



Southwest Network for Environmental and Economic Justice

P.O. Box 7399 • Albuquerque, New Mexico 87194 • (505) 242-0416 • FAX (505) 242-5609

NETWORK
For Environmental and Economic Justice

August 24, 2000

Staff

Richard Moore,
Executive Director
Rosa Cruz-Samudio
Joaquin Lujan
Omar Osiris
Ebony Madyun
Blanca Encinas

Honorable Carol Browner
Administrator
U.S. Environmental Protection Agency
401 M. Street
Washington, D.C. 20460

Coordinating Council

Representatives

Arizona:

Teresa Leal
Nogales

California:

Rosa Acosta
Richmond
Gordon Mar
San Francisco

New Mexico:

Daniel Puentes
Sunland Park

Texas:

Vioia Casares
San Antonio
Rev. R. T. Conley
Dallas

Yucatán:

Carmela Cordero
Coahuila, MX

Native American

Representatives:
Carletta Tilousi
Havasupai Tribe
José Matus
Yaqui Tribe

Mexico:

Elizabeth Robles
Coahuila
Carmen Valadez
Baja California

Anne Good, Director
Office of Civil Rights (1201A)
US Environmental Protection Agency
1200 Pennsylvania Avenue, N.W.
Washington, DC 20460

Re: Comments on Draft Revised Guidance for Investigating Title VI Administrative Complaints Challenging Permits and Draft Title VI Guidance for EPA Assistance Recipients Administering Environmental Permitting Programs

Dear Administrator Browner and Ms. Goode:

On behalf of the Southwest Network for Environmental and Economic Justice's (SNEEJ) EPA Accountability Campaign we demand that EPA revoke the Title VI Guidance (Guidance) and begin again. SNEEJ has offered EPA our input for many years on civil rights in general and on the Guidance but the Guidance does not reflect our input.

Title VI of the Civil Rights Act of 1964 has been the law of the land for almost 36 years; EPA's regulations implementing Title VI are more than 25 years old. Title VI is not a new requirement that EPA is imposing on grant recipients; recipients of EPA financial assistance have always been required to comply with Title VI.

In the Draft Revised Guidance, EPA has made the policy decision to hurt the civil rights complainant and help the civil rights violator. First, EPA acts as though benefits and burdens are not systematically distributed in unequal fashion. It sets up an extremely burdensome process to determine whether, in any particular case, a community of color is being adversely affected by an environmental, social, cultural, or economic insult- when in most cases, these facilities are not present in hundreds of white communities.

Second, EPA acts as if "benefits" can somehow "justify" discrimination. We must not allow EPA to justify a decision that has a discriminatory impact by pointing to the polluter's economic benefit to the local community. Our communities have endured agency decisions to trade away our health for "economic benefits" for years, with disastrous consequences.

Third, EPA proposes to approve discriminatory effects it finds if recipients come up with plans to "mitigate" but not eliminate, those effects. EPA must acknowledge that Civil Rights enforcement must have as its goal the prevention and elimination of discrimination.

Building Power Without Borders - In the Spirit of Our People

The Guidance is a testament to the lack of commitment to civil rights enforcement at EPA. There is not credible civil rights enforcement threat in this Guidance, which makes it meaningless.

Again, the Guidance is fatally flawed in so many ways, each of which penalizes the communities suffering civil rights violations and benefits the civil rights violators, we request that the Guidance be withdrawn and discarded. We request that EPA begin again the process of formulating a Guidance, this time with the goal of enforcing civil rights.

Sincerely



Susana Almanza
Co-Chair
EPA Accountability Campaign



Rose Augustine
Co-Chair
EPA Accountability Campaign