Human Rights, Environment & Community: A Workshop: Presentation by Joseph Hill

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Presentation by Joseph Hill*

I almost didn't make it today because I'm having a little of difficulty speaking so I hope you can hear me in the back. I've got a bit of a cold but the issue is something very near and dear to my heart. I should back up for a second now and say, Nya weh Ska noh. I greet you and say that I hope that you are well and say that I am well. Now I will begin.

I wanted to talk a little bit about addressing indigenous people's concerns and which way might be the most effective. Is it through the government to government relationship tribes have with the federal government or environmental justice? Grassroots Native American people have been part of the environmental justice movement for many years now. The Federal government interacts with elected tribal government officials which means that in some cases the promise of federal authorities to deal with only tribal governments can be a pitfall for grassroots Native people. I'll give some examples, but first a little background on Environmental Justice.

Nils Olsen talked a little bit about environmental justice and what it is. I have a little bit more insight into the development of environmental justice and how there came to be an office of Environmental Justice within the Environmental Protection Agency. People of color in low income communities suffer from disproportionate numbers of hazardous waste sites, incinerators and chemical plants and other dangerous facilities in and near their communities. Why is this?! Because the companies and even the agencies which regulate their operation have allowed such siting because communities of color are lacking in resources such as financial or political organizations to defeat them.

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In fact, a waste management firm put together a report in the mid 90's, I think it was around '93, and what it said about siting hazardous waste facilities, is that they should go to, and they were very careful not to mention race, but they said take it to a community that doesn't have the political savvy, that doesn't have the financial resources to defeat us and it will be a lot easier to locate there. Some of the pollutants that the people of color and low income communities are suffering from are dioxins, arsenic, mercury, cadmium, lead which permeate the soils, the houses in which they live, the waterways on which they depend, and even the vegetables they grow in their gardens.

Studies have shown that African American children suffer from nine times more lead exposure because they live in old and poorly maintained housing. West Dallas Texas is one predominantly African American community that is heavily contaminated with lead from a nearby smelting plant. It was interesting to listen to the people from that community talk about the personnel from the agencies that came to West Dallas. They were all dressed in their protective white suits and so the people said "wow, there must really be a problem." Yet when the agency personnel left they said it wasn't that bad." Yet the children of West Dallas were suffering from the symptoms of lead poisoning attributed to a nearby lead smelter.

Migrant workers are exposed to high levels of pesticides and other agricultural chemicals. Recently the most insidious form of waste, nuclear waste, has been proposed for Tribal lands. Hazardous waste sites are also being proposed, both are being pushed as economic development.

There have been at least 64 studies which provide evidence of a disproportionate impact of hazardous waste and other types of waste on communities of color. A movement began in Warren County, North Carolina which was targeted for a PCB dump. A PCB dump to start at least (many communities have more than on type of waste site). The state of North Carolina's own advisors warned against siting it there. Five hundred protesters, mostly African American, were arrested and jailed. This site did eventually go in, but the movement had begun.
In 1987 The United Church of Christ conducted a study and found that three of five African Americans live in areas contaminated with hazardous materials or live near hazardous waste sites. In 1992 the National Law Journal cited that when EPA does take corrective action it may take two to three years longer if it is a community of color and that the amount of funds spent has been far less. This movement has been brought forward by grassroots community activists, most of whom are women because these women are concerned with the safety of their children and grandchildren.

I'll give an example before I move on to Native American issues. In Kettleman City, California there was already a hazardous waste incinerator and there was a proposal for another hazardous waste dump. Kettleman City is 95% Latino and when the environmental impact statement was prepared it and all other documents concerning this proposal were in English. Well what happened was these people demanded that the documents be translated into Spanish. When the documents were translated and the community began to read them, they learned what was going on so they organized themselves and defeated this proposal.

My involvement with Native environmental issues began in 1991 and I became kind of active with national issues before I even got active in my own backyard. I deal with environmental issues as an attorney for the Seneca Nation of Indians so now I am dealing with my own issues. I'll give you an example of how it is done on tribal lands. A waste company wanted to locate a hazardous waste incinerator on the Navajo reservation near Dilkon, Arizona so they went to the community and the way it was explained to the community was that it would be a place to burn garbage. The elders of the community, most of whom do not speak English very well, thought "well that's good, let us burn our garbage." A college student from the community returned home for Easter break and found out about the proposal and contacted some environmental organizations and got word out about what would actually happen and that proposal was defeated. Out of that experience came Dine Citizens Against Ruining the Environment, or Dine CARE, and in 1990 they held a gathering at Dilkon against the incinerator. In 1991 the Indigenous
Environmental Network was formed and they have been having gatherings on tribal lands targeted with hazardous waste proposals every year since that time. What the Indigenous Environmental Network exists to do is to share strategies and information about what works and doesn't in the fight against hazardous waste and to share information about the effects of different types of pollution.

The difference between Native American environmental issues at the tribal level and environmental justice in other communities of color is that as a result of the making of treaties and other agreements with the United Stated federal government, our Nations must be dealt with on a government to government basis. This relationship can work against grassroots community members of tribes targeted for waste sites. For example, when the federal government put together the office of the Nuclear Waste Negotiator they said we'll work on a government to government basis. There was a lot of money offered for the siting of a nuclear waste storage facility prompting many tribal governments to view this as a good thing. The Sac and Fox Nation of Oklahoma had applied for the money for such a site as one government to another. When the members of the Sac and Fox nation found out about it they got together really fast and really loud and convinced their tribal government this was not something they would stand for. The day the Sac and Fox received the check they sent it back. This is one instance where grassroots activists worked with their tribal government to effectively defeat a proposal. There are other instances where the tribal government, despite concerns of its people, have moved forward with proposals to site nuclear waste. One of the worst resulted in allegations of vote buying to overturn a referendum against such a site.

I've also seen instances, I have it on tape, I wish I could have found it, of EPA and BIA (Bureau of Indian Affairs) meeting with members of a tribal government while the tribal members state that they did not want a five story high sludge heap in their community. The response from the federal officials was "we'll help you regulate it." In other words you can make money from it They said again "we don't want this in our yard and we have a resolution by our tribal
council against it." It took at least a year and a half, maybe two, before the BIA recognized the validity of the council resolution. That's another part of the problem – the BIA oversight of tribes.

I worked at the Office of Environmental Justice at the EPA and the voice I brought there was not my own. I tried to bring the concerns that I had heard from many Native American activists to the attention of the EPA. The EPA had earlier been a sponsor in 1993 of a Symposium on Health and Research Needs for Environmental Justice, which brought together grassroots activists and the scientific community. These activists made the following recommendations and commitments to their own Nations: American Indian grassroots organizations will preserve the sovereignty of their respective nations and guarantee the integrity of federal and tribal relationships. American Indian grassroots organizations also assert their need to become a part of the decision making process when federal actions affect their health, culture, and environment. Tribal leadership needs to be educated about what is really going on in our environment. Tribal governments need more information in order to make decisions that are in the best interests of tribal members and the environment.

In some cases tribal governments have not wanted stringent environmental protection programs because development of natural resources might be hindered. Let me wrap up. I'll give you an example of how we're doing this at the Seneca Nation. There is a proposal many of you may be aware of to extend Route 219 expressway south from Springville through the Allegheny Reservation. We've already got the City of Salamanca there that will never go away. We've already got Route 17 there that will never go away. And now they want to take even more land for a half mile of road.

My involvement is with the Seneca Nation 219 Project Committee. What I said is we have to solicit public input. We have to do it in a way that is more effective that what the state or the federal government would do. What we need to do is hold public meetings and more than just one or two which nobody attends. If we need to, then we should hire individuals who could go out and speak to those of our elders and others who gather plants and materials for
medicinal and ceremonial purposes in the proposed area. We need to make the state and other agencies understand that these are important uses and that our traditions forbid us revealing to them what they are used for.

In the course of conducting these public meetings we have had traditional people, traditional elders say to us, "yes, I gather there." "Yes. I take the youth out and in the course of gathering I teach them their language." I take them out to this place and show them how to gather and tell them the words to use, because it is part of who we are." In this respect I hope the Seneca Nation is moving forward with being more open with its citizens and providing a better process for public information on the siting of anything that will impact our community. Thank you.