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Overstudied and Underserved:
Uses of the Law to Promote Healthy,
Sustainable Urban Communities

A Symposium Presented by the
Public Interest Law Center of Philadelphia

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Thursday, October 6, 2011

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The Arch Street Meeting House
4th and Arch Streets
Philadelphia, PA

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Reported by: Cheryl L. Goldfarb, R.P.R.

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WELCOME AND INTRODUCTIONS

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DONALD K. JOSEPH: It's time to start. Welcome. Welcome. Welcome.

Already, I know this is going to be a great conference because at nine o'clock, ninety percent of the people in this room were seated and ready to go.

So it would be a mistake to ignore the outside world and not note the passing of Steve Jobs. He had a view that one should live every day as if one were facing death and to follow one's dreams.

PILCOP, I suggest to you, since 1968, as the Committee For Civil Rights under Law, has done exactly that. It is a wonderful opportunity that I have to welcome you to this Conference on Environmental Injustice.

And before I do a shout-out to our sponsors, all of whom are listed over there (indicating), I must say that seeing some of the elders of PILCOP in this room, Dave Rich, Andre Dennis, Jeff Golan, it is wonderful to have you here.

1 And now to Marc Topaz and his law
2 firm, who are our single largest sponsors this
3 year, we say thank you. And we say the same to
4 Drinker, to Pepper, to Cozen, and to Berger
5 Montague, who are our second level.

6 You should understand that these
7 contributions are made as part of a yearly
8 donation to keep PILCOP going. And all of these
9 firms have supported us over many years. And we
10 are deeply appreciative to them and all the rest,
11 who I don't have time to name now.

12 I'm anticipating with excitement,
13 this program. But unlike the last two years, I
14 have not participated in the panel planning. Each
15 of these panelists has spoken on at least two
16 conference calls. And they make sure the areas
17 they are going to cover are covered well.

18 So I am as eager as you as to the
19 content. However, I do know how these symposiums
20 are prepared.

21 Over a series of weekly staff
22 meetings, we create topics and then go over who
23 would be the best speakers suited for them, and
24 then we go get them. Geography is irrelevant.
25 Thus, you will see speakers from California, New

1 Mexico and St. Louis, as well as our East Coast
2 travelers.

3 The excellence of these programs
4 comes from the expertise, from the vast knowledge
5 of the Law Center's legal staff for the area and
6 the vetting that goes on in this regard.

7 And this year is no exception,
8 except that unlike other years, Adam Cutler, the
9 person whose area of expertise is involved, had a
10 much heavier burden. We left most of the choice
11 of speakers, at least in the first instance, come
12 from him, and then he had to go get them. And so
13 we're very much appreciative of Adam.

14 However, my job, and not of them,
15 is that we must keep to our time schedules. And
16 even though there's a typo in the first one for
17 mine, we will do our best to stick to them.

18 There's a reason for that,
19 however.

20 The reason is that just as
21 important as who speaks is the time between
22 speakers, between panels, when we, as an educated,
23 motivated group get to talk to each other. It is
24 the spaces in between that I suggest much learning
25 is accomplished. And that is another reason for

1 doing so.

2 So I must thank the Rutgers Law
3 Journal for not only publishing again this year
4 the proceedings, but also I am pleased to report
5 that last year's has now been published and is up
6 online. And they have committed not to take as
7 long this year and have it up in December.

8 I'm sure you know we are honoring
9 Jerry Balter. And it is fitting that JLEP, the
10 journal, is sponsoring it, because Jerry not only
11 has written for the journal, his article was the
12 very first article in the very first issue of the
13 journal.

14 So I won't go on to talk about
15 Jerry, but I will say he has been a wonderful
16 influence on our organization and the community of
17 environmental justice. And Adam is ably following
18 in his shoes.

19 And with that, we are going to see
20 a video that was created by a student in Adam's
21 program at Drexel, John McGlaughlin.

22 And if we would turn on the video.

23 - - -

24 (Whereupon, a short video on
25 environmental justice in Chester, PA is shown to

1 the audience.)

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(Applause)

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PREAMBLE DISCUSSION:

PRINCIPLES OF ENVIRONMENTAL JUSTICE

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ALEX C. GEISINGER: And on that
note . . .

Good morning.

AUDIENCE: Good morning.

ALEX C. GEISINGER: So my name is
Alex Geisinger. I'm a professor at Drexel Law
School. For those of you who don't know me, I
provide the students for Adam's clinic. And I'm
here really just to give you a very short
ten-minute overview of environmental justice.

For those of you who have done
this and lived your lives in it for a long time,
we ask for your indulgence. There's food, right.
And you can run out and catch up with each other,
if you haven't seen each other for a while. But
there are people here for whom this is a
relatively new concept. So we figured we'd take
about ten minutes just to give them an overview
before moving on to the rest of the program. So,
please, you know, I won't be insulted at all, go
grab some food, do what you need.

1 So as an overview of environmental
2 justice, we'll start just by defining it. This is
3 one of many definitions of environmental justice.

4 So one definition states,
5 environmental justice is the fair -- it's defined
6 as the fair treatment and meaningful involvement
7 of all people, regardless of race, color, national
8 origin or income, with respect to development,
9 implementation and enforcement of environmental
10 law.

11 So I'm a professor, and I read you
12 that definition. And I understand that that
13 probably doesn't mean a lot to the people who
14 haven't been doing this. So I figure it's
15 probably worthwhile to ground you a little bit in
16 a factual understanding of environmental
17 injustice. Probably the pragmatic one is the
18 siting of locally unwanted land, which is what we
19 call LULUs, right, in low-income and minority
20 communities.

21 The film, of course, has already
22 demonstrated this to you. You can see Chester and
23 what's going on there. And it's a good way to
24 think about generally the notion that a
25 disproportionate amount of the environmental risks

1 in society are borne by low-income and minority
2 individuals.

3 And to the extent that it can be
4 grounded in this LULU paradigm, I think it's a
5 worthwhile grounding. Much of what we're going to
6 talk about today is going to sort of resonate
7 within that paradigm. Right?

8 At the same time, we should talk a
9 little bit about causes. So causes of
10 environmental injustice, there are many theories
11 out there. These are just a few of sort of the
12 basic theories about why we have this unfair
13 distribution of environmental harms in the first
14 place.

15 So, of course, the first one is
16 racial animous. All right? So whether it's
17 intentional or implicit biases, animous toward --
18 toward either low-income or minority individuals
19 may drive a certain amount of the decision-making
20 that leads to this type of injustice.

21 And then, of course, there's
22 political power or the limits of political and
23 economic power in many of these communities.

24 And if you think about it, if
25 you're a developer, a rational developer, you're

1 going to try and put your development, your LULU,
2 in a place where it's going to be most easily
3 accepted. Right? Where there's not going to be a
4 lot of community engagement against its
5 development.

6 To the extent that the lower
7 income and minority communities don't have the
8 economic power to hire the lawyers, the experts,
9 et cetera, or the political power or
10 organizational skills, oftentimes this is sort of
11 a movement of the risk to those who can object to
12 it least.

13 And then finally, there's sort of
14 a market theory that you have to consider. You
15 know, my own feeling is that at least in the LULU
16 siting context, the market theory of environmental
17 injustice has been somewhat disproven. But I'm
18 happy to talk with people afterwards, if you think
19 I'm wrong.

20 And the vision of the market
21 theory goes something like this: Right. So
22 instead of it being the siting of a LULU in a
23 community that's already low-income or minority,
24 the LULU gets sited first, sort of a coming to the
25 nuisance idea. And then what happens is, property

1 values go down around the LULU. The people who
2 can afford to move out, move out. The people who
3 can't afford other than the low-income -- the
4 low-valued properties move in. And what you get
5 is a market phenomenon where the community builds
6 around the LULU instead of the LULU being put in
7 the community.

8 There have been some longitudinal
9 studies that suggest that that may not be as
10 powerful a mechanism in creating environmental
11 injustice, as we originally thought it might be.

12 So what do we have so far, right?
13 And my students will tell you it's hard for me to
14 stand still. So as I start moving, just hang with
15 me. All right?

16 So we have this general notion of
17 environmental injustice, right, meaningful
18 involvement in -- in enforcement and development
19 and implementation of environmental law. We have
20 a grounding in this paradigm. We kind of
21 understand, right, that communities don't have
22 this right now, that there is a risk of harm that
23 is disproportionately shared by low-income and
24 minority communities.

25 And we have a little bit of an

1 understanding about why that may be the case.
2 Communities don't have the power. There is
3 implicit or intentional discrimination out there.
4 And perhaps the market plays a little bit of a
5 role in this as well. All right?

6 So now that we've sort of laid
7 out, I think, a nice little narrow framework, I
8 also want to expand things. All right? So I
9 think it's unfair for us to think of environmental
10 injustice just in these narrow terms. There are
11 all kinds of other ways in which disproportionate
12 risks are -- are visited upon low-income and
13 minority communities. Right?

14 So you can think about plenty of
15 other manifestations of environmental injustice.
16 You've got, right, access to fresher, healthy
17 food, right? Clearly not something that all
18 communities have the same amount of.

19 Enforcement of existing
20 environmental laws. So there have been plenty of
21 studies that have been shown that even existing
22 laws are not enforced as much as in low-income and
23 minority communities as they are in other
24 communities. All right?

25 The design of environmental law.

1 So when we teach this in our classrooms, we talk
2 often about cap and trade, something you probably
3 all have heard of in the discussion of global
4 warming -- excuse me -- climate change and annual
5 response to it. And the way that they conceive of
6 this as having a discriminatory effect is very
7 traditionally commanding control regulations at
8 every facility. You have to decrease the amount
9 we pollute to a certain degree. Right? And so if
10 you live near one of those facilities, the amount
11 under commanding control regime of pollution that
12 they create will go down.

13 But with cap and trade, what we do
14 is, we say, everybody, you can pollute. We're
15 going to limit the total amount of pollution, but
16 we can trade that, right, the pollution rights.
17 And to the extent that happens, you might very
18 well have a facility that's dirty that doesn't
19 want to invest in cleaning itself up, for whom for
20 the facility it's cheaper to actually buy the
21 right to pollute more.

22 And so within the context of
23 designing regimes to respond to global warming, we
24 have to be mindful of exacerbating these
25 distributional, right, differences among the

1 communities.

2 All right. There's an
3 international convention to environmental
4 injustice. All right. So you can think again
5 about global warming as a reflection of the fact
6 that the developed world for a hundred years has
7 been exporting, externalizing, right, its risks,
8 its harms onto everybody else through the global
9 comments.

10 So we send our pollution into the
11 air, but it doesn't stop at the U.S. border. It
12 finds its way everywhere. And to the extent we're
13 benefiting from that activity, we're exporting a
14 great amount of harm. Again, this has
15 distributional consequences.

16 And then finally, something that
17 I'm particularly interested in -- this goes back
18 to the paradigm -- I'm interested in this vision
19 of the benefits of development of LULUs and how
20 that plays out in the environmental justice
21 context.

22 So I've done some research lately.

23 You know, if you think about it,
24 you've heard all of these stories. This summer,
25 the big story -- at least I live on the other side

1 of the river in New Jersey -- was Secaucus, New
2 Jersey paid \$12 million to keep Panasonic in
3 Secaucus.

4 And there's this vision that we
5 have that when you build an office building or an
6 industrial facility, that it brings with it
7 benefits, right, jobs, taxes, a certain sort of
8 what we call the multiplier effect. It just
9 increases the general economic well-being of
10 everyone in the community.

11 Well, when you think about it,
12 that's really not the case. And there have been a
13 lot of studies that show this. So actually only
14 about 14 percent of the jobs created by LULUs go
15 to members of the community. And out of that,
16 those 14 percent tend to be low-skilled jobs. All
17 right?

18 And then there's a bunch of stuff
19 out there that suggests that the taxes created, as
20 well as the economic benefits, actually accrue
21 only to the political and economic elite. So if
22 you own a business in town, you might actually be
23 benefited by the development of a LULU. If you
24 have the ear of the politician, you might also be
25 benefited by the development of the LULU. But

1 it's the people who bear the risk who are going to
2 be the least benefited again. Okay?

3 So I've done my job here. I was
4 going to talk a little bit more about broadening
5 the vision, but I want to keep us on track. So
6 that's my primer, my overview of environmental
7 injustice.

8 We're going to turn it over now to
9 Adam Cutler. Adam is going to tell you a little
10 bit about the work he's been doing and to give a
11 little bit more of the sense of the shape of the
12 conference.

13 Welcome. Thank you. Have a good
14 day.

15 - - -

16 (Applause)

17 - - -

18 ADAM H. CUTLER: Thank you, Alex.
19 And, again, thank all of you for coming today and
20 to thank everyone -- including our sponsors --
21 everyone who has helped plan and prepare for
22 today's event.

23 I wanted to talk also about some
24 of our broader themes and give you a little piece
25 of the legal framework surrounding environmental

1 justice and where things stand today in terms of
2 the movement for EJ and healthy, sustainable
3 communities.

4 Some would tell you that we have
5 mountains of environmental regulations in our
6 lives. And so you might then ask me why do we
7 still have communities who live every day, in face
8 of all this regulation, with environmental
9 injustices? Why are their voices still going
10 unheard by decision-makers and by developers? Why
11 do we see health statistics in these communities
12 that are consistently bad, and across many
13 categories, getting worse?

14 Let me start -- and hopefully I
15 won't give more confusion with this -- by giving
16 you some statistics from the latest household
17 health survey conducted in the Delaware Valley by
18 the Public Health Management Corporation. Every
19 two years, they do a telephone survey, in English
20 and Spanish, of 10,000 people in the region. So
21 here's some of what they found in 2010.

22 In the Southeast Pennsylvania
23 region as a whole -- so Philadelphia and its
24 surrounding Pennsylvania counties -- the asthma
25 rate for adults was 15 percent. For children, it

1 was 18 percent. So that includes Philadelphia,
2 which is a highly polluted area. It includes some
3 other environmental injustice communities that
4 I'll get to right now.

5 When we isolate some of those
6 communities with high minority populations, we
7 find much higher asthma rates.

8 In Hunting Park, a largely Latino
9 community in North Philadelphia, the asthma rate
10 for adults was 21.6 percent and for kids it was
11 30.8 percent. So that's more than 50 percent
12 higher in each case than in the region as a whole.

13 In Chester, the asthma rate was
14 26.7 percent for adults and an appalling
15 38.5 percent for children. So that's twice the
16 rate and more in the region.

17 And these communities were also
18 twice as likely, according to the survey, twice as
19 likely, among adults, to report that their overall
20 health was either fair or poor.

21 In Chester, children were three
22 times more likely to be reported in poor overall
23 health than in the region as a whole. In these
24 same communities -- and Alex alluded to this in
25 his comments -- 38 percent were reporting that the

1 quality of their grocery store options was only
2 fair or poor.

3 So we know that finding healthy
4 foods is a significant problem. We know that high
5 crime rates in these communities are also a
6 significant problem. So there's a cycle. You
7 can't get healthy foods. You can't go outside to
8 exercise. You can't go outside to breathe clean
9 air. And the health effects continue to snowball.

10 So these statistics have been
11 persistent over time, and across many categories,
12 like childhood asthma, they are getting worse.
13 And they're getting worse even as we've
14 strengthened our clean air regulations and even as
15 we've cleaned up the waterways, and things aren't
16 changing.

17 It was because of these very types
18 of health impacts, and the makeup of the
19 communities in which they were found most likely
20 to occur, that the environmental justice movement
21 began.

22 In 1982, a North Carolina
23 community, Warren County, organized to protest the
24 siting of a PCB landfill that was proposed for
25 their neighborhood. For six weeks of protests and

1 civil disobedience, they played a significant role
2 in launching the EJ movement.

3 The Toxic Waste and Race in the
4 United States report by the United Church of
5 Christ, which came about in 1987, found that race
6 was the most significant predictor for the
7 location of commercial hazardous facilities in the
8 U.S., more powerful than income, more powerful
9 than home value, or indeed than the amount of
10 hazardous waste that's actually produced and
11 generated in a particular place.

12 The more recent updates of Toxic
13 Waste and Race and other recent reports, like the
14 Lawyers' Committee's "Now is the Time" have found
15 that little has changed.

16 The flash points in the struggle,
17 many of which are represented here today by
18 speakers and by tonight's honoree, Jerry Balter,
19 are found throughout the country, from Cancer
20 Alley in Louisiana to Houston, Texas, from Harlem
21 to the South Bronx in New York, Los Angeles, Long
22 Beach, San Diego, East Baltimore, Boston, and
23 hopefully Harrisburg, Camden, Chester and
24 Philadelphia.

25 The common theme is, communities

1 of color, communities of poverty standing up and
2 saying that we've had enough of the clustering of
3 polluting facilities in our neighborhoods. We've
4 had enough of bearing the burdens of polluting
5 activities without receiving any meaningful
6 economic benefits from them. We've had enough of
7 not getting the same amenities and services that
8 the affluent white communities get. And we've had
9 enough of suffering adverse health effects at two
10 and three times the rate of the rest of the folks
11 in the country.

12 So what legal framework is
13 available for these communities to use? Well, in
14 the early days of the EJ movement, there were a
15 number of legal successes along the way. Some
16 were found in court, where creative lawyers used
17 equal protection claims and disparate impact
18 theories grounded in Title VI of the Civil Rights
19 Act of 1964.

20 Others came through advocacy work
21 resulting in legislation and other policy changes.
22 Again, several of the people in this room today
23 played a part in those successes.

24 At the federal level, intense
25 grassroots lobbying over many years led President

1 Clinton, in 1994, to sign Executive Order 12898,
2 directing executive agencies to develop
3 environmental justice strategies to address
4 disproportionate adverse human health or
5 environmental effects of their programs on
6 minority and low-income populations, and to
7 prevent discrimination in federal programs that
8 affect human health and the environment.

9 Nearly 20 years later, we're
10 finally seeing some tangible results of that
11 executive order. We have a revitalized
12 Inter-Agency Working Group at the federal level
13 among many federal agencies. And in recent weeks,
14 we've begun to see the release of EJ strategies
15 agency by agency. It's been a long time coming.

16 So there is recognition of EJ at
17 the federal level, and in most cases, at the state
18 level, too. In Pennsylvania, for example, we have
19 the state's Environmental Justice Advisory Board,
20 which consults with Pennsylvania's Department of
21 Environmental Protection on EJ issues. We also --
22 the department also has an enhanced Public
23 Participation Policy, which applies to certain
24 trigger permits for activities that are located
25 within half a mile of any census tract that

1 qualifies under Pennsylvania's definition as an
2 environmental justice area. That gives residents
3 of those areas additional opportunities for public
4 participation.

5 Other states have programs similar
6 to Pennsylvania's. Some even go a bit further,
7 although not much.

8 But as a matter of law, while
9 these policies offer more opportunities for public
10 participation and engagement, there's currently no
11 enforceable legal right under federal or state
12 statutes to something called environmental
13 justice.

14 Executive order 12898, for
15 example, by its very terms, is unenforceable by
16 private citizens. There's no legal framework in
17 place, federal, state or local levels, that
18 reliably ensure that poor communities and
19 communities of color are able to redress
20 environmental injustice or even to have a real
21 influence on public decisions concerning city
22 planning and community development in a way that
23 takes EJ and community needs into account.

24 In large part, that's because in
25 2001, in a case called Alexander v. Sandoval, the

1 U.S. Supreme Court, in an opinion that was
2 authored by Justice Scalia, ruled that private
3 citizens had no right of action to enforce
4 regulations promulgated under Title VI to address
5 the disparate impacts upon protected classes from
6 facially neutral governmental activities.

7 These regulations were intended to
8 bar anyone to receive federal funds from acting in
9 a way that had the effect of discriminating
10 against a protected class, including race,
11 national origin and disability.

12 In short, these regulations were a
13 perfect vehicle for vindicating the rights of
14 communities that, because of their color, because
15 of their lack of political power, were
16 overburdened by environmental impacts, pollution,
17 neglect, disinvestment, and the clustering of
18 undesirable land uses.

19 These same Title VI regulations
20 formed the basis for the Law Center's
21 groundbreaking lawsuits against Pennsylvania's and
22 New Jersey's state environmental agencies in cases
23 brought by the communities of Chester and Camden.

24 The Sandoval decision, which came
25 subsequent to those cases, took this Title VI

1 disparate impact strategy away from private
2 citizens.

3 Simultaneously -- and Alex alluded
4 to this as well -- federal and state enforcement
5 of environmental laws in general was not typically
6 focused on violations that impacted poor
7 communities or communities of color.

8 Since the Obama Administration
9 came into office, however, there has been a focus
10 on federal enforcement efforts that are directed
11 at protecting EJ communities. It remains to be
12 seen, however, whether those efforts will be
13 impactful or sustainable, or whether state
14 officials will follow suit.

15 So here's the state of the legal
16 framework in the decade post-Sandoval:

17 There's no meaningful federal
18 civil rights remedy available under Title VI to
19 private citizens, exempt for hard-to-prove
20 potential discrimination claims.

21 EPA's existing administrative
22 complaint process under Title VI, which could
23 address disparate impact claims, has unfortunately
24 been broken from the start. Complaints take too
25 long to resolve, if they're resolved at all, and

1 the standards are convoluted and ultimately
2 hollow.

3 The federal National Environmental
4 Policy Act, NEPA, can in some instances mandate an
5 environmental impact statement that takes EJ into
6 account. But NEPA only applies to federally
7 funded projects and it's largely a procedural
8 hurdle rather than a source of substantive rights.

9 So it may offer overburdened
10 communities an opportunity to delay a project
11 while an environmental assessment is conducted,
12 but it does not ensure that EJ concerns will be
13 taken into account.

14 And at the state level -- and
15 recall that Title VI applies to anybody who
16 receives federal funds, so that includes state
17 environmental agencies -- the permitting process
18 does not take EJ into account beyond offering
19 certain opportunities for additional public
20 participation.

21 So indeed in Pennsylvania,
22 although our state constitution guarantees
23 everyone the right to clean air and clean water,
24 the DEP is bound by their existing regulations, by
25 state supreme court precedent, not to require a

1 full harms-benefit analysis to be performed for
2 most categories of permits.

3 At the local level, planning and
4 zoning processes historically have not addressed
5 EJ considerations. They're far more likely to
6 take neighborhood concerns into account when those
7 neighborhoods are politically powerful.

8 Poor and minority communities are
9 too often left out of the process or they're only
10 invited in once the appeal decision-making is
11 done, a land use development deal has already been
12 struck, and at that point the community has very
13 little leverage.

14 So we have no magic legal wands
15 that we can wave to address community substantive
16 concerns before a project is built or expanded or
17 before a permit is granted or renewed.

18 There's nothing to ensure that the
19 project and the various permitting and oversight
20 authorities have conformed to principles that will
21 benefit, rather than wholly burden, EJ
22 communities.

23 And only after the project is up
24 and running can these communities seek redress
25 through environmental laws or through other civil

1 rights laws. That is only after the overburdened
2 community is actually exposed to more
3 environmental health burdens.

4 And this is the background we're
5 faced with. When the community in the Hunting
6 Park neighborhood up in North Philadelphia hears
7 about a permit application to double the operating
8 capacity of a construction and demolition
9 waste-shredding facility that's about a block from
10 people's homes. It's the structure we operate in
11 when a proposal is made to truck fracking
12 wastewater, billions of gallons of fracking
13 wastewater, from Marcellus Shale activities in
14 Northern Pennsylvania into Chester at Delaware
15 County's main wastewater treatment facility.

16 It's the fabric we have to cut
17 through when a casino licensee proposes to
18 relocate to the doorstep of Philadelphia's
19 Chinatown, a mixed commercial and residential
20 neighborhood, notwithstanding public health
21 studies that show that Asian populations have a
22 high prevalency of problem gambling issues.

23 It's the obstacle that we have to
24 overcome when a community in the small borough of
25 Eddystone, with a population of 2,400, is told

1 that their borough will be getting new riverfront
2 parkland, but that the price is that their new
3 neighborhood will be one of the largest metal
4 shredders in the country, and they'll be receiving
5 deliveries from 175 diesel trucks per day.

6 And it's the question we have to
7 ask when flooding devastates the historically
8 African-American community of West Ambler, in
9 Montgomery County, and residents are left to
10 wonder why their complaints about drainage issues
11 in the community have gone unheeded for many
12 years.

13 So these are real events. These
14 are real neighborhoods. These are real people who
15 are suffering the burdens. So we ask today what
16 can communities and lawyers and other
17 professionals do? What are we left with?

18 And in the end, what we have in
19 this fight for environmental justice is the power
20 of each other. What we hope to explore today is
21 how all of us, from our different disciplines, our
22 different perspective, our different experiences,
23 can engage with one another.

24 How can we join together in
25 productive collaborations to transform

1 neighborhoods that are overburdened by years of
2 environmental impacts and neglect, transform them
3 into places where today's residents not only get
4 to participate in the decision-making process, but
5 also get to enjoy the benefits of that
6 transformation?

7 How can we develop new tools that
8 take into account the cumulative health impacts of
9 the numerous sources that affect these communities
10 every day and get that information into the hands
11 of residents and planners?

12 And how can we use new and
13 existing planning and community economic
14 development tools to make sure that these
15 communities receive the benefits that have been
16 the subject of so many empty promises in the past?

17 We have four terrific panels and a
18 wonderful keynote speaker today who are going to
19 bring us very lively discussion on these points.
20 So without further adieu, I'm going to ask the
21 first panel participants to come up to the table
22 and introduce our first panel's moderator as our
23 panelists make their way up.

24 - - -

25 (Applause)

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ADAM H. CUTLER: So as everybody is settling in, We are thrilled to have with us today Robert Kuehn, who is the Associate Dean and Professor of Law at Washington University in St. Louis, where he oversees the school's clinical education program and co-directs the school's Interdisciplinary Environmental Clinic.

Bob is one of the real godfathers of the Environmental Clinic as it exists today. And we're really happy to have him here and owe him a great debt of gratitude for all that he's done.

So without further delay, Bob.

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2 SESSION I:

3 ENGAGEMENT FROM THE PERSPECTIVE OF COMMUNITIES

4 - - -

5 ROBERT KUEHN: Thank you so much
6 for coming this morning. And I particularly want
7 to thank the organizer of the conference for
8 inviting me, and the terrific job that Adam has
9 done in putting this together.

10 I am truly honored to be here
11 today. I am honored to be speaking at a meeting
12 on environmental justice put together by the
13 Public Interest Law Center.

14 I've been doing this work for
15 about 20 years. And the work that I've done and
16 some of the other people you're going to hear from
17 today is really just a continuation of some
18 credible work that others have done.

19 You know, there's a saying, you
20 know, that I think a famous scientist one said
21 about standing on the shoulders of giants. And
22 all of us here today who do environmental justice
23 work stand on the shoulders of some of the giants
24 who went before us.

25 One of those is Dr. Robert

1 Bullard, who some people refer to as really the
2 godfather of the environmental justice movement,
3 who has done more to define the field and give it
4 a research basis than anyone I know.

5 The great deceased Luke Cole, who
6 was a tireless injustice lawyer out in California,
7 did some amazing groundbreaking work.

8 But I want to pay tribute today to
9 Jerome Balter, because Jerome Balter truly is a
10 giant. And when I was toiling away in Louisiana
11 doing environmental justice work in the '90s, he's
12 one of the people I looked to, because the work he
13 did for Title VI at the time, and continuing
14 today, is what's unprecedented in the country.
15 The work that he started, which has continued
16 today, in Chester on community engagement and
17 community health impacts again was groundbreaking.

18 So I'm honored to be here today.
19 I won't be able to be here tonight when Jerome is
20 honored by you. I just wanted to say again how
21 pleased I am to be invited here, because this
22 truly is a place that if you're not involved in
23 environmental justice, you may appreciate that
24 we're doing tremendous work. And I'm sure the
25 future will carry on some more.

1 - - -

2 (Appause)

3 - - -

4 ROBERT KUEHN: So we want to get
5 started this morning on a panel on community
6 engagement, where really the issue we want to
7 discuss and think about a little bit is how do we
8 engage communities on issues of environmental
9 justice, public health, and community planning.

10 And what we want to do is share
11 the thoughts of three different experts from both
12 different disciplines and different positions in
13 terms of their relationship to communities.

14 When we first started this panel,
15 we somewhat thought that perhaps what we were
16 going to talk about is how do we get communities
17 to engage, what can we bring here today to suggest
18 as ways that communities might become more engaged
19 and more attentive to and more successful in
20 addressing environmental injustices.

21 And then I know that at least I
22 personally, and I think all of us, thought about
23 it a little more and said, you know, it's really
24 not us who can tell communities how to engage.
25 Really, we want to hear that from communities.

1 So really what we're positioned
2 today to share is what we've done, what we've
3 done, how we've been asked to assist, how we think
4 that we can perhaps be a part of communities and
5 better assist in that effort.

6 So really what we want to focus on
7 today is how, as I said, we can assist in advanced
8 communities that are looking to address these
9 environmental injustices.

10 As I said, each of our panelists
11 will be drawing on a little different perspective,
12 whether it's a health perspective, an urban or
13 community planning perspective, or in the case of
14 Dr. Strand, actually being in the community,
15 working with outsiders, trying to figure out the
16 best way to use them.

17 Our format today will be, after I
18 give you the background of the speakers, each will
19 speak for about 15 minutes, giving their views,
20 and then we'll cut it off and we'd really like to
21 hear from you. I think there's probably more
22 collective wisdom in this room, more collective
23 wisdom in the audience than on the podium. And
24 we'd like to hear about your own experiences and
25 your own sort of sense of how we can best engage

1 communities and help them in their struggles.

2 Our first panelist this morning
3 will be Ayanna King. She is from Pittsburgh.

4 I am glad that when people said I
5 was from St. Louis today, I didn't get a lot of
6 hisses and boos and bahs. Maybe I will if I come
7 back on Saturday or late Friday night.

8 She has a master's degree in urban
9 and regional planning, with a specialization in
10 state and local government developments and a
11 certificate of non-profit management.

12 I'm going to put my glasses on
13 here, because the print here is only 12 and not 16
14 font, like I have when I teach.

15 She is the former director of
16 Community Partnerships for Earth Force, where
17 she's focused on communities in Pittsburgh and
18 also worked here in the City of Tenure (sic) --

19 AYANNA KING: Chester.

20 MR. KUEHN: Or Chester, I'm sorry.

21 During her tenure -- I saw that
22 word on the next line here -- at the Pennsylvania
23 Department of Environmental Protection, she
24 organized Pennsylvania's first statewide
25 environmental justice conference in 2009.

1 She's the founder of the
2 Pittsburgh Transportation Equity Project and the
3 Youth Policy Institute. And she has done a lot of
4 work, and I'm sure we'll be learning a lot from
5 her today.

6 She'll be followed by Dr. Julie
7 Becker. Dr. Becker is the president and founder
8 of the award-winning non-profit, Women's Health
9 and Environmental Network, which champions women's
10 health through environmental action.

11 She is also the chief executive
12 officer of Evaluation Consultants, which is a
13 public health consulting firm that seeks to put
14 research into practice through a concept that we
15 increasingly are paying attention to in the
16 university community, community-based
17 participatory research.

18 She's spearheading an effort here
19 in Philadelphia called the Partnership for
20 Pharmaceutical Pollution Prevention, which is a
21 collaborative effort to develop better practices
22 to deal with pharmaceutical waste management. And
23 so she, too, will be talking today about some of
24 her experiences and thoughts on working in
25 communities dealing with environmental justice

1 matters.

2 Finally, we're going to listen
3 Dr. Horace Strand. I have to say, Dr. Strand, my
4 father was a World War II Navy vet, so I can't
5 give that marine shout-out to you that they did in
6 every town and elsewhere.

7 It's particularly a pleasure for
8 me to meet you. I've been teaching environmental
9 justice to students for about 15 years. And about
10 ten years ago, someone gave me a video, "Laid to
11 Waste," which is a tremendous documentary, if you
12 haven't seen it, about the struggle in
13 Chesterfield and some of the work of Zulene
14 Mayfield.

15 And it never ceases to really
16 touch my students about what the struggle is all
17 about, particularly when I show them this graph
18 that I put together that showed where the waste
19 from Philadelphia goes, and the astounding
20 disproportionate amount of waste that goes into
21 the area.

22 And invariably, every few years,
23 I'll have a student from Philadelphia who will
24 talk to me about it afterwards. And just this
25 past spring, I had a student who said that, you

1 know, she grew up on the Main Line, and she knew
2 about Chester, but she said she just never knew
3 what was going on. It really is unfortunate. You
4 know, I think this is a blind spot in many of our
5 thinking, just to know what's up the street.

6 We're pleased to have Dr. Strand
7 with us today. He attended the Chester Upland
8 School District until he enlisted in the Marine
9 Corps, where he received an honorable discharge.

10 He then went on to enroll and
11 graduate from the Faith School of Theology in
12 Maine, and founded in 1979 the Faith Temple Holy
13 Church.

14 In 1992, he was the founder and
15 first chairman of the Chester Residents Concerned
16 for Quality of Living, which has addressed,
17 throughout the years, as you saw in that video,
18 the clustering of environmentally unsafe
19 facilities within the Chester community.

20 He's a very accomplished
21 gentleman, obviously. And he's received a number
22 of awards, including NAACP, George Raymond Freedom
23 Award, the Environmental Community Service Award
24 presented by Wawa, and the Pennsylvania Resources
25 Council, Inc. Community Service Award.

1 He currently serves as the
2 chairman of the Chester Environmental Partnership.

3 So we'd like to begin this morning
4 with Ayanna King.

5 - - -

6 (Applause)

7 - - -

8 AYANNA KING: Good morning. Good
9 morning.

10 I'm always, you know, so amazed
11 whenever people ask me to come out and speak.
12 And, you know, I'm always thinking, well, what do
13 I have to share? And what do I have to offer to
14 people coming from, you know, the community
15 development perspective?

16 And I'm so glad and thankful that
17 Adam and Alex went before me, so they set up all
18 the legalese and all the different pieces for me.

19 And I also want to thank Bob for
20 my introduction.

21 And, also, this is a great thing
22 to be here today and to honor Jerry Balter, who
23 was one of my board members when I was at the DEP.
24 So I'm very thankful for that.

25 I wanted to start out because one

1 of the things that I always look at when I wake up
2 each morning is, I like to exercise. And I have
3 to get my day going. And I started thinking about
4 like, you know, everything about this presentation
5 and what I was going to say.

6 So I get up and I said, you know,
7 you've always got to make sure you can laugh at
8 yourself. I packed everything to go work out, but
9 my shorts.

10 But I'm determined. I've been in
11 grassroots for 20 years. I did a lot of different
12 work. I'm down in the exercise room in my jeans,
13 because I'm going to get my workout in and
14 exercise, because that's how determined I am
15 whenever I work on anything in a community, in
16 government, as well as a consultant. I'm always
17 extremely determined to help.

18 So looking at that, I looked at
19 three different angles that I can bring to this
20 presentation. When I worked in grassroots, and I
21 started the Pittsburgh Transportation Equity
22 Project, one of the first things I did was go to
23 the community, have a meeting, and ask them would
24 they be interested in working on transportation
25 equity. Is this an issue that they feel is

1 important.

2 Because if I want engagement, I
3 need to know are the people in that community
4 interested in being a part of that process. I
5 don't want to speak for them. I don't want to
6 work on behalf. I want to work with. I want to
7 build this from the ground up.

8 And how I did that, working with
9 the people in that community, I went out, and I
10 was fortunate because I had a long-term history in
11 that community. So I knew who the stakeholders
12 were. I knew who the relevant players were.

13 So what did I do? I organized and
14 set up the meeting. We talked about the issues.
15 I was blessed because I also got brought into
16 environmental justice through Dr. Bob Bullard. He
17 came. He did presentations. He talked to us.

18 It took us about a year or two
19 even to decide if we were really interested in
20 taking on the issue, because in engagement, it is
21 extremely important to have people who want to
22 organize around that initiative and become a part
23 of it.

24 So with that, once people agree,
25 we establish norms, how we were going to work

1 together. And we started doing the community
2 assessment piece: Whose in that community who can
3 help us? What skills do we have at the table?
4 That is very critical, because you need to know
5 where you need to fill in your gaps.

6 We started organizing. We started
7 looking at universities. What resources were in
8 the universities? How can students play a part in
9 this? How can we work collectively together?

10 And by doing that, we created very
11 strong partnerships. And we started working with
12 universities. They started commencing research.
13 We worked together to develop white papers around
14 the issues around transportation equity. We
15 started looking at spatial mismatch, where the
16 jobs are and where the people are, and how we can
17 build and do, you know, continuity with those
18 different angles and make sure that people
19 understood it in a plain language way.

20 We want everyone to understand why
21 we're coming together, why we're organizing. And
22 in our design and strategy with that, what we did
23 was organize at bus stops. We went right to the
24 people. We used door knockers, because we knew
25 some people would never open their doors.

1 So whenever we had a community
2 meeting, we would go out and put door knockers on
3 of that meeting. We would basically stay at the
4 bus stops, talk to people, ask them about -- take
5 surveys, ask about transportation issues.

6 And we started connecting with
7 other transit organizations who were doing things
8 and partnering. And then we started looking at
9 how do we engage young people. They ride the bus.
10 They understand that, you know, this bus comes
11 here. But they don't understand the background of
12 it.

13 I created a 16-week Youth Policy
14 Institute. The young people would come together,
15 and we brought in experts in difference areas to
16 take them from a social issue through a
17 legislative process and how to access and use it
18 in the right way. Okay?

19 With that model, what happened --
20 and we were very smart about how we did things.
21 We let the young people do the presentations to
22 the region. We got all the different people from
23 the work force who were making decisions,
24 transportation who were making decisions, and they
25 basically engaged the whole region around how it

1 was impacting you, what it was doing to their
2 families in environmental justice communities, how
3 it can build better relationships by working
4 together and understanding what the issues are
5 from the people who have to deal with it every
6 day. Okay?

7 We did this for over five to seven
8 years. And as usual, what usually happens when
9 you start moving in these directions, funding
10 becomes a big issue. And that's where the
11 collapse comes in.

12 But what we learned from this
13 process is, you can engage people, you can work a
14 process very diligently, and you can educate the
15 community because they want more. And they want
16 to work with you.

17 So what did I do? I took that
18 information and I learned from it. I absorbed it.
19 And I was like, okay, as I progressed and I became
20 a second director for the Office of Environmental
21 Advocate for the DEP, who's basically overseeing
22 all of the environmental justice communities for
23 the state, and for me it was like every time, I
24 want to be in the community before a problem. Not
25 after a problem. I don't want to walk in and sit

1 down and people are always -- they don't even know
2 me, but now they have a problem with me. Okay?
3 That's what usually happens.

4 For me, it was like, let's go in
5 the community. Let's engage them. Let's work
6 with them, show them that we are partners. We're
7 sitting at your tables. You're not coming to me.
8 I'm coming out to you. Okay?

9 So for me, it was very critical,
10 when I took on that position, one, to always be
11 extremely honest with the community members.
12 Teach them the process. Make sure they understand
13 that you may not get everything you want, but
14 there is a process. Learning how to take them
15 through that process and being reliable.

16 I was so surprised when people
17 would call me and say, you actually answer your
18 phone.

19 Yes, I do. And how can I help
20 you?

21 If you ask me to come to your
22 community because there was something that you
23 noticed, I came out to visit. I would ask my
24 staff to do the same thing. We worked
25 collectively together. We were a team. We did

1 not -- I did not just supervise. I was a part of
2 them. I never asked them to do anything that I
3 would not do. Okay? So we always worked from
4 that angle.

5 And as we were out in communities,
6 people were very happy that we were being a part
7 of the process. This is local government -- I
8 mean state government. Most people never new that
9 there was an Office of Environmental Advocate.

10 I increased the board. I went out
11 to every sector and interviewed people and brought
12 in different sectors, so we can have a diverse
13 group of people representing each region of
14 Pennsylvania, so they can be engaged in those
15 communities, too, because you cannot be in every
16 part of Pennsylvania at once and think you're
17 going to make an impact. I needed eyes and ears
18 everywhere.

19 By doing that, it was very
20 feasible to know what was going on in the North
21 Central area, what was going on in the Northeast
22 part of Pennsylvania, and engage it with the
23 people -- my board members who live there and come
24 and visit and have listening sessions, talking to
25 community members, meeting people in the

1 community, so they can understand that we exist.

2 When we held that 2099 statewide
3 conference, we had about 200 attendees. And we
4 gave out over 60 scholarships. We engaged the
5 community full force and worked with them and
6 listened to them. And they were part of the
7 process. They sat on panels.

8 It wasn't just that experts came
9 and spoke to them. They were part of the experts.
10 They have a part in this process.

11 And that's the key piece, whenever
12 you're working with people, that you're engaging
13 them, that their voice is heard, that they are the
14 critical piece in this process. They are our
15 puzzle. We are working with them. And we want to
16 be there with them.

17 So I learned a lot of different
18 pieces from, you know, capacity building and
19 community governance. You know, how is your
20 community being engaged, encouraging community
21 input? That's the key piece from every single
22 angle that I've worked. I want to hear from you.

23 Then my job is always, how can I
24 help? What can I do? Where can I get them to
25 build capacity? How can I teach them about the

1 process? How can I educate them on the issue, if
2 that's needed? Whatever it is, I'm looking at
3 what's in the best interest for them.

4 The one thing that I always
5 realized, working for government, is, how do you
6 build trust in communities? Communities have felt
7 like government does not listen, they are not, you
8 know, there for them. And my office was very good
9 at correlating, communicating and really saying
10 what can and cannot work and teaching them the
11 process.

12 And when you open that door for
13 communication, you are building a trusting
14 relationship. And you're teaching them the
15 different partnerships as well, you know, using
16 your universities for research. And you're
17 reemphasizing all those different pieces that I
18 had learned when I was in the grassroots. So you
19 keep doing the same pieces, but keep listening,
20 keep building.

21 And I took all of that
22 information. What I did was, you know, before I
23 went to government, I did consulting. And after
24 government, I did consulting. And I always
25 learned, one, to listen, assess and respect the

1 community's wishes. Okay?

2 And working with them, you know, I
3 always remember I don't speak for communities as a
4 consultant. I want them to speak for themselves.
5 I can teach them the different methods, how to do
6 things. But it's really important for them to
7 speak for themselves.

8 It's the one thing that I always
9 loved about the environmental justice movement:
10 You don't speak for other people, you let them
11 speak for themselves. You can help them with the
12 information so they know how to do it the right
13 way. But it is key for them to do it for
14 themselves.

15 And let me just say, like in
16 concluding, and, you know, just -- I want to give
17 you a few good points. When you're creating
18 infrastructure for community empowerment, you
19 know, by teaching, educating and working with
20 them, you're empowering, they're empowering
21 themselves. They know how to do the work as they
22 continue and build with that issue, that whatever
23 the piece is for community development and
24 environmental justice issues.

25 Understand the skills of the

1 group. Like I said, just keep reinforcing that
2 and know what things you need, what people you
3 need, who you need at the table and how to build
4 those partnerships.

5 People will come and help. It's
6 the one thing I learned especially when I started
7 the Pittsburgh Transportation Equity Project. I
8 had so many volunteers and so many people wanting
9 to help and created awareness around the issue
10 very simply by, one, just doing a media campaign,
11 getting on shows, all free advertisements, and
12 inviting newspapers to our stakeholder group
13 meetings to interview people on why they felt this
14 was an important piece.

15 So I always say, make sure you are
16 advertising. Because if you are not talking about
17 it and you're just grumbling about it in your
18 community, you suffer in silence. People need to
19 know about that issue and why -- you know, the
20 problem at hand, so they can take it and help them
21 build as well.

22 And always respect the different
23 cultural differences within communities.

24 I was laughing because Vernice had
25 seen me today and she said, this is the

1 professional Ayanna. Because one minute I have on
2 sweats and a ball cap, the next minute I have on a
3 suit in an African print.

4 So I always respected diversity,
5 because I've been around and I use this through
6 every different thing. So you never know how you
7 might see me. And I just say, always respect
8 everyone, because you don't know which corner,
9 where they're coming from.

10 And I always say, in any community
11 development, anticipate the need for flexibility.
12 You cannot go in with a plan and just think this
13 plan is going to go from Point A to Point Z. You
14 need to be flexible. You need to understand what
15 it means. And you need to work it from that
16 angle.

17 And be patient. Because
18 engagement is a long process, as well as building
19 partnerships and understanding how that
20 partnership will work.

21 And one of the things I always
22 explain and educate communities on is assess your
23 partnerships. Evaluate them. See if they're
24 working for you. If they're not, you need to find
25 different partners and figure out which direction

1 you need to go to get the things that you need.
2 And that's empowering yourself, because you are
3 deciding what's in the best interest for your
4 community.

5 Lastly, you know, I always like to
6 end with a quote, and I found a really great quote
7 from Margaret Mead, a Philadelphia-born American
8 cultural anthropologist who said, "Never doubt
9 that a small group of thoughtful, committed
10 citizens can change the world; indeed, it's the
11 only thing that ever has."

12 Thank you.

13 - - -

14 (Applause)

15 - - -

16 JULIE BECKER: Good morning.

17 AUDIENCE: Good morning.

18 JULIE BECKER: I'm want to thank
19 the Public Interest Law Project and my esteemed
20 panelists this morning.

21 And I am going to actually go
22 ahead and use slides. It's not because I find
23 that they're that interesting, but it helps me
24 with my timing just a little bit.

25 So next slide, please.

1 Okay. So first of all, for some
2 of you -- one more, there we go -- and this is --
3 you'll click through it, okay?

4 So I first want to talk about what
5 the definition is of public health, because
6 generally when I get together with people who are
7 from a variety of different disciplines, and even
8 those of us in public health, sometimes we need a
9 little refresher course on what we do.

10 So public health is actually the
11 power of the three P's. We help to kind of think
12 about preventing disease, promoting health and
13 prolonging life. And that's right. That's really
14 a noble kind of discipline which interest me.

15 And under that rubric of public
16 health, there are five separate disciplines.
17 There is environmental health. There is
18 epidemiology, biostatistics, health sciences and
19 community and behavioral health.

20 And so when we think about it,
21 when we're coming at this and looking at
22 environmental justice issues, actually, we get to
23 use all of these different disciplines, but they
24 all work a little bit differently.

25 So I'd like to talk a little bit

1 more -- that's a really wordy slide, but I want to
2 focus on a couple of key components.

3 One particular strategy that has
4 been used successfully in public health for about
5 almost 20 years now has been this idea of
6 community-based participatory research,
7 participatory action research, community
8 participatory approach. It doesn't matter what
9 you call it, it's all kind of the same.

10 And the person who really kind of
11 got us off the ball in public health was Dr.
12 Kenneth Olden, who is the first African-American
13 director of the National Institutes for
14 Environmental Health Sciences, which is part of
15 the National Institutes of Health.

16 Whew, what a mouthful.

17 So the key thing that I'd like you
18 to get from this particular slide, this is the
19 definition that was given by Dr. Olden. And what
20 he really put forth and really kind of changed how
21 we think about environmental justice within public
22 health is that this is a collaborative effort,
23 which is really huge, and that it involves an
24 equitable approach.

25 So instead of in the past, when we

1 thought about researchers going in or public
2 health people going in, it was one of these
3 things, public health and community.

4 What Dr. Olden did with the
5 inclusion of community-based participatory
6 approaches was to do this: When you create that
7 kind of equal and level playing field, it
8 dramatically changes the dynamics of what you can
9 expect out of this.

10 Next slide, please.

11 So what is this? Well, it's an
12 orientation to both research and how to approach
13 communities. It is definitely an applied
14 approach. It is not an experimental approach. So
15 you're not going to sit there and have a control
16 group. It's not what we consider in terms of an
17 experimental design.

18 And really and truly one of the
19 things to do, it is to make change. When we talk
20 about community-based participatory approaches, it
21 is to make a change. It's not to evaluate a
22 change. It's not to do sort of this observational
23 approach. It is to make change, whether it is to
24 community health, to systems, to create a specific
25 program or to change policy.

1 So, therefore, it requires a
2 different set of skills than what you have in
3 general.

4 It is also not a series of
5 methods. So it uses a whole bunch of different
6 tools with which to try to get at it. And
7 normally, it uses a lot of qualitative approaches,
8 which often have a lot of positives, but they have
9 a few negatives as well.

10 Next slide, please.

11 So what are some of the pros?

12 Well, the great part about using a community-based
13 participatory approach is that it involves
14 communities from the beginning. When you
15 initially are putting together stuff, communities
16 come together with researchers and with people
17 from other disciplines, which is great.

18 It also increases a chance to
19 sustain it, which is really important. Very
20 often, when we start to do things, we go out and
21 we want to do a program or we want to make changes
22 within the community, but there is no forethought
23 on what's going to happen after the funding
24 leaves, after people leave. How is this going to
25 be internalized within the community?

1 And what community-based
2 participatory research does, from its inception,
3 it says, how are we sustaining these efforts going
4 forward, which is great.

5 And it also does something else.
6 It not only identifies both problems and
7 solutions, but it often identifies community
8 assets. And that is really a big issue, because
9 very often in public health, we are the finger
10 that wags. We come in and we tell communities,
11 here are all the things that are wrong with you
12 and I fix it.

13 And, truthfully, when we use a
14 community-based participatory approach, we sit
15 there and say, what are your strengths? And what
16 are potentially some barriers? And how can we
17 either overcome, mitigate, resolve or do something
18 with those and build on what your strengths are?
19 So that's a great thing.

20 So what is it not? It does not
21 have scientific rigor. I cannot stress this
22 enough. And it is not a panacea. It will not fix
23 all problems.

24 And it includes a fair amount of
25 social activists, which for a lot of researchers,

1 they feel grossly uncomfortable with that. So it
2 takes a special type of researcher and a special
3 type of person to be able to work in this kind of
4 setting. And it, therefore, requires different
5 skills.

6 I've got to be honest, having hung
7 out with a lot of basic researchers over the years
8 and having served on basic research panels, I've
9 got to tell you, the skill sets are very
10 different.

11 The people who work in
12 community-based participatory approaches have to
13 have good communication skills. And they've got
14 to be willing to let loose a little on the
15 control.

16 That is not common for a lot of
17 researchers. And it's messy. This is hard stuff.
18 It's not going to be -- Ayanna was exactly right,
19 it's not going to be -- the best laid plans are
20 not going to get you there. And you've got to be
21 willing to be a little dynamic. Shift it up,
22 change it around. If it's not working, try
23 something else. And for a lot of people, that's a
24 little uncomfortable.

25 So now I'm going to talk about

1 what's needed to work for CBPR. And, normally,
2 people sit there and tell you all about their
3 successes. Well, I'm not going to do that today.
4 I'm going to talk about my failures, because,
5 honestly, I have learned more from my failures
6 than I have from my successes. And when at least
7 if I'm right, it's fantastic and I get to go,
8 Woo-hoo! But in reality, I've learned more and
9 have remodulated what I've been able to do as a
10 result of my failures.

11 So I'm going to go through this
12 and then I'm going to point out some of my
13 failures. And I've got two slides on this, and
14 I'll give you sort of some examples.

15 So first of all, it is having a
16 memorandum of understanding, where you delineate
17 your roles and your responsibilities. And the
18 reason why I have started this, very clearly, when
19 I kick off doing community-based participatory
20 research, is that there is generally a gross
21 mismatch of expectations.

22 Case in point: Recently, we have
23 been working in West Philadelphia, in two specific
24 communities, and we're working, actually, on some
25 economic development and environmental justice

1 issues.

2 And so what there was, was a
3 really big mismatch in what the community thought
4 we were going to do and what we were actually
5 going to do for the project.

6 So what the community thought we
7 were going to do is help them form non-profits and
8 write grants for that. And we were not going to
9 do that. Our goal was to help them develop skills
10 and provide them with the resources and connect
11 them to other agencies and connect them with a
12 whole bunch of stuff. And so as a result, the
13 community got a little annoyed.

14 And I have to say that our
15 community partner got annoyed because they knew we
16 were working with a community group. They were
17 very annoyed because they knew that that wasn't
18 the goal of it. And the researchers were
19 incredibly frustrated with it.

20 So there was a gross mismatch of
21 what the expectations were. So defining them from
22 the get-go makes a huge difference.

23 Accountability. Both -- everybody
24 who is going to be sitting at that CBPR table has
25 to be accountable. What are you going to do?

1 What are you going to give? And what do you
2 expect in return? And that has to be measurable.

3 Because the problem with, for
4 example, in the one thing that I'm just suggesting
5 right now, is that there was no accountability
6 from the community's perspective. So they felt
7 that they were there just to learn and there was
8 nothing that they had to go back and do, when, in
9 reality, there were some specifics, but they were
10 not communicated clearly. So, again, there was no
11 measure of accountability. And it makes a big
12 difference.

13 And this next one is enormous. So
14 I have worked on -- since 1996, I've worked on
15 about six different community-based participatory
16 research projects, mostly in North and West
17 Philadelphia. And the pay is huge.

18 So here's the thing: The
19 academics get paid. Community groups themselves
20 that are written into the grant, they get paid.
21 Community members who are volunteering their time
22 do not.

23 This is inequitable. So,
24 truthfully, we have to reframe how we think about
25 it. Because just like professionals are bringing

1 certain expertise, community members need to be
2 paid for their expertise. And so we need to
3 factor that in. And if that means that you have
4 to give up a little from the academic point of
5 view, so be it. If that means the community groups
6 that are involved have to give up a little or have
7 to pay their community member to participate. But
8 if we're talking about equality, we need to have
9 pay as part of that. And that's a huge dynamic.

10 The other thing that we need to do
11 is address diversity, racial, cultural and
12 spiritual diversity. So in one of the groups that
13 I was working with, we had a major problem,
14 because we were working within two communities in
15 West Philadelphia, and this was around violence
16 prevention and economic justice issues. And we
17 had a very strong Muslim contingent of the
18 community and a very strong Christian contingent
19 of the community. And the two groups did not
20 agree on a lot of efforts. And so there was not a
21 lot of mutual respect in terms of some of the
22 diversity between the two spiritual aspects of
23 things.

24 And so one of the things that
25 needed to happen is, we had to sit there and come

1 together and kind of look at how do we go ahead
2 and what are some things we can agree on. So we
3 can agree on, we didn't want you to fire us. All
4 groups could agree on that.

5 Okay, fine. So how you approach
6 that from your spiritual, racial or cultural
7 perspective may be slightly different. But we
8 started with an agreement point. And I can't
9 stress that enough. You need to address that.
10 You need to be up front about it. You're not
11 always going to agree. But you can agree to
12 disagree. And that's okay. Because there's also
13 strain amongst disagreement.

14 Next slide, please.

15 Which leads to mutual respect. We
16 had -- in that same collaborative effort where we
17 used community-based participatory approach, we
18 had -- there were about 80 of us that participated
19 as part of different groups, but there were 80 of
20 us over the course of five years that
21 participated. And part of the issue was, there
22 was not mutual respect. And we needed to really
23 address that.

24 And it wasn't until year three and
25 a half that they really started to look at that.

1 And that really was like, we wasted a lot of time,
2 because people were really angry a good portion of
3 the time, because they didn't really feel they
4 were being respected.

5 And so part of it is going back to
6 that whole idea of using a memorandum of
7 understanding and clearly delineating what kind of
8 communications app you should go ahead and use.

9 Ayanna pointed out this whole idea
10 about this thing about timing and building. What
11 funders often want you to do is get in, get going
12 and get working and get a product out the door and
13 get outcomes.

14 Well, truthfully, when you're
15 doing this sort of approach in public health, it
16 takes time. It takes time to build respect. It
17 takes time to iron out what your goals are. It
18 takes time to do that. So you need to have
19 factored in more up-front time and then looking at
20 a little bit more reflection time at the back end.
21 And that I have seen overall completely we don't
22 give enough time to this.

23 The last -- the next couple of
24 things are clear winnable goals. So often when we
25 do CBPR, we're going to eradicate violence in

1 certain neighborhoods. Really? No, we're not
2 going to do that. We're not going to do that in
3 three years. We're not going to do it in five
4 years. We're not going to do it in a long time.

5 And the reason we're not going to
6 do it is because -- or environmental justice in
7 general -- we're not going to be able to do that
8 because it took us a lot of time to get there.
9 It's going to take us time to get out of it.

10 So as a result, we need to make
11 clear, winnable goals and objectives. And so
12 often, we don't do that.

13 So, for example, going back to my
14 failure with this other group in West
15 Philadelphia, where there was this mismatch of
16 expectation, we didn't have clear winnable goals.
17 And so as a result, the frustration from both the
18 community, the community group, and the
19 researchers was really palpable as a result of it.

20 There's a series of principles
21 that have been outlined by some of the great
22 thinkers of community-based participatory
23 research. And those are a series of about ten
24 different principles. And if you're interested,
25 I'll be happy to share those with you.

1 But the appearance to some of
2 these principles -- and a lot of them have to do
3 with issues around respect and communications and
4 how things are going to operate when you use
5 that -- is really crucial going forward. And
6 those should be reviewed on a continual basis.

7 It wasn't until this large
8 collaborative that we worked on with the 80-people
9 version of it, it wasn't until year two that we
10 finally got around to addressing the goals and the
11 principles of community-based participatory
12 research. Really? Again, not our brightest move.
13 Really smart people, but not our brightest move.

14 And, lastly, we have to all
15 acknowledge what we don't know and know what we
16 don't know. And that's really hard for
17 researchers. And that's really hard for
18 academicians. It's hard for community groups.
19 And it's hard for the community as well.

20 And so sometimes -- like, for
21 example, one of the things with the community
22 group that was working on some of the economic
23 types of things, what we learned from that was,
24 is, they did not like to use computers, but they
25 wouldn't own up to the fact that they didn't like

1 to use computers. They were masters of the
2 BlackBerry. They knew how to use that BlackBerry,
3 but they wouldn't use a computer, which was so
4 interesting.

5 When we interviewed folks -- and
6 we did a number of in-depth interviews -- we found
7 out that their reading levels weren't that great.
8 And so that a lot of the information that was on
9 the computer was at a much higher level, reading
10 level.

11 So, truthfully, there was a gross
12 mismatch where we started and what kind of
13 information they wanted. But they didn't know
14 what they didn't know and couldn't say that
15 articulately. And so as a result, there was a
16 real mismatch.

17 So in thinking about using this,
18 this is a great approach to thinking about using
19 public health and the different disciplines of
20 public health, but understanding that it is not a
21 panacea. It is not the be-all and end-all. And
22 yet it needs to be used judiciously.

23 I meet and see a lot of folks
24 right now who are saying community-based
25 participatory approach is the only way to go and

1 work in the communities. And I refute, no, that's
2 not the case. But I think it's really important
3 to have that be -- this be part of our toolbox.

4 Thanks.

5 - - -

6 (Applause)

7 - - -

8 REV. DR. HORACE STRAND: First,
9 I'd like to thank the panel for putting on this
10 presentation and the moderator for the great
11 introduction to PILCOP. It is an honor to be a
12 part of this great endeavor.

13 My concern is to help other
14 professions and professionals to know the
15 importance of your role in environmental justice
16 in any environmental justice community anywhere
17 basically in the world.

18 Environmental justice is a human
19 issue. It's not a geographical issue or a
20 territorial issue. It's a humanity issue. And
21 every human being should be concerned about how
22 other human beings are being treated anywhere in
23 the world.

24 I remember when I first got
25 involved in the environmental justice movement as

1 an inexperienced person. My expertise is theology
2 and I'm also a private school administrator. And
3 I had my life planned out, a quiet,
4 non-confrontational existence, spending my time
5 being nice to people and trying to help people to
6 learn God's ways, never wanting to be associated
7 with anything that was considered radical or, you
8 know, controversial.

9 But injustice came to me, and I
10 was confronted with it. And I looked at how
11 people were being treated who were powerless to
12 help themselves by people who had a whole lot of
13 power, politicians, very rich investors who
14 represent some big companies, like Westinghouse,
15 B Capital II, and other companies, Waste
16 Management or Metro Manning (ph), companies that
17 represented ground pressure companies, soil
18 remediation, things like that, came into our
19 community. And these individuals came to make
20 money. And they wanted to place their facilities
21 in a place where they get the least resistance and
22 the least opposition, and where people were
23 powerless to fight that, because of economics,
24 because of education and basically because of
25 poverty.

1 I remember going to a county
2 council meeting and raising the issue about the
3 trash-to-steam plant being between residential
4 streets, on Thurlow Street, with parking on both
5 sides, where children play in the streets and the
6 trucks would occasionally almost hit the kids
7 while they're trying to play ball and things like
8 that, and raising the issue of how they spent \$360
9 million to build the facility, but never took into
10 consideration the effect of the traffic on the
11 residents who were in close proximity to the
12 facility.

13 And when we raised the issue, of
14 course, we're one of the wealthiest counties in
15 America, Delaware County, the county chairman at
16 that time was Mary Leonardi (ph), she's now
17 deceased, as we were walking out of the county
18 council meeting, I had a few individuals from the
19 surrounding communities that was with us, and she
20 was indicating that she was going to look into the
21 matter that we were raising. But she seemed more
22 interested in who the other individuals were that
23 were with me. She wanted to know their names, the
24 telephone numbers, the Social Security numbers.
25 I'm just kidding.

1 But when she realized that they
2 weren't from Chester, they were from surrounding
3 communities, she literally said, let -- you guys
4 stay out of this. Let me deal with them. In
5 other words, mind your business. Don't be an
6 outside instigator. Let us deal with these folks
7 alone by ourselves.

8 It's the same mentality when
9 you're in a home of domestic violence: Let's keep
10 this isolated among the family. Or where children
11 are a product of incest. Keep it to yourself.
12 Don't tell anybody.

13 Whenever people are being abused,
14 the abusers always want to keep it isolated so
15 that nobody else will know what's going on but
16 themselves and the abused.

17 And the same mentality exists in
18 environmental justice. Politicians and companies
19 do not want people with expertise, knowledge and
20 power outside the community to come into the
21 community and to empower the community and to help
22 the community to defend themselves and to fight
23 against the injustices. And so they will do -- go
24 to great lengths to make you feel like if you
25 don't live in that community, it's none of your

1 business.

2 And what we find is that
3 grassroots organizations have a very short life
4 expectancy. They start off. They get excited
5 about the problem. They raise Cain, and they get
6 attention. And then the politicians, who are
7 brilliant strategists, will just sit and wait
8 until they fizzle out. Pay attention to them,
9 make promises and then eventually they fizzle out.

10 And why do they fizzle out?
11 Because you're asking people who work 40 hours a
12 week, sometimes 70 hours a week, to match wits
13 with people who are paid on a daily basis to work
14 in that particular expertise and field. And you
15 are calling on people to find the time, maybe a
16 few hours at night, a few hours during the day,
17 and you schedule meetings during the day and you
18 know that people can't be there. And eventually
19 either that person is either going to lose their
20 job or lose their ability to get a job or stay
21 there and match wits with you on a daily basis.

22 Many times we've seen people go
23 bankrupt. We've seen people lose their homes
24 fighting environmental justice in Philadelphia, in
25 Chester, Eddystone and the surrounding

1 communities.

2 Grassroot organizations don't have
3 funds, don't have, you know, the expertise to know
4 what their rights are, how to challenge these
5 strategists who literally made these plans 10,
6 20 years in advance, before we realize what was
7 coming down the pike.

8 Sometimes the people who plan the
9 facilities in our community are no longer in
10 power. And so then you have people in power who
11 will feel that, well, I didn't create this
12 problem. I don't want to open up this can of
13 worms. It's the other guy that did it. I just
14 want to focus on my administration and what I'm
15 trying to do to help, you know, my community.

16 So it takes all the expertise to
17 come together. It takes people like yourselves to
18 go into the community and say to the community,
19 what can I do to help you? I realize you have a
20 problem. We're here to help. We're not here to
21 take over. We're not here to, you know, be
22 missionaries and tell you what to do and say
23 follow us or else. But what can we do to help you
24 and to empower you.

25 You understand the problem better

1 than I do. You may not be able to put it in the
2 scientific language that the regulatory agencies
3 demand you put it in before they will take the
4 next step.

5 Our language is, it stinks. It
6 smells. It's noisy. I'm sick. I've got a
7 headache. My kids are developing asthma.

8 But when you try to fill out an
9 application for a hearing and challenge the
10 industries, they want to know what technical
11 information you have to demonstrate that this
12 facility is going to have an adverse harm to your
13 community or create an additional burden on the
14 situation that's already existing.

15 When I started, I didn't know
16 anything -- I didn't even know what a particulate
17 matter was. You know, I didn't know what effects
18 mercury and metals would have on the environment.
19 That was not my expertise.

20 But this is what they expect the
21 layperson to be able to write in your letters of
22 concern or disagreement or backlash in the
23 community, so that they can look at that and make
24 a decision on whether or not they're going to put
25 these kinds of things in your communities.

1 So that's why we need scientists.
2 That's why we need academia. That's why we need
3 medical doctors. That's why we need lawyers.
4 That's why we need human rights activists. People
5 who know how to fight. People who know what our
6 rights are to come together and sit down at the
7 table and challenge these power brokers in a way
8 that forces them to give the community the respect
9 and dignity that is needed.

10 Remember, they don't set out to be
11 oppressive. They don't set out to do you harm.
12 They feel that they're really doing the overall
13 community a service, because everybody generates
14 waste. Everybody has to flush the toilet,
15 hopefully. And, you know, so we have to do
16 something with society's ills. And if a few folks
17 suffer while the masses, you know, are able to
18 have green trees and green grass and clean air,
19 sobeit.

20 But if you look at that scenario,
21 what makes that worse is this: Is that if you
22 select my community to bear the brunt of society's
23 ills, even though I have a choice in the matter,
24 at least you can empower my community to benefit
25 economically from that burden.

1 But that's not a part of, you
2 know, their strategy. That's not a part of their
3 plan.

4 We have the highest taxes in the
5 county. We have the worst school system. We have
6 the highest unemployment. We have the highest
7 infant mortality rate. We have the highest low
8 weight baby rate. Highest sexually transmitted
9 disease rate. As a matter of fact, our health has
10 been described as being that in comparison to a
11 third world country.

12 So it's no economic benefit. We
13 don't have jobs. All we have is society's ills
14 and burdens, and it's killing us.

15 So this is where CEP came into the
16 picture, after being the founder of CRCQL with
17 Zulene Mayfield, who was the co-chairman at the
18 time. I started CRCQL. I came up with the name
19 CRCQL, Chester Residents Concerned for Quality
20 Living, because we wasn't living very well.

21 And we fought. And we blocked
22 trucks. We took rats to county council. At the
23 time that I took a rat to county council, it's
24 because the executive director, Ted Erickson, said
25 he went down there and he didn't see any rats.

1 And, you know, God is always on our side, you
2 know. And right after that, a truck ran over a
3 rat that was almost the size of a cat.

4 So I put it in a plastic bag, I
5 got me some yellow gloves, and went to county
6 council. And, of course, I notified the media I
7 was going to be there with it because I wanted
8 some attention. Right?

9 And so when it came time to speak,
10 I said, by the way, Mr. Erickson said he came down
11 to the community and told the Inquirer that he
12 didn't see any rats in the community. That
13 Reverend Strand was just, you know, exaggerating,
14 in similar words. And I said, but I thought I
15 would bring one for you, and pulled the rat out.
16 And they like flipped out. Front page.

17 Well, at that time, there were no
18 security systems in the county. There was no
19 metal detector. After that, they changed
20 everything.

21 But the point is that when I
22 worked -- of course, we worked with Jerry. I
23 won't say too much about Jerry because I'm going
24 to talk about him tonight. But Jerry and Sue took
25 it all the way to Third Circuit Court of Appeals

1 and also back to the U.S. Supreme Court, and it
2 became moot, the issue about the clustering effect
3 of these facilities and the DEP's, you know,
4 permitting process.

5 It did a lot to give us some
6 national attention. But it didn't change the
7 living conditions of the people who are still
8 trapped in close proximity to the facilities.

9 So when I was asked to do
10 something at the CEP, and this matter was no
11 longer functioning, I said I really had no
12 intention of getting back involved into this --
13 and I'm almost finished -- but I realized that if
14 I was to put together something to address the
15 issue of environmental justice in the City of
16 Chester, I would have to approach it a little
17 differently. Rather than just trying to get as
18 many community people to come to the table and
19 protest, I realized I had to bring all players to
20 the table. The same people that the politicians
21 go to to help them do what they need to do, I had
22 to bring them to the table.

23 Because one of the things I
24 learned as an activist in doing my protest is that
25 the community will raise the issue and then the

1 politicians will put their spin on it and make it
2 look like we were exaggerating. And they were
3 putting their spin on it because they were
4 concerned about the people who knew how to fight
5 them, getting the right information.

6 So we developed CEP. We realized
7 we need to bring academia in. We needed to bring
8 the scientists in. We needed to bring the
9 industry to the table, along with the community,
10 and sit down together and make sure that the
11 politicians were there as well, so that the very
12 people that the politicians, depended on in the
13 city for, will get the information firsthand.
14 They will understand what the problems were in the
15 city, what the concerns were, and what were we to
16 do to resolve the problems and to challenge the
17 public officials and the regulatory agencies to
18 step up to the plate and do something to make a
19 difference.

20 And as a result of this kind of
21 collaboration, as well as the hard work of the
22 Public Interest Law Center that has been with us
23 throughout this entire battle, one way or the
24 other, we have realized that there are things we
25 can get immediately and there's things we need to

1 get long term, which is part of what both of my
2 colleagues have integrated into their
3 presentations.

4 As a result of the work we've
5 done, for 20 years, we had no inspectors from the
6 community to monitor the waste industry. We have
7 four individuals who are licensed to -- or
8 certified by the DEP to inspect the facilities on
9 a regular basis.

10 The difference in issue is this:
11 Is that we would not find out if the facility,
12 which is the trash-to-steam plant or any
13 facilities come under the DEP's regulations, was
14 violating their permit or emitting metals or
15 particulates in the air until maybe a year after
16 they did.

17 So what does that mean? You know,
18 the damage was already -- what -- done. And
19 that's what they call monitoring.

20 But the whole significance of the
21 inspector, he can go down there every day and
22 monitor and make sure that the facility is
23 operating safely, make sure that it's not burning
24 any, you know, dead bones or, you know, not
25 burning contraband and all those other things.

1 Because, you know, you get some strange smells in
2 the air when those things are fired up. You don't
3 know what we are smelling. So we have that now.

4 We also have the best monitoring
5 of these facilities anywhere in the state because
6 we're in touch with eFacts and we also have people
7 who work 40 hours a week who do nothing but deal
8 with environmental justice issues from the
9 community.

10 We got the city to start doing
11 recycling. We got them to start looking at the
12 relocation of residents who are in close
13 proximity.

14 Right now, we are sitting at the
15 table with the city and Delcora, with the waste
16 industries, and when I say sitting at the table,
17 we're sitting at the table with the head honchos.
18 We're not sitting with their seconds or
19 administrators. We're sitting at the table with
20 the decision-makers.

21 And we're in the process now of
22 putting together a pilot program to relocate the
23 residents. We told these industries that come
24 into our city, if you're coming into our city, you
25 know, if you're safe, we want some community

1 benefit to be there.

2 Right now, we have about six young
3 people that we give scholarships of \$10,000 apiece
4 over four years to go to college.

5 Other industries are coming in.
6 We sit down at the table. You want to come into
7 our city? We want you to send some kids to
8 college.

9 We started doing things that had
10 not been done before, forcing them to step up to
11 the plate, sponsoring baseball teams, football
12 teams, working with the Boys and Girls Club.

13 We're taking it to a new level.
14 And we're saying, if you're here and we can't get
15 rid of you, then we want you to help enhance the
16 quality of life of our community.

17 But at the same time, there's no
18 compromise on how you operate and how you affect
19 our community. And we do not need any more in
20 this community.

21 And this is what we've been able
22 to accomplish through a collaborative effort,
23 through the expertise that has come our way.

24 Lastly, if any industry wants to
25 come to Chester now, they have to come to the

1 student community. That's hot.

2 We also have an ordinance in our
3 zoning that says that the industry that wants to
4 come in has to prove that their technology, that
5 their operations will not add an additional burden
6 on us. That's key, because previously the law
7 says the community had to prove that, but now the
8 industry has to prove it.

9 I want to thank you for this
10 opportunity and appreciate the time that you've
11 given us to share a little of what we've been
12 doing. But keep in mind, all of you have a part
13 to play in making a difference to make things
14 right where people are hurting.

15 Thank you.

16 - - -

17 (Applause)

18 - - -

19 ROBERT KUEHN: Thank you so much.
20 We're going to ask for questions from the audience
21 in a minute.

22 But I just wanted to pose a
23 question, because I've been doing this work for
24 about 20 years with students. And in some
25 respects, I still think like a student a little

1 bit, because when we would go to these
2 communities, we would, of course, since it's our
3 discipline, focus like a laser on the
4 environmental problem. And whatever the old
5 saying is, you know, to a carpenter with a hammer,
6 everything looks like a nail.

7 And we were blind. We were blind
8 to the fact that in the very community, we were
9 worried about an emission from a large
10 petrochemical plant, that that same community had,
11 you know, inadequate sewage. It had no
12 streetlights. Its schools were run down. People
13 couldn't get jobs. And it was more. It was more
14 than just the environmental problem.

15 And, quite frankly, just
16 addressing the environmental problem, we began to
17 see, might not be enough or never was enough.

18 And so I wonder if particularly
19 you, perhaps, Ayanna and Dr. Strand could speak to
20 this, about why, as broad as even we define
21 environmental justice, it is just one of many
22 things going on in communities and how do we pay
23 attention to that and possibly deal with that in
24 trying to improve the community overall?

25 AYANNA KING: Can you hear me?

1 Okay.

2 I think it's -- it's always, as we
3 always say, it's case by case. Each community is
4 defined differently. And you have to find
5 trustworthy people in the community who can really
6 talk about what are some of the big picture
7 issues, as well as the environmental issues, and
8 how do they connect.

9 Just to give you like a brief
10 little piece, when I did transportation equity,
11 one of the things we did was connect it to like
12 arteries. If I cut off your transportation, it's
13 like choking your heart, because it's a true
14 vehicle for what you need to get to work, where
15 you go to church, how you get groceries,
16 everything you do, and how it connects, lack of
17 transportation or lack of access of having public
18 transportation. Also looking at crime, how it
19 impacts young people. And it is like a circular
20 effect that it impacts a multitude of different
21 things.

22 The problem I think we have in
23 environmental justice communities is that there's
24 such a multitude of different issues at once, you
25 have to figure out how to prioritize and start

1 tackling different things.

2 One of the most effective models
3 that I've seen, which back in 19 -- I guess about
4 1992, was the Hill District Consensus Group, where
5 they started identifying everything, developing a
6 community to design its own community plan and
7 they sectioned it as six different areas which
8 they thought were critical and they formed
9 committees.

10 And they were at the stage like
11 Dr. Strand is saying. Every project that comes
12 into that community goes before the consensus
13 group and they have an input. They may not get
14 everything they want, but they actually have an
15 input and they talk about it and they may
16 recommend it and they may not recommend it. It
17 doesn't mean it will stop every project, but at
18 least their voice is heard to say, you know, we
19 don't like it for whatever reason. May be too
20 many. May be whatever. But their voice is heard.

21 REV. DR. HORACE STRAND: You know,
22 the conditions that you described are conditions
23 that causes city governments to want these kind of
24 facilities in their community. Because they feel
25 they can't get anything else.

1 But the problem is, when you
2 negotiate bringing these facilities in, they're
3 only concerned about revenue for the operating
4 budget of the community -- of the city. So they
5 don't think about the benefit that these
6 industries, even though the community -- it's not
7 good for the community -- could be to help effect
8 the education, to help effect the infrastructure.

9 For instance, they built Harrah's
10 Casino in Chester. Now, I don't frequent the
11 scene. However, the deal was that the city got
12 \$2 million in revenues guaranteed each year from
13 the casino. The county got \$7 million guaranteed.
14 But they failed to negotiate on behalf of the
15 school district. Right now, our school district
16 is in turmoil because it has a \$10 million
17 deficit.

18 These are the kind of things that
19 you deal with and why, you know, environmental
20 justice is not the only issue, because most of
21 these communities are already economic-oppressed
22 before these industries come in. And if you have
23 somebody negotiating, they should negotiate in the
24 interest of the overall community.

25 ROBERT KUEHN: We'd like to hear

1 from you.

2 Maybe it's easier if you don't
3 have to get up. I'll just bring the mike over to
4 you.

5 WILLIAM KRAMER: Yes, William
6 Kramer with the Sierra Club.

7 I just wanted to say thank you to
8 the panel and to the conference organizers for
9 putting the community organizers on first, because
10 I think it's so important and it's really
11 inspiring for me to hear from three community
12 organizers, wearing different hats, but doing the
13 same kind of thing with community engagement.

14 And we all know it's not easy to
15 organize a community, especially affected
16 communities, who, like several of the panelists
17 referred to, you know, face additional obstacles
18 of poverty and, you know, multiple jobs and health
19 problems.

20 So you touched on this. And I
21 heard a lot of good wisdom from the three of you
22 on the panel about this.

23 But if you had to pinpoint the
24 major obstacle you face these days at community
25 engagement, any secret you've found to getting

1 people more involved, I'd like to hear from you.

2 JULIE BECKER: I'll start.

3 Communities are pooped. They're tired. And
4 truthfully, all of us are, because we're all being
5 asked to work a lot harder for a lot longer for
6 less money.

7 And so in reality, in terms of
8 trying to help to get communities engaged, helping
9 to pick -- at least from a public health
10 perspective, picking a winnable thing that people
11 feel that they can do, they can accomplish and get
12 done within a very finite time period, for us, has
13 been much more successful than starting really
14 lofty goals.

15 We can get to the lofty goals.
16 But, unfortunately, we need to have that wind
17 because people are tired.

18 REV. DR. HORACE STRAND: One --
19 one of the dynamics in the inner city, where a lot
20 of this environmental justice exists, is that
21 we're confronted with crime and violence at an
22 alarming level.

23 Per capita in our city, based upon
24 the statistics that have been put out, we have one
25 of the highest crime rates in the State of

1 Pennsylvania.

2 My church is on the west side of
3 Chester, and it's centrally located. In less than
4 a year, we've had eight murders around my church
5 and within a square block area. Eight murders.
6 Now, in the city itself, we had approximately 21
7 murders. So look at the vicinity in one area.

8 And so people are concerned about
9 their safety, their children coming home from
10 school safe. They're concerned about the drug
11 trafficking. And the environmental issues don't
12 seem to have the kind of priority in their minds.
13 But what they finally realized is that more people
14 are dying from environmental issues than from the
15 bullet.

16 AYANNA KING: I would say overall
17 lack of resources, distribution of resources to
18 where they're really needed.

19 All the communities that I've
20 worked in -- and it's very interesting, because I
21 currently reside in Hampton, Virginia. And like
22 Dr. Strand said about the crime, there's no
23 resources for young people to do recreational
24 things, to keep them motivated. Everything is an
25 afterthought. It's like it's really -- we're

1 really seeing what capitalism truly is right now.
2 And we're not hitting what's needed from the
3 ground up in our communities because there's no
4 resources.

5 Like Julie said, look, you have
6 the fact that people are pooped out. People have
7 been working on issues for years. And we've had
8 more issues today than we had in the past. And we
9 have no resources to help that.

10 KARL INGRAM: Hi, my name is Karl
11 Ingram. And I'm, I guess, known best in the city
12 as a food activist. But before I got involved
13 with food, I was doing some nonviolence work. So
14 once I was introduced as the same in both, you
15 know, had done nonviolence work and food activism.

16 And then I came to the
17 realization, I said, you know what, I'm not an
18 activist, I'm just an overly aggressive passivist.

19 But on that note, so I'm also
20 involved with community-based participatory
21 research through Temple University. And we've run
22 into some real problems with, you know, grant
23 money and whatnot, and where to go. What is
24 appropriate change? Because any time you risk
25 changing something, what are you going to change

1 to?

2 I mean, it's easy when you talk
3 about reducing violence or, you know, cleaning up
4 the environment. But any time you talk about
5 changing something, you know, it's risky.

6 REV. DR. HORACE STRAND: Well, let
7 me say this: You know, there's an overwhelming
8 number of problems in any community. But the
9 worst thing you can do is develop a hopelessness
10 mentality. And like so many things, you can't
11 solve anything.

12 And what we feel is that if
13 everybody did something and worked together on
14 making a difference, it may not reach everybody,
15 may not save everybody, but at least we don't
16 succumb to the hopelessness and despair of doing
17 nothing and disallowing our society a bit of the
18 pie.

19 And that's what our movement is
20 about, doing what we can, helping where we can,
21 helping who we can. And with that, we feel there
22 is still some humanity left in this crazy world,
23 you know.

24 JULIE BECKER: I'm going to build
25 on what Reverend Strand says. Something is better

1 than nothing. Something is better than nothing.

2 So I don't care if -- having had a
3 lot of successes, as well as a lot of failures
4 using CBPR, sometimes, though, that something is
5 really important.

6 And so I always look for what is
7 the one thing that we can potentially contribute
8 from this. It may not be astonishing. It may not
9 be fabulous. But at least it's moving hopefully
10 in the right direction.

11 So I -- I hear what you're saying
12 very clearly. And definitely, these are
13 discouraging times. No question. But I do think
14 that there is a certain power when we all pull
15 together and at least try working towards
16 something.

17 AYANNA KING: I would like to add,
18 and I concede from this wholeheartedly, because
19 there's always a point where you burn out or
20 whatever.

21 And what I've done to reinvent and
22 do things is work in different ways. I may not be
23 the front person. I can be the back person. I
24 can help communities from different angles.

25 Just like I'm not here in Chester.

1 I'm not working there now. But Dr. Strand knows
2 he can pick up a phone and call me and ask for my
3 assistance in any way that I can help.

4 So, you know, you just have to
5 figure out where you can make the impact. And you
6 keep moving forward and you stay dedicated and
7 with the course, but through different ways.

8 CATALINA HUNTER: Good morning.
9 My name is Catalina Hunter.

10 (Inaudible due to language
11 barrier.)

12 REV. DR. HORACE STRAND: I want to
13 say, praise the Lord. You're a perfect example of
14 what we're talking about. And I thank you for
15 sharing that. Because with people coming in and
16 giving you the expertise and help that you needed,
17 you changed that whole situation around. And, you
18 know, you're to be commended.

19 Why don't we give her a hand of
20 applause.

21 - - -

22 (Applause)

23 - - -

24 MICHAEL CHURCHILL: I wanted to
25 thank the panel very much, and particularly for

1 the analysis of power that they make about the
2 conditions that a community organizing has to take
3 place in.

4 And I have one comment, which is
5 that at some point, we're going to have to deal
6 with the political connections, also, about how
7 you turn community organizing into having some
8 political connection or whether you think that's
9 useful.

10 But I wanted to ask Julie Becker
11 if she could give us some of the examples, the
12 positive examples, of where she thinks the
13 community of participatory organizing that she's
14 done has actually made differences in the health
15 impacts in the community and describe what they
16 are, so that we can begin to feel what we can
17 accomplish.

18 JULIE BECKER: Okay. Let me give
19 you -- there are some really good positive
20 examples, actually, around specific health
21 concerns.

22 So, for example, if you focus on
23 the issue of asthma, which is a major issue in a
24 lot of environmental justice communities, if you
25 focus very specifically, there are ways in which

1 to create really direct strategies to help people
2 deal with asthma, one of which may be connecting
3 them directly with health care providers. Because
4 very often, folks that are there in
5 environmentally -- environmentally impacted
6 communities don't have access to a lot of health
7 care providers, so one of which is creating a
8 system approach to that.

9 The second way is doing some form
10 of data analysis to figure out where are they
11 getting the stress from in terms of the
12 particulate matter, and then going ahead and
13 figuring out what are some strategies short-term,
14 medium-term and long-term approaches. But that
15 means that requires using data analysis, which
16 sometimes can be very hard to do in communities,
17 and so that's something that needs to be worked
18 on. It takes a little bit more time.

19 And lastly, there are other
20 strategies that are generally low income that help
21 to monitor and hold people accountable to doing
22 that. There have been things that have been tried
23 in terms of measurement that these low cost
24 buckets with which to measure particulate quality
25 in communities that are affected. And that's been

1 really successful.

2 One community particularly that
3 has done very, very well is actually in Harlem.
4 And they've done a lot of work in this particular
5 area.

6 In the Philadelphia region, we
7 have had some good successes with using the
8 community-based participatory approach in looking
9 at systems approaches in connecting people to
10 health care providers.

11 And so going forward, looking for
12 ways to utilize this as an appropriate tool, I
13 think, is a good way to go.

14 REV. DR. HORACE STRAND: You
15 mentioned briefly about politics coming into play
16 sometimes.

17 Well, we sent the community
18 activist to the White House. And as a result, he
19 appointed a lady, the head of the EPA, that was
20 doing a phenomenal job, Lisa Jackson.

21 And is that right?

22 AUDIENCE: Yes.

23 REV. DR. HORACE STRAND: And she's
24 been getting a lot of squawk and a lot of fight
25 from, you know, the powers-that-be.

1 But, for instance, our community
2 has a program where we deal with asthma abatement.
3 We partnered with Crozer-Keystone. We did
4 something that was unique. They use their client
5 base identified as the clusters in the community.

6 We got a grant from the EPA that
7 sends peer counselors into the homes to teach the
8 parents how to do asthma abatement in the home.

9 We have community cleanups. Put
10 dumpsters there. You've got to help senior
11 citizens and elderly clean out any debris that
12 might be considered asthma-unfriendly.

13 And so we also are a level one
14 tier grant in our partnership with PILCOP, where
15 we have been empowered by the EPA to do a study
16 and plan to try to find how we can address the
17 issues of environmental justice in the community
18 and come up with some resolution.

19 So there are some things that are
20 happening. And we also always encourage any local
21 municipality, community to get people empowered to
22 sit on the city council, these zoning boards, and
23 places like that, because that's where decisions
24 are made. So politics always has a part to play
25 in making that decision.

1 AYANNA KING: And I have to just
2 say from my experience working with politicians,
3 we educated them. When I started with the
4 Pittsburgh Transportation Equity Project, we
5 educated them on Title VI and understanding their
6 power.

7 And it can work in a favorable
8 way. It can also work in a very unfavorable way,
9 which actually did happen to us, where when the
10 politicians became very knowledgeable about it,
11 they started questioning all of the projects in
12 regards to the transportation.

13 And our public transit system went
14 to our founders and started creating a ruckus,
15 saying that we were not doing what we were
16 supposed to be doing, which we were doing exactly
17 what we should be doing, which is educating the
18 communities, as well as our constituent base and
19 politicians on the issue.

20 And so it can have repercussions,
21 but you have to do something to make that change.
22 You have to keep pushing for it.

23 And eventually they came around
24 and they supported us and worked with us in
25 different ways.

1 MR. KUEHN: One final observation,
2 question of anything?

3 (No response.)

4 This is terrific for me. It's
5 much more than I ever expected to tell other
6 people.

7 So I thank our panel again and
8 thank you for coming here today.

9 AYANNA KING: Thank you.

10 ADAM H. CUTLER: Thank you again
11 to Bob and to our panelists. We have a break now
12 on schedule until 11:30. So please enjoy coffee
13 and more breakfast. Talk amongst yourselves. And
14 we'll be convening at 11:30.

15 - - -

16 (Whereupon a recess was taken from
17 11:12 a.m. to 11:33 a.m.)

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SESSION II:
CROSS-DISCIPLINARY COLLABORATIONS

- - -

ADAM H. CUTLER: Hello, everyone.
If I can get you to return to your seats. I know
the discussions have been productive, I hope. but
we want to get moving with our next panel.

I would just ask you to return to
your seats.

Will our second panelists come up.

(Pause)

If you can just be seated,
everybody, please.

DONALD K. JOSEPH: Louder.

ADAM H. CUTLER: Donald is telling
me to talk louder, so I'm going to talk louder.

If everybody could please get
seated for our second panel.

Thank you. Thanks.

To introduce our second panel, I
am going to introduce our Executive Director,
Jennifer Clarke.

- - -

(Applause)

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JENNIFER R. CLARKE: Thank you.

So the idea of the second panel is this: We just heard about people who have been working in the community from the perspective of the community. But we also heard references and allusions to the fact that we need science. We do need science. We need medical research. We need geologists. We need epidemiologists. We need public health officials.

So what we decided to do was go to the people who are doing that research, go to those people and hear what they have to say about what they're doing in the community.

So what we've done is, we'll ask each of our speakers to give us five minutes about what they do, so we'll understand where they're coming from. Then we've asked our panelists to ask you questions. And then we will have a discussion to go from there.

I'm not going to give extensive descriptions of the panelists' bios. Each one of them is an expert in the field, an eminent practitioner, and the bios are in the back.

But I have to say that we're very,

1 very lucky to have each of the four people here.
2 Because as you will hear, they're all at the top
3 of their professions.

4 So to kick it off, because when
5 we're talking about environmental justice and
6 public health, we are talking about the health of
7 people, we thought it would make sense to start
8 with a medical doctor and a researcher.

9 So we're very lucky to have with
10 us Dr. Lou Bell, who is -- I have to get your
11 title right, Dr. Bell -- who is the Chief of the
12 Division of General Pediatrics at the Children's
13 Hospital of Philadelphia. And Dr. Bell also is
14 Associate Chair for clinical activities in the
15 Department of Pediatrics.

16 So Dr. Bell is going to start by
17 talking to us about what it is that he does with
18 respect to the health of people in low-income
19 communities.

20 LOUIS M. BELL: Okay. Thank you
21 very much.

22 It's really a pleasure to be here
23 and listen to these conversations. And I just
24 want to give you a little perspective, as Jenny
25 said, about the things that we're focused on

1 within the Department of Pediatrics, and
2 specifically my division.

3 As Jenny said, I'm the division
4 chief for general pediatrics at the Children's
5 Hospital of Philadelphia. We refer to that, for
6 those of you who aren't in the area, as "CHOP."
7 And so you'll hear me say CHOP a few times as I go
8 forward.

9 My division, just to give you a
10 context of the organization, is one of 18
11 different divisions in the Department of
12 Pediatrics. We have one of the larger divisions
13 in the department. And we're an academic
14 department that's associated with the University
15 of Pennsylvania.

16 As a part of Penn and CHOP for
17 probably 30 years, when I read the title of our
18 seminar today, "Overstudied and Underserved," I
19 suspect, to a certain degree, that we can take
20 ownership, as an academic institution, as the
21 overstudied part.

22 And I don't think we have, as
23 physicians and academicians, done a great job in
24 translating some of the work that we've been
25 funded to do, translating that into health policy,

1 learning how to communicate with policymakers.
2 And that's something that we're trying to change.
3 And I'll describe a little bit about that work as
4 I go forward.

5 We are called general
6 pediatricians, because we do not have an organ
7 system that we can call our own. We don't have a
8 heart or a lung or a brain. We are general in our
9 approach to children. And we try to look at the
10 whole child and family related to health care
11 delivery.

12 So our community that we serve is
13 the community primarily of West, Southwest and
14 South Philadelphia. We are their community
15 providers, both on the primary care side and
16 almost 85 to 90 percent of the children who seek
17 emergency care or hospital care from those areas
18 come to CHOP for their care.

19 We have five primary care
20 practices scattered throughout this area. And in
21 addition to that, those are five that CHOP is
22 responsible for, but there are other federally
23 qualified health centers in Southwest Philadelphia
24 and other public centers that are run by the
25 Department of Pediatrics.

1 So that's the primary care
2 environment. But we have five different ones that
3 we're really able to access and communicate with
4 on a very robust way.

5 Because we focus on the child and
6 the family, that's the way we focus our research.
7 So we operate in this very messy environment, as
8 was mentioned before, in terms of how do we
9 deliver care, health care, to children.

10 We're interested in improving
11 access to care. We're interested in limiting
12 disparities based on economics and gender. We
13 want to improve outcomes. We want to lower costs
14 of care. And the last part that I think we really
15 need to do a better job, and we're trying to, is
16 to really inform health policy for children.

17 And I've included in your packet
18 three different briefs that we call "action
19 briefs," that is an example of some of the things
20 that we're doing with a new center called
21 "PolicyLab," which is the Center to Bridge
22 Research, Practice and Policy. That's a
23 three-year-old center of emphasis at CHOP.

24 We are also interested not only in
25 health care delivery, but health. And

1 increasingly, I think, as general pediatricians,
2 we're called upon to think about the impact of
3 health that education has, that environments have
4 and housing, those sorts of issues, of how they
5 impact the health of children. And we've talked a
6 lot about asthma, which is a very multifactorial
7 condition.

8 The types of research that we're
9 interested in is minority health. And this is one
10 of the things I think that Jenny has come to know
11 about by our practice-based research network that
12 we've formed. CHOP owns 30 primary care
13 practices, the five within Philadelphia and then
14 others scattered around the Pennsylvania and New
15 Jersey area. This is about 200,000 children
16 covered in these practices. It's about 170
17 primary care pediatricians. It's about 720,000
18 visits a year. And it's all on the computerized
19 electronic health record.

20 So we can, for the first time,
21 begin to mine this information and use it to,
22 again, focus on how we deliver care to patients.
23 We can look at some of these health-related issues
24 in terms of, for example, we now know that girls
25 are referred less frequently for assessment of

1 short stature than boys. And that's a gender
2 difference in terms of the way we look at height.
3 And, in fact, girls are more likely, when they're
4 short and below normal height, to have some sort
5 of significant medical condition related to that.

6 So we discovered that by looking
7 at this data.

8 We've been lucky enough to gather
9 together a really talented group to start to do
10 this sort of research. We are not a
11 community-based participatory research network.
12 Our community, if you will, is the primary care
13 pediatrician, on the one hand, and the academic
14 clinical researchers that live in the academic
15 medical centers. So these are the two -- this is
16 our group, if you will, our community.

17 So here are three questions to
18 consider, and then I'll turn it over.

19 How accurately can our community
20 of pediatric primary care providers, who are, you
21 know, on the front lines of delivering care in the
22 community reflect the needs of the community that
23 they're surveying in terms of some of these issues
24 that we've been talking about?

25 How can we use this clinical

1 research network to focus on the types of research
2 that has the most benefit for children and their
3 families?

4 And, you know, how can an academic
5 medical center like Penn and CHOP, which has a lot
6 of downward pressure from funded researchers, how
7 can we do a better job at fostering research
8 questions and helping formulate those questions
9 from primary care pediatricians and from
10 community-based groups?

11 So those are my questions to pose.
12 And I'll turn it over to the next panelist.

13 JENNIFER R. CLARKE: So what we'll
14 do is, I hope that after each of the panelists has
15 talked about their connection to this topic, that
16 we start to address the questions that Dr. Bell
17 has raised, as well as the questions that others
18 have. And they're very important questions. And
19 I hope all of you will think about those questions
20 as well.

21 Next, I'd like to introduce Leslie
22 Fields. Leslie is the national environmental
23 justice director of the Sierra Club. And she's
24 going to talk about her experiences with using
25 science in the work that she's done.

1 LESLIE FIELDS: Okay. Thank you
2 very much.

3 Good morning, everybody. I am
4 really honored to be here at this wonderful event
5 to honor Jerry Balter. And I want to thank the
6 Public Interest Law Center of Philadelphia and the
7 public, thank you so much for the invitation and
8 thank you all for coming.

9 I also want to give a shout-out
10 for any questions as well to -- how many students
11 are here?

12 AUDIENCE: (Raising hands.)

13 LESLIE FIELDS: Great. I just
14 want to commend you and applaud you. And you will
15 have fantastic public interviews. You just have
16 to work really, really, really hard and be really,
17 really, really creative. And I hope some of these
18 tactics and wisdom will help you in that endeavor.

19 It's been a privilege and an honor
20 to be a public interest lawyer. And it's kind of
21 been a calling. So I'm thrilled to see you all
22 here. Thank you for coming.

23 As I stated, I began my
24 environmental justice record for the Sierra Club.
25 And Sierra Club, as many of you know, we're a

1 very, very big environmental organization founded
2 in 1892. And I'm very much appreciative of my
3 colleagues who are here, William Kramer, who spoke
4 up a little earlier and the Chairman of our Board,
5 Robin Mann is here. She lives in the area. I
6 very much appreciate them coming out as well.

7 And about -- about in 2000, the
8 Sierra Club started the environmental justice
9 program. We're now in the Environmental Justice
10 Community Partnerships Program, and we are in
11 eight areas of the country.

12 We work -- when I say we're in
13 eight areas, we actually have an embedded
14 organizer who lives in the community. We are in
15 Appalachia, working on the pernicious practice of
16 mountaintop removal mining.

17 We are in Detroit, working --
18 Detroit is -- has a plethora of issues. And it
19 includes everything from the Ambassador bridge
20 from Canada, 10,000 trucks and cars a day. Next
21 to Southwest High School, they're building another
22 bridge.

23 You know, people think, oh,
24 Canada, nice and friendly. They're sending a lot
25 of pollution down, including the Keystone

1 Pipeline. I just had to put that up there.

2 And there's some community work
3 that's called 48217. That's what they call
4 themselves. That's their ZIP code. They have the
5 only refinery in the state. They have a salt
6 mine. They have the coal-fired power plant. They
7 have the Ford legacy truck plant. They have a
8 number of other legacy GM auto facilities. They
9 have the largest incinerator in the United States.
10 And they have a number of other terrible, terrible
11 facilities in this one area code. No hospital.
12 They have to go up to Henry Ford or they have to
13 go over to Oakwood.

14 And every weekend, there are
15 children from that ZIP code in Oakwood Hospital
16 for various reasons, asthma, respiratory distress
17 issues, et cetera.

18 We are in Indianapolis, many of
19 the same conditions. We are in Memphis,
20 Tennessee. We are in Puerto Rico. We are also in
21 Arizona, two organizers there. One is working on
22 coal issues in private communities and the other
23 one, Robert Tohe, he's fantastic, he's a Navaho
24 elder. I'm trying to get him to write his book.

25 Robert was at Alcatraz when it was

1 being occupied by a band from Wounded Knee, and
2 just is so wonderful. And he is working on the
3 issue of uranium mining on that community and also
4 the effect of climate change on sacred sites.

5 And we are in Washington, D.C.,
6 working on the Anacostia River issues -- we call
7 it the "Forgotten River" -- on everything from all
8 the stuff that comes down from this area, the
9 Delaware Gap, the Schuylkill, into the Chesapeake
10 Watershed, the Susquehanna, and then also the fact
11 that Thomas Jefferson put the Navy yard right
12 there at the base of the mouth of the Anacostia
13 and Potomac Rivers.

14 And so, you know, the Department
15 of Defense is one of the biggest polluters in the
16 world. So 200 years of God-knows-what in there.

17 And we're also in New Orleans.
18 And our organizer in New Orleans first started
19 working on the issue of Cancer Alley. As many of
20 you know, Cancer Alley being the 15 miles between
21 Baton Rouge to New Orleans. Dozens and dozens of
22 petrochemical refinery plants in the
23 African-American community there.

24 Since Hurricane Katrina, Darryl,
25 our organizer still works with that community, but

1 we have been working on sustainable development of
2 New Orleans with the Mary Queen of Vietnam Parish
3 in New Orleans East, the African-American
4 community in the lower ninth ward, and then also
5 the home initiative in Peridot Parish.

6 And I'm going to talk a little bit
7 about New Orleans, because working with science,
8 we -- it's important, but we want to make sure
9 it's good science. It's not bad science. It's
10 not sporadic science. It's not abusive science.
11 It's not exploitive science.

12 I'm trying to partner up a program
13 with different academic institutions and also
14 different institutions that have medical
15 facilities with each of our programs.

16 We're very blessed in New Orleans
17 to work with Tulane University. I've worked with
18 the law clinic for years. But, unfortunately, as
19 you know, New Orleans lost much of its hospital
20 health care facilities after the hurricanes and
21 it's still coming back. And that's a huge problem
22 with community working. They do not simply have
23 health care.

24 In the lower ninth ward, they have
25 a small hospital. That hospital is yet to be

1 opened. They didn't have mail for two-and-a-half
2 years. There's no public transportation there.
3 There's only one restaurant that's open, you know,
4 whenever, until the food runs out. There is no
5 grocery store. And it's still a huge struggle.

6 So the housing stock has not been
7 covered. The public housing was not brought back.
8 So if there's no services, it seems like they
9 didn't really want you to come back if you need
10 services. I mean, it's pretty blatant. And
11 including the health services.

12 And so one of the issues that we
13 found, and this is a real tribute to -- I forgot
14 to mention earlier, at the Sierra Club, we have 63
15 chapters and fantastic volunteers.

16 And one of our volunteers, her
17 name is Becky Gillette, she alerted us to the
18 issue of formaldehyde in the FEMA trailers. And
19 it was through Becky's hard work, Tom Meltzer,
20 who's also a Sierra Club volunteer, has helped
21 with homes.

22 We could not get the state and had
23 to fight very hard to get the CDC and the federal
24 government to come down and start testing the FEMA
25 trailers for formaldehyde.

1 So we took it upon ourselves. We
2 did our own air testing of formaldehyde. And it
3 was really a struggle just raising the money,
4 doing the tests, you know, making sure there was
5 secure testing and being accredited and also just
6 fighting with the federal government on providing
7 these resources to this community.

8 And so I don't want to forget, we
9 tested the trailer of a Reverend James Terrace,
10 who is active in the American Mission of Gulfport,
11 Mississippi, because everybody was so happy just
12 to get some kind of housing after the storm. A
13 hundred and forty-one thousand trailers were
14 dispersed to communities after Hurricanes Rita and
15 Katrina. And then people started getting really,
16 really sick.

17 No one told him about the issue of
18 formaldehyde outgassing. And he was so overcome
19 with formaldehyde, he knew he was starting to have
20 a heart attack. He went to the emergency room.
21 They did some tests on him. He stayed over a few
22 nights. His hospital bill came to \$4,000.

23 We tested his trailer, and it
24 turned out that his -- he had 3.308 parts per
25 million formaldehyde at that time. We went back

1 and tested his trailer. We tested other family
2 trailers. And Becky did this with Darryl
3 Malek-Wiley as well and our volunteers in
4 Mississippi and Louisiana.

5 And we realized we really had a
6 national problem. Because there were some old
7 formaldehyde standards that the Housing and Urban
8 Development had promulgated in 1981, but that
9 standard was so high.

10 So we had to really work with --
11 we had to get the federal government involved,
12 ATSDR, CDC. And as many of you probably remember,
13 they did find high elevated levels of
14 formaldehyde, but we had advocated to Congress
15 and, fortunately, Congressman Waxman really took
16 this issue. And he had a government oversight
17 hearing, held up the CDC and FEMA there, because
18 there were some other issues around their lawyers
19 saying that, well, make sure that we don't let
20 this out because we're going to be culpable and
21 liable. And it was a really tough situation to
22 get these people the kind of, first, testing that
23 they needed and then some health care.

24 And so we did a lot of research.
25 And that's what my position is, I tried to bring

1 up all these issues to the national level and
2 international level. And the California Resources
3 Board had promulgated a formaldehyde standard.

4 So we petitioned for a notice of
5 rulemaking. We were granted -- EPA did a
6 rulemaking. We had the rulemaking hearings. We
7 had the civil rights community. We had affected
8 people come in. And we basically told EPA just to
9 adopt the CARB standard. And so we did get a good
10 rule from that.

11 And in addition, we also took the
12 science that we used and finally got the CDC to do
13 some testing through all the advocacy of, again,
14 our volunteers and our coalition by then, and I
15 started lobbying on this bill, lobbying for some
16 legislation, so we have a national formaldehyde
17 bill.

18 And, lo-and-behold, members of
19 Congress have been poisoned by formaldehyde. Our
20 House sponsor was then Congressman Diane Watson
21 from California. She said she had been poisoned
22 by formaldehyde in her office when she was a state
23 assemblywoman, and still felt health effects.

24 And then our Senate sponsor was
25 Senator Amy Klobuchar from Minneapolis. And she

1 said when she was an assistant attorney general
2 and came back from her maternity leave, she could
3 not understand why she stayed so sick. It's
4 because she had been -- her carpets in her office
5 were just offgassing formaldehyde. It's
6 everywhere.

7 And so -- but the other
8 interesting thing, we also had to combat the Wood
9 Products Association of America and that
10 coalition. And I had to go to many of their
11 meetings. And I have to tell you, oh, boy. The
12 Chemistry Council and those folks.

13 But what was important was that,
14 again, making the connections and working very
15 hard with the people in that industry, wanting to
16 do the right thing, I learned a lot, because much
17 of the bad formaldehyde products were coming from
18 China. And they were feeling like they were being
19 undercut in terms of the market share.

20 Because then there later became a
21 scandal, as you know, with Chinese wood in
22 Florida. And that's a very similar situation, but
23 it wasn't effective to our bill.

24 So we do work with Tom Julia. And
25 his organization wanted to really promote the

1 right kind of formaldehyde standard. And we got a
2 bill through Congress. We had a Republican
3 sponsor. And I'm proud to say that Senator -- I
4 mean, now President Obama, signed that bill into
5 law as 1660 last July. And it's one of the few
6 environmental laws that has been passed.

7 - - -

8 (Applause)

9 - - -

10 LESLIE FIELDS: So it was a
11 five-year odyssey of working with many, many
12 constituents, working with many, many sectors,
13 working with science in terms of in a proactive
14 way, and then also science that was holding people
15 down and hurting them. And we had to basically
16 lift that up and demonstrate that.

17 So I'll stop.

18 - - -

19 (Applause)

20 - - -

21 JENNIFER R. CLARKE: Thank you,
22 Leslie. That's a great example of how science was
23 really instrumental and important, really the key,
24 to getting some change.

25 Next I'm going to turn to

1 Dr. Arthur Frank, who is the Professor and Chair
2 of the Department of Environmental and
3 Occupational Health at Drexel University.

4 Dr. Frank I hope will talk, among
5 other things, about how you translate the
6 difficult precepts of science or interpret those
7 difficult precepts for communities, so the
8 communities themselves can make use of the
9 science. I'm hoping that his remarks will include
10 his experiences there.

11 ARTHUR FRANK: Thank you very
12 much, Jenny. And for me, too, it's an honor to
13 have been asked to be with you today.

14 As you can tell from my
15 professional title, I work in the area of
16 environmental and occupational health. My
17 training is both in internal medicine, which is
18 general adult medicine, but have spent most of my
19 career doing occupational medicine.

20 Looking at people in the workplace
21 is not really all that different from looking at
22 people in the communities. And there's a lot of
23 similarities there.

24 Where we see problems in the
25 workplace and where we see problems in communities

1 are generally among the disenfranchised. And
2 people are disenfranchised in many ways: Because
3 of their economic situation, because of their
4 racial and ethnic situation, because of the fact
5 that they are workers in an environment where jobs
6 may be hard to get.

7 And, clearly, in the environment
8 that we have right now, the work environment, with
9 unemployment, all we have to do is look around and
10 see how workers -- and it carries over to
11 communities -- people are getting more and more
12 disenfranchised when we look at the power, the
13 diminishing power of labor unions, and the ones
14 that do exist no longer take on safety and health
15 issues.

16 So I've spent virtually all of my
17 medical career looking at issues of environmental
18 and workplace exposures, have done that in a
19 variety of settings, not only in urban settings,
20 like here in Philadelphia, but spent a number of
21 years, over a decade, actually, in Kentucky,
22 dealing with coal mines and coal mining
23 communities, dealing with issues of mountaintop
24 removal and such.

25 And as we heard this morning from

1 the panelists -- and it was a great pleasure for
2 me to hear from the folks -- that were here to
3 honor Jerry Balter, one of the positions I served
4 in at the state level is on the Environmental
5 Justice Advisory Board, where I first met Jerry,
6 where Dr. Strand serves, where Ayanna was looking
7 after that. We have one of the environmental
8 advocates, Alice Wright, who is here with us today
9 as well. And so we do look at it, but we look at
10 it in the very constrained context of the
11 political system and the governmental system.

12 And what we need to remember is
13 that companies are motivated by capitalistic and
14 sometimes even greed-oriented activities.
15 Politicians are motivated by the need to be
16 reelected. So there are not many folks that are
17 left to look at the issues that we need to look
18 at.

19 And to do that -- we heard that
20 this morning, earlier -- that we need science to
21 fight back. It's not sufficient just to say we
22 don't like the idea. There are rules, there are
23 regulations you have to fit in there. And there
24 are a number of serious and difficult problems
25 when it comes to science.

1 First of all, I will tell you that
2 for most questions, we don't have the data we
3 need. And if we do have the data we need, we have
4 no -- not at the level of the community, but most
5 of the time we have them at the level of the
6 county.

7 And so we may know that there's an
8 asthma rate of 50 percent in Philadelphia. But
9 it's not equally distributed, you know.
10 Manhattan, you know, one of the counties of New
11 York, the asthma rates are not equally
12 distributed. And in the communities of color, it
13 is much higher than in the more affluent parts.

14 And it's not just issues of
15 external environmental pollution, as we've heard.
16 There are issues within the home even that may be
17 looked at. So the data doesn't exist to help us
18 make the scientific arguments. Science is not
19 well supported.

20 And then you have people in
21 communities and community groups that are craving
22 information which may or may not exist. And then
23 how does the scientific community translate this
24 information so it's understood?

25 It's actually not all that hard.

1 One of the things we teach in our department, and
2 that we have our public health students come at,
3 is what we would call risk communication. But
4 that really is trying to take complex issues of
5 science and translate them into an understating of
6 some basic biology, what is epidemiology. And
7 that's part of our job in doing this.

8 But from a scientific standpoint,
9 we also have another serious problem. Most of the
10 time, when we know about hazardous materials, we
11 know about them one-by-one, because that's how
12 they're studied. And yet communities don't live
13 with just arsenic or just vinyl chloride or
14 effluent from a smokestack, which, in fact, is a
15 mixture. The fact is, we live in communities that
16 have mixtures of exposures and we don't really
17 know about interactions.

18 The last two points I think I'd
19 like to make, though, is the question that I get
20 asked a lot, as a physician and as a scientist who
21 has been looking at these issues, you know, why am
22 I here at a meeting sponsored by the Public
23 Interest Law Center? Why have I spent 30 years of
24 my life working with lawyers? And I have. I do a
25 lot of medical-legal work, you know, for

1 transparency, mostly for injured workers, although
2 I have done, you know, work on both sides of
3 issues.

4 All I feel is, I need to be able
5 to tell the truth and then I can advise people.
6 We'll leave it as to who really wants the truth in
7 most situations.

8 But I've been involved in other
9 things, too, such as setting up medical monitoring
10 for communities or for exposed groups that have
11 had exposures that pose a threat for the long
12 term.

13 And because others are not doing
14 this, because the system is so complex, it is
15 through lawyers and through legal activities that
16 we are, at least as I look at it, able to bring
17 about the changes we need in this country. As
18 well or as poorly as we do it, it's through the
19 legal system, not through what scientists do, not
20 through what physicians advocate. And so there's
21 a real reason for the need for that.

22 So that there are difficult issues
23 of data. But at the end of the day, it is the
24 multi-disciplinary approach of people who work in
25 communities and understand communities,

1 scientists, physicians and lawyers, who bring
2 about the kinds of changes that we see.

3 And I will leave you with this
4 thought: There is an approach that we could take
5 in this country, which others have, the European
6 Union, for example, and that's something called
7 "precautionary principle." When we don't have
8 information, you err on the side of protecting
9 people. It's not the old -- what I tell my
10 students -- is the old dead-bodies-in-the-street
11 routine. Let it be out there for 20 years and
12 people show up dead, then we'll go back and look
13 at it.

14 That's generally how we've done
15 things in this country. And it's really time for
16 changing that. And, again, I will argue that
17 working with my colleagues in the legal profession
18 is a way to do that.

19 So thank you for the opportunity
20 to speak to you this morning.

21 - - -

22 (Applause)

23 - - -

24 JENNIFER R. CLARKE: Our final
25 introductory remarks are by Cecil D. Corbin-Mark,

1 who is the Deputy Director of Policy for WE ACT
2 for Environmental Justice.

3 WE ACT is an organization in New
4 York which we actually studied when we were
5 thinking about restarting our environmental
6 justice practice. And we took WE ACT as a model
7 for what we wanted to accomplish.

8 Cecil has spent his career working
9 with scientists. And, in particular, as you're
10 thinking about how we get the science, how do we
11 pay for the science? What kind of collaborations
12 do we need? And I'm hoping that Cecil will give
13 us his experience on that score.

14 CECIL CORBIN-MARK: Well, thank
15 you, Jenny.

16 I too want to pay tribute to Jerry
17 Balter and commend the amazing work that he has
18 done, and recognize Adam and others here for their
19 recognition of him.

20 It's thinkers like that --
21 thinkers and doers, as my grandma would say --
22 thinkers and doers like that I actually think are
23 so critical to creating transformative change in
24 the world.

25 So how many of you this morning

1 woke up thinking about the policy that impacted
2 your life lately? Show of hands.

3 (Audience complies.)

4 CECIL CORBIN-MARK: Okay, Vernice
5 doesn't count.

6 I want to acknowledge Vernice
7 Miller-Travis as the co-founder of WE ACT for
8 Environmental Justice and has been a party to that
9 process of us sort of using science in building
10 evidence-based campaigns.

11 So just to go back to the show of
12 hands, just a few of you, right, in fact, a very
13 minimal number of you, woke up this morning
14 thinking about how policy actually impacted your
15 life.

16 How many of you put some kind of
17 lotion on your skin this morning? Show of hands.

18 (Audience complies.)

19 CECIL CORBIN-MARK: How many of
20 you used some kind of hair product this morning?
21 Men, don't be afraid.

22 (Audience complies.)

23 CECIL CORBIN-MARK: Okay. All
24 right.

25 How many of you drove on a street

1 this morning?

2 (Audience complies.)

3 CECIL CORBIN-MARK: Did that
4 street have a yellow line?

5 AUDIENCE: Yes. Yes.

6 CECIL CORBIN-MARK: Okay. To tie
7 all these things together, the point I'm making
8 here is, if that street, for example, didn't have
9 a yellow line, if there weren't policies in place
10 that said, you know, for streets with this level
11 of traffic, we need to put a yellow line down the
12 middle, it is quite possible that people might not
13 be able to figure out how to separate themselves.
14 Policy impacting your life.

15 It is also true that the fact that
16 those of you that used that body lotion this
17 morning, there are regulatory standards that are
18 far too often not even really enforced that allow
19 you to be exposed to particular types of toxic
20 chemicals. And you put that body lotion directly
21 onto your skin this morning, didn't you? Okay.
22 Policy impacting your life.

23 Far too often, communities like
24 the one that my family has lived in for the past
25 nine decades, Harlem, my beloved Harlem -- yes, I

1 am a New Yorker. I know that might rankle some of
2 you people in Philadelphia, but that's okay. Live
3 with it -- communities like mine are really, in
4 very many ways, disproportionately impacted by
5 either the absence of strong policies to protect
6 health or in some ways lacks enforcement of the
7 policies that do exist to protect health.

8 At our organization, WE ACT for
9 Environmental Justice, our initiative is about
10 building healthy communities. Our vision is that
11 you build healthy communities by engaging the
12 people that live in those communities in the
13 process of making policy around environment and
14 environmental health issues.

15 You realize that policymaking is
16 driven, in large part, yes, by lawyers who make
17 and write laws and regulations, but in substantive
18 part, by science and the product of scientific
19 research.

20 Think about the notion of how did
21 we get to something like a Toxic Substances
22 Chemical Act, TSCA. If we got there without
23 science, would you not be afraid?

24 Okay. I come from a black church
25 community, so I need a little bit of affirmation.

1 I know many of you-all have been thinking you came
2 to a revival this morning.

3 But would you not be afraid if
4 science was not driving your nation's chemical
5 policy?

6 AUDIENCE: Yes.

7 CECIL CORBIN-MARK: Okay. Thank
8 you. Thank Jesus and any other higher power, or
9 not.

10 And so really and truly, I mean,
11 it is important we understand, on some very basic
12 level, the importance of science to the making of
13 policy. We should also understand, on a daily
14 basis, how those policies impact our lives and
15 impact our health very directly all the time.

16 And so then you start to think
17 about, well, who's making the science and who is
18 then driving the policy, and are those of us that
19 are impacted in that process aware.

20 And the answer far too often is,
21 no, we are not.

22 If that is the truth for the
23 broader public in terms of our communities across
24 this country, you can bet your bottom dollar it is
25 doubly the truth for low-income communities and

1 communities of color.

2 We live in a great country. No
3 question about it. But we are also a very flawed
4 country. And one of the ways that we are flawed
5 is that the science many times that drives policy
6 doesn't often think about those who are most
7 vulnerable, those who are most impacted.

8 Case in point: When we develop
9 risk assessment models -- this is a real bone of
10 contention for the environmental justice
11 community -- when we develop risk assessment
12 models, often those risk analyses are based on a
13 healthy 30-plus-year-old white male.

14 Now, I know my white brothers. I
15 definitely do. But they're not me in many
16 respects and I am not them.

17 And so if a policy that is
18 intended to protect the health of people in our
19 nation is based upon only one particular type of
20 human being, I think we could have some problems.

21 So when you ask the question, as
22 this panel was asked to consider, why is it
23 important to have science in our process of making
24 policy, to me it's really clear. When I walk the
25 streets of my community, I encounter my residents

1 all the time. Some of them know me. Some of them
2 don't.

3 But I know a lot about my
4 neighbors. I know that many of them are suffering
5 from extraordinarily high rates of respiratory
6 illness. And I know that the levels from which we
7 suffer respiratory illness are very much different
8 from what goes on on Park Avenue at 54th, 57th and
9 Park Avenue, 73rd Park Avenue, anywhere below 96th
10 Street and above 23rd.

11 It's very different, Park Avenue
12 being one of the wealthiest places in New York
13 City in terms of per capita income, or one of the
14 wealthiest places in the country.

15 I know that many of the children
16 that I see in my neighborhood may have been born
17 with some of the lowest birth weights in the
18 country. And I know that that puts them at a
19 particular health disadvantage.

20 I know that in terms of obesity,
21 when I look around and I see some of my neighbors,
22 I know that we are suffering a very significant
23 challenge. And, yes, it is a challenge across
24 this country, but it is a different challenge, a
25 challenge of higher order in terms of those who

1 are in low-income communities and communities of
2 color, sadly.

3 So I know those things about some
4 of the people in my community. And when I think
5 about the work that gets me up in the morning,
6 that, you know, my great aunt and my grandmother
7 struggled to be in Harlem from the 1930s on, what
8 drives me is figuring out how to get those people
9 involved in the process of making policy by better
10 protecting their lives.

11 And to do that, I know that we
12 can't just be armed with, well, I don't feel well
13 today. To do that, I know that if we are to be
14 able to really push change, we have to have
15 science in service of communities that are
16 impacted on the front line of health disparities.

17 Science in service. Now, that for
18 many researchers is not a concept that they quite
19 get. Science for them is both their passion and
20 their profession. They are conducting science
21 because their minds are intrigued about finding
22 the answers to particular kinds of questions,
23 questions that come to them in their minds.

24 They are in this process of
25 advancing science because they want to advance in

1 their careers. All noble and good pursuits.

2 Steve Jobs died yesterday. And
3 one of the things he said was, find what your
4 passionate about and do it.

5 So I applaud those scientists.
6 But then they meet the passion of people like
7 Vernice Miller and Leslie Fields and myself. And
8 we're passionate about protecting the people in
9 the communities that we live in and protecting
10 ourselves, because we're not totally altruistic.
11 Right? But we recognize that we need this
12 marriage in order to push the policies, to change
13 the policies that allow the formaldehyde to be in
14 the hair care products that target
15 African-American and Latino women.

16 Formaldehyde, where have you heard
17 that chemical name before other than Leslie's
18 presentation two minutes ago? Don't you associate
19 formaldehyde with the dead?

20 AUDIENCE: Yes.

21 CECIL CORBIN-MARK: Ah. Hello?

22 AUDIENCE: Yes. Yes (louder).

23 CECIL CORBIN-MARK: Thank you.

24 Thank you.

25 But yet indeed products that

1 African-American and Latino women apply to their
2 hair on a regular basis are filled with
3 formaldehyde, so much so that OSHA literally had
4 to go and call these companies out and say,
5 unh-unh.

6 There are skin lighteners that are
7 on the product shelves in grocery stores and
8 drugstores, and so forth and so on, that are there
9 that are filled with mercury. And we know some of
10 the problems with mercury. And these are products
11 that target these communities.

12 So we have used science in the
13 process of trying to change policy by building
14 evidence-based campaigns. Our model is about
15 organizing, getting information about what impacts
16 people on the ground in their communities, taking
17 that to scientists and building research
18 partnerships, where we engage in setting a
19 research agenda together to solve the problems the
20 communities are facing and they're impacted with.

21 We then take the product of that
22 community-based research and we put it into our
23 advocacy campaigns to change policy.

24 What do we get for that? Well, in
25 our work around pesticides, for example, we deal

1 with the issue of chlorpyrifos, one of the very
2 toxic chemicals in many of the pesticides that are
3 used in the homes, banned, but then continually
4 still in use in our communities. And we then
5 found out the levels with science of what people
6 were being exposed to.

7 We took that to the city council
8 and said, you have got to come up with a series of
9 laws that better protect these communities.

10 The result, a city counsel
11 ordinance requires notification before pesticides
12 are applied. And that the city is on the path to
13 reducing to the least toxic of actors in
14 pesticides.

15 That's the value of marrying
16 science to the service of communities and their
17 particular problems.

18 In our chemical policy and toxics
19 work, we have been looking at this issue of BPA,
20 bisphenol-a. It's a chemical that has the
21 properties of hardening plastic and making it
22 clear and making things shatterproof in some ways.

23 And we have used the research we
24 found in our communities about exposure to
25 chemicals to try to push a variety of chemical

1 policy laws in the state. We recently got a BPA
2 ban passed at the state level and a chlorinated
3 Tris ban passed at the state level, all because of
4 the work of engaging impacted people with their
5 policymaking process.

6 We use the research that we get in
7 training community residents. They identify
8 particular kinds of problems. They identify
9 particular kinds of problems, but sometimes the
10 research process goes and leaves them, without
11 returning to them to get them the findings of
12 their work.

13 And we say, no, that's not
14 acceptable. We want to build everybody's basic
15 scientific knowledge, everybody's basic
16 epidemiologic knowledge. And so we get the
17 researchers to come into the community and engage
18 in what we call our environmental health justice
19 and leadership training program, where we train
20 community residents to understand the links
21 between their environment, their health and what
22 role science plays in that.

23 JENNIFER R. CLARKE: Cecil, I'm
24 going to interrupt you --

25 CECIL CORBIN-MARK: You're going

1 to cut me off, I know.

2 JENNIFER R. CLARKE: -- because we
3 need to --

4 CECIL CORBIN-MARK: So let me say
5 two things in closing.

6 There are benefits to this work
7 and there are challenges to this work. The
8 benefits are clear, right? We can get policy
9 changed. We can get people engaged in
10 understanding the science better. We can build
11 powerful communities in the process of protecting
12 their own health. And we can repair relationships
13 between the universities and the communities.

14 But the challenges are also there.
15 And that we were asked to give you some questions.
16 So around these challenges, how do we protect
17 communities from research findings that may create
18 stigma for communities? I think that's a very
19 important challenge for us to think through.

20 How do we structure institutional
21 review boards, these things that sort of say
22 they're looking at human subject protection? How
23 do we get them to focus on communities? What are
24 the legal challenges that we have to overcome in
25 order to sort of expand those boundaries of

1 protection?

2 And then lastly, who uses those
3 two electrical sockets up in those walls up there
4 (pointing)?

5 Thank you.

6 Do you see them? Look at them.
7 They're up there right in the rafter.

8 Thank you very much.

9 - - -

10 (Applause)

11 - - -

12 JENNIFER R. CLARKE: Thank you.

13 So this is an experiment, because
14 we asked our panelists to pose questions of you.

15 So what I would like for each of
16 you to do is, if you're interested in having a
17 discussion, come to the microphone. And while
18 we're waiting for people to come to the
19 microphone, to either ask questions of the
20 panelists or give us your suggestions. The
21 microphone is on.

22 CECIL CORBIN-MARK: Oh, I'm
23 afraid.

24 VERNICE MILLER-TRAVIS: Don't be
25 afraid.

1 The question I have is, what
2 happens when you have experience, an institutional
3 experience, between a major academic institution
4 that is adjacent to or in the midst of an EJ
5 community and they research that community and the
6 research goes horribly wrong and it colors the
7 relationship for the rest of time immemorial, as
8 if there's no one else at that institution who
9 could ever come and do good work at the community?

10 You know, Cecil, we've struggled
11 with that for a very long time in terms of our
12 relationship with Columbia.

13 And I hesitate to think, if we
14 hadn't met really great people and if we hadn't
15 opened our hearts and opened our minds, we would
16 have never had the 20 years of success that we've
17 had in terms of research and the benefit to so
18 many other communities.

19 We struggle with this in
20 Baltimore. We really, really, really struggle
21 with this, between the East Baltimore community
22 and Johns Hopkins University.

23 And I know it's not the only
24 challenge like that. But what do you do to
25 transcend what sometimes are really, really

1 difficult, you know, bad practices, but they're
2 not the only practices at that whole institution.

3 How do you transcend that?

4 LESLIE FIELDS: That's a good
5 question, Vernice.

6 In Detroit, we have a really great
7 relationship. It's not totally in Detroit with --
8 well, we have Wayne State University. And we've
9 done a lot of good work, as you know, with the
10 University of Michigan. And we work with the
11 public health school, school of law in one part,
12 and most importantly, the school of natural
13 resources and environment. But it wasn't always
14 like that.

15 And so I think there had been some
16 issues with the public health school. But
17 fortunately, since it is such a large university,
18 there are other schools, other professional
19 schools in that university to work with and then
20 also to help with their colleagues in case they
21 need -- I think it's important to find the
22 colleagues, the other professional academic
23 colleagues, who might be able to help with the
24 colleagues through the other academicians or
25 researchers who may not be getting it.

1 And so that's been the case.
2 We've had back and forth with the law school, and
3 have had back and forth with the public health
4 school, but it's been very helpful to have the
5 great Bunyon Bryant and Paul Mohai to help us with
6 the faculty in these other parts of that
7 university.

8 JENNIFER R. CLARKE: We've got two
9 representatives of major institutions in
10 Philadelphia. And I wondered whether either of
11 you has perspective on that question.

12 ARTHUR FRANK: Yes, I do.
13 Representations take years, if not
14 decades, to earn and can be lost in about ten
15 seconds.

16 I think it is not uncommon that
17 there have been challenges between academic
18 institutions. As Cecil pointed out, scientists
19 are often there for their own benefit, not
20 necessarily for the benefit of the communities
21 that they may be studying, because of wanting to
22 have academic advancement, even, in fact, in law,
23 if we go back to the scientific knowledge base
24 that we have.

25 What I've found -- and I've dealt

1 in any number of communities over the years --
2 folks in the community have a pretty good sense of
3 why you are there and what your goals are for
4 doing work. And I think you let communities vet
5 to people who come in and want to be there.

6 And if you're coming in to do to
7 the community, not for the community, that will be
8 figured out very quickly. And that's not
9 necessarily the person you want to have there.

10 LOUIS M. BELL: Well, I agree. I
11 mean, I think it's really about working with the
12 community in terms of respect and in moving back a
13 little bit from your agenda and understanding what
14 their agenda is.

15 And, again, I make this -- this --
16 you know, I'm most involved with my community of
17 primary care pediatricians. And a lot of what I
18 do in terms of our practice-based research network
19 is to make sure that I protect that group from the
20 clinical researchers who want that laboratory.

21 And so we create a system and we
22 create rules about engaging this community. We
23 require, for example, that the clinical
24 researchers, that if they want access to these
25 primary care sites, they have to go, they have to

1 prove to the primary care pediatricians that it's
2 going to be a win-win for their practice or for
3 their patients or for their ability to care for
4 those patients.

5 And we have an external review
6 board and review each one of these projects that
7 attempts to access this group. Our IRB, our
8 review board, is required, whenever they get a
9 proposal that involves our primary care practices,
10 we have to sign off on it first before it can go
11 out.

12 So, you know, my community, what
13 I'm familiar with, is really this community of
14 primary pediatricians who are very dedicated to
15 their groups and their patient population.

16 So I think we've created these
17 rules of engagement. And perhaps we could mirror
18 some of that in these communities.

19 CECIL CORBIN-MARK: I would just
20 add to the part of Vernice's question about how do
21 we deal with sort of the complexities of the
22 universities.

23 So there's good work going on in
24 some places. And then there's all this other
25 stuff going on, right?

1 And it's amazing how many of our
2 premier institutions are, literally, right smack
3 in the heart of low-income communities,
4 communities of color, Harvard, in the Allston
5 community, and what's going on with their
6 expansion, Yale in New Haven, UPenn here in West
7 Philadelphia and Columbia, and they're building a
8 second Harlem campus as well. And on and on the
9 list can go.

10 I think part of it is the process
11 of recognizing that we have to continue working
12 with the parts that work and challenge the parts
13 that don't. And we need partnerships not just
14 from throwing stones to the outside, but we need
15 partnerships with those who are inside of those
16 institutions to help create change for those
17 institutions.

18 On our preparatory phone call, one
19 thing that we discussed was the issue of how is it
20 that, you know, we can do such great
21 community-based participatory research, yet all we
22 seem to be able to attract are the most junior of
23 faculty. And even those are somewhat skittish
24 about being engaged in it, because they know that
25 on the track to getting tenure, this is not the

1 most respected of research. And so it could end
2 their careers moving forward.

3 We have to create partnerships to
4 transform change around the canon, around the
5 administration of these universities. It's a real
6 complex issue. But it's how we -- we can't just,
7 say, throw up our hands and not work with the
8 parts that are actually helping us produce the
9 source material that we need for our
10 evidence-based campaigns, because the university
11 is expanding and academics have no part of that,
12 it's really the administration.

13 It's two different heads, you
14 know, the academic side and the administration
15 side, and complex, but we've got to keep working
16 with them along with allies inside the
17 institutions.

18 JENNIFER R. CLARKE: Well, it
19 looks like we've had some --

20 LOUIS M. BELL: I just have a
21 comment to make regarding this issue between
22 academic promotion through the ranks and engaging
23 in community-based participatory research or
24 health services research or research about
25 understanding health of children in my case.

1 I heard you use the word, it's not
2 a respected field. And I disagree with that. I
3 think this is a very respected field. The tension
4 is time.

5 When you talk about going out into
6 the community and understanding what a community
7 wants and how to engage them and to create a
8 project that will help them, that takes a lot of
9 time. And these young folks don't have a lot of
10 time. They have seven years or eight years, and
11 at Penn, you're promoted or you're out.

12 And so it's not about the fact
13 that this is not viewed as something that's good.
14 It's really -- it's really more about, well, what
15 can I do to prove myself in this academic
16 environment that I can have a product within a
17 certain amount of time.

18 And this is -- this is a difficult
19 thing to do and there are a lot -- I can tell you,
20 there are a lot of folks at Penn who want to do
21 this, and just it's a challenge.

22 JENNIFER R. CLARKE: Mr. Zisser,
23 my handlers are going to come up here with a hook,
24 but I'll just give you two seconds.

25 DAVID ZISSER: I want to

1 encourage -- because I can tell there's a lot of
2 collective wisdom in this -- as somebody said
3 before, there's a lot of collective wisdom in the
4 audience. I know there's a lot of collective
5 wisdom at the panel, too. But I do encourage you
6 to leave some time for audience participation in
7 the upcoming panels.

8 And I won't ask a question and ask
9 for a participatory response right now. Maybe I
10 can talk to folks offline.

11 But maybe a good segue is about
12 time. Because, you know, Cecil, you're talking
13 about evidence-based policy campaigns. I think a
14 lot of, if not most, EJ work happens very
15 reactionary, in a very reactionary way. You're
16 dealing with time-sensitive matters.

17 You know, you're trying -- I'm
18 dealing with a port expansion in Gulfport,
19 Mississippi. We don't want the port to expand
20 without, you know, dealing with certain
21 environmental mitigations. We don't have all the
22 time in the world.

23 My understanding of science is
24 basic, but it is that these things do take time.
25 So a question I have is, how do you engage

1 evidence-based science research in a way that
2 actually assists a time-sensitive campaign and
3 involves the community and involves organizing
4 and, you know, lawyers as well?

5 You know, where do you get those
6 resources? How do you scramble scientists? How
7 do you fund it? And how do you do it in a timely
8 way?

9 And I want to respect that we have
10 lunch set up, so I don't want a response. If
11 other people want to throw out other questions.
12 And, again, I can get a response offline.

13 JENNIFER R. CLARKE: Well, we're
14 going to close on those questions. And we will
15 certainly struggle to have more audience
16 participation this afternoon. But let's have some
17 lunch.

18 - - -

19 (Applause)

20 - - -

21 (Whereupon, a luncheon recess was
22 taken at 12:35 p.m.)

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KEYNOTE ADDRESS

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JENNIFER R. CLARKE: Again, if you didn't hear me before, I am very happy to report that we have Jerry Balter in the house.

- - -

(Applause)

- - -

JENNIFER R. CLARKE: And I hope that all you friends and admirers of Jerry will have a chance to say hello to him.

One of the things, as you can see, that we try to do at the Public Interest Law Center of Philadelphia is to bring together all of the different specialties and disciplines, because the reality is that when you're talking about public education or public health or cleaning up the neighborhoods, you're really talking about the same person.

And so it's really important that you think about not just one thing in a silo, but all of the things together.

I'm going to wait until some of my good friends and board members sit down.

1 (Pause)

2 So one of the wonderful things
3 about our keynote speaker today, Vernice
4 Miller-Travis, is that she represents in one
5 person all of the different ways that you could
6 look at environmental justice.

7 Let me give some examples.

8 She brings the perspective of
9 research. She was one of the researchers and
10 writers of the influential work on Toxic Wastes
11 and Race.

12 She is a convenor. She is one of
13 the people who convened the lawyers committee and
14 others to write the very influential and powerful
15 document that's in your materials, which was
16 called, "Now is the Time," and it was really the
17 blueprint for the Obama Administration.

18 She has looked at this issue from
19 the perspective of foundations. She was a person
20 who started at the Ford Foundation their
21 environmental justice project.

22 She has done science. She has
23 done organizing. Vernice Miller-Travis has really
24 done it all.

25 Please welcome her.

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(Applause)

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VERNICE MILLER-TRAVIS: Thank you so much.

So, Jerry, where are you? I don't think you were here earlier, Jerry, when everyone, everyone who spoke, lifted you up. And so I just want to add my voice to those who have followed in your footsteps, who have been on the other end of Jerry's finger. He always told me that I wasn't being radical enough. Imagine that.

- - -

(Applause)

- - -

VERNICE MILLER-TRAVIS: We haven't always seen eye to eye, but I have such enormous respect for you, Jerome Balter, and what you have done through the Public Interest Law Center of Philadelphia, for the communities that you've represented, for the people who you've stood up for. And I just hope, I pray that there are generations of people like you still to come.

So I just want to raise you up, Jerry.

1 - - -

2 (Applause)

3 - - -

4 VERNICE MILLER-TRAVIS: I want to
5 thank the Public Interest Law Center of
6 Philadelphia, long-time colleagues of mine, for
7 inviting me.

8 My colleague, Peggy Shepard, the
9 other co-founder of West Harlem Environmental
10 Action and our Executive Director, was originally
11 scheduled to give you this keynote address, and
12 Peggy was called away to something else. And
13 since I was coming anyway to speak on the
14 afternoon panel, I was asked to give the keynote
15 address today. And I'm more than happy to stand
16 in for Miss Peggy.

17 I want to give some greetings to
18 Ms. Alice Wright of the Pennsylvania Department of
19 Environmental Protection, Office of the
20 Environmental Advocate. Alice is, in my opinion,
21 what public servants are meant to be.

22 And so you lift up these
23 communities all over the place, Alice. And people
24 speak your name at EPA and say, you better not let
25 Alice come in. Did you not pay attention to these

1 people in Chester? So I want you to know that you
2 are certainly in my vows.

3 And I want to make observations
4 just about where we are, at the Quaker Meeting
5 House at Society of Friends here in Philadelphia.

6 I am originally from New York,
7 like Cecil, born and raised in Harlem, New York.
8 But my mother's family is from Ellicott City,
9 Maryland. And so for us, the history of slavery
10 and segregation in the South, which, of course,
11 you know is on the other side of the Mason-Dixon
12 Line -- so let me just ask you all. Where is the
13 Mason-Dixon Line? Because most people have no
14 idea. Where is the Mason-Dixon Line?

15 (Audience answering.)

16 VERNICE MILLER-TRAVIS: Excuse me?

17 AUDIENCE: It's in North Maryland.

18 VERNICE MILLER-TRAVIS: There you
19 go. Most people have no idea where the
20 Mason-Dixon Line is, and that Maryland is sure
21 enough in the South. Believe me. I'm here to
22 tell you now that I have lived there for 14 years.

23 But you know that the institution
24 of slavery was particularly egregious in the State
25 of Maryland. And why was that? Because Maryland

1 was the most northern slave-holding state. And if
2 you made it -- as a slave, if you made it out of
3 Maryland, you were free.

4 And the people who brought so many
5 slaves out of Maryland were the Friends of
6 Philadelphia and the Quakers of Pennsylvania.

7 So somewhere on this property is
8 the underground railroad, you can be sure.
9 Somewhere in this building were people who left
10 the institution, heading north to freedom through
11 this building and through this institution. And
12 so I think it's really important that we
13 acknowledge that history.

14 And acknowledging that history, I
15 also want to lift up that two great people died
16 yesterday: Steve Jobs, really, really significant
17 in the world of technology. But a far greater
18 person died yesterday, the Reverend Fred
19 Shuttlesworth, who led the Ministerial Alliance of
20 Birmingham Alabama, who invited Martin Luther King
21 to come to Birmingham, as a 20-something-year-old,
22 to help lead the movement and the struggle and the
23 fight against segregation with Jim Crow. Reverend
24 Shuttlesworth worth was 83 years old. They called
25 him the "Wild Man of Birmingham."

1 And if you have any memory or
2 you've ever seen any of the documentaries about
3 the civil rights movement, and you see these
4 pictures of this man, this frail slight man
5 staring down "Bull" Connor and the dogs and whips
6 and the chains and the firehoses that they used
7 and the bombings that went on in Birmingham. And
8 there was this one slight man who was unwavering
9 in his battle against segregation. His name was
10 the Reverend Fred Shuttlesworth and he died
11 yesterday.

12 So I just think it's really
13 important that we connect all of this stuff. And
14 it's important that you connect these pieces,
15 because the movement for environmental justice is
16 a direct descendant of the struggle for civil
17 rights, racial justice and equality in the United
18 States of America.

19 We believe it is the cutting edge
20 frame of the civil rights movement in the 21st
21 century. Unfortunately, not a lot of colleagues
22 in the civil rights movement agree with us or
23 stand with us.

24 But the people who have stood with
25 us in the legal community have been the public

1 interest lawyers from one end of the country to
2 the other. And so when you think about the
3 struggle in Chester, you think about Zulene
4 Mayfield. You think about Reverend Strand and so
5 many other people. But you also think about
6 Jerome Balter, who was unwavering in his fight for
7 victory and justice and fair treatment of the
8 people in that community.

9 So I just wanted to start by
10 saying that all these things are interconnected.
11 And they certainly are interconnected in my world.

12 I was tasked to talk about a
13 couple things. One is what can and should we do
14 to get environmental justice communities the
15 resources, benefits, quality of life that they
16 deserve? What should we be doing?

17 And secondly, what human agencies
18 have brought about positive transformation?

19 So I thought I would start with a
20 couple of examples, three examples of community
21 struggles that have led to some really
22 transformative work that had gone on in these
23 places and then identify the kinds of human agency
24 and activities and collaborations that happened in
25 those places that made that work possible and that

1 should be instructive for us as we go forward in
2 our world.

3 One I want to start with is a
4 place called Spartanburg, South Carolina, by an
5 organization called ReGenesis, Incorporated.
6 Spartanburg is a community. It is now a thriving
7 major metropolitan area in South Carolina.
8 It's -- they call it Spartanburg-Greenville, for
9 those of you who are familiar with Spartanburg.
10 You fly into the Greenville-Spartanburg Airport.
11 It's about an hour and a half from Columbia, the
12 state capital. It is in the northwestern part of
13 the state going towards Columbia.

14 And it was a place where back in
15 the '40s, '50s, '60s and '70s, there was a
16 tremendous amount of chemical manufacturing, and
17 particularly pesticide manufacturing, storage,
18 containment, reaggregating different chemicals to
19 make different kinds of pesticides.

20 And one of the major companies,
21 Rhodia Chemical, went out of business or was on
22 their way out of business. They left behind a
23 tremendous amount of those 55 gallon barrels of
24 all kinds of nasty stuff, but they didn't bother
25 to tell the African-American people who live all

1 in and around these facilities.

2 One of those persons was someone
3 who literally lived next door, on the other side
4 of the chain link fence. And he watched his
5 father die mysteriously. He watched his sister
6 die mysteriously. And then he became really ill.

7 But when he became really ill, he
8 was the star quarterback at South Carolina State
9 University. So there was no reason for him to
10 become seriously ill because he was a gifted
11 athlete.

12 And then when he came home to try
13 and recover from this illness that no doctor could
14 diagnose properly for him, he began to sort of
15 walk through this community, which was called the
16 Forest Park, Arkwright neighborhood, a middle
17 class African-American community, and found that
18 many, many, many households had people who either
19 had died from cancer or who were suffering with
20 some other form of cancer.

21 And he began to research and
22 research and research. And over eight years, he
23 began to put together the history of what had
24 happened in this community. And then he began to
25 petition EPA Region IV, based in Atlanta, that's

1 the Southeastern United States region, to come and
2 engage with the community and to begin to unpack
3 what was happening to them and to try and take
4 some forward momentum of what to do.

5 So it turns out that the
6 facilities that were adjacent to these communities
7 were the equivalent of what should have been
8 Superfund sites, the nastiest of the nasty
9 hazardous waste sites. But EPA had no knowledge
10 that these sites existed, none whatsoever.

11 So he began to educate the federal
12 government, as well as the state government in
13 cleaning up the sites and in working with the
14 community to try and bring about restitution.

15 This is a really long story, but
16 I'm going to end it here and tell you this: Last
17 year, I was asked to come and facilitate a meeting
18 for the South Carolina Department of Health and
19 Environmental Quality, DHEC, it's called, or
20 Environmental Control. And I want to say it is
21 the only state environmental and public health
22 agency that's one agency. And I think it's
23 something that we need to revisit as a model.
24 Because the environmental agencies frequently do
25 not have enough public health knowledge. And the

1 public health agencies frequently have no
2 environmental knowledge.

3 And so in going there, we had the
4 meeting in Spartanburg. And we were bringing each
5 of the communities from around South Carolina to
6 try and replicate what has happened in
7 Spartanburg. And we took a bus tour. And halfway
8 through the tour, I was just a blubbering mess,
9 because there was new housing. There were
10 cleanups of the hazardous waste sites. The
11 chemical company was now in community partnership
12 with the community. The railroad, which had
13 truncated and dissected the community away from an
14 ability to be able to get out in an emergency, the
15 Federal Railroad Administration was now in
16 dialogue with this community. Finally,
17 revitalization and restitution are happening.

18 Ten years ago, Spartanburg was a
19 dead and dying community that you would pass on
20 the highway going to Columbia. Now it is a
21 destination point in South Carolina. And it is
22 all because of the work of this man, Harold
23 Mitchell, who has since been elected to the South
24 Carolina legislature.

25 But for those eight years when he

1 was doing that research, he had no job. He didn't
2 get paid. He had no compensation. At one point,
3 he lived in his car. His wife became really ill
4 because of their desperate financial situation.
5 But he continued to organize and to work to find
6 out what was happening in the place that he lived.

7 When I worked at the Ford
8 Foundation, I was tasked to resource and help grow
9 the grassroots environmental justice movement in
10 the United States. And so I determined that I
11 thought he should be compensated for the
12 extraordinary work that he had done.

13 And so he asked me to come down
14 and do a big event and bring the check, you know,
15 the big blow-up of the check. And I had to tell
16 him how we don't do checks, darling, we put the
17 money right in your bank account. That's how they
18 do it in the modern era.

19 So he asked me, well, we've got to
20 do something for this, because we've got to have a
21 big event. So the secretary of the foundation
22 allowed me to take the grant agreement down to
23 Spartanburg. And he signed it, and he signed it
24 in front of a group of 500 people at ten o'clock
25 on a Saturday morning.

1 And he kept apologizing to me
2 profusely for the small number of people that were
3 there. And I said, you're kidding, right?

4 And he said, well, we would have
5 at least 1,500 people, Vernice, but there are two
6 funerals going on today, and so people are
7 attending the funerals. The funerals continue to
8 go on.

9 A reporter called me at the
10 foundation and asked me, why was the Ford
11 Foundation interested in this community.

12 And I said, well, you get paid to
13 do what you do, right?

14 She says yes.

15 And I get paid to do what I do.
16 Why shouldn't he get paid to do what he does?
17 He's put this community back on the map. He's
18 helped them find out what the problems are. He's
19 put the federal government on a path to really
20 work to help this community. Why shouldn't he be
21 compensated for what he does?

22 And she said to me, no, really,
23 why is the Ford Foundation interested in what he's
24 doing?

25 And I say that to say that if you

1 had been there 10 or 15 years ago to see what it
2 looked like and what they were going through and
3 the volume of funerals, this is a marker in almost
4 each community across the country, something that
5 they all have in common, a preponderance of people
6 who died before their time.

7 Just as an aside. There's an
8 organization called the Newtown Forest Club in
9 Jacksonville, Florida. And the Newtown Forest
10 Club was an old black funeral society back in the
11 day during segregation when blacks folks couldn't
12 access insurance, particularly burial insurance.
13 They would have these burial societies. And the
14 burial societies would come together and pool
15 their resources to put on the funerals for people
16 who died, but couldn't afford to funeralize
17 themselves, or their family couldn't. And they
18 would do the flowers.

19 And this particular funeral
20 society determined that they were being called on
21 so frequently to do funerals, that, you know,
22 something was amiss. And lo-and-behold, they
23 found out that they were living adjacent to what
24 would now be determined as a Superfund site and
25 people's drinking water had been contaminated.

1 And it create a whole host of health problems that
2 ultimately led to a lot of premature deaths.

3 That is a standard marker for EJ
4 communities around the country. It's a sad
5 marker, but nevertheless it is.

6 It's a really long story about
7 ReGenesis in Spartanburg. But I'd like to lift it
8 up and bring it up, because Harold and I -- Harold
9 Mitchell, who's the person who leads ReGenesis,
10 Incorporated and now has been elected to the South
11 Carolina legislative, and I -- used to sit right
12 next to each other at the National Environmental
13 Justice Advisory Council, which is a federal
14 advisory council to the Environmental Protection
15 Agency.

16 For many years, because both of
17 our last names ended in "M", Harold and I sat next
18 to each other. And he was a really young advocate
19 who was asked to serve on this federal advisory
20 committee. And we sat next to each other for
21 about eight years.

22 And over those eight years, I
23 tutored him and gave him the benefit of my
24 experience, as an advocate in New York, of what he
25 could do to be more successful to move his agenda.

1 And the reason that I think that's
2 important is because I believe that to those who
3 much is given, much is required. And so if you
4 had the opportunity to tutor someone else, to give
5 them the benefit of the experience that you had,
6 to try and transform what's happening in their
7 life, you are required, you are required to do
8 that. You can't pass on that.

9 And I think almost everybody in
10 this room, because we're all in the public
11 interest sector in some way or another, somebody
12 did that for us. Somebody opened those doors for
13 us. Somebody fought those battles for us.
14 Somebody made a seat at the table so that we could
15 do what we do. And we are required, it's karma,
16 it's in my faith, but it's also karma, that you
17 have to do it for the next generation and for
18 those who come after you.

19 So I feel about how I'm really not
20 that much older than him, but he always calls me
21 Miss Vernice. You know, when you transfer into
22 that place where people start putting "Miss" in
23 front of your name, you know you have crossed some
24 kind of divide, right? So I asked him to call me
25 Vernice, but he never will, because he thinks of

1 me as . . . You know, I'm really not that much
2 older than him, I swear.

3 And so that's the Spartanburg
4 story.

5 The next story, the next case is
6 the East Baltimore case. And I asked a little bit
7 about it when Cecil -- I asked Cecil on the
8 previous panel.

9 Baltimore is a really interesting
10 place, and it is a place where my family went to
11 when they left Ellicott City. Now, Baltimore is
12 exactly 20 miles from Ellicott City, Maryland.

13 My great aunt, God bless her, who
14 is 93 years old, she left there when she was 18.
15 She has never stepped foot back in Ellicott City,
16 Maryland. I have only been to Ellicott City,
17 Maryland twice, and never with my family. And why
18 is that?

19 It's because the racism and the
20 segregation that they experienced when they lived
21 there was so intense, that even today, 50, 60,
22 70 years later, they refuse to step foot back in
23 that place.

24 So the legacy for some of us, this
25 is history, right? I've got to read this stuff to

1 find it out. But some people are still alive who
2 lived through this. And in the living through it,
3 the modern day representation of that was codified
4 in land use and zoning, strictures and statutes,
5 where we codified racial segregation.

6 And Pennsylvania, and your
7 neighboring state, Maryland, made it -- turned it
8 into a high art form. And in Maryland, in
9 Baltimore City in particular, they promulgated the
10 first race-based zoning statutes in the country
11 that then became the common practice for land use
12 and zoning.

13 And so it became a practice of
14 what we call expulsive zoning. So in some white
15 communities, you couldn't put anything industrial.
16 You could have a small commercial strip that met
17 the needs of the community, supermarkets,
18 drugstores, dry cleaners, theaters, et cetera, but
19 that was the only non-residential land use you
20 could have. And you could only have it in
21 strictly defined places.

22 But in some places, you could put
23 everything, right? You could put the refineries.
24 You could put the dumps. You could put the
25 landfills. You could put everything that no one

1 wanted to live near. We call that expulsive
2 zoning. You would expel out of some places those
3 things which other folks didn't want to live next
4 to. But then you would demarcate that that was
5 the place where only some people could live:
6 Black people, blacks, Catholics, Jews, immigrants,
7 Latinos, Native Americans, Chicanos, depending on
8 where you were in the country. Strictly defined
9 where you could live based on race or religion or
10 ethnicity.

11 Baltimore is the classic case in
12 point. I need to tell you one quick story about
13 that.

14 A dear, dear, dear friend of ours,
15 who was a giant in the environmental justice
16 field, a man named Dominic Smith, he died of colon
17 cancer six years ago, was it? Has it been six
18 years?

19 And he was in John Hopkins
20 University going through this radical cancer
21 treatment. And so one day he called me and he
22 said, Vernice, I have a taste for -- he was a
23 vegan extraordinaire, a pain-in-the-ass vegan
24 extraordinaire. Because every time we were with
25 him, he dragged us to some damn vegetarian

1 restaurant that none of us wanted to eat at, but
2 we went because he dragged us there.

3 And he asked me for some organic
4 mangos. I happened to be in New York. I went by
5 this wonderful supermarket in New York and brought
6 him some mangos.

7 And so I called Johns Hopkins
8 University to figure out where to get off the
9 highway. And they told me an exit. And the exit
10 turned out to be one exit before where I should
11 have gotten off at on 95.

12 And I wound up in this
13 neighborhood, my husband and I. And we stopped
14 the car and I saw more white people than I had
15 ever seen in Baltimore in my entire life. I
16 didn't know there were that many white people in
17 Baltimore.

18 Apparently there's a white section
19 of Baltimore. Who knew? I didn't know. I had
20 never been there in my whole friggin' life. And
21 I've been going to Baltimore since I was nine
22 years old. And I'm like, wow. And I'm, you know,
23 having this like Wizard of Oz kind of experience.
24 Where in God's name am I? It was beautiful. The
25 houses were beautiful. They were historic. There

1 were oak trees. There were esplanades. There
2 were thriving markets. I was like, where in God's
3 name am I? I was in Baltimore. Who knew?

4 And it just reminded me that
5 though we think of this as an historic practice
6 looking backward, it is happening today. Right?

7 We know that since the passage of
8 the 1968 Fair Housing Act, that it is expressly
9 forbidden to prevent people from living where they
10 want to live based on race, class, ethnicity or
11 social status. Absolutely expressly forbidden.

12 But you know that it happens every
13 single day, right? It's happening here in Philly.
14 It's happened all over the country. Pennsylvania,
15 and Maryland, I don't know why, but somehow we
16 determined that we should use our local land use
17 and zoning and perfect racial-based segregated
18 housing to a fine art in Pennsylvania and
19 Maryland. And it still is happening today.

20 So in the midst of that, you have
21 the great Johns Hopkins University, one of the
22 premier research, medical and academic
23 institutions in the country. And it is adjacent
24 to a place called the Middle East section of
25 Baltimore.

1 So anybody in here who is a fan of
2 the TV series Wire? It was not fiction. It's
3 happening today in the Middle East section of
4 Baltimore. They stood on a corner. They turned
5 the cameras on. And they did a 360 and they shot
6 what they saw.

7 People were acting, but they
8 didn't need to act because that is the real deal
9 of what's happening in the streets of the Middle
10 East section of Baltimore and other parts of
11 Baltimore, too.

12 My husband and I were once going
13 to pick up my same 93-year-old great aunt, and we
14 turned the wrong way on the street, Greenmount
15 Avenue, and we were in a part of Baltimore that
16 all I could say to my husband is, if you don't get
17 me out of here, you will be standing here by
18 yourself, because I've got to. It was that kind
19 of scary. And I'm from Harlem, and it's kind of
20 hard to scare somebody who's from Harlem. But
21 this place was really scary.

22 And so that place is right next to
23 Johns Hopkins University. And so Johns Hopkins
24 University, as so many universities do, is
25 expanding, expanding and expanding. And they want

1 to build a new biomedical research center, not
2 unlike Columbia University.

3 And they determined that they
4 would join forces with the Annie Casey Foundation,
5 the City of Baltimore and a community development
6 corporation called the East Baltimore Development
7 Corporation, to revitalize a whole section of the
8 Middle East community of Baltimore that is
9 immediately adjacent to Johns Hopkins University.
10 But in order to do that, they needed to tear down
11 and demolish 500 row houses.

12 Now, this wasn't the kind of
13 scenario where they sort of put up the signs that
14 say, you know, people will be evicted immediately.
15 It could have been that kind of process. And in
16 so many communities across the United States, it
17 has been that kind of process.

18 But here, because of the historic
19 tension between Johns Hopkins University and the
20 surrounding community, the Annie Casey Foundation,
21 who's based in Baltimore, determined that a
22 different kind of process had to go on. That,
23 yes, they wanted to see this research institution
24 come. They wanted to see Johns Hopkins grow. But
25 they didn't want to see it grow at the expense of

1 the residents in the Middle East section of
2 Baltimore.

3 So they went through an
4 extraordinary process of starting in 2002 -- and
5 that is still going on -- to do what they called
6 community-based revitalization, that really took
7 into context, as well as in partnership, what the
8 people of the Middle East community of Baltimore
9 wanted and needed.

10 So they're developing a mixed
11 income, mixed use community, but they're giving
12 the people who used to live there in the 418 row
13 houses that were demolished the first right of
14 return to come back, which is a really
15 extraordinary thing because that doesn't happen
16 that often.

17 Usually they declare eminent
18 domain. They take the property. They tell you to
19 get the hell out. You've got 30, 60 days to go.
20 We don't care where you go. And that's it. And
21 that's how it usually works.

22 But this process is a really
23 dramatically different process than that. And one
24 of the things that was particularly difficult was
25 that Johns Hopkins, in the '90s, there's a

1 professor at Johns Hopkins -- and this was really
2 the basis of the question that I asked the
3 previous panel -- they have a world class
4 researcher at this institution named Farfel. I
5 think his first name might be John. And he has
6 done some of the most groundbreaking research on
7 lead and lead exposure in the nation and around
8 the world.

9 And they did a research project in
10 the Middle East community of Baltimore in the
11 early '90s, and the community has felt that they
12 used the children in those households as guinea
13 pigs to test lead abatement strategies. They
14 didn't remediate. They just left the children in
15 those circumstances and tested different
16 remediation strategies in the homes in which they
17 lived.

18 Just about -- about four months
19 ago, maybe three months ago, the Court of Appeals
20 based in Baltimore has determined to hear that
21 case again. And the case is coming back again.
22 It's a really extraordinary case.

23 When you combine that with
24 historic discrimination that has happened at Johns
25 Hopkins and the surrounding community, when you

1 combine that with the story of Henrietta Lacks,
2 some of you may have read that extraordinary book,
3 you get hypersensitivity between that community
4 and Johns Hopkins University, and then you get the
5 university trying to expand.

6 And so one of the things that the
7 Annie Casey Foundation did was to try and put on
8 this process an extraordinary sensitivity about
9 lead and lead contamination and lead poisoning.

10 And so in the demolition of 518
11 row houses, there was a propensity for an enormous
12 amount of lead dust to be picked up in this
13 community as those buildings were being
14 demolished.

15 And so what they determined to do
16 was to create an expert panel of independent
17 experts, myself being one of the four experts, led
18 by the renowned Dr. Janet Phoenix, to evaluate
19 demolition practices and to help them figure out a
20 way to measure the air quality as the demolition
21 was happening, and to come up with a practice and
22 a system to take those buildings down in a way
23 that would not create an enormous public health
24 challenge for the people who lived in the
25 surrounding community.

1 It became a very successful
2 process. I think the publication of the reports
3 that Annie Casey published about the East
4 Baltimore revitalization initiative, responsible
5 development, it's called, and responsible
6 demolition, is in your documents. And so you can
7 read it. I think it's very interesting. But it
8 is a big deal.

9 When you take buildings down, this
10 is what you need to do to control for dust. Spray
11 water as you are taking the buildings down. You
12 wouldn't believe how much money Annie Casey spent
13 to figure that out. And I'm not mad at them. I'm
14 just saying.

15 But it's an extraordinary thing
16 that this process was driven by the people who
17 live in the community. We let them evaluate the
18 protocols. Any questions they had, any concerns
19 they had, we factored that into the protocols. We
20 stopped the process many times to address the
21 concerns of the community. And they were total
22 partners in this process.

23 And they were mad as hell, because
24 there's all this bad blood between John Hopkins
25 and the surrounding community. By the end of the

1 day, we came up with a process that was respectful
2 of the community issue, was protective of public
3 health and allowed the deconstruction and
4 demolition of 518 row houses.

5 The City of Baltimore has adopted
6 the protocol as guidance for the City of
7 Baltimore. We have tried for the last two
8 legislative sessions to get the protocol adopted
9 as state law. But each time, we have been
10 defeated by the -- the construction industry and
11 the contractors associations, particularly the
12 black contractors association, because they
13 believe it's going to add a lot more money to the
14 cost of demolition and deconstruction. But,
15 nevertheless, I think it's great model.

16 And then lastly, I'll just tell
17 you, in quick swathe, the long journey of West
18 Harlem Environmental Action. And this is a really
19 long story, but I'm not going to drag it out.

20 I'll just say that through a
21 crisis situation from the North River Sewage
22 Treatment Plant -- if you have ever been to West
23 Harlem, if you have ever been by our community or
24 through our community, on the West Side Highway,
25 the Henry Hudson Parkway, you'll see this enormous

1 giant sewage treatment plant, the same sewage
2 treatment plant that had a fire in its two main
3 engines over the course of the summer and dumped
4 millions and millions of gallons of raw sewage
5 back into the Hudson River.

6 On top of that sewage treatment
7 plan is a park. And the park is the environmental
8 benefit that the community was given for shoving
9 the North River Sewage Treatment Plant in our
10 community.

11 It's not quite as close to us as
12 the waste facilities are to the residents of
13 Chester, a situation that I actually had never
14 seen anything quite as frightening as how close
15 those facilities are to the people that live in
16 Chester. It's on the other side of the highway
17 from where we live, but it's close enough for the
18 emissions to come right into our homes and
19 completely destroy our quality of life for a
20 number of years. You could not escape the smell
21 of 180 million gallons of raw, fetid sewage
22 invading your community, your home, your school,
23 your business every single day, until we sued the
24 City of New York, with the help of a natural
25 resources defense counsel, and Paul, Weiss,

1 Rifkind, Wharton & Garrison. And we stuck it to
2 the city really bad. And we beat them
3 mercilessly. And I was oh so happy to do it.

4 And I tell you that to say this:
5 That for the longest time, we were in that
6 struggle by ourselves. And there was no -- no one
7 validated us.

8 Now, I could never figure out how
9 180 million gallons of raw sewage did not seem to
10 offend anyone else's sensibilities but those of us
11 who lived in West Harlem. The City of New York
12 said there was no odor. And we were "screaming
13 meanies," literally. That was in the pages of the
14 New York Times.

15 The New York City Department of
16 Environmental Protection ignored us repeatedly.
17 The New York State Department of Environmental
18 Conservation ignored us repeatedly. EPA Region
19 II, whom to this day I cannot take them seriously
20 because of the way they treated us in that
21 process, gave two findings of no significant
22 impact for the environmental impacts of that giant
23 sewage treatment plant on the quality of our life.

24 But eventually, through
25 organization, through mobilization, through public

1 education, through determination, at one point --
2 Cecil, are you in the room? I think there are
3 15,000 units of public housing in our community,
4 at least there were, back in the mid-'80s when we
5 began to organize. And at some point, Peggy
6 Shepard and I knocked on every single door.

7 Now, we didn't do it in one year,
8 but we knocked on every single door of public
9 housing in our community. We were hard-core
10 organizers. And that's the kind of work that has
11 to happen to create the kind of transformation,
12 the kind of public education, the kind of
13 mobilization that we're talking about. Old-school
14 organizers.

15 Combined with extraordinary
16 advocacy, extraordinary public education,
17 incredible lawyers, incredible researchers at the
18 Columbia University School of Public Health, we
19 have built this three-prong strategy. And
20 organizing is at the core of the strategy. But we
21 couldn't have done what we have done without some
22 extraordinary, extraordinary lawyers who stood by
23 our side.

24 So I just wanted to tell you those
25 three stories. And I wanted to just tick off a

1 list of things that I think is important that I
2 think have been learned in all of these case
3 studies and in every successful environmental
4 justice role around the country, these things have
5 been predominant:

6 Persistence. We've got to be
7 prepared to be at the table for anywhere from a
8 couple years to a couple decades. We have been at
9 this for 23 years at West Harlem. And you've just
10 got to be in there for the long haul. There's no
11 quick fix to these issues.

12 Creating benefits to staunch the
13 burdens. You know, I think that's pretty
14 self-explanatory.

15 Organizing to create a united
16 front. Right? There are always a lot of
17 different factions in local communities. And if
18 you really want to build power, everybody has got
19 to be on the same page and expand their agendas
20 and work together for transformation.

21 Integrating through advocacy and
22 community-based participatory research, along with
23 community organizing, as a three-prong approach to
24 fight environmental injustice.

25 Understanding the proper role of

1 lawyers and researchers in the struggle for
2 environmental justice. You're going to hear from
3 Eileen Gauna later. Eileen is the sister of an
4 extraordinary environmental justice hero or
5 heroine, Jean Gauna, who passed away in 2007.

6 And Jean used to say all the time,
7 lawyers are on tap, not on top. And I have never
8 forgotten that, because she used to tell me that
9 all the time. Remember, Vernice, what your role
10 is, build your community power by building
11 community capacity. Really, really important.
12 Let me write this down.

13 Bringing resources, technical
14 assistance, opening doors to decision-makers and
15 funders to the community table. Creating
16 approaches to social justice, more creative
17 approaches to social justice.

18 Understanding who your allies are
19 and that they can be found in many different
20 venues, like ours.

21 Practical realtime needs. Assist
22 in communities to participate meaningfully in
23 local, state and federal administrative processes.

24 The permitting process is very,
25 very, very technical. You all know that. People

1 need help maneuvering through that process. They
2 need your assistance to do that.

3 Federal rulemakings. Right now,
4 the coal from Westfield waste rule, the mercury
5 and air toxics rule, the definition of solid waste
6 rule, to name but three examples of hundreds of
7 federal rulemakings that are going on that have
8 direct impact on people's lives.

9 Help folks navigate the process
10 and help them meaningfully get included in the
11 process. And work to integrate civil rights and
12 environmental law in the struggle to bring about
13 environmental justice.

14 Thank you so very much.

15 - - -

16 (Applause)

17 - - -

18 ADAM H. CUTLER: We do have time
19 to take one or two questions from the audience for
20 Vernice.

21 If anybody has one, feel free to
22 come up to the mike.

23 VERNICE MILLER-TRAVIS: We would
24 have had more time if Vernice hadn't talked so
25 long.

1 ADAM H. CUTLER: You can also ask
2 her questions.

3 VERNICE MILLER-TRAVIS: Right, I'm
4 on the panel today.

5 ADAM H. CUTLER: Go ahead, Diane.

6 DIANE SICOTTE: Hi. I'm Diane
7 Sicotte, and I teach environmental justice at
8 Drexel University.

9 My question is, I happen to be
10 teaching this term, right now, two classes on
11 environmental justice. So what do you think are
12 the most important things that a professor can
13 convey or try to make available to students about
14 environmental justice?

15 VERNICE MILLER-TRAVIS: Well, I'd
16 say one of the big lessons that I learned, and I
17 learned it from the people in my community in West
18 Harlem, is that just because you have had the good
19 fortune to go to college and to go to graduate
20 school and to be a degreed person does not make
21 you the smartest person in the world.

22 DIANE SICOTTE: I already knew
23 that.

24 VERNICE MILLER-TRAVIS: But our
25 students usually don't know that.

1 And I think that, you know, once
2 you enter the academic arena, the message that you
3 get inculcated all the time is that you are
4 different there. You are better there. You are
5 special.

6 And, you know, we are special, but
7 we're not that special.

8 Most of what I learned, I learned
9 when I -- it was ten years between the time that I
10 finished college and went to graduate school. And
11 I breezed through planning school. Why? Because
12 I was on my local planning board at the time that
13 I was in graduate school. That was the real
14 education on how you do local land use and
15 planning at the community level.

16 People in the community taught me,
17 one, how to work with people. How to treat
18 people. How to recognize their knowledge as being
19 every bit as superior as my knowledge. And how to
20 translate what they were experiencing into the
21 language that people speak, but authenticating
22 what their experience and what their knowledge
23 was.

24 It seems like -- you know, it
25 seems like second nature. Right? It's a really

1 hard thing to do, especially when all your life,
2 somebody has been telling you that you're special
3 and you're different, and you're different and
4 unique. About you're not really that special.

5 Now, maybe your mommy and your
6 daddy think you're really that special. But in
7 the scheme of things, it's the people that we
8 serve, right? And we have to figure how to lift
9 up, how to validate their knowledge, how to
10 validate their experience.

11 And so I think that would be --
12 that was the greatest thing that I learned.

13 And I had some extraordinarily
14 patient senior citizens who taught me that. And I
15 try to remember it every day in every way as I go
16 about doing my work. So that would be one thing.

17 Another thing would be how to take
18 the knowledge that you are getting in the
19 classroom and use it in the service of people in
20 struggle. You know, there are tremendous things
21 happening with technology, Google Maps and Google
22 Earth, that help people figure out and see
23 visually sort of where they are, and where they
24 are in proximity to threats and to environmental
25 threats of every kind.

1 How do you take that stuff that
2 we're learning in school, in a cutting-edge
3 technology, and put it in service of communities
4 in struggle.

5 There's lots of creative things
6 going on. These young people now, the way their
7 minds work, it's just extraordinary to me. And
8 how you connect that to community struggle for
9 social justice, I think, is something to give them
10 a challenge to try and figure out.

11 DIANE SICOTTE: Thank you.

12 ADAM H. CUTLER: We'll take
13 Alice's question.

14 ALICE WRIGHT: My question is,
15 what's the responsibility or -- and how can
16 universities, the scientific community, take the
17 knowledge that they know about health in the
18 environment to the people who really make the
19 decisions?

20 I mean, I sit on many of the
21 environmental justice calls through the federal
22 government. And the people who really make the
23 change, they're not in the room. So --

24 VERNICE MILLER-TRAVIS: Tell me a
25 little bit more, Alice. Who do you think is not

1 in the room?

2 ALICE WRIGHT: Well, I'm saying
3 the policymakers, the people who write the regs,
4 the people who vote on the regulations.

5 And, I mean, at some point, I
6 think that we -- it -- we need to take it to them
7 and expose --

8 VERNICE MILLER-TRAVIS: Yes.

9 ALICE WRIGHT: -- them for who
10 they are for not changing regulations that are 40,
11 50, 60 years old.

12 VERNICE MILLER-TRAVIS: Yes.

13 ALICE WRIGHT: And, you know, in a
14 sense -- in a sense, from my experience working in
15 communities that are so vulnerable, there's this
16 mean-spirited attitude that they deserve what they
17 get. And I just think, at some point, it needs to
18 be addressed.

19 VERNICE MILLER-TRAVIS: It does
20 need to be addressed and so --

21 ALICE WRIGHT: So how do we do
22 that?

23 VERNICE MILLER-TRAVIS: One of the
24 last pieces I mentioned was that people need help
25 participating in these federal rulemakings.

1 And why is that important? It's
2 important because the way the process works about
3 environmental statute, policy and law is that
4 Congress passes laws. And then on the
5 environmental front, they then give it to EPA to
6 then turn into what EPA calls a rulemaking. And
7 that rulemaking is the codification of what
8 Congress has tasked them to do.

9 So some of these rulemakings that
10 go on for years and year and years, the definition
11 of solid waste rule, which regulates the hazardous
12 waste recycling industry, has been going on for
13 19 years. And it's just the last two years that
14 the people who are most impacted by what that rule
15 would regulate, each of the communities,
16 low-income tribal communities, have been engaged
17 in the process.

18 And one of the reasons they've
19 been engaged in the process is because
20 Earthjustice and Environmental Renewal Advocacy
21 Organization and the Sierra Club have made a real
22 extraordinary effort to bring those people into
23 the process.

24 So we give them technical
25 assistance. We walk them through the rules. We

1 bring people from all over the country to Capitol
2 Hill to talk to their members of Congress about
3 why these rules are important.

4 That kind of work has got to go
5 on. And we have a role to play in it. We can
6 break it down into very, very complex processes.

7 So that's what we're there for.
8 We're there to break that science and that
9 technology down, to explain to folks and then to
10 take back what they say and give it back to the
11 federal government, the decision-makers, this is
12 what communities would like to see in terms of how
13 you ultimately promulgate the statute or this law.

14 There is a wide-open process for
15 this to happen. The people who are most absent in
16 this process are the people who are most directly
17 affected by these laws and statutes.

18 And lastly, I would say, I know
19 that people say this all the time, and you
20 probably think, oh, they're just saying that, that
21 it's not going to really matter. It matters that
22 people interact with their elected representatives
23 of federal, state and local government. It
24 matters.

25 I met with your Senator Casey --

1 not him exactly, his staff person -- on Monday,
2 talking about a couple of rules that are
3 happening. And I tried to lift up the communities
4 in Pennsylvania that are really struggling with
5 these issues. And it would be really great if
6 Senator Casey would go and meet with these
7 communities out where these coal combustion waste
8 sites are, out where these incinerators are. That
9 if he would come and see for himself, then maybe
10 he wouldn't be such an asshole and vote against
11 these issues when they come up before Congress.

12 Now, let me be fair. As senators
13 go, Senator Casey is one of the best people in the
14 United States Senate. Let's be absolutely fair.

15 But on the coal issue, as so many
16 say this who are from coal states, they're
17 pigheaded, they're blind-sided, and they're going
18 with the coal industry first, but there are
19 impacts that are happening to the communities.

20 But who is the difference-maker?
21 Bring the people who are suffering to meet
22 directly with their representatives and let them
23 look them in the eye and say, I'm going to vote
24 against your interest.

25 That's the role that we can play.

1 We can help raise the money. We can get the
2 people on the buses. We can go with them to
3 Washington or to Harrisburg, or wherever it is,
4 but we've got to get the people involved in the
5 process so the decision-makers are hearing from
6 the people who are most directly affected. That's
7 the greatest thing I think we can do, Alice, is to
8 bring the people into the political process.

9 Thank you.

10 - - -

11 (Applause)

12 - - -

13 ADAM H. CUTLER: Thank you again,
14 Vernice. That was outstanding.

15 Jerry has a question.

16 JEROME BALTER: I want to raise
17 the connection between the question of
18 environmental pollution and what is bothering many
19 citizens, including the -- what do we call them --
20 those people on the right.

21 And the question is, what is the
22 relationship? That is, if you stop pollution, you
23 reduce illness. And the biggest cost to
24 government are the sick. So that if the
25 government invests in pollution control, will they

1 not reduce the cost of Medicare and Medicaid and
2 get through all this nonsense that's going on?

3 And especially the right wing,
4 because people only learn through their
5 experience. And if you can show them that what
6 they don't like is affecting their pocketbook,
7 maybe we can win them over.

8 - - -

9 (Applause)

10 - - -

11 ADAM H. CUTLER: Well, I think
12 Jerry just hit on a new collaboration that we can
13 be working on over the next few years.

14 Thank you, Jerry, for those
15 comments. And thank you to Alice and Diane for
16 your questions.

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SESSION III:
A PROJECT TO UNITE NE REGION (OR PA - PHL AND PBG)
INTEGRATING CUMULATIVE IMPACT SCREENING TOOLS
INTO PLANNING

- - -

ADAM H. CUTLER: I'll be moderating the next panel, so I'd like to call up our panel three participants now. And as they're moving up and everybody gets comfortable, I will go right into the introductions.

While we're waiting for -- oh, here she comes. Come on up, Eileen.

JENNIFER R. CLARKE: While Eileen is coming up, I just want to acknowledge one person who has contributed a lot, 99 percent to today, and that is Taylor Goodman. Taylor is our development director.

- - -

(Applause)

- - -

JENNIFER R. CLARKE: Taylor's headed over to the Downtown club to make sure that tonight's event is nicely staged.

ADAM H. CUTLER: Okay. So our

1 third panel is kind of picking up from some of the
2 points that Vernice made. Our third panel is
3 going to talk about particular cumulative impact
4 screening tools and other tools that communities
5 might be able to bring into the planning process.

6 And I will just briefly introduce
7 our distinguished panel. As before, you can read
8 their more detailed biographies in your booklet.

9 Speaking first will be Dr. Jim
10 Sadd. Dr. Sadd is a Professor of Environmental
11 Science at Occidental College in Los Angeles,
12 California.

13 Next will be Eileen Gauna.
14 Professor Gauna is a Professor of Law at the
15 University of New Mexico School of Law.

16 And finally, we have with us John
17 Relman. John is a civil rights attorney and the
18 founder of Relman, Dane & Colfax, a Washington,
19 D.C. civil rights litigation firm. He also
20 teaches public interest law at Georgetown
21 University Law Center as an adjunct professor.

22 So without further ado and to keep
23 us running on time, I'll turn it over to Jim for
24 the first presentation.

25 JIM SADD: Good afternoon.

1 You can go to the next slide.

2 My job today is to talk about
3 environmental justice screening generally and also
4 to detail an environmental justice screening
5 method that I and my colleagues have developed in
6 the State of California.

7 I'd like to first say that the
8 whole task of environmental justice screening is a
9 task that's several years old. And it really is
10 in response to a NEJAC call to try to
11 operationalize the whole concept of cumulative
12 impacts.

13 And so we have Vernice and other
14 NEJAC members over the years to thank for that.

15 I listed on this slide several
16 attempts recently that are trying to develop these
17 cumulative impact screening techniques, the most
18 prominent, I think nationally, is the EJSEAT from
19 the U.S. EPA which I think many of you heard of.

20 California EPA is also developing
21 a hazard assessment screening tool that should be
22 done soon.

23 The State of New Jersey has also
24 joined the fray and is working on a preliminary
25 technique.

1 And then there is the EJ screening
2 effort that I've been involved with, which I'll be
3 talking about in detail.

4 All of these different screening
5 methods have some shared purpose. They're trying
6 to identify EJ communities that are the most
7 impacted and vulnerable communities in order to
8 identify areas that are deserving of targeted
9 efforts of various types.

10 All of them are geographically
11 based, as you see. All of them use secondary
12 data. That is, they're not really measuring
13 anything, but they're taking information that is
14 already public information, accepting it as
15 accurate, and then using that in order to develop
16 a screening method.

17 And so what environmental justice
18 screening is, is screening. It's not assessment.
19 We're not measuring anything. But it is
20 identifying areas that are deserving of drilling
21 down for additional work.

22 All of these techniques use
23 information from the U.S. Census in one form or
24 another, mostly at the census tract level. And
25 they really vary most in their methods of scoring

1 different locations and in the weighting of
2 importance of different elements of cumulative
3 impact.

4 Next slide, please.

5 So to first talk about the
6 environmental justice screening method that we've
7 developed, we've done this under contract to CAL
8 EPA and other California State agencies and
9 others.

10 And the goal of this project was
11 to develop indicators of cumulative impact that
12 actually reflect the research that has been done
13 to demonstrate disproportionate impacts and
14 vulnerability, but also to select indicators that
15 are transparent and relevant both to communities
16 and policymakers and other interested
17 stakeholders.

18 Then these indicators are applied
19 to a screening method, which I'll show you, that
20 has a number of uses. And I can talk about
21 specific uses that ours has been put to later, if
22 you wish.

23 Next slide, please.

24 So the focus of the EJ screening
25 method that we developed uses 36 different

1 indicators of cumulative impact and vulnerability.
2 It's specific to air pollution and climate change.
3 And as I mentioned, it uses secondary databases
4 which are accepted as accurate and truthful, but
5 we actually use ground-truthing in order to
6 validate that information in specific areas. And
7 that's often a community-based participatory
8 research project.

9 The technique that we use
10 incorporates land use information, which is really
11 different from all of the other methods. And we
12 think that's important because land use decisions,
13 I think as we all know, really are the basis of so
14 many environmental justice problems and also
15 solutions. And for this reason, this method
16 really requires the land use information that's
17 both classified and also has a spatial resolution
18 that is high enough or granular enough that
19 actually can be useful at the neighborhood level.
20 It has to reflect neighborhood to neighborhood
21 variation.

22 We've actually done this in the
23 State of California. We've covered an area that
24 takes into account about 85 percent of the
25 population of the state.

1 And, finally, the technique that
2 we use, which is a little different than others,
3 doesn't map everywhere. It only maps where people
4 are actually exposed in a non-occupational
5 setting. So we're mapping in residential areas
6 and also sensitive land uses.

7 Now, we've taken the definition
8 from the California EPA. But these basically are
9 land uses where people who are especially
10 sensitive to air pollution or to climate change
11 impacts spend much of their day; so, for example,
12 senior housing, health care facilities, child care
13 facilities, schools, urban parks and playgrounds
14 and so forth.

15 Next slide, please.

16 So in our method, we have four
17 different categories of cumulative impact.

18 First, we're looking at indicators
19 of proximity to various types of housing and also
20 the locations of those sensitive land uses that I
21 mentioned before.

22 Second, we're looking at
23 indicators of health risk and exposure.

24 Third, we're looking at indicators
25 of social and health vulnerability, all of which

1 have been validated in the research literature to
2 actually be statistically significant determinants
3 of disproportionate exposure and impact.

4 And, finally, we have recently
5 added a climate change vulnerability piece to our
6 screening method, because we think the data is
7 good enough. The cause and effect on
8 relationships are also good enough in order to
9 include it, but, of course, can be backed out if
10 you're only interested in the air pollution.

11 Next slide.

12 So lest all we think that
13 everything is California is wonderful. And I'll
14 say that I left a cold and rainy day yesterday in
15 California to come to this perfect weather in
16 Philadelphia, for which I'm really grateful.

17 And also, there are areas in
18 California which are not so nice. And here is an
19 example, the Liberty/Atchison Villages, which is
20 not very far from UC Berkeley, where one of my
21 colleagues works and lives. And as you can see,
22 it is adjacent to a number of environmental
23 hazards and really personifies or typifies the
24 cumulative impact problem that is so prevalent in
25 many communities in the United States.

1 Here it's adjacent to an
2 interstate, a port, a rail yard, one of the
3 largest refineries in the United States, a
4 chemical plant and so forth.

5 So I won't spend a lot of time on
6 this slide, because this is for nerds, like me.
7 But, basically, this is a three-step process.

8 There is a Geographic Information
9 Systems spatial assessment, which I'll summarize
10 for you, that basically makes the base map on
11 which the mapping will be done and also develops
12 the proximity metrics.

13 Second, there is programming done
14 in the statistical package. We use SPSS. It
15 could be done in SAS or any other package that has
16 that capability. But if they're written in them,
17 the results are mapped. And the reason for that
18 is, we want to make sure that we have quality
19 assurance and quality control at every step, so we
20 can actually demonstrate what was being done. We
21 can identify errors. And we can actually make
22 this into a programmable method and hand it off to
23 someone else who can change the indicators, make
24 other decisions, and use it in a similar way.

25 So this is the southern California

1 area, the Greater Los Angeles area. If you're not
2 familiar with it, the City of Los Angeles is sort
3 of this area right here (indicating). And the
4 freeway system is shown in dark lines. And
5 there's also three other shades on this map.

6 There is white. Those are all of
7 the residential and sensitive land use areas where
8 mapping would take place. Then there's some light
9 gray. That is open space, commercial corridors
10 and that sort of thing, which is not mapped. And
11 then we have darker gray areas, which shows
12 industrial areas, transportation corridors,
13 utilities and so forth. So everywhere in white in
14 the maps that you'll see are the areas that are
15 scored and mapped for cumulative impacts.

16 This is zoom-in to the East Los
17 Angeles area, where the land use data is shown.
18 As you can see, there is a number of different
19 types of land use. Everything shown in blue is
20 either residential or sensitive. So that's where
21 we're going to map. And everything that's not
22 blue is not.

23 And if you'll notice -- next
24 slide -- I've lifted up some areas in pink, which
25 are cemeteries. We don't map in cemeteries

1 because there's no one living there.

2 So we isolate those land uses
3 where we will do our mapping, and we lay them over
4 census block information, sort of in a
5 cookie-cutter fashion.

6 Next slide.

7 We cut the land use with census
8 blocks and we wind up with a whole bunch of little
9 polygons. Now, GIS nerds like me call these
10 slivers. But we, in our environmental justice
11 work, call these cumulative impact polygons,
12 because this is the base map which we use.

13 These polygons are all either the
14 size of the census block or smaller. So they're a
15 nice surrogate for a neighborhood. And then, of
16 course, once the scoring is done, each of those
17 polygons receives a color, and the color indicates
18 its level of cumulative impact on the
19 neighborhood.

20 Next slide.

21 So let's first look at the first
22 category of indicators in proximity to hazards and
23 sensitive land uses. Here are the sensitive land
24 uses that are recognized by the California Air
25 Resources Board. They're self-explanatory.

1 I'm not going to get into the
2 actual scoring metrics that you use. But I did
3 provide a paper for the proceedings, volumes, that
4 describes that in detail.

5 And as part of the Witmer Bio
6 Research Group to be engaged in a meaningful way
7 with communities, we published that paper in an
8 open source journal. So instead of having to pay
9 \$3,000 a year to subscribe to it in order to get
10 it, you can just get it on the web as a
11 downloadable PDF.

12 Next slide, please.

13 And then we're looking at
14 proximity to a variety of hazards, both point and
15 other area hazards, and a variety of land uses
16 that are associated with high levels of air
17 pollution.

18 Basically what we do is, we draw a
19 distance buffer around each of those cumulative
20 impact polygons, each of those neighborhood-sized
21 geographic units, and count the number of hazards
22 within a certain distance.

23 And the distance buffers that we
24 use are actually the ones that have been
25 recommended for land use decisions by the

1 California Environmental Protection Agency in
2 order to guide the land use decision-making for
3 new facilities in the State of California.

4 Now, there's nothing that says
5 that the local land use planning agencies have to
6 accept those recommendations. However, they are
7 recommendations that are there.

8 And, secondly, this is only for
9 new facilities, like a new school or a new child
10 care center. And there is no recognition of the
11 existing schools and existing sensitive land use
12 that is there already.

13 Next slide.

14 So if you look at a
15 distance-weighted hazard count of all the CI
16 polygons in the Southern California area and
17 combine that with sensitive land use, this is what
18 the map looks like.

19 So red is a lot of them. Green is
20 not very many. And so you can see they definitely
21 are concentrated in certain areas. They tend to
22 be concentrated adjacent, in fact, to areas of
23 high industrial activity.

24 We then aggregate that information
25 up to the census tract level. Now, we have to do

1 that because we need a consistent level of
2 geography to match it with all of the other data
3 that we're going to use, which is generally at the
4 census tract level, and we can't misrepresent the
5 precision of this sort of mapping.

6 However, we've demonstrated it's
7 possible to keep that granularity for some sorts
8 of local and land use applications. And we do
9 this aggregation upwards of the tract level using
10 population weighting.

11 So if there's a large number of
12 hazards located next to a large number of people,
13 that gets extra weight because it's
14 population-weighted or population-focused.

15 Then we do something which we
16 think is pretty simple and transparent, and it's
17 very different from most screening methods, which
18 is, we take all those counts for all the locations
19 and we rank them in quintiles, the lowest 20
20 percent, the highest 20 percent, and the other
21 three in between. And we just give those quintile
22 groups a score of one to five.

23 We've actually tried some very
24 complicated scoring techniques. We have used
25 EJSEAT use scores and standard deviations, and we

1 found that it doesn't make a whole lot of
2 difference. And this is a much more accessible
3 and easily understood and easily translatable to
4 be scoring. And this quintile distribution is
5 something that we follow through on the entire
6 method.

7 Now, I've talked about probably
8 the most complicated part of this. Everything
9 else is pretty simple.

10 So next slide.

11 This is just the scores then for
12 hazard proximity and land use for the Southern
13 California area. Again, the red is high scores,
14 high proximity and -- excuse me, great exposure to
15 these facilities. And then green is -- green is
16 good.

17 Next slide.

18 So then we look at measures of
19 health risk and exposure. We use five. These
20 are, in fact, very similar to the ones that were
21 used by EJSEAT, but we're using California-based
22 measures, because there are ways in which we feel
23 the California-based information is calculated
24 differently and is a little bit better. And all
25 of this information is detailed in the

1 proceedings.

2 Next slide.

3 And if we map the exposures and
4 health risk metrics in the Southern California
5 area, the map looks like this. And from this, you
6 can learn a couple of things about Southern
7 California.

8 One is that the wind blows from
9 west to east. And so all of the pollution that's
10 generated sort of in the Greater Los Angeles area
11 blows to the east. And that's why there is a huge
12 plume of high exposure and health risk in the
13 eastern portion of the Los Angeles area.

14 The second thing you can see is
15 that the health risk really follows the
16 transportation corridors quite well, and also,
17 again, forms a cloud around industrial areas.

18 Next slide.

19 Looking now at metrics of social
20 and health vulnerability, these mostly come from
21 the census, but we divide them up really into
22 three groups.

23 There are a group of census tract
24 level metrics that reflect socioeconomic status.
25 And, again, these are all validated by the

1 research, by research that has been done. We
2 didn't sort of just pick these out of our heads
3 and think they were a good idea.

4 We also looked at levels of
5 biological vulnerability, those elements that we
6 can capture from the census and other sources that
7 reflects the difference vulnerability of groups.
8 The elderly and the very young are much more
9 sensitive to air pollution and climate change
10 impacts. And then we also have birth outcomes
11 information, the percent of preterm and small for
12 gestational age infants over a period of years.

13 Then we have some civic engagement
14 metrics. These come from the census and also from
15 the voting records. These also are meant to
16 capture the degree to which local decision-making
17 can be influenced by local residents. People that
18 are linguistically isolated or people that are in
19 areas with lower voter turnout probably don't have
20 as much as local engagement with decision-making.

21 Next slide.

22 And mapping those metrics for the
23 six-county Southern California area looks like
24 this.

25 Next slide.

1 Finally, we have added some
2 metrics for climate change vulnerability.

3 Next slide.

4 We feel that the impacts of
5 climate change are fairly well understood at this
6 point in terms of heat stress, similar to what I
7 was talking with some of my colleagues, and I'm
8 anxiously awaiting information about the
9 fatalities and other health effects of the very
10 hot and humid weather that occurred throughout
11 much of the central and eastern United States this
12 summer.

13 But these are meant to capture the
14 risks of living in heat islands in urban areas,
15 also temperature change and exit temperatures,
16 and, finally, metrics of mobility and social
17 isolation, because it's very well understood that
18 people who are socially isolated and people that
19 can't go to the cooling center or can't get out
20 are the ones who are the most vulnerable.

21 And looking at the map of the
22 Southern California area of climate vulnerability,
23 it looks like this.

24 So then we take all four of those
25 maps and we add them together.

1 Next slide.

2 Remember that for each of those
3 indicated classes, you've got a score of one to
4 five. So that any particular neighborhood can
5 have a score of as low as four and as high as 20.
6 And this is what that map looks like.

7 I'm a scientist. I'm always
8 trying to validate information that I think is
9 correct. And it's difficult to actually validate
10 this information. However, one measure of
11 validation is that regulators, communities and
12 others in California -- in the Southern California
13 region -- who feel that they understand the
14 landscape and the riskscape of environmental
15 justice believe that this is a pretty good
16 depiction of what it is like there.

17 And there are actually some
18 surprises in doing this.

19 Do you want to show the next.

20 This just adds the climate
21 vulnerability indicator you could back out if you
22 want.

23 But one thing that we noticed is
24 that many of the areas where there is already
25 organizing, where there's already attention showed

1 up here as hotspots. But, also, there were some
2 hotspots that didn't -- or, excuse me, that showed
3 up where there is no organizing or no interest,
4 such as the area around Pomona and Ontario. So
5 that's an additional benefit to this sort of
6 screening for community organizations.

7 Next slide.

8 Now, we're not the only game in
9 town. The Environmental Justice Strategic
10 Assessment Tool, or EJSEAT, the U.S. EPA, is also
11 something that has been around for a while. This
12 is something that Eileen is going to be talking
13 about.

14 I just wanted to segue into her
15 talk by talking about this very briefly.

16 Next slide.

17 It also has indicators. The
18 indicators are similar, but different than the
19 ones we use.

20 Next slide.

21 And I wanted to show these in sort
22 of a comparative way. I've done that in two ways.

23 Next slide, please.

24 So here is a table which shows the
25 indicators by class that we use in the

1 environmental justice screening method there to
2 the left, and the EJSEAT indicators, 18 of them,
3 which are on the right. And that arrow is to
4 indicate that the indicators of health that they
5 use in EJSEAT, we have incorporated into social
6 and health vulnerability.

7 But this will give you a feeling
8 for how the two methods compare in terms of the
9 number of indicators and the types of indicators.
10 The two methods have similar goals. They work at
11 different scales.

12 One of the things that really
13 hobbles the use of EJSEAT is, it's required to be
14 nationally consistent and applicable in the same
15 way throughout all 50 states. And I am blessed to
16 live in California, where we have wonderful
17 environmental data. But in places like, you know,
18 Alaska and Utah, they don't have near the quality.

19 And, finally, these two methods
20 use significantly different indicator metrics.
21 Our ways of analyzing are different. And, also,
22 although we use place-based scoring in both
23 methods, there are big differences in the method
24 and the philosophy.

25 Next slide.

1 So I thought I'd show you what the
2 EJSEAT map looks like for that same Southern
3 California area. Remember, they're not only
4 mapping in sensitive land uses and residential,
5 they're mapping everywhere. But this is EJSEAT
6 for Southern California.

7 The next slide.

8 And this is the EJ screening
9 method. And if you flip back and forth, you might
10 notice that the two have a certain amount of
11 similarity.

12 And what that tells us is that the
13 whole concept of screening is very robust. You
14 can actually do this. You can argue about scoring
15 methods, which indicators to use, how to weigh
16 them, how to move the geography, all that sort of
17 dirty stuff, and you come up with a general
18 pattern that is about the same.

19 So, you know, these patterns are
20 real. In the parlance of a 12-step program for
21 alcohol abuse, you have a problem, well, we have a
22 problem. Of course, we all know that. I'm
23 preaching to the converted here.

24 And just the last two slides that
25 are in your proceedings are a full list of the

1 indicators that we use.

2 I want to pass the time to my
3 colleagues. I'd be happy to answer any questions
4 later.

5 Thank you.

6 - - -

7 (Applause)

8 - - -

9 EILEEN GAUNA: First of all, I
10 want thank you for the invitation and also to give
11 my warm regards to Jerome Balter, who I remember
12 from years and years ago, when he, along with a
13 lot of other people, were taking EPA to task when
14 they really needed to be taken to task in no
15 uncertain terms.

16 And with that in mind, I want to
17 put this -- put a little bit of context here.
18 Like a lot of the prior speakers have been doing,
19 I was kind of taken aback by the -- by the title,
20 "Overstudied and Underserved," you know, "Uses of
21 the Law to Promote Healthy, Sustainable Urban
22 Communities."

23 I thought "overstudied"? You
24 know, I have to tell you, I'm one of the old dogs.
25 And I remember those days, as many of you in the

1 audience here remember, where there was little to
2 support the claims. Nobody cared to look.

3 And, you know, the Reverend Strand
4 and Cecil and Leslie and Vernice have all talked
5 about or alluded to these days where there was
6 outright exclusion and there was no information.

7 And now I see that we're sort of
8 until the Environmental Justice Act II, where we
9 do have some studies. We do have some good work
10 that has been done. And we are not outright
11 excluded. We're at the table.

12 Now, that doesn't mean that these
13 are happy days. We're at the table, but it's not
14 exactly equal footing for you. And we have
15 information, but it's not enough. And some of it
16 might be a little bit problematic.

17 So while we keep up that pressure
18 to take action, I'm -- I'm here to talk a little
19 bit more about the policy implications of the
20 studied part.

21 Now, Jim Sadd is one of a few
22 handful of what we call the green team of
23 environmental justice researchers throughout the
24 country. You know, Jim Sadd and Paul Mohai and
25 Bunyon Bryant and Manuel Pastor and Rachel

1 Morello-Frosch are just some really good folks who
2 have moved research forward in this area.

3 There's also research that is
4 being done at the agency level. And that research
5 that's being done at the agency level, that
6 empirical work, we don't know exactly, you know,
7 what they're doing with it. It's kind of a moving
8 target. But, you know, it can be used, you know,
9 to target resources for enforcement in the
10 brownfields area, for, you know, grants.

11 Basically, you have agencies who
12 need to measure what they do and they have to
13 support the tremendous amount of resources that
14 are going to be moved in different areas.

15 And so they undertook to do this
16 screening method. Again, it's a screening method
17 to try to identify areas of concern. And they
18 called it Environmental Justice Smart Enforcement
19 Assessment Tool, which means it was kind of
20 developed probably in the OECA or the enforcement
21 context.

22 But, again, you know, what exactly
23 they were going to use this for and how it was to
24 be used is and remains a little bit unclear.

25 Well, the National Environmental

1 Justice Advisory Council, you know, said, let us
2 take a closer look at this -- at this method,
3 because we want to kind of take a look at it.

4 So they formed a work group. And
5 I was on the work group. I was co-chair. Jim
6 Sadd was also on that with me. And so was Paul
7 Mohai from the University of Michigan, and Juliana
8 Maantay from New York. Just some good people.
9 Some community people were there as well, Omega
10 Wilson and Richard Moore. And so we, you know,
11 had that good work group from different
12 perspectives and we started to take a look at this
13 tool.

14 Now, I just put -- I put a few
15 slides in the packet for you. By the way, this is
16 a great packet of information. Thank you so much
17 for putting it together. But it bears -- I didn't
18 want to send in a whole -- the report that we did,
19 that our work group did, that we handed off to
20 NEJAC, who then handed it off to the administrator
21 is over a hundred pages long. But if you go to
22 the website, you can get the report, the EPA
23 website, or just e-mail me directly and I will
24 send you the report. But I didn't want it to
25 be -- I wanted to save paper and printing costs

1 and so forth.

2 But what the agency was really
3 looking at was a nationally consistent method of
4 identifying these communities. And it's important
5 that we understand that it's at a national level,
6 instead of a state or regional level that Jim Sadd
7 was talking about, where you can have much more
8 resolution and really pinpoint things with a
9 greater degree.

10 What our work group really did was
11 take a critical look at that screening tool. And
12 I'm not going to go into the technical details of
13 it. I think, you know, I would encourage you to
14 read the report if you're interested in that.

15 But the points that I wanted to
16 make here, in my limited amount of time, is that
17 what our technical folks on the work group did is,
18 they took a critical look at that screening tool.

19 It's a really good thing that
20 we've developing tools like that at all levels, in
21 governmental, private and university.

22 As Jim mentioned, there were 18
23 indicators that were being used to screen
24 environmental justice communities or communities
25 of concern. They looked at each of those

1 indicators, broke down the databases behind those
2 indicators, and they came up with some really
3 interesting things. And we discussed these things
4 and the implications of them and so forth.

5 We found that some of those
6 indicators, the data behind them were rather weak.
7 And the indicators themselves could -- had
8 different weights within the overall score.

9 So if we had a really weak
10 indicator that was weighted rather heavily, that
11 could tend to distort that EJ score, the raw
12 score, at the very end of the day.

13 We saw that another of the
14 indicators, for example, the compliance indicator,
15 had some squirrely data behind it. You know, one
16 of the health indicators had some errors in the
17 database.

18 So it was this kind of thing that
19 the work group, largely at the direction of Jim
20 Sadd and Paul Mohai and others, helped us uncover
21 and to make recommendations about.

22 A lot of it was rather technical,
23 lots of telephone calls and so forth. But what I
24 wanted to do was give to you some of our
25 recommendations, just to give you a sense of what

1 these tools are and the potential for using them
2 and misusing them and why we were particularly
3 concerned.

4 So with that in mind, maybe you
5 can hit the first one.

6 We found that it's probably pretty
7 useful for prospective applications, but when
8 used -- retrospective applications, I'm sorry, for
9 taking a look back and saying, okay, have our
10 grants been distributed to, you know, these areas,
11 these areas of concern.

12 Now, you'll notice that I'm using
13 the term, "areas of concern," instead of
14 environmental justice communities. And I will
15 explain that in a minute.

16 But when you're taking a look back
17 at how robust has enforcement been in these areas,
18 that that's probably a better use of this tool.

19 When it's used prospectively, it
20 really should be accompanied with more
21 information. And, again, I'll explain that in a
22 little bit when I cover some ground. But how you
23 use it is very important.

24 We thought that it really needs to
25 be folded in with more public participation models

1 and so forth before you get to that prospective
2 application.

3 Let me back up just a little bit.
4 I want to talk a little bit more about the
5 contribution of our dream team. And that is, what
6 Jim Sadd did, explained later, and Paul Mohai did
7 the same, so did Juliana, is they took these
8 indicators and they looked at them in relation to
9 areas, they applied them to areas that they
10 studied under their own research methods and had,
11 to use Jim's term, ground-truthed those studies.
12 So they were very familiar with these areas. And
13 they found, you know, why some of these indicators
14 seemed to work and why some of them didn't.

15 And so it was a way to test what
16 this tool was doing against what I think are more
17 sophisticated tools at a regional or state level
18 had done and could -- and we could really see
19 dramatically why some of these indicators really
20 need to be reconfigured and changed.

21 Next slide, please.

22 So what we did is, we recommended
23 that after you apply this nationally consistent
24 tool and you come up with -- it's like a very
25 coarse screening tool. It will point to areas

1 that may be of concern, but it doesn't have
2 critical site-specific land use and other data
3 that really would give you a good picture of
4 what's going on.

5 Now, this is important because at
6 the national level, if you're moving lots of money
7 and lots of resources into these areas and you
8 have a tool that isn't picking up problematic
9 areas because it doesn't have the critical data
10 that is needed to do this, you could misallocate
11 resources.

12 And so what we suggested is that
13 you can use this coarse screening method, and then
14 you put it out for public comment and you allow
15 areas to say, you know, we think they missed us
16 and we are an area, an environmental justice area,
17 and this is why, and this is because we have
18 information that is not being picked up by this
19 screen.

20 So it is critical that for these
21 prospective applications, you put this through a
22 filter that involves a public participation
23 process. And then that way, you can define it.

24 You could also have, for example,
25 as Jim mentioned, you could have areas that show

1 up as areas of concern. But then when you take a
2 closer look at them, they're not really areas of
3 concern because, you know, they may be out in the
4 desert somewhere where there really is nobody. Or
5 it could be areas where it's not really of concern
6 for some other reasons. So we needed a process to
7 help this become a better tool.

8 Next slide.

9 Okay. The tool itself is largely
10 air-focused. Like, again, I didn't want to turn
11 this into too much of a -- you know, it's after
12 lunch and we're having to fall over our knees,
13 which is always, you know, terrible to do, so I
14 didn't want to like really drive you guys under
15 the table.

16 But the tool itself is largely
17 air-focused. It doesn't have a lot of information
18 about what might be happening on surface waters
19 and ground waters, with respect to soil
20 contamination and that sort of thing. So it
21 really has to be supplemented with information.

22 Next slide, please.

23 Here was where we thought that we
24 were walking kind of a double-edge sword. What we
25 didn't want to happen -- because the states were

1 very interested in this tool and a lot of people
2 were very interested in this tool -- and what we
3 didn't want to happen was for state agencies, for
4 example, to say, oh, this community has a score of
5 XYZ. That's not high enough. It's not an
6 environmental justice community, and so,
7 therefore, we can disregard what people in that
8 community are saying because they're just, you
9 know, being hysterical and, you know, those things
10 that we've been hearing for years and years and
11 years. You don't really have a problem. You just
12 want to make trouble.

13 And we thought it was critical
14 that this tool is not be used in an exclusionary
15 manner. It cannot say definitively if any
16 particular area is not or is an environmental
17 justice community. It's a step one. It's a very,
18 very coarse screen. It's not a necessity.

19 You know, you couldn't -- because
20 of that, the bad side of it is, it really can't be
21 used arbitrarily to impede community development,
22 overturn local land use, authorities or permitting
23 decisions. Because if we say the school isn't
24 well developed enough to exclude communities, we
25 can't use it in a definitive way. And so here is

1 where I think it has real limitations, for
2 example, in some applications. It does have to be
3 supplemented with other information, you know,
4 before you can walk into a permitting proceeding,
5 for example, and say, no, no, no, you know, don't
6 put it here in this community, it already has too
7 much.

8 So, you know, that's a significant
9 limitation to it. And, you know, it's helpful,
10 but it probably would not be helpful in that
11 context. That's not to say that it couldn't help
12 inform.

13 There's another reason as well.
14 This is a tool. It is not a source of legal
15 authority in its own right. And, of course, you
16 know, the permitting proceedings have to go under,
17 you know, the particular regulations and statutes
18 at issue.

19 So bad news for the litigators.
20 Sorry.

21 And it should be used to bring
22 resources, but it should not be used to bring
23 stigma to a community. So those were some
24 considerations we thought were important.

25 Next slide, please. Next slide,

1 please. Could you go back one slide? Did we miss
2 a slide? Let's see. Oh, no. I'm sorry. Okay,
3 let me check mine.

4 (Pause)

5 Okay. All right.

6 And, again, it should be used in
7 the context of, you know, problem solving and a
8 bias for action. This bias for action is a really
9 important strong recommendation. We didn't want
10 to fall in the track of, let's study this thing to
11 death, let's pick apart the methodology that
12 underlies this particular empirical tool, and
13 let's use it as a reason not to do anything.

14 And so we recommend, in the
15 strongest possible terms, that the agency not do
16 that, that it do it in the context of -- you know,
17 again, one can understand the frustration behind
18 this, you know, overstudied and underserved. And
19 we didn't want our discussions to contribute to
20 that paralysis-by-analysis type of a thing that we
21 have all seen for so many years.

22 And, again, we thought that the
23 EPA and the states must really focus on all
24 sources of impact and vulnerability in an area,
25 not just those captured by the Environmental

1 Justice Smart Enforcement Assessment Tool.

2 You know, and here is another
3 double-edge sword. It's important to develop
4 these tools at the national level. If you do
5 that, they have to be tools that are consistently
6 applied across the United States.

7 But in order to do that, you need
8 nationally consistent databases. And so it -- it
9 means that there are some national applications
10 where the use of this tool is appropriate. And
11 then there are going to be some applications where
12 the use of this tool is not appropriate and it
13 needs to be supplemented with more information.
14 So, again, it's kind of a tricky thing.

15 For example -- let me give you an
16 example. The health data we found was not -- it
17 was relatively weak with the use of this tool.
18 And it's because the healthy data generally is not
19 compiled in a nationally consistent way. And so
20 it tended -- it was a weak indicator, but it was
21 overweighted. And so it could tend to actually
22 distort the scores.

23 And so here is where we were
24 making recommendations of, yeah, you've got to
25 really be careful with this. And, you know, we

1 have to be careful with the way that we use it.

2 It's important as it is.

3 Okay. Next slide.

4 So we recommended to the EPA that
5 they really need to seek a wide range of views on
6 this. They need to do outreach in terms of how
7 EJSEAT and other tools are actually being
8 implemented. They're a force for good, but they
9 can be a force for much mischief as well.

10 They need to undertake what's
11 called a sensitivity analysis to understand how
12 each of these EJ elements affect the scores. You
13 know, and our dream team did, you know, a lot
14 towards this end, but there is certainly a lot
15 more work that needs to go into it. And this
16 needs to be a transparent process.

17 Again, this is another thing that
18 I thought from a policy perspective, is critically
19 important. The agency developed this tool
20 in-house. It didn't seek information initially
21 from some outside sources that could have been --
22 you know, these folks have been doing
23 environmental justice research for a long time.
24 And they have strengthened the methodology for
25 doing this research over the years. They should

1 have been consulted.

2 NEJAC took them to task. And, you
3 know, they really stepped up to the plate and made
4 some good recommendations.

5 We haven't heard back from the
6 agency in terms of whether they will take our
7 recommendations. We don't know. You know,
8 there's sort of a whiff of, well, maybe they're
9 developing something else.

10 Again, this is one of these areas
11 where our, you know, environmental justice
12 advocates need to keep track of what the agency is
13 doing and continually put pressure on the agency
14 to say, okay, let's take a look at this tool, let
15 our folks, who do good work in this area, take a
16 look at these tools to make sure that they are
17 well designed and that they are used
18 appropriately.

19 Okay. Next slide.

20 I'm going to wrap up. Okay. Go
21 ahead. Next slide. This is the end.

22 And, again, they need to -- there
23 was one place where they really need to seek -- in
24 particular, the tribes were absent, native people
25 were absent in the work group and in other ways.

1 And so they really need to incorporate that.

2 That's it. Okay. We can answer
3 more specific questions. I was like getting the
4 boot.

5 Thanks.

6 - - -

7 (Applause)

8 - - -

9 JOHN RELMAN: Good afternoon,
10 everyone. It's a pleasure to be here. Thank you
11 for having me.

12 This is kind of a nice homecoming
13 for me to be up here. I'm a 1975 graduate of
14 Germantown Friends School. I know there are some
15 graduates in the room.

16 And what's also nice, and I have
17 to say that the reason I decided to become a civil
18 rights lawyer was because of my formative years at
19 Germantown Friends School and then went to the
20 Lawyers Committee for Civil Rights, where I spent
21 13 years, both in the national office and in the
22 Washington office, litigating civil rights cases.

23 So it's also fun to be here in a
24 conference hosted by an organization that is in
25 the family of the Lawyers Committee.

1 And, finally, I have to say
2 although I've been in many meetinghouses in my
3 life, I've spoken very few times. I defined
4 myself in all of high school, I don't think I ever
5 stood up. But there's always a first.

6 And this is the first time that I
7 have ever seen a law conference -- or not a law
8 conference, just a conference in a meetinghouse.
9 A very fitting place and a beautiful meetinghouse,
10 so it's very, very nice to be here.

11 So with my limited time, what I
12 went to do is, I'm sort of perplexed as to why I
13 was on this panel, since it's all about the use of
14 maps.

15 And I thought about this for a
16 moment and I realized, well, I don't know much
17 about mapping, but I certainly use a lot of maps
18 in trying to prove our cases.

19 In fact, when I started to think
20 about all the different times in our cases that we
21 try that we use maps, it's extraordinary what we
22 do with them and how dependent we are on them.

23 And so what I want to do with the
24 ten minutes that I've got is to take you through
25 some examples of the maps that we've used to prove

1 our civil rights cases.

2 And let me just say that the work
3 that I do really started off as fair housing work.
4 I do a lot of fair lending work. And in proving
5 these cases, no matter what kind of discrimination
6 case it is, it's really all about trying to
7 establish that the motivation for any action,
8 whether it's governmental or not, is on the basis
9 of race or national origin or it's on the basis of
10 a prohibited characteristic.

11 And a picture is worth a thousand
12 words. When you're in front of a jury, in front
13 of a judge, the picture can tell an incredible
14 story. And we've learned that over the years.
15 And so I just want to give you a few examples of
16 how this has been done and how effective it is.

17 And my hat is off to the people
18 who do these maps. A lot of these maps that are
19 being done today were done by Allan Parnell and
20 Ann Joyner at the Cedar Grove Institute for
21 Sustainable Communities. We use them in a number
22 of our cases. And there are just extraordinary
23 things that have been done.

24 But first, we to the first slide.
25 I'll take you through it.

1 So I'll give you some examples.
2 This would be in the voting area. Now, this is a
3 case that goes -- a Supreme Court case that goes
4 way back to 1960.

5 Next slide, please.

6 And here, this is sort of a
7 primitive use of a map in a gerrymandering case
8 that goes all the way back to 1960.

9 But if I can actually segue.

10 So here, what you've got, is
11 Tuskegee, Alabama. The four sides represent the
12 city limits. Four times the number of
13 African-Americans in Tuskegee, Alabama in 1960
14 than whites or than white voters.

15 But the map of the city was
16 redrawn in this configuration here, a 28-sided
17 figure, in order to exclude African-American
18 voters. All right?

19 So that simple picture told an
20 incredible story to the Supreme Court at a time
21 when you might have had to go through pages and
22 pages of documents.

23 Next slide.

24 Let me take you up to a more
25 recent case that we tried in 2008 in Columbus,

1 Ohio.

2 So next slide, if we could.

3 So we were approached about a case
4 that involved a city called Zanesville, which is
5 about 60 miles east of Columbus. And there is an
6 historically African-American neighborhood known
7 as the Coal Run neighborhood that sits right
8 outside the City of Zanesville. This is right on
9 I-70 as it goes through Ohio.

10 And what we were told was, that
11 this community of Coal Run, this African-American
12 community, had been denied water for more than
13 50 years. It was known as -- the name of the
14 term -- this is an offensive word, but this is
15 what it was called, it was called by everybody
16 there, it was known as "Nigger Run," also known as
17 "Shit Sling Hollow."

18 The reason why it was called that
19 was because this area is coal mining territory.
20 You can't drill wells deep enough to get to good
21 water. And, therefore, the only water that you
22 could get had to come from this water treatment
23 plant here in the City of Zanesville.

24 The folks here for more than
25 50 years, the African-American families, had

1 hauled water from the water plant, which they paid
2 for, on their trucks and put it into cisterns.
3 And in the cisterns, the water got filthy, dirty,
4 infested with mice, animals. It was disgusting.
5 And they had to operate out of outhouses here.
6 There was no indoor plumbing. That's why it was
7 called "Shit Sling Hollow."

8 So we were approached about the
9 case.

10 And next slide, if you could.

11 The first thing that we saw when
12 we looked at the results of the investigation and
13 started to map it was, the water line went to
14 Circle Lane and then it stopped.

15 Next slide, if I could.

16 And then the next thing we did
17 was, we looked at the houses and where they were
18 located. This is the African-American
19 neighborhood of Coal Run (indicating). The white
20 houses go essentially to here (indicating). And
21 this is where the water went.

22 So we plotted the race.

23 If you go to the next slide.

24 This shows who had water.

25 Next slide.

1 This shows the racial makeup.
2 This is race unknown (indicating). This shows the
3 racial makeup.

4 Next slide.

5 This is who had water in race.

6 So the picture to us was pretty
7 clear. But the reason I put these slides up is
8 because, actually, when I did the opening of
9 trial, it was a nine-week trial in Columbus. And
10 we had a Southern District of Ohio jury. Fairly
11 conservative, by any estimate. Came from six
12 different cities.

13 And the City of Zanesville and the
14 county, Muskingum County, is an all-white county
15 that this is in, all white county. This is one
16 populate of the African-American neighborhood.

17 They've got lots of excuses for
18 why things had happened. We had to go back. And
19 there were thousands of pages of documents and
20 historical records on had they asked for water and
21 what all had happened.

22 And the one picture that we found
23 out after trial, that we put up in the opening,
24 that told the whole story, that actually convinced
25 these jurors from the beginning -- we could have

1 actually stopped the trial right there after the
2 first day -- next slide -- was this one.

3 These are the water pipes that go
4 out into an all-white county. This is Coal Run
5 (indicating). This is what you saw right here,
6 where the water stops. The water went everywhere.

7 And, by the way, Zanesville all
8 had it. The City of Zanesville said, we don't run
9 any pipes outside the city. But they actually
10 did. This was all connected. Muskingum County
11 said, we just couldn't get water there.

12 The jury looked at that and said,
13 you've got to be kidding. We didn't know what
14 they were saying, but that's what they were
15 saying, you've got to be kidding me. This map
16 told the whole thing.

17 And then we had a nine-week trial
18 where they prodded up every single reason why they
19 couldn't deliver water, and we had to break it
20 down.

21 But this picture was worth the
22 whole thing. The end result, water came to Coal
23 Run after 50 years. And there was ten-and-a-half
24 million dollars of damages that went to the
25 families of Coal Run.

1 All right. Next one.

2 As a result of that case, we
3 learned about work that was being done around the
4 country in dealing with annexation of minority
5 communities or failure to annex minority
6 communities.

7 This is in Warren county. And
8 Allan Parnell talked to me a little bit about this
9 situation, where there was some litigation going
10 on.

11 I show you this map just because
12 it's interesting. These are minority communities
13 that have not been annexed, if you're looking
14 around here (indicating). These are the
15 annexations that happened. And these communities
16 are minority communities that still have not been
17 annexed. And he starts showing me about this.

18 Next slide, if you could.

19 That, of course, led to another
20 case. This is not a case that -- we were involved
21 tangentially in this case. This is in Modesto,
22 California.

23 If we can have the next slide.

24 Here there was both the refusal to
25 annex Hispanic communities and a denial of

1 services to those communities.

2 These areas here in the purple are
3 the heavily Hispanic communities, more than ten
4 times the Hispanic population of anywhere else in
5 Modesto in these areas.

6 These are the sewer lines in the
7 green. And you can see the sewer lines just don't
8 go to the Hispanic communities.

9 Next slide.

10 What we have here, these are
11 streetlights. And, again, in the green areas, if
12 you can see it, these are ten times the Hispanic
13 population than the rest of the city. No
14 streetlights in these areas.

15 Next slide.

16 These are storm drains. The same
17 thing. Each one of these is a storm drain. What
18 this meant was, the children were walking to
19 school in streets that were not paved and in the
20 mud, in the water, because there are no storm
21 drains.

22 Next slide, if we could.

23 Now, this is interesting. And
24 this is a fantastic example of mapping. This just
25 outdid it.

1 I'm going to ask you to flip
2 through these in rapid order.

3 This shows the Modesto annexation.
4 One second. It goes by year. It's going to start
5 in 1961 and it's going to go up to 2004. And as
6 we go through, I want you to watch -- hang on --
7 watch what happens to -- these are the Hispanic
8 neighborhoods. In the red, it's more than
9 75 percent. In the brown, it's 50 to 75 percent.

10 Now, just go through like a flip
11 card pretty quick and see what happens to
12 annexations over the years. Watch the minority
13 communities.

14 (Flipping slides.)

15 Stop right there. There you go.
16 Back up.

17 Completely left behind as they
18 annexed every year. Minority communities were
19 just completely left behind.

20 So sort of a remarkable story you
21 can tell with these maps empty.

22 Now, the next type of case that
23 we've been heavily involved in is cases involving
24 the siting of low-income affordable communities.
25 And there are two ways that this happens.

1 One of the concerns is that for
2 affordable housing -- just a couple more minutes
3 and I'm going to stop -- where low-income
4 affordable housing is sited, one of the problems
5 is, it gets repeatedly sited in minority
6 communities, which perpetuates segregation.
7 That's a real problem.

8 In other times, we can't get
9 minority housing, it's literally stopped from
10 going into white areas, where there are good
11 services.

12 So this first case I want to tell
13 you about is one -- go to the next slide, please.

14 This is actually one that was
15 pioneered by folks in Texas. This is the
16 Inclusive Communities Project. And what they were
17 demonstrating with this map here -- actually, you
18 can't see it too well -- but the siting of housing
19 is all in the minority communities.

20 And what Allan Parnell did with
21 this map was, he actually added -- these are
22 industrial areas where there is a dot. So it's
23 both in industrial areas and in the heavily
24 minority neighborhoods.

25 Next slide. Next one.

1 This is a big suit we're fighting
2 now that I've been deeply involved in, in the last
3 three years, in New Orleans. This is St. Bernard
4 Parish. This is outside the city. Here's New
5 Orleans.

6 Next slide, if we could, and I'll
7 get you oriented. Okay.

8 Here is Lake Pontchartrain.
9 Here's New Orleans. Here is St. Bernard. It's
10 white because it is white, 98 percent white.
11 Always been that way. One of the most racist
12 communities in America.

13 Right after Hurricane Katrina --
14 you go back one slide -- here is the industrial
15 canal right here. Here's the Lower Ninth Ward.
16 This is heavily African-American, as you can see.
17 This is greater than 75 percent African-American
18 in the red.

19 The sheriff of St. Bernard Parish
20 gave orders to shoot to kill anybody who crossed
21 the industrial canal. I kid you not. Reported in
22 numerous newspapers. I had him on the stand. He
23 admitted that that was their order. Okay?

24 They passed a moratorium -- well,
25 first, they passed a zoning law in 2006 that said

1 if you live in St. Bernard Parish and you want to
2 rent your single family home to anyone, they have
3 to be related to you by blood. That was the
4 ordinance, related to you by blood.

5 I'm telling you, all I had to do
6 in front of a judge down there was put up this
7 slide that said it perpetuates segregation.
8 Right? Look at this. Look at this. Right?

9 Now, the next thing that happened,
10 which is the current case that's going on right
11 now -- I don't have enough time to talk about it.
12 I'll tell you really quickly, because it's a
13 different version of this, but the map is equally
14 powerful.

15 This is a case in which after we
16 got that ordinance struck down, low-income
17 affordable housing developers, who do terrific
18 projects, fantastic housing, got tax credits to
19 build in St. Bernard, actually right around here,
20 right in this area (indicating). They got
21 low-income tax credits through the LIHTC federal
22 tax credit program.

23 And this housing was going to be
24 mixed use. Of course, it was going to be
25 affordable to folks in these communities, as well

1 as folks in St. Bernard. It's critical housing,
2 affordable housing, because this whole parish was
3 flooded. They desperately needed housing.

4 You know what St. Bernard said
5 when they found out it was going to be affordable
6 housing? They said, crime is coming in from New
7 Orleans. The ghetto is moving in. We don't want
8 those people there.

9 And they furthermore said, by the
10 way, we don't need any housing here. We're just
11 fine.

12 Well, three times in 2009, we held
13 the parish in contempt. Three times they were
14 held in contempt for violating the previous order
15 in front of Judge Berrigan down there. And then
16 this year again, we finally got the building
17 permits. Investors left when the economy went bad
18 and building started again this year.

19 We've been back down in
20 St. Bernard to fight to allow the housing to go
21 forward. They've been held in contempt twice more
22 this year. The building is almost done. The
23 housing will be almost complete November the 1st.

24 It's fantastic stuff. It's been a
25 three-year battle. But it's these maps that

1 convinced the judge not only was there intent to
2 discriminate, but the laws had a district impact
3 because the available market pool around here was
4 disproportionately African-American and the effect
5 was going to be disproportionate.

6 So these maps were extremely
7 powerful to allow our expert to make statistical
8 findings that we wanted to.

9 The final set of maps I want to
10 talk about is a slightly different problem, which
11 is one where, again, it has a little bit of
12 environmental justice aspect to it as well.

13 This is a case that my partners --
14 I haven't been litigating, but my partners in the
15 firm have been litigating.

16 Next one, if we could.

17 And this is out in Napa County.
18 And what we see here is, in the red is where
19 proposed low-income housing is proposed to be
20 sited, here, here and here (indicating).

21 And this is to show that the
22 placement of this housing by the governmental
23 authorities is in the middle of nowhere, which
24 makes it, you know, impossible for folks to be
25 able to access services.

1 So what these maps show in this
2 recent trial -- we're still waiting for the
3 verdict from the judge.

4 Next one, if we could. Next
5 slide.

6 So these are bus stops. And this
7 shows how far folks are from the bus stops. I
8 mean, it's unbelievable.

9 This shows food access. This is
10 Safeway, Penngrove Market. This is where the
11 shops are. But look at where these sites are.
12 This is unbelievable.

13 This shows that several of the
14 sites, these are brownfields where they're sited
15 to be at.

16 Next one, if we could.

17 They're on floodplains, also, on
18 both sides.

19 So just to give you an idea, you
20 know, we, as lawyers, can talk. We have to do our
21 openings. We have to do our closings. We have to
22 cross-examine witnesses.

23 The witnesses that I put on in
24 Columbus, I mean, a couple of the county
25 commissioners were on for over a day and a half of

1 cross-examination, where we take them document
2 after document to break down their testimony.

3 But these maps go up and people
4 get it. It's like beautiful. So I love you guys
5 (looking at panelists).

6 - - -

7 (Applause)

8 - - -

9 ADAM H. CUTLER: Thank you,
10 everyone.

11 I want to ask one question to the
12 panel and then quickly see if we have some
13 questions in the crowd.

14 So we've learned through Jim and
15 Eileen about two different types of screening
16 tools that could be used, you know, to show us
17 where communities need help and need resources.
18 And from John, we've seen the power of maps as
19 they can be used in litigation to prove obvious
20 civil rights law issues.

21 In the development of the
22 screening tools, are there opportunities, you
23 know, for the screeners, for those who are
24 developing the screen tool and communities who are
25 involved in the ground-truthing process to

1 interface with litigators, who think about these
2 things?

3 JIM SADD: I'll take a stab at
4 that.

5 Absolutely. We wouldn't have done
6 an environmental justice screening tool had not
7 NEJAC laid that out as a goal that someone should
8 pick up and do. So, you know, we didn't think
9 this up on our own.

10 And I think that there are many
11 ways in which we can have synergistic interactions
12 that all move toward a common goal.

13 I'll say another thing about maps,
14 just, you know, because John so eloquently showed
15 how influential they can be.

16 I think people respond to maps
17 because they automatically give them more
18 imprimatur or they think they're more reliable and
19 more accurate than other things, like texts.

20 Whenever we read something in a
21 text, we're automatically skeptical, perhaps, but
22 not maps. And a lot of times, maps don't deserve
23 that.

24 One of my textbooks that students
25 use when they learn about mapping is a book

1 called, "How to Lie with Maps." It's part of a
2 whole series. "How to Lie with Statistics." And
3 "How to Lie with Calculus."

4 While maps are very powerful, they
5 can be used for powerful good and they can be used
6 for propaganda. But, yes, I think there's lots of
7 opportunities. And had we not interfaced with
8 NEJAC and with communities, we would not have
9 embarked on or been successful in developing a
10 screening method.

11 JOHN RELMAN: Again, I would just
12 second all of that. I mean, I think that, you
13 know, obviously, that's my point, is I think that
14 these maps are incredibly powerful. I think
15 they're really important interconnections and
16 collaboration that can be done between those who
17 do the maps and civil rights litigators.

18 I mean, our job is to really to,
19 by a preponderance of the evidence, convince the
20 decision-maker that race played a role in a
21 decision or whatever the claim is that we're
22 making.

23 And the maps create a picture.
24 It's a picture that people can come to their own
25 conclusion about just by looking at. And if maps

1 are done effectively, and they do represent the
2 evidence, then they are tremendously effective.

3 But I agree with Jim. If you use
4 a map, and you have it and it doesn't truly
5 represent what's going on, it will backfire on
6 you. So you have to make sure that when you use
7 it, all of the empirical data that underlies the
8 map, whatever that map shows, whether it's the
9 number of buses, whatever it is, that has to be
10 truly accurate and it does represent what's going
11 on.

12 Also, I have to say, at the
13 investigation stage of the case, it helps us to
14 see what the truth is, what's truly happened. It
15 makes it very clear to us.

16 And then we test it out. I'll
17 look at a map and say, does that really represent
18 what's happening? Is there another way this could
19 be depicted that will tell a different story. So
20 we have to look at it from all angles.

21 EILEEN GAUNA: And I just want to
22 add quickly that you'll notice that the government
23 tool that was sort of the wimpy one that didn't
24 work real well, and it did. But, I mean, what can
25 I say?

1 And thanks to NEJAC for pressing
2 on with this area, because it's really important.

3 But it was the community folk that
4 were on the work group that really did press us in
5 terms of, are you sure that this can accurately
6 reflect what we are experiencing in our community.
7 And they're the ones that pointed out, well, you
8 know, this talks a lot about air pollutants, but
9 where I come from, you know, soil contamination is
10 a real problem or groundwater contamination is a
11 real problem.

12 So, you know, there is that
13 partnership between, you know, the empirical
14 workers, the lawyers, the community people, the
15 public health workers that can get a problem and
16 can look at it from a lot of different angles,
17 that you really start to see something come of it
18 that's very useful.

19 ADAM H. CUTLER: I'm being pushed
20 to wrap things up. But I do want to open up for
21 just one question from the audience, if there is
22 one.

23 Ryan, do you want to come up to
24 the mike real quick?

25 RYAN: I just have a practical

1 question about getting maps into evidence and
2 using it.

3 What kind of fights did you have
4 with that? Was that in pre-litigation? And like
5 can you just walk through the process of using
6 empirical data in the mapping process and how
7 difficult it was to get it into evidence?

8 JOHN RELMAN: Yeah. No, that's a
9 much longer question. And it can be hard.

10 Look, but the basic short answer
11 is, you have to be prepared to have your -- that
12 the map has to be what we call a demonstrative
13 exhibit. It has to be -- the map itself is not
14 admitted for the truth. It's admitted to only
15 show what the underlying data, that you otherwise
16 have to get admitted through an expert, would
17 show.

18 So I have to have both someone to
19 bring in the underlying data, number one.

20 Then I have to have my expert, my
21 mapper take the stand and explain what the map
22 represents and where the data came from and why
23 it's publically available or otherwise reliable.
24 And then I have to move to have it in.

25 Now, the only reason that I was

1 able to use it -- and you're probably picking this
2 up from what I said -- I was able to use that map
3 in the opening. There are some judges that would
4 never have let me use that map in the opening.
5 Okay?

6 But because we asked in advance
7 and had essentially a session with the judge, a
8 hearing with the judge, demonstrating, making our
9 case as to why we were going to be able to show
10 that, in fact, this map is a proper demonstrative
11 of where those water lines go, in fact, the county
12 was not prepared to say that's not true. I mean,
13 they were stuck. That is where the water lines
14 go. They go under, around, over Coal Run. They
15 do not go into Coal Run, okay? So there wasn't
16 too much they could say. So we were allowed to
17 use it.

18 But you're right. I think it has
19 a powerful effect. And, therefore, you have to
20 get it admitted.

21 ADAM H. CUTLER: Well, I do want
22 to wrap things up and try to keep this on
23 schedule.

24 I want to thank our panel. These
25 are some amazing tools that obviously are still

1 works in progress. But we look forward to using
2 them in the future.

3 - - -

4 (Applause)

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2 SESSION IV:

3 LAND USE/PLANNING/COMMUNITY

4 ECONOMIC DEVELOPMENT TOOLS

5 - - -

6 DONALD K. JOSEPH: Okay. We are
7 not changing the time we are ending one minute.
8 But we are allocating that time differently so
9 that all of the substance can be heard by all of
10 you.

11 So if you look over there, we're
12 going to start with a video. It will go five
13 minutes. The panel will go its scheduled one hour
14 and ten minutes, and we will wrap up by 4:45, as
15 promised.

16 Adam, you're on.

17 ADAM H. CUTLER: That you, Don.

18 Real quickly, I just want to
19 introduce this short film. This is a film about
20 the community of Hunting Park in North
21 Philadelphia, which you've heard mentioned a
22 couple times today.

23 I want to acknowledge in the
24 audience Ted Oswald, who was one of my clinic
25 students two years ago. Ted and his colleagues in

1 the clinic that year put this film together, shot
2 it, edited it, submitted it to the EPA's Faces of
3 Grassroots video contest, and were named one of
4 the top ten videos in the country in that
5 category.

6 - - -

7 (Applause)

8 - - -

9 ADAM H. CUTLER: So without
10 further ado, here's the film.

11 - - -

12 (Whereupon, the audience is
13 screening "Reclaiming Hunting Park.")

14 - - -

15 ADAM H. CUTLER: So now to
16 moderate our fourth panel, I present to you
17 Michael Churchill from the Law Center.

18 MICHAEL CHURCHILL: Okay. Good
19 afternoon. It's really a pleasure to be here.

20 In 1976, the Law Center held a
21 jobs and the environment conference to talk about
22 how acting on environmental issues would reconcile
23 and would actually promote economic opportunity.
24 The keynote speaker of that was Congressman Bob
25 Edgar.

1 In the intervening years, I've
2 watched and learned from one of our nation's most
3 innovative environmental justice advocates, Jerry
4 Balter, about how to safeguard communities from
5 unwanted, harmful polluters, both existing ones
6 and wannabe intruders.

7 So it's a pleasure for me to
8 circle back to thinking about the positive side of
9 community economic development and environmental
10 justice. We know in principle that the two can
11 coexist. And we've already heard about a number
12 of interesting examples.

13 But today we're asking, what does
14 it take for that to happen, aside from the ability
15 to make noise and use lots of people, which is
16 always important? But what tools do we need to
17 assure economic development that produces healthy
18 communities and not the opposite.

19 Most city officials want
20 developments which produce a stronger tax base or
21 which produce more jobs. But many of those
22 projects have impacts ranging from the subtle to
23 the devastating for current revenues.

24 So how do we, in fact, bring EJ
25 and EC together so we can get healthier, more

1 sustainable communities?

2 We have wonderful panelists who
3 can address that issue from a number of vantage
4 points.

5 I would like to point out that
6 there are no practicing lawyers in the group. Two
7 have never suffered that disability. And two are
8 lax practitioners.

9 I point this out because the Law
10 Center feels deeply that litigators and clients
11 must understand the best practices for solutions
12 if they are to successfully redress wrongs, or
13 even better, prevent them from occurring.

14 So we will start with Alan
15 Greenberger, whose bio is in the materials. But
16 he's currently Deputy Mayor for Planning and
17 Economic Development of the city, formerly
18 Executive Director of the Planning Commission, and
19 before that, practicing architect and planner.

20 So, Alan, is helping an
21 environmentally sound development something
22 important from the city's point of view? And if
23 so, how do we get it?

24 ALAN GREENBERGER: Good afternoon,
25 everybody. Nice to see you. Nice to be here in

1 the building again. I haven't been in here in a
2 while.

3 I wanted to tell you a number of
4 things in answer to Michael's question. So let
5 me -- let me start back and you'll bear with me
6 for giving a little bit of personal history, but I
7 think it's germane to this. I'm not one of the
8 people who came out of the law side, although I
9 probably spend as much of my days now talking to
10 lawyers as I do talk to anybody else.

11 I'm an architect and I practiced
12 in the city for 34 years, in fact, a lot of it in
13 this neighborhood, not the projects, but the
14 office. Projects that ranged from, for those of
15 you who know it, the Salvation Army's Kroc
16 Community Center. That was my last project in
17 practice before I left practice.

18 But I want to tell you about the
19 reason I left practice, because I think it's
20 germane to this. I left practice partly because
21 the mayor asked me to, to be the chief planner of
22 the city, and that morphed into being Deputy Mayor
23 for Economic Development. But I did it very
24 much -- certainly because of him, but also because
25 I looked at kind of a sweep of Philadelphia

1 history. And I think most cities have some kind
2 of similar version of this story, where in kind of
3 multi-generational cycles, 35-, 40-, 50-year
4 cycles, cities go through significant change of
5 point of view and value sets at some level. And
6 the last time that happened in Philadelphia was
7 probably post-World War II, early 1950s. A lot of
8 things happened post World War both at the
9 national level, state level, city level. New
10 agencies were invented, new ideas about government
11 started happening.

12 And that's the last time it
13 happened here. And it played out pretty
14 consistently from its base through the 19 -- maybe
15 '60s, early '70s, before that movement started to
16 change somewhat.

17 And what happens in these
18 movements is, they sort of reach a peak of reform
19 or change and then they kind of plateau and then
20 inevitably it gets a little stranger as it goes
21 along.

22 And I thought, at the time the
23 mayor asked me to leave practice, and I still
24 think, even though the economy has put a pretty
25 big damper on the ability to do things, that we're

1 in a 50-year cycle.

2 The kinds of things you're talking
3 about today, not that they haven't been talked
4 about before, some of the panelists, I know, have
5 been reckoning with these issues for a long time
6 as probably many of you have, but I think we are
7 reaching a point, despite some of the kind of
8 ideological kind of contention that we see out
9 there that clearly says there's multiple sides to
10 a lot of issues, I do think we're reaching a point
11 where there's an opportunity to have a significant
12 change in the way we sort of live our lives in
13 this city and probably in the world in general.

14 I wanted to be part of that,
15 because I thought that, you know, this opportunity
16 is not coming around again in my lifetime.

17 So that's why I joined the city.
18 And so here's some of the manifestations of it
19 that relate directly to Michael's question.

20 I don't think you can have a
21 healthy city without planning for it. If you just
22 sit back and let stuff happen, some of it will be
23 good, some of it will be neither good nor bad, and
24 some of it will be bad. It's just inevitable.

25 And without a sense of rules and a sense of sort

1 of community will, you don't get to where you want
2 to go.

3 And I think planning is one of the
4 key ways to get there. And when I talk about
5 planning, I'm not talking about let's figure out
6 what everything should be and then do it.
7 Particularly, let's think about what everything
8 should be from, you know, a smaller group of
9 professionals over here and then do it over here.

10 Planning is really an opportunity
11 to organize public will. That's how I think of
12 it. So that's why so much planning today involves
13 intense discussions with communities about what's
14 wanted locally, about what's broader good for
15 neighborhoods and for the city as a whole.

16 And when public will is organized
17 and there's a general agreement between
18 government, the private investment and development
19 sector and neighborhoods, things happen. And they
20 happen much more readily under those circumstances
21 and much more happily than they do under any other
22 set of circumstances.

23 So while the work that you need to
24 do to get to that point of general organized will
25 is a lot and it takes a lot of time. And that's

1 why I think it seems to move very slowly. If it's
2 done well, things start to happen.

3 And, Michael, I apologize, I don't
4 remember how the time sequence of this is working.
5 I could limit my answer to just that, sit down, or
6 how do you go about doing this?

7 MICHAEL CHURCHILL: No. I'd love
8 to hear how you think it will get done.

9 ALAN GREENBERGER: Okay. All
10 right. I've got a lot more than that.

11 MICHAEL CHURCHILL: About ten
12 minutes.

13 ALAN GREENBERGER: Okay. Thank
14 you. My memory is not so good any more. I'm sure
15 nobody here has that problem.

16 So what we've done -- and this is
17 the first time we've done this in 15 years in the
18 city, so we're making this up as we go along --
19 we're doing two major things. We are rewriting
20 our zoning book, the 700 pages that exist now with
21 a hundred different overlays, complexity, hard to
22 read, obsolete references to business types and
23 uses that don't even generally exist in the city
24 anymore. That's all getting cleaned up. It's
25 been a four-year effort.

1 The citizens of the city voted to
2 create a zoning code commission that consists of
3 31 members that are drawn from all over the city.
4 Every council member has an appointment. The
5 mayor has five appointments. All the chambers of
6 commerce, with the big one, and the various active
7 chambers of commerce are represented. Laborers
8 are represented. There are a couple of developers
9 on it.

10 That group has worked tirelessly
11 for four years now with a consultant to rewrite
12 this zoning code and try to make it not just
13 relevant to today, but also to some reasonable
14 projected future. We're sort of thinking in
15 generation terms before, hopefully, it has to be
16 revisited. Although it was suggested that it be
17 at least revisited every five years to sort of
18 adjust, because it won't be perfect. And we're
19 closing in on the end of that cycle, which is the
20 rewriting of the rule book.

21 That draft rule book is in front
22 of council. Hearings at council were closed last
23 week. Now, a kind of the time meter is clicking.
24 And our goal is to get this in front of council
25 with a final draft in November for consideration,

1 and we hope approval in December, before this
2 council session closes.

3 Zoning is a very boring subject.
4 It's unbelievably tedious, full of obscure rules
5 that turned out to mean something in terms of how
6 we live our lives. And it gets passions going, so
7 we know that. But it's just your head spins when
8 you get into what's now the 438 pages of intense
9 detail.

10 But it's trying to map out the
11 rules, the categories, the procedures. For
12 example, we spent an enormous amount of time
13 debating in public sessions like these all over
14 the city different processes to get community
15 input on major projects, because we felt, and
16 still feel, that major projects had major impacts,
17 generally out of proportion due simply to what
18 they are in size. And it took an intense set of
19 ideas, negotiation, vetting back and forth to get
20 to a place where we thought we were doing the
21 right thing by community input, but we also felt
22 we were doing the right thing by creating more
23 predictability for development, which is a huge
24 problem in the city.

25 At the same time that we're doing

1 that, we're creating what's called Philadelphia
2 2035, which is a new comprehensive plan for the
3 city, also not being done in 50 years.

4 And the structure of it is this.
5 The structure of it is important. There's the
6 first year where we looked at the city as a whole,
7 and, again, in sessions just like this, sometimes
8 with this many people, held in different parts of
9 the city over several years. We tried to
10 ascertain what are the big moves that are going to
11 be transforming to the city. What parts of the
12 city not properly served by mass transit. Which
13 parts need substantial redevelopment, particularly
14 in parts where there's post industrial land that's
15 not doing what it should be doing, basically
16 sitting vacant.

17 So we did that for this first
18 year. But the real work over the next four years
19 is to do what we refer to as district plans.
20 We've divided the city up into 18 different
21 districts. They kind of represent consolidations
22 of neighborhoods at a time, sort of three to four
23 neighborhoods at a time, that we think represent
24 how Philadelphians think about where they live and
25 what they kind of relate to as, well, this is my

1 area and that's another area over there.

2 And we've started the first two of
3 these. Our plan is to do two of these every --
4 no, four of these every year. We'll see if we can
5 keep the pace up. It involves intense community
6 participation, trying to ascertain what's stable
7 and working should be left alone, what's in need
8 of change in land use, where the problems, where
9 the uses that are congested together that
10 shouldn't be together, and where are the ones that
11 are missing, what things should be together that
12 aren't now together.

13 And we expect that it's going to
14 lead to a series of land use ideas that, again,
15 are hopefully based on a kind of confluence of
16 public will, government interest and development
17 interest, so that people feel comfortable with
18 where these things are going. And then once done,
19 apply the new rule book to projected land uses.

20 And it's a very -- I'll even go so
21 far as to say tedious, although occasionally
22 thrilling process, that we think will merge the
23 kind of interest that you have here with the need
24 for the city to grow and be economically healthy.

25 I think I'm going to leave it at

1 that.

2 MICHAEL CHURCHILL: Okay. We'll
3 come back with questions for you.

4 ALAN GREENBERGER: Yes, please.

5 - - -

6 (Applause)

7 - - -

8 MICHAEL CHURCHILL: You've all
9 heard our next speaker, Vernice Miller-Travis, at
10 lunch. She really is extraordinary. She is going
11 to speak about what communities do when developers
12 or governmental agencies discover that land that
13 is near them is very valuable and want to do
14 something that's not included in the zoning or may
15 be included in the zoning but at a whole different
16 scale.

17 VERNICE MILLER-TRAVIS: Thank you.
18 I'm going to stay here. And I am going to talk a
19 little bit more -- (mike interference) -- maybe
20 I'm going to talk a little bit more. And I'll
21 talk a little bit more about the East Baltimore
22 development initiative, which I mentioned as one
23 of the case studies in my previous comments, and
24 make some connections between development and land
25 use and community health and environmental justice

1 and how those things are interwoven together.

2 So the first thing I want to
3 observe is the clear connection between the
4 previous panel and this panel. And I want to say
5 to Adam and to the conference planners that to me,
6 it feels like a seamless integration of the two
7 conversations because the two things are
8 completely related.

9 You know, in order to get a
10 picture of development, development prospects,
11 what are all of the interconnections between land
12 use and development, you really need to map what
13 the state of play is presently and then you to ask
14 a very fundamental question.

15 And if my colleague, Peggy
16 Shepard, was here and on this panel, Peggy would
17 ask this question, as she has asked so many times
18 relative to the expansion of Columbia University
19 into West Harlem, and that is: For whom is the
20 development undertaken? Right? That's a really
21 fundamental question. People get really confused
22 about that.

23 Just because a land use plan or a
24 redevelopment plan is happening near where you
25 live, you assume that it has something to do with

1 you. And usually it doesn't have anything to do
2 with you. In fact, it is designed to make sure
3 that you go someplace else.

4 So the question about for whom is
5 development undertaken is a really fundamental
6 question. And I think if you can get everybody in
7 the room, local governments, you know, developers,
8 the real estate community, the finance community,
9 of course community residents and other actors,
10 and you ask that question and put it on the table
11 at the beginning of the process, for whom is the
12 development undertaken, and have a real mash-up, a
13 good productive one, about that question,
14 everybody would walk out of that room with a much
15 clearer understanding of what's at stake.

16 Because communities, and
17 particularly environmental justice communities,
18 often find themselves fighting a battle 20 years
19 after the battle was lost. Right? And that's the
20 land use and development process. And we learned
21 that the hard way in West Harlem. And now that I
22 know it, I try to teach it to every community I
23 come in contact with around the country.

24 We learned from the previous panel
25 that the fact that indeed racial segregations, in

1 it's postal zoning, are still alive and well in
2 communities across the United States of America.
3 These factors continue to drive proliferation of
4 instances of environmental injustice.

5 And so when you looked at the maps
6 about infrastructure, or lack thereof, those are
7 fundamental environment justice issues. And I
8 just want you to know that those maps are
9 demonstrative of thousands of communities across
10 the United States that still do not have basic
11 fundamental access to safe drinking water and
12 sanitary sewage systems.

13 And I know it sounds so
14 preposterous, sitting in the City of Philadelphia,
15 how could that be in 2011? But it is. And it's
16 pretty extraordinary. The more rural your
17 community, the less likely you are to have that
18 infrastructure.

19 So I want to take you through a
20 few things that happened relative to Baltimore
21 City. And then I want to end up with some of the
22 lessons we learned and have learned and
23 extrapolate it from the East Baltimore development
24 at issue.

25 So how many of you people know

1 that in 1893, there was a massive cholera epidemic
2 in Baltimore City?

3 (Members of audience raise hands.)

4 VERNICE MILLER-TRAVIS: Oh, wow.
5 I didn't know this, so you're really one of the
6 informed, because I didn't know this.

7 I mentioned earlier that in 1917,
8 Baltimore City promulgated the first racial-based
9 local zoning ordinance that, in fact, went all the
10 way to the Supreme Court.

11 The City of Euclid -- Euclid v.
12 somebody, I should always know this site, because
13 it's such a fundamental case in land use zoning
14 law. And that local ordinance was followed by
15 50 years of legally sanctioned residential
16 segregation and expulsive zoning in the City of
17 Baltimore that then met up with the passage of the
18 1968 Fair Housing Act. That was then followed by
19 45 years of informal residential segregation and
20 expulsive zoning.

21 And then in 1998, a really
22 interesting thing happened. The National Science
23 Foundation began to fund a long-term longitudinal
24 study, called the Baltimore Ecosystem Study, which
25 is still ongoing.

1 Again, I just learned about this
2 for the first time last year. I don't live in
3 Baltimore, but I live near Baltimore and I do a
4 lot of work in Baltimore. And I would venture to
5 say that most of the residents in Baltimore have
6 no idea that National Science Foundation has
7 poured millions of dollars in this massive
8 Baltimore Ecosystem Study.

9 And the Baltimore Ecosystem Study
10 is still ongoing and has a tremendous amount of
11 support from the Forest Service and from a number
12 of other federal entities. And it is really one
13 of the most extraordinary pieces of research I
14 have ever seen about anyplace in any city in the
15 United States of America. And they are really
16 mapping every indice in the City of Baltimore.

17 And these are some of the lessons
18 that they've come to. That the declining health
19 status of poor and people of color in Baltimore
20 City can be mapped charting three things:
21 Residential segregation, expulsive zoning and the
22 decline of natural resources in the City of
23 Baltimore.

24 One of the real key indices is
25 loss of tree canopy in the City of Baltimore.

1 Hence, the role of the Forest Service. The
2 decline in the overall quality of water in the
3 Chesapeake Bay and all of the tributary rivers
4 that run through and around Baltimore that enter
5 into the Chesapeake Bay. And so many other
6 indices.

7 But when you map those things, and
8 when you map them over time, it takes you on a
9 straight line trajectory to where Baltimore is
10 today and to the just massively poor health
11 indicators.

12 Baltimore has the highest level of
13 lead poisoning and cases of elevated blood lead
14 level in the State of Maryland. They have the
15 highest levels of asthma and incidents of asthma
16 and asthma hospitalization. They also have the
17 highest levels of premature death from asthma from
18 every age group in the State of Maryland.

19 They do not have the highest rate
20 of home foreclosure. That goes to the county that
21 I live, Prince Georges County. But they have
22 really dilapidated housing stock. They have
23 really old housing stock. Most of the houses are
24 built before 1978, so many of them have lead-based
25 paint, and on and on and on.

1 Baltimore is the epicenter of a
2 lot of really bad things. Hence, why they get
3 studied so much.

4 But there's this connection
5 between the loss of natural resources and the need
6 to restore those natural resources in order to
7 restore the overall health and quality of life of
8 the people, the residents are the people, of
9 Baltimore, particularly low income and communities
10 of color and immigrant communities.

11 I think it's a fairly fascinating
12 connection. And I don't think there's any other
13 study like this going on in the United States.
14 And the National Science Foundation has spent
15 millions of dollars supporting this research. It
16 would be nice if the people in Baltimore City were
17 involved with that, but that's another
18 presentation for another time.

19 Let's move over to the East
20 Baltimore revitalization initiative, which I
21 mentioned to you earlier. It was meant to put
22 forward a new model of redevelopment in Baltimore,
23 responsible development, which led to this
24 responsible demolition protocol, and driven and
25 integrated entirely by the people who live in the

1 community that were most affected by this massive
2 redevelopment, the residents of East Baltimore.

3 So here were the things that they
4 were trying to do: To involve residents in a
5 consequential way in planning, design and
6 implementation.

7 To offer intensive family advocacy
8 and support to families forced to relocate.

9 To provide more equitable
10 compensation than has been typical in
11 redevelopment projects to families that relocate.

12 To ensure that relocated residents
13 have the right and ability to return to the
14 revitalized community, first right of return they
15 have.

16 To provide training and job radius
17 for community residents, to help them secure jobs
18 created by the redevelopment project.

19 To increase opportunities for
20 local minority- and women-owned businesses to
21 obtain project contracts.

22 To use strict safety protocols to
23 minimize the health hazards for residents of
24 neighborhoods affected by demolition activity.

25 So I should tell you that the

1 parcel that's being redeveloped is 88 acres, that
2 the overall project is \$22 billion when fully
3 built out. That there are 518 row houses that are
4 being demolished in order for -- that have already
5 been demolished in the summer of 2005, the summer
6 of 2006. And that demolition safety has become a
7 key element of the revitalization agenda in East
8 Baltimore.

9 So here's something that goes on
10 in Baltimore that I found really extraordinary.
11 And, you know, Baltimore has its own unique
12 things, very different in many ways from New York
13 City. And they have a phenomena in Baltimore that
14 I can only describe as drive-by demolition. You
15 go to sleep. You wake up. The house that was on
16 the corner is not there anymore. Nobody told you
17 they were taking the house down. Nobody tinted
18 it. Nobody let you know. And then the houses on
19 either side of that house are now caving in
20 because they were being held up and their
21 foundation were being supported by the house that
22 used to be there.

23 You don't necessarily have to be a
24 licensed contractor to do demolition. You don't
25 have to do tinting or any protocols to keep the

1 dust from walking through your neighbors and onto
2 other people's property. And it is just the most
3 extraordinary thing I've ever seen.

4 And, literally, my husband had
5 lots of doctors. And his primary care physician
6 was based in Baltimore, though we live about
7 35 miles south of Baltimore. And so we were up
8 there a lot. And I would notice that we'd go up
9 there, we'd go to the doctor's office, and I'd
10 look and I'd say, I know there was a building when
11 we were there, you know, four months ago. What
12 happened to that building? And my husband thought
13 I was crazy.

14 But then as I got into this
15 process, I'm like, they really do take buildings
16 down in the dead of the night. And it's really
17 extraordinary.

18 So that was one of the reasons why
19 they needed to develop this demolition protocol
20 not just because of the possibility for elevated
21 lead dust levels, but to really set a floor and a
22 bottom of the practice for the City of Baltimore
23 to have an ordinance that would stop this drive-by
24 demolition practice.

25 So they needed to develop these

1 demolition protocols. And these are some of the
2 things that they set out to do. And today it is,
3 again, the City of Baltimore, the Annie Casey
4 Foundation, the Johns Hopkins University and the
5 East Baltimore Development Corporation.

6 So EBDI, the East Baltimore
7 Development Initiative, convened focus groups and
8 held community hearings during which residents and
9 advocates could voice their concerns and suggest
10 how to handle demolition, much as they had done
11 when the housing relocation plan was being
12 developed.

13 That East Baltimore Development
14 Initiative asked the coalition to end childhood
15 lead poisoning, to take a lead role to formulating
16 demolition plan protocols.

17 In January of 2005, the Casey
18 Foundation provided grants to the coalition to
19 intensify its work on the demolition protocols.

20 The coalition conducted field
21 tests to determine the merits of deconstructing
22 homes piece by piece rather than leveling them.
23 It was found that that was going to be way too
24 expensive, but they sort of split the difference
25 in the protocol that was developed.

1 With input from neighborhood
2 residents and outside experts, the coalition and
3 EBDI staff worked in 2004 and 2005 to refine the
4 demolition plan and protocols, a process that
5 included community presentations.

6 In the spring of 2005, the initial
7 version of the demolition protocols was completed.

8 The project leaders convened an
9 independent panel of outside experts to assess the
10 demolition protocol in conjunction and
11 consultation with community residents and advocate
12 for needed changes and reviewed test results
13 measuring the amount of lead released into the
14 neighborhood during demolition. And I was one of
15 the four people who served on this independent
16 panel.

17 And, finally, in response to the
18 continuing concern of community members and their
19 advocates, project leaders revised the demolition
20 schedule. Under the revised plan, the Community
21 Development Corporation agreed to postpone almost
22 all of the demolition until all residents living
23 in the project area had been relocated, a
24 significant delay to the original demolition
25 schedule.

1 And I want to say that around the
2 edges of that 88-acre parcel were people still
3 living at home. So you didn't tear down the whole
4 neighborhood. You just tore down the middle of
5 the neighborhood. So there was a need to balance
6 the protection of the health of the people who
7 were remaining in their homes and businesses.

8 How much time do I have? Am I up?
9 Yes?

10 MICHAEL CHURCHILL: You can take a
11 minute more.

12 VERNICE MILLER-TRAVIS: Two
13 minutes, okay, good. New York time going here.

14 So and this is what we did and
15 worked with the folks doing the demolition. These
16 were the practices that we had to have put in
17 place to protect the community:

18 Adequate use of fencing, barriers
19 and other means to limit casual entry to
20 demolition sites until demolition is complete and
21 all debris is removed.

22 Widespread notification to
23 residents, community organizations, faith-based
24 organizations and city agencies about when and
25 where demolition would be happening, along with

1 highly visible signage on houses to be demolished.

2 Train the community block monitors
3 to observe the demolition process and assist
4 residents with questions and home safety measures.

5 Four days of training on lead
6 safety and related issues for demolition
7 supervisors and two days of training for all other
8 workers.

9 Removal and safe disposal of
10 building components containing high amounts of
11 lead before demolishing buildings that were
12 structurally sound, mostly the windows and the
13 doors.

14 Removal and safe disposal of
15 building components containing high amounts of
16 lead before demolishing buildings that were
17 structurally sound, using ample amounts of water
18 throughout the process to reduce the spread of
19 dust.

20 Careful demolition using the
21 picker method instead of the more traditional
22 wrecking ball, bulldozing or implosion methods.

23 And high fences to control the
24 spread of dust.

25 Capping procedures for removing

1 from demolished buildings, including using hoses
2 to suppress dust and plastic coverings on the
3 trucks.

4 Post-demolition street and
5 sidewalk cleaning and debris removal.

6 Removing two inches of topsoil on
7 all properties where demolition had occurred and
8 replacing with new sod.

9 Providing community residents with
10 high efficiency particulate air vacuums, HEPA
11 vacuums, attacking that.

12 Remove dust from shoes as
13 individuals enter their homes.

14 An independent testing of the
15 streets and sidewalks surrounding demolished
16 properties to measure the impact of demolition and
17 debris removal.

18 Additionally, we had air monitors
19 stationed all around the property and placed in
20 some vacant homes, so that we could really test
21 what the air quality was. And we independently
22 evaluated that and worked with the community to
23 walk them through that process.

24 So it was a pretty extensive
25 process. You would think that everything that I

1 just went through would just explode the cost of
2 demolition and deconstruction. It added
3 25 percent to the total cost of demolition and
4 strung out the process for about six months.

5 Thank you.

6 - - -

7 (Applause)

8 - - -

9 MICHAEL CHURCHILL: The full
10 picture, and you really should read it, about this
11 Baltimore project is in the materials here. It
12 really defines the way that redevelopment
13 processes should work based on everything we
14 learned from the horrors of the mistakes that we
15 made in the '60s and the '70s.

16 But I want to make one last point.
17 It makes a bottom-line difference. What you
18 weren't told was that instead of -- there's a
19 before and after test with these monitors. And
20 let me point out, also, that it is really
21 important for the community to know that there are
22 independent persons monitoring what the results
23 are with, if I understood it right, the power to
24 stop the practices if they weren't going according
25 to the way they were supposed to.

1 And that replaces community fears
2 that government would be bought off, with a
3 neutral independent evaluator.

4 And if I may credit Jerry again,
5 that was one of the concepts that he constantly
6 preached in the '90s on his work with communities.

7 The result was, instead of the 40
8 times normal amounts of lead that usually comes
9 from the demolition process in Baltimore, it only
10 went up .3 percent, .30 percent, above the normal
11 instead of 400.

12 Is that correct?

13 VERNICE MILLER-TRAVIS: Thank you
14 for mentioning that.

15 MICHAEL CHURCHILL: Yes, it's
16 really important when you get results from this.

17 VERNICE MILLER-TRAVIS: That is
18 the point, to really reduce the burden on
19 communities. And that is the overall point of my
20 role in Chester. We want to reduce people's
21 environmental burden. Right? We don't want it
22 neutralized. We don't want to spread it around to
23 other communities so people are equally poisoned.
24 We want to reduce the overall burden of pollution
25 on communities and improve community health.

1 MICHAEL CHURCHILL: Now we're
2 going to turn a little bit.

3 Melissa Kim is a former lawyer,
4 now working as director of the Korean Community
5 Development Services Center's North 5th Street
6 revitalization project. I hope I got that right.

7 And Ms. Kim is on the front line
8 of the battle of one community to upgrade its
9 infrastructure and community capacity to bring new
10 businesses and jobs in the way that the community
11 considers is sustainable and environmentally
12 sound.

13 So the question is, do you have
14 the tools you need? Tell us what you see from the
15 front line in Philadelphia.

16 MELISSA KIM: Hi, everyone.
17 Before I give you all the tools, I just wanted to
18 spend a minute to talk about why I left practice.
19 It's not that the mayor called me.

20 But what I saw, like Alan, was
21 that there were a lot of exciting things going on
22 in Philadelphia. And he spoke about cycles.

23 One cycle that is a relatively new
24 phenomenon that is probably unchartered to this
25 extent or to the degree that it is now, is that of

1 immigration.

2 And Philadelphia, as you know from
3 the 2010 census, was bumped back up to the fifth
4 largest city in the nation. And that's largely
5 because of Latinos and immigrants.

6 And so in Philadelphia, the
7 immigrant movement is something that radiates some
8 particular insight. And one of the areas in which
9 that is happening is in our commercial corridors.

10 So I wanted to be a part of this
11 exciting movement of all the things happening in
12 Philadelphia. And I've always wanted to be an
13 urban planner. And I finally left law to do so
14 when I heard about all of the wonderful planning
15 initiative happening in Philadelphia.

16 And so after studying planning for
17 a while, I decided to work on this commercial
18 corridor, for which I actually have a couple of
19 slides that I brought with me.

20 And it's that. And you can just
21 let it cycle. It just has to cycle. And I'm just
22 going to let it cycle through and just consider it
23 like slow science TV.

24 The first slide that you saw was a
25 map of Philadelphia. And it actually is

1 geographically accurate. So it hasn't been
2 manipulated to prove a particular point, other
3 than that our corridor is very small. It is one
4 tiny sliver, about 1.5 miles long and two blocks
5 wide, out of about 265 corridors in the City of
6 Philadelphia.

7 So what I thought I would do was
8 give you a little bit of perspective about what
9 we've been doing with the tools that we have,
10 talking about how a community-based organization,
11 with some limited resources, can tackle some of
12 the challenges that we are dealing with on this
13 northern corridor.

14 But, first, I also wanted to
15 provide a little background for those of you who
16 are not engaged in the practice of urban planning
17 or commercial corridor development, explain a
18 little bit about why corridor development at all.

19 And it's something that's a fairly
20 new concept. Because back in the old days,
21 everyone had a High Street or a Main Street where
22 they could go shopping and that was the center of
23 your community. But as we all know, with the
24 advent of automobiles and with the advent of
25 big-box retail, commercial corridors are beginning

1 to decline.

2 And so now we have these corridors
3 that are just shattered from what they used to be
4 in one sense. And on the other hand, you have
5 this amazing opportunity, when an immigrant
6 community or immigrant populations come in, they
7 often are the forces of revitalization. And so
8 that's what's happening in a lot of the corridors
9 in Philadelphia.

10 So corridors are important in
11 another sense, because they are the barometers of
12 the economic confidence in a particular community.
13 And so if you have a healthy corridor, there's an
14 image that the neighborhood itself is healthy. So
15 we have this -- it's all part -- a corridor,
16 although it's just a sliver of a larger
17 neighborhood, it's the backbone of it in many
18 ways.

19 It also provides opportunities for
20 entrepreneurs. And it also provides jobs. And it
21 also provides important goods and services to the
22 nearby community.

23 Then from the perspective of scale
24 and function, the corridor is important because it
25 mediates between the individual merchants or the

1 community that is at the street level and the
2 city. I mean, the city has an enormous amount of
3 responsibility. They can't possibly service every
4 single merchant or address every neighborhood's
5 needs.

6 And so it's the role of the
7 commercial corridor, it's the district which is
8 what Jane Jacobs considers one of the most ideal
9 organs of self-government. The district is just
10 the right size. It's not too big. It's not too
11 small. And they can transmit data from the ground
12 level back up to City Hall to inform them of their
13 policies. And it can also serve as a vehicle to
14 bring city services into the neighborhood
15 district.

16 So that's kind of the background
17 of what we try to do.

18 Now, in talking more specifically
19 about my street, the photos that are cycling
20 through are different images of 5th Street. And
21 as you can see -- I mean, they're in no particular
22 order -- but 5th Street is a very wide street. It
23 actually functions as a highway. Many people who
24 live just above Philadelphia will often drive down
25 5th Street to access Roosevelt Boulevard. That's

1 Roosevelt Boulevard (indicating).

2 And you'll see that it's fairly
3 densely populated with commercial stores,
4 commercial properties. At the same time, it is
5 also fairly residential. You know, I mean, I
6 could be wrong about this, but I really don't know
7 of any purely commercial districts. It's all
8 mixed.

9 And so the residential population
10 of the neighborhood is about 24,000. And that's
11 counting the four census tracts, from Roosevelt
12 Boulevard, which is the 4800 block of 5th Street,
13 up to the 6100 block of 5th Street, which is
14 Spencer.

15 So of the 24,000, 50 percent are
16 black or African-American -- I'm sorry, or
17 African. They don't make that distinction in the
18 census. It's actually an important distinction in
19 my neighborhood, because we have so many African
20 immigrants. And 25 percent are of Hispanic.
21 13 percent are Asian. And 12 percent are white.
22 20 percent are foreign-born, which is a fairly
23 high population. And 18 percent of the population
24 over five years old speaks English less than very
25 well. So you can see it's a very diverse

1 community that's not what you would think of as a
2 typical neighborhood. And one third is at the
3 poverty level.

4 At the same time, it's a fairly
5 stable neighborhood. It's kind of in between.
6 It's not what would be considered a neighborhood
7 that's in a state of emergency, because it does
8 have stable home ownership rates of 65 percent,
9 thereabouts. And it's not terribly blight. It
10 has about an 88 percent occupancy rate of all the
11 properties. But the properties that are there are
12 an eyesore.

13 So the corridor has about 325
14 businesses, most of which are immigrant-owned.
15 And the businesses are mixed. Some of them cater
16 to different immigrant groups. So you'll have
17 African beauty salons and you'll have that next to
18 a Vietnamese bakery. You'll have a Jamaican
19 restaurant. You'll have a Haitian restaurant.
20 You'll have a Korean barber shop.

21 So it's actually very interesting.
22 And we see a lot of different just interesting
23 juxtapositions that you wouldn't see on many other
24 corridors.

25 So with that background, you can

1 imagine that there are several challenges to
2 economic development.

3 One is that the corridor can
4 have -- it is perceived -- if you see some of the
5 photos, you'll see that a lot of the buildings are
6 in need of maintenance. You'll see that sometimes
7 there's quite a bit of trash on the street.
8 There's graffiti. There's an absolute lack of
9 decent streetlighting. There's a perception and
10 actual reality of crime. And so these are the
11 challenges that a lot of corridors face.

12 In addition, we have merchants who
13 lack in basic linguistic areas. They don't have
14 the skills to -- or the cultural skills, too --
15 the linguistic and cultural skills to go to City
16 Hall and file a license for whatever permits they
17 need. They don't have the skills to go before the
18 ZBA, the zoning board of adjustment, to appeal
19 their case. They may or may not know how to
20 create a business plan. And if there are city
21 services, they might have difficulty accessing
22 them.

23 And so these are the particular
24 challenges to our corridor. And we try to address
25 them through a semi-standard corridor management

1 program.

2 There are actually several
3 different groups out there that are working on
4 commercial corridors. And they have a suggested
5 program. And it goes something like this:
6 Streetscape improvements, marketing retail
7 attraction, crime and public safety, and there's a
8 fourth one which is escaping me. I think economic
9 structure, restructuring. And I think that's the
10 same as retail attraction. You try to attract
11 certain anchor stores and develop certain niche
12 markets.

13 And so that's the standard
14 program. But we chose to deviate from that
15 because it doesn't really address the needs that
16 we have at this particular time and it doesn't
17 address our particular strengths.

18 Our strengths lie in the fact that
19 we have good public transit, a high percentage of
20 youth in our neighborhood and a local population
21 that can support -- a density that can support a
22 sufficient level of economic development to have
23 stores be prosperous.

24 We have an interesting mix of
25 niche stores. And people will travel miles and

1 miles to come eat at a particular restaurant or to
2 get their hair done at this particular operating
3 salon. And so that kind of defies the general
4 theories that are out there relating to economic
5 development because they will tell you that you
6 need a certain retail mix, you need a certain type
7 of anchor store. And that really just hasn't been
8 the case in our corridor.

9 MICHAEL CHURCHILL: If you could
10 finish in one more minute.

11 MELISSA KIM: Okay, sure, in one
12 minute.

13 I just wanted to give you some
14 attributes. So what the attributes are, are on
15 the slideshow. And basically it's basically
16 funding needs.

17 So we have engaged the tools that
18 look at -- that ask people, what are their good
19 ideas on 5th Street? And we put a sign up in
20 three different languages. And we kept it simple.
21 And we let people write in their native language.
22 And we found that this is a way to start
23 conversation going between people, and to do it on
24 the street. Give them goofy glasses. Make it
25 fun. And get people to start a dialogue.

1 And so what we found was lacking
2 in our corridor is social capital. And so we
3 created -- so we diverged from the standard
4 corridor management program and we created a
5 program called the Olney Community Collaborative.

6 And, basically, the idea is a
7 series of small-scale micro interactions that are
8 meaningful and create this micro public where
9 people would interact and develop into
10 relationships.

11 And so that project that you saw
12 there about what's your good idea, is just one of
13 the projects that we have. We often have yoga
14 classes, Korean culture night, food night. We've
15 had educational workshops, community cleanups.

16 And those things sound simple.
17 But they really do go a long way and they form the
18 fundamental -- the basis for the large-scale
19 projects we might want to have in the future.

20 That's where we are.

21 MICHAEL CHURCHILL: Thank you so
22 much.

23 - - -

24 (Applause)

25 - - -

1 MICHAEL CHURCHILL: It's a
2 pleasure for me to be able to introduce Karen
3 Black, because she is, along with Shelly Yanoff,
4 my favorite lax lawyer.

5 They both share the ability to
6 find exclusions by looking at the details of what
7 is actually happening and finding commonalities
8 that people can agree upon to work together about.

9 And then they're able to use that
10 law degree as a powerful fulcrum to leverage
11 positive change that radiates out in ways of
12 increasing amplitude.

13 Karen brings to her policy work an
14 advocate's passion for ensuring healthy livable
15 communities for all and an ability to get others
16 to work with her on that goal.

17 Karen.

18 KAREN BLACK: Wow, thank you.

19 Hi, everybody. It has been an
20 amazing day. I was here for most of it. I had to
21 go over to city council for a little while. This
22 was more interesting, let me tell you.

23 And I am the other lax attorney,
24 though I like recovering attorney a little better
25 as a phrase. And I worked for 12 years in civil

1 rights law, ten of which was with the Public
2 Interest Law Center. So this is really wonderful
3 to be here.

4 When I left, I decided to go into
5 policy work. And most of my practice, as a
6 consultant and heading up the policy center before
7 that, is about the equitable revitalization of
8 distressed communities.

9 The equitable revitalization of
10 distressed communities, there are many people in
11 the room who want to revitalize distressed
12 communities, in any room you go into, certainly in
13 city council, but we have to do it equitably and
14 hopefully effectively and efficiently. And
15 sometimes those things clash.

16 I want to just talk to you for a
17 second like I speak to decision-makers, because
18 much of my job is to try to whisper in Alan's ear,
19 or someone like him. And he'll tell you that
20 sometimes I whisper and sometimes I shout.

21 And usually I have a lot of people
22 around me who are doing most of the talking about
23 why they should care about an issue and then
24 breaking down what they can do about it. Because
25 just talking about it, I think everyone in this

1 room and everyone in the city cares about the
2 environment. And I don't just say that. I know
3 it. I know it because we have polled
4 Philadelphians.

5 A group, Next Great City, that I
6 work with, we pulled together, first in 2006, when
7 Mayor Nutter was a candidate, and then in 2010,
8 when the economy tanked, and people started
9 telling us that people didn't really still care
10 about the environment. It's not where they wanted
11 to put their money. They were wrong.

12 So let's just talk about some of
13 the 2010 figures.

14 Philadelphia residents, 44 percent
15 think the laws and regulations to protect their
16 air, water and land in Philadelphia are not strict
17 enough. Eighty-eight percent want the city to do
18 more to protect their air, water and land. This
19 is November and December of 2010. Right? The
20 economy was in the dumps. No one had public
21 funding.

22 Thirty-one percent said that if
23 you, in fact, reduce air and water pollution,
24 increase energy efficiency and start maintaining
25 vacant land and parks, it would have a

1 transformative effect on their neighborhood and
2 their quality of life.

3 Eighty-one percent said it would
4 make a huge difference. Right?

5 So people care. And what they see
6 as their environment, which we found out in 2006,
7 which was a shock to an awful lot of
8 environmentalists in the room, was that what they
9 see as their environment is what they see, hear,
10 feel and smell when they walk out their door.
11 It's the vacant lot across the street. It's the
12 smell from the polluting refinery that may be
13 three miles away, but they're smelling it. So
14 it's their environment. It's their neighborhood.
15 And I think that's really the crux of what we've
16 been talking about today.

17 So when you talk about it in the
18 abstract, everyone believes they deserve clean
19 air, clean water, a safe, sustainable environment.
20 That's the easy part.

21 The hard part is, how do we do
22 that? How do we give that to folks?

23 And people in every city, in every
24 government need to place uses. They have to find
25 a place. And if you're going to find something,

1 if you're going to try to create a place for
2 something that no one wants, where do you go?
3 Where there's the least power and the least
4 resistance.

5 When my first child was in
6 preschool, I sent him to camp. And I noticed the
7 first week that they took the little ones to the
8 pool, as soon as they got there, and they screamed
9 bloody murder. It was cold. You know, it was
10 early in the morning. They didn't have a
11 transition.

12 And so I went to the head of the
13 camp and I said, you know, what's going on here?

14 And she said, ugh, when I put the
15 older kids in that pool, they came to my office
16 and complained.

17 And I said, could you come with me
18 over to the preschool area, because they're
19 crying, and that's complaining, too.

20 And she said, I haven't heard a
21 thing. Right?

22 And that is what we're talking
23 about in this room. Right? It's about real
24 people really crying, but do they have the ear of
25 someone who can change things and trying to give

1 them that power.

2 So let me just talk very quickly,
3 because I really want to hear what you have to
4 say. And so many of our panels kind of filled the
5 time with really exciting stuff, but I'd like to
6 have a discussion here.

7 It is my belief that every
8 government can and should make a commitment to
9 enhance the quality of life of people in
10 neighborhoods undergoing new physical development
11 of any kind. That should just be a statement that
12 we want growth, we want investment, but that we
13 should do whatever we can to enhance the quality
14 of life of those existing residents in those
15 neighborhoods.

16 We should make facts readily
17 available to the public. Too often you try to go
18 below the radar on this, right, the drive-by
19 demolition, because you don't want trouble. But
20 the problem is, people don't realize they have a
21 problem until it's too late.

22 I went to a meeting the other day.
23 They were putting in public sewers in an area.
24 And there was a public official, very
25 authoritative out there.

1 And someone said, well, is this
2 going to smell?

3 And he said, there is no smell.

4 And then someone -- the next
5 person said, look, I'm an engineer, and you have
6 to vent it somewhere.

7 And he said, when we vent it, we
8 only have small bubbles of air, and so the smell
9 is very small.

10 And then the next person said,
11 well, I happen to know someone who had this done
12 in her neighborhood and the smell was so bad that
13 she had to put a charcoal filter in.

14 And he said, yeah, we put the
15 charcoal filter in and now she's complaining
16 because the noise from the filter is too loud.

17 And I'm thinking, in a matter of a
18 minute, we've gone from there's no problem, you're
19 paranoid, get over to it, to there's a problem,
20 and you know what, it's not only going to smell,
21 but you're going to hear it.

22 And in my mind, with my
23 background, I thought, oh, there's a lot of
24 research to be done here. And I'm going back to
25 all of those people to find out. Right?

1 But there's a lot of people who
2 then walk away and go, what was the answer? And
3 they go on with their life until they're stuck
4 with a problem. So making those facts available.

5 Use technology to lower those
6 negative impacts. We really have tremendous
7 technology. So if there is a charcoal filter, put
8 it in every one.

9 And you know what? If she can
10 hear it 90 feet from her home, in her home,
11 there's better technology. Right?

12 When you talk about noxious uses,
13 I've been lucky enough to work with Alan on some
14 zoning reform issues and trying to get this zoning
15 code passed, and one of the council people in town
16 said, a new school is a noxious use.

17 So I was with a group of people.
18 And I said, why is a school a noxious use?

19 And they said, oh, because the
20 buses line up every day. The kids are screaming.

21 I thought, that's valid. I can
22 understand that. If the buses are loud, if
23 they're keeping their engines on, if there is
24 diesel exhaust. What about clean buses, clean
25 technology buses? That would make a difference.

1 What about if they turn the bus off? What about,
2 you know, all those things that you could do? And
3 so people can welcome that use, right, because
4 that's so easy. So much of this is easy. I'm not
5 saying all of it. A lot of it is tough.

6 Sharing the pain. A lot of talk
7 today about clusters. Right? Once you have one
8 negative use, noxious use, however we define it,
9 then you don't want to place the next one there.
10 Right?

11 We have to share the pain. We
12 have to space it out. We have to have equitable
13 distribution.

14 And there are communities who put
15 that in their zoning codes and who put that in
16 their policies. And it's really important.

17 Alan said that zoning is boring.
18 And for the first time, I'm going to disagree with
19 him. Zoning is exciting. And it's exciting
20 because it allows a community to state its values
21 in policy. It allows it to decide what it wants
22 to be when it grows up, what kind of growth it
23 wants to see, and it becomes the law. It becomes
24 the policy. And anyone who wants to do anything
25 else in that community has to demonstrate why they

1 should be allowed to.

2 And so that's very important,
3 putting those values into policy. You can't do it
4 without good planning, which Alan is doing, and
5 you can't do it without a good zoning code. And
6 then share the assets. Share the improvements.

7 In Philadelphia, there's a new
8 really exciting effort, Green City, Clean Waters,
9 which I'm sure Alan could talk about for ages, but
10 it basically is talking about taking a problem,
11 stormwater, and creating a solution that has real
12 benefits on the ground, creating new green spaces,
13 open spaces, new assets to trap that stormwater.
14 And to do it, you need to clean up vacant lots.
15 You need to make buildings greener.

16 You need to improve. Put the rain
17 gardens in medians and by streets and those things
18 on commercial corridors.

19 I'm sure Melissa will say, that's
20 great. Let have some more trees for a canopy or
21 let's have some more rain gardens.

22 So placing those things, that
23 investment, making sure that investment goes to
24 those distressed areas is really important as
25 well.

1 So you're investing to create new
2 assets. Because, really, that is the height of
3 public policy, when you can take a challenge or a
4 liability and turn it into an asset.

5 And stormwater has been a
6 liability for this city. But if we can make it
7 into an asset, if we can take \$2 billion, that's
8 what the city is planning on doing, and create new
9 green, clean green safe spaces across the city in
10 these distressed neighborhoods, that would help
11 turn things around.

12 So right from the start, there's
13 got to be a commitment to enhance quality of life.
14 To say there are negative impacts in new growth,
15 we know that. Let's limit those.

16 To balance the interests of the
17 individual neighborhoods and the community as a
18 whole. To make facts readily available. To plan
19 the strong community engagement. And to increase
20 civic capacity when it's necessary to truly engage
21 that community. Because sometimes it doesn't
22 exist. To use improved technology. To make sure
23 you are spacing things so that you aren't
24 clustering a problem, exacerbating, in fact,
25 layering on negative impacts. And then when you

1 do have a chance, to provide new improvements and
2 new benefits, make sure those distressed
3 neighborhoods see it.

4 Thank you very much.

5 - - -

6 (Applause)

7 - - -

8 MICHAEL CHURCHILL: I love what
9 Karen said about zoning, that it's an expression
10 of our values.

11 And what I think has been exciting
12 about this conference is, it again will allow us
13 to see the connection between good health and
14 zoning and environmental justice.

15 And one of the things we need to
16 ask is, does our new zoning code begin to make
17 connection between permitting of polluting uses,
18 where they can go, health standards, environmental
19 justice points.

20 We need to make sure that they're
21 not in separate silos, that somehow or other, as
22 was suggested earlier, while the permitting
23 process is going to be different from this process
24 of deciding where we have bad uses, you can't do
25 that. It's time to bring the codes and the zoning

1 process and the permitting process and the health
2 analysis process together. That's the message
3 that I have heard from today's session.

4 Now, we have time, I think, for
5 some questions from the audience for this
6 wonderful panel.

7 Who else would like to make a
8 comment or a question?

9 Yes, ma'am.

10 MEMBER OF THE AUDIENCE: Question.
11 I know that there are federal and state offices
12 for EJ concerns.

13 But I wanted to know, is there a
14 place of resource at the city level for
15 environmental justice issues or concern from the
16 EJ community?

17 ALAN GREENBERGER: I'm not aware
18 of an office that's specifically that. But I will
19 tell you is that my office will be that. And I'll
20 be happy to sit back and listen to you.

21 MEMBER OF THE AUDIENCE: Hi. I
22 have a question about, there are many ways in
23 which the zoning code could actually help promote
24 public health in this city. For example, you
25 know, if we required sidewalks, it would encourage

1 walking and it would actually make it more of a
2 livable city, I think. And there are lots of
3 other examples.

4 But I wonder, to what extent did
5 you put public health people on the zoning
6 commission? And, second, what are you doing about
7 trying to promote the public health issue in the
8 zoning code?

9 ALAN GREENBERGER: We had the
10 benefit of receiving, through the health
11 department, a pretty substantial grant from the --
12 I guess it was the National Institutes of Health.

13 And one of the things that that
14 grant enabled us to do was to bring on a planner,
15 who's name is Clint Randall, who has been working
16 with us now for the last year and a half. And his
17 specific job was to be the bridge between
18 community health and urban planning and then
19 ultimately into the zoning code.

20 So through Clint, there's been,
21 first, a lot of mapping that's gone on. I don't
22 know all the details of everything he's looked at.
23 But, for instance, I know he's mapped the entirety
24 of the city related to access to fresh food.

25 And so while right now we're

1 writing a rule book that's simply establishing
2 categories and so on. The district planning that
3 we're doing has a very clear relationship to
4 community health issues in terms of transit, in
5 terms of fresh food, and the kinds of things that
6 you were discussing. And if you ask me more
7 details, I'll be at a bit of a loss. But that's
8 his job. And he's been really effective at
9 bringing a lot of things to the fold, some of
10 which are these kind of planning issues and other
11 ones that fall more into the realm of purely
12 health, like, for instance, the sale of cigarettes
13 particularly to minors.

14 MEMBER OF THE AUDIENCE: But it
15 sounds like an afterthought rather than something
16 that you proactively thought about in creating the
17 planning commission, which is my objection.

18 VERNICE MILLER-TRAVIS: So I want
19 to say that I'm really, really loving you. And
20 you need to get a coterie of people who do what
21 you do, and I love what you're doing, or maybe
22 through some of the national associations to
23 really inspire them to want to be proactive about
24 using the land use and zoning process to do good
25 and create benefit.

1 But that is just not the way it's
2 happening around the country. And I'm sad to --
3 I'm sad to report that he's so enlightening and
4 Mayor Nutter must obviously be on the same page
5 that he's on, which is why he asked him to leave
6 his architectural practice and come and do this
7 work.

8 But this is not the way it's
9 working across the country. And it's especially
10 not the way it's working for most communities of
11 color.

12 Yes, people recognize that there
13 is a direct and inverse relationship between land
14 use and health, land use and siting and diminution
15 of health, premature morbidity. All of these
16 things that we've laid out, people know it.

17 But I just want to report to you
18 that when race and class are on the table, people
19 tend to get really confused about what's in
20 everyone's best interest. And it gets really hard
21 for people to determine collective benefit and
22 collective best use.

23 If the historical practice has
24 been to keep putting all the things that nobody
25 wants to live next to in the same geographic

1 location, the monster becomes, from generation
2 after generation, well, it's already there, so why
3 would we degrade some other communities when we
4 already have a place where all this stuff is.
5 Let's just keep putting it there.

6 That is the dominant practice.
7 And I'm so sorry to report it, sort of bring you
8 down here, but that is sort of the way that it is.

9 And so you need to enlighten
10 public officials. You need to enlighten political
11 leadership.

12 But when race and class are on the
13 table, it tends to make people lose whatever
14 common sense they might have about what is in the
15 best collective interest of a particular
16 geographic location or political district. And
17 then they start sort of pitting populations
18 against each other.

19 New immigrant populations are on
20 the bottom. Older immigrant populations are on
21 top of them. Black and Latino folks, who have
22 been here forever, are on top of them. Native
23 Americans are not in the conversation at all. And
24 that's the construct that we're trying to
25 challenge. Right?

1 We're trying to bring folk of law
2 and to recognize that sustainability means equal
3 justice and equal protection. That you cannot
4 achieve sustainability through discrimination,
5 through inequality. You can't get there from
6 there. You've got to be working together and
7 figure out what's in your common interest. And
8 there's not just a lot of folk who are there yet,
9 but we're working to get them there.

10 And hopefully -- actually,
11 President Obama and Administrator Lisa Jackson and
12 others in the Obama Administration are reining it
13 down from the top. And I'm going to goad them
14 into doing it one way or the other, and continued
15 federal resources will be tied to that.

16 And sometimes you've got to use
17 the hammer. Right? Not everything is a nail.
18 And not everything needs a hammer. But in this
19 instance, you need a hammer.

20 MICHAEL CHURCHILL: Well, you
21 know, we couldn't have put it any better than
22 that.

23 You're in love with Alan, and I'm
24 in love with you. And I think we could not get a
25 better summary of what this conference is about

1 and the change that we all hope that we can propel
2 from the past historic practices. So well
3 described.

4 Thank you so much. And I now turn
5 it over to Don.

6 - - -

7 (Applause)

8 - - -

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CLOSING REMARKS

- - -

DONALD K. JOSEPH: If anybody has seen the JLEP Law Review hard copy, please produce it.

Thomas? Get it up here.

So my job is to really repeat -- what was it Karen had -- hasn't this day been amazing?

So let's thank everybody.

- - -

(Applause)

- - -

DONALD K. JOSEPH: So I know I'm the only person between you and either getting out of here or drinks. So I will stick to my time, I assure you.

Number one, CLE forms, evaluations, make sure you turn them in. You need the CLE. We need the evaluations.

I am authorized to say that we will have a symposium next year. I am not authorized to say what the topic will be.

So, again, to our law firm

1 sponsors who have kept us going throughout the
2 year, a shout-out thank you.

3 To the interns from Drexel,
4 Temple, our Reed Smith law firm associate, our
5 Stanford undergrad, even our Skadden fellow
6 scholar who just came to us, we thank you all.

7 So now -- I think I have the time
8 to do it -- so think about the speakers that you
9 just heard today. I'm not going to say anything
10 except their names and their titles.

11 Alex Geisinger, Drexel Health.

12 Robert Kuehn, University of
13 St. Louis Law School.

14 Julie Becker, Women's Health
15 Environment Network.

16 Reverend Horace Strand, Chester
17 Environmental Partnership.

18 Ayanna King, Pittsburgh
19 Transportation Equity Project.

20 Leslie Fields, Sierra Club.

21 Cecil Corbin-Mark, WE ACT.

22 Professor Arthur Frank, Drexel.

23 Vernice Miller-Travis, with one
24 exception, as our keynote speaker as well as a
25 panelist, you've been fabulous.

1 VERNICE MILLER-TRAVIS: Thank you.

2 DONALD K. JOSEPH: And you have
3 ended, as well as keynote. So thank you.

4 Eileen Guana, Professor,
5 University of New Mexico Law School.

6 James Sadd, Professor of
7 Environmental Science, Occidental in California.

8 John Relman, D.C. civil rights
9 lawyer.

10 Alan Greenberger, Deputy Mayor for
11 Commerce.

12 Melissa Kim, the 5th Street
13 Revitalization Project.

14 And Karen Black, formerly of
15 PILCOP, principal in May 8 Planning.

16 All of them who are still here,
17 please stand up. Come on.

18 - - -

19 (Applause)

20 - - -

21 DONALD K. JOSEPH: So to the
22 sponsor from Rutgers of the symposium, and one
23 will be published just like this one is from last
24 year, we thank you.

25 And to the court reporter, who I

1 will ask to put my original notes in, as well
2 as -- or instead of my speech, depending on how
3 much I get -- thank you for volunteering on a
4 last-minute basis.

5 So the staff. The staff was
6 enormously helpful. But I tried to figure out
7 why it was that I didn't participate in these
8 panels in preparing you. And I realized the
9 conclusion.

10 Dave Hanyok was so competent,
11 there was no necessity for me to do so.

12 MEMBER OF THE AUDIENCE: Hear,
13 hear.

14 - - -
15 (Applause)

16 - - -
17 DONALD K. JOSEPH: And Taylor
18 Goodman, already thanked, stands on the shoes of a
19 former fundraiser and built on it so that there
20 was a ten-page to-do list organizing how not only
21 the conference would go, but it's still going on
22 over at the Downtown Club.

23 So kudos to the lawyers in the
24 PILCOP.

25 Michael, the font of historical

1 wisdom of our institution.

2 - - -

3 (Applause)

4 - - -

5 To Ben Geffen, our young gem of
6 excellence, Sonja, the czar of disabilities, and
7 Jim Eiseman, now in Florida trying a case, they
8 were excellent feedback and team players in
9 getting people interested and keeping us going.

10 But I must --

11 - - -

12 (Applause)

13 - - -

14 DONALD K. JOSEPH: But I must say
15 that the MVPs of this symposium are Adam and
16 Jenny.

17 - - -

18 (Applause)

19 - - -

20 DONALD K. JOSEPH: We started much
21 earlier this year with Adam coming up with the
22 names and basically running most of them down
23 himself, or Dave doing so.

24 We had an orderly, non-emergency
25 process with basically our speakers in place

1 nearly June.

2 And so all three of you, that has
3 been a terrific addition.

4 Finally, our Executive Director
5 for the past several years has the entire Law
6 Center humming with the great productivity and
7 camaraderie that shows every time I go in the
8 office for a staff meeting.

9 It's a pleasure to have the
10 opportunity to work with all of you. Michael and
11 Tom, as the progenitors, and Flora as well, you
12 must feel like very proud grandparents to see how
13 well this organization is functioning.

14 And to you, really, the thing I
15 figured out over these conferences is, the real
16 purpose of them is our supporters, who come year
17 after year, because they are involved, they are
18 good citizens, and they are committed to the
19 values that PILCOP offers.

20 So I say to you, thank you.
21 And I leave you with a Talmudic saying: It is
22 not incumbent upon us to complete God's work,
23 but neither are we free from desisting from
24 trying.

25 I declare this symposium

1 adjourned.

2 - - -

3 (Applause)

4 - - -

5 (Whereupon, the symposium was

6 adjourned at 4:47 p.m.)

7 - - -

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