have been said today about the need for research and communication strategies and regulations that take cultural factors into account, but most of this discussion has focused on environmental justice as it is affected by chemical pollutants. While this is good and should and continue, it's not enough. Here in the Pacific Northwest environmental justice is often denied by the vast number of dams that we have on our rivers. This justice is denied first and foremost to Native Americans. Salmon are a birthright for them, as well as a treaty right. We have a moral obligation to honor this birthright and a legal obligation to honor the treaty right.

Environmental just is also denied to low-income people in the

fishing communities of southwest Washington and northwest Oregon. These communities are not people of color, nor are they a distinct ethnic group, but many are of low income relative to the rest of the region. As fisheries have declined, their local economies and communities have deteriorated.

The bulk of the salmon that these people and communities depend on comes from the Columbia basin. Historically one-third of the salmon in the Columbia basin have come from the Snake River. Some salmon runs of the Snake River have already gone extinct. The tribes, the fisherman, the environmentalists, and most independent scientists have insisted for years that the only realistic way to save the remaining salmon runs in the Snake River is to remove four federally-owned dams on the river's lower portion.

The four dams in question were built during the 1960s and the 1970s. Prior to their construction land in the area was irrigated and farmed and commodities were shipped to coastal ports. Prior to their construction there were also healthy, sustainable salmon runs on the Snake River. These runs sustain Native peoples and coastal fishing communities. Since the construction of the dams, Snake River salmon have declined by over 90 percent. Some runs have gone extinct, and the remaining ones are headed for extinction.

The Clean Water Act's stated statutory objective is to restore and maintain chemical, physical, and biological integrity of the nation's waters. A river can't be considered clean just because chemical discharges have been eliminated. A river can't be considered clean merely because it is capable of supporting life. It can only truly be considered clean if and when it is supporting the life and the people that it has always supported. We were supporting farmers in eastern

Washington before we destroyed the lower Snake River. We can continue to support them after the dams are removed and the river is restored. But we cannot support the tribes and the fishing communities by maintaining the status quo and continuing to rely on failed technologies to move salmon around the dams.

For over 20 years we have been barging and trucking fish around the dams. In one celebrated experiment we even tried to fly them around the dams. Think about that. In our blind insistence on using the river to barge farm goods rather than shipping them by rail we take fish out of the river and put them in barges, trucks, and planes. Common sense dictates putting the fish back in the river. Environmental justice demands that we preserve and restore the salmon. The overwhelming majority of scientific opinion says that the only realistic way to do this is to remove these four dams. One speaker today said that we must have it in our hearts to change laws when necessary. In this case we must have it in our hearts to simply enforce existing law, and this committee must recommend that we do exactly that. Thank you.

(Applause.)

MS. SHEPARD: Thank you. Coleen Poler, Cheryl Steele, and Dottie Chamblin.

By Coleen Poler

MS. POLER: Good evening. It's me again.

MS. SHEPARD: Could you state your name for the record?

MS. POLER: My name is Coleen Poler. I am with the Sokoagon Defense Committee in northern Wisconsin. One thing that wasn't mentioned with the fish consumption group was introduction of different species to different ecological areas, such as when I was

talking to a young man sitting in the audience he let me know that walleye were introduced to the Columbia River, and walleye is one of our delicacy fish with the Great Lakes area. You can't introduce something that doesn't belong there, and that supposedly -- I think what they do is they spawn the same time the salmon do. What you are creating is a war zone between fish species, and you can't do that.

Another thing, I heard somebody mention water treatment. Is water treatment is insane. You can't treat water, you know, like the mining corporations want to tell us that "We're going to treat your water and give it back to you better than it was." You can't do that. You need all the microorganisms that were in the water before you started contaminating it, and, you know, trying to fix it, boil it, or whatever they're going to do to it.

We also talked about the Clean Water Act and the Historical Preservation Act, to use those as groundwork to build on. Okay, and one of the things that is kind of confusing to me is which part of the earth is not sacred? You know? You talk about -- I watched this -- not Discovery Channel, but the History Channel two weeks ago. They had a segment on the Egyptians, the ancient Egyptians, the civilization that is extinct. My community relies on water heavily for our subsistence, for culture, for our traditional purposes. One thing that I don't want to become is somebody who is extinct. Then you will realize that water is important to me. I think that we need to realize now that water is important to all of mankind.

In order for you to survive you have to help me survive, and I have to help you to survive in turn, and we have to keep the water in the Great Lakes and not let it be diverted to Japan, the arid countries, or to even arid states like Arizona. That is the last of the fresh water on

this planet, and that's one thing that the government is planning on doing, is marketing through political organizations. Those are some big hurdles that EPA, NEJAC, and grassroots organizations have to face, is politics. We have to be strong enough to stand together to be able to fight those entities and make sure they understand we're not going to stop.

I see her number two, so I must have two minutes left, but that's all I have to say. Thank you for listening to me.

MS. SHEPARD: Thank you.

(Applause.)

MS. SHEPARD: Cheryl Steele, Elem Indian Colony.

By Cheryl Steele

MS. STEELE: --- the Elem Indian Colony in Clearlake Oaks, California. I just wanted to make a couple of comments. I've been listening today to the committee, and when I was asked to come -- or actually when I came on behalf of the Colony it was a recent decision this week, the tribal executive council and a few of the members from the tribe that were present at the time had never heard of environmental justice until I brought it up to them this week.

I was recently hired by the Colony because they are a superfund site and an RIFS is going to be released within a couple of months, and they have no clue as to what's being proposed or what's going on, and I was going to go ahead and apply for an environmental justice grant. In trying to describe to the council what environmental justice and NEJAC was about and what the grant was about I told them that one of the requirements in writing the grant and applying was that we conduct a study -- make a scientific contribution, and you had a focus of interest right now on fish consumption.

Where we live it's called the Sulfar Bank Mercury Mine site, and we're about 750 yards from acres of mercury pit, and there's tailings throughout the tribal lands. The houses are built on mercury tailings. The ceremonial round house is built on mercury tailings. There is no acreage that is not contaminated by mercury. So of course we do have a fish consumption warning, and I mentioned it.

I said, "Well, one of the things we could do with the grant is to conduct a survey about whether or not the warning altered your fish consumption," and they started laughing. They said, "Well, yeah. We don't eat it." So Patrick West was talking about suppression effect and getting surveys. Our tribe would be happy to do a survey and give you the information as to how it's been affected.

One of the items I was asked to carry out or find out about here was if there was any practical advice for us, because we are at the point where they have been educated. They are not eating the fish, and so what shall we do until the superfund site is cleaned up? Three people, Mary Nelson, Dean -- I'm sorry, Dean. I don't know how to pronounce your last name -- and Mr. West have I guess -- they raised questions as to -- or possibilities of actions that we can take now, and I'd like to get more information from those people and maybe others. Thank you.

MS. SHEPARD: Thank you. Dottie Chamblin, from IWN.

By Dottie Chamblin

MS. CHAMBLIN: My name is Dottie Chamblin. I am a Makah Indian from Neah Bay, Washington. My tribe owns the point of the map that has the Pacific Ocean on one side and the Strait of Juan de Fuca on the other. We are totally the Natives that use the land, and the water and the seafood for our subsistence.

In 1968 there was a man who -- a white man, fisherman, who came in and caught a 250-pound halibut, and he wasn't going to eat it. He just wanted a picture with it. So all of us Indians got excited. We thought we were going to have halibut, and the officials came and said, "No. You can't, because it's got too much mercury and other things in it." This was in 1968.

Today we've had so many things that we have lost, such as our sea urchins that bottom feed in the ocean, keep the ocean clean. The Japanese people have come and paid big money for our seafood. So it's not only being devastated in that manner, it's a food chain. I'm a Native American who has to eat something spiritual, alive, and when we talk about -- vegetarians know what I'm talking about. They want to eat live food. Well, we want to eat live food. That's a spiritual thing. It's a part of our cultural.

We live on the point of the map where all of the fish goes by both sides of us, up sound, up this way. Our people up here fish, but we get the fish first, and we're not getting so much of that fish anymore. Our black cod, our salmon, bass, red snapper, some of the favorite foods that our people have enjoyed is just getting depleted.

We had our oldest Makah die this year, and that's all she ate on her table was dried fish and fresh fish, salt fish, and she was eating it anyway. It isn't that she didn't know any better, it's all that she could eat. For our health, when our people are dying from cancers and other things, they want to eat a spiritual food. This is what we're going to have to feed them. We have no choice. In our land, in our water and everything, it's getting polluted. We don't have the money to fight these entities.

I have a story about our fish that go in the river. They lay their

eggs and then those eggs go out for four years and then come back. The reason they come back? The story says that they're going to get a drink of water, and they said that this fish, this other one is coming up. It's looking at this beautiful woman, and today that's what we're hoping for, is that life to go on.

We can talk about water purity and water quality, and contamination and environmental justice. We can talk about it for a long time. We've been talking about it since 1968, and it's only increased, and the fish -- ability for us to consume the fish has decreased. It costs us more money to go buy. My son and my son-in-law have become poor people because of the lack of fish that's out in the ocean. The spirituality of that food, the spirituality of our culture is also depleting.

I'm going to submit a full statistical report from my tribe. I'm not employed by anybody. I'm just a traditional healer. I travel, and I take this food with me. I want to thank all of you for your time. I know you're tired. You've been listening to all of these words, and I hope that this little bit you are going to take into your heart. I'm from the fourth corner of --- island, and the corners are very important to us, and the spirituality of these corners connect. We are part of the food chain. That fish, those clams, that seafood, those birds that eggs, we're all part of the food chain, and we need to keep the chain going. Thank you.

(Applause.)

MS. SHEPARD: Thank you. Jeffrey Thomas, Barbara Harper, and Libby McCulley.

By Jeffrey Thomas

MR. THOMAS: Good evening. I'm Jeffrey Thomas. I work for

the Puyallup tribe of Indians, and I just want to thank you for the opportunity to make a comment tonight. I know that I may not have been scheduled. I just want to read for you a pretty much verbatim statement that the tribe has issued at this time. It's been fairly hastily prepared. We just did not know that you were coming into town.

The homelands of the Puyallup tribe include the entire Puyallup watershed. The outlet of this watershed is Commencement Bay. Commencement Bay is the next major estuary found south of Elliott Bay, where the city of Seattle is sited and we are located now. The mouth of the Puyallup River is situated within the Puyallup Indian Reservation, and the city and port of Tacoma occupy the landscapes surrounding Commencement Bay.

The Puyallup tribe has reserved fishing, hunting, and gathering rights that are generally confined to specific geographic locations. The natural resources located inside of the reservation, in addition to those distributed throughout the ceded lands of the tribe, are what the tribe commonly relies upon for fulfilling its members everyday traditional, physical, social, and cultural needs. The health, condition, and integrity of the water, fisheries, wildlife, and plant resources specific to both the lower Puyallup River and the greater Commencement Bay ecosystem, both aquatic and terrestrial, are then all-important to the members of the Puyallup tribe and its representative government.

The symbol of the symbol of the Puyallup tribal government is the salmon, period. The tribes ever-persisting concerns regarding the plight of their salmon, and their ongoing ability to interact with them, are specifically evident in numerous federal court proceedings and decisions associated with fishery management decisions in the southern Puget Sound area, if not the state and northwest region. The

Puyallup tribe has never been hard to find. The Puyallup tribe considers the diminishing condition of the salmon stocks and their critical habitat features, everywhere throughout the traditional tribal homelands, to be an environmental injustice of the highest degree.

Deteriorating abundance of local fishery populations in conjunction with overt contamination of the surviving individuals throughout their history stages is an unacceptable situation. It is encumbered with risks that the Puyallup tribal membership simply should not have borne, nor do they want to anymore. Zero fish contamination needs to be the norm.

Zero water quality contamination, not total maximum daily loads, are what will facilitate recovery of the listed endangered salmon stocks of the Puyallup. Accomplishing this within this local system however, given its port and metropolitan status, still proves most problematic. The forestry, agricultural, and residential and urban development impacts upon water quality each uniquely contributes to the situation, and EPA standards can essentially influence them all. Watershed-wide consistency should also be fostered as well. They should accommodate environmental justice concerns as well.

The Puyallup tribe listed fish consumption as its primary environmental justice concern in March, 1995, even suggesting development of an MOA, but nothing specific every congealed. The tribe was never effectively informed by the EPA of NEJAC's emphasis upon tribal fish consumption concerns and is unaware of any EPA Regional or District Office outreach relating to this topic as well. Surprising, given the number of local tribes concentrated within the western Washington area and upon every major river system; that there are well-established tribal natural resource co-management

abilities and platforms; that the presence of established tribal-EPA programs, relationships, and agreements exist; and that there's the fundamental likelihood that fish consumption is obviously a core concern that needs to be considered for these specific tribal communities and groups.

Fish contamination and consumption has cultural resource management implications. We recommend evaluating the Fish Consumption Report as if it were being examined through an EIS document, to enhance the likelihood that tribal social and/or cultural considerations have been sufficiently identified and considered. Emphasize the identification of cultural resources and not just historic properties associated concerns. This document's characterization of tribes' unique susceptibilities and co-risk factors could and should be one of the star features of the report. Overcoming the tendency to downplay these details overall is the effect which environmental justice philosophies are intended to reverse. The Inter-Tribal Cultural Resource Advisory Group, Washington, Jeffrey Thomas, Puyallup facilitator, is a coalition that may be able to assist in enriching this portion of your report.

In closing, the Puyallup tribe reaffirms its willingness and readiness to further all interest, research, and adaptive management pertaining to this all-important tribal public health topic. Of mention are the salmon recovery ESA packages now prevailing within the Puyallup that are supported by the NMFS and US Fish and Wildlife Service, but not the EPA, due to continued water quality concerns. These regional packages are forest and fish for the forested districts and tri-county for the developing. The tribe agrees that these packages are insufficient to meet water quality and salmon recovery needs and, therefore, wants

to work mutually with the EPA to bring them into effective compliance as soon as possible. The tribe also recommends that the Fish Consumption Report be used immediately as the framework upon which additional work and development of this topic will be founded. That concludes my statement. Thank you.

MS. SHEPARD: Thank you. We have a written statement to the NEJAC from Kristine Wong. All right. Our next three speakers are Jesse Gologergen and June Martin.

MS. WONG: I'm Kristine.

MS. SHEPARD: Hi. Kristine --?

MS. WONG: I wasn't sure if you were calling me up or not to speak, but --

MS. SHEPARD: Oh. I thought you were submitting a written statement, but --

MS. WONG: I was, but someone else also let me use their time, so it can be an equal exchange. Jonathan Betz-Zall. I wasn't registered to speak, but Jonathan Betz-Zall said that I could use his time, and then when you mentioned my name I thought that it was my turn. But I understand --

MS. SHEPARD: You'll have to wait a few minutes. Jonathan Betz-Zall is registered, but a little later. Jesse Gololgergen and June Martin, and next would be Doris and Kenneth Bradshaw.

By June Martin and Jesse Gologergen

MS. MARTIN: Thank you. I'll be submitting our written report later on. My name is June Martin, born and raised in St. Lawrence Island, Native village of Savoonja. I grew up going to Northeast Cape during the mid-summer months in the mid '60s, and my father was one of the original Alaska territorial guards who worked for the military. We

live a subsistance lifestyle to this day, rich in culture, language, and we have dancing and stories and things like that; and we also hunt walrus, seals, halibut, bullhead whales, different kinds of species of fish, seabirds, and in the Berring Sea, the lakes, rivers, and the ponds, and the Suqi River on St. Lawrence Island, especially on the Northeast Cape. We also gathered edible plants and roots, and seabird eggs, and marine plants and kelp.

During the later years we were alarmed to hear some talk from our elders and leaders about having no consumption of fish in the Suqi River at Northeast Cape. We were very confused and alarmed about what was going on with this, and a lot of uncles, probably our fathers also, passed away of cancer-related deaths because they spent some time on Northeast Cape and on the military sites over there. We didn't understand why that was going on, but some of our elders told us that maybe because the military have left some things behind and maybe that's the cause of the cancer-related deaths.

One of the things that they also mentioned, that if our fish and marine mammals and edible plants are contaminated and we no longer can eat them our spirits slowly die, too. The military had a duty as Americans to protect us at that time during the Russian war -- during the 1940s from Russia. They also should have protected us from chemical contaminants that they have left behind, because we are slowly dying from that, and they are somewhat cleaning it up, but they are being evasive about the cleanup and their efforts to cleanup.

Therefore, we are urging NEJAC to review the information about the St. Lawrence Island, Northeast Cape, and Gambell Project and to recommend that St. Lawrence Island be a superfund so that there is complete restoration and follow up on the restoration efforts; and also

that we urge NEJAC to setup a framework for our people for a local rural community to express environmental health issues and concerns, and implement some kind of action on these concerns and issues. We also urge the NEJAC committee to come up to Alaska and hear our issues and concerns as Alaskan Native people.

MR. GOLOGERGEN: Hello. My Siberia Yupik name is --- and my English name is Jesse Gologergen. I, too, am from Savoonja, St. Lawrence Island, Alaska. This project began when an elder named Annie --- noticed while working on some health data the people there, they were dying of cancer, they were having children with low birth weights and/or stillborn, and for years she was trying to talk with various people and organizations and trying to get their help. She finally ran into Pam Miller, who has been a hero to us, to the people of Savoonja.

Before the formerly-used defense site at Northeast Cape was built cancer was unheard of, and the Suqi River that Kendra mentioned earlier was one of the main sources of fishing and subsistance lifestyle; and it is not only affecting the people, but the marine mammals around the island, because we are now noticing seals, walruses, when we cut them up, with lesions inside of them. We know it has to do with the formerly-used defense site. So we urge, we ask you to help us in having St. Lawrence Island as a superfund site so it can be completed; if not completely, as close as possible, and checked periodically. Thank you.

MS. MARTIN: Thank you.

MS. SHEPARD: Thank you. Doris and Kenneth Bradshaw.

By Doris Bradshaw

MS. BRADSHAW: I'm Doris Bradshaw, from Memphis,

Tennessee, President of the Defense Depot Memphis Tennessee Concerned Citizens Committee. I'm also the former chair of the Military Toxic Project, and I'm bringing greetings to this Board. As you know, I have been here many times, and I have pleaded for help around federal facilities issues. It grieves my heart to see other people coming to this Board and asking for help around federal facility issues, and this is -- maybe we're not asking the right people and we're not at the right place to be asking NEJAC help us achieve the goals that we need to achieve in dealing with our federal facilities.

I think that now I'm a believer that EPA is not the regulatory agency to deal with DOD. It's something that we're going to have to do ourselves, and, as I say, I'm bringing greetings from other organizations throughout the country who want to know how the Federal Facility Working Group is going to respond. Hopefully I will have good news for the communities throughout the United States, because they are like on alert to see where is this going, and they are willing to wait for this group to see what the outcome will be.

But now I'm going to get site specific. As you know, they were cleaning chemical warfare material out of our community at the time that I was NEJAC last year, called mustard gas. There was an incident that happened in September of 2000 that caused three workers to have to go the hospital from exposure to some type of chemical in the ground while they were digging up mustard gas. They were in full gear to clean up this material, and something got within them and caused three workers to have to go to the hospital, and these were Corps of Engineer workers.

On January 18th of this year while workers were cleaning up

chemical warfare material it was mustard gas in the soil. The state of Tennessee does not have a regulated dump to handle this type of material. DOD knew this, EPA knew this, but yet they -- the site cleanup just put this mustard gas soil in a truck and took this to an unregulated dump and dumped this mustard gas soil in an area which caused five workers, unprotected clothing, to have to go into the emergency room and stay for a week because they had been exposed to mustard gas.

We are talking about terrorists now, and I feel like the United States government has committed terrorism against our community, knowing that this is wrong. We don't have anyone to turn to, EPA, DOD, nobody. When the United States government screws up who do we turn to, but each other?

I'm asking you all to look at these rules. Throw some type of recommendation in there that EPA, if they can't do anything, to make it knowledgeable to the community that they can't do anything. So that we won't be mad at EPA, because it is a regulatory agency, it is supposed to be the enforcer. So what I'm asking this group to do, I want to see on paper EPA putting down what they can do and what they can't do when it comes to DOD facilities, DOE facilities, DOT facilities; and I think this will help the communities to keep us from coming to this table, because we're looking at EPA as the regulatory agent and saying, "Do your job when things go wrong." We can't fight the federal government ourselves, but the government did say of these agencies to help the community to protect our health. Who do we turn to when our own United States government commits terrorism in our community? Thank you.

(Applause.)

MS. SHEPARD: Thank you, Ms. Bradshaw. Andrew Sawyers, Roger Ward, and Martin Yanez. Richard Moore, you are next. Next will be Violet Yeaton-Port and Pamela Miller.

By Richard Moore

MR. MOORE: You know, I was trying to figure out when I was standing in the back -- I really was going to share over 500 years of history with you, and then I was figuring to myself that I would have to do 100 years a minute.

(Laughter.)

MR. MOORE: Since I don't want to do an environmental unjustice or injustice I'm going to attempt to try to do 500 years in five minutes. Sisters and brothers, on behalf of the Southwest Network I wanted to thank you and bring you greetings from the leadership of our organization. As many of you know, we're located in the Southwestern part of the United States in Albuquerque, New Mexico, where our binational office is located, and that we have over 60 organizations that are affiliated to the Southwest Network. Many of those you are aware come from the states of Colorado, New Mexico, Arizona, Nevada, Texas, and California, and all the northern states of Mexico, in the country of Mexico. I don't have my glasses on, so I'm not going to be able to see from a distance, so --

(Laughter.)

MR. MOORE: When you see my glasses on that means I'm reading from this document, and when you see them off I can't see. I want to be respectful of you, sister. Usually what we want to do -- and I know people are tired, and it's been a long day. Many of you have traveled a long distance and all that kind of thing, but I have to be frank with you this evening about many things that we're concerned about.

Some of those being the NEJAC and environmental justice, and the Environmental Protection Agency, and many other things that are happening in terms of injustices right now. We're not going to run through the long history of that, but part of the reason -- because since you all decided to eliminate several public comment periods then many of us are having to speak to many issues at one time, when would have maybe been spread out a little bit longer.

First of all, I wanted to report back to you as we have in the past in terms of Regions Six, Eight, and Nine. As you all know, the reason I'm doing that is because Regions Six, Eight, and Nine are the regions of the Environmental Protection Agency that service our constituency in the Southwest Network, both worker organizations and grassroots community organizations, youth organizations, student organizations, and human rights organizations as they reflect to environmental and economic injustice.

I want to say very quickly to you that the results in the meetings that have been taking place with Region Six, the regional office out of Dallas, Texas, has been very productive. Now, you know in the past that we've testified to you that we had to have a demonstration, and we were locked in the elevators, and we were protesting outside of the building and so on. I don't want to leave here this evening say that we will never not protest again or refuse to get locked in the elevators or whatever, but I must say to you that the discussions under the leadership of Greg Cook have been very, very positive, and with the Deputy Regional Administrator and with the Environmental Justice Team. I think that's very important that you all as NEJAC members understand that. There's a lot of work that's happening in the regions, and I just wanted to uplift the work of Region Six and many of the staff

that's present there. Our discussions and dialogs continue with Region Eight, and now with the Acting Regional Administrator and also with Region Nine with the newly-appointed Regional Administrator. So those discussions will continue.

Very quickly I'd like to respond to several pieces of information that I've been asked to bring forward in this meeting this evening. One is that, as many of you may or may not know, the Southwest Network and its organizations sent a letter to Governor Administrator Todd-Whitman. It was sent on November the 1st requesting a meeting with the Administrator to take place in the Southwest at a location to be decided by our leadership, and we ask in this letter -- I'm not going to read it to you, because you have actually a copy of this letter in your booklets. It's a very important piece of document, and I think it would be very important to read it, but what I'm here to share with you is that we had asked that she respond back by November the 29th. Today is December whatever-it-is, I forgot while I was standing in the back of the room, but I will just read from her memo. Now this is her memo. Richard didn't write this. Southwest Network didn't write it. It's the memo that she sent, the memo that she sent up to the assistant administrators and whatever. She said that "I want to insure greater public participation in the agency's development and --- environmental regulations and policies."

I must tell you in closing that a vote took place of over 60 members of our leadership this weekend, and we are here to report to you because the Administrator didn't respond to her own memo that our organization had voted to do whatever we deemed necessary and possible to make sure that this meeting takes place in the Southwest. We're not here to ask you to intervene on behalf of our organization,

because as many of you well know our organization does perfectly fine intervening on its own behalf, but I can guarantee you that at the next meeting of the NEJAC you will be seeing and reading the press clippings of the demonstrations that took place all over the Southwest and on the border of Mexico.

The second point that I wanted to share with you, sisters and brothers, in respect to your work, and it's a little bit of a controversial issue, but for some reason we stay in controversial issues, is the National Environmental Justice Advisory Council's strategic plan. We just have to say this -- and I'm going to make this the last point, because I did have also a letter that I wanted to share with you that was sent on November the 30th to President George Bush talking particularly about the NAFTA and the GAC and the impacts on environmental and economic justice. But with your permission I will not share this document with you tonight by reading it in the comments. I will share it with International Subcommittee in the working group meetings tomorrow.

I just have to in closing -- and that's the first time that Tom was right, except he blew it, because he was supposed to do three, but in this closing -- in this closing

I will because I want to respect you all. I want to respect you as individuals and I want to respect you in your professions and your commitment to this process, but I have to. I have to because I've been asked to speak to this document and begin by saying that it's unfortunate, sisters and brothers, it's very unfortunate in this day in history of environmental justice when in fact the environmental justice movement was the one that recommended that the National Environmental Justice Advisory Committee take place over nine years

ago -- and just to remind us a little bit of history, and it wasn't just the NEJAC. It was the Interagency Working Group, the Environmental Justice Executive Order that President Clinton signed, and today that President Bush has not rescinded from our understand.

So I wanted then in these last comments then to speak to this document, and I say that because I think we have an obligation, sisters and brothers. I have to tell you that. If we're going to do an environmental justice strategic plan then it seems to me that environmental justice leaders, activists, organizations, sisters, brothers, elders, grandparents, children, whoever we call, should be involved in the discussions that take place around our strategic plan on environmental justice, because very truly, sisters and brothers, it's our strategic plan. Okay? I'm going to move very, very quickly.

One, I want to disagree with you and just tell you that it's an insult to the integrity of our sisters and brothers that have come here publicly and testified and that have been on this NEJAC for the last several years, and many of you know that I chaired this NEJAC and I was the first elected member of the National Environmental Justice Advisory Committee to chair this particular body. I was honored to do so and worked with many of you in that capacity. But the first page -- and it's going to be short. I'm going to respect it. It's got to be short, but the NEJAC's concentration on site-specific issues at its meeting detracted from the ability to engage in a deliberate process that results in -- and the rest of it. You all wrote it, so you should understand what it says. I have to tell you I disagree with that, because there are many of us that worked as hard as you, just as hard as many of our other sisters and brothers that were not on the NEJAC and working groups, and the years that we spent working this project did not distract from anything I

can guarantee you, but brought the issues of environmental justice forward and the Environmental Protection Agency. That wasn't by accident. That was planned, and very clearly that's a responsibility we all have.

So I must disagree with that particular comment, and I think you have an apology to make. I'm going to tell you that. I think you have an apology to make to those members of the National Environmental Justice Advisory Committee that were on working groups and on this Council for in fact stating that the work that they had been doing for many years distracted from the work of whatever, and whatever and whatever. That's a decision for you to make. We all have feelings and we all have that. We're not here to discuss touchy-feely stuff. We're here to discuss real issues.

I've been asked to share with you a resolution that was endorsed this weekend by our membership, and today we bring to you again that over 26 members of the NEJAC that we are recommending that 51 percent of the NEJAC Council be made up of grassroots people, those representing communities and constituencies that are impacted by environmental justice.

(Applause.)

MR. MOORE: I'm going to move very, very quickly, because I want to respect the time, all of our time here. Number two, and I'm on page five, and I'm moving quickly. I just want to tell you that we debated this question before. We really debated the question. Why in fact does the National Environmental Justice Advisory Committee -- now I was on the Air FACA, I was on the Water FACA, I was on the FACA FACA, and I'm telling you there is no FACA --

(Laughter.)

MR. MOORE: There is no FACA. When I was on the Air FACA there were 23 members on the Air FACA. I was the only dark person of color, I was the only grassroots representative, over 23 people. Industry was very highly represented on that Air, and that wasn't about we got be shared equally and whatever. So I am telling you then again. Why in fact is this FACA the only one that has to be treated, acted, and otherwise any different than any federal advisory committee on the part of the Environmental Protection Agency? Sisters and brothers, if you are going to accept that fact, if you are going to accept the fact that this is going to be different, then you have a responsibility to send a letter to the Administrator saying that this NEJAC Council not recommends, but demands that every federal advisory committee within the structure of the Environmental Protection Agency follow the same guidelines as this one is expected to be.

(Applause.)

MR. MOORE: I'm going to have to disagree with you on this point here. I'm going to have to do it, because we have to ask the question again. So we can go on and on and on. I think the points -- I don't want take up your time. It's late in the evening, but I just wanted to share. I got other things. I got things marked on the page, and I got different things, and these ain't all Richard's just thing. This is what our membership looked at. Okay?

So I want to in respect to your time and for commitment here to just leave it at that for a moment; but just to say to you that many of us are not happy, and sometimes when we sit back and we talk about being happy or sad or what things should be like, or what things they shouldn't be like, environmental justice whether we like it or not didn't happen on September the 11th. We had people, sisters and brothers,

killed in our communities for year after year, after year, after year, in the fields or whatever. So for the Administrator to embarrass the integrity of grassroots people in the name of environmental injustice -- and, sisters and brothers, let's not be a part of injustice situation. Okay? So I thank you all for that. I apologize for taking longer than I was expected to take. Please, sister, Madam Chair, you know that I didn't come here to be disrespectful to any of you. But I have to leave you with those words, and, as I say, I have to come to be frank. I'm just going to say as I pack up my little things in closing that I have to tell you that if this federal advisory committee is expected again to be treated, looked at, evaluated, or anything else, then all federal advisory committees -- and you have a responsibility to send a demand letter, not a recommendation, to the Administrator saying that all federal advisory committees then should be treated as equally as this one is expected to be. Thank you very much.

(Applause.)

MR. CHARLES: Madam Chair, just one quick question. First of all, I salute the historian sitting before us who set the path across which we are attempting to walk now. Thank you for the leadership you provided, and there's no wonder that leadership has been effective looking at the passion that you brought here today after so many years of service. It hasn't diminished a bit I see.

Tomorrow you'll be presenting to the International Subcommittee, and I have been asked to chair that. I am going to ask that when you come to that committee meeting please bring all the ideas and specific recommendations that you might have as a result of your group's discussion and review of whatever documents that you think needs to be improved to make this group more effective. None of us up here

are interested in being a part of something that doesn't have integrity. None of us are interested in being a part of something that isn't effective. All right? So thanks a lot, and I look forward to your visit, and we will be charging admission for those who are interested in watching your presentation.

(Laughter.)

MR. MOORE: Thank you. Madam Chair, I just want to say in response to Larry's comment that I didn't come here to insult any of you that are sitting on this advisory committee. I want to be real clear about that. But when we talk about life and death it ain't a game we're playing. It's a reality that we live in, both in the communities and our workplaces. So when we are presenting those issues -- and I know it's been a long day. I appreciate those comments, Larry, but I just want to say to you it's not out of disrespect I make the comments. It's out of respect that I make the comments. Thank you again.

MS. SHEPARD: Thank you, Richard Moore.

(Applause.)

MS. SHEPARD: Violet Yeaton-Port, Pamela Miller, Jonathan Betz-Zall.

By Kendra Zamzow for Violet Yeaton

MS. ZAMZOW: Well, that's going to be tough one to follow. My name is Kendra Zamzow. I'm reading this for Violet Yeaton of Port Graham. She asked me to read this for her. She couldn't get the plane over. So when I say "I", I'm Violet.

On behalf of the Port Graham Traditional Village Council I would like to thank the National Environmental Justice Advisory Council for taking the time to hear our testimony. Port Graham is a rural predominately Native village. It's located 225 miles southwest of

Anchorage, an accessible only by air and by boat.

Port Graham, as many rural villages in Alaska, is heavily dependent on our traditional way of life, which has always been an integral part of our heritage. This vast knowledge of the natural resources and its environment has been passed from generation to generation and is a major component of the Native culture. Our traditional way of life is ingrained in our very existence; our lives and culture literally depend on the health of our traditional resources.

Wild food contamination is an emerging concern in rural Alaska, especially for Alaska Natives who consume large amounts of wild food annually. Nowhere in the United States is wild food consumption grater than that in Alaska's rural communities. In 1996, the native villages of Port Graham and Nanwalek joined forces in requesting that our traditional foods be tested for contaminants. What resulted was the EPA study on contaminants of our traditional resources in the Lower Cook Inlet. The study results found evidence of significant levels lf contaminants.

Port Graham, Nanwalek, Seldovia, and Tyonek have been meeting with EPA since the preliminary findings report came out in 1999, and meet with EPA to discuss the final draft just a couple of weeks ago. None of the contaminant work done so far has been easy. In fact, it has been far from it. The villages have been meeting with EPA's Region 10 and Anchorage area office since 1999. Meetings were scheduled to insure that the final report would clearly define the potential risk and concerns regarding the contaminants. It would also include tribal recommendations. However, our relationship with EPA regarding the tribal consultation process falls short as described in Executive Order 13175, "Consultation and Coordination with Indian

Tribal Governments."

Over these last five years, the tribes have struggled to have meaningful consultation and collaboration to strengthen the government-to-government relationship with the EPA. But consistently the tribes have had to prompt EPA to initiate this consultation process. The tribes do not feel that EPA recognizes the right of Indian tribes to self-government, nor do we feel that EPA supports tribal sovereignty and self-determination. We feel the EPA and other agencies are very concerned about the information getting out about the levels and types of contaminants found because they may be political sensitive. Why we understand the political sensitivity of this information, it is important that EPA and other federal agencies place the tribal concerns above the political sensitivity.

We view this contaminant data at the ver least as a huge red flag, warning us of what seems to be global, nation, state, and local pollution crisis. The long-term practice of agencies allowing industry and others to dump and discharge huge amounts of pollutants is obviously detrimental to our long-term existence.

The fact the EPA allows the Cook Inlet oil and gas industry an NEPDES waiver from the national zero discharge law under the Clean Water Act, which is one of two such waivers allowed in the entire United States, is outrageous and inexcusable. We recognize that much more work is necessary to get more information about what risk may be present from consuming out traditional foods. It is very clear that some of the contaminants showing up in our foods are discharged from the local oil and gas industry, and this fact alone yields consideration that zero discharge waiver should be immediately repealed.

In closing, the Port Graham Village Council would like to urge the following recommendations to the NEJAC to begin to address our concerns. Number one, when agency is consulting with tribes the objective of building a meaningful relationship with tribes should be upheld in its fullest intent. Recognizing tribal governments in a sensitive manner and respectful of tribal sovereignty is essential. Truthful, timely, and concise communication throughout the process of consultation is critical. Number two, when a situation potentially impacts tribes, tribes need to be involved and participating from the initial planning to the final completion of the project. Number three, incorporating tribal scientists in research and planning, and implementing is imperative.

We want nothing more than to restore our traditional foods to the truly pristine state they once were for our ancestors and for the seven generations to come. Thank you on behalf of Violet Yeaton.

MS. SHEPARD: Thank you. Pamela Miller. Kristine Wong.

By Pamela Miller

MS. MILLER: Good evening, everyone. Thank you for your patience and your careful listening this evening. My name is Pamela Miller. I'm Director of Alaska Community Action on Toxics, a grassroots non-profit organization based in Alaska dedicated to achieving environmental health and justice. We work to stop the production, proliferation, and release of toxic chemicals that harm human health and the environment.

I want to talk tonight about a couple of issues. One is the issue of persistent pollutants in the North and the accumulation of those chemicals, and how we can work together to eliminate the sources of those chemicals; and also Department of Defense sites that

contaminate the lands, waters, and traditional foods of the people of the North.

First of all about persistent pollutants. Contaminants from long-range transport and military sites pose a very serious threat to the health of people, especially people that rely on traditional diets of fish and marine mammals. The North has become a hemispheric sink for many of these persistent organic pollutants, including the pesticides DDT -- although banned in many countries, it's still accumulating in the North -- lindane, mirex, industrial chemicals like PCBs. Often produced thousands of miles away, they migrate via atmospheric and oceanic currents to the North where they accumulate in the bodies of our fish, wildlife, and of course people.

The signing of the international treaty now known as the Stockholm Convention in May was a very important first step. However, it's a very small step really, and I want you to know that Alaskans and especially Alaskan Native people played a significant role in the successful negotiation of that treaty that emphasizes both elimination and a precautionary approach. Many tribes in Alaska, including the Alaska Inter-Tribal Council, passed resolutions in support of a strong POPs treaty to protect the health of present and future generations.

We request the leadership of the NEJAC to accomplish the following. First of all, we'd like your leadership in assuring that the treaty is ratified by the United States Senate. Secondly, we'd like to see you urge EPA to finally release the dioxin reassessment so that we can eliminate dioxin exposures that create havoc on our bodies. We want to see the expeditious inclusion of additional chemicals. As you know, over 70,000 chemicals are currently in production. Eliminating

12 is a very tiny step forward, but we must move forward to eliminate chemicals such as lindane, endosulfan, fire-retardant chemicals. We first must prevent the harmful use of these industrial chemicals such as pesticides that ultimately damage the health of the people, not only where the chemicals are produced and used, but where they ultimately end up, in the North, in the bodies of wildlife and people.

A recent example is the lindane reassessment that EPA is currently going through; and not to belabor this, I did provide written comments here, but this is just an example of where the EPA used a very poor risk assessment. They used a risk assessment that did not include realistic information about what people in the North rely on for traditional diets. They used faulty information based on what people in the lower 48 eat to conduct a risk assessment for Alaska Native people, and this is another problem with risk assessment. It doesn't include synergistic effects. It doesn't include realistic information about consumption. It does not include vulnerable populations as others have mentioned previously. So this serious inadequate and gross oversimplification is now likely to result, unless we all intervene to prevent continuing uses of lindane in the US. For example, lindane is now banned in many countries, but it's still allowed for uses in the US, including on the heads of our children for the treatment of head lice.

I want to talk very briefly about Department of Defense sites. Alaska has five military superfund sites and over 700 formerly-used defense sites that are reeking havoc on the environment and health of people in North. These sites are contaminated with PCBs and dioxins, in addition to solvents, radioactive waste, and chemical munitions. We have weapons testing ranges in Alaska that encompass an area the size of the state of Kansas. These sites are considered by EPA to be

remote. Therefore, they haven't received very much attention, but EPA must address the contamination of the lands and the waters caused by the formerly-used defense sites, the currently-used defense sites, we have the missile defense system now coming to Alaska, and we have munitions testing. These really must be cleaned up so that people can be protected.

I don't have much time here, so I submitted my five pages of written testimony, and I again I thank you. There's a lot more to say, but I want to give a chance for everyone to speak. Again, thank you very much.

MR. GRAGG: Peggy? Peggy?

MS. SHEPARD: Just one minute please. Hello?

MR. GRAGG: Ms. Miller?

MS. SHEPARD: Ms. Miller?

MR. GRAGG: Did you hear Ms. Bradshaw's testimony?

MS. MILLER: Yes. I did.

MR. GRAGG: And are you saying that you have the same issues in getting information on the military installations from the EPA?

MS. MILLER: Absolutely. There has been just a wall of secrecy surrounding what has been left by the Department of Defense at most of the military installations. Writing Freedom of Information Act requests, frequently all of the important information is either redacted or restricted, and it's a very difficult hurdle to overcome -- just to find out what was left at these sites, let alone how far these contaminants have migrated and what the effects on human health and the environment have been.

MR. GRAGG: All right. Thank you.

MS. SHEPARD: Okay. Kristine Wong, John Ridgeway, and Holly

Weller.

By Jonathan Betz-Zall and Kristine Wong

MR. BETZ-ZALL: Hi. I'm Jonathan Betz-Zall, and I'm about to yield my time to Kristine, but I just wanted to introduce by saying that I'm a graduate student at Antioch University of Seattle and thought you might want to know this is one graduate school that has a required course in environmental justice, and through that course -- well, actually I'd known about it before, but there's a group called the Community Coalition for Environmental Justice, and as part of my association with that I helped to organized two programs at the end of September on this very issue, contaminated fish consumption. One was at the University, and one we specifically sited in the community to try to attract those two unfortunately different audiences. The lead speaker at these events was Kristine Wong, and that's why I'm yielding my time to her, so you can hear some of what she had to say.

MS. WONG: Thank you very much, Jonathan. Good evening, and thank you for taking my testimony. My name is Kristine Wong. From 1995 to 1997 I worked as the Project Director the Seafood Consumption Information Project, which focused on conducting community-based research, education, outreach and advocacy on the issue of contaminated fish consumption in San Francisco Bay. My testimony will focus on what we learned from our community-based research and outreach efforts and what can be done to address these problems.

Thousands of people regularly fish San Francisco Bay. Most of those out on the piers and shorelines are people of color, and many eat what they catch. Among Asian Pacific Islanders and Native Americans, fish is not only a dietary staple, but a strong part of their

cultural traditions as well. At the same time, a 1994 study by the San Francisco Bay Area Regional Water Quality Control Board has shown that Bay fish are contaminated with dioxin, mercury, dieldrin, PCBs, DDT, and chlordane. These chemicals have been linked to serious health problems such as cancer, birth defects, and dysfunction of the immune, nervous and reproductive systems.

In 1995, the Seafood Consumption Information Project conducted a survey of 228 people fishing from San Francisco Bay piers and shorelines. Our survey results concluded that people of color, many who are limited or non-English speaking, are disproportionately affected by contaminated fish. The are the majority of the people fishing from the piers and shorelines, are more likely to eat the most contaminated parts of the fish, and are less likely to be aware of the health warnings about the consumption of seafood from San Francisco Bay. This makes the consumption of contaminated fish a major environmental justice issue in the San Francisco Bay area.

The majority of the respondents were people of color, 70 percent, with Asian and Pacific Islanders making up 36 percent of the total respondent group; 40 percent of the survey respondents ate fish in the past month, with Asian and Pacific Islanders eating fish the most frequently. When calculated at a monthly rate, 90 percent of those who ate fish in the last week exceed the consumption limits recommended by California's Office of Environmental Health Hazard Assessment. The median of all respondents at fish at a rate that was two times more than OEHHA's recommended amounts. At the high end, some individuals reported eating Bay fish at least once a day.

Current health risk assessments underestimate the risk because they a) do not take into account the consumption of fish organs, guts,

and eggs, which contain higher concentrations of contaminant than the fillet, and b) do not take into account synergistic effects of multiple chemicals.

The Seafood Consumption Information Project also conducted over 40 community education and outreach presentations at health clinics, community centers, "English as a Second Language" classes, and other venues. Our emphasis respected cultural traditions by encouraging people to continue to eat the fish, but make small changes to their cooking techniques. After demonstrating ways with one could cook the fish that could reduce up to one-third of the chemicals, we found that many felt that this was a realistic way to approach the problem. People of color should not be the ones to pay the price for contaminated fish. Rather, agencies must enforce strict regulations that work towards phasing out the production of persistent bioaccumulative toxins.

Finally, many terms used frequently in health warnings need to be changed to reflect the common language of those who fish for food. For example the term "sportfish" is used in the San Francisco Bay health advisory, yet those who catch and eat Bay fish do not interpret the term "sportfish" as the fish that they themselves consume on a regular basis. During our regular visits to the fishing piers we conducted an informal survey to see if people actually understood that the term "sportfish" applied to all fish that were being caught in the bay. Most interpreted the term "sportfish" to be the jumbo-sized fish caught on fishing boats, confirming our suspicions.

Recommendations. Health risk assessments should be recalculated to account for people of color who eat the most contaminated parts of the fish. Community people must be ensured

access and a place at the table when designing the studies of finfish and shellfish, as they are the ones with the expertise on what kinds of fish are the most popular among those who eat their catch.

I ran out of time, but I just want to briefly say my last recommendations, which are that synergistic effects of chemicals should be taken into effect, and, if the impacts are significant, consumption advisories should be recalculated. Federal, state, and local environmental and health departments must work together to design and enforce strict regulations that work towards phasing out the production of persistent bioaccumulative toxins. Lastly, the term -- official term of "sportfish" should be removed from health advisory language and replaced with the term "fish" so that those who eat what they catch realize that the advisory applies to what they catch. Thank you very much.

MS. SHEPARD: Thank you. The next speaker is John Ridgeway, then Holly Weller.

By John Ridgeway

MR. RIDGEWAY: Good evening. I'm John Ridgeway with the Washington State Department of Ecology. I am the environmental justice coordinator for our department. I am the one person in our state's government that's paid to deal with environmental justice. So I welcome you here to the Northwest. I'm a native, and I'm very glad to see that you are here.

Briefly my comments are, number one, the benefit of the work that you are doing, such as the fish consumption study, not only is for the EPA, and as you heard earlier, not only for community groups, but it also helps me and my counterparts at state government raise the level interest, concern, advice to our own agency. Your present here in

Washington State, in Seattle, has helped me educate management in my agency and in other agencies that deal with natural resources understand that these issues are important, that they deserve attention, they deserve action. So I'm saying thank you, and your work will benefit not only EPA, but our states as well.

It brings people together also, as you've seen here through the reception last night and other events, and all of the people that have come to testify would likely not receive the ear of the state nearly as well if NEJAC didn't continue to conduct these kinds of open meetings. So I encourage you to continue these throughout the country, because they do help my job and my counterparts brings these issues of importance to attention, to policy makers, to our legislators, to business, community groups, and my coworkers.

Regarding the study, a very small bit of advice, to put in some relevance to the terms "grams per day". Most people do not understand as you heard earlier the relationship between grams per day and what they normally see in the food that they eat, usually measured in pounds. So if you can just put in an example, a picture, a statement that says what that means for the average person in terms of how much fish we eat here in the Northwest and throughout the country that would be very helpful.

I'll conclude by saying I appreciate very much the work that EPA has done regarding environmental justice support here in Region 10, in hosting you, in support the work that I'm trying to do, and that local government and other state agencies are doing. They have a monumental task, and I want to ask you to continue to support EPA to support the regions and their EPA staff specifically. They went through a lot of work to help host this event, and I know they've done that in all

the other regions where you've met. So thank you very much.

Finally, I want to thank all the people who have come here to testify to provide information for me, for our agency, for you. They've traveled many, many miles, and I am heeding their wisdom and experience, and I am very grateful for the time and information that they are sharing. Thank you very much.

MS. SHEPARD: Okay. Thank you. Holly Weller, Roseanne Loyhenzara, George Curtis.

By Holly Wells

MS. WELLS: Good evening, and thank you. Actually I'm Holly Wells, and I am an environmental policy specialist at Pacific Gas and Electric, and I am the environmental justice program manager. I'm basically here this evening just to put in a plug for EPA's national environmental justice training collaborative.

Let me just say that PG&E, both the corporation and company, is very committed to the fair treatment of all people with respect to our operations, and in support of this we recently developed and adopted a formal environmental justice policy. As far as implementing this policy, we are developing a training program for our employees. To develop the training we have been a member of and are working very closely with EPA's national environmental justice training collaborative. For those of you who may not be aware of it, the collaborative began two years ago, and it brought together a very unique group of collaborators, both from the federal, state, and local government, from community and environmental groups, tribal and industry representatives. The purpose has been to develop a consistent and eventually hopefully a very high quality approach to training about environmental justice issues.

Again, I'm here to express my support for this collaborative. It is one of a kind, and it merits NEJAC's continued support and help to insure its evolution and eventual institutionalization. So I just wanted to thank you very much.

MS. SHEPARD: Thank you. Roseanne Lohenzara, George Curtis, Winona La Duke.

By Winona La Duke

MS. LA DUKE: Hello. My name is Winona La Duke. I'm from the White Earth Reservation in Northwestern Minnesota, where I direct the White Earth Land Recovery Project. Thank you very much for accepting my testimony tonight.

My reservation has 47 lakes upon it, and it has 500 bodies of water. We're in Northwestern Minnesota, and we have treaty rights within our reservation borders, and as well extra-territorial treaty rights to secure our right to harvest those natural resources which sustain our community. The assumption when we signed those treaties and when the law and the courts upheld those treaties was that we could actually eat the fish that we would harvest in those areas exterior to our reservation. We would like to keep on eating those fish.

In my community, as in many other communities in the Great Lakes region, we rely on those fish not only to feed our bodies, but to feed our souls, because they are significant part of our culture. But as well in communities like many others who have testified here where half the people are below the poverty level, our substance fishing is a significant part of our way of life and it sustains our community. At least 50 percent of our population fishes in a manner that one would characterize as subsistence. We do not catch and release fish on our reservation. Many of our people also do not fish with hooks. We fish

with nets, which means you are hauling in 30 or 40 fish at a time, and that is something that you are using to subsist in your family the time throughout the year.

It is absolutely important to us the issues of mercury contamination in the fish on our reservation and from heavy metals and PCBs be addressed. Most of the lakes on our reservation at present have fish consumption advisories out for them. Most of those fish consumption advisories recommend that our people eat by and large one fish per week. Sometimes in some cases it is one fish per month from those lakes. For individuals like myself, nursing mothers, in some lakes it is recommended we do not eat fish.

As well a second concern that is of major importance to community is the concerns around the wild rice of our region. You may or you may not know, but wild rice is an aquatic plant, which is within what is known as the wild rice bowl in that region. The wild rice bowl stretches from Minnesota and Wisconsin up into Canada, primarily in Manitoba and Ontario. In that area our people live, and in fact the wild rice is part of our creation story and our migration story. It is the feed which grows upon the water, and in as much it is the food which grows upon the water it is obvious that airborne contaminants of mercury, heavy metals, and PCBs that affect our waters also affect our wild rise. Since our wild rice -- many of our families, like my family, eats at least 100-to-150 pounds of wild rice a year. I'm deeply concerned about the possible impact of increased contamination on our wild rice for the sustaining of our community, but as well the long-term economic impacts on our community from loss of a major source of income if there are problems in the future with wild rice.

Finally in closing, I would just like to say that I am also concerned

about the soup of chemicals which now begins to affect our ecosystem. It is the combination indeed and then synergy of these chemicals which has come to bear upon our bodies, and you know that perhaps much better than I do; but I know that I live in a region in which there are increasing numbers of frogs with too many legs, and those frogs with too many legs, those circumstances were not created by one chemicals, but by a combination of chemicals. There are potato farmers in our area, particularly RDO Offit, that has caused contamination of the ground water and the surface water. So the combination of chemicals, and I know if those frogs have nine legs it is quite possible in the future that some of those impacts will be translated to our generations and our people ahead.

I want to thank you for time and for accepting my testimony on behalf of my community. It is the circumstance of a lot of indigenous -- - or Ojibwe communities in the Great Lakes region, but we are deeply concerned about the increased contamination of our lakes, our waters, our rice, our fish, and ourselves.

I have some supplementary material, but I don't who to pass this to, but I'd be -- I'll pass it to whoever I'm supposed to. Thank you.

MS. SHEPARD: Thank you very much, and I'd like to add to the written comments that have been submitted comments from Sarah Koopman with the Witness for Peace and the Amazon Alliance. That ends our public hearing tonight. Yes, Mary?

MS. NELSON: Just a quick comment. I would be interested if there was any way for Thursday morning's meeting if we could get the information from the Stockholm Treaty that would really apply to the kinds of things that we -- the subject matter that we're dealing with here, if that's any possibility. If someone could go on the Internet or

something like that.

Secondly, it seemed to me that this notion of precautionary -- the precautionary principle, and if that principle is something that's in the literature that is an accepted kind of principle, that that might be a language that should be inserted into this Fish Consumption Report as a terminology that may say the kinds of things some of us were trying to get at, which was let's deal with -- you know, dealing with the causes of things and dealing with a wider sweep of things rather than just advisories.

MS. SHEPARD: Okay. Thank you, Mary.

(Applause.)

MS. SHEPARD: Thank you all for coming. We are adjourned until 8:30 tomorrow.

MS. : 9:00.

MS. SHEPARD: 9:00? 9:00. I'm sorry.

(Whereupon, the meeting was adjourned at 9:40 p.m.)