

NATIONAL ENVIRONMENTAL JUSTICE ADVISORY COUNCIL

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In the matter of the: :

FOURTEENTH MEETING OF THE :  
 NATIONAL ENVIRONMENTAL JUSTICE :  
 ADVISORY COUNCIL :

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VOLUME II

Wednesday, December 1, 1999

Crystal City Hilton Hotel  
 2399 Jefferson Davis Highway  
 Arlington, Virginia

The Meeting of the NATIONAL ENVIRONMENTAL JUSTICE ADVISORY COUNCIL convened, pursuant to notice, at 6:20 p.m. on Wednesday, December 1, 1999.

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APPEARANCES: NEJAC Advisory Council Members:

- MR. HAYWOOD TURRENTINE, Chairperson
- R. CHARLES LEE, DFO
- MR. DON J. ARAGON
- MS. ROSE MARIE AUGUSTINE
- MS. LESLIE BECKHOFF CORMIER
- MS. SUE BRIGGUM
- MR. DWAYNE BEAVERS
- MR. LUKE W. COLE
- MR. FERNANDO CUEVAS, SR.
- MS. ROSA FRANKLIN
- MR. ARNOLDO GARCIA
- MR. MICHEL GELOBTER
- MR. BRAD HAMILTON
- MS. JENNIFER HILL-KELLY
- MS. ANNABELLE JARAMILLO
- MS. VERNICE MILLER-TRAVIS
- MS. MARINELLE PAYTON
- MR. GERALD PROUT
- MS. ROSA HILDA RAMOS
- MS. PEGGY SHEPARD
- MS. JANE STAHL
- MR. GERALD TORRES
- MS. MARGARET L. WILLIAMS

Public Comment Period Presenters:

- MR. KENNETH BRADSHAW
- MS. BARBARA WARREN

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- MS. MILDRED MCLAIN
- MR. MICHAEL J. LYTHCOTT

APPEARANCES: Public Comment Presenters (Cont.):

- MR. VIRINDER SINGH
- MS. GLORIA ROBERTS
- MS. VERONICA EADY
- MS. DAGMAR DARJEAN
- MR. DAMU IMARA SMITH
- MS. JUANITA STEWART
- MS. MARGIE RICHARD
- MR. DELBERT DUBOIS
- MS. MICHELLE XENOS
- REVEREND ZACK LYDE
- MS. CAROLINE JONES GREY
- MR. JIM MacDONALD
- MR. PIERRE HOLLINGSWORTH

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PROCEEDINGS

(6:20 p.m.)

MR. TURRENTINE: The record will reflect that we have a quorum present. This Fourteenth Meeting of the National Environmental Justice Advisory Council is now in session.

We are entering into the second phase of the public comment period. I made some notes here because it's going to be critical in terms of us getting through this agenda, that we strictly adhere to the time constraints that we have placed upon us.

We are going to allow five minutes -- five minutes-- for each of the presenters to give their remarks. With that, I'm going to ask you to summarize your statements, and if you have written statements that you want to submit and have the full text of your statement as a part of this record, we will gladly take it and do so. But you're going to be given five minutes.

In some instances I notice there is more than one person signed up together. We don't propose to tell you how to make your presentation; we're simply saying that if there's two of you, three of you, however many it is, you've still got five minutes combined to do your presentation.

We will strictly adhere to the five-minute timeframe; otherwise we'll be here until tomorrow and yet we have another

agenda for tomorrow and we cannot stay here that late. So you're going to be asked to strictly adhere to the five-minute timeframe.

Members of the Council will be asked to refrain from giving commentary on the presentations. If you feel that you need to add comments to it, you can do so at a later time. Either after everyone has presented and if you want to stay here and give commentary, you can do so. Or you can do it tomorrow during the Executive Council session.

I will not recognize members of the Council who wish to make comments or commentary on the presentations that have been made tonight.

If you have questions, on the other hand, that would provide further clarity or understanding of the issues presented by the presenters, then you may ask those questions.

I will tell you up front that if you get into a dialogue, as opposed to making your comment -- I mean, providing your questions, I'm going to cut you off. I don't want to do that, but I'm going to have to do that.

So, Council members, I'm letting you know this up front so that you don't get offended later on when you get cut off. You will be cut off if you are not asking questions. If you're offering commentary, you're going to be cut off.

1 This -- and I cannot overemphasize the importance of the  
2 statement I'm about to make -- this is the public's time to make  
3 comment; not for the Council. This is the public comment period and  
4 the public will be recognized for their presentations and their  
5 comments; not the Council.

6 As I've said, only one person from an organization will be  
7 allowed to speak. But if you choose to have both people from that  
8 group speak, you're still only going to be allotted five minutes. So you  
9 can break that up any way you see fit.

10 When the time clock reaches zero, I'm going to be reaching  
11 for the mike to close you down. So you need to pay attention to that  
12 clock. When that red zero approaches, it doesn't mean you've got two  
13 more minutes. It means that your time is up and you're on someone  
14 else's time at that particular time, and I won't allow that to happen.

15 Again, if you have written comments that you want to  
16 provide for the Council that can be included in the official record of this  
17 meeting, we would encourage you to do so.

18 With that having been said, we're going to start with the  
19 public comment period. The first three presenters are people who are  
20 not present but have offered written statements.

1 WRITTEN STATEMENT OF MS. PAMELA BINGHAM  
2 BINGHAM CONSULTING SERVICES  
3 WAS RECEIVED INTO THE RECORD

4 MR. TURRENTINE: I would simply acknowledge that  
5 Pamela Bingham has a written statement. She's from Bingham  
6 Consulting Services, Silver Spring, Maryland. We will enter her written  
7 statement for the record.

8 WRITTEN STATEMENT OF MS. MARY ANN HOLMAN  
9 OF ORANGE, TEXAS  
10 WAS RECEIVED INTO THE RECORD

11 MR. TURRENTINE: Also, Mary Holman from -- I don't have  
12 her affiliation, but she's from Orange, Texas. She has also provided  
13 us with a written comment. That will be included in the official record.

14 WRITTEN STATEMENT OF MR. MARCUS JIMISON  
15 LAND LOSS PREVENTION PROJECT  
16 WAS RECEIVED INTO THE RECORD

17 MR. TURRENTINE: Lastly, we have Marcus Jimison who  
18 is from the Land Loss Prevention Project out of Durham, North  
19 Carolina. He also submitted a written statement, of which we have a  
20 copy, and it will be made a part of the official record of this meeting.

21 With that, we would ask Marc Brennman from the U.S.  
22 Department of Transportation to come forward and make his

1 comments. Marc Brennman.

2 (No response.)

3 MR. TURRENTINE: I don't see Marc Brennman coming  
4 forward.

5 Doris Bradshaw and Kenneth Bradshaw. I don't know  
6 whether you're both coming to make the presentation, or one of you,  
7 but you've got your five minutes and we'll start the clock after you  
8 decide how you're going to do that. Bradshaw.

9 MR. GELOBTER: Haywood, may I make a suggestion?  
10 That we list the next two people on deck and basically that will --

11 MR. TURRENTINE: Michael, that's an excellent idea. In  
12 the interest of time, we would list the next two people on deck so you  
13 can either start making your way towards the mike, or if someone  
14 recognizes that they're not in the room, someone can go out and get  
15 them.

16 The next person would be Albertha Hasten from the  
17 Concerned Citizens of Iberville Parish, and then we would have either  
18 Lois Booker Malvo or Junus V. Rando from the North Lake Charles  
19 Environmental Action.

20 Now, the Bradshaws.

1 PRESENTATION BY MR. KENNETH BRADSHAW  
2 DEFENSE DEPOT MEMPHIS TENNESSEE  
3 CONCERNED CITIZENS COMMITTEE

4 MR. BRADSHAW: My name is Kenneth Bradshaw. I'm  
5 from Memphis, Tennessee, and I'm a community activist. We are  
6 currently formed against -- we formed our organization to protest the  
7 actions of the Defense Depot in Memphis, Tennessee. It's a federal  
8 facility.

9 First, I would like to thank a few people for my being here  
10 because I'm here on behalf of the People of Color in Disenfranchised  
11 Communities, an organization that is currently forming. It was started  
12 in Waveland, Mississippi, and from Waveland to Washington, this is  
13 my fourth NEJAC.

14 I would like to thank Marshall because he's been involved  
15 with developing this network from my beginning of it.

16 I would also like to thank Dick Green from Region VI and  
17 Jewell Harper because they have shown a commitment to improve the  
18 situation at the Defense Depot.

19 Now, the Defense Depot is a federal facility, and federal  
20 facilities in Memphis, like other federal facilities, they pose a very  
21 unique position. First of all, the Federal Government is the polluter, in  
22 my point of view, in Memphis and all across the United States with

nuclear and chemical warfare, conventional warfare, and other types of weapons, from the manufacture, to the disposal, to the actual testing and use of it.

I don't know any other polite way to put it other than the actions of the United States Government has wreaked havoc on the health of the people in South Memphis around the Defense Depot. I'm trying to be as courteous and nice as possible in saying that.

It poses a problem because the polluter in this case is the government, and even though people like Martha Miner (phonetic) and Jewell Harper are good people of good faith and everything, this poses a problem, something like a conflict of interest because the people who are regulating us, the federal agencies that are regulating us -- the Department of Defense is a federal agency in itself -- and this casts a shadow, a mistrust.

As far as I can see, the credibility of the entire government and the good works of the people that I named before is some way impaired because you've got one government agency saying the other government agency, what it did to the people in Memphis, was all right, and across the country.

Not only that, the federal agency in question, the Department of Defense, is an honorable agency and everything, but in no way have I seen anything that says we replace the EPA. Now,

as far as I'm concerned, EPA is the supreme regulatory authority; that's why it was created, for environmental and human health.

The Department of Defense has an entirely different mission. But to show you how things have gone awry, the Department of Defense has got legislation through Congress that actually makes it the lead agency. Now, the California courts have said that EPA -- if it's pertinent to CERCLA, EPA is the final authority. However, we see on paper where the Department of Defense -- we see it on paper and we see it in law -- is the lead agency in the cleanup.

The second issue I'd like to address is the disconnect between upper management and the people from the EPA that actually goes around the sites. This is a problem that people alluded to in -- people in high rank alluded to yesterday, and it's really a problem because it's not that the people at the top can't control the people that goes into the community and everything. It just shows you that the disconnect should be addressed -- seriously addressed -- and some improvements should be made because a low-level employee shouldn't be making policy contrary to the wishes of upper management.

The third issue I'd like to address is the change in political winds. Ever since I've been in environmental justice, for about the last four and a half, up to five years, we've had the same political

administration, and the efforts of EPA have been consistent, as far as I can see.

MR. TURRENTINE: Thank you, Mr. Bradshaw.

Are there any questions from the Council before the Bradshaws leave?

(No audible response.)

MR. TURRENTINE: If not, Mr. Bradshaw, we know you have been here before and we've heard these issues. We, as a Council, are going to assign those issues to someone. Rose?

MS. AUGUSTINE: Have you petitioned the EPA to take over the site or to look at the site?

MS. BRADSHAW: We have petitioned. We have filed environmental justice complaints that are not answered because it's a federal facility. We have written letters that came back the answer: We can't answer that from EPA. I've got letters in my bags right now.

So, we honestly can't get any help from EPA because this is a federal facility. It's something that's wrong and things that happen in the community are not being addressed. Every time there is some type of cover-up. And EPA is not helping at all. Sometimes EPA creates the problem.

MR. TURRENTINE: Okay. As I indicated, we will duly note your concerns, and I can assure that you we will have further

discussions here on the Council. I know that we've talked about federal facilities, and we've assigned that to a subcommittee and we will have someone get in touch with you shortly. Thank you.

MS. RAMOS: Haywood, I have a short question, please.

MR. TURRENTINE: Yes?

MS. RAMOS: Do you think that relocation is a good alternative in your case?

MS. BRADSHAW: A what?

MS. RAMOS: Relocation.

MR. TURRENTINE: Relocation.

MS. BRADSHAW: It would be an excellent idea if it could happen. But you're talking about a community within one-half mile radius of a 640 acre piece of land, maybe 25,000 people that are affected.

MS. RAMOS: I see.

MR. TURRENTINE: Thank you very much.

Albertha Hasten.

(No response.)

MR. TURRENTINE: Lois Booker Malvo.

PARTICIPANT: Not here.

MR. TURRENTINE: Okay. Deanna R-a-b-i-a-h or Kathryn Savoie. Are they here?

(No response.)

MR. TURRENTINE: Barbara Warren of the Consumer Policy Institute of the Consumers Union.

And while Barbara is coming, we would ask Milton (sic) Mclain to be on deck, with Charles Swinden in the hole.

PRESENTATION BY MS. BARBARA WARREN

CONSUMER POLICY INSTITUTE OF THE CONSUMERS UNION

MS. WARREN: Good evening. Thank you again for this opportunity.

MR. TURRENTINE: Good evening.

MS. WARREN: I wanted to speak tonight on behalf of the Organization of Waterfront Neighborhoods and the New York City Environmental Justice Alliance and urge the Council to act on the NEJAC recommendations concerning waste transfer stations.

It's an excellent report and it's a very important issue, and it's a timely issue. We need action; otherwise communities are going to be seriously impacted with New York City's current plans. So we would urge. There is some immediacy to this.

We had a very successful, I would say subcommittee meeting, concerning the urban air toxic strategy and the subcommittee is going to be working very closely on this. EPA has promised to deal with this in the Clean Air Act Advisory Committee and workgroup. So

there will be representation on there, and I'm very satisfied with that.

I did want to share some of the materials that I had prepared and I want to allow more time for other people to speak tonight, so I'll leave it at that.

Thank you very much.

MR. TURRENTINE: Thank you very much, and we will take your prepared statement and make it a part of the record.

Vernice.

MS. MILLER-TRAVIS: Barbara.

MR. TURRENTINE: Barbara, one moment. There's a question for you.

MS. MILLER-TRAVIS: You can stay back there. You don't have to come up front; just so you know.

We spent entirely too much money and too many hours trying to deal with this issue to not bring it forward to fruition to the full Council tomorrow. So, the report will be brought to the full Council tomorrow for a vote. We've already directed EPA Region II to act on our recommendations. So that's already in motion.

MS. WARREN: Thank you very much.

MS. MILLER-TRAVIS: You're welcome.

MR. TURRENTINE: Thank you. Mildred. And while Mildred is coming, I want to acknowledge that Jeannie Economos is not here,

and we understand that Fernando is going to secure the information that she would have provided, and he will provide that to the NEJAC.

In turn, we will make that available as a part of the record.

MR. CUEVAS: Thank you. I will do it.

PRESENTATION BY MS. MILDRED MCLAIN

CITIZENS AGAINST TOXICS EXPOSURE

REPRESENTING THE PEOPLE OF COLOR AND

ENVIRONMENTAL HEALTH NETWORK

MS. MCLAIN: Good evening, everybody. Good evening, everybody.

PARTICIPANTS: Good evening.

MS. MCLAIN: Hello, everybody.

PARTICIPANTS: Hi.

MS. MCLAIN: Come on how, we've only five minutes, and we're not going to take up all of that time.

Again, we are the People of Color and Disenfranchised Environmental Health Network. The reason why we have come before you again this evening is that last evening we were limited to talking about the permitting of pollution-generating facilities on federal sites that once were nuclear weapons production sites and that will have a current mission in the new millennium.

We come again because there are other issues that we are

concerned with and we cannot say strongly enough that we are in the middle of a nuclear nightmare.

For our communities -- we've been there for the past 15 and 20 years -- and so we are again trying to get on your radar screen. The reason why we are an environmental health network is because the health of our children, the health of our elders, the health of our men, the health of our women, the health of the workers is indeed -- it has been impacted by the past activities at these facilities and possibly will be impacted in the future.

We are asking the NEJAC to please integrate the issues of federal facilities into your main agenda. One of the recommendations we want to bring to you this evening is that we would like to see a representative from the communities that are dealing with the federal facility issues to find a seat on the full Council.

MR. TURRENTINE: Thank you very much, Mildred.

Are there any questions for the -- Yes, Vernice?

MS. MILLER-TRAVIS: So, Mildred, is that a formal recommendation that you're making to Barry and to Haywood?

MS. MCLAIN: Yes.

MS. MILLER-TRAVIS: Okay. I just wanted it on the record.

MR. TURRENTINE: We have so noted the recommendation coming from you, Mildred, and we will do the appropriate thing with the

1 recommendation so that any action that this Council needs to take will  
2 be taken.

3 MS. MCLAIN: Thank you.

4 MR. TURRENTINE: Is Charles Swiden -- S-w-i-d-e-n -- in  
5 the room?

6 (No response.)

7 MR. TURRENTINE: If Charles is not, would Michael  
8 Lythcott come to the table. Citizens Against Toxics Exposure.

9 PRESENTATION BY MR. MICHAEL J. LYTHCOTT

10 CITIZENS AGAINST TOXICS EXPOSURE

11 MR. LYTHCOTT: There should be a handout of my remarks  
12 coming around.

13 The clock won't start until I sit down?

14 MR. TURRENTINE: You're not holding up the clock. You  
15 can take as long as you want to to get set up, but you don't get five  
16 minutes to do it all.

17 MR. LYTHCOTT: Then it flies on me.

18 (Laughter.)

19 MR. LYTHCOTT: Good evening, everybody. My name is  
20 Michael J. Lythcott. I am the Relocation TAG Advisor for CATE,  
21 Citizens Against Toxic Exposure, in Pensacola, Florida.

22 CATE represents the residents that are not being relocated

1 from the toxic contaminated neighborhoods that surround the Agrico  
2 and Escambia Superfund sites in Pensacola.

3 I have been asked by CATE to give you a brief report on the  
4 initial community reactions to that relocation. I have also prepared  
5 some extended comments which I want this -- the extended  
6 comments, on page 7, the copier left out the bottom line. But this one  
7 that I'm going to give you for the record has that line in it

8 MR. TURRENTINE: Thank you.

9 MR. LYTHCOTT: That was a freebie for my time.

10 I have also brought with me the first 64 responses from a  
11 poll that CATE did with community residents, many of whom have  
12 already been relocated. At our community meeting last month they  
13 asked that these comments be brought here to NEJAC and entered  
14 into the record. And so you will also get this to be entered into the  
15 record.

16 The first finding that I want to share with you is that the  
17 relocation is proving to be an excellent solution for homeowners living  
18 in the threetoxic affected neighborhoods. Based on my conversations  
19 with the residents that have completed the relocation process, it is  
20 clear that permanent relocation can be an appropriate, equitable and  
21 satisfying remedy for homeowners negatively affected by proximity to  
22 the superfund sites.

1 While residents expressed some sadness at the loss of  
2 community and their personal loss of their connection to their legacy  
3 land, they are universally happy to be living away from the superfund  
4 sites.

5 Some relocated families are even beginning to notice health  
6 improvements, especially as relates to the frequency and severity of  
7 headaches and the occurrence of respiratory distress in children.

8 The relocation of tenant families living in the Escambia Arms  
9 Apartments has not yet begun. Although they will have fewer housing  
10 options than the relocating homeowners will, they should also benefit  
11 equally in terms of the mitigated health effects, reduced stress, and  
12 improved quality of life.

13 It is important to CATE that this finding be stated first, that  
14 it be stated clearly, and that it be completely understood.

15 In the remainder of these comments we will focus on the  
16 many serious problems, issues, and concerns regarding the  
17 implementation of the relocation program. But as serious as those  
18 implementation problems are, you must not let them overshadow this  
19 first glorious successful finding.

20 Many of you in this room, and many others not here tonight,  
21 made this relocation happen. You championed the cause. You  
22 browbeat some folks and you allowed yourselves to be browbeaten by

1 other folks. You pushed through and you did the right thing.

2 The affected families in Pensacola wanted me to say thank  
3 you. They also wanted me to ask you to pause briefly to pat  
4 yourselves on the back, chalk one up for the good guys, and then  
5 quickly put your shoulders back to the wheel.

6 Now, here's the not-so-good-news. Number two, there are  
7 some real problems with using the Uniform Relocation Assistance Act  
8 as a superfund relocation policy.

9 As you all know, the URAA was not designed to do  
10 superfund relocations. It has been patched and prodded over the  
11 years, and it simply does not fit. And we have some critical issues for  
12 residents.

13 For example, citizen landlords that responsibly stopped  
14 renting their units as soon as they found out about the contamination,  
15 are being refused any rent loss compensation at the same time that  
16 the EPA and the Army Corps and HUD are negotiating a huge rent  
17 loss compensation package for the owners of Escambia Arms  
18 Apartments.

19 I own a house, I'm renting it for years. I can't get any rent  
20 loss. But, you know -- cases like that.

21 Poor tenants -- poor -- poorer tenants, by the way, who  
22 refuse to go on Section 8 subsidy so that they will rent a room in

1 somebody's house -- poor tenants that have been renting rooms for  
2 years are being flatly denied relocation benefits by the Army Corps.

3 The URAA says that if they do not, one, have a private  
4 bathroom and, two, a private kitchen, then legally they are not tenants.  
5 And furthermore, the person that they've been paying rent to for all  
6 those years is not a landlord.

7 Homeowners that are trying to make intelligent decisions  
8 about whether or not to accept the Army Corp offer, can't do it  
9 because they are forbidden by the URAA from seeing the appraisals.  
10 They can't even take the offer from the Army Corps and take it to a  
11 private appraisal and say, look, do you think I'm getting a fair offer? --  
12 because the URAA will not allow.

13 That's like you put a For Sale sign up in front of your house  
14 and all of the sudden somebody knocking on your door and says, "Oh,  
15 I saw a For Sale sign." You say, "Yes." He says, "This what I'm going  
16 to pay you for it." You say, "Wait a minute. No, no, I'm selling the  
17 house." "No, no, this is what I'm going to pay you for it, and if you  
18 don't take it, I'm going to take it by force." And I says, "Okay, well,  
19 okay. Well, you've got your demand; you show me your paperwork."  
20 "Oh, I'm sorry, I can't show you the appraisal I did."

21 It's making the residents crazy.

22 One resident was also told by the Army Corps that the cost

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1 for the demolition of his property were taken out of the sale of his -- of  
2 his proceeds from the sale. Check that out.

3 Oh, my God, zero?

4 MR. TURRENTINE: Zero.

5 MR. LYTHCOTT: All right. Let me go to the last -- I'm  
6 skipping ten pages.

7 MR. TURRENTINE: What do you want this Council to do?  
8 That's what you need to tell us now.

9 MR. LYTHCOTT: Okay. What we urgently need to be done  
10 right now -- there is no question that in my mind that a thorough  
11 evaluation of the URAA approach would be altogether scrapped or  
12 greatly amended for use in superfund relocations. That, however, will  
13 be too late for the families that need help right now.

14 CATE proposes that a flexible rapid response  
15 decisionmaking mechanism be set up right now to help the families  
16 that are falling through the cracks.

17 All of us want to avoid fraud and abuse against the  
18 government, but there are real families with real problems right now.  
19 The Army Corps has adopted an extremely conservative stance  
20 relative to the rules and regulations spelled out in the URAA.

21 MR. TURRENTINE: I'm afraid we're going to have to cut  
22 you off now.

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1 MR. LYTHCOTT: Okay. So what we're saying is that we  
2 urgently need some mechanism on a monthly basis for good residents  
3 who are not trying to cheat the government but who technically fall  
4 through the URAA cracks to have some kind of a hearing without  
5 having to hire a lawyer and file a formal appeal.

6 MR. TURRENTINE: Is that inclusive in your written  
7 comments?

8 MR. LYTHCOTT: Oh, it's all there.

9 MR. TURRENTINE: Okay. Then we'll get it.

10 MR. LYTHCOTT: In fact, I have a few more copies. If you  
11 can get one of these, it's a real page-turner. And I would encourage  
12 you --

13 MR. TURRENTINE: Okay. I'll let you do that on your own.  
14 You're now on somebody else's time so we're going to have to move  
15 on.

16 MR. LYTHCOTT: All right.

17 MR. TURRENTINE: Are there any questions? Vernice?

18 MS. MILLER-TRAVIS: Michael, I know that you had to work  
19 on this document, but I really wished that you could have been in the  
20 subcommittee meeting this afternoon because we talked, we had a  
21 whole discussion with the responsible office in the Office of Solid  
22 Waste and Emergency Response about this.

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1 It seems to me that the conversation that we had with them  
2 was not exactly reflective of the issues that you have presented to us  
3 now.

4 I do understand, though, that you and Ms. Williams and  
5 others from Escambia are continuing to participate in a conversation  
6 with them. But my question is, can we have -- this impacts you -- and  
7 I know you're back there somewhere -- it seems like we need to get on  
8 the telephone and sort of re-talk through some of these issues with  
9 Suzanne Wells and with the other persons, the staff persons, because  
10 this is not -- what you're saying is not jiving with what we heard this  
11 afternoon.

12 MR. LYTHCOTT: There is an urgent need -- at 9:00  
13 Monday night at my home in New Jersey I got a call from a resident in  
14 tears whose last conversation with the Army Corps of Engineers was,  
15 "And don't call back here again."

16 MR. TURRENTINE: What I'm going to suggest is, Vernice,  
17 since you're involved in this process already, have you and Michael  
18 spend some time together and let's have that conference call and let's  
19 resolve the conflict between the information you received today and  
20 what Michael has presented with his research.

21 Then, from that point, we can determine how we would  
22 proceed from there.

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1 And we're not going to get into any commentary. Ms.  
2 Williams, if you have a question, we can do that, but there's not going  
3 to be any commentary at this time from any Council members.

4 MS. WILLIAMS: The only thing I wanted to say to Vernice  
5 is that we have really tried to have communication with Tim Fields and  
6 Susan Wells, to no avail. He has made promises to us. We have  
7 written letters.

8 MR. TURRENTINE: Margaret, if you --  
9 (Simultaneous conversation.)

10 MS. WILLIAMS: -- come in and have a meeting with us so  
11 we could clarify these issues.

12 MR. TURRENTINE: Vernice is going to do that, so we  
13 don't --

14 MS. WILLIAMS: Well, if she agrees to do that, it would be  
15 perfectly fine.

16 MR. TURRENTINE: Vernice is going to do what she can do.

17 MR. LYTHCOTT: Did I give you a copy of the letter to Tim  
18 Fields?

19 MS. WILLIAMS: No, you didn't give it to me.

20 MR. LYTHCOTT: I'll give you one now. One last thing,  
21 please, I beg you. For the --

22 MR. TURRENTINE: I'm sorry.

1 MR. LYTHCOTT: For the legal people at EPA, be careful to  
2 read point number six about inequities --

3 MR. TURRENTINE: Michael.

4 MR. LYTHCOTT: -- in the distribution of funds because it is  
5 actionable.

6 MR. TURRENTINE: Your time is up, Michael.

7 MR. LYTHCOTT: Thank you.

8 MR. TURRENTINE: Rita Monroy. Is Rita here?  
9 (No response.)

10 MR. TURRENTINE: If not, we've got Virinder Singh.

11 PRESENTATION BY MR. VIRINDER SINGH  
12 RENEWABLE ENERGY POLICY PROJECT

13 MR. SINGH: That was quicker than expected. Thank you  
14 very much for the opportunity to provide comments at this session. My  
15 name is Virinder Singh of the Renewable Energy Policy Project, or  
16 REPR.

17 REPR is a nonprofit organization whose goal is to examine  
18 issues of long-term importance to the advancement of renewable  
19 energy. I'm here to discuss the issue at hand, that of siting in low  
20 income and minority communities, but from another angle.

21 The question I'd like to deal with today is what industries and  
22 technologies would communities want in their locality, rather than what

1 do they not want.

2 As you may expect, I believe one answer to this question is  
3 renewable energy, as well as energy efficiency. My answer -- and I  
4 stress that as one answer among many -- is also based on the  
5 conviction that renewable energy, even coupled with efficient energy  
6 use, can serve as an engine for job creation, affordable housing, and  
7 environmental protection for a wide range of low income and minority  
8 communities nationwide.

9 I'd like to mention three different examples: wind power in  
10 Indian country, including Tribal Nations in New England and the  
11 Midwest where the winds are the strongest and where areas that host  
12 wind turbines can reap substantial revenues merely by having wind  
13 turbines on their land.

14 Second, affordable, efficient, and clean housing, including  
15 public housing. This includes housing with energy efficient building  
16 design and lighting, electricity based on renewable resources such as  
17 solar power. Such housing can reduce monthly electricity bills and  
18 create new local jobs designing and installing clean energy systems.

19 And finally, and related, clean energy business  
20 development, including converting brownfields to brightfields, or places  
21 that can house a solar power business or a solar power installation  
22 that provides economic returns to the previously degraded site. This

1 has happened in Chicago, the announcement came out two months  
2 ago.

3 Business development can tap into a variety of government  
4 programs and policies, as well as emerging market tools, to allow  
5 communities to tell polluting industries, we do not want you here  
6 because we have an option that does provide jobs and preserves our  
7 quality of life.

8 It is this last point that I'd like to expand further, and it is a  
9 point that is not new. A variety of environmental justice crusaders  
10 have mentioned renewable energy and energy efficiency as promising  
11 contributors to sustainable economic development.

12 But I want to emphasize that communities seem not only to  
13 want to control the gates of commerce leading into the communities,  
14 they also want to influence what firms will line up in front of that gate  
15 so that their economic options are good economic options.

16 To make renewable energy and energy efficiency a practical  
17 option for low income communities of color, we must solidify the  
18 positive links between the two communities. That is, environmental  
19 justice communities, communities of color, and the sustainable energy  
20 communities.

21 To help define these ties and to further partnerships that will  
22 help make the examples I mentioned earlier into a more widespread

1 reality, my organization is organizing a dialogue, a dialogue between  
2 representatives of low income and minority communities and  
3 renewable energy and energy efficiency representatives.

4 What will be the outcome of the discussions? We do not  
5 know, but I personally hope that the dialogue will encourage both sides  
6 to work together both commercially and politically so that both sides  
7 will benefit from each other.

8 We would greatly welcome partnerships from environmental  
9 justice groups in helping to organize and define this activity. If you  
10 would like more information on this dialogue, please contact me at the  
11 following phone number, 202-293-1197.

12 Before I stop, I would like to mention one monumental policy  
13 issue that is sweeping across the United States. This issue will affect  
14 the power industry and power plants for many years to come. It is the  
15 restructuring of the electricity industry.

16 What was once an electricity system where you always  
17 received power from one monopoly utility, is now becoming a system  
18 where different companies will compete for your service. You will have  
19 the right to choose between power suppliers based on competing  
20 prices, competing services, and competing environmental values.

21 The impact of restructuring and what kind of power plants  
22 will be in your community and how it will be run day to day is

1 enormous.

2 For renewable energy and energy efficiency, the stakes are  
3 high. For example, in Maryland the final restructuring bill passed  
4 earlier this year provides essentially no resources or sustainable  
5 energy, effectively zeroing them out in the state for the medium to near  
6 term.

7 In Texas, on the other side, there is a mandate requiring  
8 renewable energy of the next ten years. This was a result of strong  
9 activism in the state capitol to make this happen.

10 Most states have not yet restructured their electricity  
11 system. Also, a federal restructuring policy is emerging within a month  
12 or two.

13 Environmental justice groups have to make their voices  
14 heard in these political debates. Because communities of color suffer  
15 the impacts of coal and uranium mining, fuel transport and refining,  
16 and power plant operations, have as big a stake as anybody in  
17 determining how a state and a nation should set up its electricity  
18 regulatory policies and market rules.

19 If EJ groups do not participate, a major voice in the debate  
20 will continue to be overlooked on issues affecting the environment, low  
21 income energy provision, and job creation. I urge the members, the  
22 audience, and all EJ groups, to engage in whatever capacity possible

1 in the electricity sector reform, which will have as big an impact as the  
2 Clean Air Act, and executive order and/or court litigation on what kind  
3 of fuel -- coal, nuclear, natural gas, or renewable -- will thrive in the  
4 U.S. for years to come.

5 Of course, this is not a plea for EJ groups to merely fall  
6 under existing efforts of other environmental and clean energy groups.  
7 This is a plea for EJ groups to form their own voice in the issue and to  
8 make that voice heard.

9 I can provide some information on information sources, on  
10 restructuring, as well as what groups are currently working on this  
11 issue. And you can contact me for more information on that issue.

12 MR. TURRENTINE: Thank you very much. Yes, Brad.

13 MR. HAMILTON: Could you repeat your phone number.

14 MS. SINGH: It is 202-293-1197. We're located in  
15 Washington. And if anybody would like to visit, please do.

16 MR. TURRENTINE: Michael.

17 MR. GELOBTER: Yes. I have two questions. One is, just  
18 briefly, is the environmental impact of the choices that the citizens are  
19 going to be making limited to the immediate energy generation facility?  
20 And, second of all, how can renewables be promoted in -- renewables  
21 and low income subsidies be promoted in a utility deregulation  
22 scheme?

1 MR. SINGH: To answer the first question, in California there  
2 are products you can purchase for an additional cost. If you buy from  
3 those programs, they promise to build wind turbines as a result of  
4 purchases here and now.

5 The second issue, in California they've established  
6 essentially a fund to support renewable energy, energy efficiency and  
7 low income energy programs. It's essentially a small fee charged on  
8 each kilowatt hour of electricity that's delivered in California, simply  
9 speaking. So there is a fund for those three different items.

10 This points to the need for renewable, efficiency and low  
11 income energy groups to work together to enlarge the pie that all of  
12 them need to thrive in a restructured system which does not  
13 automatically support those public needs.

14 MR. GELOBTER: You didn't quite get my first question,  
15 which was sort of -- I mean, you have -- let's say, as we saw this  
16 afternoon, you have a coal-fired power plant --

17 MS. SINGH: Right.

18 MR. GELOBTER: -- that you're buying your electricity from.  
19 Is it just that plant's impacts that are worse than a solar panel in your  
20 roof, or is there even more to it than that?

21 MR. SINGH: Well, you mean the actual burning of the coal?

22 MR. GELOBTER: Right.

1 MR. SINGH: No, there's more impacts to that. When you  
2 look at the entire fuel cycle, you're talking about the mining of coal, the  
3 transport of coal, and finally, the combustion of coal.

4 When you put that all together and compare that to the total  
5 fuel cycle of a wind turban, which is essentially manufacturing the wind  
6 turban and installing it, the impacts of the coal plant and the coal  
7 system is a heck of a lot higher, and it does impact, actually, a variety  
8 of communities of color in the process.

9 MR. TURRENTINE: Thank you very much.

10 Judge Thomas from the Commission for Racial Justice. Is  
11 Judge Thomas in the room?

12 (No response.)

13 MR. TURRENTINE: Gloria Roberts.

14 PRESENTATION BY MS. GLORIA ROBERTS

15 ST. JAMES CITIZENS FOR JOBS AND THE ENVIRONMENT

16 MS. ROBERTS: Thank you for allowing me to address you  
17 today. Ms. West sends her greetings to all of you, and you know I'm  
18 not Ms. West.

19 (Laughter.)

20 MS. ROBERTS: Okay? Since we met with your NEJAC  
21 Council in December, which was almost a year ago, my presentation  
22 is entitled "We Still Have.

1 Old business. We still have the land that was settled by  
2 slaves after the plantation system broke down. It was handed down  
3 to the present heirs. That's why we live near the plants.

4 We still have cheap land, the Mississippi River railroads,  
5 highways, tax giveaways, and plenty new plants to hire people from  
6 other parishes.

7 We still have 17 polluting chemical plants and three oil  
8 refineries. We still have eight hazardous industrial facilities within a  
9 population of 2,711 who are 83 percent African-American, 61.7 percent  
10 unemployed, and 42 percent below the poverty level.

11 With eight facilities in a four-mile radius, we still have 61.7  
12 of our people unemployed. We still have racist hiring policies with a  
13 ten-to-one ratio of hiring more whites than African-Americans.

14 We still have over 100 petrochemical plants and oil refineries  
15 located in an 85-mile corridor between Baton Rouge and New Orleans.

16 We still have 185 million pounds of toxic substances that are  
17 emitted into the environment each year, 132 million pounds are being  
18 emitted in the corridor known as Cancer Alley.

19 LDEQ does not like those words. They want it to be called  
20 something else. It is called Cancer Alley because the air, land, and  
21 river are full of carcinogens, mutagens and embryotoxins.

22 We still have the 83.7 percent African-American population,

1 where each person gets 2,277 pounds of toxic pollutions per year. We  
2 still rank third in the state for toxic pollutions.

3 We still have people dying of cancer. I have patches for a  
4 quilt for the gathering of the Black community advocates, with the  
5 names of 85 cancer deaths given to me by family members from the  
6 east bank of the river, where I live. I will work on getting more when  
7 I return home because the tumor registry does not see that the plants  
8 are causing the cancer.

9 We still have children with respiratory illnesses, nose  
10 bleeding, headaches, asthma. And some children need a breathing  
11 apparatus to get through the school day. We still have many children  
12 with attention deficient disease.

13 We still have Governor Foster, who was just reelected and  
14 is doing everything to bring in every polluting plant he can muster  
15 under the guise of economic development.

16 Because we have the land, the river, the railroads, and the  
17 highways, no non-polluting industry wants to locate in our area with the  
18 poisons we have.

19 We still have Air American Iron, another minimal polluting  
20 plant dumping a hundred tons of pellets meant for steel mills into the  
21 Mississippi River to clear the conveyor belt after a ship has been  
22 loaded.

1 Motiva is asking for a permit to expand; they will get tax  
2 exempt to expand.

3 We still have plant mergers that entitles a plant to another  
4 tax exemption for ten more years. At this rate, they will never pay any  
5 taxes.

6 We still have trains rolling through our community 25 feet  
7 from homes of our people throughout the parish. Sometimes there's  
8 as many as 90 chemical tank cars with all the poisons you can  
9 imagine. On Sunday morning a train hit a truck at a crossing about  
10 five miles from my home. If there had been a derailment, I would not  
11 be sitting here tonight.

12 We still LDEQ issuing permits without taking into  
13 consideration the environmental laws on the books in Louisiana.  
14 There is no enforcement. We still have TRI facilities engage in self-  
15 reporting. We still have one monitor to cover 246-1/10 square miles  
16 in St. James Parish.

17 New business? A plant called CS Metals is being permitted.  
18 It's already built and they're hiring men to work there. They will be  
19 retrieving spent catalysts from the oil industries everywhere. DEQ  
20 gave them a permit without a public hearing. Just said there would be  
21 minimal pollution.

22 Governor Foster influenced Louisiana Supreme Court to limit

1 the participation of Tulane Environmental Law Clinic students in trial  
2 work. On April 15th, 1999 the Supreme Court amended Rule 20. The  
3 original rule said no group could have legal representation that had an  
4 affiliation with national groups, and our group had to be 75 percent  
5 indigent.

6 The amended rules said we could be 50 percent indigent.  
7 No group has 50 percent of its members that would want to open their  
8 financial records to anyone.

9 It really deprives us of our civil rights and due process. We  
10 appealed the ruling, but the Supreme Court judge denied the appeal.

11 Our human rights are such that we live in constant fear of  
12 not being here from minute to minute. Only God helps us to keep our  
13 sanity. St. James Parish is a disaster waiting to happen.

14 God used us to get rid of Shintech, and as my friend, Ms.  
15 West, says, God has a plan for what is happening now. Five minutes  
16 is not enough time for me to tell you what is going on in Convent. This  
17 was only the tip of the iceberg.

18 St. James Citizens for Jobs and the Environment are asking  
19 for your help in the following three ways. In your recommendations,  
20 please focus on enforcement action and reduction of fugitive  
21 emissions which are higher than the ones that come out of stacks in  
22 all the river parishes -- not just Convent; all of the river parishes.

1 More work is needed in protecting communities from the  
2 combined low level of exposure over the years. It's about people, not  
3 money. We need those guidelines for environmental justice. It would  
4 help Convent, the river parishes, and all the other communities that  
5 have the same kinds of problems we all have.

6 Thank you.

7 MR. TURRENTINE: Thank you very much, Ms. Roberts.  
8 (Applause.)

9 MR. COLE: Mr. Chair, I have question.

10 MR. TURRENTINE: Yes, Luke.

11 MR. COLE: My question is, would Mrs. Roberts remember  
12 our Council to Mrs. West and to Mr. Richard Burton?

13 MS. ROBERTS: I sure will.

14 MR. COLE: Thank you.

15 MS. ROBERTS: Thank you.

16 MR. TURRENTINE: And also, you notice that we have met  
17 with the -- the Waste and Facility Siting Subcommittee is going to be  
18 working with Region VI and others. So, stay tuned.

19 MS. ROBERTS: Thank you.

20 MR. TURRENTINE: Is Veronica Eady is here?  
21  
22

1 PRESENTATION BY MS. VERONICA EADY  
2 STATE OF MASSACHUSETTS  
3 REPRESENTING THE COMMUNITY OF ROXBURY

4 MS. EADY: My name is Veronica Eady and I'm a resident  
5 of the community of Roxbury in Massachusetts. I also happen to be the  
6 Director of Environmental Justice and Brownfields for the State of  
7 Massachusetts in the Executive Office of Environmental Affairs.

8 I have sort of a schizophrenic presentation. I have two hats  
9 that I'm wearing. First of all, as a resident of Roxbury, for those of you  
10 who aren't familiar with the community, we are predominantly a  
11 community of color, mostly African-American, but as, you know, the  
12 look of society changes, we're becoming much more diverse. We  
13 have Latinos and Afro-Caribbeans joining us in Roxbury.

14 We're also a community that has all of the bells and whistles  
15 of a communities that's been impacted by environmental racism.

16 It's come to my attention in my role at the state that one of  
17 the problems that we have in Roxbury has to do with our housing  
18 stock. Roxbury is a beautiful community that has some of the most  
19 historically significant architecture in Boston. We also have a lot of  
20 public housing.

21 As in other cities across the country, as our public housing  
22 stock becomes refurbished, it's come to my attention from some

1 technical people involved with rebuilding the public housing, that there  
2 is a background level persistent through Roxbury of asbestos in the  
3 soil, lead in the soil, PAHs in the soil.

4 These pollutants come from demolitions and renovations  
5 that have gone on years before when we didn't have asbestos  
6 handling practices and we were still using lead, and things like that.

7 What's happening is two things. We have some people who  
8 have come forward -- some developers and technical people have  
9 come forward and reported to us that they've found these background  
10 levels in the soil. But for all of those who report to us, I'm sure that  
11 there are others who aren't reporting at all, and those contaminants  
12 remain in the soil.

13 We're grappling with this in Massachusetts. I've even had  
14 one engineer who came to me and said, you know, we're cleaning it  
15 up, but I want you to know that in our community, you know, the  
16 license site professionals, which we call them in Massachusetts -- in  
17 the LSP community -- we don't think it's fair that we have to clean this  
18 up and we think that we're just being made to do it because we are in  
19 Roxbury or we are in Lawrence, or you know, any community of color.

20 I think that is an issue that not just Boston, but other  
21 communities across the country are probably dealing with. I would like  
22 to see the NEJAC speak on this issue and come forward and help not

1 only Boston but other communities that are dealing with it, to come up  
2 with some policy and something that is not ad hoc, which is what we're  
3 dealing with right now.

4 The other issue that I wanted to talk about is in response to  
5 a woman from the State of Delaware who did a presentation  
6 yesterday. I don't know if she's still here. Her presentation really rang  
7 with me because she said that she wanted the EPA to come forward  
8 with baseline minimum standards for disparate impacts and things of  
9 that sort.

10 I want to say that I think that the states have a significant  
11 role in carrying the environmental justice policy to the state level. You  
12 know, as I get involved in this -- and I was hired to create an  
13 environmental justice policy for the State of Massachusetts -- I'm  
14 talking to other people in other states around the country, and many  
15 of us are creating projects that mimic what the EPA has done. We're  
16 creating our own little NEJAC-looking bodies and we're having public  
17 hearings and we're writing policy that's similar. And we're grappling.

18 You know, as I travel around the country and talk to people,  
19 I meet with people and, you know, I've bonded with the woman in  
20 California and she and I are working together. And that's wonderful.

21 But what I would like to see is some sort of leadership, again  
22 with the NEJAC, in mentoring states as we go forward. Even if it's just

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1 putting us together to talk to each other. Because I think there are a  
2 lot of us out there who maybe don't have state grants, who are just  
3 getting running and we're trying to find each other and trying to find out  
4 what the mistakes were.

5 You know, some states are doing it really well and I imagine  
6 that for all the states that are doing their environmental justice  
7 programs well, there are just as many states who are doing them  
8 poorly or who aren't doing them at all.

9 So my other suggestion, or request that I would have for the  
10 NEJAC, is to help us. We need some sort of a central receptacle area  
11 where we can call and we can say we need this information, we've run  
12 into this problem.

13 ECOS has served that role somewhat, but ECOS is not an  
14 environmental justice body. I would like to see some role for the  
15 NEJAC and some role for the EPA.

16 My final request is that I would love to see the NEJAC have  
17 some sort of meeting or something, concurrent session, with ECOS.  
18 In my office I'm the only one who really knows about environmental  
19 justice. There are other people who can talk about it. Our secretary  
20 for environmental affairs is certainly sensitive to it.

21 This has been my first NEJAC meeting and, you know, I've  
22 been working in environmental justice for five or six years. This was

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1 incredibly powerful and useful to me, and it's hard for me to take that  
2 back to my office.

3 I would love to have my secretary, my commissioner of the  
4 Department of Environmental Protection, be able to share in some of  
5 these. And I don't think that my requesting them to come is going to  
6 do it. But if there were some sort of a joint thing with ECOS or  
7 something like that, or you know, the national governors, or something  
8 like that, I think that that would be really helpful in giving states  
9 leadership to develop policy.

10 MR. TURRENTINE: Thank you very much. Yes?

11 MS. HILL-KELLY: I was wondering if at the ECOS meeting  
12 there is a contingent of state EJ folks, like yourself, that meet at those  
13 meetings?

14 MS. EADY: I've been at the state for three months now and  
15 I have not been to an ECOS meeting. I suspect that I will not be  
16 invited to an ECOS meeting because they -- you know, they're very  
17 high level commissioners and secretaries.

18 From what I understand, they do have or have had  
19 environmental justice breakout sessions. But even the people in my  
20 office have said to me that, you know, they have heard people do  
21 presentations who don't really know that much about environmental  
22 justice and have not done good presentations.

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1 Certainly I don't want to take away from the people who  
2 really do know a lot about environmental justice. I mean, the  
3 commissioner here from New Jersey was very impressive yesterday.  
4 The commissioner in New Hampshire is very dedicated to  
5 environmental justice. But out of 50 states, they are very few and far  
6 between.

7 MR. TURRENTINE: Jane.

8 MS. STAHL: For you, Haywood, I'm going to try to couch  
9 this as a question. To do that, I will put it this way. Have you heard --  
10 (Laughter.)

11 MS. STAHL: -- that there are in fact working groups in  
12 ECOS that are very interested in environmental justice and who have  
13 banded together because there are 50 states with very different  
14 notions of what environmental justice should mean?

15 And have you heard that they in fact have established  
16 separate ways of meeting so that it's not the two meetings a year that  
17 the commissioners and no designees are allowed to attend?

18 And would you like a few phone numbers so that you can in  
19 fact network with other states who are very interested in pursuing  
20 environmental justice for their communities?

21 MS. EADY: I would love that information, and thank you for  
22 framing it as a question.

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1 However, I still think that there is an important role for the  
2 NEJAC. I think that, you know, ECOS is doing a lot. I've spoken with  
3 Carol Leftwich (phonetic). She's been very helpful to me. But there  
4 are other people like me that I have come across who have not  
5 received this information or been involved but who know about the  
6 NEJAC and have a lot of respect for the NEJAC.

7 And I guess that I'm just tired of going around my office and  
8 having to explain to people what the NEJAC is. I think it would be  
9 really great if -- and I don't know if it's incumbent upon the NEJAC or  
10 maybe these work groups within ECOS, but I think that it would be  
11 great if there were a coming together of the two bodies for a meeting.

12 MR. TURRENTINE: Veronica, I'm going to ask Charles Lee,  
13 who is the DFO for the NEJAC, to comment.

14 MR. LEE: Well, it will be a long comment so I want --

15 MR. TURRENTINE: It can't be long.

16 MR. LEE: I want to say that the questions you're asking are  
17 really very important. I think we should have a long conversation  
18 about this on the side because on every single question that you  
19 raised there are activities going on.

20 So, rather than operating in a vacuum, you should have a  
21 conversation with us at the Office of Environmental Justice about this.

22 MS. EADY: Okay. I'd like to call you about something else

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1 anyway.

2 MR. LEE: Great.

3 MR. TURRENTINE: Hold on one minute. There is --  
4 Marinelle.

5 MS. PAYTON: I just wanted to say in part what Charles just  
6 said, about her getting in touch with the Office of Environmental  
7 Justice. And also I wanted to suggest that NEJAC, the Office of  
8 Environmental Justice, keep her and her group informed of various  
9 activities and invite them to meetings in the future.

10 I, for one, being there in Boston, I can get together with you,  
11 Veronica, and we can talk.

12 MS. EADY: Great.

13 MS. PAYTON: I can go to her office and we can set up a  
14 nice collaborative effort on various issues. Thank you.

15 MS. EADY: Thank you.

16 MR. TURRENTINE: Thank you, Marinelle, and thank you,  
17 Veronica.

18 We now have Dagmar Darjean and I understand there's  
19 probably Edgar Mouton that will probably join you there.

20 PRESENTATION BY MS. DAGMAR DARJEAN  
21 MOSSVILLE ENVIRONMENTAL ACTION NOW (M.E.A.N.) INC.

22 MS. DARJEAN: Good evening.

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1 MR. TURRENTINE: Good evening.

2 MS. DARJEAN: Mossville again, for the last time.

3 MR. TURRENTINE: Is that a promise?

4 PARTICIPANT: No.

5 MR. TURRENTINE: Mossville for the last time, that's what  
6 I meant.

7 MS. DARJEAN: For this session.

8 (Laughter.) (Applause.)

9 MS. DARJEAN: And I really wish that the next NEJAC I  
10 would personally gather my money together to come here to give you  
11 the good news that you will never have to see us again, everything is  
12 just fine. I would really do that if that could happen.

13 (Applause.)

14 MR. TURRENTINE: We want to see you; we just hope we  
15 can do something about the problems that bring you here.

16 MS. DARJEAN: I know. We want to give a brief history of  
17 our community struggle for environmental justice, expose the  
18 procrastination, inaction, and disrespect of those that were appointed  
19 to assist us.

20 In August of 1998 Dr. Legator published his Mossville Health  
21 Symptoms Survey which prompted ATSDR to come to Mossville and  
22 take blood samples of 28 residents. In April of this year, ATSDR,

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1 EPA, LDEQ and LDHH held a meeting in my community to inform us  
2 that the blood tests revealed that the dioxin levels were significant and  
3 warranted further study.

4 Governor Foster immediately announced "I am committing  
5 the resources of the state to find answers. Within 90 days I want  
6 answers to those questions and a plan of action put in place to remedy  
7 the situation."

8 The Governor formed a multi-agency task force to address  
9 the health concerns of those who live in Mossville. We would like to  
10 have a report from the agencies to Governor Foster. We have never  
11 seen that report.

12 In May of this year we received an invitation from the  
13 agencies to discuss the formation of a Mossville Health Response  
14 Work Group. As it turned out, the government people came with five  
15 prefabricated work groups already in place. There was a meeting that  
16 was held on June 17th, 1999.

17 On page 6 of the Model Plan for Public Participation it is  
18 written that stakeholders such as environmental groups and grassroots  
19 community based groups as environmental justice stakeholders must  
20 be identified and opportunities to offer input into decisions must be  
21 given to them.

22 From the outset I perceived a strong attempt by EPA to

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1 discredit and alienate Greenpeace, one of our strongest supporters.  
2 Mr. Tai Ming-Chang of EPA stated that he felt that the people of  
3 Mossville were puppets of greenpeace and that some of the language  
4 in a grant proposal that we have written was like the language that  
5 Damu Smith of Greenpeace had used.

6 This is unprofessional and disrespectful behavior. It was  
7 brought before Mr. Jerry Clifford's attention in a letter written on July  
8 12th, 1999. We never received an answer, let alone an apology.

9 By the way, everything I'm talking about, I wrote it. Okay?

10 During a conference call on October 18th that Vernice was  
11 on -- Vernice was on the conference call -- between government  
12 employees, Mossville Environmental Action Now Incorporated, and our  
13 supporters and advisors, Ms. Dionne Dugas of LDHH said that she  
14 doubts that Mossville Environmental Now Incorporated represents the  
15 Mossville community.

16 I suspect that this is not a genuine doubt, but that it is  
17 another attempt to insult our community and its representatives  
18 because, certainly, government agencies would not waste time and  
19 taxpayer's money to discuss environmental issues and other matters  
20 for two hours with us if they did not accept the group as  
21 representatives of the community.

22 Ms. Dugas is employed by LDHH, as I said, and her boss is

1 Mr. Hood. Of him I will tell you something later.

2 Among the five work groups that were presented to the  
3 people was the most useless media work group. We did not  
4 understand why such a group was necessary to stop emissions and  
5 provide health care to the community.

6 Following this most unproductive meeting, and realizing that  
7 none of the agencies had any intention of efficiently and effectively  
8 helping this community in desperate need, M.E.A.N. Incorporated once  
9 again sent a letter to the government agencies. In it we requested that  
10 the raw data of the dioxin blood tests of the 28 people that was sent  
11 to us -- and we suggested workgroups specifically tailored to solve the  
12 Mossville health crisis.

13 After repeatedly requesting an answer to our letter, the  
14 agencies finally agreed to have a conference call to discuss the  
15 demands.

16 I think that is too much. I don't want to waste all this time.

17 I have included in the packet that you got a letter for -- a  
18 report from Dr. Peter Orris which explains what is going on and really  
19 points the finger at industry. It really does. And he is an independent  
20 scientist that was hired by ATSDR to come to Mossville and do the  
21 study.

22 Ms. Pat Costner who is a scientist with Greenpeace

1 International, her report is also included in the packet.

2 That's basically it. We had a November 10th meeting  
3 cancelled by EPA because of some things that we did wrong. I feel  
4 that they just didn't want to meet with us because they really don't  
5 want to make any progress.

6 MR. TURRENTINE: Thank you very much.

7 MS. DARJEAN: Thank you.

8 MR. TURRENTINE: Are there any questions from the  
9 Council? Yes, Vernice?

10 MS. MILLER-TRAVIS: Dagmar, could you say a little bit  
11 about the conversation we had this afternoon --

12 MR. TURRENTINE: Into the mike.

13 MS. MILLER-TRAVIS: Dagmar, could you say a little bit  
14 about the conversation that you all were able to have with our  
15 subcommittee this afternoon, a report back to the Council on where we  
16 plan to take that and whether or not you think that's sufficient in terms  
17 of a response from the Council itself.

18 MS. DARJEAN: In the subcommittee?

19 MS. MILLER-TRAVIS: Yes.

20 MS. DARJEAN: Right. Mr. Coleman invited the  
21 subcommittee to our quarterly meetings, EPA meetings. In Lake  
22 Charles it's called the Calcasieu Parish Initiative, and it's that

1 Calcasieu people get together, concerned citizens, EPA and other  
2 government agencies to discuss the problems and to get answers.

3 And Mr. Coleman invited the Waste and Facility Siting  
4 Subcommittee to this meeting and Vernice and another gentleman I  
5 believe agreed to come.

6 It would be very good for the subcommittee to show up. I  
7 don't know; I think it was in October -- it's in January, I believe.  
8 January or February. Because some things are just not being  
9 answered right to us. We get a lot of smooth talk but we don't really  
10 get any answers.

11 I have an example here of something that Mr. Arthur stated  
12 to Mr. Mouton and me in a telephone conversation we had with him.  
13 He said that he wants to see results in the Mossville issue and he  
14 wants an aggressive effort to clean up the groundwater in and around  
15 Mossville. And he wants a very aggressive effort towards reducing  
16 emissions and point source emissions.

17 He also said, I want a true buffer zone between the plants  
18 and the people that live right next to the plant. He also wants people  
19 to be able to bathe their children in clean water without worrying about  
20 it.

21 What I'm wondering is that by all of this isn't EPA saying that  
22 the source of the pollution is the plants? Why else would there be

1 need for such precautions, right?

2 Does it also mean that the focus of the search for toxic  
3 chemicals, dioxin and other pollutants of our environment is going to  
4 zero in on the plants? There is no further need to search for the culprit  
5 in the food chain, is there?

6 MR. TURRENTINE: One thing. I had a conversation with  
7 the region administrator today, Gregg Cooke, and just for your  
8 information, he has indicated to us that they're going to mobilize  
9 additional resources and they're going to focus on Calcasieu,  
10 Mossville, Lake Charles.

11 They believe they've got the governor's attention because  
12 of some reports that have come out. They're going to focus some  
13 resources on the Mossville area.

14 And, Vernice, I want to particularly let you know that since  
15 you're going to be working hand-in-hand. You're going to see some  
16 concentrated efforts in that particular area.

17 I just want to point that out, that I think the attention has  
18 been gotten, not only of the governor but also of the regional office,  
19 and they are now committing resources to coming into your specific  
20 area and trying to work that out and get some results.

21 MS. DARJEAN: Thank you, sir. Thank you, everybody.

22 MS. MILLER-TRAVIS: Haywood, maybe we should talk

1 about this later, but I just want to say that --

2 MR. TURRENTINE: Into the mike.

3 MS. MILLER-TRAVIS: I just want to say that I am  
4 concerned. I'm glad to be invited to this process. Dr. Neftali Garcia  
5 Martinez and I are going to participate in this process. But I hope that  
6 what is going to happen is that somehow we are going to leverage  
7 their ability to be heard and to be respected and to be treated as equal  
8 participants in the process and that our voices will not be lifted up  
9 higher than their voices, which is something that we're going to have  
10 to work on.

11 MR. TURRENTINE: Very good point. Good point. I agree.  
12 Thank you.

13 Damu Smith of Greenpeace.

14 PRESENTATION BY MR. DAMU IMARA SMITH  
15 GREENPEACE

16 MR. SMITH: Mr. Chairman, in 1996 Greenpeace, at the  
17 invitation of local environmental protection groups, began work in  
18 support of communities fighting to improve their health and  
19 environment in the Lake Charles, Louisiana area. They've done so  
20 because the groups in that area and other groups throughout the State  
21 of Louisiana feel that they are not getting assistance from the  
22 Department of Environmental Quality in the state.

1 We consider the Lake Charles industrial region and the  
2 entire State of Louisiana global toxic hot spots because of the high  
3 concentration of extraordinarily polluting industries, especially vinyl  
4 and petrochemical facilities located throughout the state.

5 These multinational industries not only pollute the host  
6 communities closest to them, but they contribute significantly to the  
7 pollution plaguing the entire planet. The industries in Louisiana  
8 produce raw materials that are exported to the rest of the world. They  
9 also generate persistent organic pollutants, such as vinyl or PVC  
10 production facilities -- such as dioxin which are generated vinyl and  
11 PVC production facilities. These are concentrated in Louisiana and  
12 Texas. And these companies are global polluters because the  
13 substances they generate end up in faraway parts of the world

14 In April of 1999 the Agency for Toxic Substances and  
15 Disease Registry in the Louisiana Office of Public Health announced  
16 the results of testing of blood samples drawn from 28 residents of the  
17 mostly African-American community of Mossville and West Lake,  
18 Louisiana.

19 The ATSDR results indicated there were elevated levels of  
20 dioxin among those tested, compared to other populations, pointing to  
21 a very serious health and environmental crisis within the Mossville  
22 community.

1 ATSDR's involvement came as a result of pressure from a  
2 number of groups in the area. The blood test results revealed very  
3 high levels of dioxin, and I have summarized this in the testimony.

4 Since the Mossville blood sample results were released,  
5 there have been a series of serious missteps in violations of  
6 environmental justice protocol by the federal and state agencies in  
7 response.

8 I just want to say, Mr. Chairman, that there have been a  
9 number of good things that have happened in EPA Region VI, and I  
10 outline these in my testimony, and I want to commend officials in EPA  
11 Region VI for the good things that they have done.

12 Now, having said that, let me drop the other shoe. There  
13 are serious problems with how the state and federal agency staff have  
14 functioned in Lake Charles. Staff at EPA, ATSDR and the Louisiana  
15 agencies have unnecessarily prolonged their response effort to the  
16 health crisis by initially ignoring and outright rejecting constructive  
17 proposals by Mossville residents to have their concerns addressed  
18 based on a community driven environmental justice model.

19 And so a lot of valuable time has been wasted. Valuable  
20 time has been wasted since April because of the agencies have tried  
21 to dictate to the community how they intend to respond.

22 I outline in the rest of my testimony some of the other things

1 that have occurred that the representative from M.E.A.N. has already  
2 mentioned.

3 But the key thing I want to say here to all of the NEJAC  
4 members is that the community of Mossville, and their leaders, have  
5 put forth very constructive proposals about what they want to see done  
6 in their community. And had the agencies sat down and listened to  
7 what the community was saying, we could have saved six months of  
8 wasting time.

9 We are now here in December. The test results were  
10 released in April. And the work groups are just about to be formalized.  
11 In fact, they have not been formalized yet.

12 We commend ATSDR for the constructive proposal that they  
13 have made to merge the work groups that the community has  
14 proposed with the other work groups ATSDR and EPA have proposed  
15 under the environmental justice umbrella so we can begin to move  
16 forward.

17 Now, hear my recommendations. The NEJAC strongly  
18 recommends that the new EJ team at EPA Region VI undergo a  
19 rigorous environmental justice and community relations training with  
20 participation by environmental justice experts and with representatives  
21 of people of color and poor communities in Louisiana and other states  
22 in the region.

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1 Second, we also recommend that NEJAC send a team of  
2 representatives to Louisiana and other states in the region to examine  
3 and evaluate the performance of the agencies environmental justice  
4 program, as well as the Permitting Office and the Office of  
5 Enforcement and Compliance. There are serious problems which  
6 remain in the region despite the good initiatives which we will continue  
7 to applaud and support if they meet the environmental justice needs  
8 of the various communities and promote global standards for  
9 environmental protection.

10 Thank you very much.

11 MR. TURRENTINE: Thank you very much. Marinelle.

12 MS. PAYTON: I have a question for Mr. Smith. You  
13 mentioned the 28 people that were tested. Could you just briefly  
14 elaborate on that, please. What was significant about the 28?

15 MR. SMITH: There were -- earlier in the history of this effort  
16 to expose dioxin contamination in Mossville, there was a composite  
17 blood sampling done from 100 residents in the Lake Charles area. In  
18 that composite blood sample there were indications of high levels of  
19 dioxin in the population.

20 The Louisiana Department of Health and Hospitals in our  
21 view, and in the view of the community, did not treat those results with  
22 any significance. ATSDR was asked to step in, and ATSDR selected

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1 residents from Mossville for further testing.

2 So, there were 28 people, and they did the people  
3 individually. They didn't pool the blood samples. They were done  
4 individually. And so out of that we have these results that show a high  
5 level of dioxin; in fact, high levels of the worst dioxin in some of the  
6 people who were tested.

7 MS. PAYTON: So it was a random sample of the 128  
8 people?

9 MR. SMITH: No. The 100 were done first by a local  
10 hospital. The 28 were done by ATSDR.

11 MS. PAYTON: Okay.

12 MR. TURRENTINE: No, I think her question is how were the  
13 28 people selected? What was the selection criteria --

14 MS. PAYTON: Right.

15 MR. TURRENTINE: -- that the ATSDR used? And if you  
16 don't know that, that's okay.

17 MR. SMITH: Yes, I'm going to say that I'm not sure.

18 MS. PAYTON: I'm just curious. You know, were they living  
19 around an area that was highly speculative of being exposed?

20 MR. SMITH: The 28 --

21 MR. TURRENTINE: Hold on a minute. Maybe Dagmar can  
22 respond to that since she was probably one of the people -- I mean, I

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1 think it's an important question, and if we've got an answer, we need  
2 to provide that answer.

3 MR. SMITH: Yes, if someone can give it.

4 MS. DARJEAN: The 28 people were selected randomly in  
5 a small area called Bellair, which is part of Mossville; it's just called  
6 Bellair. Right next to the fence line of Condea Vista and across the  
7 street from Conoco.

8 And the government agencies for the longest time told us  
9 that that small area was Mossville. That small area is not Mossville;  
10 that's Bellair. Mossville is a long stretched area. But the 28 people  
11 were mainly -- well, that was Mossville to them, and so they selected  
12 them from that area.

13 MR. TURRENTINE: Vernice.

14 MS. MILLER-TRAVIS: I just have a short question.  
15 Darjean, the people who -- the 28 folks that they did the most recent  
16 sample on, are they near the PPG incinerator or downwind of that  
17 incinerator?

18 MS. DARJEAN: Downwind. Yeah, we're all -- Mossville is  
19 that stretched out, so we're all downwind from PPG.

20 PARTICIPANT: And not far from PPG.

21 MS. DARJEAN: Right.

22 MS. MILLER-TRAVIS: Thank you.

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1 MR. TURRENTINE: Thank you very much. Juanita  
2 Stewart.

3 PRESENTATION BY MS. JUANITA STEWART

4 NORTH BATON ROUGE ENVIRONMENTAL ASSOCIATION

5 MS. STEWART: Good evening.

6 MR. TURRENTINE: Good evening.

7 MS. STEWART: I'm just sick and tired of being sick and  
8 tired of undesirable industries locating in African-American  
9 communities, promising jobs and no jobs are available for us,  
10 deteriorating our health. Our property has depreciated, and there's no  
11 justice for us. And I'm just tired of the way that the State of Louisiana  
12 treats us.

13 We have to demand a public hearing. We tell what we don't  
14 want in our community and still we are ignored. To me this is no more  
15 than modern day slavery, when I speak out and I am still being  
16 ignored.

17 My community is an old community Alsen -- Al-s-e-n. My  
18 church will celebrate 100 years on the year 2000. We were invaded  
19 by the chemical industry in the 1950s. Life in our community hasn't  
20 been the same. Over the years we have waged countless battles  
21 against chemical companies that emit dioxins and other dangerous  
22 pollutants in the air, in our water, and ultimately in our food.

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1 In 1964 Tim Alexander opened a pit for dumping toxic  
2 chemicals from nearby industries, which include Dow, Exxon  
3 Chemical, Allied Chemical, Shell. This facility or this property  
4 contaminated 80-some acres.

5 It also contaminated Devil Swamp which was the livelihood  
6 for some of us where we could fish, hunt and swim. They say now  
7 don't fish or swim in there. But still and all, they're going to write a  
8 report saying that if you eat any fish from there, they're going to tell  
9 you how to clean it, how to cut it. I think that was an insult to my  
10 community, to tell us something like this.

11 As you know, we fought Rollins. It was a struggle for us.  
12 Our work took us two and a half years before we had to go to court.  
13 Rollins is a hazardous waste facility. They were trying to get a tax  
14 break.

15 And this is another thing, the State of Louisiana gives these  
16 gigantic tax breaks, which are unfair.

17 It was like February of 1995 that we went, and it was  
18 December before the Judge Janice Clark gave her decision, and it was  
19 in favor of us.

20 Since then, Rollins has changed its name two or three times.  
21 At least they cannot operate their incinerator and so that was a victory.

22 But it was a struggle. I'm tired of fighting injustice done to

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1 African-American communities.

2 We also had to force the mayor to come to our community  
3 for a dump that we got in our community. When I came last year, we  
4 were fighting their permit. One year later they're in full operation.

5 Two or three weeks ago someone called me about 10  
6 o'clock at night saying there was a foul odor at the facility. We called  
7 the DEQ to come that night. And they didn't want to come after that.

8 I'm going to try to make it quick because Margie wanted to  
9 say something too.

10 My ending statement to this is-- oh, one other thing about  
11 that. They did go investigate and they're supposed to have a report  
12 when I get back of whatever they found. Because we called them  
13 numerous times.

14 The struggle for the community of Alsen continues. We are  
15 still fighting, but we're not still fighting that anymore. Each day we are  
16 reminded of the poison air, water, and food from countless chemical  
17 manufacturing facilities and other companies. Our lives continue to  
18 deteriorate.

19 When will justice prevail in the Alsen community and all the  
20 African-American communities? We will continue our fight.

21 PRESENTATION BY MS. MARGIE RICHARD

22 NORTH BATON ROUGE ENVIRONMENTAL ASSOCIATION

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1 MS. RICHARD: Good afternoon. My story is the same, I  
2 just didn't get a chance to tell you yesterday because we had Ms.  
3 Varna\* who came in.

4 But I would like to make a resolution to the committee here  
5 for the Old Diamond Plantation Citizens. That is for Washington,  
6 Cathey, Diamond and E Street. I'm asking that you would do whatever  
7 you can to have us properly relocated.

8 We live near the Shell Motiva plant, chemical plant. We  
9 were residents who were in the old historical town since the very  
10 beginning, before the '20s when the Raw Dutch Company came.

11 We have suffered tremendously from death, respiratory  
12 diseases. We have suffered tremendously from being racially  
13 discriminated against and treated less than human beings.

14 Norco is divided by racism. Norco also has been treated  
15 unfair because of where we are. We're not where we were when it  
16 comes down to talking to people who live in the predominantly white  
17 section, but most of you have been down and took a tour of the town,  
18 and all I want to ask you to do, if you can remember the town that's  
19 sandwiched between two plants, the chemical plant on the west side  
20 in which most of us live 17 feet away from the fence line.

21 Nothing has improved. It has been proven that we are  
22 inhaling over 20 known carcinogens that come from the plant weekly.

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1 The leakage alone -- the plant was just fined for equipment leakage --  
2 we get it all.

3 The noise, washing cars, the soot -- we get everything. We  
4 can even hear their voices call over the intercom system 24-7. If you  
5 go in your front yard or in your back yard for a picnic or just to enjoy  
6 your constitutional right, then you cannot do that.

7 We're asking that you would help simply because there has  
8 been a refusal to relocate us and properly use money to relocate us.  
9 We've been accused of everything besides the right thing.

10 Property in my area, before industry came in the early '50s,  
11 was valued at \$9,700 for land alone. This is the amount that they want  
12 to give us today without relocation fee, and that is not including for  
13 your home.

14 So, please, we're asking, we're begging, we need help.  
15 We've been to local officials, state officials, national officials, and  
16 internationally. We're asking that you would consider and let this be  
17 the ending of the pollution for the residents living in that area and may  
18 the year 2000, the next millennium, bring us some type of peace so  
19 that we can live just like everybody else wants to live.

20 We need your help. Thank you.

21 MR. TURRENTINE: Thank you very much.

22 (Applause.)

1 MR. TURRENTINE: Hold on, we've got some questions for  
2 you. Ms. Ramos.

3 MS. RAMOS: The last time we visited your community we  
4 learned from experience and from your comments that you had --

5 MR. TURRENTINE: Let me remind all of the Council that  
6 we're not making editorials; we're asking questions. So, if you've got  
7 a question for her, let's do that.

8 MS. RAMOS: Well, let me formulate the question.

9 We learned that you were asking for an alternative route of  
10 escape in case of emergency. Was the route constructed?

11 MS. RICHARD: We asked for it. We've come to the table  
12 negotiating for it. But let me say this, with all due respect, Ms. Rosa,  
13 it's been paperwork. It's very difficult. We have the track before us,  
14 we have the Mississippi River in front of us, we have the Bonnet Carré  
15 Spillway east of us. This is to get to the nearest fallout shelter in case  
16 of a worst case scenario or if we have to evacuate.

17 Norco has been known for having the best evacuation  
18 equipment there is in the world. It is. But it does not meet the needs  
19 of the people in the Old Diamond Plantation. They are discussing it.  
20 They have not come up with an alternative route. Only one road leads  
21 to the main road that will put us on the highway to get to the nearest  
22 shelter.

1 MS. RAMOS: Also, I remember that there was an explosion  
2 while we were visiting you. What happened with that incident? Did  
3 the company receive a notice of violation from the agencies? What  
4 happened with that?

5 MS. RICHARD: I don't know they received a violation, but  
6 it caused so much chaos in our hometown. It took us about three  
7 months to get a meeting to come face to face.

8 They were charged for the second incident that happened  
9 that day. You may not know it, but there was a train that derailed on  
10 the track that evening that put out chloride, which went into the  
11 community. That they were fined for. But for the other, I don't think  
12 so.

13 That was the overheating of resin tanks that took place early  
14 that morning that caused an evacuation of one of the high schools  
15 behind the track that is a predominantly white area. They bussed the  
16 students out from there.

17 But on this side of the track where we live, which is  
18 predominantly black, it was in-house shelter and the people were not  
19 let out. It was kind of like chaos. And because of that, let me remind  
20 you, that this is the door that opened for us to communicate to come  
21 up with some solution to this. Before that, there was no  
22 communication.

1 So our town was adopted as a pilot program by industry to  
2 come up with better means of communication. That's the furthest  
3 we've gotten.

4 But if something would happen, or happen while I'm away  
5 now, it's still the same in reality. Or if I go back and something  
6 happens. And let me remind you, something did happen before I  
7 came up here. And that is the shaking and rumbling from a cat  
8 cracker that we were just told it wasn't -- that they were trying to turn  
9 it on, but in '88, remember, we were almost shaken off the face of the  
10 universe, and it was hush-hush.

11 MR. TURRENTINE: Rosa.

12 MS. RAMOS: The last thing. Region II promised us that  
13 they were going to perform a multimedia inspection in Norco. Did you  
14 receive any information about the multimedia, the results? Did they  
15 show you the inspection reports or any actions taken by EPA?

16 MS. RICHARD: We're a little late on some of our meetings  
17 to how us, but the inspection did go on. We've been told about it, but  
18 we have not seen them. We have a meeting scheduled when I go  
19 back.

20 MR. TURRENTINE: Rose Marie.

21 MS. AUGUSTINE: I have two questions. Would training for  
22 the community on emergency response -- that is, to train the

community for when an accident happens so that you know how to protect yourselves -- would that help your community?

MS. RICHARD: We have had more training on how to protect ourselves and what to do. I don't know what it would take for me to -- if you could use your imagination, the people are aware of what to do, and that is, right now we must think quick and use the wisdom that's given to us by God to get out.

We have had training from Tulane. We've had training from Xavier University. We've had training from other environmental groups who have been helping us.

But the problem is there needs to be some actions because, see, geographically we only have two roads leading to the area that we need, and the Bonnet Carré Spillway, which when it is filled with water -- water is all the way there to keep New Orleans from flooding -- we do not have any means of escape even with training because the buses that will come in to pick people up for that, it is still kind of chaotic. It doesn't meet the needs of the handicapped or those people who can't get out if non one is home. A lot of elderly people and children, and even in the low economic areas where you have people without cars.

It's really a problem. And training is part of the answer, but not all. That's where we are today. If this was maybe 1970, I would

say training. But this is 1999, we've had all the training we can have.

MR. TURRENTINE: I think it's fair to say that I think your recommendation on relocation is something that we would like to take a further look at and on the Council do what we have to do to get further information and try and put the wheels in motion. We've got to move on that

We are at the point where we have to do the information gathering that we need to do. So we're going to get in touch with you expeditiously.

Thank you very much, if there are no other questions from the Council.

Is Delbert Dubois in the room? Delbert.

PRESENTATION BY MR. DELBERT DUBOIS

PRIVATE CITIZEN FROM CHARLESTON, SOUTH CAROLINA

MR. DUBOIS: Good evening.

MR. TURRENTINE: Good evening.

MR. DUBOIS: First I'll make a statement. Then I'll just read off a letter that I have.

Before I do that, I guess I would ask my mother and my sister to stand, please. I just want people to know that I'm not always by myself when I do things for my community. Thank you.

First of all, I would like to say that synergistic effects and

cumulative effects are a real thing. Where I live in Charleston, we've been pretty much adversely affected by multiple facilities. What I would like to say is that I would like to request that the NEJAC look into the outcomes and the progress of all EPA and DHAC programs and pilot programs in the Charleston, South Carolina area.

I'm here to actually ask for your help to understand what is going on in my community. We don't seem to be able to get answers. We participate in a lot of forums, a lot of discussions, and we don't get any answers.

Right now I would like to ask how to formally approach the issues of synergism, civil rights, and chemical/biological warfare which is being waged upon my community.

I have been working on environmental issues now for six years as a private citizen. I have lived in my community for 37 years and I'm actually now feeling the effects myself. I've experienced the elderly pretty much dying of the various diseases of cancer and respiratory illness and heart problems, young children being born either stillborn or not being born at all. The high infant mortality rate that we pretty much have been living with for several years now seem to be an indicator that there is something wrong with where I live.

Four years ago I utilized the platform of public participation to question how could a community bear the burdens of so many

polluting facilities and still have more added when state and federal environmental official have documentation or proof that the environmental in my community poses an adverse health threat

I have but one recourse, and that is only to walk away from the home that I was brought in -- well, that I was born in 37 years ago and lock it up and ask my family that no one ever live there simply because of the danger that poses my family. We can't open our doors; dust, chemicals and smells bombard our lives 24 hours a day, 7 days a week.

We have no recourse to where we should go because of many polluting facilities. We have the state telling us that it's the Federal Government, the Federal Government stating it's local issues because of zoning and all of it.

So what I'm asking from this Council is that you formally look at myself as a refugee, the first refugee in the United States because of the chemical and biological warfare that is being waged on black folk, poor folk, people that are living outside of these facilities that hide behind your rules, your regulations, and your laws.

And I rest my case.

MR. LEE: Thank you, Delbert. Marinelle, did you have a question?

MS. PAYTON: Actually, that's Rosa Hilda's card. But I did

1 have comments, but not right now. I'll save it for the end of the  
2 session, if that's okay.

3 MR. LEE: Luke?

4 MR. COLE: I had a question for the full NEJAC, which is I  
5 don't know if you realize that Delbert is on the Enforcement  
6 Subcommittee and we talked briefly about this issue in our  
7 subcommittee and will be addressing it in the future. But we invite  
8 other subcommittees to take a close look at the issues that he's raised  
9 here.

10 MR. LEE: Thank you. Any other questions? Rosa Hilda,  
11 was your card up from before? Okay.

12 Okay, Delbert, thank you very much.

13 MR. DUBOIS: I still have one question then.

14 MR. LEE: Okay.

15 MR. DUBOIS: How would I know what is the procedure that  
16 I will know that my issues are being addressed?

17 PARTICIPANT: Good question.

18 MR. LEE: I think the best thing to do is to ask Luke, since  
19 he is -- and you are a member of his subcommittee -- that you follow-  
20 up on this.

21 PARTICIPANT: Now the shoe is on the other foot. That's  
22 right.

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1 MR. LEE: And, Delbert, you are a member of a NEJAC  
2 subcommittee and, therefore, it is also incumbent upon you to make  
3 sure your issues are addressed.

4 MR. DUBOIS: Okay. Then I want you all to know this. You  
5 all will be seeing me constantly. Thank you.

6 (Laughter.) (Applause.)

7 MR. LEE: Okay. Thank you. Next we have Michelle  
8 Xenos. Is she here?

9 PRESENTATION BY MS. MICHELLE XENOS

10 SHUNDAHAI NETWORK

11 REPRESENTING THE PEOPLE OF COLOR DISENFRANCHISED  
12 COMMUNITIES ENVIRONMENTAL HEALTH NETWORK

13 MS. XENOS: Good evening. My name is Michelle Xenos.

14 MR. LEE: Xenos, sorry.

15 MS. XENOS: I'm from Las Vegas, Nevada. I'm here with  
16 the People of Color Disenfranchised Communities Environmental  
17 Health Network.

18 I would like to first of all thank each and every one of you  
19 sitting around me now for taking time out of your lives to participate in  
20 this process.

21 I thank my aunts and uncles, grandmothers and  
22 grandfathers who invited me to come here. This is my first time

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1 coming to a NEJAC conference. It was my first time visiting the  
2 Department of Energy building here in D.C. and meeting with people  
3 from Mr. Richardson's office, and I have learned a lot of things in the  
4 last few days.

5 I live just south of the Nevada Nuclear Test Site. Also near  
6 the proposed Yucca Mountain project, which is to receive over 80,000  
7 metric tons of high level waste coming from all over the country.

8 I'm very blessed with good health. I thank the Creator for  
9 that. All the time I pray for protection for not only myself but for that  
10 beautiful desert out there that I see all the time.

11 I know that other people in my family and my community  
12 have not been so lucky and babies are born, you know, with tumors  
13 and babies are born with a lot of birth defects and cancers.

14 And it's a real struggle all the time for people to live with this  
15 weapons testing that's continuing to happen there, this sub-critical  
16 nuclear testing. And the thing about it is they say, well, it's sub-critical  
17 so it doesn't impact the environment. But the reality is they're still  
18 taking the plutonium and putting it into the ground.

19 And they're actually literally putting it into our water table --  
20 literally into our water table. It might create a chain reaction, but that  
21 plutonium is still highly deadly. It's deadly. It's lethal.

22 I know they spend billions of dollars to create technology to

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1 protect, you know, people who work in the industry, or whatever. They  
2 obviously are afraid of it for themselves. That's obvious to me, the  
3 way that they operate, the DOE and stuff.

4 I've learned a lot about radiation, being an activist, because  
5 of the situation there in my home. Well, the thing about it, the uranium  
6 or mercury, whatever it is, when it's mined, from the moment that it  
7 comes out of the ground -- from that moment that it's mined, it's  
8 causing environmental impact. From that moment.

9 There is no point in time after that that it doesn't cause  
10 environmental impact because it creates a waste stream everywhere  
11 it's brought. And then it's brought to be processed, and then it's  
12 brought to be created into power, you know.

13 We have the Yucca Mountain project out there, and that's  
14 one of the reasons why I wanted to speak, is because in the Congress,  
15 in the Nuclear Waste Policy Act, it was EPA that would set radiation  
16 limitations and stuff, like standards on it. Then, in the Nuclear Waste  
17 Policy Act, the language in the Senate right now, it's NRC that does it.  
18 They changed it.

19 So you guys, EPA, wouldn't even be setting the standards,  
20 and NRC allows for three or four times higher amounts of exposure  
21 than the EPA would.

22 So that's one of the things I'm asking, is if that -- you know,

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1 we're hoping that this stuff doesn't get hauled across the country  
2 because it's just creating more of a waste stream, and that mountain  
3 is very seismically active and there -- see, in the desert our water is  
4 below the ground, a lot of our water is below the ground because that's  
5 how it protects itself because it's a really arid environment.

6 It's a really delicate ecosystem, and that ecosystem will tell  
7 stories that maybe more fertile or more hardy ecosystems won't  
8 because it's impacted more easily by these things. Like the  
9 gooseberries and all kinds of things. They're not around anymore, you  
10 know, because they've been doing this for -- we're going on three or  
11 four generations of exposure.

12 The thing is that this stuff lives for such a long time that we  
13 have no idea what the environmental impacts of the nuclear industry  
14 are. We have not one -- we cannot even fathom, the life of uranium  
15 could be -- you know, the half-life of plutonium is 250,000 years, and  
16 there isn't anybody that -- none of us can fathom that. Our earth walk  
17 is so short compared to that.

18 It affects us on a genetic level. It affects our reproductive  
19 systems first, and there's a real problem with infertility and stuff like  
20 that. You know, these things are happening. Maybe the impacted  
21 communities might be able to see these things now, but two  
22 generations from now, three generations from now, every single one

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1 of us and all the millions of defenseless life forms on earth will feel this  
2 impact.

3 That's the one thing, I just wanted to express these things  
4 to you because we face this every day, and the reality of the nuclear  
5 industry, which I know is not in EPA's hands, and yet you're the  
6 Environmental Protection Agency. But these are federal facilities.  
7 DOE and the DOD, they're self-regulating, it's a self-regulating  
8 industry. That's a serious problem. A serious problem, you know, for  
9 all of us; every single one of us.

10 So, anyway, that's all. I want to thank you all for your hard  
11 work, and please, if you have a chance to, or if it comes up when the  
12 Senate is looking at that Nuclear Waste Policy Act, if there is any way  
13 that you could put that on there -- you know, to try to do what you can  
14 to hold on to it. Don't let the NRC take that one too, you know. Try to  
15 stop that.

16 Thank you.

17 (Applause.)

18 MR. LEE: Were there any questions for Michelle? Rose  
19 Marie.

20 MS. AUGUSTINE: I have a question for you, Charles.

21 MR. TURRENTINE: Use the mike.

22 MS. AUGUSTINE: Since I'm new to all of this, but I know

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1 that we have different committees, but I don't see a federal facilities,  
2 military contractors committee. I've heard testimony of communities  
3 that have come here to testify about the problems that they're having  
4 with DOD, DOE, NRC, and I know for a fact, because our area was  
5 contaminated by a military contractor, so we're dealing with not only  
6 DOD, but EPA.

7 We are lucky that the EPA took over the site where we live;  
8 otherwise we'd be having a lot of problems. We still have a lot of  
9 problems, but it could be worse.

10 But we're talking about federal facilities, federal contractors  
11 -- we're talking about chemical warfare, the destruction of -- chemicals  
12 that are used in warfare, nuclear radiation, radioactive waste, atomic  
13 bomb testing, naval yard pollution. And chemicals we have never  
14 heard of, much less even try to pronounce. I know because I've  
15 toured some of these sites and talked to some of the people.

16 There is an environmental degradation by the military. What  
17 I've been hearing is contamination of the testing grounds by the new  
18 modern weapons that contain uranium.

19 It seems to me like maybe another committee should be  
20 formed to deal with DOD, DOE and NRC.

21 (Applause.)

22 MS. AUGUSTINE: Because these agencies answer to no

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1 one. They're accountable to no one.

2 MR. LEE: Let me -- the things you've mentioned, Rose  
3 Marie, are -- there are many issues of this nature that came up in this  
4 particular NEJAC meeting. I think what we need to do before -- to give  
5 a really thoughtful answer to your question is to give some real thought  
6 to it.

7 I will say that it is possible, and if the Council decides that  
8 it is something that it does -- I would recommend that you think about  
9 forming a work group to look at the set of issues that are related, as to  
10 where and how to best house that within the NEJAC structure, within  
11 the various committees.

12 I think that's something that we all need to think about  
13 because, I mean, there are some natural areas -- you know, there's  
14 been actually work done in the past related to the Federal Facilities  
15 Restoration Advisory -- dealing with federal facilities restoration. You  
16 know, there's all this activity going on in terms of the site-specific  
17 advisory boards.

18 As to whether or not those are the best places, you know,  
19 I think you all need to look at that.

20 MS. AUGUSTINE: Charles, they are not working, believe  
21 me.

22 MR. LEE: And that is to say --

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(Applause.)

MR. LEE: The reason I'm mentioning those is that we need to look at and understand what the history of that has been to have a clear idea of the set of recommendations that are going to have some kind of impact come forth.

MS. MILLER-TRAVIS: Charles, as a result of some of these issues that --

MR. TURRENTINE: Now, let's keep in mind that we, as a Council --

MS. MILLER-TRAVIS: A question.

MR. TURRENTINE: We as a Council can discuss as much as we want to, but right now we're still in the public comment period and I think we ought to hear the rest of the people. And then we'll stay as long as we need to. Because I think these are good issues and they need to be discussed. But let's just be mindful of where we are at what period in the agenda.

Is Pierre Holingsworth here from the Atlantic City NAACP? (No response.)

MR. TURRENTINE: Okay. Zack Lyde.

PRESENTATION BY REVEREND ZACK LYDE

SAVE THE PEOPLE

MR. LYDE: Good afternoon. My name is Reverend Zack

Lyde and I'm from Brunswick, Georgia, a community on the Atlantic coastline in southeast Georgia, 60 miles east of the big swamp on the shores of the Atlantic Ocean where poison has been our friend an awful long time.

This invasion of poison started around 1917 and it has intensified and we've become a part of a corridor whereby paper mills and chemical companies have decided to kill us off. And I would hope that you would understand when I say it's to kill us off, not to compromise with our lives, not to have negotiations, but to poison us extremely and leave us in a very dead posture.

So when I come to talk to you tonight, I come to do it with a sense of urgency. I am here for the first time and I'm frightened of something. I'm frightened of what I have actually come in contact with here in terms of NEJAC. I really thought that NEJAC would present itself as a body that was more intense as it relates to having people of color and communities like ours part of this body.

I mean, I think that this body is unstable at this particular time because I don't think that it actually represents what the communities I have come from and what I work with look like or smell like or taste like. I think that it is a sense of laidbackness of academia, of people who don't have the urgency that we have in the communities that we live in where this poisoning is taking place.

There is a historical problem, I think, with what is happening in our community and what is happening all over the United States with the history of the poisoning of African communities and poor white communities. And it goes all the way back to slavery.

In the area I live in, it's called Sherman's Reservation, from Charleston all the way down to Jacksonville, from the water line of the Atlantic Ocean all the way over to 30 miles inland is this corridor where people were supposed to be free in there and given a fair shake. And the Freedmen's Bureau was supposed to come up and act as the NEJAC and the EPA to free the slaves. Something happened.

What happened is the EPA or the Freedmen's Bureau became a corporation with the folks that have actually enslaved us. Because of that historical perspective, I think that the flavor that is needed for people to see now we got to where we are right now is absolutely a lesson that this body needs to have by having folks that have been enslaved to give you the flavor of what you're dealing with.

There was a number. I don't know how many of you know something about Bolita. Bolita is a number system, a white economic illegal numbers operation that people would take and have our folks looking through the Pittsburgh Courier for hope, where they would look for numbers to find some kind of progress in their lives. For ten cents they would play these numbers hoping they would get back a million

dollars and have some sense of freedom.

Well, it never happened. The only people that in fact ended up with money from Bolita were the sheriffs, were the local elected officials, the state, the people who in fact stand between us and you as a wall to bring about a difference in our lives.

If you don't understand that what happens is in these places you have these people with these numbers that have filled their walls with money from our dimes.

We got a number from Clinton in 1994, and that number was 12898. We thought that what we would hear with this body here was that 12898 was being implemented and what we would get from this body is the fact that you would be bringing in all of the DOTs and the DOEs and the HUDs and all of the forces to our communities to bring about a change. We didn't know you were going to become a listening voice powerless to do a thing about our community.

I think that what we have is a sham and I think that you ought to admit that what we need to do is look at this as the sham that it is, because the place that I come from don't need to have nobody listening to it anymore. We don't need your study, we don't need your science. We need to get rid of the poisons in our community.

And I'm going to tell you, the only way that can happen is to get rid of a number. And that number is 50. Fifty states need to be

1 away from the table until the Federal Government finds out exactly  
2 what it is that they need to do to bring the federal law to see to it that  
3 we have this poison taken out of our lives.

4 The number 50 is what you should consider. Getting rid of  
5 all the states. If they're on this body, they don't need to be here. We  
6 do, but they don't need to be.

7 What needs to happen is that you need to make sure that  
8 the Federal Government is the body that is taking a look at these  
9 problems and deciding that they're going to bring in federal troops to  
10 bring a change.

11 (Applause.)

12 MR. TURRENTINE: Thank you. Caroline -- I'm sorry, I  
13 thought I heard a voice.

14 MS. MILLER-TRAVIS: We have more people?

15 MR. TURRENTINE: Yes. Caroline Jones Grey.

16 PRESENTATION BY MS. CAROLINE JONES GREY

17 ANACOSTIA, MARYLAND

18 MS. GREY: Good evening.

19 MR. TURRENTINE: Good evening.

20 MS. GREY: Good evening, Washington, D.C., specifically  
21 east of the Anacostia River and old Anacostia.

22 Ten years ago or better, the District Government dumped

1 toxic waste at the St. Elizabeth Hospital's site. Our community is still  
2 suffering from the ash that they dumped there. We have not been able  
3 to get the government to remove it.

4 The government also allowed Metro to deposit dirt from the  
5 subway diggings. That has affected private properties. We have not  
6 been able to get the government to correct that for almost 12 -- 16  
7 years -- whenever the Metro line was put in to Anacostia.

8 Air. Our community gets the traffic redirected. We get  
9 traffic from Maryland and Virginia so that they can get access to our  
10 bridge just to get downtown Washington. Now the government wants  
11 to erect high-rise buildings in place of small shops. That's going to  
12 bring in more traffic and more pollution. Our community is inundated  
13 with traffic, bumper to bumper, from about 6 o'clock in the morning  
14 until 9:30, and then in the evening from about 3:30 to 6:30 or 7:00.

15 Something needs to be done. We have more children in our  
16 schools, and actually throughout our city, with learning disabilities. We  
17 have children with asthma. We have senior citizens with heart trouble.  
18 I mean, it's nothing to hear somebody say that their sinuses are  
19 bothering them or that they've had a cold for two or three weeks.

20 These things are happening because our air is not clean.  
21 We are overrun with rats, not only in my community, but throughout  
22 the city.

1 The city is loaded -- the streets are loaded with condoms  
2 and needles, yet the city wants to provide clean needles for adults who  
3 choose to take drugs, but they're not providing a clean-up program of  
4 the needles that they deposit on the streets to protect our children.

5 My concern is not only for my community, but for my city.  
6 So if there is something that you could do to help us get our clean air,  
7 get our streets cleaned up -- and I'm not talking about the trash; I  
8 mean, that's something for us to do, to keep our streets clean. But we  
9 should not have to expose ourselves or our children to the needles  
10 and the condoms.

11 Also, the Department of Public Works, or the water system,  
12 has an odor. I don't know what happens when the sewage system or  
13 the water system, whatever it is that they are doing there -- that cloud  
14 over our community, if it smells that bad, it had to be causing some  
15 type of health problem to us. Yet, the city has ignored us in trying to  
16 address that issue.

17 Trash collection. In my community our trash is picked up  
18 once a week. In other parts of the city it is still picked up twice a week.  
19 The once-a-week trash pickup causes problems in the summertime  
20 because of the garbage and the maggots. So we are just inundated  
21 with flies all summer long. And the city refuses, even though they  
22 promised to take us back to the twice-a-week pickup.

1 My concern is the flies and how they are -- the maggots. I  
2 mean, they are not just in the trash cans. They are all over the street  
3 and everywhere. And this is more than our problem. I think it is a city  
4 problem, but the city has ignored us.

5 So if there is anything that you can do to help us to force our  
6 city to enforce its laws, we are willing to work with you. If there is any  
7 way that you could get EPA to give the city some funding since they  
8 said the rat control had to be curtailed because of lack of funding,  
9 cleaning the streets was curtailed because of lack of funding -- then  
10 we need someone to push Congress or the control board, or someone,  
11 to see to it that the city, and specifically my community, gets its fair  
12 share of cleanup.

13 Thank you.

14 MR. TURRENTINE: Thank you. I have one question. Did  
15 the city give you a reason why they cut it back to once a week versus  
16 twice a week?

17 MS. GREY: The mayor we had at that time, Marion  
18 Burroughs, said it was being used in Atlanta, or somewhere, so we got  
19 the supercan. Our community is too small for supercan. Some of  
20 these supercans take up a fourth of a person's yard. We don't have  
21 alleyways in the majority of our community, so they sit in the front.

22 They said that they were going to take it back, but they

1 didn't. They just left it there. It's just left hanging.

2 MR. TURRENTINE: Okay. Luke, from Enforcement, and

3 also, Michael, from the Air and Water Subcommittee, could we

4 somehow coordinate a meeting with Ms. Grey and try and see what,

5 if anything, we can do regarding the concerns she's brought before the

6 Council?

7 MS. GREY: All right. Thank you.

8 MR. TURRENTINE: Thank you.

9 MR. COLE: How many more public commenters do we

10 have tonight? One?

11 MR. TURRENTINE: Yes.

12 MR. COLE: Okay. If you could stick around for just a little

13 bit, maybe we'll have a preliminary conversation now and then set up

14 a later time to get together. Thanks.

15 MR. TURRENTINE: Thank you, Luke. We have one final

16 public commenter, and that is Jim MacDonald. Jim, are you here?

17 MS. ROSA: She has a question here.

18 MR. TURRENTINE: Oh, I'm sorry. Marinelle, I wasn't

19 ignoring you. I didn't see you.

20 MS. PAYTON: Thanks. I just thought we were out of time.

21 MR. TURRENTINE: No, I didn't see you. I'm sorry.

22 MS. PAYTON: Thank you. This is a question for Mrs. Grey.

1 I'm touched by what you just said, in particular, you know,

2 being the capitol of our country. Well, I mean, I would be touched with

3 any city, but a bit surprised.

4 I'm just curious. What about the health department? Have

5 you been to the health department with this? I mean, have they in any

6 way attempted to clean up the problem, in particular about the trash?

7 Any assessment or investigation done regarding the odor that you've

8 been referring to?

9 MS. GREY: We've been to the health department, the city

10 council, the mayor, and the Congress, and we have not received any

11 help.

12 MS. PAYTON: Uh-huh. That's very sad because you would

13 think that right there in the health department and in the local

14 government you would find some assistance.

15 MR. TURRENTINE: Thank you. Vemice?

16 MS. MILLER-TRAVIS: I'll wait.

17 MR. TURRENTINE: Okay. Jim.

18 PRESENTATION BY MR. JIM MacDONALD

19 CALIFORNIANS FOR RENEWABLE ENERGY

20 MR. MacDONALD: My name is Jim MacDonald. I'm a

21 trustee of the Pittsburg Unified School District and I'm representing

22 Californians for Renewable Energy.

1 First of all I'd like to thank this panel. In the short time that

2 I've been here I've actually been quite impressed. I think there are a

3 lot of people that are working really hard.

4 I don't think, though, that we are dealing with a permitting

5 issue. We've seen the testimony about how racism in this country

6 started and how it grew, and how the segregation came about. And

7 we know about segregation in the school districts, and despite what

8 we think with busing, it still exists. Even though you may have a

9 mixed class and it looks like it's nice and pretty, segregation does exist

10 in these classrooms.

11 This is really the silent war. You know, I feel like I came a

12 long way and I thought I was just fighting a little problem in California.

13 And you come here and you listen to the stories and you fight out it's

14 happening everywhere.

15 I became a board member in the school district because I

16 was a dad and I was concerned about the quality of education for my

17 children, and I'm concerned about the quality of the health of my

18 community.

19 One of the things that first happened to me is that they pat

20 you on the back and they tell you, now, gee, you're a board member,

21 you now have to represent the school district and your job is to tell the

22 parents what a great job we are doing and that it's really not our fault,

1 and all this sort of thing.

2 I don't know the actual position that you're in; I do know you

3 want to try to do what you can. But I think you need to empower

4 yourselves to take action. This isn't a permitting issue anymore; this

5 is a Constitutional right issue. This is the same issue of desegregation

6 that drove us to desegregate our schools. There is no difference in

7 this situation than that.

8 I think this commission needs to approach this problem in

9 just that manner. The time for talking has really gone; it's time to take

10 action. I'm here because -- not that I expect to win anything, but, you

11 know, in fact I tell everybody that I expect to lose but I'm still going to

12 fight. And I've some people here that have a lot more ability than I

13 have to put up a good fight. Whether or not we win or not, is not the

14 issue. I think we need to put the fight up.

15 And I think the country needs to know about this silent war

16 that's going on. Thank you.

17 (Applause.)

18 MR. TURRENTINE: Thank you very much, Jim. I indicated

19 that that was the last person on our list. Since I made that comment,

20 I noticed that Mr. Hollingsworth from the Atlantic City NAACP has

21 come and we will hear from Mr. Hollingsworth at this point.

22

PRESENTATION BY MR. PIERRE HOLLINGSWORTH  
ATLANTIC CITY NAACP

MR. HOLLINGSWORTH: Thank you so very much. I apologize. When I saw 22, I said, "What time?" and they said, "9 o'clock." So I thought I was coming early.

So I certainly want to thank you for hearing us. And I say "us" because with me I have a couple of people from Atlantic City also. One is Michael Johnson who happens to be with the NAACP, the Atlantic City Branch, and also the State of New Jersey State Board Member, and another named Sid Trustee (phonetic) who is the president of one of the neighborhood groups that is very concerned about what I'm going to talk about, the Dennis Park Civic Association, who represents people who are within 25 feet of what I'm going to talk about, a tunnel.

In Atlantic City there was the construction of a tunnel. This construction of this tunnel is in the middle of a very stable African-American community. Folks have little or no concern about the health and welfare of the people that are in that immediate area. It is the displacement of predominantly African-American people, and also the existing neighborhood is being threatened with all kinds of air pollution, flooding water, and contaminants in the soil -- heavy metals, and things of that nature.

So we are here to address this. I was very pleased that when we spoke before the Waste and Facility Siting Subcommittee just a while ago, that they are drafting a resolution addressing our concerns, trying to get the Federal Government, the federal EPA, and others, to be involved in this situation.

You see, this tunnel is being constructed by -- is being built by the State of New Jersey, really. Governor Whitman has been at the head of this thing. And with all the agencies, the New Jersey Department of Environmental Protection, the Casino Reinvestment Authority, the Mirage people, Steve Wynn, all those putting this tunnel together over the protests of neighbors. But when you're talking about the kind of money that they're putting into this, folk who live in that have little chance of protesting this.

And so, with all that government strength -- and they made a bad deal, and they know they made a bad deal -- it is destroying a neighborhood. And that's the thing.

I have a few things that we did pass around today, and we'll certainly be glad to leave something with you on this because it is -- and I'll just read some of it.

The tunnel of the Atlantic City/Brigantine Connector is being built exclusively by public funds and will serve as a primary transportation route to a casino resort to be built by Steve Wynn, the

Mirage Resorts, Incorporated.

The South Jersey Transportation Authority, the New Jersey Department of Transportation, the New Jersey Trust Fund Authority, Mirage Resorts, Incorporated, and the Casino Reinvestment Development Authority, together with Governor Whitman, they broke a bad deal that's ruining a stable black community.

You know, my friends and neighbors are looking at an ugly wooden wall. They are breathing polluted air filled with contaminants. Flooding is taking place where there was never any water. And the noise level is sometimes unbearable.

There were other routes that were recommended by their consultants. But they said that it would take too much time to obtain approvals from the environmental regulators to build off island and, of course, wetland areas, even though the majority of which were short-term in duration.

You see, birds and mosquitoes were placed on a higher priority list than black people.

A group of residents sued the project developers under Title 6 of the Civil Rights Act. But we ran out of money when we had to produce and pay for expert witnesses. In our settlement we were allotted funds to hire an independent consultant to monitor the site against health and safety problems. All of his recommendations -- all

of them -- have been rejected.

Soils in the selected route of the tunnel are contaminated with heavy metals, petroleum related compounds and other organic and inorganic substances at levels in excess of health-based standards established by the New Jersey Department of Environmental Protection.

The South Jersey Transportation Authority has acknowledged that remedial construction activities may generate dust which could potentially transport contaminants off site. They are admitting that there is a danger, but they refuse to address the problems and correct them, nor attempt to prevent them.

Most of the soils exceeding the New Jersey Department of Environmental Protection clean-up criteria will be reused on the site.

I just have a few more minutes.

The most significant contaminants found in the soils is heavy metals. The South Jersey Transportation Authority was requested to install continuous engineering controls and coverings of the soils, along with air monitoring on site and off site. The recommendations were rejected and excavation has continued for over nine months.

Community residents have begun to complain of respiratory difficulties, including the triggering of dormant asthma. They admit hot

1 spots of carbon monoxide and sulfur dioxide in areas adjacent to the  
2 tunnel. They say that that could be a possibility.

3 The residents recommended the installation of vents and air  
4 control devices to address the emissions from vehicles using the  
5 tunnel. We recommended air monitoring of these contaminants be  
6 performed for a short time period after the tunnel is constructed to  
7 ensure that such does not occur. Our recommendations were  
8 rejected.

9 The tunnel area has a high water table. The project  
10 documents acknowledge that storm water flow will be cut off by the  
11 tunnel.

12 What we need -- and we said this just a while ago -- is direct  
13 federal intervention. We ask that the United States Environmental  
14 Protection Agency through its Region II offices facilitate the bringing  
15 together of all parties to address all issues of concern of the residents.

16 The resolution of all issues requires continuous presence  
17 throughout the project. The United States Environmental Protection  
18 Agency should provide all necessary resources to support such  
19 efforts.

20 We recommend that the United States Environmental  
21 Protection Agency immediately convene a meeting of the New Jersey  
22 Department of Transportation in consultation with the United States

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1 Department of Transportation to address the long-term air quality  
2 issues associated with the tunnel.

3 We ask that they convene a forum to address the policy  
4 issues implicated by the project. We need the administering of Civil  
5 Rights laws and mechanisms to address such conflicts through the  
6 intervention of non-interested government agencies.

7 The entire west side and Verice Park area of Atlantic City  
8 is in danger and has suffered long enough absent of honest concerns  
9 for their health, welfare and ability to maintain a stable community.

10 Most of us say that this is a black removal and we're just  
11 asking for action now. We are pleased that our trip here today has not  
12 been in vain, that it looks like help is on the way.

13 I thank you so much.

14 MR. TURRENTINE: Thank you so much. There may be  
15 some questions.

16 MR. HOLLINGSWORTH: Certainly.

17 MR. TURRENTINE: Luke.

18 MR. COLE: Yes. Mr. Hollingsworth, I'm wondering if you  
19 have -- I know you pursued a civil rights suit. I'm wondering if you filed  
20 a Title 6 administrative complaint with the U.S. Department of  
21 Transportation.

22 MR. HOLLINGSWORTH: No. At this point when we settled

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1 the suit, we settled it, as I said, because we ran out of money, and in  
2 the settlement we cannot pursue that suit again, or any parts of it.

3 But we did in that suit have money set aside to hire  
4 consultants to monitor the site to give us the right inclination and  
5 recommendations to the project developer to ensure that that  
6 neighborhood would not be so heavily impacted with things that would  
7 run them out of there.

8 So that's where we go. You know, whenever you go to court  
9 there is always second-guessing that you should have went another  
10 route. But when you're part of a neighborhood of poor people and  
11 trying to get money together to do something, it's very tough going  
12 against the giants such as the Mirage Corporation and the whole State  
13 of New Jersey. It's very tough.

14 MR. TURRENTINE: Let me ask a question. Luke, you  
15 might have some information. Does the suit itself preclude the Title 6  
16 administrative complaint process from going forward?

17 MR. COLE: The filing of a suit doesn't, but the settlement  
18 might.

19 MR. TURRENTINE: The settlement might.

20 MR. TURRENTINE: The settlement might. Okay.

21 MR. COLE: That's why I was asking.

22 MR. TURRENTINE: Luke, is it possible -- I mean, is it

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1 possible that you could look at --

2 MR. COLE: I'd be happy to have a consult.

3 MR. TURRENTINE: -- and have a consultation with them?

4 MR. HOLLINGSWORTH: I'd be very pleased. Thank you  
5 so very much.

6 MR. TURRENTINE: Okay. Peggy, I think you had a  
7 question.

8 MS. SHEPARD: I have a million questions, but I was  
9 wondering if the recommendations that you made to deal with issues  
10 of dust and other construction issues were part of the mitigation  
11 measures. Were there actual mitigation measures that were  
12 negotiated as part of the settlement?

13 MR. HOLLINGSWORTH: Yes, it was, and that's why we're  
14 at this point. But when all of our recommendations have been ignored  
15 -- and at one point we will probably be able to go back to the federal  
16 judge, his name is Alosky (phonetic), after we prove that they are  
17 ignoring everything.

18 But we have to get -- you know, when you have the whole  
19 State of New Jersey in cahoots, you need somebody -- we're asking  
20 for federal intervention. And all of that will help us also go back to that  
21 federal judge.

22 MS. SHEPARD: Well, what has been your relationship with

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1 the New Jersey State Department of Environmental Quality?

2 MR. HOLLINGSWORTH: It has not been good because of  
3 the --

4 MS. SHEPARD: Have they done any dispute resolution or --

5 MR. HOLLINGSWORTH: They haven't done anything. The  
6 New Jersey Department -- and all these agencies are -- from our view,  
7 all these state agencies have all banded together with the express  
8 purpose of that at any cost they are going to build this tunnel, and  
9 they're not going to address all of the issues that we're concerned with.

10 And I am telling you that we are talking about issues with  
11 people in the neighborhood meeting not too long ago, four and five  
12 people talking about respiratory problems that they never had before.  
13 That's real.

14 MS. SHEPARD: And have you met with the department of  
15 health?

16 MR. HOLLINGSWORTH: From the City Department of  
17 Health to the State of New Jersey. You know New Jersey has the  
18 strongest governor mechanism in the country. And so when some of  
19 those agencies, if they try to do a job that was adverse to what the  
20 head wants, they would be no longer around.

21 MS. SHEPARD: One last question. Are you aware that  
22 New Jersey has an Environmental Justice Program?

1 MR. HOLLINGSWORTH: Yes.

2 MS. SHEPARD: And what has been your relationship with  
3 that?

4 MR. HOLLINGSWORTH: We haven't addressed that yet.  
5 But let me just say this. What's the department of --

6 PARTICIPANT: Justice Department of Community  
7 Relations.

8 MR. HOLLINGSWORTH: Yeah. We've even went to the  
9 Justice Department of Community Relations of the Federal  
10 Government, you know. I've been around a while so I've dealt with  
11 those kinds of folks. When we talked with him -- and after a while we  
12 had to say, look, tell us what you can do and what you can't do. He  
13 couldn't even get those people to the table to talk with us.

14 MS. SHEPARD: So you've had no meeting with --

15 MR. HOLLINGSWORTH: What I'm telling you -- no, what  
16 I'm telling you is that this is a tight-knit situation, and by design they do  
17 -- they want to get this thing built and they do not want any  
18 intervention, they do not want to address these problems because they  
19 feel that it's going to slow down their project. And in the meantime  
20 people are suffering and a whole neighborhood will be gone. That's  
21 what this is about.

22 And, you know, for a while you just say, well, he's just

1 overreacting. But you come to Atlantic City; it's visible now.

2 MR. TURRENTINE: You did make a presentation before the  
3 Waste Subcommittee today? Is that correct?

4 MR. HOLLINGSWORTH: Yes. And I was very, very  
5 pleased with the response and honest to goodness we go back with  
6 at least saying that there is hope and help is on the way.

7 MR. TURRENTINE: Vernice, you want to make a comment,  
8 at least while they're still here? I know we're going to discuss it in  
9 some detail tomorrow what the various subcommittees plan to do, but,  
10 you know, I don't want anyone to leave this setting without some clear  
11 indication of whether or not this body has heard you -- that we listened  
12 to you, first of all, and that we heard you, and that we have a  
13 commitment to do whatever it is within our power to help you. So,  
14 Vernice.

15 MS. MILLER-TRAVIS: Do you want to know what we  
16 recommended?

17 MR. TURRENTINE: I mean, without going into great deal,  
18 yes, if you could give us --

19 MS. MILLER-TRAVIS: We recommended -- earlier in the  
20 day we had Region II -- Regional Administrator Jeanne Fox in our  
21 subcommittee meeting with us. Throughout the day we had Melva  
22 Hayden, the EPA Region II EJ Coordinator with us, and we asked

1 Melva to come to the table after Mr. Hollingsworth presented, and  
2 directed Melva and the region to convene a meeting of the necessary  
3 parties together to begin to try and talk through these issues to try and  
4 get to the bottom of the communities' concerns, but that they use the  
5 weight of the Office of the Regional Administrator to bring those parties  
6 together to begin that consultation.

7 Last evening Mathy, in his infinite wisdom, cornered  
8 Commissioner Shinn before he left and asked him personally to  
9 address this issue from his office. I'm not exactly sure -- I don't quite  
10 remember what the Commissioner said, but he did say yes, that they  
11 would investigate it, they would look into it.

12 So we're trying to bring to bear the pressure points that we  
13 have to put on this issue. But I don't want it to be lost, what Mr.  
14 Hollingsworth said. I mean, we read about this issue several times on  
15 the front page of the New York Times. This is a big deal for the  
16 governor of the State of New Jersey, and they have marshalled all of  
17 the resources of the State of New Jersey to make this happen.

18 So he is absolutely accurate when he says that this is a  
19 battle between a local community and the entire infrastructure of the  
20 State of New Jersey.

21 MR. TURRENTINE: I think, further, he is correct because  
22 there was even another casino that was complaining about --

MS. MILLER-TRAVIS: That's right.

MR. TURRENTINE: -- the fact that a tunnel was going to be built for this particular casino. So you're right, there's an awful lot at stake.

MR. HOLLINGSWORTH: Not to take up your time, but just what you're saying. Another casino tried, all the rest of the casinos, almost, who are opposed to this tunnel.

MR. TURRENTINE: Right. Right.

MR. HOLLINGSWORTH: And you would think that with all their money and everything, that they would be able to defeat it. But the weight came down: you mess with that tunnel and your licenses will be pulled.

So that when we were in the midst of this suit -- and, naturally, you had to get money for lawyers at \$125 an hour from somewhere -- and when we got some of it from some of the casinos and from fundraising events, they had to pull back and stop because the weight was coming down.

It will probably go down in history sometime about the fleecing of the State of New Jersey. And why do I say that? Because, you know, God's always in the picture. And right now the tunnel is being built.

PARTICIPANT: As we're speaking.

MR. HOLLINGSWORTH: Mirage under Steve Wynn -- the tunnel was supposed to be finished in 2001 and the Mirage was supposed to be finished in 2001. And so the governor was going to make that great ride through the tunnel right straight up into the Mirage and say how marvelous things are.

But what has happened -- and if you read any of the financial pages, you'll find this out-- that the Mirage is in deep trouble financially and they haven't applied for their license, they haven't applied for permits.

So we have a tunnel to nowhere.

(Laughter.)

MR. HOLLINGSWORTH: Maybe the Brigantine, a community of about 9,000 people, will build an overpass. And next week I'll tell you something about that because they made a \$20 million mistake on that one.

But that's what is happening. See? So once the governor stuck her neck out for this thing -- and they met at the ninth hour -- all this is publicized in the paper -- and approved this deal with Steve Wynn -- because, see, originally Steve Wynn was supposed to build the whole thing and then the state was going to reimburse him because they said that's the quickest way, to have a private developer do it.

But after we protested and what have you, then the state said they're going to do it. And I'm telling you, they pulled out all the stops.

And if you think that Whitman decided not to run only because of the reason she put in the paper, this tunnel was one of the reasons, because it's a noose around her neck.

PARTICIPANT: That's right.

MR. HOLLINGSWORTH: Because when you build -- you take all the transportation funds from North Jersey and put into this tunnel \$330 million and the North Jersey people were screaming like mad about you taking our money for a tunnel in South Jersey to one designated spot, and that doesn't come about -- that's what it looks like.

We're not here to fight the casino because that battle is over. We're fighting for survival of people. Human beings who have a right.

And we're not talking about a run-down neighborhood where we ought to move people anyhow, we're talking about single family homes, people who have lived there for many, many years, who have a right to have a better -- a good quality of life. That's what we're talking about.

We're talking about killing people. We're talking about people getting sick. And we're talking about people who are now

confined in this particular area and can't even get out of their homes properly. That's wrong. And that's why we are in this thing, to fight for these folks.

Believe me, I talk about the organizations -- you wouldn't know who they are, but I'm talking about the First Ward Civic Association, I'm talking about Venice Park Civic Association, Westside Homeowners Protective Association, the NAACP.

They're all banded together. But they are a minute group of people when you're talking about fighting the Mirage, Steve Wynn, the State of New Jersey, all who made a deal and their neck is up to here (indicating) depending on it.

I thank you so very much. I really appreciate it.

MR. TURRENTINE: Thank you very much.

(Applause.)

MR. COLE: Mr. Chair, would you entertain a motion to adjourn for the evening?

MR. TURRENTINE: I will.

MR. COLE: I move that we adjourn for the evening.

(Chorus of ayes.)

MR. TURRENTINE: Superior motion. The ayes have it, and so ordered.

(Whereupon, at 9:55 p.m., the meeting in the above-entitled

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matter, was adjourned, to reconvene on December 2, 1999 at 9:00  
a.m.)

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