MEETING SUMMARY

of the

INTERNATIONAL SUBCOMMITTEE

of the

NATIONAL ENVIRONMENTAL JUSTICE ADVISORY COUNCIL

May 25, 2000
ATLANTA, GEORGIA

Meeting Summary Accepted By:

Wendy M. Graham

Wendy Graham
Office of International Activities
U.S. Environmental Protection Agency
Designated Federal Official

Arnoldo Garcia
Chair

CHAPTER SEVEN
MEETING OF THE
INTERNATIONAL SUBCOMMITTEE

1.0 INTRODUCTION

The International Subcommittee of the National Environmental Justice Advisory Council (NEJAC) conducted a one-day meeting on Thursday, May 25, 2000 during a four-day meeting of the NEJAC in Atlanta, Georgia. Mr. Arnoldo Garcia, Development Director, Urban Habitat Program, continues to serve as chair of the subcommittee. Ms. Wendy Graham, Office of International Activities (OIA), U.S. Environmental Protection Agency (EPA), continues to serve as the Designated Federal Official (DFO) for the subcommittee. Exhibit 7-1 presents a list of the members who attended the meeting and identifies those members who were unable to attend.

This chapter, which provides a summary of the deliberations of the International Subcommittee, is organized in six sections, including this *Introduction*. Section 2.0, *Remarks*, summarizes the opening remarks of the chair. Section 3.0, *Activities of the Subcommittee*, summarizes the discussions about the activities of the subcommittee, including updates on the accomplishments of the subcommittee and the subcommittee's South Africa Work Group. Section 4.0, *Presentations and Reports,* presents an overview of each presentation and report, as well as a summary of relevant questions and comments from the subcommittee. Section 5.0, *Dialogue with the South African Delegation*, summarizes the discussions between the members of the subcommittee and the delegates from South Africa. Section 6.0, *Significant Action Items*, summarizes the action items adopted by the members of the subcommittee.

2.0 REMARKS

Mr. Garcia opened the subcommittee meeting by welcoming the members present and Ms. Graham. He then asked the participants to introduce themselves and identify their organizations. Mr. Garcia then commented that, while he realized people might be interested in attending other subcommittee sessions, participants should remain at the present meeting as long as possible. With a full list of issues on the agenda, he said, he believed that the meeting of the International Subcommittee would be productive and informative.

Exhibit 7-1

INTERNATIONAL SUBCOMMITTEE

Members
Who Attended the Meeting
May 25, 2000

Mr. Arnoldo Garcia, Chair
Ms. Wendy Graham, DFO

Ms. Maria del Carmen Libran
Mr. Fernando Cuevas
Ms. Beth Hailstock
Mr. Alberto Salamando
Mr. Tseming Yang

Members
Who Did Not Attend

Mr. Albert P. Adams
Mr. Robert Homes
Ms. Caroline Hotaling

3.0 ACTIVITIES OF THE SUBCOMMITTEE

This section provides an update on followup activities of the subcommittee related to the Roundtable on Environmental Justice on the U.S.-Mexico Border and a report from the subcommittee's South Africa Work Group.

3.1 Updates on the Roundtable on Environmental Justice on the U.S.-Mexico Border

Mr. Garcia opened the discussion by explaining that members of the International Subcommittee continue to work with EPA to develop strategies for the implementation of and followup on, many of the recommendations made to EPA by stakeholders and constituent participants at the Roundtable on Environmental Justice on the U.S.-Mexico Border, sponsored by EPA and the International Subcommittee of the NEJAC, held in August 1999, in National City, California. He also explained that a report on the roundtable meeting should be available later this year. He stated that many questions remain unanswered. He announced that he planned to have a conference call with Mr. Charles Lee, Associate Director for Policy and Interagency

Liaison, Office of Environmental Justice (OEJ), EPA Office of Enforcement and Compliance Assurance (OECA), to discuss the formation of a border commission.

Mr. Garcia stated that the subcommittee categorized the recommendations into short-, medium-, and long-term goals and that EPA had responded to more than 40 of the 100 recommendations within 30 days after the roundtable meeting and continues to work on the more complex recommendations, several of which involve negotiations with the government of Mexico. Subcommittee members and environmental justice representatives have worked closely with EPA, he continued, invoking the concerns of the environmental justice community and offering comments in the early developmental stages of new work plans, projects, and policies that address recommendations set forth during the roundtable meeting.

Mr. Alan Hecht, Principal Deputy Assistant Administrator, EPA OIA, then commented that December 2000 through July 2001 will be a learning period for the new administration and that, by July 2001, EPA will meet with the Agency's new Mexican counterparts for a meeting to discuss the new border plan. The new border plan, he continued, might be available in 2002. Mr. Hecht said that one of the challenges will be how to generate interest in various work groups and how to support citizen participation at all levels.

Mr. Garcia added that the effort faces two challenges: (1) to address existing grievances and (2) to become involved in available networks. Mr. Hecht responded that the task has two parts: (1) the legacy issue of neglect and (2) the doubling of the population over time. Therefore, it is difficult, he said, to determine what the circumstances will be in the future. The new border plan, he continued, should have two parts: (1) the legacy plan and (2) the plan for the future. Communities still want representation in the same way, so the emphasis on the need for general engagement should be retained, Mr. Hecht added. In addition, he urged the members of the subcommittee to encourage communities to help EPA develop a vision of what the community wants. Political support for addressing the border issues is weak, he observed. He encouraged the members of the International Subcommittee to promote more interaction across the border. Mr. Hecht also commented that a number of companies in the private sector are interested in becoming involved in the effort.

3.2 Update on the South Africa Work Group

The report on South Africa submitted by Dr. Mildred McClain, Executive Director, Citizens for Environmental Justice and former member of the International Subcommittee of the NEJAC, in August 1998 had been adopted as the work plan of the South Africa Work Group (SAWG) of the International Subcommittee. Currently, EPA is implementing the recommendation of the SAWG that an effort be made to "link environmental justice groups in the U.S. with South Africa groups who are addressing similar issues," she said.

In May 2000, Dr. McClain announced that EPA hosted delegates representing the South African environmental justice community at an intensive program in the southeastern United States. She explained that the delegates spent approximately 10 days visiting communities that face environmental justice challenges similar to those encountered by communities in South Africa. Representatives of environmental justice communities, including delegates from the SAWG, spent countless hours working with EPA to prepare for the visit, she noted. A one-day "lessons learned" session covered the experiences of communities in the United States, discussions of goals that remain to be achieved, and a review of the history of the NEJAC, Dr. McClain continued. In addition, Dr. McClain stated that the delegates would be participating in this meeting of the NEJAC, meeting experts and activists from around the country. The delegates from South Africa also participated in the meeting of the International Subcommittee on May 25, 2000. Section 5.0 provides a summary of the dialogue between the members of the subcommittee and the delegates from South Africa.

Dr. McClain then asked the members of the International Subcommittee and South Africa Work Group to consider whether the subcommittee's South Africa Work Group, whose mandate ends in September 2000, should continue to focus on South Africa or should broaden its focus to all of Africa.

4.0 PRESENTATIONS AND REPORTS

This section summarizes the presentations made and reports submitted to the International Subcommittee. The International Subcommittee heard presentations and reports on the following topics: improving the health of farm workers; the success story of Barrio Logan, San Diego, California; Lake Apopka, Florida and farm worker health; initiatives undertaken by the EPA Office of Prevention, Pesticides, and Toxic Substances (OPPTS); an update on activities of the EPA San Diego Border Liaison Office; a report by EPA Region

10 on the effects of farm worker protection standards; the work of EPA OIA.

4.1 Presentations on Public Health and Exposure to Pesticides

The NEJAC, in its continuing efforts to provide independent advice to the EPA Administrator on areas related to environmental justice, focused its fifteenth meeting on a specific policy – public health and environmental justice. For that effort, members of the International Subcommittee discussed at length various public health issues related to farm workers and their exposure to pesticides. This section focuses on how to improve the health of farm workers related to the exposure of pesticides.

4.1.1 Improving the Health of Farm Workers: First Hand Accounts of Life as a Migrant Farm Worker

Mr. Fernando Cuevas, Vice President, Farm Labor Organizing Committee, began the discussion of improving the health of farm workers by sharing his life experiences as a farm worker. Mr. Cuevas stressed that it was not until he was 36 years old that he learned what pesticides were, emphasizing the lack of training provided to farm workers, as well as their lack of awareness of the problems associated with pesticides. Mr. Cuevas stated that there are three types of farm workers: (1) farm workers who live and work in one place; (2) farm workers who have a home base, but work in various areas of a state, according to the season; and (3) migrant farm workers who live and work all over the United States, and who move constantly. Mr. Cuevas noted that he had been one of the third type of farm worker, a migrant farm worker.

In addition to the exposure to pesticides that all farm workers experience, continued Mr. Cuevas, migrant farm workers are exposed to the dangers of traveling around the country to seek work. Children, he added, often are taken out of school so their parents can travel to pursue seasonal employment.

Mr. Cuevas then described the birth of one of his daughters. He and his wife had gone to a hospital, he said, where the delivery-room doctor lectured his wife and interrogated her, accusing her of taking illegal drugs, drinking alcohol, and harming her own baby during the pregnancy. Mr. Cuevas then explained that their daughter had been born with severe birth defects and learning disabilities. Like many farm worker families, they blamed themselves for their daughter's problems, without realizing that the deformities had been caused by exposure to pesticides. It was not until a few weeks later, he continued, that another doctor, who was trained to recognize the signs and effects of exposure to pesticides informed them of the true cause. Unfortunately, health care officials are not trained to recognize the symptoms or effects of exposure to pesticides, Mr. Cuevas stated. Many farm workers who have such ailments are not diagnosed or treated properly, nor are they given the correct explanation of their ailments, he said.

Mr. Cuevas also noted that, complicating the problem of inadequate diagnoses of exposure to pesticides, farm workers cannot afford to take time off when they are sick. Time off means no pay, he pointed out, recalling a time when he was in so much pain that he could not move. He had seen a chiropractor for the pain, he said. The chiropractor found nothing wrong and charged him a high fee for the visit, he continued. Within a few days, Mr. Cuevas said, he had begun to feel better, leading him to believe that his body had processed whatever chemicals to which he had been exposed. His own story, he said, demonstrates that doctors often find nothing wrong, and that farm workers often cannot afford visits to a doctor or medication that might be prescribed, as well as days off work without pay. Therefore, they must often live with the pain and accept it as normal, he explained.

In addition to the lack of training of health-care providers, Mr. Cuevas continued, EPA standards for verification of training are inadequate. Often, he pointed out, videotapes on chemical safety training are not available in the appropriate languages. He explained further that time is not taken with people who lack education and often cannot read and write to explain the severity of the situation. He stated the fear that agencies might be "complying" with regulations only to receive funding allocations, rather than actually effectively communicating the message and adequately warning people of the dangers of exposure to pesticides. Mr. Cuevas then told the subcommittee he had traveled with Mr. Kevin Keaney, Acting Chief, Certification and Worker Protection Branch, EPA OPPTS, to migrant farm worker camps to interview the farm workers. Not one, Mr. Cuevas declared, and Mr. Keaney agreed, had received training from an employer.

All of the circumstances he had described, Mr. Cuevas continued, contribute to discrimination against and ill-treatment of farm workers, who, he noted, are primarily Hispanic or other minorities. The living and working conditions and exposure to pesticides that farm workers are subjected, Mr. Cuevas continued, "are horrible and are still horrible even in the year 2000." Even though there are child labor laws intended to prevent children from working

in the fields, he added, there still are young children working in the fields. Because many families cannot afford to pay for sitters or do not have a place to leave their children while they are working, he explained, many children are brought to the fields and left in a car near locations at which pesticides are sprayed. Mr. Cuevas stressed the importance of adequate training for farm workers and health-care providers and of laws that are enforced adequately to support the effort to reduce the exposure of farm workers to harmful contaminants.

Ms. Maria Elena Lucas Rochel, farm worker and organizer, Arlington, Texas, also began her presentation with a first-hand account of the hardships of life as a migrant farm worker with two children. She spoke of the intense discrimination and prejudicial attitudes that she faced, thinking the situation was normal because she did not know differently. Ms. Lucas began life as a migrant farm worker, was married at 15, and took her children to the fields to work. At that time, she said, she did not know there was a world beyond the fields, nor did she know about the dangers posed by pesticides.

Ms. Lucas explained that farm workers were exposed constantly to the spraying of pesticides and that, when the fields were closed for a 48-hour, no-entry period so that pesticides could be applied to them, the farm workers would go home to their camp located in the fields. She also described drinking water out of the hose used to spray pesticides, explaining that fresh water would be run through the hose before it was used to supply drinking water. People then would drink from the hose. No one knew or thought about the dangers of exposure to pesticides, she noted.

Ms. Lucas then described a freak accident during which she and her son were sprayed with chemicals. At that time, Ms. Lucas explained, she knew that pesticides were dangerous because she had heard Mr. Cesar Chavez, leader, United Farm Workers, speak at a Farm Labor Organization meeting and had become involved in working with a farm worker organization. She and her son, she said, were in the middle of a field being sprayed by chemicals; their throats were burning and they were choking and vomiting, she continued. She said she knew that, unless they could get to a hospital they both would die. Miraculously, she continued, they were able to trudge out of the field and to a hospital, both on the verge of death. Ms. Lucas ended her presentation by introducing her book, *Forged Under the Sun/Florida bajo el sol - The Life of Maria Elena Lucas*.

4.1.2 Barrio Logan Successful in Closing Methyl Bromide Facility

Mr. Cesar Luna, Policy Associate, Border Environmental Justice Campaign, Environmental Health Coalition, described the success of the Barrio Logan community in San Diego, California in shutting down a methyl bromide facility at the Port of San Diego. He explained that the facility had been established as a business venture. Exhibit 7-2 describes methyl bromide. Fruit, primarily grapes imported from Chile, was fumigated with methyl bromide at the facility. He attributed the success in shutting down the facility to the empowerment of the community, stressing the necessity that members of such communities stop seeing themselves as victims, and rather come to think of themselves as powerful agents of change. Aside from the years spent working to shut down the cold storage facility in Barrio Logan and to convince the authorities that the action was one to take, Mr. Luna commented, he believed that the success story of Barrio Logan was a good example of the power communities have. He explained that the process begins with people educating themselves, learning to understand and employ their capabilities, and then informing and educating the government.

Mr. Luna then explained the various stages of the process the community had engaged in, saying that, at first, members of the community had been told that there was no alternative to the use of methyl bromide. Mr. Luna questioned the claim that alternative technologies are available and encouraged the members of the International Subcommittee to use technology to their advantage in finding environmentally safe alternatives and fighting to ban harmful chemicals. Mr. Luna then stated the need for a standard and enforced protocol for chemicals. He attributed much of the success of the Barrio Logan community to the hard work of Mr. Jose Bravo, Southwest Network for Environmental and Economic Justice and former member of the International Subcommittee, who had, Mr. Luna pointed out, played a major role in the process.

Continuing the presentation, Mr. Bravo commented that the government ultimately had not been of help and that the actual reason the facility was closed was that it was losing money. He added that he had testified before Congress against the facility. Subsequently, he continued, he had learned that companies had stockpiled methyl bromide at the port near the Barrio Logan community and that recycling of the compound is not available. Mr. Bravo asserted that groups in Australia have a technology for recycling methyl bromide, adding that a solution to the problem will be found if the government

Exhibit 7-2

METHYL BROMIDE

Methyl bromide is a colorless, odorless gas used in agri-food industries throughout the world to control insects, nematodes, weeds, diseases, pathogens, and rodents. Methyl bromide is used to fumigate such structures as grain storage facilities, flour mills, and ships and trains that carry agricultural commodities. It also is used to fumigate soil in greenhouses and farm fields and to treat such commodities as fruits, vegetables, grains, nuts, wood, and wood products.

Once noted as an effective pesticide used throughout the world, methyl bromide today is categorized as a significant threat to the ozone layer. It is estimated that, once bromine reaches the stratosphere, it is some 50 times more efficient than chlorine, on a per atom basis, in destroying stratospheric ozone. Emissions of methyl bromide from human activities are estimated to account for as much as 10 percent of observed global ozone losses.

Under the authority of the Clean Air Act, the U.S. Environmental Protection Agency (EPA) has prohibited the production and import of methyl bromide after January 1, 2001. In addition, in 1994, EPA froze U.S. production at 1991 levels. To facilitate the smoothest possible transition to alternatives, EPA has allowed the longest possible time before the phase-out. The phase-out applies to production and import of the chemical, not use. Use of pesticides is governed by the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA).

There is no single alternative suitable for all the uses of methyl bromide, however, numerous chemical and nonchemical pesticides are available that effectively control many of the pests for which methyl bromide is used. Each of those alternatives has drawbacks: some alternatives require changes in production systems; others can control only some of the pests methyl bromide is effective on. Since no single technology is available to replace methyl bromide, an integrated pest management (IPM) approach, which involves the combination of a number of preventive techniques and alternative control mechanisms, is likely to be used.

provides funds to support research on alternatives to methyl bromide. Mr. Bravo also exposed the myth that the facility had brought jobs to the area, saying that of the 1,700 homes surveyed, no resident worked at the facility. Members of the community were not living there because of jobs created by the facility, nor were they gaining from the facility in any way, he declared.

Mr. Luna then voiced a plea for an immediate ban on methyl bromide. A participant in the meeting commented that it was her understanding that the phase-out date for methyl bromide had been delayed to 2015. People cannot wait, Mr. Luna observed, and the human element must be recognized because, while legislation is delayed, communities are harmed. He stated in clarification that he was not opposed to responsible industry and that he believes that community groups often become labeled “anti-everything.” That is not the case, he asserted. He added that he wished to work with government and was asking industry to be responsible and accountable.

4.1.3 Lake Apopka and Farm Worker Health

Ms. Jeannie Economos, Farm Worker Association of Florida, began her presentation on Lake Apopka, Florida by providing the members of the International Subcommittee with background information. Before 1940, Lake Apopka was Florida’s second largest lake, she said. In the 1940s, she reported, 20,000 acres were diked and drained to be used as farmland, primarily for the production of corn, carrots, radishes, and lettuce. Fertilizers and pesticides were applied, and lake water was used for irrigation for the farmland, she continued. By 1998, the state legislature had passed a law under which farm operations were to be bought out and Lake Apopka cleaned up. Under that program, $113 million government dollars were spent to buy farmland that had been given to farmers in 1940, she declared. At the time of the buyout, more than 2,000 farm workers lost their jobs.

The area was to be flooded so that the land would be restored to wetlands. The area near Walt Disney World, Orlando, Florida, then would be clean, and expensive homes could be built around the lake, said Ms. Economos. However, she said, in the winter of 1998 and through early 1999, more than 1,000 water birds were found dead in the lake. Experts from the U.S. Fish and Wildlife Service (FWS), Department of the Interior (DOI), and EPA were called in to find the cause of the kill. Laboratory analysis of bird tissue revealed high concentrations of pesticides, she continued, including breakdown products of dichloro-diphenyl-trichloroethane (DDT), aldrin, and organochlorines. All the pesticides detected, she added, had been banned, some for more that 20 or 30 years.

In addition to the pesticide contamination, Ms. Economos continued, approximately 20,000 tons of soil contaminated with petroleum, pesticides, and heavy metals were removed during the cleanup conducted before the flooding of the farmlands. She

explained that two Superfund sites identified in the 1980s, both partially remediated and under continuing monitoring plans, are located adjacent to the lake.

Ms. Economos expressed her dismay about the lack of publicity Lake Apopka has received, commenting that many people in Florida still are unaware of the seriousness of the situation. She pointed out that pesticides are endocrine-disruptive chemicals, the effects of which generally are seen in the offspring of exposed individuals. Therefore, she said, it is possible that people and media do not notice those effects and focus instead on the risk of cancer or the threat of immediate death.

Ms. Economos then stated that the principal issue overlooked in the story of events at Lake Apopka, is the 2,000 farm workers. No one, aside from farm worker associations, has thought about those people, she said. The government has spent money testing alligators and deformed alligator offsprings, birds, and fish, but not humans, Ms. Economos declared. Farm workers supplement their diets by eating fish, she explained, noting that, after a study on fish, an advisory was released. Ms. Economos reported the message of that advisory as, "It is okay to eat fish, just do not eat too much fish." She added that no studies of the farm workers have been conducted to assess the multiple exposures to which they are subject. Ms. Economos concluded her presentation with a plea for studies on farm worker health.

4.1.4 Initiatives of the U.S. Environmental Protection Agency Office of Prevention, Pesticides, and Toxic Substances

Mr. Keaney began a discussion of the initiatives undertaken by OPPTS, noting that regulations provide Federal guidance on the application of pesticides and stating his agreement that the health-care community is ill-prepared to deal with pesticides. He also expressed agreement with the presenters who had preceded him that there is a need to increase awareness of the dangers of pesticides. One way to address the lack of trained health-care providers, he suggested, might be to include pesticides in teaching modules used in medical schools. He also stated that his office distributes to emergency recovery centers the guidelines, *Recognition and Management of Pesticide Poisonings* in both English and Spanish. Currently, the implementation plan for providing national strategies to train health care providers on pesticides was in the final stages of preparation, he said. He then expressed hope that, by 2001, a national forum will be held to begin implementation of the plan.

Using slides to outline his points, Mr. Keaney then discussed EPA's Agricultural Worker Protection Program. While he agreed with some members of the International Subcommittee, who questioned the adequacy of the training material, he explained, it is important that the members be aware that EPA felt the need to provide materials as a "stop-gap" measure. Although the material is not flawless, he continued, it was necessary to produce a document in a timely manner. He also pointed out that, while regulations are in place, he questioned the effectiveness of enforcement efforts. A quick audit of the program, he added, had found lapses. He asked the members of the International Subcommittee to consider what they would like to see in the next training program and share their suggestions with him.

Mr. Keaney stated that EPA's goals include:

- Conduct a national assessment of protection of agricultural workers to be based on the model developed by the Certification and Training Assessment Group (CTAG), which was established in 1996 by EPA and the U.S. Department of Agriculture (USDA).

- Review the process used to calculate restricted time entry intervals after application of pesticides, including people 10 years of age and older.

- Revise the process for calculating risk to bystanders that was to be released for public comment.

- Increase in the number of projects that focus on medical services to children of farm workers and exposure to pesticides.

Mr. Keaney stressed the importance of ensuring that regulations adequately protect young workers and children, even though, children should not be in the field. In reality, children are there, he said, and therefore the regulations should protect them.
One of the difficulties in achieving those goals, Mr. Keaney explained, is constructing an accurate picture of the agricultural worker. The National Agricultural Workers Survey, he continued, has completed more than 20,000 interviews in which a U.S. Department of Labor (DOL) survey was used. The survey was conducted with partial funding from EPA and the National Institute for Occupational Safety and Health (NIOSH), he added. Another study, an examination of health and nutrition, is

being conducted in collaboration with the National Center for Health Statistics and the National Center for Environmental Health, with the goal of evaluating risk factors associated with elevated levels of pesticide metabolites in urine, he said. In addition, as a joint effort, of the National Cancer Institute (NCI), the National Institute for Environmental Health Sciences (NIEHS), and EPA are conducting an evaluation of pesticide applicators for environmental and occupational risk factors, he noted. Rutgers University is involved in a pilot project in an agricultural area of New Jersey that involves a survey of farm workers and their families, he said. The effort includes completion of a questionnaire, a physical exam, and environmental sampling and biological testing (for example, pesticide metabolites in urine and cholinesterase blood levels), Mr. Keaney continued.

The National Pesticides Telecommunications Network, which can be contacted by telephone toll free at (800) 858-7378, 9:30 a.m. to 7:30 p.m. eastern time and by e-mail at *nptn@ace.orst.edu*, Mr. Keaney stated, is a bilingual (English and Spanish) service that provides information on pesticides and how to recognize and manage pesticide poisons and that will transfer calls to the Poison Control Center or to an expert physician for consultation, if necessary. Last, Mr. Keaney briefly described the office's initiative on medical outreach to tribal health-care providers which includes: (1) tailoring of training on pesticides to health-care providers who serve tribal communities, (2) survey work at potential pesticide exposure sites, and (3) adaptation of training of health-care providers to incorporate real-life situations.

4.1.5 Presentation on Worker Protection Standard, Compliance and Enforcement Study

Ms. Monica Kirk, Special Counsel to the Regional Administrator, Office of Oregon Operations, EPA Region 10, presented the results of a survey conducted in Oregon to determine the effectiveness of the Worker Protection Standards (WPS) and to determine if the problem was a compliance issue or an enforcement issue. Exhibit 7-3 defines WPS. The results of the study suggested that enforcement was lacking, she continued, and that children had been working in the fields at young ages. Only 17 percent of the workers surveyed only were literate in Spanish, and many signs posted were in English. Only 50 percent of the workers knew what pesticides are, and public transportation and emergency services generally were not available to them, she stated. The WPS is in place, but is not as effective as it should be, she continued. Enforcement is lacking and there is a lack of proper training, adequate safety equipment, and more, she said in conclusion.

Exhibit 7-3

WORKER PROTECTION STANDARDS

The U.S. Environmental Protection Agency's (EPA) Worker Protection Standard (WPS) is a regulation intended to reduce the risk of pesticide poisonings and injuries among agricultural workers and pesticide handlers. The WPS offers protection to more than three and a half million people who work with pesticides at more than 560,000 workplaces. The WPS includes requirements for pesticide safety training, notification of pesticide applications, use of personal protective equipment, restricted entry intervals following pesticide application, the availability of decontamination supplies, and provision of emergency medical assistance.

4.2 Update on Activities of the U.S. Environmental Protection Agency San Diego Border Liaison Office

Dr. Clarice Gaylord, Special Assistant to the Regional Administrator, San Diego Border Liaison Office, EPA Region 9, reported on the activities and progress of the education and outreach program conducted by the border office. She began noting that the NEJAC had criticized the office for failing to establish relationships with farm worker communities. Therefore, she said, the San Diego Border Office had made doing so a priority. The office's accomplishments in that area, she continued, include an increase in technical training that is focused on child safety. Specifically, she said, a grant had been awarded to a local nongovernment organization to provide such training. Dr. Gaylord also cited an increase in the number of public meetings held in the U.S.-Mexico border area of Region 9. The San Diego Border Office also had awarded a grant to the Border Health Foundation to improve the quality of drinking water by teaching residents of border communities how to disinfect their own water, she said. In addition, Dr. Gaylord continued, the American Lung Association conducted open-air waste training in San Diego and Imperial counties and the San Diego Border Office is helping in the effort to identify and contract a nongovernment organization in Mexico to conduct the same training in the border area in that country.

Later in the meeting, Dr. Gaylord discussed some of the cross-border meetings that the San Diego Border Office had hosted and some activities that had been conducted as a result of those meetings:

- The office was interacting closely with staff of other Federal agencies, and had formed a Border Subcommittee, and was collecting geographic information system (GIS) data along the border.
- The office currently was soliciting public comments on the Border XXI program, an innovative, binational program designed to promote sustainable development in the border region, to be used to improve that program.
- The office was conducting environmental justice training for other Federal agencies.
- The office's Border Team and an Environmental Justice Team have developed an Environmental Justice Border Plan through a series of public dialogue sessions; the plan addresses issues on both sides of the border.

Continuing, Dr. Gaylord stated that the San Diego Border Office was to conduct three more public meetings in Arizona to try to extend outreach activities along the border. Technical activities, she said, would be expanded through binational grants to support environmental justice work. In general, the San Diego Border Office continues the effort to heighten environmental awareness by working closely with community groups, tribal groups, and Mexican groups to improve public health, Dr. Gaylord said.

4.3 Update on the Activities of the U.S. Environmental Protection Agency Office of International Activities

Mr. Hecht began his presentation by acknowledging that the current period was a crucial point for the Border XXI program. The two upcoming presidential elections in the United States and Mexico will bring new leadership and new "players," he pointed out. Mr. Hecht stated that the goal is to begin by laying the foundation for the next border plan. EPA currently is finishing a summary document on the border projects, Mr. Hecht added as he distributed copies of the executive summary of the document to the members of the International Subcommittee. The document will provide a history of the past five years of intense bilateral cooperation under the Border XXI program, he said. The document, he continued, is intended to illustrate what has been accomplished and highlight the progress made to aid discussion groups in determining the future organization of Border XXI. Mr. Hecht added that, on the basis of past discussions, he believed the key issues for the new border plan (until the year 2020) would be:

- Water, including water and wastewater infrastructure and water use and quality.
- Industrial stewardship and the role of the private sector.
- Health and pesticides safety.
- Management of solid and hazardous waste.
- Sustainable cities.
- Brownfields and urban redevelopment.

Specifically, Mr. Hecht mentioned a "livability grant" awarded to EPA Region 9 in relation to the issue of sustainable cities and the joint policy statement on remediation and redevelopment of the U.S.-Binational Commission (BNC), signed May 18, 2000.

Mr. Hecht then discussed the proposed "environmental justice commission" that had been one of three recommendations resulting from the August 1999 Roundtable on Environmental Justice on the U.S.-Mexico Border held in National City, California. First, he stated that he agreed that it is important that communities have a definite role in the decision-making process. He explained the two ways in which he believed that role could be defined: (1) through existing structures or (2) through direct structures created for that purpose. However, with the many changes currently affecting the border area, (new individuals involved and redefinition of the goals for the next 20 years), he pointed out, it was questionable whether such a changing environment was an opportune time to establish yet another new group. He added, however that, despite his hesitation, it was possible that some entity might emerge. Mr. Hecht then reported on an earlier promise that he had made to the International Subcommittee during the previous NEJAC meeting, that is, recommending minorities for vacancies within other advisory groups at EPA. He said that he had followed through on that promise and that he was proud to announce that Mr. Bravo was among the five new members nominated to serve on the Good Neighbor Environmental Board (GNEB). Exhibit 7-4 describes the GNEB.

Exhibit 7-4

GOOD NEIGHBOR ENVIRONMENTAL BOARD

The Good Neighborhood Environmental Board (GNEB) was created by the Enterprise for the Americas Initiative Act of 1992 (EAIA) (7 U.S. Code Section 5404) to advise the President and the Congress about environmental and infrastructure issues and needs within the states contiguous to Mexico. The statute requires the GNEB to submit an annual report to the President and the Congress. The GNEB has submitted reports in October 1995, April 1997, and July 1998. The GNEB's 1997 [and 1998] report[s] also were translated into Spanish and widely disseminated on both sides of the border.

The Act requires that the board membership include representatives from appropriate U.S. Government agencies; the governments of Arizona, California, New Mexico, and Texas; and private organizations, including community development, academic, health, environmental, and other non-governmental entities with expertise on environmental and infrastructure problems along the southwest border.

A presidential executive order delegates implementation authority to the administrator of the U.S. Environmental Protection Agency (EPA). The GNEB operates under the Federal Advisory Committee Act (FACA) and meets three times annually at locations along the U.S.-Mexico border.

Mr. Hecht's presentation then focused on the upcoming meeting of the Commission on Environmental Cooperation (CEC), scheduled for June 11 through 12, 2000 in Dallas, Texas. He highlighted important events and decisions that will be discussed. One key issue to be discussed at the CEC, he said, would be the importance of provisions for citizens suits so that citizens are free to speak out against government. He then illustrated the importance of the issue by briefly explaining the process. Anyone can file a suit before the commission. If the suit receives the support of two-thirds of the commission, the case proceeds to the fact- finding stage. During the previous week, Mr. Hecht continued, the suit against the Metales y Derivados site, located in Tijuana, Mexico, identified at the August 1999 Roundtable on Environmental Justice in the U.S.-Mexico Border as a recommended site for cleanup, was brought before the CEC. The CEC voted unanimously to advance the Metales y Derivados case to the fact-finding stage. These provisions, he had described, are extremely important and should be included as an amendment in the North American Free Trade Agreement (NAFTA) Environmental Side Agreement. Exhibit 7-5 describes the agreement. Last, Mr. Hecht stated that the initiative on children's health is a key issue that would be discussed during the Dallas meeting, as would the need to focus internationally on children's health and drinking water. Mr. Hecht added that, in the future, he hoped to expand the initiative to include communities in Africa and Central and South America. He also stated that a phase-out of lead has been very successful in much of the world.

Exhibit 7-5

NORTH AMERICAN FREE TRADE AGREEMENT ENVIRONMENTAL SIDE AGREEMENT

The Environmental Side Agreement to the North American Free Trade Agreement (NAFTA) sought to provide a level playing field for free trade by committing the United States, Mexico, and Canada to effective enforcement of their respective environmental laws. Facilitated by the North American Commission on Environmental Cooperation, the three nations have created the North American Working Group on Environmental Enforcement and Compliance Cooperation and developed a cooperative program to stimulate and enhance effective enforcement in the three countries. In 1996 and 1997, the three countries initiated cooperative projects to:

- Improve compliance monitoring and enforcement for transboundary shipments of hazardous wastes and banned substances, such as ozone-depleting chlorofluorocarbons (CFC).
- Improve enforcement of restrictions on trade in endangered species.
- Cooperate in improving compliance and enforcement measures.
- Examine the role and effect of environmental management systems approaches in improving compliance and environmental performance.
- Develop cooperative approaches to the use of enforcement tools to ensure the sound management of toxic chemicals that are persistent in the environment.

Continuing his presentation, Mr. Hecht discussed the recent White House initiative, Partnership for Trade and Environment. EPA would be the beneficiary of

the initiative, the goal of which would be to fully understand the environmental effects of all trade activities and decisions, to identify areas outside of EPA's influence, and in those cases, to mobilize through the U.S. Agency for International Development (U.S. AID) and other relevant agencies. Although the $4.5 million dollar initiative was eliminated in the U.S. House of Representatives just the preceding day, Mr. Hecht continued, it was a White House initiative, indicative of a positive step that shows that national leaders are beginning to recognize the importance of working with developing countries in the areas of trade and the environment. Otherwise, he warned, there would be a constant battle. Mr. Bravo commented that the main reason for the protests against the World Trade Organization that had occurred in Seattle, Washington, and Washington, D.C., is that the environmental justice component is not included in trade talks.

After he was asked by a member of the International Subcommittee what is being done to protect African communities from the adverse effects of poor environmental conditions, Mr. Hecht responded that Africa is one of the areas targeted for partnership efforts. However, he explained, despite all efforts that are carried out, it is up to the host government to take ultimate responsibility and consider the efforts to be in their own best interests.

Mr. Hecht then addressed other recommendations that developed during the August 1999 Roundtable on Environmental Justice on the U.S.-Mexico Border. In the matter of the cleanup of the Metales y Derivados site, he explained that, because the site is located on private land in Mexico, it is more difficult for EPA to fund the cleanup. One option for cleanup is for the Mexican government to seek extradition, but that approach would be time-consuming and already there is reluctance on the part of Mexican authorities, he explained. However, he commented, private-sector interest in the Metales y Derivados site is growing and the Secretaria de Medio Ambiente Recursos Naturales y Pesca (SEMARNAP) and EPA continue to meet. Again, he continued, because of the upcoming elections, little can be done, other than laying the foundation for the new administration. When asked why the focus was on the Metales y Derivados site, rather than the Presto Lock or Gato Negro site, also identified during the August 1999 Roundtable on Environmental Justice on the U.S.-Mexico Border, Mr. Hecht responded that the Metales y Derivados site is an American-owned site and it is a "bigger blemish" than the other two sites.

The Status Report on the Water and Wastewater Infrastructure Program for the U.S.-Mexico Borderlands, prepared by the Pan American Health Organization in May 2000, illustrates that human health risk at borders is an issue that must be addressed, said Mr. Hecht. Adverse effects on human health are much more prevalent in residents of border areas than in other segments of the population, he said in conclusion.

5.0 DIALOGUE WITH THE SOUTH AFRICAN DELEGATION

Mr. Garcia welcomed the South African delegation and opened the floor to public dialogue and requested that Dr. McClain begin the discussions.

Dr. McClain began the discussion by acknowledging that environmental justice concerns are the same for both countries, the U.S. and South Africa, and have been reiterated repeatedly and that the goal of environmental justice efforts is to build initiatives that rely on people and communities, rather than relying on funding from government or on sanctions. Some of the questions that the South Africa delegation had, Dr. McClain continued, were structural in nature. They included how the NEJAC functions and how the International Subcommittee operates, she added. The study tour to the United States, Dr. McClain added, had been conducted so that the South Africans interested in environmental justice could learn from the lessons learned through the NEJAC process.

Mr. Thabo Madihlaba, Environmental Justice Network Forum and member of the South Africa delegation, stressed the importance of the trip, saying that South Africa does not have an environmental policy and that the prevailing thought and concern is more geared toward conserving nature than toward people and living with pollution. He explained further that the very concept of environmental justice is unknown in South Africa; it is addressed, he said, as a health problem having a much narrower scope than the United States concept of environmental justice. At the same time, he added, multinational firms that have few environmental standards are allowed to pollute, people are removed forcefully from their homes to make way for industrial operations, and ailments related to occupational conditions occur.

Ms. Elsie Motubatse, Swaranang and member of the South Africa delegation, commented on the lack of environmental awareness, stating that mines were left open after they were abandoned, with no attempt made to close the open mine shaft. Ms. Sally Phetoe, Congress of South African Trade Unions

(COSATU) and member of the South Africa delegation, added that platinum mining is carried out in most of the northwestern province of South Africa; yet, she said, there are only two occupational health and safety policies in place. Continuing, she commented on the lack of appropriate and comprehensive legislation, declaring that the country has no policy on determining whether companies have in fact implemented the two existing policies.

Mr. Sanwabo Ndandani, Tsoga Environmental Center and member of the South Africa delegation, reported on conditions in Touship, population 25,000. He decried the community's close proximity to a sewage plant located in the center of the community. He added that wetlands in the area are filled with poisons and are dangerous to the communities surrounding them. He stated that four public meetings had been conducted. In South Africa, he explained, competition exists between communities and the government and plants that exist around communities should be shut down. Mr. Musa Mzimela, Masikhule Nobunye and member of the South Africa delegation, stated that, between 1994 and 1999, there was little change in legislation. In 1999, he continued, a national environmental care management act was created; at that time, he pointed out, most of the industries in South Africa were not South African-owned. Mr. Mzimela then stated his belief that he believes that the United States and Great Britain are obligated to cleanup the environmental damage in South Africa, since those two countries are the generators of the pollutants.

Mr. Madihlaba explained that South Africa has neither regulatory or monitoring mechanisms nor the capacity in terms of human and economic resources to conduct adequate research. There are approximately 1,000 landfill sites in the country, he added, and he and the other members of the South Africa delegation want the government to tell the people (1) how many landfill sites there are, (2) what human health risks those landfills pose to nearby communities, and (3) what strategies using environmentally friendly methods should be used to clean up those landfills.

When the discussion was opened to members of the subcommittee, Mr. Garcia commented that he appreciated the comments made by the delegation and noted many similarities between their experiences and those of environmental justice communities in this country. Mr. Alberto Salamando, General Counsel, International Indian Treaty Council, commented that America still struggles with racism and still deals with colonialism with the treatment of American Indians, which has not ended. While Mr. Salamando acknowledged that he could not offer a solution, he suggested that the government of South Africa should allow communities to sue the perpetrators of the pollution. He then stated that everything is assessed in dollars, but that a community's well being and human life cannot be assessed in terms of dollars. The global economic system promotes the degradation of the environment, he added.

Mr. John Armstead, Deputy Director, Environmental Services Division, EPA Region 3, added that the discussion of the global economy should include discussion of the global environment as the two are linked. The South Africa delegation had been brought together with the NEJAC to understand lessons learned in addressing environmental justice issues, he explained, and South Africa is in need of an environmental justice forum at the ministry level, he added.

Mr. Madihlaba asked the members of the International Subcommittee whether there was a U.S. policy on South Africa that encouraged industry through an incentive program and encouraged people to invest in South Africa in an environmentally friendly way. Mr. Hecht responded by stating that it is difficult to characterize a coherent U.S. policy, since many agencies are involved in many projects and programs; however, he added, there is a general policy that provides incentives solely to promote investment by companies. South Africa is not attracting business, he commented, by maintaining low environmental standards. Mr. Salamando elaborated on that point, stating that companies continue to invest as long as the investment is profitable. Mr. Madihlaba then asked whether there are environmental regulations that govern U.S. companies that wish to establish a facility in another country. Mr. Tseming Yang, Vermont Law School, answered by stating that multinational corporations prohibit their U.S. corporation or subsidiaries from bribing officials in other countries. Mr. Yang explained that companies must act in an ethical and legal manner when conducting business abroad.

In the few minutes remaining, Mr. Salamando briefly commented that the World Conference on Environmental Racism would provide an opportunity to examine how international consciousness can be raised. He distributed a memorandum on the subject and encouraged the members to read it. He then asked for the subcommittee's permission to work with Mr. Hecht to request that the NEJAC participate in the conference.

6.0 SIGNIFICANT ACTION ITEMS

- ✓ The members of the International Subcommittee agreed to review and comment on a proposed resolution of the Indigenous Peoples Subcommittee on the proposed international treaties related to persistent organic pollutants.

- ✓ The members of the International Subcommittee requested that a work group on farm workers (Hispanic and non-Hispanic) be established to examine economic, social, environmental, and public health issues.

- ✓ Ms. Beth Hailstock, Director, Environmental Justice Center, requested that a roundtable meeting devoted solely to issues related to farm workers be organized and that representatives of all pertinent agencies and all relevant community groups participate.

- ✓ Mr. Cuevas requested that universities develop programs through which workers can receive training about the effects of pesticides on human health.

- ✓ The members of the International Subcommittee requested that a work group be established to focus on follow-up issues from the Roundtable on Environmental Justice on the U.S.-Mexico Border.

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