

# Final Report

## A Report on Environmental Justice in New Mexico

Sponsored by the  
**New Mexico Environment Department**

Prepared by the  
**Alliance for Transportation Research Institute (ATRI)**  
**University of New Mexico**

November 2004



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The University of New Mexico

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**Alliance for Transportation Research Institute (ATRI)**

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The University of New Mexico

**November 1, 2004**

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**A T R I N S T I T U T E**

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The ATR Institute, a University of New Mexico research institute, creates realistic, workable solutions in transportation that address current needs while anticipating future demand. The ATR Institute's work ranges from applied research to conceptual knowledge developed for the real world.

Transportation researchers face the challenges of raising the efficiency of transportation systems while making them more responsive to human and environmental needs. The ATR Institute is responding to this challenge through an interdisciplinary approach focusing primarily on materials and infrastructure-related research, information technology, and public policy issues.

The ATR Institute collaborates with government, academic, and private-sector organizations interested in the unique advantages and information products the Institute is developing for the marketplace.



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## Acknowledgements

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### Special Thanks go to the following individuals and groups:

#### A. The Environmental Justice Planning Committee (EJPC)

The New Mexico Environment Department (NMED) would like to thank the contributions of the Environmental Justice Planning Committee (Planning Committee). Secretary Ron Curry and Deputy Secretary Derrith Watchman-Moore of the NMED appointed a Planning Committee that would be responsible for the design of public listening sessions, discussion of important process issues, and also the development of protocol for promoting an authentic participatory process. The Planning Committee was composed of representatives of community, business, industry, municipal, and Tribal entities selected for their respective expertise in environmental justice coalition building, knowledge of regional environmental justice issues, and their familiarity and networks with local grassroots organizations in New Mexico.

The 13-member Environmental Justice Planning Committee included:

Olivia Balandran Rodriquez, U.S. Environmental Protection Agency, Region 6  
Cynthia Gomez, Mexicano Land Education and Conservation Trust, Co-Chair  
Dennis Chavez, Mimbres Valley Surface Water Users Association  
Margaret Chavez, Pueblo of Santo Domingo  
Calvert L. Curley, Navajo Nation  
Tomasita Gonzalez, SouthWest Organizing Project (SWOP)  
Bill Hocker, Acoma Enterprises  
Sofia Martinez, Concerned Citizens of Wagon Mound and Mora County  
Richard Moore, Southwest Network for Environmental and Economic Justice (SNEEJ)  
Regina Romero, New Mexico Municipal League  
Marla Shoats, Shoats & Weeks, Inc.  
Mark Turnbough, Consultant  
Derrith Watchman-Moore, Deputy Secretary, NMED, Co-Chair

In addition to the Planning Committee, the following NMED staff offered their assistance in the process:

Darla Aiken, Office of the Secretary  
Tracy Hughes, General Counsel  
Charles Lundstrum, Director, Waste and Water Management Division  
Rick Martinez, Director, Administrative Services Division  
Brent Moore, Assistant General Counsel  
Cindy Padilla, Solid Waste Bureau Chief

## **B. Session Workgroups**

A number of subcommittees of the EJPC were formed to spearhead the Environmental Justice Listening Session at selected locations. The subcommittee met periodically to optimize the outcome of the public participatory process and to ensure participants were individuals and organizations representative of New Mexico communities. The Workgroups included:

### **Deming Workgroup**

Derrith Watchman Moore, Deputy Secretary, NMED  
Dennis Chavez, Mimbres Valley Surface Water Users Association  
Margaret Chavez, Santo Domingo Pueblo  
Cynthia Gomez, Mexicano Land Education and Conservation Trust, Co-Chair  
Tomasita Gonzales, SouthWest Organizing Project (SWOP)  
Sofia Martinez, Concerned Citizens of Wagon Mound and Mora County (CCWMMC)  
Richard Moore, Southwest Network for Economic and Environmental Justice (SNEEJ)  
Regina Romero, New Mexico Municipal League (NMML)  
Marla Shoats, Shoats & Weeks, Inc.  
Mark Turnbough, Consultant

### **Acoma Workgroup**

Derrith Watchman Moore, Deputy Secretary, NMED  
Margaret Chavez, Pueblo of Santo Domingo  
Calvert L. Curley, Navajo Nation  
Bill Hocker, Acoma Enterprises

### **Las Vegas Workgroup**

Derrith Watchman Moore, Deputy Secretary, NMED  
Sofia Martinez, Concerned Citizens of Wagon Mound and Mora County  
Frances Ortega, Southwest Research and Information Center (SRIC)

### **Albuquerque Workgroup**

Darla Aiken, NMED  
Tomasita Gonzales, SWOP  
Cynthia Gomez, Mexicano Land Education and Conservation Trust, Co-chair  
Richard Moore, SNEEJ  
Frances Ortega, SRIC  
Cindy Padilla, NMED

### **C. Community Liaisons**

In addition to the Planning Committee involvement, the ATRI sought the assistance of an ‘on the ground’ Community Liaison who would be experienced in dealing with local environmentally impacted communities, communities of color, and/or low-income communities. The Community Liaisons who assisted the NMED and the Planning Committee with logistics of each meeting were:

#### **Deming**

Allyson Siwik, Gila Resources and Information Project (GRIP)

#### **Las Vegas**

Janice Varela, Amigos Bravos

#### **Acoma**

Carletta Garcia, Laguna Acoma Coalition for a Safe Environment  
Laurie Weahkee, Sacred Alliances for Grassroots Equity Council (SAGE Council)

#### **Albuquerque**

Bianca Encinias, Southwest Network for Environmental and Economic Justice (SNEEJ)

### **D. Consultants to the Environmental Justice Listening Sessions Project**

The New Mexico Environment Department would like to thank the contributions of Judith M. Espinosa, Director, Alliance for Transportation Research Institute (ATRI), and other ATRI staff: LaVerne Garnenez (law student intern), Mary White, Jeanette Albany, and Paul Perea; Eileen Gauna, Professor, Southwestern School of Law; and Paul Robinson and Frances Ortega, Southwest Research and Information Center for their role as consultants. The ATRI served as the primary contractor and facilitator for all listening sessions.

## FINAL REPORT

**“Environmental Justice** is the fair treatment and meaningful involvement of all people regardless of race, color, national origin, or income with respect to the development, implementation, and enforcement of environmental laws, regulations, and policies.

**Fair treatment** means that no group of people, including a racial, ethnic, or a socioeconomic group, should bear a disproportionate share of the negative environmental consequences resulting from industrial, municipal, and commercial operations or the execution of federal, state, local, and Tribal programs and policies.

**Meaningful involvement** means that: (1) potentially affected community residents have an appropriate opportunity to participate in decisions about a proposed activity that will affect their environment and/or health; (2) the public's contribution can influence the regulatory agency's decision; (3) the concerns of all participants involved will be considered in the decision making process; and (4) the decision makers seek out and facilitate the involvement of those potentially affected.

**Environmental justice is achieved when** everyone, regardless of race, culture, or income, enjoys the same degree of protection from environmental and health hazards and equal access to the decision-making process to have a healthy environment in which to live, learn, and work.”

- From the Environmental Justice Home Page of the US EPA Website  
(<http://www.epa.gov/compliance/environmentaljustice/index.html>)

### I. Introduction

The New Mexico Environment Department (NMED) conducted four “Listening Sessions” in an effort to highlight environmental justice (EJ) concerns in New Mexico. Secretary Ron Curry and Deputy Secretary Derrith Watchman-Moore of the NMED ascertained the extent and nature of EJ concerns in New Mexico from a grassroots perspective. A team of four co-consultants assisted in this project: Judith Espinosa, the ATR Institute (ATRI), University of New Mexico (UNM), Paul Robinson and Frances Ortega of the Southwest Research and Information Center (SRIC) and Professor Eileen Gauna, Southwestern University School of Law, Los Angeles, CA. The ATRI also provided staff support and facilitation for the Listening Sessions.

Secretary Curry and Deputy Secretary Watchman Moore created an Environmental Justice Planning Committee (Planning Committee) of diverse stakeholders, with NMED Deputy Secretary Watchman Moore and Cynthia Gomez of the Mexicano Land Education and Conservation Trust as Co-Chairs, to design a series of Listening Sessions. To create a body of diverse stakeholders-members, the others selected to the Planning Committee includes:

- ◆ Dennis Chavez, Mimbres Valley Surface Water Users Association
- ◆ Margaret Chavez, Pueblo of Santo Domingo
- ◆ Calvert L. Curley, Navajo Nation
- ◆ Tomasita Gonzalez, SouthWest Organizing Project (SWOP)
- ◆ Bill Hocker, Acoma Enterprises
- ◆ Sofia Martinez, Concerned Citizens of Wagon Mound and Mora County
- ◆ Richard Moore, Southwest Network for Environmental and Economic Justice (SNEEJ)
- ◆ Olivia Balandran Rodriguez, U.S. Environmental Protection Agency, Region 6
- ◆ Regina Romero, New Mexico Municipal League
- ◆ Marla Shoats, Shoats & Weaks, Inc.
- ◆ Mark Turnbough, Consultant



In addition to the creation of a Planning Committee, Secretary Curry appointed a six-member Environmental Justice Policy Committee (Policy Committee) in June 2004, with Deputy Secretary Watchman-Moore as Chair, to address issues raised by the Listening Sessions and make recommendations to Secretary Curry in an effort to help institute changes. The Department's Policy Committee includes:

- ◆ Regina Romero, Intergovernmental Relations Director, New Mexico Municipal League;
- ◆ Doug Meiklejohn, Executive Director, New Mexico Environmental Law Center;
- ◆ Marla Shoats, Shoats and Weaks Government and Public Relations;
- ◆ Richard Moore, Southwest Network for Environmental and Economic Justice;
- ◆ Jim O'Neill, President, O'Neill Consulting LLC; and Member, Greater Albuquerque Chamber of Commerce; and
- ◆ Pablo Padilla, member of the Pueblo of Zuni, UNM Law Student, and founding member of the New Mexico Intertribal Resource Advisory Commission.

## II. The Process

An authentic process of public participation was more than important; it was imperative to ascertain, from a grassroots perspective, the extent and nature of EJ concerns in New Mexico. Hence, the Planning Committee was charged with the design of public listening sessions, discussion of important issues, and promotion of an authentic participatory process. Essentially, there were five somewhat overlapping stages to this process of conducting the four EJ sessions and reporting, including: The Planning, The Sessions, The Reporting Process, The Reports, and The Report Mail-Out.

### A. The Planning

The Planning Committee began its work in January of 2004 with the formation of the Environmental Justice Planning Committee (Planning Committee) of invited members who were representative of municipalities, Tribes, industry, and grassroots organizations. Committee members received information regarding the goals and objectives of the Listening Sessions, scope of work for the project, and the role of the Planning Committee. Based on the information distributed and discussions during the first meeting, a timeline of proposed activities and a schedule of future meetings were developed. Cynthia Gomez of Mexicano Land Education and Conservation Trust was also selected to serve as Co-Chair, along with Deputy Secretary Watchman-Moore of the NMED. The Planning Committee agreed to meet on a monthly basis and correspond by email and teleconference, as necessary.

At subsequent meetings, the Planning Committee identified prime locations for Listening Sessions, based on the following considerations: regional EJ issues, proximity to EJ communities, host city accommodations, and the willingness by communities and municipalities to address EJ issues. Listening Sessions were scheduled at four locations in different regions of the state: Deming (southwest/US-Mexico border); Las Vegas (northeast), Pueblo of Acoma (northwest), and Albuquerque (central and statewide). Based on the timeline, workload, and sincere desire to promote an authentic participatory process for communities and residents in particular regions, the Planning Committee divided its efforts into four subcommittees to plan and coordinate each Listening Session. To proceed with planning measures, members, then,

divided themselves into subcommittees, based on their experience, knowledge and interest in regional issues.

Each subcommittee sought the assistance of a Community Liaison to ensure individuals and organizations, who were representative of New Mexico communities, were informed of and participated in the regional meetings. The NMED and Planning Committee identified one or two individuals from each region, who had experience and expertise in EJ issues to be a Community Liaison(s). Community liaisons were hired by the ATRI to do the grassroots organizing work in each region. Each person serving as liaison was assigned the following tasks, including: making arrangements for the venue, obtaining a sound system, inviting the community, and ordering refreshments for the meeting. Further, the Community Liaison was responsible for identifying, contacting, and explaining the mission of the EJ Listening Session to area individuals, community groups, and other local organizations. Duties of the Community Liaison also included assisting the Planning Committee in developing an agenda, identifying pressing regional EJ issues, compiling and updating contact information of potential panelists and participants. The contact information included name, organization, county/city, issue(s), and was provided to the Planning Committee in a spread-sheet format. The spread-sheet data were entered into a database of all participants.

Announcements of each Listening Session were posted on the NMED and EJ Planning Committee Websites. Media releases about the Listening Sessions were issued and the Albuquerque session was announced on KUNM radio.

Early in the planning process, the Planning Committee agreed to a general format for each Listening Session. In particular, the Planning Committee felt compelled to provide a receptive venue for the community by orientating participants to the issue of EJ at the outset. A first panel would be common to all four Listening Sessions. This first panel, or *Panel A: History of Environmental Justice in New Mexico and Nationally*, was intended to provide a historical overview of EJ locally, statewide, and nationally. *Panel A* set the context for the meeting and provided a rationale for the Listening Sessions. Additional information regarding the entire format, please see ‘The Sessions’ below.

Summaries of Planning Committee meetings, preliminary agendas, and outreach material were posted on the Committee’s Website which was created and maintained by the ATRI. The purpose of the Website was to provide an easily accessible single point of information to keep the Planning Committee members apprised of meetings, developments, planning logistics, and any unanticipated problems that arose. (See Appendix H for print-out of the pages of the Planning Committee Website).

## **B. The Sessions**

The Listening Sessions were designed to elicit information and recommendations from stakeholders in minority and low-income communities, which have sustained environmental, quality of life, and health impacts from polluting activities and resource depletion. Being subject to disproportionate risks and adverse effects from the siting of these facilities and their activities is a social phenomenon which is commonly referred to as ‘environmental *injustice*’ or ‘environmental racism’ and has been well-documented both regionally and nationally. Thus,

each Listening Session was unique in the presentation of its panel topics and participation of panel members in the discussion of particular EJ issues.

A generic format of the Listening Session included the following segments: Welcome/Introduction, History of EJ Movement, Panel Issues, and Public Comment Session. In general, the subcommittee collectively agreed to four or five panel issues, with each issue to be discussed for 45 minutes to an hour. The Community Liaison then recommended three or four panel members. Their selection was based on their knowledge, experience, and active participation on behalf of their communities. Although the panel discussions were limited, the NMED recognized the importance of allocating additional time to the public comment sessions. As such, all public comments sessions were two hours in length and were offered mid-way through the session, and again at the final segment of the session before wrap-up. Generally, the oral testimony from each commenter was limited to five minutes maximum. By community residents and local organizations offered the option of submitting oral or written comments, which tended to consist of a description of their environmental concerns, followed by recommendations to address such issues. For the convenience of the public, most listening sessions began at 3 pm and ended at 8 pm to accommodate work and/or school commitments.

State, regional, municipal, and Tribal government officials, who were designated as ‘Listeners,’ were invited to hear about the concerns of residents and local organizations. Because those Listeners (such as legislators and other government officials) attending these Sessions came with expectations from the outset of a more solution-oriented process, the co-consultants prepared and distributed a document called *A Listeners’ Guide* to help listeners better understand their role for the session. In addition, the co-consultants also prepared and distributed to the general public a document called *Suggestion for Comments* to help the public formulate their concerns and offer recommendations more efficiently. Additional materials were distributed, including: public notices, flyers, brochures, and other background information. The distribution of comment forms (available in English and Spanish) and evaluation forms were of particular importance to the Planning Committee who sought to design the meetings as efficiently as possible, taking into consideration the need for cultural competence.

Prior to the Listening Sessions, Listeners were informed of the meeting to occur, issued personal invitations by the Secretary and Deputy Secretary of NMED, and given an opportunity to pre-register their attendance with ATRI. A draft agenda was provided to them and the *Why Environmental Justice Listening Session?* handout was also enclosed. Panelists, who were individuals knowledgeable of, or residents of, affected communities, were also pre-registered upon confirmation of their participation by the Community Liaisons. Then, information packets were sent to all pre-registered Listeners and Panelists. At the session, pre-registered participants and walk-in participants were also welcomed and sign-in sheets were available so that their contact information could be added to the EJ database.

Early on, the Planning Committee and subcommittees recognized early on that panel and public comments needed to be limited and enforced fairly to remain on schedule and to afford everyone an opportunity to speak. Therefore, the Planning Committee considered the role of the facilitator as a vital role to the Listening Session process. The facilitator served as Master/Mistress of Ceremonies, Liaison for the Planning Committee, and Timekeeper at each Listening Session.

Each subcommittee collectively agreed to a Facilitator that would successfully fulfill these roles while cognizant of the cultural concerns, where appropriate. Except for the Listening Session at the Pueblo of Acoma, all Listening Sessions were facilitated by Judith M. Espinosa of the ATRI. Margaret Chavez of Santo Domingo Pueblo and Judith M. Espinosa co-facilitated the session at the Pueblo of Acoma.

### **C. The Reporting Process**

At each meeting, a minimum of three note-takers *summarized* the panel discussions and public comments. Panelists and commenters were encouraged to submit their written statements for thorough consideration as well as submitting oral testimony. Other documents, such as reports, PowerPoint presentations, and newspaper articles, were also accepted and kept as part of the record. In addition, translators were also available, as needed, to facilitate discussion. A videographer was also present to tape each session.

After each meeting, note-takers worked up their raw notes and exchanged them. A consultant was then appointed to draft a Summary Report, with all notes and written statements provided to this individual for inclusion. For each of the Listening Sessions, the ATRI drew up and finalized a *Summary Report* that included Matrices of Citizen Comments. The Matrices of Citizen Comments are in the “Summary Reports of Meetings” section in the report. The final agenda and outreach materials were also included as appendices in the Summaries.

### **D. The Reports**

The co-consultants prepared *A Background Report on Environmental Justice* for the Committee. In addition, the consultants prepared a *Summary Report* at the conclusion of each listening session. See Section III, Summaries of Meetings, for a copy of the reports. *A Final Report on Environmental Justice in New Mexico* (herein), is a comprehensive compilation of the complete EJ Listening Session process which is to be submitted to the NMED. To help institute changes that will remedy or prevent EJ concerns voiced at the EJ Listening Sessions, the Policy Committee will consider this document, in full, and will make formal recommendations to Secretary Curry of the NMED.

The Background Report, the Meeting Summaries, and the Final Report are available on the NMED and the ATRI/Environmental Justice Planning Committee Websites.

### **E. The Report Mail-Out**

In the past, grassroots organizations and communities were frustrated by public hearings, town meetings, and other governmental solicitation of comments which failed to update or report back to the affected communities. The Planning Committee recognized that continuing to keep the public informed of each step in the process was a critical element in establishing long-term relationships with EJ communities and crafting workable solutions especially designed for those communities. The Planning Committee informed the public at each Listening Session that a summary report would follow and that a copy of the summary would be provided to every individual in attendance. As such, the ATRI, on behalf of the NMED, mailed copies of the Summary Reports and CDs to all municipal managers and clerks, and governmental

representatives who either pre-registered or attended a session. A copy of the summary report was also sent by the ATRI to all other individuals who provided a complete and legible mailing address.

Governmental entities and the general public were given at least 30 days to provide comment and to offer recommendations for revisions to the summary reports. These reports were also posted to the Planning Committee Website to give the Planning Committee members the ability to distribute additionally copies, or to provide direct feedback, as needed.

## **F. Evaluation of Meetings**

Evaluation forms were made for each session and given to the attendees to fill out. A separate report will be provided to the NMED by the ATRI which summarized the evaluations.

## **III. Summary Reports of Meetings**

As explained in the chapter on the EJ Planning Process, four Environmental Justice Listening Sessions were held: Deming, Las Vegas, Pueblo of Acoma and Albuquerque. Notetakers were present at each of the sessions and the sessions were audio-taped as well. From the notes, and from written testimony of commenters, Executive Summaries of the sessions were written. The Executive Summaries are included in their entirety in this final report (see Appendix B (Deming), Appendix C (Las Vegas), Appendix D (Pueblo of Acoma), and Appendix E (Albuquerque)).

## **IV. Suggested Communication Strategies for the State of New Mexico Implementation of Environmental Justice**

### **Introduction**

As noted by the public commenters at the EJ Listening Sessions, “the vision of EJ is rooted in the philosophy that solutions must rely on community-based, participatory efforts.” Historically, EJ implementation actions across the US have been implemented as statewide actions, not state-level environmental agency actions. Therefore, it would be helpful to consider the next steps and communication strategies from a State of New Mexico perspective, rather than from that of the NMED.

Communication on EJ issues by the State of New Mexico is as much about building positive, long-term relationships as it is about solving problems. Agencies and Departments serve their citizenry more effectively when they choose and achieve goals that are important to those citizens. Good communication makes government more effective when it identifies its residents as part of the strategic management processes and conducts communication programs to develop effective long-term relationships with those members of society.

Targeted communication is particularly helpful when working with EJ communities. Countering attitudes of profound lack of trust, perceptions of risk and a concern with equity issues requires extraordinary honesty, patience, and skill in communicating. Communicating with EJ community members and providing feedback on what has been accomplished should be

grounded by ensuring the full and fair participation by all potentially affected communities in the decision-making process, and avoiding minimizing, or mitigating disproportionately high and adverse human health and environmental effects, including social and economic effects, on minorities and low-income communities.

The communities may be a community of place, a community of identity, or a community of interest. In each situation, one of the intents is to build the skills of the citizens to gather, analyze, and apply information for the purpose of making good environmental management decisions which will contribute to the environmental policy capacity of the community. Managing the environment requires investment in the community for two very powerful reasons: (1) local activities affect the quality of the local environment; and (2) community members have a common interest in protecting and improving their community's quality of life. Investing in the community and harnessing the power of information involves public participation, social marketing, environmental and health education, and right-to-know strategies.

### **Utilizing Dialogue /Two-Way Communication**

The role of the communication effort is not just to persuade or affect the public but also to garner information from the public which informs the decisions that the State of New Mexico makes. Recognize and use integrative communication strategies with the goal of working toward solutions that values the integrity of a long-term relationship between the State of New Mexico and EJ communities. Integrative win/win strategies with desirable outcomes will occur as the State of New Mexico listens to what the public wants and gives information that will build bridges to dialogue that allows for diverse positions to be voiced, and therefore, considered in decision-making.

The ability to dialogue or conduct effective two-way communication is an acquired skill and one of the traits of leadership. Dialogue is considered the most underutilized tool in the public affairs portfolio—and the tool which is most likely to yield the greatest long-term credibility and success in the communications arena. Dialogue differs from debate, discussion, and deliberation.

Good two-way communication involves several elements, including:

**Disclosure:** Not only is the State of New Mexico open about its activities, but EJ communities and people should be willing to contact the State of New Mexico when there is a problem. It is important to be available, approachable, and open, to actively seek open two-way exchanges of information, knowledge, and perspectives between the State of New Mexico staff and people from EJ Communities.

**Accuracy/understanding:** EJ communities and people must be able to successfully understand what the State of New Mexico is doing and vice-versa. The State of New Mexico and EJ communities and people should share an understanding about the nature of State government and its mission.

**Agreement:** The State of New Mexico and EJ communities and people should work toward agreement about the degree to which something should be done to prevent or correct a problem. Importantly, evaluation of a problem should include the community's perspective.

**Symbiotic behavior:** EJ communities and its people can help the State of New Mexico accomplish its mission and the State of New Mexico should behave in a way that strives toward New Mexico a better place to live for all its citizens.

**Accountability:** It is not enough for the State of New Mexico to be responsible for a decision and openly announce a decision. Accountability also means providing explanations for the rationale behind decisions.

**Assurances of legitimacy:** Each party in the relationship attempts to assure the other that it and its concerns are legitimate and to demonstrate that commitment to maintaining an open dialogue relationship.

**Networking:** The State of New Mexico can build networks or coalitions with the affected EJ communities and individuals as it carries out its mission.

### **Proactive Communication by the State of New Mexico**

The State of New Mexico should be proactive in creating venues and opportunities for public dialogue. This process has begun by instituting the EJ Listening Sessions held over the last year. Public participation efforts for EJ issues should continue to reach a wide public. No substitute exists for frank, honest, and open communications between the State and EJ communities, because people have a fundamental desire to participate in decisions that affect their lives. Experience has shown that when decisions are implemented without the involvement of affected EJ communities, the outcome is likely to be ineffective, resisted, and eventually overturned. Conversely, decisions that involve a full range of input from EJ impacted communities are much more likely to achieve broad-based support and long-term success. The key to making good things happen is to empower EJ individuals and communities through right-to-know strategies, education, capacity-building, true public input processes and enforcement of environmental laws to prevent disproportionate impacts to a select group of EJ minorities and low-income people. Regardless of which Agency is initiating the dialogue and seeking to respond to community EJ concerns, any recommendations for implementation should be shaped to fit the experience, knowledge, or policy framework of the affected community.

Collaborate to create smarter community models by engaging stakeholders:

Listening/identifying problems and areas of compromise/common ground;

Understand problems from the EJ community's perspective; and

Evaluate alternatives and design solutions that fit the community and leverage human, organization, technical, and financial resources.

### **EJ Principles for Public Involvement**

Six EJ principles (as identified by a federal workshop on establishing EJ programs) to include as part of the State of New Mexico's public involvement processes are:

1. Equity
2. Scope
3. Flexibility

4. Meaningful public participation
5. Rigorous analysis
6. Appropriate mitigation

### **Necessary Elements for Committing to EJ**

As suggested by the US EPA Office of Environmental Justice, to accomplish and embrace EJ will require the State of New Mexico to make the following commitments:

Incorporate the concept of vulnerability—especially its social and cultural aspects into the State’s strategic plans and research agendas;

Deploy an array of public outreach strategies and involvement processes to fully engage and explore the needs of all affected populations in decision-making (some examples are given above);

Integrate data collection, analysis and monitoring tools to assess the needs of, and analyze the potential impacts on minority and low-income population;

Promote community-based partnerships and other creative means by which minority and low-income populations can learn about and improve the quality and usefulness of the State of New Mexico programs in their lives;

Partner with other public and private programs to leverage agency resources as part of a common vision for communities;

Minimize and/or mitigate unavoidable impacts by identifying concerns early in the planning and permitting phases and promote offsetting initiatives and enhancement measures to benefit affected communities and neighborhoods.

### **Basic Premises to EJ Implementation**

To facilitate the transition to a solid EJ policy framework, there are some basic steps that the State of New Mexico can take, including:

1. Develop a plan that can address the broad and complex nature of EJ. Plan development will necessarily involve the creation of a definition of EJ or adoption of the federal definition;
2. Develop a plan that integrates EJ concerns into key Agency policy areas;
3. Structure and demonstrate the State of New Mexico’s commitment to ensure that environmental impacts are addressed, as appropriate;
4. Seek collaboration so that resources can be better targeted and leveraged;
5. Develop screening methodologies, guidelines, and templates for regulatory reviews/practices; and,
6. Serve as a platform for an expanded way [i.e., an EJ Toolkit] of doing business.



### Public Partnerships and Participation

In the area of public partnership and participation, the State of New Mexico could:

- Engage all stakeholders including potentially affected communities and business groups;
- Identify a full range of alternatives;
- Perform proactive outreach and appropriate demonstration projects;
- Develop community characterization projects; and,
- Develop coordinated outreach policies that include culturally competent Agency personnel and training/education in the community.

### Public Education and Training

In the area of public education and training, the State of New Mexico could:

- Seek grants and partner with stakeholders to develop demonstration projects;
- Develop plans of action with concerned parties to include education and occupation hazards, etc;
- Along with pertinent partners, conduct training in areas such as regulatory requirements, pollution prevention, and risk prevention; and,
- Develop mechanisms to create ongoing dialogue with all partners and stakeholders.

### Public Policy Development

In the area of public policy, the State of New Mexico could:

- Incorporate consensus building and expand alternative dispute resolution strategies, including the mutual gains approach to negotiations;
- Develop working policy papers on potential linkages among topical issue areas;
- Explore rudimentary procedures within administrative purview to discern equity, transparent and open public participatory processes, and quality of life considerations;
- Integrate an evaluation framework or performance tracking of EJ activities;
- Promote replication of lessons learned and best practices;
- Compliance assistance innovation; and,
- Establish good neighbor agreements.

### Services

In the area of services, the State of New Mexico could:

- Expand and integrate communication strategies within important action agendas, such as emergency response;

Target stakeholders where appropriate and offer services to support the State of New Mexico's goals; and,

Provide technical assistance where appropriate through an established process.

### **Data Collection and Analysis**

In the area of data collection and analysis, the State of New Mexico could:

Develop characterization projects and analyses;

Develop EJ permitting review guidelines;

Work with partners to obtain data that can improve environmental surveillance, monitoring and response;

Utilize the USEPA's Risk Screening Environmental Indicators Tool, their Environmental Justice Demographic Screening Tool and their EJ Geographic Assessment Tool;

Continue to improve data collection and work toward improved understanding of potential risk or associated concerns; and,

Develop multimedia outreach, communication, surveillance, monitoring & response strategies.

### **Environmental Research**

In the area of environmental research, the State of New Mexico could:

Design studies with the aid of stakeholders to improve the State of New Mexico's capacity to support sustainable communities;

Keep stakeholders regularly informed on EJ research processes and progress;

Where appropriate, expand scope of studies to include a range of factors implicit to concerns;

Encourage an internal environmental equity network to be involved in all research projects; and

Design and support corroborative interagency environmental research projects to address concerns.

### **State of New Mexico EJ Toolkit**

In support of the goal of further achieving sustainable communities through primary activities, the State could:

1. Develop frameworks that can better screen and evaluate tribal, community, and/or other stakeholder concerns;
2. Promote plans and strategies that attempt to integrate tribal, community, and/or other stakeholder concerns into operational practices (i.e., data-gathering and training programs, etc.);

3. Build multi-stakeholder partnerships to create crucial interface among State Agencies' (i.e., Transportation, Environment, Health) primary functions and policy mandates, community needs and other stakeholder requests, and public participatory guides;
4. Evaluate rulemaking and discretionary authority to support revitalization efforts;
5. Encourage partners to undertake community characterization projects and analyses;
6. Draft qualitative frameworks to evaluate EJ (such as surveys, community impact statements, comparative assessment, findings and recommendations);
7. Develop qualitative review guidelines for environmental health, socio-economic, and other quality of life indicators;
8. Build and strengthen government infrastructure at local and community levels;
9. Identify a set of public policy themes related to EJ and sustainable communities and incorporate into key areas – smart growth, brownfields, water infrastructure, etc;
10. Encourage more strategic enforcement and compliance assistance projects and supplemental environmental projects;
11. Establish demonstration projects for alternative dispute resolution; and
12. Develop and encourage Environmental Benefits Districts (EDBs).

### **Environmental Benefits Districts**

As part of the State of New Mexico's EJ Toolkit, EDBs could take a holistic approach to build sustainable communities which emphasizes quality of life, economic development, and environmental protection improvements developed under the aegis of current policies that embodies the development of incentives and policies with the use of State resources that support communities and influence the location of specific development and create collaborative and tangible partnerships, including: federal, state, tribal local governmental entities, community groups, nongovernmental or constituency groups and business.

EDBs could achieve the following results:

- Increased environmental protection via coordinated effort and attention;
- Better assessment and evaluation of community concerns (i.e., characterizations of health, environment, quality of life);
- Community-based planning;
- Stabilization of neighborhoods – homes, jobs;
- Less programmatic and regulatory fragmentation;
- Less contestations;
- Comprehensive response to community concerns;

Improved economic development in communities; and

Enhanced quality of life through a vision of land-use and growth that encourages environmental protection and economic development which the community supports.

### **Short-Term Strategies for Working in Collaboration**

Three short-term strategies identified by Dr. Charles Lee, Office of Environmental Justice, EPA and listed on the OEJ Website for working in collaboration with EJ communities should be given concerted attention by the State of New Mexico:

**Foster capacity-building** within affected communities, so they can strategically form partnerships and proactively access, utilize, and leverage the resources of government and other institutions. Capacity-building activities range from training and technical assistance to the use of facilitation and consensus building, where appropriate.

**Promote a dialogue** in New Mexico on achieving collaborative models to achieve EJ. The ultimate goal is for these EJ collaborative models to be integrated into the normal conduct of State Agency business. Such a goal will require understanding and “buy-in” to the collaborative model on the part of all sectors of society, who, in turn, must advocate for greater commitment to such efforts on the part of government and other institutions.

**Identify elements of success** of a collaborative model and ways to measure them. For EJ collaborative models to reach their full potential as a significant tool for achieving healthy communities, a template for conducting successful EJ collaborations must be developed and tested. The elements of such a template include but are not limited to the following: partnerships and transparent relationships among all parties, inter- and intra-governmental coordination, meaningful community involvement, recognition of community expertise, cultural and language considerations, and availability of resources. Once the elements of success are identified, an even greater challenge will be the evaluation and measurement of success. These will have to address—among other things—process design, institutional and culture change, and improvement in quality of life. Although these questions are complex in and of themselves, they become exponentially more difficult when Agencies have to factor in the differing perspectives of sometimes adversarial parties.

The NMED could also adopt two other short-term ideas, including:

**Redesign NMED Website** to contain a page specifically designed for information to the public about Environmental Justice in New Mexico. The Environmental Justice page should include issues that are both current in New Mexico and nationally as well as information on historical environmental events, decisions, and legislation. The Website will be a quick and direct way for officials to communicate with the public and allows people to find the information that they are most interested in, at their own leisure. The new Website page should be promoted through NMED general agency information, and release information should be sent to the secretaries of New Mexico departments for them to include in their communication presentations and newsletters. The NMED Environmental Justice page should also list other related links and ask departments and national agencies to link to it.

**Smaller-group gatherings** similar to the format of the Listening Sessions will help keep those interested updated with information and allow those who don't know about EJ to become aware and educated. Individuals that attended the last Listening Sessions can be recruited to lead further discussion groups. They should be supplied with information from the NMED EJ Policy Committee or those NMED staff working on EJ issues. This is an area where, if hired, an NMED EJ Coordinator would be in the position to set up the gatherings.

### **Best Practices in Environmental Communication**

As several commenters noted EJ communities need communication in lay terms, not in scientific or legal jargon. There are seven cardinal rules for the practice of good communication, (as adapted from a document by risk communication experts, Vincent T. Covello and Frederick H. Allen), (1988):

- Accept and involve the public as a legitimate partner;
- Plan carefully and evaluate your efforts;
- Listen to the public's specific concerns;
- Be honest, frank, and open;
- Coordinate and collaborate with other credible sources;
- Meet the needs of the public by protecting the health, safety, and environment of all people while ensuring that no one community bears an undue burden; and
- Speak clearly and with compassion.

Cool scientific rationality is no substitute for addressing public concerns about equity and fairness. In such cases, the method becomes the message—with the result that the part of the message about equity and fairness gets lost in the jargon. As much as possible, get rid of 'agency-speak' and use concise, common language. Engage the audience and connect on a human level. Integrate social science perspectives to encompass varying values, worldviews, and philosophies. In a genuine communication effort, the information should flow both ways between the State of New Mexico and EJ communities. To acquire and continue to sustain a reputation that is positive, enduring, and resilient requires the State of New Mexico to invest heavily in building and maintaining good relationships with EJ people and communities.

The State of New Mexico communicators must understand the community context to address the primary social effects on public perceptions and behaviors. In social arenas, many environmental and EJ messages are understood in terms of the economic, social, and cultural surroundings. The meanings of the messages are constructed and reconstructed by those who receive them, often in ways which are not intended by the senders of the messages. Scientific data exercise a limited influence over public opinion, particularly when specific cases are put into detailed scientific and risk terms. Science-laden recommendations from experts do not directly address public concerns that arise from moral, ethical, or cultural values. Science rarely acknowledges limitations in measuring devices, defining the scope of the problem, purpose, and the public's ability to use data. Whereas technologically sophisticated analysts employ risk assessments to evaluate hazards, the majority of citizens EJ and non-EJ communities alike rely on intuitive risk

judgments, typically called ‘risk perceptions.’ Once they have formed these perceptions of risk, people may be resistant to new information about the risk.

Social trust is based on judgments of ‘cultural values.’ An individual, for example, would tend to trust institutions or actions that, in her judgment, operate according to values that match (or are similar to) his or her own. These values vary over time and social contexts as well as among individuals and cultural groups. In addition, cultural values are communicated in a narrative, as opposed to a paradigmatic or scientific mode. The relationship-building approach to communication between the State of New Mexico and EJ communities does not mean that the State of New Mexico staff should forget they are scientists. But communication programs should be designed to address and serve the needs of each group. There is no ‘one-size-fits-all’ message, method of communication, or solution, although common themes or issues in different EJ communities may emerge.

The State of New Mexico staff can use some hallmarks of good science communication, (adapted from the National Institute for Standards and Technology Communicating the Future: Communicating Science and Technology to the public) which include:

- Illustrating both process and product of the science in simple, lay terms and relating it to the everyday environment;
- Considering the context from the community’s point of view as well as the State of New Mexico;
- Using multimedia/illustrations/interactivity to engage people;
- Avoiding parochialism;
- Using of face-to-face methods, plain talk, and concrete examples; and
- Expect questions and be prepared to answer them.

### **Considerations for an Inclusive Process**

To ensure inclusive public input, agencies have to go to groups rather than simply expect the public to come to them. The State of New Mexico could begin to tap into community-based organizations such as was done during the EJ Listening Sessions around the State. The affect of hiring and working with community liaisons was invaluable in the EJ planning and implementation phases of the Sessions. Planning should not be project-driven but should, instead, respond to community concerns. Follow-through with decisions is important and can be done through community liaison work by reporting back and evaluating levels of change in the targeted EJ areas.

#### **Existing State Environmental Justice Implementation Strategies**

- Define “Environmental Justice” in a meaningful and effective manner.
- Address Environmental Justice as a State Government-wide matter, not a matter limited to the State’s Environment Department.
- Identify the scope of state government decisions affecting Environmental Justice concerns.

- Provide Information and Clearinghouse Services.
- Develop and implement surveys to identify state agency Environmental Justice awareness and needs.
- Increase public involvement in Environmental Justice-related policy through regular, rather than one time, public forums.
- Increase Public Involvement through outreach efforts.
- Increase representation of among decision-making boards and commissions and on technical and policy staff of State Government agencies.
- Develop and use guidelines in permitting actions that implement existing authority to preserve and protect “public health, safety and welfare” in a manner that recognizes Environmental Justice concerns.
- Create environmental benefit districts in already overburdened areas, such as the Mountain View Neighborhood in the South Valley of Bernalillo County.
- Create an Environmental Justice Toolkit.

The following is has been adapted from A Survey of State Environmental Justice Policies and Programs as of December 2000 “Environmental Justice: A Review of State Responses,” by Hillary Gross, Hannah Shafsky and Kara Brown, at the Public Law Institute of the Hastings College of Law, University of California, December, 2000 - is available at: [www.uchastings.edu/plri/PDF/environjustice.pdf](http://www.uchastings.edu/plri/PDF/environjustice.pdf)

### **A Possible Model for Collaboration**

One model to provide a structure to build long-term relationship based on mutual respect and open dialogue would be to form a State EJ External Coordination Working Group which could include representatives from federal, tribal, environmental justice and local government organizations, labor, industry, and other professional groups. Forming an external working group of EJ stakeholders would give members of EJ groups and tribes the chance to help provide continuing and improved coordination with others concerned about EJ in New Mexico, other levels of government, and outside organizations having a responsibility to protect the public health, safety, and the environment.

This effort could be undertaken to improve interactions between the State of New Mexico as the lead, and external groups representing EJ in New Mexico. The group should have its own work plan, and issue resolution process. But the group does not become an advisory group, because final consensus would not be sought.

Members would serve the group in three broad capacities:

Represent their constituent organizations;

Participate actively and consistently in the State’s EJ activities; and

Communicate the findings and recommendations of the group back to their organizations for further input.

Members could meet semiannually to participate in dialogue sessions, breakout work sessions, and in more specialized topic groups. Members could also discuss current and future plans, identify issues of concern to their constituents, suggest approaches the State of New Mexico could take to address potential concerns and track how the State of New Mexico has incorporated their input into the planning process.

This effort could be a major work activity of an EJ Coordinator, should the State of New Mexico decide to create such a position.

### **Public Expectations and Public Confidence**

Public confidence is the degree to which the public trusts an Agency of the government to do what is right, and is the product of Agency performance and the public's expectations. The level of public confidence in the State of New Mexico is the result of its actions or inactions during the next phase of EJ policy-making. The State of New Mexico recognizes what has been called the affirmative side of government in implementing EJ Listening Sessions around the State communication strategies that move toward increased public participation in EJ communities can provide a means for an Agencies to gather the most diverse collection of opinions, perspectives, and values from the broadest spectrum of its constituencies, enabling the Agencies to make better, more informed decisions.

### **V. Public Recommendations with Analysis**

The consultants examined the matrices of recommendations from all four listening sessions. Based upon this examination, they are able to discern seven major areas of concern -- and recommendations to address those concerns—that require a more systemic response from the NMED. However, not all recommendations fit into these broad categories. There were other discrete recommendations that were generally locale specific. The consultants encouraged the NMED to forward the recommendations to the Governor's Office to insure that statewide consensus is brought to the Governor's attention and that more discrete recommendations can be forwarded to the appropriate department through the Governor.

The seven major categories of concerns and recommendations can be described as: (1) an interagency mechanism to address environmental justice;(2) permitting reform; (3) enforcement enhancement; (4) training programs; (5) procedural issues (such as information disclosure, public participation and transparency); (6) data collection; and (7) issues specific to Native Americans and tribal governments. These are detailed below under the section “**Major Recommendations**” with notations on what commenters recommended during the course of the four meetings. Following the **Major Recommendations** is the *Matrix of Recommendations and Options for Implementation* where under each broad category, consultants have described the statements and recommendations expressed by commenters, provided a brief analysis of various strategies that can be used to implement the recommendations, and have provided a general assessment of strategies that appear to be appropriate and feasible. This later discussion is not intended to be exhaustive or to advocate any particular position, but more simply to provide the groundwork for further deliberation by the Environmental Justice Policy Committee and NMED staff.



## MAJOR RECOMMENDATIONS

### *Interagency Mechanism to Address Environmental Justice Issues*

- ◆ Address multi-jurisdictional issues by collaborative policy development
- ◆ Include federal agencies, e.g., U.S. Fish and Wildlife Department, Dept Agriculture (to address farmworker issues), Dept of Transportation, etc.
- ◆ Include local agencies, e.g., counties, municipalities, and Middle Rio Grande Conservancy District
- ◆ Include a Border EJ commission -collaboration to address border issues (e.g., infrastructure problems – colonias)
- ◆ Include the NM state engineer - to conserve water resources, conserve traditional uses; insure water quality
- ◆ Include tribal governments- consultation and collaboration with tribes as government to government entities
- ◆ Include representatives of EJ communities
- ◆ Create a governor’s executive office of environmental justice and/or an environmental justice executive order

### *Permitting Reform*

#### Substantive Reform

- Consider demographics, social impacts, cumulative impacts, secondary impacts, nuisance impacts (e.g., noise, odor), impacts to cultural and traditional uses of the impacted area
- Consider impacts to vulnerable populations, such the ill, children and the elderly
- Consider known future land uses
- Consider proper emergency response, such as capacity of fire department.
- Consider water quantity and quality impacts of the facility
- Adopt precautionary principle and consider pollution prevention and toxic reduction strategies
- Hearing officers should not have any conflict of interest or appearance of conflict of interest
- No permits should be granted without a demonstrated capacity to monitor and enforce the permit by NMED.
- Use discretion to require additional mitigation efforts for permits in impacted communities
- Comply with the U.S. executive order on environmental justice when using authority delegated under federal law.
- Comply with Title VI of the Civil Rights Act
- Require comprehensive demonstration that burden of proof is met and do not rely on permit applicant’s unsupported assertions.
- Deny permits that result in or exacerbate disparate impacts

### Procedural Reform

- Provide funding for independent technical review by communities
- Provide enhanced notice and outreach to affected communities, e.g., send permit application and information to community-based organizations, local churches and schools, statewide EJ groups and environmental groups, acequia associations, tribes and pueblos
- Make information available at regional offices.
- Provide uniform notice
- Provide language translation into appropriate languages.
- Define technical terms in plain English
- More convenient date/time of hearings
- Support efforts to preserve de novo review
- Make all information regarding a potential permit (including pre-application information) available to the public by posting on the internet
- Avoid negotiations with permit applicants when members of the public and affected communities are not notified, involved and present.

### *Enforcement*

- ◆ Increase inspections, do not rely on self-reporting of regulated community
- ◆ Prepare and distribute manual for citizens on reporting violations, obtaining information on releases
- ◆ Encourage stronger enforcement at LANL and federal facilities.
- ◆ Have stronger oversight over private consultants
- ◆ Require more efficient means of collecting solid waste
- ◆ Penalties for violations should go to community environmental projects
- ◆ Support community based cleanups
- ◆ Allocate funds to repair damaged water supplies
- ◆ Post violations on the internet
- ◆ Develop stricter standards.

### *Training programs*

- ◆ Encourage the development of training to address workplace risks
- ◆ Train communities in regulatory processes, particularly permit proceedings, compliance monitoring (e.g. train opacity readers, water monitoring), and how to report environmental problems.
- ◆ Provide summary of key laws in plain English/Spanish.
- ◆ Set up an office of advocacy or a special position to address environmental justice issues.
- ◆ Train NMED staff in environmental justice, including cultural competency
- ◆ Send all NMED staff on environmental justice tours that are conducted by affected communities

- ◆ Conduct workgroup sessions that include community members and NMED senior staff
- ◆ Sustain regular dialogue with community outside formal processes
- ◆ Educate communities about illegal dumping

### ***Information Disclosure/Public Participation/Transparency***

- ◆ Provide information on hazardous material transportation, facility releases and other exposures and risks to impacted communities.
- ◆ Provide information in a culturally appropriate manner
- ◆ Educate the public in high risk areas about potential health risks and safe practices
- ◆ Share information about potential health risks to physicians
- ◆ Be clear about what are “significant” comments that will be included in the record - Provide better guidance to the public
- ◆ Define environmental justice
- ◆ Include environmental justice considerations in standard setting, enforcement and cleanup as well as permitting
- ◆ Refrain from using water rights to secure loans to mutual and domestic water user associations, fully disclose any potential for such transactions to result in loss of water rights.
- ◆ Take a strong position against threats/intimidation against community residents that speak out at public hearings
- ◆ Meet with community-based groups often, consistently
- ◆ All environmental statutes should have the same public participation, public notice and public comment sections contained in the Solid Waste Act
- ◆ Maintain “de Novo” hearings in all statutes

### ***Data Collection***

- ◆ Obtain baseline information, e.g., airborne monitoring for impacted communities
- ◆ Identify existing vulnerable communities and vulnerable populations
- ◆ Support community based participatory health research and community health and awareness surveys
- ◆ Invest in epidemiological capacity, coordinate dissemination of health data among agencies.
- ◆ Develop analysis using social science, economic and cultural experts
- ◆ Conduct a comprehensive health study regarding the effects of uranium mining
- ◆ Establish farm worker environmental exposure assessment program

### ***Tribal***

- ◆ Support protection of sacred sites, especially the petroglyphs, including supporting an executive order on sacred sites
- ◆ Assist tribes to develop their own environmental regulatory programs, fund technical support services

- ◆ Demonstrate more deference to sovereignty issues, e.g., government to government consultation and informed consent from tribes
- ◆ Do not release tribal information/data without prior tribal approval
- ◆ Fund community based solutions on tribal land, particularly illegal dumping
- ◆ Obtain baseline information, e.g., airborne monitoring
- ◆ Address specific environmental issues caused by open pit mining, power, oil, gas and coal plants that affect tribal lands.

## *ANALYSIS OF PUBLIC RECOMMENDATIONS*

### *Interagency Mechanism to Address EJ Issues*

Environmental Justice Policies have been adopted by Legislation and by Governor's Executive Order in many states across the nation. These policies have been implemented using some of the strategies and options identified below. Most of the examples could be implemented without legislation.

Should New Mexico's Environmental Justice Policy be adopted through an Executive Order, legislative change or regulatory changes? Participants in the EJ Listening Sessions spoke about the need to implement EJ principles and policy now, as such policy is long overdue and damage to communities has already occurred. If urgent adoption of Environmental Justice Policy in New Mexico is a priority, EJ implementation initiatives could focus on an Executive Order from the Governor which would:

- ◆ Confirm that EJ principles are embodied in existing state law and regulation included Constitutional and statutory references to the State's responsibility to protect public welfare, health, safety and the public interest for individual proposal and cumulative impacts of existing and new proposals.
- ◆ Provide a framework for convening Inter-agency working groups and coordination of Inter-agency Environmental Justice initiatives including state agencies identified by EJ Listening Session presenters such as: Energy, Minerals and Natural Resources Department, Health Department, Transportation Department, Health and Human Services Department, State's Engineer's Office, Office of Indian Affairs, and Environmental Department, among others.
- ◆ Would allow the Governor to respond promptly and directly EJ concerns raised at Listening Session and not wait until a majority of legislators deem EJ worthy of their attention and a sufficiently influential EJ advocate emerges from the Legislature and
- ◆ Would provide for implementation of policy across the full scope of environmental, natural resource management and public health programs rather than addressing EJ in a piecemeal, statute by statute manner, that would result in separate hearings for regulations proposed for the separate regulatory systems, separate statutes and separate adopting Boards and Commissions in the State.

A recommended scope for an EJ Policy Executive Order includes:

- 1) Adoption of a working definition of Environmental Justice and acknowledgement that EJ is addressed in existing Constitutional and Statutory language references to the State's responsibility to protect public welfare, health, safety and the public interest for individual proposal and cumulative impacts of existing and new proposals.
- 2) Convening of an Interagency EJ Task Force or Working Group to insure that EJ policy is understood and implemented effectively for the range of State Department's involved.
- 3) Creation of a permanent Citizen's EJ Advisory group to insure that the Governor's Office and State Agencies directly involve and communicate with EJ communities and other concerned and affected interests.
- 4) Establish State Government-wide program to identify and compile key elements in EJ databases for use by affected communities and decision-making agencies to  
  
provide current and accessible information on the local and health conditions of EJ communities, performance of existing sources of environmental releases, locations of sacred sites and communities of critical concern, water and air quality monitoring data, and points of contact for EJ communities.
- 5) Establishing EJ awareness and training programs to insure that EJ is understood and EJ policy implemented quickly across state government.
- 6) Establish planning group for 2005 EJ Listening Session process to reach communities not involved in 2004 session, address issues not addressed in 2004 sessions and determine progress on issues raised in 2004 sessions.
- 7) Discontinue involvement in de Novo hearing working group until a balanced discussion groups including EJ communities is convened and ground rules agreed to and rights of appeal are addressed separately from rights to effective notice (rather than played off against each other).

The State of New Jersey has instituted one of the most extensive Environmental Justice Executive Orders in the nation (see Appendix A).

### ***Permitting Reform***

By far the greater number of environmental justice challenges arise in the course of permit proceedings. Community residents in overburdened communities, already beset by health problems and a tenuous quality of life, often view a new or expanded facility as the proverbial straw that breaks the camel's back. Add to those concerns suspicions of siting decisions motivated by racial discrimination, and the result is often an aggressive and acrimonious proceeding that is both inefficient and unsatisfactory by any measure. Just as often, the permitting official is left in a quandary about what s/he can and cannot do to address environmental justice concerns. There has been significant attention to potential legal authorities to address environmental justice under federal law, as outlined in greater detail in the

Background Report submitted to the NMED. This analysis should be helpful to the NMED in analyzing similar state law. In brief, the consensus of commentators is that there is ample discretionary authority to address environmental justice concerns in more broadly worded provisions, or “omnibus” clauses that can be found in most if not all permitting statutes. For example, in omnibus clauses giving discretion to impose requirements “necessary to protect human health and the environment” the Environmental Appeals Board (EAB) concluded not only that the permitting authority had discretion to impose such requirements, but that an environmental justice analysis was a minimum requirement of the federal Executive Order on Environmental Justice when there was any plausible indication that the facility would have a disproportionate impact on a minority or low-income segment of the affected community. Significantly, in another case involving a Clean Air Act permit, the EAB suggested that such a duty would flow to delegated local and state permitting authorities, reasoning that such agencies stand in the shoes of the EPA for purposes of implementing federal programs and issuing permits under federal law

There has been some discussion on how to define whether the community is an “environmental justice” or highly impacted community. In order to make a realistic assessment of the historic, socioeconomic, political, and cultural context of the host community, many commenters stressed that it is important to consider a range of factors. In addition to the expected impacts from the the new, modified, or expanded facility, the NMED might consider additional safety risks or risks of accidents, the compliance record of the permit applicant at other locations, non-emission related impacts such as noise, traffic, odor, and foreseeable injury to nontraditional cultural practices. Other relevant factors might include the existing pollution load (non-permitted contributors, permitted contributors, point, non-point sources), the compliance history of the existing permitted sources, the risk of accidental releases, expected and foreseeable developments in the area, demographics, nontraditional cultural practices, the history of land use practices in the area, and health issues currently existing in the community (relatively high cancer rates, asthma, and other vulnerabilities). Although guidance can be offered, it must be recognized that the precise contours of an “environmental justice community” is difficult to define in advance, or in the abstract, because of the disparate conditions that present these concerns throughout the state, from sparsely populated Native American reservations to more congested inner city enclaves. This might be an area that is best suited for precise definition in an incremental, case by case approach. As a rule of thumb, however, the permitting officials should determine, based on a totality of the circumstances, whether the community is a highly impacted community because of either risk aggregation or risk disproportionality. If the permit under consideration will affect a highly impacted community, this should normally trigger more protective measures by resort to discretionary authority under existing statutes and regulations.

A host of process protections were suggested by various commenters, such as using a more inclusive model of public participation and making technical assistance grants available to impacted communities. Another important protective measure might be a *presumption against streamlining* the permit. Usually, in the environmental justice context, expedited permitting is inappropriate because of the complexity involved in assessing the cumulative impact and synergistic effects of the emissions, and because of the relative lack of resources of the community residents.

To establish a framework that might provide a means to implement, experiment with and develop further some of the recommendations which emerged from the hearing sessions, NMED might want to consider the approaches involved in three types of permitting programs, two that exist under federal law and one that exists in some land use contexts. These permitting programs involve the protection of three rare, highly protected resources: wetlands, endangered species and historic building preservation. These permitting schemes might prove instructive precisely because the primary objective of the agency is to protect the resources at issue rather than issue the permit. The potential of these permitting schemes thus depends upon a perceptible shift in agency policy: that the primary objective will be the protection of the disparately or highly impacted community.

In permitting the filling of wetlands, the Corps of Engineers employs a substantive alternatives analysis that can be adapted for use in the environmental justice context. Under the federal Clean Water Act, the permitting authority determines if there is a practicable alternative to placing fill material in a wetland. If an alternative site is available, the permit is denied without further inquiry into the suitability of the proposed site. The alternatives analysis in wetland permitting contains a standard and a substantive mandate, a point at which it becomes improper to proceed in light of the alternative offered.

To the extent allowed under the statute or regulations at issue, the NMED could engage in an analysis of *whether a practicable alternative exists to granting the environmental permit in or near an environmental justice community*. A practicable alternative would exist if the permit involves a new facility and there are alternative locations to site the risk producing facility in areas that are not highly impacted. In such a case, the environmental permit would be denied *for that site* because of the availability of alternative, more suitable sites. Conversely, if the permit involves a simple renewal of a permit at an existing facility that is relatively new and has updated control technology, then there might not exist a practicable alternative to the permitting at the proposed site because of the capital already invested. This is not to suggest that a finding of “no practicable alternative” should be applied categorically to all existing facilities. There might be practicable alternatives to renewing permits at existing facilities where, for example, the facility has a poor compliance record, is at the end of its useful life, has pollution control technology that is substantially outdated, or the facility has been afforded favorable regulatory treatment in the past (e.g., exemptions, variances, grandfathering or long expired permits), all to the detriment of the surrounding community.

The “practicable alternative” standard may offer a greater degree of predictability than currently exists, while at the same time removing the counterproductive tendency of older facilities with outmoded technology to remain on line longer. If there is no suitable alternative site, then the permitting officials should adopt an approach analogous to the wetland permitting sequencing approach, which is to consider whether the impacts can be otherwise *avoided, minimized or compensated, in that order*. For example, the official would not consider compensation of impacts that can be minimized or avoided; the official would not consider minimizing impacts that can be avoided altogether. The sequencing approach affords more protection to the affected community by ensuring that the most protective measures are in fact taken. In the environmental justice context, for example, it might be appropriate to consider whether emissions-related impacts might be avoided by substitutions of materials, alternative production processes, or more stringent control technology. For non-emissions related impacts (e.g., noise, odors, traffic,

damage to cultural sites, etc.), here is where the knowledge and creativity of community residents can be helpful. Because community residents are more intimately aware of the local environment, they are in a better position to advise as to appropriate buffer zones, alternative traffic routes, or the like.

Only if it is not possible to completely avoid the impacts should the agency proceed to consider other means to minimize the impacts, largely by using the same strategies above described, except to a degree that does not avoid the impact altogether. One way to minimize risk, if not direct impact, would be for the permit applicant and regulators to consider enhanced emergency response systems, emissions monitors, and medical monitoring. Again, this presents an opportunity to use the expertise of the community residents, for example, in determining the most advantageous locations of the emissions monitors. The minimization approach could adapt some of the standards and requirements analogous to those used in incidental takings permit issued under the Endangered Species Act, again, modified to the environmental justice context. For example, the permit applicant would submit a comprehensive, location-specific pollution reduction plan. A permit should issue only if there is a pollution reduction strategy for the impacted community and the permit applicant's proposed site specific plan does not interfere with the plan.

Compensating for the impact should be considered only as a last resort and only to the extent that adverse effects cannot otherwise be avoided or minimized at or near the facility. Regulatory officials should take particular precautions that compensatory measures are not be imposed lightly; a vulnerable community should not be placed in the position of having to accept risks/impacts that more affluent communities can avoid. At the same time, the self-determination and agency of the community must be recognized in the collaborative process of problem solving. Because of the potential for abuse, compensatory measures should not be approved without the full, unambiguous support of impacted communities.

If it becomes necessary to deny a permit at the proposed site because of the availability of a suitable alternative site, the regulatory official might consider mitigating the burden of regulation to the applicant—to the extent discretion allows—by affording favorable regulatory treatment at the alternative site. For example, at the alternative site the regulatory official might expedite the permit, facilitate an emissions-trade, or grant a variance or waiver if appropriate. A municipality or local government might agree to help with the purchase of an alternative site by eminent domain if the new facility will promote a public purpose. The approach here is similar to a type of “transferable development right” used in resolving the conflicting interests presented by the preservation of historic buildings, open spaces and other valuable resources. The approach is promising because it reduces the burden on the permit applicant and the perceived unfairness of disadvantaging the newest (and possibly cleanest) facility for the existing aggregated or disparate impact, while at the same time addressing that very impact.

While these approaches might not be a perfect fit under existing state environmental statutes and regulations, they offer important, time-tested frameworks that can and should be adopted wherever discretion allows. It is possible for the NMED to make great strides in achieving environmental justice in the permitting context by using an alternative site analysis, stringent mitigation measures, community-specific pollution reduction plans and favorable regulatory treatment at alternative, more environmentally appropriate sites.



### ***Enforcement***

One of the most important EJ concerns is the enforcement of current environmental laws and regulations, since it is at that level that the NMED can influence how EJ communities are protected from disproportionate impacts of polluting activities. Enforcement can take several different tracks so it is not easily seen from the public's viewpoint. Therefore, the NMED should institute methods of letting the public know current and proposed enforcement actions. This will allow communities to better understand how the NMED is providing enforcement and oversight over those entities it regulates. It will also provide transparency to the Department's actions.

Enforcement activities can be tracked utilizing a simple database of all NMED division actions. The notice of violation or other enforcement action could be entered by all divisions and bureaus, the name of the entity to which the notice was given, the status of the violation or penalty action noted, and the final decision posted with dates and any descriptions or explanations of actions taken. If all divisions and bureaus utilize the tracking and reporting system a better picture of the monthly enforcement actions are easily available both internally and to the public. Posting the tracking database on the NMED web site would add to the public information and outreach of the Department.

### ***Information Disclosure/Public Participation/Transparency***

Note the section on enforcement above for a first step in affording the public information, clarification and transparency on enforcement actions that the NMED takes.

The issue of public information and public participation was one that resounded throughout the EJ communities. The need and right to know how the NMED is affecting their daily lives and protecting these communities from further disparate treatment was a theme with accompanying recommendations made throughout the Listening Session process. The Albuquerque Statewide Listening Session Roundtable on de Novo hearings probably provided the best opportunity for these issues to be clarified and discussed in an open forum.

The NMED has a good working model for transparency and public participation that has come out of the Listening Sessions. The decision to do the Sessions was forthright and politically courageous and this model should not be lost as the NMED moves its EJ agenda forward. Many individuals and groups were represented at the various Listening Sessions, and that database is made available to the NMED through these Sessions. Working through community liaisons and others who know their community best has proven in this EJ Listening Session model to be of utmost assistance to get a good representation of the community residents at a public session. Providing notice (English and Spanish) of the Listening Sessions through flyers, radio, churches, community centers and other "people-centered" places was shown to be more effective than the typical newsprint notice. These methods of reaching the EJ community can be assimilated into new policies and procedures for NMED public outreach.

### ***Data Collection***

As a major recommendation coming from the Listening Session, it was clear that EJ representatives wanted to ensure that the NMED heard their concern about how to distinguish their communities, i.e., through cumulative risk assessments and an analysis of vulnerability.

These research and data collection techniques have been well founded in the literature and social science research for many years. The science of cumulative risk assessment is becoming more common as states and local governments delineate how their communities have become overburdened by polluting industries and businesses. New research techniques, scientific data gathering models, technology applications and community based participatory research are in more commonplace usage in cities and towns around the nation. The NMED can by policy actions begin to employ new data collection and cumulative risk assessment techniques. It may have to look at regulatory changes to more clearly define “vulnerability” in EJ communities.

### *Tribal*

One of the best attended sessions was the EJ Listening Session at Acoma, which focused on the tribal/state relationship on EJ. Fifteen tribes were represented and most participants were quick to point out the need to establish a Tribal-State Government-to-Government relationship when it came to EJ and general environmental issues.

One way to accomplish this would be to institute a Memorandum of Understanding (MOU) whereby the NMED and each Tribe which so chose to would establish a general policy of Government-to-Government consultation. This would begin the process of formalizing how each government entity would begin to work with one another. It would also present the opportunity for the NMED to request that Tribal governments allow for a forum for their members to voice their EJ issues. This MOU could guide NMED executive and enforcement staff and promote a true working relationship whereby the NMED as a state agency recognized the sovereignty of the tribes but opened the door to a new policy implementation for a Tribal-State consultative process.

## **VI. Matrix of Major Public Recommendations**

The following matrix provides a guide to the major recommendations made by the public at all of the EJ Listening Session with options for implementation. The consultants attempted to outline the public recommendations in an order by which the NMED could make decisions on how they might proceed on Environmental Justice activities through legislation, regulatory changes, or policy guidance.

ENVIRONMENTAL JUSTICE LISTENING SESSION MAJOR PUBLIC RECOMMENDATIONS AND OPTIONS FOR IMPLEMENTATION				
Specific Recommendation	Executive Order/ Policy Guide	Regulation/ Legislation	Comment	Rationale/Basis
<i>Recommendation Category I.- Interagency Mechanism to Address Environmental Justice Issues</i>				
<p><i>A. Address multi jurisdictional issues by collaborative policy development that would include some of the following:</i></p> <ul style="list-style-type: none"> <li>-Federal agencies, e.g., U.S. Fish and Wildlife Department, US Dept. Agriculture (to address farmworker issues), US Dept. of Transportation, etc.</li> <li>-Local Government agencies, e. g municipal, county, and Conservancy Districts, COGs, etc.</li> <li>-NMED &amp; Other State agencies and departments the NM Dept. of Agriculture, NM Border Authority, NM Indian Affairs Dept., NMDOH, NM Geographic Information Council, NM Energy, Minerals, &amp; Natural Resources Dept., NM General Services Dept., NM Dept. of Cultural Affairs, Economic Development Dept, Office Of Homeland Security, Attorney General’s Office, State Engineer’s Office, State Land Office, and others</li> </ul>	<p>Primary Option as element in an Executive Order</p>		<p>Requires participation of agencies other than NMED</p>	<p>Primary option appropriate as establishment of inter-agency working group within state government is a task best initiated of the Governor</p>

<b>ENVIRONMENTAL JUSTICE LISTENING SESSION MAJOR PUBLIC RECOMMENDATIONS AND OPTIONS FOR IMPLEMENTATION</b>				
<b>Specific Recommendation</b>	<b>Executive Order/ Policy Guide</b>	<b>Regulation/ Legislation</b>	<b>Comment</b>	<b>Rationale/Basis</b>
<i>Recommendation Category I.- Interagency Mechanism to Address Environmental Justice Issues</i>				
1. Establishment of State-local working group and state agency – quasi-municipality ( e.g. COGs) working groups	Primary Option as element in an Executive Order		Requires participation of agencies other than NMED	Primary option appropriate as establishment of state-local working group and state agency – quasi-municipality ( e.g. COGs) working groups are tasks best initiated by the Governor
2. Establishment of Border Commissions or agencies collaboration to address border issues (e.g., colonias)	Primary Option as element in an Executive Order		Requires participation of agencies other than NMED	Primary option appropriate as establishment of a Border EJ commission is a task best initiated by the Governor
3. NMED & Other State agencies and departments e.g., NM State Engineer, the State Land Office, the NM Dept. of Agriculture, NM Border Authority, NM Indian Affairs Dept., NMDOH, NM Geographic Information Council, NM Energy, Minerals, & Natural Resources Dept., NM General Services Dept., NM Dept. of Cultural Affairs, Economic Development Dept, Office Of Homeland Security, Attorney General’s Office	Primary Option as element in an Executive Order		Requires participation of agencies other than NMED	Primary option appropriate as establishment of inter-agency working group within state government is a task best initiated of the Governor
4. Tribal governments - Consultation with tribes as government to government entities	Primary Option as element in an Executive Order		Requires participation of agencies other than NMED	Primary option appropriate as establishment of inter-agency working group within state government is a task best initiated of the Governor

ENVIRONMENTAL JUSTICE LISTENING SESSION MAJOR PUBLIC RECOMMENDATIONS AND OPTIONS FOR IMPLEMENTATION				
Specific Recommendation	Executive Order/ Policy Guide	Regulation/ Legislation	Comment	Rationale/Basis
<i>Recommendation Category I.- Interagency Mechanism to Address Environmental Justice Issues</i>				
5. Representatives of EJ communities to be included in inter-agency working group	Primary Option as element in an Executive Order		Requires participation of agencies and members of public other than NMED staff	Primary option appropriate as incorporation of public representatives in inter-agency working group is a task best initiated by the Governor
<i>B. Create a Governor’s Executive Office of Environmental Justice</i>	Primary Option as element in an Executive Order		Requires participation of agencies other than NMED	Primary option appropriate as establishment of an executive office is a task best initiated by the Governor
<i>C. Create a Governor’s Environmental Justice Executive Order</i>	Primary Option as element in an Executive Order		Requires participation of agencies other than NMED	NMED to take the lead in assisting the Governor toward an Executive Order

ENVIRONMENTAL JUSTICE LISTENING SESSION MAJOR PUBLIC RECOMMENDATIONS AND OPTIONS FOR IMPLEMENTATION				
Specific Recommendation	Executive Order/ Policy Guide	Regulation/ Legislation	Comment	Rationale/Basis
<i>Recommendation Category II.- Permitting Reform</i>				
<p><i>A. Substantive reform</i></p> <p>1. Consider demographics, social impacts, cumulative impacts, secondary impacts, nuisance impacts (e.g. noise, odor), impacts to cultural and traditional uses of the impacted area</p>	<p>Primary Option as Agency Policy Guide</p>		<p>NMED use of policy guidance to define how to interpret regulations is common practice (e.g., Ground Water Bureau Policies and Guidelines)</p>	<p>Primary option appropriate as existing NM Constitution, laws and regulations provide for protection of public welfare, health and safety and protection of public interest are can reasonably be understood as requiring consideration of demographic data, cumulative impacts of both existing and proposed facilities, and cultural and traditional values. Use GIS mapping and other socio-demographic databases to compile needed information. NMED can begin to provide this information and post on the Website.</p>

ENVIRONMENTAL JUSTICE LISTENING SESSION RECOMMENDATIONS AND OPTIONS FOR IMPLEMENTATION				
Specific Recommendation	Executive Order/ Policy Guide	Regulation/ Legislation	Comment	Rationale/Basis
<i>Recommendation Category II.- Permitting Reform</i>				
2. Consider impacts to vulnerable populations, such the ill, children and the elderly	Primary Option as Agency Policy Guide	Need to define 'Vulnerability' in regulations	NMED use of policy guidance to define how to interpret regulations is common	Primary option appropriate as existing NM Constitution, laws and regulations provide for protection of public welfare, health and safety and protection of public interest "for maximum benefit of the people" can reasonably be understood as protecting full range of population, not just 'least vulnerable' or 'healthiest people.'
3. Consider known future land uses	Primary Option as Agency Policy Guide		NMED use of policy guidance to define how to interpret regulations is common practice	Primary option appropriate as consideration of impacts of proposed facilities occurs in the future in all cases therefore future land use considerations are fundamental to assessment of future impacts. Other agencies that deal with land use, (municipalities and counties) probably need to be involved.
4. Consider proper emergency response, such as capacity of fire department, especially along highways used to transport radioactive waste	Primary Option as Agency Policy Guide		NMED use of policy guidance to define how to interpret regulations is common practice	Primary option appropriate as consideration of emergency responders is fundamental to protection of public health and safety

ENVIRONMENTAL JUSTICE LISTENING SESSION MAJOR PUBLIC RECOMMENDATIONS AND OPTIONS FOR IMPLEMENTATION				
Specific Recommendation	Executive Order/ Policy Guide	Regulation/ Legislation	Comment	Rationale/Basis
<i>Recommendation Category II.-Permitting Reform</i>				
5. Consider water quantity and quality impacts of the facility	Primary Option as Agency Policy Guide		NMED use of policy guidance to define how to interpret regulations is common practice	Primary option appropriate as consideration of water quantity and quality impacts within scope of agencies on Water Quality Control Commission (e.g. NMED and State Engineer’s Office)
6. Adopt precautionary principle and consider pollution prevention and toxic reduction strategies	Primary Option Executive Order as element in an Executive Order		Requires participation of other state agencies including General Services – Purchasing, NMDOH, et. al	Primary Option appropriate as NM Constitutional provision for development and use of resources for ‘maximum benefit of the people’ is reasonably understood as providing for minimizing or eliminating uses of toxic or potentially toxic materials, [Article XX, Section 21 of the New Mexico Constitution (As added November 2, 1971)]
7. Hearing officers should not have any conflict of interest or appearance of conflict of interest	Primary Option Executive Order as element in an Executive Order		Requires participation of agencies other than NMED	Primary option appropriate as avoidance of conflict of interest or appearance of conflict of interest fundamental to fairness in decision-making. NMED can ensure that Hearing Officers are not from the NMED and hire only out-of-Department persons.



ENVIRONMENTAL JUSTICE LISTENING SESSION MAJOR PUBLIC RECOMMENDATIONS AND OPTIONS FOR IMPLEMENTATION				
Specific Recommendation	Executive Order/ Policy Guide	Regulation/ Legislation	Comment	Rationale/Basis
<i>Recommendation Category II.- Permitting Reform</i>				
8. No permits should be granted without a demonstrated capacity to monitor and enforce the permit by NMED.	Primary Option as Agency Policy Guide		NMED use of policy guidance to define how to interpret regulations is common practice	Primary option is appropriate as effective monitoring and enforcement is fundamental to implementation of laws requires protection of public welfare, health and safety.
9. Use discretion to require additional mitigation efforts for permits in impacted communities	Primary Option as Agency Policy Guide		NMED use of policy guidance to define how to interpret regulations is common practice	Primary option reasonable as authority for NMED Secretary to use discretion in decision-making reasonable understood as part of regulatory requirements such as WQCC regulation providing authority to approve with conditions, authority to require additional information to be required by Department, and approve only if conditions met.
10. Comply with the U.S. executive order on environmental justice when using authority delegated under federal law.	Primary Option as element in an Executive Order		Requires participation of agencies other than NMED	Primary option appropriate as establishment of an executive office is a task best initiated by the Governor, with NMED taking the lead after approval from the Governor
11. comply with Title VI of the Civil Rights Act	Primary Option as element in an Executive Order		Requires participation of agencies other than NMED	Primary option appropriate as establishment of an executive office is a task best initiated by the Governor

ENVIRONMENTAL JUSTICE LISTENING SESSION MAJOR PUBLIC RECOMMENDATIONS AND OPTIONS FOR IMPLEMENTATION				
Specific Recommendation	Executive Order/ Policy Guide	Regulation/ Legislation	Comment	Rationale/Basis
<i>Recommendation Category II.- Permitting Reform</i>				
12. Require comprehensive demonstration that ‘burden of proof’ is met and do not rely on permit applicant’s unsupported assertions.	Primary Option as Agency Policy Guide		NMED use of policy guidance to define how to interpret regulations is common practice	Primary option appropriate as regulations require that approval by Secretary only when applicant demonstrates that neither a hazard to public health or undue risk to property will result
13. Deny permits that result in or exacerbate disparate impacts	Primary Option as Agency Policy Guide		NMED use of policy guidance to define how to interpret regulations is common practice	Primary option appropriate as regulations require that approval by Secretary do not provide of disparity or imbalance among impacts in requirement occur only when applicant demonstrates that neither a hazard to public health or undue risk to property will result.
<i>B. Procedural Reform</i> 1. Provide funding for independent technical review by communities	Primary or Interim Option of Agency Policy Guide regarding contracting with expert technical reviewers other than staff	Primary option legislation to provide specific authority and funding.	Framework law could be modeled on ‘Public Intervenor’ or ‘State Ombudsman’ statutes in other states	Primary option of statutory change appropriate to define the structure, scope and accountability of community independent review program. Primary or interim option of agency policy regarding contracting with expert technical reviewer appropriate to evaluate technical portions of applications and periodic monitoring data on own initiative or when requested by community organizations.

ENVIRONMENTAL JUSTICE LISTENING SESSION MAJOR PUBLIC RECOMMENDATIONS AND OPTIONS FOR IMPLEMENTATION				
Specific Recommendation	Executive Order/ Policy Guide	Regulation/ Legislation	Comment	Rationale/Basis
<i>Recommendation Category II.- Permitting Reform</i>				
2. Provide enhanced notice and outreach to affected communities, e.g., send permit application and information to tribes and pueblos, community-based organizations, local churches and schools, statewide EJ groups and environmental groups, acequia associations, and make information available at district or regional Agency offices	Primary Option as Agency Policy Guide		NMED use of policy guidance to define how to interpret regulations is common practice	Primary option appropriate as notice policy guidance can identify: 1) Range of interest parties to send notice and application information, including organizations/public institutions, offices, and interested individuals and 2) Mechanism to identify interested/affected parties for specific applications. Guidance could provide for/encourage/ require applications, correspondence and monitoring data be provided in electronic format and posted on Agency Websites to make full copies of application-related information available at all libraries/other organizations with Internet connections and allow for mailing of copy of application as CD with limited expense. Requirement of electronic format for all applicant-related documents is appropriate as it is not prohibited by law/rule and would significantly reduce applicant document production costs and ensures broad public availability of documents.

ENVIRONMENTAL JUSTICE LISTENING SESSION MAJOR PUBLIC RECOMMENDATIONS AND OPTIONS FOR IMPLEMENTATION				
Specific Recommendation	Executive Order/ Policy Guide	Regulation/ Legislation	Comment	Rationale/Basis
<i>Recommendation Category II.- Permitting Reform</i>				
3. Provide uniform notice	Primary Option as Agency Policy Guide	Secondary option to modify NMED Permit Procedure Regulation that incorporates several notice requirement statutes	Primary option to insure that notice requirements are uniform in formal manner	Primary option appropriate when uniformity in notice requires change in existing notice law. Secondary option is appropriate where full scope of existing notice can be added to existing consolidation of notice requirements
4. Provide language translation into appropriate languages	Primary Option as Agency Policy Guide		NMED use of policy guidance to define how to interpret regulations is common practice	Primary option appropriate as notice requirement current can be understood as requiring appropriate language and effective compliance has been found lacking
5. More convenient date/time of hearings	Primary Option as Agency Policy Guide		NMED use of policy guidance to define how to interpret regulations is common practice.	Primary option appropriate as permit hearing times are address in existing Permit Procedure Regulations

ENVIRONMENTAL JUSTICE LISTENING SESSION MAJOR PUBLIC RECOMMENDATIONS AND OPTIONS FOR IMPLEMENTATION				
Specific Recommendation	Executive Order/ Policy Guide	Regulation/ Legislation	Comment	Rationale/Basis
<i>Recommendation Category II.- Permitting Reform</i>				
6. Define technical terms in plain English	Primary Option as Agency Policy Guide		NMED use of policy guidance to define how to interpret regulations is common practice.	Primary option is appropriate as plain English definitions can be substituted for technical terms in booklets or Website posting for general purpose use and is available through compilation of existing Plain English definition sources. Compilation could be conducted by agency staff or contractor. Policy could specify that technical terms in application-related documents that are not found on general-purpose Plain English definition must be defined in project documents.
7. Support efforts to preserve <i>De novo</i> review	Primary Option as Agency Policy Guide	NMED would have to fight any attempts in the Legislature to modify current laws	NMED use of policy guidance to define how to interpret regulations is common practice.	Primary option is appropriate as policy guidance can clarify uncertainty and disparities referred to as bases for <i>De novo</i> changes. State removing itself for negotiation with non-governmental organizations would reduce likelihood of <i>De novo</i> modification statute agreement

ENVIRONMENTAL JUSTICE LISTENING SESSION MAJOR PUBLIC RECOMMENDATIONS AND OPTIONS FOR IMPLEMENTATION				
Specific Recommendation	Executive Order/ Policy Guide	Regulation/ Legislation	Comment	Rationale/Basis
<i>Recommendation Category II.- Permitting Reform</i>				
8. Make all information regarding a potential permit (including pre-application information) available to the public by posting on the Internet	Primary Option as Agency Policy Guide		NMED use of policy guidance to define how to interpret regulations is common practice.	Primary option appropriate as notice policy provide for, encourage or require that applications, correspondence and monitoring data be provided in electronic format and be posted on NMED, or other agency, website which would make full copies of application-related information available at all libraries and other organizations with internet connections. Requirement of electronic format for all applicant-related documents is appropriate as it is not prohibited by law or rule and would significantly reduce applicant document production costs in addition insuring facility broad public availability of documents.
9. Avoid negotiations with permit applicants when members of the public and affected communities are not notified, involved, and present.	Primary Option as Agency Policy Guide		NMED use of policy guidance to define how to interpret regulations is common practice.	Primary option is appropriate as negotiations with applicants which exclude affected members of the public is not explicitly provided for by law or regulation.

ENVIRONMENTAL JUSTICE LISTENING SESSION MAJOR PUBLIC RECOMMENDATIONS AND OPTIONS FOR IMPLEMENTATION				
Specific Recommendation	Executive Order/Policy Guide	Regulation/ Legislation	Comment	Rationale/Basis
<i>Recommendation Category III.- Enforcement</i>				
<i>A. Increase inspections, do not rely on self-reporting of regulated community</i>	Primary Option as Agency Policy Guide	Secondary option where additional costs beyond fee-based costs are needed	NMED use of policy guidance to define how to interpret regulations is common practice	Primary option is appropriate as laws and regulations generally provide for a minimum number of inspections and inspection costs are incorporated into fee structure. Secondary option of statutory change is appropriate in cases where existing law fails to provide authority for inspection costs in application and annual permit fees structure.
<i>B. Prepare and distribute manual for citizens on reporting violations, obtaining information on releases</i>	Primary Option as a Agency Policy Guide		NMED use of policy guidance to define how to interpret regulations is common practice	Primary option is appropriate as plain English guide for citizen reporting of violations and means to access information can be available as booklet or website posting for general purpose use and is available through compilation of existing ‘Plain English citizen guide-type’ sources. Compilation could be conducted by agency staff or contractor.
<i>C. Encourage stronger enforcement at LANL and federal facilities.</i>	Primary Option as Agency Policy Guide	Primary options where agency authority does not provide for effective enforcement, e.g. Clean Water Act primacy	NMED use of policy guidance to define how to interpret regulations is common practice	Primary option of agency policy guide is appropriate to improve quality of enforcement where existing enforcement authority is used ineffectively. Primary options of statutory change is appropriate where enforcement authority is found to be weak e.g., lack of state primacy for Clean Water Act permit enforcement and additional statutory language is needed to attain stronger state-based permitting and enforcement authority

ENVIRONMENTAL JUSTICE LISTENING SESSION MAJOR PUBLIC RECOMMENDATIONS AND OPTIONS FOR IMPLEMENTATION				
Specific Recommendation	Executive Order/ Policy Guide	Regulation/ Legislation	Comment	Rationale/Basis
<i>Recommendation Category III.- Enforcement</i>				
<i>D. Have stronger oversight over private consultants</i>	Primary Option as element in an Executive Order		Requires participation of agencies other than NMED	Primary option appropriate as concern for strong oversight of private consultants reaches wide range of state agencies, is stated concern of Governor and legislative leaders and multi-agency policies are best initiated of the Governor
<i>E. require more efficient means of collecting solid waste</i>	Primary Option as Agency Policy Guide		NMED use of policy guidance to define how to interpret regulations is common practice	Primary option is appropriate as Solid Waste Act and regulations provide for solid waste planning, waste reduction and recycling are not used to encourage or require efficient collection or management of solid waste, or efficient waste minimization.
<i>F. Penalties for violations should go to community environmental projects</i>	Primary Option as Agency or Court/ Decision-maker Policy Guide		Primary option needed to change existing statutes on use of funds derived from penalties	Primary option of statutory change is appropriate where existing law prohibits allocation of penalties from violations to community environmental projects. Primary option of agency or decision-maker policy guide appropriate where agency or courts have authority to encourage voluntary or discretionary contributions to community environmental project in lieu of penalties (e.g. DOE funding Citizens' Monitoring and Technical Assessment Fund in settlement for emission violations by DOE at LANL).
<i>G. Support community based cleanups</i>	Primary Option as Agency Policy Guide		NMED use of policy guidance to define how to interpret regulations is common practice	Primary option is appropriate and can be based on existing NMED 'Water Fair' program that provides for community water quality testing



ENVIRONMENTAL JUSTICE LISTENING SESSION MAJOR PUBLIC RECOMMENDATIONS AND OPTIONS FOR IMPLEMENTATION				
Specific Recommendation	Executive Order/ Policy Guide	Regulation/ Legislation	Comment	Rationale/Basis
<i>Recommendation Category III.- Enforcement</i>				
<i>H. Allocate funds to repair damaged water supplies</i>	Primary Option as Agency or Court/ Decision-maker Policy Guide		Primary option needed to change existing statutes on use of funds derived from penalties or current established infrastructure funding	Primary option of statutory change is appropriate where existing law prohibits allocation of penalties from violations to community environmental projects. Primary option of agency or decision-maker policy guide appropriate where agency or courts have authority to encourage voluntary or discretionary contributions to community environmental project in lieu of penalties (e.g. DOE funding Citizens' Monitoring and Technical Assessment Fund in settlement for emission violations by DOE at LANL).
<i>I. Post violations on the Internet</i>	Primary Option as Agency Policy Guide		NMED use of policy guidance to define how to interpret regulations is common practice	Primary option is appropriate as violation histories and other enforcement information, such inspection report, are currently compiled by regulatory agencies and are public records
<i>J. Develop stricter standards</i>	Primary Option where existing regulatory /legal authority is not fully used		Primary option where existing authority is not sufficiently strict.	Primary options will vary for specific standards that are identified as not sufficient strict

ENVIRONMENTAL JUSTICE LISTENING SESSION MAJOR PUBLIC RECOMMENDATIONS AND OPTIONS FOR IMPLEMENTATION				
Specific Recommendation	Executive Order/ Policy Guide	Regulation/ Legislation	Comment	Rationale/Basis
<i>Regulation Category IV.- Training Programs</i>				
<i>A. Encourage the development of training to address workplace risks</i>	Primary Option as Agency Policy Guide		NMED use of policy guidance is common practice	Primary option appropriate as training for specific purposes provided for in agency 'continuing education' programs
<i>B. Train communities in regulatory processes, particularly permit proceedings, compliance monitoring (e.g. train opacity readers, water monitoring), and how to report environmental problems</i>	Primary Option as Agency Policy Guide	Secondary option where additional authority and funding needed.	NMED use of policy guidance is common practice	Primary option of community awareness building and/or training for effective public participation, citizen monitoring and violation reporting can be providing using 'water fair/community awareness and training' model, special sessions at public information meetings. Secondary option of statutory change may be needed where community awareness building and training are not provided for by law or require additional funding.
<i>C. Provide summary of key laws in plain English/Spanish/ Navajo/Pueblos/ Apache</i>	Primary Option as Agency Policy Guide		NMED use of policy guidance to define how to interpret regulations is common practice	Primary option is appropriate as plain English/Spanish/Navajo/ Pueblos/Apache guide key laws/means to access information can be available as booklets or Website posting for general purpose use, available through compilation of existing 'Plain English/Spanish/Navajo/ Pueblo/ Apache citizen guide-type' sources. Compilation could be conducted by agency staff or contractor.
<i>D. Set up an office of advocacy or a special position to address environmental justice issues</i>	Primary Option as element in an Executive Order		Requires participation of agencies other than NMED	Primary option is appropriate as establishment of an executive office is a task best initiated by the Governor

ENVIRONMENTAL JUSTICE LISTENING SESSION MAJOR PUBLIC RECOMMENDATIONS AND OPTIONS FOR IMPLEMENTATION				
Specific Recommendation	Executive Order/ Policy Guide	Regulation/ Legislation	Comment	Rationale/Basis
<i>Regulation Category IV.- Training Programs</i>				
<i>E. Train NMED staff in environmental justice, including cultural competency</i>	Primary Option as Agency Policy Guide		NMED use of policy guidance is common practice	Primary option is appropriate as training for specific purposes provided for in agency ‘continuing education’ programs
<i>F. Send all NMED staff on environmental justice tours that are conducted by affected communities</i>	Primary Option as Agency Policy Guide		NMED use of policy guidance is common practice	Primary option is appropriate as community awareness building/relationship building mechanism based on, and compatible with, ‘community water fairs,’ where NMED staff would tour sites of concern with community rather than just wait for community to bring water samples to community location.
<i>G. Conduct workgroup sessions that include community members and NMED senior staff</i>	Primary Option as Agency Policy Guide		NMED use of policy guidance is common practice	Primary option is appropriate as community awareness-building/relationship-building mechanism based on, and compatible with, ‘community water fairs,’ where NMED staff, including senior staff, would participate in discussions with community members.

ENVIRONMENTAL JUSTICE LISTENING SESSION MAJOR PUBLIC RECOMMENDATIONS AND OPTIONS FOR IMPLEMENTATION				
Specific Recommendation	Executive Order/ Policy Guide	Regulation/ Legislation	Comment	Rationale/Basis
<i>Regulation Category IV.- Training Programs</i>				
<i>H. Sustain regular dialogue with community outside formal processes</i>	Primary Option as Agency Policy Guide		NMED use of policy guidance is common practice	Primary option is appropriate as community awareness building/relationship building mechanism based on, and compatible with, 'community water fairs,' where NMED staff, including senior staff, would participate in discussions with community members. NMED providing information at 'regular community organizations meetings' rather than separate NMED-hosted public meetings would provide for regular opportunities for dialogue outside formal proceedings
<i>I. Educate communities about illegal dumping</i>	Primary Option as Agency Policy Guide		NMED use of policy guidance is common practice	Primary option is appropriate as community awareness building/relationship building mechanism based on, and compatible with, 'community water fairs' model

ENVIRONMENTAL JUSTICE LISTENING SESSION MAJOR PUBLIC RECOMMENDATIONS AND OPTIONS FOR IMPLEMENTATION				
Specific Recommendation	Executive Order/ Policy Guide	Regulation/ Legislation	Comment	Rationale/Basis
<i>Regulation Category V.- Information Disclosure /Public Participation/Transparency</i>				
<i>A. Provide information on hazardous material transportation, facility releases and other exposures and risks to impacted communities.</i>	Primary Option as Agency Policy Guide		NMED use of policy guidance to define how to interpret regulations is common practice	Primary option is appropriate as hazardous material transportation information, and facility releases and other exposures are currently compiled by regulatory agencies and are public records. Likely to require coordination of information with NM Departments of Public Safety, Transportation, as well as Local Emergency Planning Committees and is compatible with posting NM agency Websites
<i>B. Provide information in a culturally appropriate manner</i>	Primary Option as Agency Policy Guide		NMED use of policy guidance is common practice	Primary option is appropriate as training for specific purposes provided for in agency ‘continuing education’ programs and successfully performance will require training. Community participation in training and oversight review of agency information distribution is appropriate and necessary to ensure effectiveness.
<i>C. Educate the public in high-risk areas about potential health risks and safe practices</i>	Primary Option as Agency Policy Guide		NMED use of policy guidance is common practice	Primary option is appropriate as community awareness building/relationship building mechanism based on, and compatible with, “community water fairs” model. Effective may be enhanced with expanded emphasis on pollution prevention strategies and coordination with NMDOH, such as Office of Epidemiology.

ENVIRONMENTAL JUSTICE LISTENING SESSION MAJOR PUBLIC RECOMMENDATIONS AND OPTIONS FOR IMPLEMENTATION				
Specific Recommendation	Executive Order/ Policy Guide	Regulation/ Legislation	Comment	Rationale/Basis
<i>Regulation Category V.- Information Disclosure /Public Participation/Transparency</i>				
<i>D. Share information about potential health risks to physicians</i>	Primary Option as Agency Policy Guide		NMED use of policy guidance is common practice	Primary option is appropriate if notification of local physicians is incorporated into community awareness-building/relationship- building mechanisms based on, and compatible with, ‘community water fairs’ model and applicant public notice processes.
<i>E. Clearly identify how ‘significant’ comments will be included in hearing records and provide better guidance to the public</i>	Primary Option as Agency Policy Guide		NMED use of policy guidance is common practice	Primary option is appropriate as hearing guidelines and considerations regarding statements on hearing record are addressed in ‘Permit Procedure’ regulations. Primary option is appropriate as community awareness building/relationship building mechanism based on and compatible with ‘community water fairs, where NMED staff, including senior staff, would participate in discussions with community members. NMED providing information at ‘regular community organizations meetings’ rather than separate NMED-hosted public meetings would provide for regular opportunities for dialogue outside formal proceedings.

ENVIRONMENTAL JUSTICE LISTENING SESSION MAJOR PUBLIC RECOMMENDATIONS AND OPTIONS FOR IMPLEMENTATION				
Specific Recommendation	Executive Order/ Policy Guide	Regulation/ Legislation	Comment	Rationale/Basis
<i>Regulation Category V.- Information Disclosure /Public Participation/Transparency</i>				
<i>F. Define environmental justice</i>	Primary Option as element in an Executive Order	Adopt regulations to enforce this definition	Requires participation of other agencies in addition to NMED	Primary option is appropriate as addition of EJ policy through Executive Order most frequently used mechanism among states in which existing state constitution, laws and regulations providing for protection of public welfare, health and safety, protection of public interest and other authorities are understood as requiring consideration of disparity in impacts, demographic data, cumulative impacts of both existing and proposed facilities, cultural and traditional values, people of color and low income people as identifiable groups of people of the state and other elements of Environmental Justice, among other considerations. Primary option is appropriate to address urgency of EJ concerns
<i>G. Include environmental justice considerations in standard setting, enforcement and cleanup as well as permitting</i>	Primary Option as element in an Executive Order		Requires participation of other agencies in addition to NMED	Primary option is appropriate as addition of EJ policy through executive order most frequently used mechanism among states in which existing state constitution, laws and regulations providing for application of EJ principles
<i>H. Refrain from using water rights to secure loans to mutual and domestic water user associations, fully disclose any potential for such transactions to result in loss of water rights</i>	Primary option as agency policy guide		Requires consideration and action by State Engineers Office	Primary option is appropriate as allows water rights to be used as collateral and potential lost is contrary to public interest doctrine in NM Constitution, protection of seniority of water rights and accurate, complete and understandable disclosure regarding water rights is reasonable in light of 'public interest' doctrine.

ENVIRONMENTAL JUSTICE LISTENING SESSION MAJOR PUBLIC RECOMMENDATIONS AND OPTIONS FOR IMPLEMENTATION				
Specific Recommendation	Executive Order/ Policy Guide	Regulation/ Legislation	Comment	Rationale/Basis
<i>Regulation Category V.- Information Disclosure /Public Participation/Transparency</i>				
<i>I. Take a strong position against threats/intimidation against community residents that speak out at public hearings</i>	Primary Option as element in an Executive Order	Secondary options of statutory change where specific penalties for threats and intimidation needed.	Requires participation of other agencies in addition to NMED	Primary option is appropriate as policy to discourage and punish threats and intimidation against community residents necessary for hearings by State agencies. Secondary options of statutory change appropriate for establishing specific penalties for threats and intimidation may increase effectiveness of position against threats and intimidation practices.
<i>J. Meet with community-based groups often, consistently</i>	Primary Option as Agency Policy Guide		NMED use of policy guidance is common practice	Primary option is appropriate as community awareness building/relationship building mechanism based on, and compatible with, “community water fairs,” where NMED staff, including senior staff, would participate in discussions with community members. NMED attending “regular community organizations meetings” rather than separate NMED-hosted public meetings would provide for regular opportunities for dialogue outside formal proceedings



ENVIRONMENTAL JUSTICE LISTENING SESSION MAJOR PUBLIC RECOMMENDATIONS AND OPTIONS FOR IMPLEMENTATION				
Specific Recommendation	Executive Order/ Policy Guide	Regulation/ Legislation	Comment	Rationale/Basis
<i>Regulation Category VI. Data Collection</i>				
<i>A. Obtain baseline information, e.g., airborne monitoring for impacted communities within neighborhoods (zip codes) not just by County</i>	Primary Option as Agency Policy Guide	Secondary option may be appropriate to provide for baseline data and monitoring by agencies or authority to add cost to users' fees.	Requires participation of other agencies in addition to NMED	<p>Primary option is appropriate as existing NM Constitution, laws and regulations provide for protection of public welfare, health and safety and protection of public interest are can reasonably be understood as baseline information such as airborne monitoring in impacted communities.</p> <p>Secondary option is appropriate to extent that development of baseline data and on-going monitoring systems is likely to require a commitment of state funds to support of public or private research beyond baseline monitoring requirements funded through permit application review and monitoring fees.</p>

ENVIRONMENTAL JUSTICE LISTENING SESSION MAJOR PUBLIC RECOMMENDATIONS AND OPTIONS FOR IMPLEMENTATION				
Specific Recommendation	Executive Order/ Policy Guide	Regulation/ Legislation	Comment	Rationale/Basis
<i>Regulation Category VI. Data Collection</i>				
<i>B. Identify existing vulnerable communities and vulnerable populations within neighborhoods (zip codes) not just by County</i>	Primary Option as element in an Executive Order	Secondary option may be appropriate to provide for baseline data and monitoring by agencies or authority to add cost to users fees.	Requires participation of other agencies in addition to NMED	Primary option is appropriate as existing NM Constitution, laws and regulations provide for protection of public welfare, health and safety and protection of public interest can reasonably be understood as requiring ID of consideration of vulnerable communities/populations. Water Quality Control Commission establishing process to provide ‘vulnerable aquifer protection’ may provide useful multi-agency scope for impacted citizen working group. Effective implementation requires interagency collaboration including NMDOH & NMHSD, among others, as ‘vulnerability’ is related to socio-economic, cultural and health-related demographic data. Secondary option is appropriate to extent that ID of vulnerable communities/populations requires a commitment of state funds to support of public/private research beyond ID of vulnerable communities/ populations funded through permit application review and monitoring fees.

ENVIRONMENTAL JUSTICE LISTENING SESSION MAJOR PUBLIC RECOMMENDATIONS AND OPTIONS FOR IMPLEMENTATION				
Specific Recommendation	Executive Order/ Policy Guide	Regulation/ Legislation	Comment	Rationale/Basis
<i>Regulation Category VI. Data Collection</i>				
<i>C. Support community based participatory health research and community health and awareness surveys within neighborhoods (zip codes) not just by County</i>	Primary Option as element in an Executive Order	Secondary option may be appropriate to provide for baseline data and monitoring by agencies or authority to add cost to users' fees.	Requires participation of other agencies in addition to NMED	Primary option is appropriate as existing NM Constitution, laws and regulations provide for protection of public welfare, health and safety and protection of public interest can reasonably be understood as requiring ID of consideration of vulnerable communities/populations. Water Quality Control Commission establishing process to provide 'vulnerable aquifer protection' may provide useful multi-agency scope for impacted citizen working group. Effective implementation requires interagency collaboration including NMDOH & NMHSD, among others, as 'vulnerability' is related to socio-economic, cultural and health-related demographic data. Secondary option is appropriate to extent that ID of vulnerable communities/populations requires a commitment of state funds to support of public/private research beyond ID of vulnerable communities/ populations funded through permit application review and monitoring fees.

ENVIRONMENTAL JUSTICE LISTENING SESSION MAJOR PUBLIC RECOMMENDATIONS AND OPTIONS FOR IMPLEMENTATION				
Specific Recommendation	Executive Order/ Policy Guide	Regulation Legislation	Comment	Rationale/Basis
<i>Regulation Category VI. Data Collection</i>				
<i>D. Invest in epidemiological capacity, coordinate dissemination of health data among agencies</i>	Primary Option as element in an Executive Order	Secondary option may be appropriate to provide for baseline data and monitoring by agencies or authority to add cost to users' fees	Requires participation of other agencies in addition to NMED	<p>Primary option appropriate as existing NM Constitution, laws and regulations provide for protection of public welfare, health and safety and protection of public interest are can reasonably be understood as providing for expanded epidemiological capacity and coordinated dissemination of health data among agencies.</p> <p>Effective implementation will require statewide collaboration with NMDOH, NMHSD, other Public Health Research Institutions, among others.</p> <p>Secondary option is appropriate to extent that investment in epidemiological capacity and coordination of dissemination of health data among agencies will require a commitment of state funds to support provided through permit application review and monitoring fees.</p>

ENVIRONMENTAL JUSTICE LISTENING SESSION MAJOR PUBLIC RECOMMENDATIONS AND OPTIONS FOR IMPLEMENTATION				
Specific Recommendation	Executive Order/ Policy Guide	Regulation Legislation	Comment	Rationale/Basis
<i>Regulation Category VI. Data Collection</i>				
<i>E. Develop analysis using social science, economic and cultural experts</i>	Primary Option as element in an Executive Order	Secondary option may be appropriate to provide for baseline data and monitoring by agencies or authority to add cost to users' fees.	Requires participation of other agencies in addition to NMED	<p>Primary option is appropriate as existing NM Constitution, laws and regulations provide for protection of public welfare, health and safety and protection of public interest are can reasonably be understood as providing for State consideration of expert opinions in social science, economic and cultural fields in permitting actions.</p> <p>Experts can be retained as contractors for NMED and other permitting agencies and costs for experts incorporated into application review fees. Experts in state research and higher education institutes are identifiable source of expertise that NMED and other state agencies seldom consult with.</p> <p>Secondary option is appropriate to extent that use of social science, economic and cultural experts will require a commitment of state funds to support beyond the level provided through permit application review and monitoring fees.</p>

ENVIRONMENTAL JUSTICE LISTENING SESSION MAJOR PUBLIC RECOMMENDATIONS AND OPTIONS FOR IMPLEMENTATION				
Specific Recommendation	Executive Order/ Policy Guide	Regulation/ Legislation	Comment	Rationale/Basis
<i>Regulation Category VI. Data Collection</i>				
<i>F. Conduct a comprehensive health study regarding the effects of uranium mining within neighborhoods (zip codes) not just by County</i>	Primary Option as element in an Executive Order	Secondary option may be appropriate to provide for baseline data and monitoring by agencies or authority to add cost to users' fees.	Requires participation of other agencies in addition to NMED	<p>Primary option is appropriate as existing NM Constitution, laws and regulations provide for protection of public welfare, health and safety and protection of public interest are can reasonably be understood as providing for State investigation of impacts of past and future activities such as uranium mining, on public welfare, health and safety.</p> <p>Support for study may be available through Federal radiation exposure compensation legislation, Agency for Toxic Substances and Disease Control or National Institutes of Environmental Health.</p> <p>Secondary option is appropriate as comprehensive environmental health research is likely to require a commitment of state funds and state support of public or private research funding in addition to any permit application and review fees.</p>

ENVIRONMENTAL JUSTICE LISTENING SESSION MAJOR PUBLIC RECOMMENDATIONS AND OPTIONS FOR IMPLEMENTATION				
Specific Recommendation	Executive Order/ Policy Guide	Regulation/ Legislation	Comment	Rationale/Basis
<i>Regulation Category VI. Data Collection</i>				
<i>G. Establish farmworker environmental exposure assessment program within neighborhoods (zip codes) not just by County</i>	Primary Option as element in an Executive Order	Secondary option may be appropriate to provide for baseline data and monitoring by agencies or authority to add cost to users' fees.	Requires participation of other agencies in addition to NMED	<p>Primary option is appropriate as existing NM Constitution, laws /regs. provide for protection of public welfare, health and safety and protection of public interest are can reasonably be understood as providing for State establishment of a farmworker environmental exposures assessment program.</p> <p>Effective implementation requires collaboration with, NMDOA, NMDOH, NMHSD and other Public Health Research Institutions. Secondary option is appropriate to extent that investment in epidemiological capacity and coordination of dissemination of health data among agencies requires a commitment of state funds to support provided through permit application review and monitoring fees.</p> <p>Secondary option is appropriate as establishment of a farmworker environmental exposures assessment program requires a commitment of state funds and state support of public/private research funding in addition to any permit application and review fees.</p>

ENVIRONMENTAL JUSTICE LISTENING SESSION MAJOR PUBLIC RECOMMENDATIONS AND OPTIONS FOR IMPLEMENTATION				
Specific Recommendation	Executive Order/ Policy Guide	Regulation/ Legislation	Comment	Rationale/Basis
<i>Regulation Category VI.-Tribal</i>				
<i>A. Support protection of sacred sites, especially the petroglyphs, including supporting an executive order on sacred sites</i>	Primary option of element in Executive Order on State-Tribal relationships in combination with State-Memoranda of Understanding		Requires participation of other agencies in addition to NMED	Primary Options of element in Executive Order on State-Tribal relationships in combination with State-Tribal Memoranda of Understanding appropriate for range of tribal concerns related to EJ and other matters. Policy regarding Native American concerns needs to be state-wide, and not limited to NMED, and provide for government-to-government agreements for each tribe in NM.
<i>B. Assist tribes to develop their own environmental regulatory programs, fund technical support services</i>	Primary option of element in Executive Order on State-Tribal relationships in combination with State-Memoranda of Understanding		Requires participation of other agencies in addition to NMED	Primary Options of element in Executive Order on State-Tribal relationships in combination with State-Tribal Memoranda of Understanding appropriate for range of tribal concerns related to EJ and other matters. Policy regarding Native American concerns needs to be state-wide, and not limited to NMED, and provide for government-to-government agreements for each tribe in NM.



ENVIRONMENTAL JUSTICE LISTENING SESSION MAJOR PUBLIC RECOMMENDATIONS AND OPTIONS FOR IMPLEMENTATION				
Specific Recommendation	Executive Order/ Policy Guide	Regulation Legislation	Comment	Rationale/Basis
<i>Regulation Category VI.-Tribal</i>				
<i>C. Demonstrate more deference to sovereignty issues, e.g., government to government consultation and informed consent from tribes</i>	Primary option of element in Executive Order on State-Tribal relationships in combination with State-Memoranda of Understanding		Requires participation of other agencies in addition to NMED	Primary Options of element in Executive Order on State-Tribal relationships in combination with State-Tribal Memoranda of Understanding appropriate for range of tribal concerns related to EJ and other matters. Policy regarding Native American concerns needs to be state-wide, and not limited to NMED, and provide for government-to-government agreements for each tribe in NM.
<i>D. Do not release tribal information/data without prior tribal approval</i>	Primary option of element in Executive Order on State-Tribal relationships in combination with State-Memoranda of Understanding		Requires participation of other agencies in addition to NMED	Primary Options of element in Executive Order on State-Tribal relationships in combination with State-Tribal Memoranda of Understanding appropriate for range of tribal concerns related to EJ and other matters. Policy regarding Native American concerns needs to be state-wide, and not limited to NMED, and provide for government-to-government agreements for each tribe in NM.

ENVIRONMENTAL JUSTICE LISTENING SESSION MAJOR PUBLIC RECOMMENDATIONS AND OPTIONS FOR IMPLEMENTATION				
Specific Recommendation	Executive Order/ Policy Guide	Regulation/ Legislation	Comment	Rationale/Basis
<i>Regulation Category VI.-Tribal</i>				
<i>E. Fund community- based solutions on tribal land, particularly illegal dumping</i>	Primary option of element in Executive Order on State-Tribal relationships in combination with State-Memoranda of Understanding		Requires participation of other agencies in addition to NMED	Primary Options of element in Executive Order on State-Tribal relationships in combination with State-Tribal Memoranda of Understanding appropriate for range of tribal concerns related to EJ and other matters. Policy regarding Native American concerns needs to be state-wide, and not limited to NMED, and provide for government-to-government agreements for each tribe in NM.
<i>F. Obtain baseline information, e.g., airborne monitoring</i>	Primary option of element in Executive Order on State-Tribal relationships in combination with State-Memoranda of Understanding		Requires participation of other agencies in addition to NMED	Primary Options of element in Executive Order on State-Tribal relationships in combination with State-Tribal Memoranda of Understanding appropriate for range of tribal concerns related to EJ and other matters. Policy regarding Native American concerns needs to be state-wide, and not limited to NMED, and provide for government-to-government agreements for each tribe in NM.

ENVIRONMENTAL JUSTICE LISTENING SESSION MAJOR PUBLIC RECOMMENDATIONS AND OPTIONS FOR IMPLEMENTATION				
Specific Recommendation	Executive Order/ Policy Guide	Regulation/ Legislation	Comment	Rationale/Basis
<i>Regulation Category VI.-Tribal</i>				
<i>G. Address specific environmental issues caused by open pit mining, power, oil, gas and coal plants that affect tribal lands</i>	Primary option of element in Executive Order on State-Tribal relationships in combination with State-Memoranda of Understanding		Requires participation of other agencies in addition to NMED	Primary Options of element in Executive Order on State-Tribal relationships in combination with State-Tribal Memoranda of Understanding appropriate for range of tribal concerns related to EJ and other matters. Policy regarding Native American concerns needs to be state-wide, and not limited to NMED, and provide for government-to-government agreements for each tribe in NM.

## **APPENDIX A**

### **Executive Order**

**EXECUTIVE ORDER****signed by Governor James E. McGreevey, February 19, 2004**

WHEREAS, the State of New Jersey is committed to ensuring that all of its citizens receive equal protection under the law; enjoy a healthy environment; and given opportunities for consistent input into governmental decision-making; and

WHEREAS, New Jersey's communities of color and low-income communities have historically been located in areas of the State having a higher density of known contaminated sites as compared to other communities, with the accompanying potential for increased environmental and public health impacts; and

WHEREAS, studies by the Centers for Disease Control and Prevention (CDC) and other federal agencies have documented that the prevalence of childhood asthma is increasing, and that this increase is linked in part to poor air quality, and that prevalence is far higher for Black and Latino/Hispanic communities; and

WHEREAS, the Federal government has underscored the importance of Environmental Justice in Executive Order 12898 and created the National Environmental Justice Advisory Council to integrate environmental justice into the Environmental Protection Agency's policies, programs, initiatives and activities; and

WHEREAS, the State of New Jersey is committed to ensuring that communities of color and low-income communities are afforded fair treatment and meaningful involvement in decision-making regardless of race, color, ethnicity, religion, income or education level; and

WHEREAS, the State of New Jersey is further committed to promoting the protection of human health and the environment, empowerment via public involvement, and the dissemination of relevant information to inform and educate, especially in people of color and low-income communities; and

WHEREAS, the State of New Jersey is committed to enabling our older urban and suburban centers to be made more attractive and vital, creating a broader range of choices and more livable communities for families and businesses in New Jersey, consistent with the State Development and Redevelopment Plan and principles of Smart Growth; and

WHEREAS, the cumulative impact of multiple sources of exposure to environmental hazards in low-income and people of color communities, and the roles of multiple agencies in addressing the causes and factors that compromise environmental health and quality of life in these communities require an interagency response; and

WHEREAS, the Department of Community Affairs (DCA), the Department of Environmental Protection (DEP), the Department of Health and Senior Services (DHSS), and the Department of Law and Public Safety (DL&PS) have entered into collaborative interagency work to address environmental health and quality of life issues in communities of color and low income, such as in the City of Camden and other urban, suburban, and rural communities;

NOW, THEREFORE, I, JAMES E. MCGREEVEY, Governor of the State of New Jersey, by the virtue of the authority vested in me by the Constitution and by the Statutes of this State, do hereby ORDER and DIRECT:

1. All Executive Branch departments, agencies, boards, commissions and other bodies involved in decisions that may affect environmental quality and public health shall provide meaningful opportunities for involvement to all people regardless of race, color, ethnicity, religion, income, or education level. Programs and policies to protect and promote protection of human health and the environment shall be reviewed periodically to ensure that program implementation and dissemination of information meet the needs of low-income and communities of color, and seek to address disproportionate exposure to environmental hazards.

2. DEP and DHSS shall recognize the need to communicate significant public health and environmental information in languages other than English, by establishing Spanish-language websites.
3. The DEP will use available environmental and public health data to identify existing and proposed industrial and commercial facilities and areas in communities of color and low-income communities for which compliance, enforcement, remediation, siting and permitting strategies will be targeted to address impacts from these facilities.
4. Recognizing that there is greater reliance on subsistence fishing among communities of color and low-income communities, DEP, DHSS, and the Department of Agriculture, shall work together to develop and issue appropriately protective fish consumption advisories and provide effective risk communications, education programs and public information services with an objective of consistency with neighboring states, to the greatest extent possible.
5. Recognizing the significant health implications of fine particulate pollution, such as premature death and asthma, especially for urban communities, DEP and the Department of Transportation (DOT) shall develop a coordinated strategy for reducing the public's exposure to fine particulate pollution in affected communities, particularly from diesel emissions from stationary and mobile sources.
6. The Commissioner of DEP and Commissioner of DHSS, or their appointed designees, shall convene a multi-agency task force, to be named the Environmental Justice Task Force, which will include senior management designees, from the Office of Counsel to the Governor, the Attorney General's office, the Departments of Environmental Protection, Human Services, Community Affairs, Health and Senior Services, Agriculture, Transportation, and Education. The Task Force shall be an advisory body, the purpose of which is to make recommendations to State Agency heads regarding actions to be taken to address environmental justice issues consistent with agencies' existing statutory and regulatory authority. The Task Force is authorized to consult with, and expand its membership to, other State agencies as needed to address concerns raised in affected communities.
7. The Commissioner of DEP shall reconstitute the existing Environmental Justice Advisory Council to the DEP, whose mission shall be to make recommendations to the Commissioner and the Environmental Justice Task Force in fulfillment of this Executive Order. The Advisory Council shall consist of fifteen (15) individuals and shall meet quarterly. The Council shall annually select a Chairperson from its membership and shall have a minimum composition of one third membership from grassroots or faith-based community organizations with additional membership to include membership from the following communities: academic public health, statewide environmental, civil rights and public health organizations; large and small business and industry; municipal and county officials, and organized labor.
8. Any community may file a petition with the Task Force that asserts that residents and workers in the community are subject to disproportionate adverse exposure to environmental health risks, or disproportionate adverse effects resulting from the implementation of laws affecting public health or the environment.
  - a. Petitions shall be signed by fifty (50) or more residents or workers, provided that at least twenty-five (25) are residents, in the affected community;
  - b. The Task Force shall identify a set of communities from the petitions filed, based on a selection criteria developed by the Task Force, including consideration of state agency resource constraints;
  - c. The Task Force shall meet directly with the selected communities to understand their concerns. If desired by any of the selected communities, the DEP and DHSS Commissioners shall establish a public meeting in which the Environmental Justice Task Force shall hear from the petitioners and evaluate the petitioners' claims. Where the petitioners assert claims that lie predominantly within the jurisdiction of an agency

other than the Task Force Chair, the chair shall include a senior management representative from the relevant agency as a member of the Task Force;

- d. The Task Force shall develop an Action Plan for each of the selected communities after consultation with the citizens, as well as local and county government as relevant, that will address environmental, social and economic factors that affect their health or environment. The Action Plan shall clearly delineate the steps that will be taken in each of the selected communities to reduce existing environmental burdens and avoid or reduce the imposition of additional environmental burdens through allocation of resources, exercise of regulatory discretion, and development of new standards and protections. The Action Plan, which shall be developed in consultation with the Environmental Justice Advisory Council, will specify community deliverables, a timeframe for implementation, and the justification and availability of financial and other resources to implement the Plan within the statutory and regulatory jurisdiction of the Departments of the State of New Jersey. The Task Force shall present the Action Plan to the relevant Departments, recommending its implementation;
  - e. The Task Force shall monitor the implementation of each Action Plan in the selected communities, and shall make recommendations to the Departments as necessary to facilitate implementation of the Action Plans. Departments shall implement the strategy to the fullest extent practicable in light of statutory and resource constraints;
  - f. As an integral part of each Action plan, DEP and DHSS shall jointly develop a strategy to identify and reduce the most significant environmental and public health risks facing each of the selected communities through chronic health disease surveillance, health monitoring, data gathering, community education and public participation;
  - g. The Task Force shall identify and make recommendations concerning legislative and regulatory changes appropriate to achieve the purposes of this Order as well as the purposes of any particular Action Plan; and
  - h. The Task Force shall prepare and publicly release a report concerning the status of the Action Plans within eighteen (18) months following the establishment of the Task Force.
9. All agencies will assist as appropriate in implementing this Order and achieving its purposes. The actions mandated as a result of this Executive Order shall be accomplished within the bounds of, and consistent with, the legislative purpose supporting the relevant agency's existing statutory and regulatory authority.
  10. Nothing in this Executive Order is intended to create a private right of action to enforce any provision of this Order or any Action Plan developed pursuant to this Order; nor is this Order intended to diminish any existing legal rights or remedies.
  11. This Executive Order shall be in effect for five years from its effective date.
  12. This Executive Order shall take effect immediately.

## **APPENDIX B**

### **Summary Report Environmental Justice Listening Session I Deming, New Mexico**



## Summary Report

# Environmental Justice Listening Session I

Deming, New Mexico  
Mimbres Valley Special Events Center

June 30, 2004

Sponsored by the

**New Mexico Environment Department**



Prepared by the

**Alliance for Transportation Research Institute**

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## Acknowledgements

### The Environmental Justice Listening Sessions are Sponsored by:

**New Mexico Environment Department  
Office of the Secretary  
P.O. Box 26110  
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Suite #N4050  
Santa Fe, NM 87502  
Telephone: 1-800-219-6157  
(505) 827-2855**

### Special Thanks go to the following individuals and groups:

#### A. The Environmental Justice Planning Committee (EJPC)

The New Mexico Environment Department (NMED) would like to thank the contributions of the Environmental Justice Planning Committee (EJPC). Secretary Ron Curry and Deputy Secretary Derrith Watchman-Moore of the NMED appointed an EJPC that would be responsible for the design of public listening sessions, discussion of important process issues, and also the development of protocol for promoting an authentic participatory process. The EJPC was composed of representatives of community, business, industry, municipal, and Tribal entities selected for their respective expertise in environmental justice coalition building, knowledge of regional environmental justice issues, and their familiarity and networks with local grassroots organizations in New Mexico.

The 13-member Environmental Justice Planning Committee includes:

- ◆ Derrith Watchman-Moore, Deputy Secretary, NMED, Co-Chair
- ◆ Cynthia Gomez, Co-Chair
- ◆ Dennis Chavez, Mimbres Valley Surface Water Users Association
- ◆ Margaret Chavez, Pueblo of Santo Domingo
- ◆ Calvert L. Curley, Navajo Nation
- ◆ Tomasita Gonzalez, Southwest Organizing Project (SWOP)
- ◆ Bill Hocker, Acoma Enterprises
- ◆ Sofia Martinez, Concerned Citizens of Wagon Mound and Mora County
- ◆ Richard Moore, Southwest Network for Environmental and Economic Justice (SNEEJ)
- ◆ Olivia Balandran Rodriquez, U.S. Environmental Protection Agency, Region 6
- ◆ Regina Romero, New Mexico Municipal League
- ◆ Marla Shoats, Shoats and Weaks, Inc.
- ◆ Mark Turnbough, Consultant

## **B. Deming Workgroup**

A subcommittee or workgroup of the EJPC was formed to spearhead the Environmental Justice Listening Session at Deming. The workgroup met periodically to optimize the outcome of the public participatory process and to ensure participants were individuals and organizations representative of New Mexico communities, especially Tribal communities. The Deming Workgroup included:

- ◆ Derrith Watchman-Moore, NMED Deputy Secretary,
- ◆ Dennis Chavez
- ◆ Margaret Chavez
- ◆ Cynthia Gomez
- ◆ Tomasita Gonzales
- ◆ Sofia Martinez
- ◆ Richard Moore
- ◆ Regina Romero
- ◆ Marla Shoats
- ◆ Mark Turnbough

In addition to the EJPC involvement, the NMED also sought the assistance of two “on the ground” Community Liaisons experienced in dealing with local environmentally impacted communities, communities of color, and/or low-income communities. The Community Liaison who assisted the NMED and the EJPC with logistics of the Deming meeting was Allyson Siwik of the Gila Resources Information Project.

## **C. Consultants to the Environmental Justice Listening Sessions Project**

The New Mexico Environment Department would like to thank the contributions of the Judith M. Espinosa, Alliance for Transportation Research Institute (ATRI), Eileen Gauna, Professor, Southwestern School of Law, and Paul Robinson, Southwest Research and Information Center for their role as consultants. The ATRI served as the primary contractor and facilitator for all listening sessions.

## SUMMARY REPORT

**“Environmental Justice** is the fair treatment and meaningful involvement of all people regardless of race, color, national origin, or income with respect to the development, implementation, and enforcement of environmental laws, regulations, and policies.

**Fair treatment** means that no group of people, including a racial, ethnic, or a socioeconomic group, should bear a disproportionate share of the negative environmental consequences resulting from industrial, municipal, and commercial operations or the execution of federal, state, local, and Tribal programs and policies.

**Meaningful involvement** means that: (1) potentially affected community residents have an appropriate opportunity to participate in decisions about a proposed activity that will affect their environment and/or health; (2) the public's contribution can influence the regulatory agency's decision; (3) the concerns of all participants involved will be considered in the decision making process; and (4) the decision makers seek out and facilitate the involvement of those potentially affected.

**Environmental justice is achieved when** everyone, regardless of race, culture, or income, enjoys the same degree of protection from environmental and health hazards and equal access to the decision-making process to have a healthy environment in which to live, learn, and work.”

- *From the Environmental Justice Home Page of the US EPA Website*  
(<http://www.epa.gov/compliance/environmentaljustice/index.html>)

### I. Introduction

The New Mexico Environment Department (NMED) is conducting “Listening Sessions” in four locations of the state in an effort to highlight environmental justice (EJ) concerns in New Mexico. Secretary Ron Curry and Deputy Secretary Derrith Watchman-Moore of the NMED have undertaken to ascertain the extent and nature of EJ concerns in New Mexico from a grassroots perspective. A team of four co-consultants assisted in this project: Judith Espinosa, the ATR Institute (ATRI), University of New Mexico, Paul Robinson and Frances Ortega of the Southwest Research and Information Center (SRIC) and Professor Eileen Gauna, Southwestern University School of Law, Los Angeles, California. The ATRI is also providing staff support for the Listening Sessions.

State, regional, municipal, and Tribal government officials who were designated as “listeners,” were invited to hear about the concerns of residents and local organizations. The Listening Sessions were designed to elicit information and recommendations from stakeholders in

communities that have sustained environmental, quality of life, and health impacts from polluting activities and resource depletion. Consistent with documented national patterns, such communities are often communities of color and/or low-income communities, a social phenomenon which is popularly termed “environmental *injustice*” or “environmental racism.” The comments will be used to create and carry out initiatives in the form of planning and policies to work effectively and proactively toward mutually beneficial solutions.

Secretary Curry and Deputy Secretary Watchman-Moore created an Environmental Justice Planning Committee (EJPC) of diverse stakeholders, with NMED Deputy Secretary Watchman-Moore and Cynthia Gomez of the Mexicano Land Education and Conservation Trust as EJPC co-chairs, and charged the Committee with designing a series of Listening Sessions. Other EJPC members include:

- ◆ Dennis Chavez, Mimbres Valley Surface Water Users Association
- ◆ Margaret Chavez, Pueblo of Santo Domingo
- ◆ Calvert L. Curley, Navajo Nation
- ◆ Tomasita Gonzalez, SouthWest Organizing Project (SWOP)
- ◆ Bill Hocker, Acoma Enterprises
- ◆ Sofia Martinez, Concerned Citizens of Wagon Mound and Mora County (CCWMMC)
- ◆ Richard Moore, Southwest Network for Environmental and Economic Justice (SNEEJ)
- ◆ Olivia Balandran Rodriguez, U.S. Environmental Protection Agency (US EPA), Region 6
- ◆ Regina Romero, New Mexico Municipal League
- ◆ Marla Shoats, Shoats and Weaks, Inc.
- ◆ Mark Turnbough, Consultant

Deputy Secretary Watchman-Moore also chairs an Environmental Justice Policy Committee to address issues raised by the Listening Sessions. In addition to the Deputy Secretary, the Policy Committee includes Regina Romero, Doug Micklejohn, Marla Shoats, Richard Moore, Cindy McGill, and Pablo Padilla.

The co-consultants prepared *A Background Report on Environmental Justice* for the Committee. In addition, the consultants will prepare *A Final Report on Environmental Justice in New Mexico* at the conclusion of the four Listening Sessions. The Background Report, the Meeting Summaries, and the Final Report will be available on the NMED and the ATRI/EJPC Websites. EJPC members were charged with the design of public listening sessions, discussion of important issues, and promotion of an authentic participatory process. Listening Sessions were scheduled at four locations: Deming; Las Vegas, Acoma Pueblo, and Albuquerque.

The EJPC formed a subcommittee to assist in organizing the Deming meeting. The Deming Workgroup included the following EJPC members:

- ◆ Dennis Chavez
- ◆ Margaret Chavez
- ◆ Cynthia Gomez
- ◆ Tomasita Gonzales
- ◆ Sofia Martinez
- ◆ Richard Moore

- ◆ Regina Romero
- ◆ Marla Shoats
- ◆ Mark Turnbough

The EJPC members identified one or two individuals from each region who has experience and expertise in EJ issues to be the Community Liaisons for the Listening Session. Each meeting location was organized by a Community Liaison identified by the NMED EJPC members. Each person serving as liaison was assigned to make arrangements for the venue, obtain sound system, and order refreshments for the meeting. EJPC member Dennis Chavez identified Allyson Siwik as the Community Liaison of choice for the Deming, New Mexico, Listening Session.

Dennis Chavez, Mimbres Valley Surface Water Resources for Agricultural and Domestic Use, and Allyson Siwik of the Gila Resources Information Project served as workgroup co-chairs and organized the Listening Session in Deming. EJPC Co-Chair Cynthia Gomez traveled to the area to assist in coordination. Ms. Gomez and ATRI staff used a series of telephone conference calls to work out logistical details. Ms. Siwik identified active members of the public and specifically residents working on environmental issues. Public members represented surrounding counties and included contact information. The Community Liaison was made responsible for identifying, contacting, and explaining the mission of the EJ Listening Session to area individuals, community groups, and other local organizations. Duties of the Community Liaison included compiling and updating contact information of potential panelists and participants of each Listening Session. The contact information included name, organization, county/city, issue(s), and was provided to the EJPC in a spread-sheet format. The spread-sheets were entered into a database of all participants.

EJPC members decided to include a first panel that would be common to all four Listening Sessions. This first panel, or **Panel A: History of Environmental Justice in New Mexico and Nationally**, was intended to provide a historical overview of EJ locally, statewide, and nationally. *Panel A* set the context for the meeting and provided a rationale for the Listening Sessions.

Community residents and local organizations offered oral or written comments, which primarily consisted of a description of environmental concerns, followed by recommendations to address such issues. After each meeting, the co-consultants prepared a **Summary Report** of the meetings as well as **Matrices of Citizen Comments** which can be found in **Appendix A** at the end of the **Summary Report**. **The Final Agenda** and **Outreach Materials** are in **Appendices B** and **C**, respectively. Because those attending the first Listening Session in Deming went in with expectations of a more solution-oriented process from the outset, the co-consultants prepared and distributed **A Listeners' Guide** to help "designated listeners" (such as legislators and other government officials) better understand their role for the remaining sessions. The meetings are designed to run as efficiently as possible. This effort was further supported by consultants who facilitated and took notes, as well as by translators, where appropriate. A videographer was also present.

Topics from key constituents were identified by county and content and given to Ms. Siwik, who outlined issues based on content, geographic location within the region, and issues most representative of the region. A list of possible topics was created. Groups or panels were, then,

established around the major topics which emerged. Panelists of experienced and knowledgeable people from the region were selected and invited to speak on the topics identified and make recommendations. Participation of these speakers was based on availability to travel, attend, and participate at the listening session date and time.

Members of the EJPC and the Community Liaison for Deming produced an outline of the meeting. The agenda considered participants and panelists' traveling distances to attend the session. For example, those who traveled the farthest were assigned to speak at the start of the meeting and those who lived closer would be asked to speak later in the meeting. This arrangement was made to enable those who must travel the farthest with ample time to make return trips early and safely. Thus, the agenda was arranged where speakers of panels were placed into selected groups based on topic, area of residence, and panelist traveling schedules.

## II. The Deming Meeting

The Deming Listening Session was held at the Mimbres Valley Special Events Center. Approximately 75 people attended from four New Mexico Counties including Doña Ana, Luna, Catron, and Grant as well as participants and panelists from El Paso, Texas and Juarez, Mexico. Discussions focused on issues relevant to the southwestern portion of the state. The Panels included:

- ◆ *Panel A: History of Economic and Environmental Justice Movement in New Mexico and the United States*
- ◆ *Panel B: Agriculture and Land Use which included subsessions on Farm Worker Issues, Agricultural Sector Impacts on Air and Water Quality, and Impacts of Growth on Water Resources for Agriculture and Domestic Use*
- ◆ *Panel C: Mining/Hazardous and Solid Waste which included subsessions on Hazardous and Solid Waste and Mining Sector Impacts on Air and Water Quality*
- ◆ *Panel D: Colonias and Border which included subsessions on Housing, Cross Border Water Issues, and Infrastructure*

The panelists and “open mike” speakers included:

- ◆ Richard Moore, Southwest Network for Environmental and Economic Justice
- ◆ Isabel Santos, Sunland Park Landfill Issue
- ◆ Carlos Marentes, Centro de los Trabajadores Agricolas Fronterizos
- ◆ Ignacio Ibarra, Centro de los Trabajadores Agricolas Fronterizos
- ◆ Rubén Nuñez, Colonias Development Council
- ◆ Dennis Chavez, Mimbres Valley Surface Water Users Association
- ◆ Virginia Chavez Bell, Las Cruces Affordable Housing Coalition
- ◆ Alice Trujillo, Ben Archer Health Clinic, Hatch
- ◆ Sister Chabela Galbi, Chaparral Community Health Council
- ◆ Joanne Bales, North Lordsburg
- ◆ Dr. Art Martinez, Silver City
- ◆ Silvia Sapien, La Clinica de Familia, Anthony
- ◆ Roberto Gutierrez, Village of Columbus



- ◆ Cipriana Jurado, Southwest Network for Environmental and Economic Justice J
- ◆ Jagan Butler, Southern Area Health Education Center
- ◆ Barbara Newton, Catron County Health Council
- ◆ Diane Bustamante, Colonias Development Council
- ◆ Mark Richard, Bayard
- ◆ Mary Ann Benavidez, Colonias Development Council
- ◆ Steve Solano, Grant County – Chino Mine issues, Bayard Waste Water Treatment Plant
- ◆ Martha Riersen, Alamogordo
- ◆ Allyson Siwik, Gila Resources Information Project
- ◆ Earl Montoya, Southwest Hispanic Roundtable
- ◆ Melody Richins, Hidalgo Health Consortium
- ◆ Jenny Segura, Doña Ana Mutual Domestic Water Consumers Association
- ◆ Cruz Saenz, Sunland Park Promotoras
- ◆ Silvia Sapien, La Clinica de Familia – Anthony Promotoras
- ◆ Ricardo Gutierrez, Palomas WWTP Public Participation Group
- ◆ John Haynes, Paso del Norte Environmental Health Coalition

***Panel A: History of Economic and Environmental Justice Movement in New Mexico and the United States***

Richard Moore, Executive Director for Southwest Network for Environmental and Economic Justice (SNEEJ) opened the meeting and spoke of his experience and involvement in EJ and working with coalitions on similar issues throughout New Mexico. Moore stated that facilities are located in low-income working-class communities. He said: “Environmental justice in New Mexico has its roots from the 1940s and 1950s in the mining situations around Silver City, where miners went on strike on behalf of their families for better wages and worker health and safety issues.”

Carlos Marentes from the Centro de los Trabajadores Agricolas Fronterizos in El Paso, Texas, spoke about the annual median income for chile pickers, which falls well below the federal poverty level of \$7,000 per year. Marentes explained that health issues stem from non-compliance by employers who do not provide water or toilets for workers. As an example, he offered the following: “One time, three years ago during the summer months, the temperature was 100 degrees. Workers complained and demanded drinking water. The employer took their water container and placed the bucket in the middle of the fields. Later that evening, 11 workers became ill and had to be hospitalized.”

**“The annual median income for chile pickers is well below the federal poverty level of \$7,000 per year.” – Carlos Marentes, Centro de los Trabajadores Agricolas Fronterizos**

Panel member discussion surrounded agricultural workers’ issues of health and safety and inadequate compensation. Pesticide training is seen as repetitive and of questionable value by farm workers, whose perspectives are that there is no enforcement of existing regulations. One panel member presented and highlighted water’s limits and development and agricultural uses of

water. Dennis Chavez asks, “Is it important to have economic development or food?” There is an increasing urgency for agriculture to retire water rights. He added: “There is a need to strike a balance between growth and producing food.”

Rubén Nuñez, of the Colonias Development Council was a farm worker for ten years and spoke from a vantage point of the worker. He said: “Workers do not know about pesticides. Employers call pesticides a medicine for the land, which I thought was good, because medicine is good. The farm workers do not realize that pesticides also affect them adversely in their homes. It is in their clothes, in the wind, in the fish in the nearby waters.” Ultimately Mr. Nuñez felt that a double standard exists with members of the community being fined, but not industry. As an example, he state that when a landfill goes beyond its capacity there is no fine, but when people have trash or grey-water in their yard they are given a citation.

*“Workers do not know about [the adverse effects of exposure to] pesticides. Employers call pesticides ‘a medicine for the land,’ which I thought was good because medicine is good. Farm workers do not realize that pesticides also affect them adversely in their homes. It is in their clothes, in the wind, in the fish in nearby waters.” – Ruben Nuñez, Colonias Development Council*

### ***Panel C: Mining/Hazardous and Solid Waste***

Panel members focused on issues of landfills, public participation processes, and public hearing notices. One particular area of concern was assistance by NMED to private industry over the community in Chaparral. “New Mexico has moved to the top ten states in the US because of the high levels of toxic emissions,” stated Dr. Art Martinez. North Lordburg’s Melody Richins works on health issues in a poor section of town, where concerns of noise (trains), hazardous waste dumping, and drinking water quality sparked a request for a study to assess hazardous waste burial in their neighboring community.

*“New Mexico has moved to the top ten states in the US because of the high levels of toxic emissions.” – Dr. Art Martinez, Silver City*

### ***Panel D: Colonias and Border***

Issues in this panel ranged from the need for housing with infrastructure, water association decision making, subdivision oversight, to the need for more information. Panelist Roberto Gutierrez, said: “[Columbus] has a sewage treatment plant designed for 600 people, but 2,000 people are living there. Border issues include lack of communication between the US and Mexico, but contamination knows no borders. All along the border, maquiladora industry contributes to US economy and creates negative environmental and health impacts for workers. Cipriana Jurado (SNEEJ) said: “In Juarez, they have the most modern of industries, but these industries do not support the infrastructure (such as pavement, electricity, and sewage and waste treatment) of the city.”

**“[Columbus] has a sewage treatment plant designed for 600 people, but 2,000 people are living there.” – Roberto Gutierrez**

### III. Public Comments

Comment forms for the public were located at the meeting reception table and participants were encouraged to fill them out at the meeting. Comment forms were collected at the end of the listening session. Data that describe environmental concerns on specific issues from the panelists and participants was garnered. The format of these data included oral and written comments, copied newspaper articles, letters to NMED representatives and to political representatives, and other materials that were provided as part of the record.

The data from the Listening Session were collected, entered into a database, and coded by a single set of recommendation categories. Most recommendations emerged from oral testimonies provided by participants. The broad categories emerged from these data. The data from the public are organized into subgroups of specific recommendations on specific issues in the *Matrices of Citizen Recommendations*, found in **Appendix A**.

#### A Summary of Overall Recommendations

The most frequent types of recommendations included: (a) Training, education, and materials; (b) NMED Responsibility: Regulation and interaction with the public (e.g., permitting, public meeting times, public comment and period, and enforcement of regulations); (c) Communication: Within NMED and among other agencies; (d) Data collection by NMED and community; (e) Staff; and (f) Financial: Resources and economic development.

### IV. Lessons Learned from the Deming Listening Session

Participants came to the meeting with an expectation of a more solution-oriented meeting. The roles of listeners will be clarified for the three listening sessions to come. Department members from NMED can begin to lay the groundwork for realistic expectations to members of the public. Changes can be small and incremental. One specific example can be found in the case of Chaparral where NMED issued the permit, and the case is in appeal to the New Mexico Supreme Court. As an alternative to the litigation, the NMED could start a dialogue on ways to fix the problem legislatively. The recommended changes which could show a good faith effort by the NMED are necessary to the affected people and communities. Their implementation is important to build trust with participants and communities in a good faith effort.

The layout of the meeting room (the arrangement of tables for listeners, podium, and seating for the audience) is important to the understanding of the public, the listeners, and the panelists of their roles during listening sessions. Spanish translation equipment (i.e., wireless microphone) had reception difficulties due to feedback from meeting room microphones and other recording equipment in the space. Periodically, throughout the listening session, the availability of the comment and evaluation forms should be announced. Participants should be encouraged to fill out the forms. A request was made for future listening sessions to provide information on how

the public can frame recommendations. This skill can also be used at public hearings and will serve to empower the public.

The summary report will be sent to other agencies such as State Engineer's Office, Interstate Stream Commission, and New Mexico Health Department. A personalized letter and copy of Summary Report will be sent to all participants by the NMED staff.

## **APPENDIX A**

### **Matrices of Citizen Recommendations**

<b>Matrix of Public Testimony from the Environmental Justice Listening Session – Deming, NM</b>				
<b>Citizen Recommendations</b>	<b>Comment or Concern</b>	<b>City/County/Tribe</b>	<b>Name</b>	<b>Affiliation</b>
<b>Laws and Regulations: Creation, Implementation and Enforcement</b>				
State should conserve water resources, protect traditional land uses, and ensure environmental quality.	Is concerned that the management of the water supply is not conducted in ways that ensure sustainable uses or protect water quality	Luna County	Dennis Chavez	Mimbres Valley Surface Water Users Association
NMED should develop mechanism to insure that water is used efficiently and well as keep clean by collaborating with water quantity authorities when reviewing or	Concerned that NMED does not integrate protect of water quality into protection of water quality	El Paso, TX	Lucia V. Carmona	Sin Fronteras Organizing Project
The State of New Mexico should recognize and honor Treaty of Hidalgo rights during the implementation of State programs.	Is concerned that the State conducts programs in ways that undercut or ignore Treaty of Hidalgo rights.	El Paso, TX	Lucia V. Carmona	Sin Fronteras Organizing Project
To institute collaborative policy development and enforcement programs, State should establish and maintain active communication with peer agencies in Mexico	Is concerned about lack of communication and collaborative planning and environmental enforcement in border region	Columbus, NM	Roberto Gutierrez	Village of Columbus
State and federal agencies should establish and maintain a Border Environmental Justice Commission to identify and address EJ issues including disparate social, health, and economic consequences of growth in	Is concerned that the range and severity of EJ issues in border region are not recognized and addressed by State and federal decision-makers	El Paso, TX/Juarez, Mexico	Cipriana Juarado	Southwest Network for Economic and Environmental Justice
State should implement development of statewide, multi-agency approach to EJ and environmental protection which includes a state government workgroup for identification of EJ issues and development of processes which monitor implementation of policies to address these issues.	Is concerned that NM does not take a statewide, multi-agency approach to EJ and environmental protection.	El Paso, TX	Carlos Marentes	Centro de los Trabajadores Agrícolas Fronterizos

<b>Matrix of Public Testimony from the Environmental Justice Listening Session – Deming, NM</b>				
<b>Citizen Recommendations</b>	<b>Comment or Concern</b>	<b>City/County/Tribe</b>	<b>Name</b>	<b>Affiliation</b>
<b>Laws and Regulations: Creation, Implementation and Enforcement</b>				
NMED should develop mechanism to insure that applicants and permittees full maintain burden of proof during permitting activities and are closely monitored during operations.	Concerned that NMED is not requiring that solid waste facilities maintain the burden of proof that they will operate in manner that protects health as wastes are not collected or managed without burning episode or release of hazardous materials	Las Cruces, NM	Virginia Chavez Bell	Las Cruces Affordable Housing
New Mexico should establish a commission or task force to develop guidelines for state to develop policy that incorporates environmental justice into state economic viability effort and includes representative of environmental justice communities as a significant component in that process and should identify responsibility to protect public welfare as including responsibility to address social and economic equity and develop and implement procedures to implement that responsibility.	Is concerned that New Mexico development policy does not recognize or incorporate economic and environmental equity in environmental permitting	Las Cruces, NM	Diane Bustamante	Colonias Development Council
NMED should evaluate ecologically soundness of proposals by assessing lifecycle cost and risks and opportunities for reduction or elimination of toxic materials.	Concerned that NMED considers permit applications without determining if proposals are ecologically sound	Las Cruces, NM	Diane Bustamante	Colonias Development Council
NMED should formally recognize that authority to protect public welfare, health and safety constitutes a “Public Trust Doctrine” and responsibility to address full scope of authority not just the narrow scope as adopted by regulations.	Concerned that NMED and other agencies do not address protection of public welfare as matter of public trust	Las Cruces, NM	Diane Bustamante	Colonias Development Council

Matrix of Public Testimony from the Environmental Justice Listening Session – Deming, NM				
Citizen Recommendations	Comment or Concern	City/County/Tribe	Name	Affiliation
<b>Laws and Regulations: Creation, Implementation and Enforcement</b>				
In collaboration with farm workers and advocates and other representatives from farm worker communities, NMED should assist NM Department of Agriculture in the development of an EJ program.	Is concerned that NM Department of Agriculture does not include environmental and EJ farm workers in policy development	El Paso, TX	Carlos Marentes	Centro de los Trabajadores Agricolas Fronterizos
NMED and other state agencies should identify and dedicate funds to insure community involvement in public hearings, training sessions and policy development through appropriations or support of efforts to secure private funds to insure effective and sustained participation	Is concerned about the lack of funding sources available to community-based organizations and community residents to cover the cost of either their time or travel to attend public hearings, participate in training opportunities, and policy forums	El Paso, TX/Juarez, Mexico	Cipriana Jurado	Southwest Network for Economic and Environmental Justice
Analysis is needed statewide for regulations. mining, quarry, earth moving activities	Is concerned regulations may not be up-to-date, may not be inclusive of the latest environmental practice	Bayard, NM	Steve Solano	Chino Mine issues, Bayard Waste Water Treatment Plant
NMED should require review of “social impacts” of current and proposed facilities as means to implement responsibility to preserve and protect public health, safety and welfare as required by existing law.	Is concerned that NMED fails to require assessment of social impact of current or proposed facilities	Chaparral, NM	Sister Chabela Galbi	Chaparral Community Health Council
NMED should revise hearing guidelines and Hearing Officer practice to insure that public testimony is given due weight in permit proceedings	Is concerned that Hearing Officers/ hearing guidelines fail to provide for recognition of value, or “give weight to” of public testimony in permit proceedings	Chaparral, NM	Sister Chabela Galbi	Chaparral Community Health Council
NMED and Energy and Mineral Department should adopt guidelines and conduct training activities to insure that permittees use the less intrusive and most cost effective methods to extract minerals.	Concerned that mining and quarrying facilities are permitted which do not demonstrate efforts to be less intrusive on neighbors and use most cost-effective technologies and	Silver City, NM	Mark Richards	Bayard



<b>Matrix of Public Testimony from the Environmental Justice Listening Session – Deming, NM</b>				
<b>Citizen Recommendations</b>	<b>Comment or Concern</b>	<b>City/County/Tribe</b>	<b>Name</b>	<b>Affiliation</b>
<b>Laws and Regulations: Creation, Implementation and Enforcement</b>				
Require baseline assessments, including social impacts before permits are issued	Permits are issued without consideration of all the impacts being documented	Chaparral, NM	Sister Chabela Galbi	Chaparral Community Health Council
Provide funding for regulatory compliance when communities are too poor to pay for it themselves	Compliance is not economically feasible. Funding from the state is needed to comply with regulations.	Columbus, NM	Roberto Gutierrez	Village of Columbus
NMED should expand enforcement capacity to insure full compliance by all permittees and develop community information outreach capacity to demonstrate extent of enforcement activities.	Concerned that community residents fail to see demonstration that NMED is fully enforcing compliance with all applicable regulations	Las Cruces, NM	Mary Ann Benavides	Colonias Development Council
Increase the number of inspectors to ensure health and safety	Is concerned that the number of inspectors is insufficient to protect the health and safety of the poorest communities	Las Cruces, NM	Rubén Nuñez	Colonias Development Council
NMED should determine the language of a final proposed draft permit at the time notice of a hearing is provided and require new notice and a revised hearing date when changes after notice are to be proposed	Concerned that modification of proposed permits on the day before a public hearing results in a failure of NMED to implement a transparent process that allows effective participation by affected community residents.	Silver City, NM	Alyson Siwik	Gila Resources and Information Project
NMED and Energy and Minerals Department should establish and implement programs – such a development of guidelines, training programs and “reward-type” incentives – to strongly encourage effective water conservation at facilities permitted.	Concerned that NMED and Energy and Minerals Department do not provide or enforce incentives to encourage water conservation for mining, quarrying and other earth moving activities.	Silver City, NM	Alyson Siwik	Gila Resources and Information Project

<b>Matrix of Public Testimony from the Environmental Justice Listening Session – Deming, NM</b>				
<b>Citizen Recommendations</b>	<b>Comment or Concern</b>	<b>City/County/Tribe</b>	<b>Name</b>	<b>Affiliation</b>
<b>Laws and Regulations: Creation, Implementation and Enforcement</b>				
Standards should be set for trans-boundary regulations and agreements and work with other States (AZ, CO, OK and TX), Tribes and Mexico. Measurement of pollution, monitoring and steps to mitigate contamination should be uniformly enforced through NAFTA and other border environmental protection organizations. Address the impacts of growth and environmental release collaboratively. Address the lack of affordable housing and the toxins from building materials. Create nontoxic building materials. Enforce laws.	Contamination knows no boundary. Multiple chemical sensitivity is becoming the norm.	Deming, NM /Mexico	Julie Schulz (Ward)	SW Desert Sustainability Project
The NMED should work with the US EPA, Mexico, TX, AZ, and CA to seek solutions to the problem of air pollution on the US-Mexico border, especially the air quality and odor problems.	Is concerned about air pollution, foul odors, and toxic emissions on the border	Sunland Park, NM	Natalie Francis	Centro de los Trabajadores Agricolas Fronterizos
Air quality along the US-Mexico border should be monitored. Regulations enforced. Create new regulations if the public is not being sufficiently protected by existing laws and regulations.	Is concerned about the adverse effect of the solid waste that is burned in the colonias has on air quality and public health and safety	Las Cruces, NM	Virginia Chavez Bell	Las Cruces Affordable Housing
NMED and other agencies should insure that funding and training are available to local businesses and agencies to support their efforts to attain environmental standards and action levels	Concerned that local businesses and agencies lack resources to attain environmental standards and address economic burden when action levels are lowered	Columbus, NM	Roberto Gutierrez	Village of Columbus

<b>Matrix of Public Testimony from the Environmental Justice Listening Session – Deming, NM</b>				
<b>Citizen Recommendations</b>	<b>Comment or Concern</b>	<b>City/County/Tribe</b>	<b>Name</b>	<b>Affiliation</b>
<b>Laws and Regulations: Creation, Implementation and Enforcement</b>				
Establish clear, firm and specific requirements/permits regarding the disposal of old tires, which are a fire hazard and places where water collects and mosquitoes carrying disease such as West Nile Virus can breed.	Is concerned about piles of old tires which are a fire hazard. Water pools in tires and provides a breeding ground for mosquitoes that could carry West Nile Virus and other disease.	Luna County	Timothy Bennish	Concerned citizen
Do case studies of Silver City airport expansion, water needs, and preservation of the Gila Wilderness. Defer further development effort related to airport until full disclosure of project economic and environmental impacts and public involvement in the project is provided.	Is concerned about airport expansion, water needs and preservation of the Gila Wilderness	Silver City, NM	Victoria Linehan	People Against Big Airports
NMED and other state agencies should develop and fund a small grants program to provide resources for development of community research and education programs in areas affected by environmental releases and resource development	Is concerned that neither NMED or other state agencies support community-based research and education related to environmental justice or public involvement in policy development	El Paso, TX	Ignacio Ibarra	Centro de los Trabajadores Agricolas Fronterizos
NMED should work with other state agencies, subdivision developer and homeowners to insure that effective wastewater treatment systems are installed where lacking, and that in the future, subdivisions are not constructed with ineffective wastewater treatment systems.	Is concerned that subdivisions built in county lack funding for sewage treatment works resulting in waste releases directly into the ground.	Catron County	Barbara Newton	Catron County Health Council
Get more funding for enforcement and monitoring, for developing precautionary principles in permitting, and for more environmental and health studies.	Is concerned that NMED make the best use of its resources to protect the public	Wagon Mound, NM	Sofia Martinez	Concerned Citizens of Wagon Mound and Mora County

<b>Matrix of Public Testimony from the Environmental Justice Listening Session – Deming, NM</b>				
<b>Citizen Recommendations</b>	<b>Comment or Concern</b>	<b>City/County/Tribe</b>	<b>Name</b>	<b>Affiliation</b>
<b>Institutional Capacity Building</b>				
State should develop an interagency management structure that will conserve water resources, protect traditional land uses, and ensure environmental quality	Is concerned that the state has no mechanism to address the impacts of growth on traditional water users and their communities.	Luna County	Dennis Chavez	Mimbres Valley Surface Water Users Association
Spanish translations by the staff are needed for all proposed action, announcements of public comments, text of regulations, key provisions, such as solid waste provisions.	Staff should be trained and skilled enough to be able to produce all documents and announcements in Spanish so that Hispanic people can participate.	El Paso, TX	Ignacio Ibarra	Centro de los Trabajadores Agricolas Fronterizos
Use other reports (UTEP, EPA, etc.) to supplement NMED knowledge of water issues, future water needs, and other environmental and EJ conditions and	Is concerned that good documents about water issues, future water needs may be overlooked	El Paso, TX	Lucia V. Carmona	Sin Fronteras Organizing Project
NMED should work together with land grants, with Texas and Mexico to solve trans-boundary environmental issues	Concerned that people and agencies need to increase amount of multi-jurisdiction work Rio Grande Valley area of Texas, Mexico and NM Environmental health and safety issues transcend artificial boundaries of jurisdiction such as water rights	El Paso, TX	Lucia V. Carmona	Sin Fronteras Organizing Project

<b>Matrix of Public Testimony from the Environmental Justice Listening Session – Deming, NM</b>				
<b>Citizen Recommendations</b>	<b>Comment or Concern</b>	<b>City/County/Tribe</b>	<b>Name</b>	<b>Affiliation</b>
<b>Institutional Capacity Building</b>				
NMED should train staff to educate the public, especially EJ communities, in identifying and documenting community concerns. NMED should develop, distribute and conduct training program to insure that the staff, permittees and the public are aware of technologies and procedures than can minimize or eliminate emissions from facilities in the state.	Is concerned that NMED staff have not been trained to work with EJ communities in a way that assists these communities in identifying and documenting concerns Is concerned that NMED does not identify or communicate to the public alternative technologies and methods that could minimize or eliminate environmental impacts	Silver City, NM	Alyson Siwik	Gila Resources and Information Project
NMED and other agencies should develop aggressive efforts to educate workers about occupational risks and implement measures to minimize or eliminate workplace chemical hazards.	Concerned that NMED does not effectively protect workers and residents from exposures to chemicals such as pesticides and household hazardous waste.	Las Cruces, NM	Diane Bustamante	Colonias Development Council
NMED and other agencies’ staff addressing community concerns should be well trained to ensure that they can demonstrate cultural competency when working with communities and are sufficiently flexible to delay proceedings when significant disruptions to schedule.	Is concerned that hearing officer failed to demonstrate cultural sensitivity in treatment of community witnesses and failed to postpone hearing on Sept 11, 2001.	Chaparral, NM	Sister Chabela Galbi	Chaparral Community Health Council
NMED should develop outreach capacity to deliver information directly to affected communities rather than merely having information available for those who come to get it.	Concerned that NMED does not make effort to take information out to people affected by current and proposed facilities	Las Cruces, NM	Virginia Chavez Bell	Las Cruces Affordable Housing

<b>Matrix of Public Testimony from the Environmental Justice Listening Session – Deming, NM</b>				
<b>Citizen Recommendations</b>	<b>Comment or Concern</b>	<b>City/County/Tribe</b>	<b>Name</b>	<b>Affiliation</b>
<b>Institutional Capacity Building</b>				
Create an international school. Educate people about the environment and about EJ issues. Adopt curriculum standards that include sustainable education and appropriate technologies.	Educate people on environmental and EJ issues enough so that they are empowered enough to be part of the solution.	Deming, NM/ Mexico	Julie Schultz (Ward)	SW Desert Sustainability Project
NMED should increase staffing of facility inspectors and lawyers to better enforce permits	Is concerned that state as inadequate number of and lawyers to effectively enforce permits issued	Las Cruces, NM	Rubén Nuñez	Colonias Development Council
State should establish workgroup with federal and Mexican agencies and community leaders in the border region to provide for continuous communication and collaborative policy development and implementation.	Is concerned about lack of coordination among state and federal level agencies in border region	Columbus, NM	Roberto Gutierrez	Village of Columbus
Health Services staff levels need to be expanded to insure that low-income and rural counties are served.	Is concerned that low-income and isolated county lacks basic health services in Catron County	Catron County	Barbara Newton	Catron County Health Council
Hearing officer should avoid conflicts of interest and make decisions on the merits of the information presented	Is concerned that hearing officers may make decisions arbitrarily, based on their own personal interests	Chaparral, NM	Sister Chabela Galbi	Chaparral Community Health Council

Matrix of Public Testimony from the Environmental Justice Listening Session – Deming, NM				
Citizen Recommendations	Comment or Concern	City/County/Tribe	Name	Affiliation
<b>Public Participation Capacity Building</b>				
State of New Mexico should develop a workgroup with State Engineer’s Office and affected communities to conserve water resources, protect traditional land uses, and ensure environmental quality.	Is concerned that the management of the water supply is not conducted in ways that ensure sustainable uses or protect water quality / Is concerned that the state has no mechanism to address the impacts of growth on traditional water users and their communities.	Luna County	Dennis Chavez	Mimbres Valley Surface Water Users Association
NMED should establish and maintain more agency communication/communication programs which include senior and technical staff who meet with community residents in their communities.	Is concerned that NMED does not ensure that senior and technical staffs establish and maintain sustained communication with communities affected by their decisions.	El Paso, TX/Juarez, Mexico	Cipriana Juarado	Southwest Network for Economic and Environmental Justice
Permitting process should be revised to ensure public participation through out the process. NMED should provide field services staff in communities to assist residents understand and fill out documents related to toxic releases or commenting on applications for proposed facilities	Is concerned that community needs technical assistance to fill out forms related to toxic releases or comments on proposed facilities, <i>committee to help community</i> . Revise to allow for public participation. People, especially the underserved, cannot participate fully as things now stand.	Las Cruces, NM	Rubén Nuñez	Colonias Development Council

<b>Matrix of Public Testimony from the Environmental Justice Listening Session – Deming, NM</b>				
<b>Citizen Recommendations</b>	<b>Comment or Concern</b>	<b>City/County/Tribe</b>	<b>Name</b>	<b>Affiliation</b>
<b>Public Participation Capacity Building</b>				
More communication and outreach is needed. Bring in publics from a bi-national, federal, regional, local, state basis. Provide technical information in an easy to understand way for both Spanish and English speakers, who may or may not be able to read well in either Spanish or English.	Open communication and outreach is not adequate. Many people are left out of the public participation process.	Columbus, NM	Roberto Gutierrez	Village of Columbus
NMED should increase frequency of meeting in communities affected by current or proposed facilities and schedule meetings on weekends or in evening to facilitate participation by working people	Is concerned that working people and others in the concerned public cannot attend because the time and days of the week when public meetings are held to ensure strong public awareness.	Las Cruces, NM	Virginia Chavez Bell	Las Cruces Affordable Housing
Public input regarding mining and extraction proposals is needed	Mining and extraction proposals need to be scrutinized by the public before approval	Silver City, NM	Mark Richards	Bayard
State of New Mexico should incorporate residents of traditional water using communities in policy development and policymaking activities at the local and State levels.	Is concerned that water right holders and communities affected by water consumption and water pollution are not effectively engaged in state environmental and water policy	El Paso, TX	Lucia V. Carmona	Sin Fronteras Organizing Project



<b>Matrix of Public Testimony from the Environmental Justice Listening Session – Deming, NM</b>				
<b>Citizen Recommendations</b>	<b>Comment or Concern</b>	<b>City/County/Tribe</b>	<b>Name</b>	<b>Affiliation</b>
<b>Public Participation Capacity Building</b>				
NMED and other agencies should develop training programs to provide the public with tools for effective communication in agency proceedings	Is concerned that NMED and other agency staff do not communicate how community input can be used by the State/Is concerned that EJ communities should be empowered to make the most of opportunities to participate in environmental decisions that affect them directly	Silver City, NM	Alyson Siwik	Gila Resources Project
NMED and other agencies should develop and sustain regular dialogue outside the formal hearing process with communities affected by resource developments and environmental releases to ensure that agencies implement policies which reflect	Is concerned that NMED and other agencies do not provide for effective public participation in the development and implementation of state environmental and social policy	Silver City, NM	Alyson Siwik	Gila Resources Project
NMED and other agencies should make regulatory documents, including text of regulations and summaries of key provisions – available to the public in Spanish	Concerned that NMED solid water regulations and other regulations are not readily available in Spanish.	El Paso, TX	Ignacio Ibarra	Centro de los Trabajadores Agrícolas Fronterizos

<b>Matrix of Public Testimony from the Environmental Justice Listening Session – Deming, NM</b>				
<b>Citizen Recommendations</b>	<b>Comment or Concern</b>	<b>City/County/Tribe</b>	<b>Name</b>	<b>Affiliation</b>
<b>Public Participation Capacity Building</b>				
Establish an interagency working group, a policy committee with a farm worker representative, on EJ issues, especially regarding the needs of the underserved such as farm workers whose wages fall very far below the national poverty levels	NMED needs to provide direction to carry out its intent to protect the health and safety of the underserved like farm workers	El Paso, TX	Carlos Marentes	Centro de los Trabajadores Agricolas Fronterizos
Public participation, outreach, and education are essential to preventing pollution and protecting the public health. People need to know what and how data should be collected, what are pollution standards, and how and where to report pollution or environmental injustice when it occurs. NMED should develop and distribute information on the proper handling of household, ranch and small business hazardous materials.	Is concerned that public does not know how to properly dispose of hazardous materials. Data collection of pollution by the public can only occur if the public is knowledgeable enough to perceive that the condition is pollution and is educated regarding how and where to report the pollution	Lordsburg, NM	Melody Richins	Hidalgo County Health Consortium - North Lordsburg
NMED should intensify its establish public awareness programs to insure broad public awareness of proposed facility impacts. NMED should develop and distribute information and provide training to enhance public involvement in decision-making and make its materials available in Spanish	Concerned that NMED does provide adequate public awareness effort on permit application to insure informed participation by affected communities Concerned that NMED does not provide information on how public can participate effectively in permit proceeding to communities near proposed facilities or in Spanish.	Las Cruces, NM	Rubén Nuñez	Colonias Development Council

<b>Matrix of Public Testimony from the Environmental Justice Listening Session – Deming, NM</b>				
<b>Citizen Recommendations</b>	<b>Comment or Concern</b>	<b>City/County/Tribe</b>	<b>Name</b>	<b>Affiliation</b>
<b>Public Participation Capacity Building</b>				
Identify problems. Formulate a manual in English and Spanish that presents problems and how they are being addressed, or to whom they should report violations.	Is concerned that public-oriented manual or guidebook summarizing regulatory programs is unavailable. More specific information to the public on environmental and EJ problems in needed in Spanish and English.	Juarez, Mexico	Santiago Delgado Martinez	Attorney
Address the Public Trust Doctrine by providing a guide to public participation.	By empowering citizens, you help them to protect themselves and to be able to speak up when EJ concerns arise.	Las Cruces, NM	Diane Bustamante	Colonias Development Council
NMED should expand its “Right-to-Know” services to better document and publicize the extent of hazardous materials transportation in the state and the risks of that transportation. Provide access to information on Hazmat and other environmental safety information, when they are being transported. The public has a right to know about hazardous emissions and toxic chemicals. They need to know how to report violations.	Is concerned that NMED does not distribute information about risks of hazardous materials being transported. Provide information about how to avoid harmful effects of buried, emitted, and hazardous materials that are in transit.	Lordsburg, NM	Melody Richins	Hildalgo County Health Consortium - North Lordsburg
More information is needed to protect the public health and safety, especially for the underserved. If you cannot do anything else about problems, at least provide information. It is the cheapest resource you can provide.	Help people protect themselves, their health and safety and that of their children by providing more information about hazards.	Anthony, NM	Sylvia Sapien	La Clinica de Familia

## **APPENDIX B**

### **Final Agenda**

**NEW MEXICO ENVIRONMENT DEPARTMENT****LISTENING SESSION****AGENDA****JUNE 30, 2004****MIMBRES VALLEY SPECIAL EVENTS CENTER, 3 PM**

- 3:00 – 3:30 pm . NMED and Local Elected Officials  
Welcome and Introductions
- 3:30 – 4:00 pm. Panel A: History of Economic Justice and Environmental Justice  
Movement in U.S. and New Mexico
- Richard Moore, SNEEJ  
Isabel Santos, Sunland Park Landfill Issue  
Carlos Marentes, Centro de Trabajadores Agricolas
- 4:00 – 4:30 pm Panel B: Agriculture and Land Use
- Farm Worker Issues**
- Ignacio Ibarra, Centro de Trabajadores Agricolas
- Agricultural Sector Impacts on Water and Air Quality**
- Ruben Nuñez, Colonias Development Council
- Impacts of Growth on Water Resources for Agricultural and  
Domestic Use**
- Dennis Chavez, Mimbres Valley Surface Water Users Association
- 4:30 – 5:30 pm. Open Session #1
- Virginia Chavez Bell, Las Cruces Affordable Housing Coalition  
Alice Trujillo, Ben Archer Health Clinic, Hatch  
Ruben Nuñez, Colonias Development Council  
**Jagan Butler, Southern Area Health Education Center**  
Barbara Newton, Catron County Health Council  
Diane Bustamante, Colonias Development Council
- 5:30 – 6:00 pm Panel C: Mining/Hazardous and Solid Waste
- Hazardous/Solid Waste**
- Sister Chabela, Chaparral Community Health Council
  - Joanne Bales, North Lordsburg
- Mining Sector Impacts on Air and Water Quality**
- Dr. Art Martinez, Silver City

6:00 – 6:30 pm Panel D: Colonias and Border

**Housing**

- Silvia Sapien, La Clinica de Familia, Anthony

**Cross-Border water issues**

- Roberto Gutierrez, Village of Columbus

**Infrastructure**

- Cipriana Jurado

6:30 – 8:00 pm Open Session #2

**Mark Richard, Bayard**

**Mary Ann Benavidez, Colonias Development Council**

**Steve Solano, Grant County – Chino Mine issues, Bayard WWTP.**

**Martha Riersen, Alamogordo**

**Allyson Siwik, Gila Resources Information Project**

**Earl Montoya, Southwest Hispanic Roundtable – economic justice issues**

**Melody Richins, Hidalgo Health Consortium**

**Jenny Segura, Doña Ana Mutual Domestic Water Consumers Association**

**Cruz Saenz, Sunland Park Promotoras**

**Silvia Sapien, La Clinica de Familia – Anthony Promotoras**

**Ricardo Gutierrez, Palomas WWTP Public Participation Group**

**John Haynes, Paso del Norte Environmental Health Coalition**

8:00 – 8:30 pm Closing Remarks—NMED

## **APPENDIX C**

### **Outreach Materials**



# NEW MEXICO ENVIRONMENT DEPARTMENT

## NOTICE OF PUBLIC LISTENING SESSION

### STATE ENVIRONMENT DEPARTMENT SEEKS PUBLIC INPUT ON ENVIRONMENTAL JUSTICE IN YOUR AREA

The New Mexico Environment Department (NMED) is seeking public input on environmental justice concerns in your community. Public “listening sessions” will be held statewide. Participants and organizations will be given an opportunity to comment on their environmental justice concerns and to offer recommendations. The environmental justice public listening sessions are receptive, solution-oriented meetings conducted with the community in partnership with the NMED and other state and federal representatives. The purpose of these listening sessions is to hear from participants on topics ranging from general to specific areas of environmental interests/concerns and to work effectively towards mutually beneficial solutions.

Topics may include: Permitting and Public Participation, Sacred and Religious Sites, Capacity Building, Land Grants, Uranium Mining, Hazardous Waste, Illegal Dumping, Pesticides and Farm Workers, or Water/Wastewater Treatment Infrastructure.

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**What is Environmental Justice?** The fair treatment and meaningful involvement of all people, regardless of race, ethnicity, culture, income, or education level with respect to the development, implementation, and enforcement of environmental laws, regulations, and policies. Environmental justice seeks to ensure that no population is forced to shoulder a disproportionate burden of the negative human health and environmental impacts of pollution or other environmental hazards. (*Definition provided by [www.naccho.org](http://www.naccho.org)*)

For our purpose, we are interested in hearing your environmental justice concerns, if you feel that your community has been forced to shoulder a disproportionate burden of the negative human health and environmental impacts of pollution or other environmental hazards.

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The NMED, with the University of New Mexico’s ATR Institute as facilitator, will conduct a Listening Session for northern New Mexico and Tribes at the following location:

**DEMING, NEW MEXICO**  
**June 30, 2004, 3:00 pm**  
**Mimbres Valley Special Events Center, 2300 E. Pine St.**

Representatives from the NMED, the US EPA, and other state or Tribal governments will be in attendance to personally hear your concerns. By working together we can build effective, solution-oriented community/government relationships.

Any person or organization that wishes to provide oral comments will be given five minutes to present their environmental justice concerns. Written statements can also be submitted during the session or by mail. Please send all comments to: EJ Listening Session Workgroup, 801 University Boulevard SE, Suite 302, Albuquerque, NM, 87106.

If you are an individual with a disability and you require assistance or an auxiliary aide, i.e., sign language interpreter, to participate in any aspect of this hearing, please contact Jon Goldstein at 1-800-219-6157 or 505-827-2855, NMED, P.O. Box 26110, 1190 St. Francis Drive, N4050, Santa Fe, NM, 87502 (TDD or TDY users please access this number via the New Mexico Relay Network). Albuquerque TDD users: (505) 275-7333; outside of Albuquerque: 1-800-659-1779.





## NEW MEXICO ENVIRONMENT DEPARTMENT

# ANUNCIO DE UNA JUNTA PÚBLICA

## SOBRE LA JUSTICIA AMBIENTAL

### EL DEPARTAMENTO DEL AMBIENTE DE NUEVO MÉXICO SOLICITA SUS Comentarios Sobre la Justicia Ambiental en su Comunidad.

El Departamento del Ambiente de Nuevo México (NMED) está solicitando comentarios del público sobre la justicia ambiental en su comunidad. Estas juntas para **escucharlos** se llevarán al cabo por todo el estado. Individuos y organizaciones tendrán la oportunidad para dar comentarios con respecto a sus preocupaciones ambientales y ofrecer recomendaciones al NMED. Las juntas de la justicia del ambiente son conducidas con participación abierta de la comunidad para buscar soluciones mutuas en colaboración con el NMED y otros representantes del gobierno federal y estatal. El propósito de estas juntas es para escucharlos hablar de asuntos, generales o áreas específicas, sobre sus intereses o preocupaciones del ambiente. Esto es para trabajar juntos y para encontrar soluciones mutuas que nos benefician.

Las temas incluyen: Licencias y participación pública, ejecución de proyectos del ambiente, asuntos sobre la frontera entre México y los Estados Unidos, las mercedes, minas de uranio, sitios religiosos y sagrados, pesticidios y trabajadores agrícolas, o el agua y sanitificación del desague.

**Qué es justicia del ambiente?** Es la participación valorada y el tratamiento justo de todas las personas, sin importar a raza, raíces étnicas, cultura, ingreso económico, o nivel educativo, con respecto al desarrollo, implementación y ejecución de leyes ambientales, reglas y plan de acción. La justicia ambiental trata de asegurar que ninguna comunidad sea forzada a sostener una carga desigualdad de impactos negativos para la salud y el ambiente por causa de la polución y otros peligros del ambiente. (*Definición proveída del [www.naccho.org](http://www.naccho.org)*).

Para este propósito, nosotros estamos interesados en escuchar sus preocupaciones. Si Ud. siente que su comunidad ha sido forzada a llevar una carga desigualdad con impactos negativos de salud o del ambiente por causa de la polución u otros peligros del ambiente, queremos oírlos.

El NMED, con el Instituto de ATR de la Universidad de Nuevo México que va facilitar la junta, tendrán una **Junta Pública de Justicia Ambiental** en el sureste de Nuevo México en el local siguiente:

### DEMING, NEW MEXICO

**El 30 de junio, 2004, 3:00 pm**

**Mimbres Valley Special Events Center, 2300 E. Pine, Deming, NM**

Representantes del NMED, el EPA de los EU, y del gobierno estatal o de las tribus, estarán presente para escuchar personalmente sus preocupaciones o comentarios. Trabajando juntos podemos crear una relación entre la comunidad y el gobierno para logra soluciones mutuas que nos benefician.

Cada organización u individuo que quiera hablar, tendrá cinco minutos para presentar sus preocupaciones sobre la justicia ambiental. Comentarios escritos también serán aceptados durante la junta o por correo.

Por favor mandar sus comentarios a: EJ Listening Session Workgroup, 801 University Boulevard SE, Suite 302, Albuquerque, NM, 87106.

Si Ud. es un individuo con una discapacidad y requiere asistencia o ayuda (como interprete para sordo) para poder participar en esta junta, por favor póngase en contacto con Jon Goldstein at 1-800-219-6157 o 505-827-2855, NMED, P.O. Box 26110, 1190 St. Francis Drive, N4050, Santa Fe, NM, 87502 (si utiliza TDD o TDY por favor usen este número por la vía de New Mexico Relay Network. Si usa Albuquerque TDD: (505) 275-7333; afuera de Albuquerque: 1-800-659-1779).



NEW MEXICO ENVIRONMENT DEPARTMENT  
OFFICE OF THE SECRETARY



# PUBLIC LISTENING SESSION ON ENVIRONMENTAL JUSTICE

The New Mexico Environment Department (NMED) is seeking public input and comment on environmental justice in your communities. The recommendations will be used to formulate community-based policies and planning initiatives. The listening session will be held at:

## MIMBRES VALLEY SPECIAL EVENTS CENTER

2300 E. Pine St., Deming, New Mexico  
June 30, 2004, 3:00 pm to 8:00 pm

### What is Environmental Justice?

The fair treatment and meaningful involvement of all people, regardless of race, ethnicity, culture, income, or education level with respect to the development, implementation, and enforcement of environmental laws, regulations, and policies. Environmental justice seeks to ensure that no population is forced to shoulder a disproportionate burden of the negative human health and environmental impacts of pollution or other environmental hazards. (*Definition provided by [www.naccho.org](http://www.naccho.org)*)

For our purpose, we are interested in hearing your environmental justice concerns, if you feel that your community has been forced to shoulder a disproportionate burden of the negative human health and environmental impacts of pollution or other environmental hazards.

### Why an Environmental Justice Listening Session?

The NMED environmental justice listening sessions are receptive, solution-oriented meetings conducted with the community, and in partnership with federal, state, Tribal, and local government representatives. The purpose of these listening sessions is to hear from participants on topics ranging from general to specific areas of environmental interest/concern and to work effectively towards mutually beneficial solutions. Individuals and organizations will be given an opportunity to provide input as to their environmental justice concerns and to offer recommendations to the NMED.

### What Topics Will Be Covered?

Topics may include: Permitting, Public Participation, Sacred and Religious Sites, Water Quality, Capacity Building, Uranium Mining, Hazardous Waste, Illegal Dumping, Pesticides, or Wastewater Treatment/Infrastructure.

### How Do I Participate?

Come at 3:00 pm to 4:00 pm on the day of the Listening Session and sign-up to be called upon. You will be given five minutes to speak. Written comment will also be accepted at that time, although not required.

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NEW MEXICO ENVIRONMENT DEPARTMENT  
OFFICE OF THE SECRETARY

Harold Runnels Building  
1190 St. Francis Drive  
P. O. Box 26110  
Santa Fe, NM 87502

Phone: 1-800-219-6157 or 505-827-2855  
Fax: 505-827-1768  
E-mail: [Jon\\_Goldstein@nmenv.state.nm.us](mailto:Jon_Goldstein@nmenv.state.nm.us)

**Your Input  
is Needed!**

### How to Provide Input at Your Regional Listening Session?

If you or your organization is interested in commenting, you may participate in one of two ways. You can voice your concerns as a panel participant or during public comments. You will be given no more than five minutes to express your concerns and to provide recommendations.

To be a panel participant, please contact the NMED for more information and to schedule a time to present. Public comments will be taken on a first come basis with sign-up commencing at 3:00 p.m.

### How to Formulate Your Concerns?

Your entire comment should be delivered in five minutes or less. It doesn't have to be detailed, but should include a recommendation.

Following is an example of how you might want to formulate your comments:

*"Hello, my name is <insert> and I am from the community of <town>. I would like to bring to your attention my concern with <your environmental issue>. This has been an issue in my community since <year> and it has affected me and my community by <state health affects>. My recommendations to NMED and local governments is <state>. Thank you."*

Because the time is limited, we encourage those providing input to also submit written comments. They need not be formal or lengthy.

### Are Written Comments Welcomed?

Yes. Written comments will be accepted during the Listening Session and by mail until August 30, 2004. Please send all written comments to the EJ Listening session Workgroup, 801 University Boulevard SE, Suite 302, Albuquerque, New Mexico 87106.



#### New Mexico Environment Department Office of the Secretary

Contact: Jon Goldstein  
Harold Runnels Building  
1190 St. Francis Drive  
P. O. Box 26110  
Santa Fe, NM 87502

Telephone: 1-800-219-6157 or  
505 827-2855

Fax: 505-827-1768

Email: Jon\_Goldstein@nmenv.state.nm.us




**Statewide  
Environmental Justice  
Listening Sessions**



Sponsored by the  
**New Mexico Environment Department**

**Deming**  
June 30, 2004

**Las Vegas**  
July 21, 2004

**Acoma (Tribal)**  
July 27, 2004

**Albuquerque (Statewide)**  
September 16-17, 2004



## Listening Sessions on Environmental Justice

The New Mexico Environment Department (NMED) is seeking public input and comment on environmental concerns in your communities. The comments will be used to design and implement initiatives, such as policies and planning, to work effectively towards mutually beneficial solutions.

### What is Environmental Justice?

The fair treatment and meaningful involvement of all people, regardless of race, ethnicity, culture, income, or education level with respect to the development, implementation, and enforcement of environmental laws, regulations, and policies.

Environmental justice seeks to ensure that no population is forced to shoulder a disproportionate burden of the negative human health and environmental impacts of pollution or other environmental hazards. (*Definition provided by www.naccho.org*)

For our purpose, we are interested in hearing your environmental justice concerns, if you feel that your community has been forced to shoulder a disproportionate burden of the negative human health and environmental impacts of pollution or other environmental hazards.

### Why an Environmental Justice Listening Session?

The NMED environmental justice listening sessions are receptive, solution-oriented meetings conducted with the community, and in partnership with federal, state, Tribal, and local government representatives. The purpose these listening sessions is to hear from participants in topics ranging from general to specific areas of environmental interest/concern and to work effectively towards mutually beneficial solutions. Individuals and organizations will be given an opportunity to comment on their environmental justice concerns and to offer recommendations to the NMED. The goals of these sessions are as follows:



- Obtain input from communities on environmental, health, and quality of life concerns.
- Provide individuals and environmental justice community representatives in New Mexico with an opportunity to present their environmental justice issues to the NMED.
- Provide recommendations to the NMED so that it can formulate solutions to alleviate disproportionate impacts on environmental justice communities in New Mexico, including policies, strategies, and regulations.

- Establish and strengthen working relationships between and among environmental justice communities, the NMED, and other government agencies, in order to secure long-term partnerships with the community at large.
- Report back to communities and local governments as to the status of their recommendations.

### What Issues Will Be Covered?

Permitting and Public Participation  
Enforcement  
US—Mexico Border Issues  
Uranium Mining  
Sacred and Religious Sites  
Land Grants  
Pesticides and Farmworkers  
Water/Wastewater Issues

Contact: Jon Goldstein  
Harold Runnels Building  
1190 St. Francis Drive  
P. O. Box 26110  
Santa Fe, NM 87502

Telephone: 1-800-219-6157 or  
505 827-2855

Fax: 505-827-1768

Email: [Jon\\_Goldstein@nmenv.state.nm.us](mailto:Jon_Goldstein@nmenv.state.nm.us)



NEW MEXICO ENVIRONMENT DEPARTMENT  
OFFICE OF THE SECRETARY



## SUGGESTIONS FOR EFFECTIVE COMMENTS

The New Mexico Environment Department (NMED) has planned this series of **Environmental Justice Listening Sessions** statewide to get input on environmental justice concerns from the residents of New Mexico. The NMED has invited its management team and other governmental representatives to hear your concerns. To make this Session as productive as possible, we have provided the following tips.

- Formulate your comments knowing you have only **five minutes** to speak.
- Present your concerns in a way you feel is appropriate. In general you should state:
  - **name**
  - **organization (if you are affiliated with one)**
  - **community**
  - **environmental concern(s)**
  - **recommendation(s) to the NMED**
- Be specific about your recommendations and how the NMED can address your concerns. **Recommendations are most important to the NMED.**
- Do not use your comment period to debate a particular issue. It will result in less time for you to adequately state your concerns and make recommendations. NMED and other representatives will be listening only and will not be speaking directly to presenters.
- Recognize that everyone has a legitimate perspective. The mission is not to engage in a debate about the merits of a particular point. NMED wants to know what people perceive the problems to be and why.

Sometimes frustration may be an adequate response because you believe that problems have not been adequately addressed by the NMED or other governmental agencies in the past. NMED understands and hopes to work with your community to start on solutions.

If you find that a particular concern was not adequately expressed and needs to be clarified further, please write down your concerns on the written comments form provided at the Listening Session and submit it to the facilitator. Your comments will be included in the record.

Send your written comments to :

The Environmental Justice Listening Session Workgroup  
801 University SE, Suite 302  
Albuquerque, NM 87106

We sincerely appreciate your participation. If you should have any questions, please contact Jon Goldstein at 1-800-219-6157 or 505-827-2855, NMED, P.O. Box 26110, 1190 St. Francis Drive, N4050, Santa Fe, NM, 87502.

**DEPARTAMENTO DEL AMBIENTE DE NUEVO MÉXICO  
PROYECTO DE JUSTICIA AMBIENTAL**

**BOSQUEJO  
POR  
PANELISTAS Y PARTICIPANTES PÚBLICOS  
EN  
LAS SESIONES DE ESCUCHAR DE JUSTICIA AMBIENTAL**

- Por favor suministre información sobre la comunidad a la que usted está representando y su involucramiento en esa comunidad.
- ¿Cuáles son las preocupaciones ambientales para usted y su comunidad?
- Por favor identifique las comunidades afectadas por estas preocupaciones.
- ¿Qué sugerencias o acciones políticas, administrativas o de sanción recomendaría usted?

**DEPARTAMENTO DEL AMBIENTE DE NUEVO MÉXICO**  
**SESIÓN DE ESCUCHAR DEL PROYECTO DE JUSTICIA AMBIENTAL**  
**DEMING, NM -30 DE JUNIO, 2004**  
**FORMA PARA COMENTARIO**

Querido Nuevo Mexicano:

El Departamento del Ambiente de Nuevo México (NMED), de parte del Gobernador Bill Richardson, solicita información sobre sus perspectivas, preocupaciones y recomendaciones en cuanto a la Justicia Ambiental de nuestro estado. El Departamento ha programado sesiones de escuchar para cuatro comunidades - Deming, Acoma, Las Vegas y Albuquerque - para escuchar de la representación comunitaria sobre este importante tema. NMED apreciaría un resumen en escrito de sus comentarios en cuanto a la Justicia Ambiental en Nuevo México para asegurar que sus declaraciones se reflejen correctamente en su resumen de la reunión.

Por favor use hojas adicionales si este espacio no es suficiente para identificar sus preocupaciones y recomendaciones.

Gracias por su interés.

La información abajo se usará para ayudar a mantener un registro de los comentarios y preocupaciones de las Sesiones de Escuchar para el uso de un Informe Final. Sin embargo, usted puede suministrar comentario sin darnos su nombre u otra identificación.

Nombre: \_\_\_\_\_

Organización, Si La Hay: \_\_\_\_\_

Domicilio De Envío: \_\_\_\_\_

\_\_\_\_\_  
Teléfono: \_\_\_\_\_

Correo Electrónico: \_\_\_\_\_

Por favor suministre información sobre la comunidad que usted está representando y su involucramiento en esa comunidad:

¿Cuáles son las preocupaciones ambientales para usted y su comunidad?

Identifique las comunidades afectadas:

¿Qué sugerencias o acciones políticas, administrativas o de sanción recomendaría usted?

**DEVUELVA FORMA A:**

**Grupo de Trabajo de la Sesión de Escuchar de Justicia Medioambiental  
Suite, 302, 801 University SE  
Albuquerque, NM 87106  
505 246-6418**

**ID DL COMENTARIO:** \_\_\_\_\_ / \_\_\_\_\_





NEW MEXICO ENVIRONMENT DEPARTMENT  
 ENVIRONMENTAL JUSTICE LISTENING SESSIONS



## ROLE OF LISTENERS

The New Mexico Environment Department (NMED) has planned this series of Environmental Justice Listening Sessions statewide which it anticipates will be productive to you in your work. The thrust of the Sessions is for the NMED, along with its sister-agencies from the federal, tribal, state and local levels, to get a sense of the concerns of the citizens of New Mexico on issues pertaining to Environmental Justice. In furtherance of this goal, we have invited several non-governmental organizations and individuals representative of communities that address Environmental Justice issues. In order to make this Session as productive as possible, we have outlined in detail what the *Role of the Listener* should be.

Please recognize that everyone has a legitimate perspective, and that everyone's perspective is necessarily colored by limited information. As such, your primary role here is to listen to understand. Our mission here is not to engage in a debate about the merits of any particular claim, but to get a sense of what people perceive the problems to be and why.

If you believe that a commenter's perspective may be informed by misinformation that you feel needs to be clarified, please write down your concern and the clarification and give it to the facilitator. At the appropriate time, the moderator or facilitator will address the audience and present the pertinent clarifications.

Because effective communication is the first step towards problem solving, we hope that you will take this opportunity to follow up with community groups and citizens, in a collaborative problem solving venue, to address some of their concerns. The NMED is similarly willing to participate in multi-agency collaborative efforts in this regard. In our experience, this has been one of the most effective means to address issues that involve environmental impacts from sources that do not lie within the jurisdiction of any one particular agency.

Sometimes citizens or citizen groups might express frustration because they believe that problems have not been adequately addressed. A common but unhelpful reaction to this frustration is for governmental officials to simply disregard what is being said. Please bear in mind that problems do not get solved, or resolved, when one or both parties make no attempt to work through the frustration.

In addition to comments about adverse environmental impacts of certain activities, sometimes citizens or citizen groups have concerns about the process of the decision-making that led to that action. Issues of process and protocol are important components of resolving matters. Bear in mind that every citizen wants to have a say in the decisions that affect their family's health and their environment.

At the conclusion of the listening session, a report will be prepared concerning the comments raised and the recommendations offered by the public. You will receive a copy of the report. More importantly, you will be given an opportunity to respond to the comments for the record. Use this as your personal opportunity to clarify information. A Final Report to the NMED will summarize general comments and your official responses.

We sincerely appreciate your participation. If you should have any questions, please contact Jon Goldstein at 1-800-219-6157 or 505-827-2855, NMED, P.O. Box 26110, 1190 St. Francis Drive, N4050, Santa Fe, NM, 87502.

## **APPENDIX C**

### **Summary Report Environmental Justice Listening Session II Las Vegas, New Mexico**

## Summary Report

# Environmental Justice Listening Session II

Las Vegas, New Mexico  
New Mexico Highlands University

July 21, 2004

Sponsored by the

**New Mexico Environment Department**



Prepared by the

**Alliance for Transportation Research Institute**

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The University of New Mexico

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## Acknowledgements

### The Environmental Justice Listening Sessions Are Sponsored by:

**New Mexico Environment Department  
Office of the Secretary  
P. O. Box 26110  
1190 St. Francis Drive  
Suite #N4050  
Santa Fe, NM 87502  
Telephone: 1-800-219-6157  
(505) 827-2855**

### Special Thanks go to the following individuals and groups:

#### A. The Environmental Justice Planning Committee (EJPC)

The New Mexico Environment Department (NMED) would like to thank the contributions of the Environmental Justice Planning Committee (EJPC). Secretary Ron Curry and Deputy Secretary Derrith Watchman-Moore of the NMED appointed an EJPC that would be responsible for the design of public listening sessions, discussion of important process issues, and also the development of protocol for promoting an authentic participatory process. The EJPC was composed of representatives of community, business, industry, municipal, and Tribal entities selected for their respective expertise in environmental justice coalition building, knowledge of regional environmental justice issues, and their familiarity and networks with local grassroots organizations in New Mexico.

The 13-member Environmental Justice Planning Committee includes:

- ◆ Derrith Watchman-Moore, Deputy Secretary, NMED, Co-Chair
- ◆ Cynthia Gomez, Co-Chair
- ◆ Dennis Chavez, Mimbres Valley Surface Water Users Association
- ◆ Margaret Chavez, Pueblo of Santo Domingo
- ◆ Calvert L. Curley, Navajo Nation
- ◆ Tomasita Gonzalez, Southwest Organizing Project (SWOP)
- ◆ Bill Hocker, Acoma Enterprises
- ◆ Sofia Martinez, Concerned Citizens of Wagon Mound and Mora County
- ◆ Richard Moore, Southwest Network for Environmental and Economic Justice (SNEEJ)
- ◆ Olivia Balandran Rodriguez, U.S. Environmental Protection Agency, Region 6
- ◆ Regina Romero, New Mexico Municipal League
- ◆ Marla Shoats, Shoats & Weak, Inc.
- ◆ Mark Turnbough, Consultant

## **B. Las Vegas Workgroup**

A subcommittee of the EJPC was formed to spearhead the Environmental Justice Listening Session at New Mexico Highlands University in Las Vegas. The subcommittee met periodically to optimize the outcome of the public participatory process and to ensure participants were individuals and organizations representative of New Mexico communities, especially Tribal communities. The Las Vegas Workgroup included:

- ◆ Derrith Watchman-Moore, NMED Deputy Secretary,
- ◆ Janice Varela of Amigos Bravos, Community Liaison
- ◆ Sofia Martinez of Concerned Citizens of Wagon Mound and Mora County, workgroup co-chair
- ◆ Frances Ortega, Southwest Research and Information Center

In addition to the EJPC involvement, the ATRI sought the assistance of an “on the ground” Community Liaison experienced in dealing with local environmentally impacted communities, communities of color, and/or low-income communities. The Community Liaison who assisted the NMED and the EJPC with logistics of the Las Vegas meeting was Janice Varela.

## **C. Consultants to the Environmental Justice Listening Sessions Project**

The New Mexico Environment Department would like to thank the contributions of the Judith M. Espinosa, Alliance for Transportation Research Institute (ATRI), Eileen Gauna, Professor, Southwestern School of Law, and Paul Robinson and Frances Ortega, Southwest Research and Information Center for their role as consultants. The ATRI served as the primary contractor and facilitator for all listening sessions.

## SUMMARY REPORT

**“Environmental Justice** is the fair treatment and meaningful involvement of all people regardless of race, color, national origin, or income with respect to the development, implementation, and enforcement of environmental laws, regulations, and policies.

**Fair treatment** means that no group of people, including a racial, ethnic, or a socioeconomic group, should bear a disproportionate share of the negative environmental consequences resulting from industrial, municipal, and commercial operations or the execution of federal, state, local, and Tribal programs and policies.

**Meaningful involvement** means that: (1) potentially affected community residents have an appropriate opportunity to participate in decisions about a proposed activity that will affect their environment and/or health; (2) the public's contribution can influence the regulatory agency's decision; (3) the concerns of all participants involved will be considered in the decision making process; and (4) the decision makers seek out and facilitate the involvement of those potentially affected.

**Environmental justice is achieved when** everyone, regardless of race, culture, or income, enjoys the same degree of protection from environmental and health hazards and equal access to the decision-making process to have a healthy environment in which to live, learn, and work.”

- From the *Environmental Justice Home Page of the US EPA Website*  
(<http://www.epa.gov/compliance/environmentaljustice/index.html>)

### I. Introduction

The New Mexico Environment Department (NMED) is conducting “Listening Sessions” in four locations of the state in an effort to highlight environmental justice (EJ) concerns in New Mexico. Secretary Ron Curry and Deputy Secretary Derrith Watchman-Moore of the NMED have undertaken to ascertain the extent and nature of EJ concerns in New Mexico from a grassroots perspective. A team of four co-consultants assisted in this project: Judith Espinosa, the ATR Institute (ATRI), University of New Mexico, Paul Robinson and Frances Ortega of the Southwest Research and Information Center (SRIC) and Professor Eileen Gauna, Southwestern University School of Law, Los Angeles, California. The ATRI is also providing staff support for the Listening Sessions.

State, regional, municipal, and Tribal government officials who were designated as “listeners,” were invited to hear about the concerns of residents and local organizations. The Listening Sessions were designed to elicit information and recommendations from stakeholders in communities that have sustained environmental, quality of life, and health impacts from polluting activities and resource depletion. Consistent with documented national patterns, such communities are often communities of color and/or low-income communities, a social phenomenon which is popularly termed “environmental *injustice*” or “environmental racism.” The comments will be used to create and carry out initiatives in the form of planning and policies to work effectively and proactively toward mutually beneficial solutions.

Secretary Curry and Deputy Secretary Watchman-Moore created an Environmental Justice Planning Committee (EJPC) of diverse stakeholders, with NMED Deputy Secretary Watchman-

Moore and Cynthia Gomez of the Mexicano Land Education and Conservation Trust as EJPC co-chairs, to design a series of Listening Sessions. Other members include:

- ◆ Dennis Chavez, Mimbres Valley Surface Water Users Association
- ◆ Margaret Chavez, Pueblo of Santo Domingo
- ◆ Calvert L. Curley, Navajo Nation
- ◆ Tomasita Gonzalez, Southwest Organizing Project (SWOP)
- ◆ Bill Hocker, Acoma Enterprises
- ◆ Sofia Martinez, Concerned Citizens of Wagon Mound and Mora County
- ◆ Richard Moore, Southwest Network for Environmental and Economic Justice (SNEEJ)
- ◆ Olivia Balandran Rodriquez, U.S. Environmental Protection Agency, Region 6
- ◆ Regina Romero, New Mexico Municipal League
- ◆ Marla Shoats, Shoats & Weaks, Inc.
- ◆ Mark Turnbough, Consultant

Deputy Secretary Watchman-Moore also chairs an Environmental Justice Policy Committee (Policy Committee) to address issues raised by the Listening Sessions. In addition to the Deputy Secretary, the Policy Committee includes Regina Romero, Doug Mieklejon, Marla Shoats, Richard Moore, Cindy McGill, and Pablo Padilla.

The co-consultants prepared *A Background Report on Environmental Justice* for the Committee. In addition, the consultants will prepare *A Final Report on Environmental Justice in New Mexico* at the conclusion of the four Listening Sessions. The Background Report, the Meeting Summaries, and the Final Report will be available on the NMED and the ATRI/EJPC Websites. EJPC members were charged with the design of public listening sessions, discussion of important issues, and promotion of an authentic participatory process. Listening Sessions were scheduled at four locations in different regions of the state: Deming (southwest/US-Mexico border); Las Vegas (northeast), Acoma Pueblo (northwest), and Albuquerque (central and statewide).

The EJPC members identified one or two individuals from each region who has experience and expertise in EJ issues to be the Community Liaisons for the Listening Session. Each meeting location was organized by a Community Liaison identified by the NMED EJPC members. Each person serving as liaison was assigned to make arrangements for the venue, obtain sound system, and order refreshments for the meeting. The Community Liaison was made responsible for identifying, contacting, and explaining the mission of the EJ Listening Session to area individuals, community groups, and other local organizations. Duties of the Community Liaison included compiling and updating contact information of potential panelists and participants of each Listening Session. The contact information included name, organization, county/city, issue(s), and was provided to the EJPC in a spread-sheet format. The spread-sheets were entered into a database of all participants.

Planning committee members decided to include a first panel that would be common to all four Listening Sessions. This first panel, or *Panel A: History of Environmental Justice in New Mexico and Nationally*, was intended to provide a historical overview of EJ locally, statewide,



and nationally. *Panel A* set the context for the meeting and provided a rationale for the Listening Sessions.

Community residents and local organizations offered oral or written comments, which primarily consisted of a description of environmental concerns, followed by recommendations to address such issues. After each meeting, the co-consultants prepared a *Summary Report* of the meetings as well as **Matrices of Citizen Comments** which can be found in **Appendix A** at the end of the *Summary Report*. The **Final Agenda** and **Outreach Materials** are in **Appendices B** and **C**, respectively. Because those attending the first Listening Session in Deming went in with expectations of a more solution-oriented process from the outset, the co-consultants prepared and distributed *A Listeners' Guide* to help listeners (such as legislators and other government officials) better understand their role for the remaining sessions. The meetings are designed to run as efficiently as possible. This effort was further supported by consultants who facilitated and took notes, as well as by translators, where appropriate. A videographer was also present.

## II. The Las Vegas, New Mexico Meeting

The meeting in Las Vegas, NM was the second “Listening Session” conducted by the NMED. This Listening Session was designed to explore the EJ issues in a region comprised of the Counties of Rio Arriba, Taos, Colfax, Union, Mora, Harding, Santa Fe, San Miguel, Guadalupe and Quay. Sofia Martinez of Concerned Citizens of Wagon Mound, a member of the EJPC and Community Liaison, Janice Varela of Amigos Bravos, were co-chairs of the workgroup and charged with design the Las Vegas meeting. The meeting was well-publicized and the turn-out was good with approximately 75 people attending.

Four panels were established. These panels were mainly comprised of local residents and representatives of local organizations who described the nature and extent of various environmental concerns and gave recommendations to the NMED and other agencies for addressing such concerns. The panels included these topics:

- ◆ *Panel A: the History of Environmental and Economic Justice in the U.S. and New Mexico*
- ◆ *Panel B: Water Quality, Land Grants and Cultural Issues*
- ◆ *Panel C: Natural Resources*
- ◆ *Panel D: Solid Waste, Toxics, and Illegal Dumping*

The panelists included:

- ◆ Richard Moore - SNEEJ
- ◆ Linda Velarde - Facilitator at the Las Vegas Listening Session
- ◆ Francisco Apodaca – New Mexico League of Conservation Voters
- ◆ Paula Garcia – New Mexico Acequia Association
- ◆ William Gonzales - San Augustine Land Grant and Community Acequia
- ◆ Antonio Medina - Association de Las Acequias del Valle
- ◆ Patricio Garcia – Member of the Interstate Stream Commission and Rio Arriba County Planner
- ◆ Roberto Vigil - Rio Colorado Reclamation Committee - Questa
- ◆ Pat Leahan - Las Vegas Peace and Justice Center

- ◆ Luis Torres - Natural Resources Consultant - Santa Cruz
- ◆ Miguel Pacheco - Las Vegas
- ◆ Joe I. Garcia - Los Trigos Land Grant
- ◆ Sofia Martinez - Concerned Citizens of Wagon Mound

### *Welcome*

Judith M. Espinosa opened the meeting. Mayor of Las Vegas, Henry Sanchez gave a welcome, remarking upon this ambitious project and recalling some of the EJ issues surrounding the PNM plant. He spoke of the need for education and empowerment of all stakeholders and that listening to each other was critically important to achieve those goals. Linda Velarde, former director of Vallecitos Mountain Refuge Center, gave an invocation. Deputy Secretary Watchman-Moore discussed her philosophy of leadership and the need for a planning process that was inclusive and community-based. She noted, along with the environmental and economic issues, a consideration of cultural and traditional values was necessary because New Mexico's diversity. Co-chair Cynthia Gomez thanked people for their work and noting the challenge of addressing EJ issues in New Mexico. Manny Aragon, President of New Mexico Highlands University and former State Senator, also welcomed the gathering and talked about the history of EJ in New Mexico.

### *Panel A: the History of Environmental and Economic Justice in the U.S. and New Mexico*

*“The lack of enforcement of environmental laws has been a problem in New Mexico for a long time.” - Linda Velarde, Vallecitos Mountain Refuge*

Richard Moore, SNEEJ, began by noting the long history of EJ issues surrounding land grants, water rights, worker safety, and pollution. Mr. Moore commented on how instrumental the northern part of the state was in laying the philosophical groundwork and providing mentors for the EJ movement. On a national level, he described the developments that led to the ***Presidential Executive Order 12898, Federal Actions To Address Environmental Justice in Minority Populations and Low-Income Populations*** (February 11, 1994) as well as the creation of the US EPA's Interagency Working Group on Environmental Justice, and the convening of the National Environmental Justice Advisory Council (NEJAC). Mr. Moore spoke of the misperception of the EJ movement as being anti-business, anti-growth, or anti-development. He countered that good environmental practices create more jobs, and safer jobs. Mr. Moore said these proceedings marked the beginning of a positive change in attitude by agencies, local governments and industry stakeholders but also cautioned no consensus on how to address these kinds of issues exists and predicted that New Mexicans must continue to work together to find solutions.

Linda Velarde described her life experience, beginning at age 17 as a community activist. She noted her affiliation with two public interest law firms and talked about the significance of organizing land-based people who are tied to a certain geographic area, such as Native Americans with reservation lands and Hispanics with land grants. Ms. Velarde spoke of several campaigns, including organizing efforts against a ski valley that was harming the source of drinking water for local communities and an effort to protect the sacred clay that exists in

Velarde, NM. She emphasized the need for pragmatism, at times, when engaged in such campaigns, because New Mexico is a poor state, and people need jobs. However, Ms. Velarde noted that ultimately, good health and a clean environment have quality of life and economic benefits that should not be overlooked. She also said that lack of enforcement of environmental laws has been a problem in New Mexico for a long time.

Francisco Apodaca, New Mexico Conservation Alliance, spoke of the intentional shrewdness of siting business and other activities that pollute in communities where people are too poor to fight and too busy—with several jobs—trying to feed their families. As an example, he described the 1972 siting of a PNM facility in Las Vegas. Mr. Apodaca said the facility did not provide any benefit—not even municipal services—to the people living nearest to it, until the late 1980s. He cited historic examples of conflict and deceit, such as the building of a “tortilla factory” near San Juan that was actually used to conduct depleted uranium studies. Mr. Apodaca described the implicit (and sometimes explicit) threats made against the residents who fought against injustices and the ways in which life would be made difficult for activists and their families. He also gave examples of protests against the protestors by employees of large companies who had been brought into an area to counter demonstrations against oil leases for the Otero Mesa. Mr. Apodaca also spoke of a Molycorp tactic of bringing their miners to stare down people who might speak out against the open-pit mining activities at public hearings. Lastly, he noted that much of the wildlife he saw growing up in Las Vegas had disappeared with the draining of the wetlands.

***Panel B: Water Quality, Land Grants and Cultural Issues***

***“Many rural communities in New Mexico lack adequate infrastructure for good drinking water.” - Paula Garcia, New Mexico Acequia Association***

Paula Garcia, the New Mexico Acequia Association, discussed how EJ issues in New Mexico had to be placed in the historical context of colonization. She cited as the first priorities, the need to address historical injustices and restore land-based people’s right of self-determination and control over their natural resources. Ms. Garcia noted that those who are able to keep their water from being commodified and taken out of the community will also be able to keep their communities culturally and economically in tact. One way to do this is to have the acequia communities provide locally grown, organic foods. She said that the NMED could be a leader at the cabinet level to address historical injustices. Ms. Garcia noted the disparity in the allocation of water rights for domestic use. She also spoke of community water systems affected by water quality as well as by water quantity, saying that many rural communities lack adequate infrastructure for good drinking water. Ms Garcia cited the pollution from Los Alamos—caused both by runoff and deposition of air pollution into surface water—as affecting water quality. To address these issues, she emphasized that the federal government must help implement protective water quality standards, and that all agencies should employ the “precautionary principle” which is a concept that centers on “good household management.” The precautionary principle is a constructive partnership between the individual, the economy, and the state to manage change so as to improve the lot of both society and the natural world upon which it depended for survival.

This definition invested the precautionary principle with a managerial or programmable quality, a purposeful role in guiding future political and regulatory action.

William Gonzales, San Augustine Land Grants and Community Acequia Association, questioned how we can grow healthy crops when they are irrigated using water contaminated with improperly treated effluent. He stressed the need for adequate enforcement, noting that when a facility cannot meet a standard, it is given an exemption. While some experts say that the river will naturally clean itself eventually, amount of pollution present effectively prevents that self-cleaning process from occurring. For example, when seven days of raw sewage was dumped into the Rio Gallinas, the water contamination was not remediated. Mr. Gonzales cited the need for adequate monitoring. He said that the trash receptacles were placed too far from the people they serviced, and some people could not afford the \$15 per month for the service. As a result, some residents put trash by the side of the road while others may engage in illegal dumping in the arroyos. This waste ends up polluting the river due to run-off from the rain. Mr. Gonzales also noted the unintended consequences that laws sometimes cause. As an example, he spoke of a historic court decision involving the “Pueblo Water Rights Doctrine” which, was implemented over a period of 50 years, and allowed a city to eventually dry up a river. He also noted that increased growth, landscaping, and water use had changed dramatically within the last 20 years, with the result that these changes are taxing the carrying capacity of the environment. These factors have to be taken into consideration in land-grant communities as well as in other communities.

*“The historic lack of public participation in the local land-use and zoning processes allowed many injustices to occur.” - Patricio Garcia, Interstate Stream Commission*

Antonio Medina, Asociación de Las Acequias del Valle de Mora and Acequia del Encinal, emphasized the importance of remembering our roots, which also lie in the civil rights movement, the human rights movement, and the spiritual consciousness movement. He credited ancient and historic traditions as resources from which we can find the intellectual, emotional and spiritual capacity to accomplish meaningful change. One aspect of meaningful change that is needed the act of questioning an economy based on materialism and conspicuous consumption. Mr. Medina said that spiritual capacity is especially needed to address weighty and complex concerns of the loss of land grants, water transfers, solid waste landfills, land speculators, problems arising from recreation and development, the death of small agriculture, and job exploitation. He discussed the need for collaboration by NMED with other Departments and Agencies to accomplish this important work, especially to ensure that adequate supplies of clean water are available.

Patricio Garcia, member of the Interstate Stream Commission and Rio Arriba County Planner, noted the historic lack of public participation in the local land-use and zoning processes which allowed many injustices to occur. To counter one such inequity, the Western Environmental Law Center helped to get a logging ordinance passed. As an example of how easily communities can get left behind in public processes, Mr. Gonzales stated that the State Water Plan is critically important, but unfortunately, it has been placed on a fast track because of a mandate to get it

before the Governor in six months. This rushed effort is problematic because the “public welfare” is not defined in the Plan. He said that it is vital to stay aware of and involved in the proceedings of the State Engineer’s Office because of the State Engineer’s authority to define water rights.

### *Panel C: Natural Resources*

Roberto Vigil, Rio Colorado Reclamation Committee (RCRC) in Questa, NM, discussed his involvement in a superfund site—an open-pit mine—owned by Molycorp. He believes that the location of the mine in a largely low-income Hispanic area was probably made because of the perception that little or no accountability would be needed on the part of the company. Mr. Vigil stated that his organization has not been successful in getting the tailings composed of over 30 toxic, heavy-metals from the mining operation removed. He believes that the incidences of learning disabilities, cancer, tumors, kidney problems, respiratory problems and other illnesses within the Questa area are related to the mining activities. Molycorp used the tailings to bed the village water lines, but the NMED and the US EPA declared the water safe for drinking, solely based upon a single test. The RCRC sent letters to the NMED and the US EPA a year ago requesting bottled water until they can be assured that the drinking water supply is safe, but the Committee has not had a reply to this request. Mr. Vigil said that, at one point, a recreational lake was built using the tailings, but when the tailings dried, the dust began affecting children at a nearby school. Over one-fourth of the children have learning disabilities or special-needs status, but no one is studying the level of toxicity or its affect on the school children. He also noted that Molycorp is allowed to dispose of their petroleum products onsite onto the open ground. The petroleum waste from Molycorp has likely fed into the section of the Red River that feeds the acequias in this area, with the result that livestock and people downstream being adversely affected by the contamination. Although NMED has good people within the agency, typically in New Mexico is difficult to enforce the laws against a powerful corporation. Mr. Vigil also cited a lack of implementation of the **Presidential Executive Order 12898**, which was also discussed by previous panelist, Richard Moore of SNEEJ. Mr. Vigil questioned why corporations like Molycorp are allowed to continually violate environmental law, while the average citizen in the area must comply.

Pat Leahan, the Las Vegas Peace and Justice Center, spoke of the fire threat to the Gallinas Municipal Watershed, which supplies more than 80 percent of the drinking water locally. She said that under the Bush Administration, the US Forest Service has implemented an overly aggressive timber harvesting plan that will result in 800-foot wide clear cuts or “fuel breaks.” Implementation is scheduled to begin in late August. The amount of commercial logging necessary to produce these fuel breaks will result in the destruction of 100-year-old trees that have fire resistant bark. The Forest Service’s own Environmental Assessment (EA) notes that the sedimentation rate will quadruple to over 3,800 tons of new sediment, which could put the water source in violation of the Clean Water Act, shorten the lives of the reservoirs, and increase water treatment costs. The Forest Service may use herbicides to maintain the fuel break, as they have done to control salt cedar, but the EA does not address the toxicity to humans or animals that the use of herbicides could cause in the water that included runoff contaminated with the herbicides. The EA also has other important omissions, such as its failure to disclose the number of sites that are sacred to Native Americans in the region which will be affected or destroyed or how long flammable debris will remain on site. Moreover, Ms. Leahan said that references to

experts in the EA lack full citation. The EA is inconsistent about the amount of canopy to be removed. Alternative plans for selective forest thinning and time-tested techniques, such as contour felling, which will comply with the Clean Water Act, have been proposed. The US Forest Service has not prepared a formal Environmental Impact Statement (EIS) as they did for the Santa Fe Municipal Watershed when Santa Fe residents challenged similar commercial logging. Instead, for the Gallinas Municipal Watershed, the Forest Service prepared a much less comprehensive EA. Ms. Leahan recommended that the NMED could offer its services as a mediator in this dispute.

Luis Torres, a natural resources consultant from Santa Cruz, explained that not all environmental issues are EJ issues. The NMED should not allow the phrase to be diluted or misused. He said that the meaning and significance of the term ‘environmental justice’ has evolved over the years as the result of many years of activism by hard working people and organizations. He argued for adequate ‘filters’ of population vulnerability, ethnicity, and class be used to frame issues as those of EJ. He also cautioned that national political perspectives should not be described as “grassroots” perspectives, citing the Bush Administration’s reference to the Republican Party as a ‘grassroots movement.’

#### ***Panel D: Solid Waste, Toxics, and Illegal Dumping***

Miguel Pacheco of Las Vegas voiced concerns about nuclear proliferation and dumping, particularly on lands in Los Alamos that were taken away from Native Americans and land-grant families. He discussed how agencies in 2000 did not warn the nearby residents about the air-borne radioactive ash from the Cerro Grande fire. Now the government wants to build a plant in Eunice that will produce depleted uranium without a plan for the radioactive waste which will be produced. Mr. Pacheco said does not want the same situation to occur in New Mexico as occurred in Rocky Flats, Colorado, a severely contaminated site that will remain so for thousands of years. He noted that radioactive contamination is particularly insidious because you cannot see, smell, or taste it. Mr. Pacheco cited the need for everyone to keep putting pressure on governmental officials to stop nuclear proliferation and waste in New Mexico. He recommended that we seriously consider and develop wind and solar energy capacity.

Joe Garcia, Los Trigos Land Grant, alluded to the “tortilla factory” that was really a facility used to experiment with uranium. He also discussed how the New Mexico Department of Transportation sprays to control weeds immediately before it rains, causing damage to trees from the run-off, but they do not stop spraying when they cross over surface waters. The spraying occurs at 3:00am or 4:00am when no one can see their operations. Mr. Garcia said this practice is dangerous, particularly considering that many residents also use herbicides on their own land. He also discussed how the Wellness Center, a spa, used ten acre-feet of water, water that will not be put back into the river.

Sofia Martinez, Concerned Citizens of Wagon Mound and Mora County, explained how she came back to her community a few years ago and learned that Mr. Daniels, a landfill owner, was trying to get a special waste permit. She said that she believed that the NMED had colluded with Mr. Daniels to misinform the Wagon Mound and the Tri-County area about the nature of the landfill. Ms. Martinez said the permit characterized the waste as “regional, special waste” without explaining what was meant—with the result that the poorest county in the state would

receive all of the waste from the wealthiest county, and very little in the way of jobs or other benefits. Further, she contended that the hearing was intentionally scheduled at 3:00 pm, a time when most residents were at work, and that the permit was essentially a done deal by the time the hearing took place. Ms. Martinez was pleased Secretary Curry issued a strong message that all landfills will have to strictly comply with the law in New Mexico and that public notice of hearings will have to be sufficient. She recommended that public hearings about landfills should be held in the evening to ensure that working people can attend as easily as State officials and ranchers.

### **III. Public Comments**

Comment forms for the public were located at the meeting reception table and participants were encouraged to fill them out at the meeting. Comment forms were collected at the end of the listening session. Data that describe environmental concerns on specific issues from the panelists and participants was garnered. The format of these data included oral and written comments, copied newspaper articles, letters to NMED representatives and to political representatives, and other materials that were provided as part of the record. The data from the Listening Session were collected, entered into a database, and coded by a single set of recommendation categories. Most recommendations emerged from oral testimonies provided by participants. Broad categories emerged from these data. The data from the public are organized into subgroups of specific recommendations on specific issues in a Recommendation Matrix at the end of this report.

### **IV. Lessons Learned**

It is important to ensure that in long EJ sessions such as the Las Vegas meeting which ran from 2:00 pm to 8:00 pm that there time for breaks and refreshments for those attending. The participants need a refreshment break to refresh themselves as well as to network and exchange views informally with other people at the meeting. It is important to hire a group or person who will serve as a Community Liaison in the area. This person has been invaluable to dissemination of information about the session, to recommending panel members, and to follow-up and planning activities.

## **APPENDIX A**

### **Matrices of Citizen Comments**



<b>Matrix of Public Testimony from the Northeastern New Mexico Environmental Justice Listening Session – Las Vegas, NM</b>				
<b>Citizen Recommendations</b>	<b>Comment or Concern</b>	<b>County or City</b>	<b>Name</b>	<b>Affiliation</b>
<b>Laws and Regulations - Creation, Implementation, and Enforcement</b>				
NMED and the Federal Government should take the initiative to enforce the Clean Water Act (CWA).	Is concerned about adjudication and transfer of water rights on the Rio Gallinas, including non-traditional diversions and water quality - (e.g., dumping street residue into the river)	Las Vegas, NM	Michael Coca	Amigos Bravos Board Member
Seeks fairness in transfer and adjudication of water rights. Enforce CWA. Protect irrigation and conserve traditional ways of farming and food production.	Is concerned about the water being sold to Las Campañas and the transfer of groundwater rights that charge the acequias. Is also concerned about discharge of raw sewage into the Pecos.	Santa Fe, NM	Celina Rael de Garcia	Santa Fe Farmer’s Market Institute
Those applying for a permit should do a demographic analysis of the area, as well as an impact analysis, and should demonstrate that there is no disparate impact on an ethnic or low income group.	Is concerned about landfill accepting special waste and water issues. Concerned with disproportionate impacts.	Wagon Mound, NM	Debbie Romero	Concerned Citizens of Wagon Mound

<b>Matrix of Public Testimony from the Northeastern New Mexico Environmental Justice Listening Session – Las Vegas, NM</b>				
<b>Citizen Recommendations</b>	<b>Comment or Concern</b>	<b>County or City</b>	<b>Name</b>	<b>Affiliation</b>
<b>Laws and Regulations - Creation, Implementation, and Enforcement</b>				
Landfills should not have to take waste from everyone; Wagon Mound should not take special waste; NMED should be concerned about the protection of citizens	Is concerned about protection for citizens, not just the business and corporations	Wagon Mound, NM	Amanda Martinez	Concerned Citizens of Wagon Mound and Mora County
The should be tax credits available to restore old adobe homes instead of buying mobile homes	Is concerned that banks “red zone” loans, leaving residents with only the option of purchasing mobile homes as an only option; the homes depreciate in five years. Las Vegas has more than 900 historic structures.	Las Vegas, NM	Georgina Ortega	
Stop spraying of pesticides to control salt cedar.	Questioned the use of pesticides to control salt cedar because of harm to surface water, water used for crops and animals, particularly organic farms.	Las Vegas, NM	Miguel Pacheco	
Ban toxics and find suitable alternatives, such as hemp.	Is concerned about species loss and other harm caused by toxic materials. Look to countries like Sweden that ban toxics.	Sapello, NM	Kathy Sweelund	

<b>Matrix of Public Testimony from the Northeastern New Mexico Environmental Justice Listening Session – Las Vegas, NM</b>				
<b>Citizen Recommendations</b>	<b>Comment or Concern</b>	<b>County or City</b>	<b>Name</b>	<b>Affiliation</b>
<b>Laws and Regulations - Creation, Implementation, and Enforcement</b>				
NMED should respond and control MTBE before it reaches the 100ppb, as a preventive measure.	Is concerned about the use of MTBE, a fuel oxygenate, that is making its way into the groundwater.	Eagle Nest, NM	Gary Perkins	
Protect citizens from the use of toxic chemicals, particularly formaldehyde in manufactured homes.	Is concerned about the formaldehyde in mobile homes, and its effect on reproduction. Many people in the area have to use these homes.	Mora, NM	Paula Garcia	New Mexico Acequia Association
Increase recycling in Las Vegas by curb side pickup and managing the recycle bins better. Require deposit on plastic and glass bottles, set up regional recycle centers. The state should provide rotating trucks to rural communities that cannot afford them to haul recycled material and build regional processing centers	Is concerned about landfills and the problems they pose for smaller communities. The bins for recycled materials are always overflowing.	Between Las Vegas and Mora	Robert Pierson	

<b>Matrix of Public Testimony from the Northeastern New Mexico Environmental Justice Listening Session – Las Vegas, NM</b>				
<b>Citizen Recommendations</b>	<b>Comment or Concern</b>	<b>County or City</b>	<b>Name</b>	<b>Affiliation</b>
<b>Laws and Regulations - Creation, Implementation, and Enforcement</b>				
The State Engineer should allow only stabilization of the high wall in Velarde, not excessive mining. Enforce the sand and gravel ordinances of Rio Arriba County enacted in the late 1990's.	Concerned about a contract with the State to mine state land behind the high wall in Velarde. An open-ended contract with Coppola Concrete allows for mining for up to 30 years, with only a \$25,000 bond for reclamation. Listed environmental effects of mining include: air pollution, erosion, damage to surface and ground water, noise, land devaluation, destruction of petroglyphs, vibration, and micro-climate change.	Velarde, NM	Jane Ervin	

<b>Matrix of Public Testimony from the Northeastern New Mexico Environmental Justice Listening Session – Las Vegas, NM</b>				
<b>Citizen Recommendations</b>	<b>Comment or Concern</b>	<b>County or City</b>	<b>Name</b>	<b>Affiliation</b>
<b>Laws and Regulations - Creation, Implementation, and Enforcement</b>				
Figure out a way to use tires in an environmental friendly way and prevent disposal of them in a way that causes a health risk.	Is concerned about a neighbor that accepts tires for disposal on his property. The tires get wet and mosquitoes breed, which could cause West Nile Virus. Officials do not return his call.	8 miles from Las Vegas, NM	Clifford Robinson	El Creston Water Assn.
Decrease the use of power to avoid power wastage and cause light pollution.	A part-time astronomer is concerned about light pollution. It is also a power waste.	Las Vegas, NM	Dr. Vikram Alladi	
Educate communities about illegal dumping, impose violations, have proper signage and more efficient means of collecting solid waste	Is concerned about illegal dumping in arroyos and on road sides. Causes rodent problems.	Las Vegas, NM	Gretchen Bush	
Take into consideration other life forms and their habitat. Conserve our forests and water. Rethink our food choices. Educate population.	Is concerned about our anthropocentric view and with protecting the trees and water resources	Las Vegas, NM	Bernadette Fernandez	

<b>Matrix of Public Testimony from the Northeastern New Mexico Environmental Justice Listening Session – Las Vegas, NM</b>				
<b>Citizen Recommendations</b>	<b>Comment or Concern</b>	<b>County or City</b>	<b>Name</b>	<b>Affiliation</b>
<b>Laws and Regulations - Creation, Implementation, and Enforcement</b>				
Stronger enforcement of Los Alamos Scientific Laboratories (LANL) under applicable laws. Reimburse employees for illnesses. Support listing the Española plume site on the National Priorities List.	Concerned about contamination of LANL, air emissions and worker safety. also concerned about and the Española plume site and illegal dumping in Rio Arriba County	Santa Cruz, NM	Hilario E. Romero	El Rio Arriba Environmental Health Assn.
Place restraints on corporations. Support low environmental impact alternative economic plans. Stop adversarial relations with traditional rural institutions. Enforce environmental standards	Concerned about restoration of traditional landscape, water quantity and quality, and the power of corporations to pollute the environment	Las Vegas, NM	Miguel Angel	Casa de Cultura
Match federal funds to upgrade water systems. Work with State Engineer’s Office on water allocation. Deep water for local use and prohibit sale to private industry. Give greater deference to local (site) decision-making. Have stronger oversight over private consultants.	Concerned about requirements attached to federal funds to upgrade water systems, and accountability of the NMED. Believes that NMED encourages division among local communities and serves private industry over the public. Placement of wells is too close to septic systems.	Mora and Cleveland area	Sarah J. Fahey	Mora Mutual Domestic Water Assn.

<b>Matrix of Public Testimony from the Northeastern New Mexico Environmental Justice Listening Session – Las Vegas, NM</b>				
<b>Citizen Recommendations</b>	<b>Comment or Concern</b>	<b>County or City</b>	<b>Name</b>	<b>Affiliation</b>
<b>Laws and Regulations - Creation, Implementation, and Enforcement</b>				
NMED engineer should look at and consider site specific issues such as secondary health impacts, the potential for water borne illness like West Nile Virus, nuisances like noxious odors. Should consider alternatives and more protective measures in pending wastewater discharge permit proceedings.	Concerned about Rio Arriba’s pending application for a wastewater discharge permit for a 52-bed drug treatment center. The septic system is too close to the groundwater, and the Rinconada ditch, and does not have adequate lining and leak detection. The NMED engineer on the file was not cooperative and did not want to consider alternative closed systems. Due to several inconsistencies, the commenter believes the NMED engineer on file was not being truthful.	Velarde, NM	Juanita Giradin	Neighborhood Mica Containment Alliance

<b>Matrix of Public Testimony from the Northeastern New Mexico Environmental Justice Listening Session – Las Vegas, NM</b>				
<b>Citizen Recommendations</b>	<b>Comment or Concern</b>	<b>County or City</b>	<b>Name</b>	<b>Affiliation</b>
<b>Institutional Capacity Building</b>				
Community should be able to approve or disapprove landfill permit; more convenient date/time of hearings. Government should own/operate landfills (not private companies)	Is concerned that public hearings are just a formality with no real influence over NMED. Letters that people sent were not made a part of the record. Is concerned about outcome of appeal of denial of Wagon Mound permit.	Wagon Mound, NM	Leroy R. LeDoux	Concerned Citizens of Wagon Mound
Should include the disabled in the definition of environmental justice. Should help people that have been made homeless because of contamination, such as those with chemical sensitivities.	When victims of pollution cannot live in their own homes, no one makes an effort to get them into society. Few definitions of environmental justice include the disabled.	Mendocino, CA	Arthur Firstenburg	
District Ranger Joseph Reddins should reconsider citizens' comments on the environmental assessment.	Is concerned about the lack of consideration given to public comments on the environmental assessment pertaining to the Galinas watershed. No analysis of citizens' comments on key provisions of the plan.	Mosquero, NM	Betty Quick	



<b>Matrix of Public Testimony from the Northeastern New Mexico Environmental Justice Listening Session – Las Vegas, NM</b>				
<b>Citizen Recommendations</b>	<b>Comment or Concern</b>	<b>County or City</b>	<b>Name</b>	<b>Affiliation</b>
<b>Institutional Capacity Building</b>				
State Engineer should attend these listening sessions.	Questions why the US and Israel can have weapons of mass destruction.	Las Vegas, NM	Ernesto Lujan	Las Vegas Land Grant
NMED should have higher public participation standards. Use public participation provisions of the Solid Waste Act as a baseline. Offer multi-lingual notices. Need monitoring. Communities should look at zoning to respond to some impacts.	Concerned about inadequacy of public participation and notice provisions. Reports recent survey data shows a high number of households in Mora County having a person with cancer. Concerned about impacts from Los Alamos.	Wagon Mound, NM	Sofia Martinez	Concerned Citizens of Wagon Mound and Mora County
Recommends road map to the NMED and instructions for filing complaints. More interagency cooperation and collaboration	Is concerned about water issues and with general inability of citizens to have an impact on the regulatory processes.	Pecos, NM	Janice Varela	Amigos Bravos
Educate staff on constitutional principles before they are sent to communities.	No enforcement of constitutional principles. EPA treats community residents like animals and is insulting.	Questa, NM	Paul Martinez	Sangre de Cristo Land Grant/ Rio Colorado Reclamation Committee

<b>Matrix of Oral and Written Comments from the 2004 Las Vegas, NM Environmental Justice Listening Session</b>				
<b>Citizen Recommendations</b>	<b>Comment or Concern</b>	<b>County or City</b>	<b>Name</b>	<b>Affiliation</b>
<b>Institutional Capacity Building</b>				
Set up an Office of Advocacy to help citizens navigate the bureaucracy. Train citizens to become opacity readers. Inform private landowners of the risk associated with tailings. List mica as a toxic substance, and create an ambient air ordinance.	Concerned about an exemption of sand & gravel operations from county laws, and with poorly written and ambiguous permit terms. It took 3 years to develop a groundwater plan to address the mica mill contamination. Tailings are taken to private property where there are no restrictions.	Velarde, NM	Larry Fielder	HMCA
More networking between departments in NMED so that issues do not get buried. Field reps should communicate with the community more often. Multi-agency collaboration.	Concerned about the general inefficiency of agencies and the way that matters are not addressed	Angel Fire, NM	William "Hoot" Gibson	Village of Angel Fire Councilor
Permits proceedings: NMED should consider impact, proper training for fire department, explain use of terms (plain English), translation into Spanish or other appropriate languages, technical assistant grants, on-site disposal of waste, penalties for violations should go to community environmental projects; follow up with individuals reporting violations.	Ordinance in Mora says that they will not store waste unless it is mitigated. NMED should enforce that. Is concerned with permit proceedings.	Wagon Mound, NM	Felipe Garcia	Concerned Citizens of Wagon Mound and Mora County

<b>Matrix of Public Testimony from the Northeastern New Mexico Environmental Justice Listening Session – Las Vegas, NM</b>				
<b>Citizen Recommendations</b>	<b>Comment or Concern</b>	<b>County or City</b>	<b>Name</b>	<b>Affiliation</b>
<b>Public Participation, Capacity Building</b>				
More avenues for input in matters pertaining to surface waters. Education on importance of maintaining a healthy environment. Citizen participation in enforcement and policy making.	Communities have not been able to affect growth that occurs too close to the river and causing pollution. Is also concerned about liquid and solid waste, roads, animal control, and fire protection.	Las Vegas, NM	Ernesto Lujan	Las Vegas Land Grant
Substantively address the concerns of the public.	Public hearings become a form of co-optation because nothing gets addressed after the hearing. Market economies cannot grasp the concept of social justice, especially where sacred land is sold.	San Jose, NM	Facundo Valdez	

## **APPENDIX B**

### **Final Agenda**

**NEW MEXICO ENVIRONMENT DEPARTMENT  
ENVIRONMENTAL JUSTICE LISTENING SESSION**

**JULY 21, 2004**

**2:00 PM – 8:30 PM**

**DONNELLY LIBRARY ROOM, G-35 (LOWER LEVEL)**

**NEW MEXICO HIGHLANDS UNIVERSITY**

**HOSTED BY THE**

**CENTER FOR EDUCATION AND STUDY OF DIVERSE POPULATIONS**

**AGENDA**

- 2:00 – 2:30 pm . Welcome and Introductions  
NMED, Local Officials, Highlands University President  
Mayor Henry Sanchez, Las Vegas
- 2:30 – 3:15 pm. Panel A: History of Economic Justice and Environmental Justice  
Movement in U.S. and New Mexico  
  
Richard Moore, SNEEJ  
Linda Velarde, EJ Facilitator, Vallecitos Mountain Refuge  
Francisco Apodaca, Director, NM Conservation Voters Alliance
- 3:15 – 4:00 pm Panel B: Water Quality, Land Grant & Cultural Issues  
  
Paula Garcia, NM Acequia Association  
William Gonzales, San Augustine Land Grant & Community Acequia  
Antonio Medina, Mora, Rancher/Pres. Asociacion de las acequias del  
valle de Mora/commissioner on Acequia de El Encinal  
Patricio Garcia, Commissioner, Interstate Stream Commission

- 4:00 – 5:30 pm.      Open Session #1
- Ike DeVargas  
Michael Coca  
Georgina Ortega, Farmworker, Las Vegas  
Angela and Joe Herrera-Tecolote Land Grant  
Ernesto Lujan - Las Vegas Land Grant  
Michael Coca  
Estevan Flores- Land Grant Activist  
Moises Morales  
Moises Gonzales  
Miguel Santistevan
- 5:30 – 5:45 pm      Break and Refreshments
- 5:45 – 6:30          Panel C: Natural Resource Issues
- Roberto Vigil, Rio Colorado Reclamation Committee, Questa  
Luis Torres, Natural Resources Consultant/Santa Cruz  
Pat Leahan- Las Vegas Peace and Justice Center
- 6:30 – 7:15 pm      Panel D: Solid Waste, Toxics and Illegal Dumping
- Miguel Pacheco, Las Vegas  
Joe I Garcia – Los Trigos Land Grant  
Sofia Martinez, Concerned Citizens of Wagon Mound
- 7:15 – 8:15 pm      Open Session #2
- Lorenzo Flores, Las Vegas  
Ike De Vargas  
Larry Fielder or Junaita Girardin, Velarde Mica Mill  
Aaron Rael, Questa  
Ernie Atencio, Taos Land Trust  
Pedro and Bernice Archuleta  
Enriqueta Vasquez  
Danny Montoya – Tecolote Land Grant  
Arlene Valdez, Director, Tierra Wools
- 8:15 – 8:30 pm      Wrap-up & Closing Remarks  
NMED

## **APPENDIX C**

### **Outreach Material**



# NEW MEXICO ENVIRONMENT DEPARTMENT

## NOTICE OF PUBLIC LISTENING SESSION

### STATE ENVIRONMENT DEPARTMENT SEEKS PUBLIC INPUT ON ENVIRONMENTAL JUSTICE IN YOUR AREA

The New Mexico Environment Department (NMED) is seeking public input on environmental justice concerns in your community. Public “listening sessions” will be held statewide. Participants and organizations will be given an opportunity to comment on their environmental justice concerns and to offer recommendations. The environmental justice public listening sessions are receptive, solution-oriented meetings conducted with the community in partnership with the NMED and other state and federal representatives. The purpose of these listening sessions is to hear from participants on topics ranging from general to specific areas of environmental interests/concerns and to work effectively towards mutually beneficial solutions.

Topics may include: Permitting and Public Participation, Sacred and Religious Sites, Capacity Building, Land Grants, Uranium Mining, Hazardous Waste, Illegal Dumping, Pesticides and Farm Workers, or Water/Wastewater Treatment Infrastructure.

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**What is Environmental Justice?** The fair treatment and meaningful involvement of all people, regardless of race, ethnicity, culture, income, or education level with respect to the development, implementation, and enforcement of environmental laws, regulations, and policies. Environmental justice seeks to ensure that no population is forced to shoulder a disproportionate burden of the negative human health and environmental impacts of pollution or other environmental hazards. (*Definition provided by [www.naccho.org](http://www.naccho.org)*)

For our purpose, we are interested in hearing your environmental justice concerns, if you feel that your community has been forced to shoulder a disproportionate burden of the negative human health and environmental impacts of pollution or other environmental hazards.

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The NMED, with the University of New Mexico’s ATR Institute as facilitator, will conduct a Listening Session for northern New Mexico and Tribes at the following location:

#### **LAS VEGAS, NEW MEXICO**

**July 21, 2004, 1:00 pm**

**CNS, G35 (lower level Donnelly Library), New Mexico Highlands University**

Representatives from the NMED, the US EPA, and other state or Tribal governments will be in attendance to personally hear your concerns. By working together we can build effective, solution-oriented community/government relationships.

Any person or organization that wishes to provide oral comments will be given five minutes to present their environmental justice concerns. Written statements can also be submitted during the session or by mail. Please send all comments to: EJ Listening Session Workgroup, 801 University Boulevard SE, Suite 302, Albuquerque, NM, 87106.

If you are an individual with a disability and you require assistance or an auxiliary aide, i.e., sign language interpreter, to participate in any aspect of this hearing, please contact Jon Goldstein at 1-800-219-6157 or 505-827-2855, NMED, P.O. Box 26110, 1190 St. Francis Drive, N4050, Santa Fe, NM, 87502 (TDD or TDY users please access this number via the New Mexico Relay Network). Albuquerque TDD users: (505) 275-7333; outside of Albuquerque: 1-800-659-1779.





NEW MEXICO ENVIRONMENT DEPARTMENT  
OFFICE OF THE SECRETARY



# PUBLIC LISTENING SESSION ON ENVIRONMENTAL JUSTICE

The New Mexico Environment Department (NMED) is seeking public input and comment on environmental justice in your communities. The recommendations will be used to formulate community-based policies and planning initiatives. The listening session will be held at:

**NEW MEXICO HIGHLANDS UNIVERSITY**  
CNS, G-35 (lower level of Donnelly Library), Las Vegas, New Mexico  
July 21, 2004, 2:00 pm to 8:00 pm

## What is Environmental Justice?

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For our purpose, we are interested in hearing your environmental justice concerns, if you feel that your community has been forced to shoulder a disproportionate burden of the negative human health and environmental impacts of pollution or other environmental hazards.

## Why an Environmental Justice Listening Session?

The NMED environmental justice listening sessions are receptive, solution-oriented meetings conducted with the community, and in partnership with federal, state, Tribal, and local government representatives. The purpose of these listening sessions is to hear from participants on topics ranging from general to specific areas of environmental interest/concern and to work effectively towards mutually beneficial solutions. Individuals and organizations will be given an opportunity to provide input as to their environmental justice concerns and to offer recommendations to the NMED.

## What Topics Will Be Covered?

Topics may include: Permitting and Public Participation, Enforcement, Water Quality Projects, Land Grants, Mining, Sacred and Religious Sites, Pesticides, or Wastewater Treatment/Infrastructure.

## How Do I Participate?

Come at 1:00 pm to 2:00 pm on the day of the Listening Session and sign-up to be called upon. You will be given five minutes to speak. Written comment will also be accepted at that time, although not required.

NEW MEXICO ENVIRONMENT DEPARTMENT  
OFFICE OF THE SECRETARY

Harold Runnels Building  
1190 St. Francis Drive  
P. O. Box 26110  
Santa Fe, NM 87502

Phone: 1-800-219-6157 or 505-827-2855  
Fax: 505-827-1768  
E-mail: Jon\_Goldstein@nmenv.state.nm.us

**Your Input  
is Needed!**

### How to Provide Input at Your Regional Listening Session?

If you or your organization is interested in commenting, you may participate in one of two ways. You can voice your concerns as a panel participant or during public comments. You will be given no more than five minutes to express your concerns and to provide recommendations.

To be a panel participant, please contact the NMED for more information and to schedule a time to present. Public comments will be taken on a first come basis with sign-up commencing at 3:00 p.m.

### How to Formulate Your Concerns?

Your entire comment should be delivered in five minutes or less. It doesn't have to be detailed, but should include a recommendation.

Following is an example of how you might want to formulate your comments:

*"Hello, my name is <insert> and I am from the community of <town>. I would like to bring to your attention my concern with <your environmental issue>. This has been an issue in my community since <year> and it has affected me and my community by <state health affects>. My recommendations to NMED and local governments is <state>. Thank you."*

Because the time is limited, we encourage those providing input to also submit written comments. They need not be formal or lengthy.

### Are Written Comments Welcomed?

Yes. Written comments will be accepted during the Listening Session and by mail until August 30, 2004. Please send all written comments to the EJ Listening session Workgroup, 801 University Boulevard SE, Suite 302, Albuquerque, New Mexico 87106.



#### New Mexico Environment Department Office of the Secretary

Contact: Jon Goldstein  
Harold Runnels Building  
1190 St. Francis Drive  
P. O. Box 26110  
Santa Fe, NM 87502

Telephone: 1-800-219-6157 or  
505 827-2855  
Fax: 505-827-1768  
Email: Jon\_Goldstein@nmenv.state.nm.us




## Statewide Environmental Justice Listening Sessions



Sponsored by the  
New Mexico Environment Department

**Deming**  
June 30, 2004

**Las Vegas**  
July 21, 2004

**Acoma (Tribal)**  
July 27, 2004

**Albuquerque (Statewide)**  
September 16-17, 2004



## Listening Sessions on Environmental Justice

The New Mexico Environment Department (NMED) is seeking public input and comment on environmental concerns in your communities. The comments will be used to design and implement initiatives, such as policies and planning, to work effectively towards mutually beneficial solutions.

### What is Environmental Justice?

The fair treatment and meaningful involvement of all people, regardless of race, ethnicity, culture, income, or education level with respect to the development, implementation, and enforcement of environmental laws, regulations, and policies.

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### Why an Environmental Justice Listening Session?

The NMED environmental justice listening sessions are receptive, solution-oriented meetings conducted with the community, and in partnership with federal, state, Tribal, and local government representatives. The purpose these listening sessions is to hear from participants in topics ranging from general to specific areas of environmental interest/concern and to work effectively towards mutually beneficial solutions. Individuals and organizations will be given an opportunity to comment on their environmental justice concerns and to offer recommendations to the NMED. The goals of these sessions are as follows:



- Obtain input from communities on environmental, health, and quality of life concerns.
- Provide individuals and environmental justice community representatives in New Mexico with an opportunity to present their environmental justice issues to the NMED.
- Provide recommendations to the NMED so that it can formulate solutions to alleviate disproportionate impacts on environmental justice communities in New Mexico, including policies, strategies, and regulations.

- Establish and strengthen working relationships between and among environmental justice communities, the NMED, and other government agencies, in order to secure long-term partnerships with the community at large.
- Report back to communities and local governments as to the status of their recommendations.

### What Issues Will Be Covered?

Permitting and Public Participation  
Enforcement  
US—Mexico Border Issues  
Uranium Mining  
Sacred and Religious Sites  
Land Grants  
Pesticides and Farmworkers  
Water/Wastewater Issues

Contact: Jon Goldstein  
Harold Runnels Building  
1190 St. Francis Drive  
P. O. Box 26110  
Santa Fe, NM 87502

Telephone: 1-800-219-6157 or  
505 827-2855  
Fax: 505-827-1768

Email: [Jon\\_Goldstein@nmenv.state.nm.us](mailto:Jon_Goldstein@nmenv.state.nm.us)



NEW MEXICO ENVIRONMENT DEPARTMENT  
OFFICE OF THE SECRETARY



## SUGGESTIONS FOR EFFECTIVE COMMENTS

The New Mexico Environment Department (NMED) has planned this series of **Environmental Justice Listening Sessions** statewide to get input on environmental justice concerns from the residents of New Mexico. The NMED has invited its management team and other governmental representatives to hear your concerns. To make this Session as productive as possible, we have provided the following tips.

- Formulate your comments knowing you have only **five minutes** to speak.
- Present your concerns in a way you feel is appropriate. In general you should state:
  - **name**
  - **organization (if you are affiliated with one)**
  - **community**
  - **environmental concern(s)**
  - **recommendation(s) to the NMED**
- Be specific about your recommendations and how the NMED can address your concerns. **Recommendations are most important to the NMED.**
- Do not use your comment period to debate a particular issue. It will result in less time for you to adequately state your concerns and make recommendations. NMED and other representatives will be listening only and will not be speaking directly to presenters.
- Recognize that everyone has a legitimate perspective. The mission is not to engage in a debate about the merits of a particular point. NMED wants to know what people perceive the problems to be and why.

Sometimes frustration may be an adequate response because you believe that problems have not been adequately addressed by the NMED or other governmental agencies in the past. NMED understands and hopes to work with your community to start on solutions.

If you find that a particular concern was not adequately expressed and needs to be clarified further, please write down your concerns on the written comments form provided at the Listening Session and submit it to the facilitator. Your comments will be included in the record.

Send your written comments to :

The Environmental Justice Listening Session Workgroup  
801 University SE, Suite 302  
Albuquerque, NM 87106

We sincerely appreciate your participation. If you should have any questions, please contact Jon Goldstein at 1-800-219-6157 or 505-827-2855, NMED, P.O. Box 26110, 1190 St. Francis Drive, N4050, Santa Fe, NM, 87502.



## NEW MEXICO ENVIRONMENT DEPARTMENT ENVIRONMENTAL JUSTICE LISTENING SESSIONS



# ROLE OF LISTENERS

The New Mexico Environment Department (NMED) has planned this series of Environmental Justice Listening Sessions statewide which it anticipates will be productive to you in your work. The thrust of the Sessions is for the NMED, along with its sister-agencies from the federal, tribal, state and local levels, to get a sense of the concerns of the citizens of New Mexico on issues pertaining to Environmental Justice. In furtherance of this goal, we have invited several non-governmental organizations and individuals representative of communities that address Environmental Justice issues. In order to make this Session as productive as possible, we have outlined in detail what the *Role of the Listener* should be.

Please recognize that everyone has a legitimate perspective, and that everyone's perspective is necessarily colored by limited information. As such, your primary role here is to listen to understand. Our mission here is not to engage in a debate about the merits of any particular claim, but to get a sense of what people perceive the problems to be and why.

If you believe that a commenter's perspective may be informed by misinformation that you feel needs to be clarified, please write down your concern and the clarification and give it to the facilitator. At the appropriate time, the moderator or facilitator will address the audience and present the pertinent clarifications.

Because effective communication is the first step towards problem solving, we hope that you will take this opportunity to follow up with community groups and citizens, in a collaborative problem solving venue, to address some of their concerns. The NMED is similarly willing to participate in multi-agency collaborative efforts in this regard. In our experience, this has been one of the most effective means to address issues that involve environmental impacts from sources that do not lie within the jurisdiction of any one particular agency.

Sometimes citizens or citizen groups might express frustration because they believe that problems have not been adequately addressed. A common but unhelpful reaction to this frustration is for governmental officials to simply disregard what is being said. Please bear in mind that problems do not get solved, or resolved, when one or both parties make no attempt to work through the frustration.

In addition to comments about adverse environmental impacts of certain activities, sometimes citizens or citizen groups have concerns about the process of the decision-making that led to that action. Issues of process and protocol are important components of resolving matters. Bear in mind that every citizen wants to have a say in the decisions that affect their family's health and their environment.

At the conclusion of the listening session, a report will be prepared concerning the comments raised and the recommendations offered by the public. You will receive a copy of the report. More importantly, you will be given an opportunity to respond to the comments for the record. Use this as your personal opportunity to clarify information. A Final Report to the NMED will summarize general comments and your official responses.

We sincerely appreciate your participation. If you should have any questions, please contact Jon Goldstein at 1-800-219-6157 or 505-827-2855, NMED, P.O. Box 26110, 1190 St. Francis Drive, N4050, Santa Fe, NM, 87502.

**APPENDIX D**  
**Summary Report**  
**Environmental Justice Listening Session III**  
**Pueblo of Acoma, New Mexico**

## Summary Report

# Environmental Justice Listening Session III

**Pueblo of Acoma  
Sky City Hotel**

**July 27, 2004**

Sponsored by the

**New Mexico Environment Department**



Prepared by the

**Alliance for Transportation Research Institute**

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The University of New Mexico

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## Acknowledgements

### The Environmental Justice Listening Sessions Are Sponsored by:

**New Mexico Environment Department  
Office of the Secretary  
P.O. Box 26110  
1190 St. Francis Dr.  
Suite #N4050  
Santa Fe, NM 87502  
Telephone: 1-800-219-6157  
(505) 827-2855**

### Special Thanks go to the following individuals and groups:

#### A. The Environmental Justice Planning Committee (EJPC)

The New Mexico Environment Department (NMED) would like to thank the contributions of the Environmental Justice Planning Committee (EJPC). Secretary Ron Curry and Deputy Secretary Derrith Watchman-Moore of the NMED appointed an EJPC that would be responsible for the design of public listening sessions, discussion of important process issues, and also the development of protocol for promoting an authentic participatory process. The EJPC was composed of representatives of community, business, industry, municipal, and Tribal entities selected for their respective expertise in environmental justice coalition building, knowledge of regional environmental justice issues, and their familiarity and networks with local grassroots organizations in New Mexico.

The 13-member Environmental Justice Planning Committee includes:

- ◆ Derrith Watchman-Moore, Deputy Secretary, NMED, Co-Chair
- ◆ Cynthia Gomez, Co-Chair
- ◆ Dennis Chavez, Mimbres Valley Surface Water Users Association
- ◆ Margaret Chavez, Pueblo of Santo Domingo
- ◆ Calvert L. Curley, Navajo Nation
- ◆ Tomasita Gonzalez, Southwest Organizing Project (SWOP)
- ◆ Bill Hocker, Acoma Enterprises
- ◆ Sofia Martinez, Concerned Citizens of Wagon Mound and Mora County
- ◆ Richard Moore, Southwest Network for Environmental and Economic Justice (SNEEJ)
- ◆ Olivia Balandran Rodriquez, U.S. Environmental Protection Agency, Region 6
- ◆ Regina Romero, New Mexico Municipal League
- ◆ Marla Shoats, Shoats & Weak, Inc.
- ◆ Mark Turnbough, Consultant

## **B. Acoma Workgroup**

A subcommittee of the EJPC was formed to spearhead the Environmental Justice Listening Session at Acoma Pueblo's Sky City Hotel. The subcommittee met periodically to optimize the outcome of the public participatory process and to ensure participants were individuals and organizations representative of New Mexico communities, especially Tribal communities. The Acoma Workgroup included:

- ◆ Derrith Watchman-Moore, NMED Deputy Secretary,
- ◆ Margaret Chavez, Pueblo of Santo Domingo
- ◆ Calvert L. Curley, Navajo Nation
- ◆ Bill Hocker, Acoma Enterprises

In addition to the EJPC involvement, the NMED also sought the assistance of two “on the ground” Community Liaisons experienced in dealing with local environmentally impacted communities, communities of color, and/or low-income communities. The Community Liaisons who assisted the NMED and the EJPC with logistics of the Acoma meeting included

- ◆ Carletta Garcia, Laguna Acoma Coalition for a Safe Environment
- ◆ Laurie Weahkee., Sacred Alliances for Grassroots Equity Council

## **C. Consultants to the Environmental Justice Listening Sessions Project**

The New Mexico Environment Department would like to thank the contributions of the Judith M. Espinosa, Alliance for Transportation Research Institute (ATRI), Eileen Gauna, Professor, Southwestern School of Law, and Paul Robinson, Southwest Research and Information Center for their role as consultants. The ATRI served as the primary contractor and facilitator for all listening sessions.

## SUMMARY REPORT

**“Environmental Justice** is the fair treatment and meaningful involvement of all people regardless of race, color, national origin, or income with respect to the development, implementation, and enforcement of environmental laws, regulations, and policies.

**Fair treatment** means that no group of people, including a racial, ethnic, or a socioeconomic group, should bear a disproportionate share of the negative environmental consequences resulting from industrial, municipal, and commercial operations or the execution of federal, state, local, and Tribal programs and policies.

**Meaningful involvement** means that: (1) potentially affected community residents have an appropriate opportunity to participate in decisions about a proposed activity that will affect their environment and/or health; (2) the public's contribution can influence the regulatory agency's decision; (3) the concerns of all participants involved will be considered in the decision making process; and (4) the decision makers seek out and facilitate the involvement of those potentially affected.

**Environmental justice is achieved when** everyone, regardless of race, culture, or income, enjoys the same degree of protection from environmental and health hazards and equal access to the decision-making process to have a healthy environment in which to live, learn, and work.”

- *From the Environmental Justice Home Page of the US EPA Website*  
(<http://www.epa.gov/compliance/environmentaljustice/index.html>)

### I. Introduction

The New Mexico Environment Department (NMED) is conducting “Listening Sessions” in four locations of the state in an effort to highlight environmental justice (EJ) concerns in New Mexico. Secretary Ron Curry and Deputy Secretary Derrith Watchman-Moore of the NMED have undertaken to ascertain the extent and nature of EJ concerns in New Mexico from a grassroots perspective. A team of four co-consultants assisted in this project: Judith Espinosa, the ATR Institute (ATRI), University of New Mexico, Paul Robinson and Frances Ortega of the Southwest Research and Information Center (SRIC) and Professor Eileen Gauna, Southwestern University School of Law, Los Angeles, California. The ATRI is also providing staff support for the Listening Sessions.

State, regional, municipal, and Tribal government officials who were designated as “listeners,” were invited to hear about the concerns of residents and local organizations. The Listening Sessions were designed to elicit information and recommendations from stakeholders in communities that have sustained environmental, quality of life, and health impacts from polluting activities and resource depletion. Consistent with documented national patterns, such communities are often communities of color and/or low-income communities, a social phenomenon which is popularly termed “environmental *injustice*” or “environmental racism.” The comments will be used to create and carry out initiatives in the form of planning and policies to work effectively and proactively toward mutually beneficial solutions.

Secretary Curry and Deputy Secretary Watchman-Moore created an Environmental Justice Planning Committee (EJPC) of diverse stakeholders, with NMED Deputy Secretary Watchman-

Moore and Cynthia Gomez of the Mexicano Land Education and Conservation Trust as EJPC co-chairs, and charged the Committee with designing a series of Listening Sessions. Other EJPC members include:

- ◆ Dennis Chavez, Mimbres Valley Surface Water Users Association
- ◆ Margaret Chavez, Pueblo of Santo Domingo
- ◆ Calvert L. Curley, Navajo Nation
- ◆ Tomasita Gonzalez, Southwest Organizing Project (SWOP)
- ◆ Bill Hocker, Acoma Enterprises
- ◆ Sofia Martinez, Concerned Citizens of Wagon Mound and Mora County
- ◆ Richard Moore, Southwest Network for Environmental and Economic Justice (SNEEJ)
- ◆ Olivia Balandran Rodriquez, U.S. Environmental Protection Agency (US EPA), Region 6
- ◆ Regina Romero, New Mexico Municipal League
- ◆ Marla Shoats, Shoats & Weaks, Inc.
- ◆ Mark Turnbough, Consultant

Deputy Secretary Watchman-Moore also chairs an Environmental Justice Policy Committee to address issues raised by the Listening Sessions. In addition to the Deputy Secretary, the Policy Committee includes Regina Romero, Doug Micklejon, Marla Shoats, Richard Moore, Cindy McGill, and Pablo Padilla.

The co-consultants prepared *A Background Report on Environmental Justice* for the Committee. In addition, the consultants will prepare *A Final Report on Environmental Justice in New Mexico* at the conclusion of the four Listening Sessions. The Background Report, the Meeting Summaries, and the Final Report will be available on the NMED and the ATRI/EJPC Websites. EJPC members were charged with the design of public listening sessions, discussion of important issues, and promotion of an authentic participatory process. Listening Sessions were scheduled at four locations: Deming; Las Vegas, Pueblo of Acoma, and Albuquerque.

The EJPC members identified one or two individuals from each region who has experience and expertise in EJ issues to be the Community Liaisons for the Listening Session. Each meeting location was organized by a Community Liaison identified by the NMED EJPC members. Each person serving as liaison was assigned to make arrangements for the venue, obtain sound system, and order refreshments for the meeting. The Community Liaison was made responsible for identifying, contacting, and explaining the mission of the EJ Listening Session to area individuals, community groups, and other local organizations. Duties of the Community Liaison included compiling and updating contact information of potential panelists and participants of each Listening Session. The contact information included name, organization, county/city, issue(s), and was provided to the EJPC in a spread-sheet format. The spread-sheets were entered into a database of all participants. The two Community Liaisons charged with effectively engage communities, included: Laurie Weahkee, Sacred Alliances for Grassroots Equity Council, and Carletta Garcia, Laguna Acoma Coalition for a Safe Environment.

The EJPC formed a subcommittee to assist in organizing the Acoma meeting. The Acoma Workgroup included:

- ◆ Derrith Watchman-Moore, NMED Deputy Secretary,
- ◆ Margaret Chavez, Pueblo of Santo Domingo
- ◆ Calvert L. Curley, Navajo Nation
- ◆ Bill Hocker, Acoma Enterprises

EJPC members decided to include a first panel that would be common to all four Listening Sessions. This first panel, or *Panel A: History of Environmental Justice in New Mexico and Nationally*, was intended to provide a historical overview of EJ locally, statewide, and nationally. *Panel A* set the context for the meeting and provided a rationale for the Listening Sessions.

Community residents and local organizations offered oral or written comments, which primarily consisted of a description of environmental concerns, followed by recommendations to address such issues. After each meeting, the co-consultants prepared a **Summary Report** of the meetings as well as **Matrices of Citizen Comments** which can be found in **Appendix A** at the end of the **Summary Report**. **The Final Agenda** and **Outreach Materials** are in **Appendices B** and **C**, respectively. Because those attending the first Listening Session in Deming went in with expectations of a more solution-oriented process from the outset, the co-consultants prepared and distributed **A Listeners' Guide** to help “designated listeners” (such as legislators and other government officials) better understand their role for the remaining sessions. The meetings are designed to run as efficiently as possible. This effort was further supported by consultants who facilitated and took notes, as well as by translators, where appropriate. Vera Leno was the translator for the Acoma meeting. A videographer was also present.

## II. Acoma Meeting

Although the Acoma meeting was envisioned as a Tribal Environmental Justice Listening Session, the meeting was also open to non-Tribal communities of northwestern New Mexico. In particular, counties of San Juan, McKinley, and Cibola were targeted for participation. Land-grant communities within these counties were also invited. Approximately 77 people attended the third Environmental Justice Listening Session which was held at Pueblo of Acoma's Sky City Hotel on July 27, 2004. Most participants were Listeners from their respective Tribal communities, who also provided comments as open microphone participants because of the dual role most serve in their Tribal communities. Non-Tribal Listeners from the City of Grants were also in attendance. Also present were land-grant residents from Cebolleta and Cubero.

The five panels included general topics or issues for discussion and further development included:

- ◆ *Panel A: History of Environmental Justice in the United States and in New Mexico*
- ◆ *Panel B: Capacity Building*
- ◆ *Panel C: Sacred Sites*
- ◆ *Panel D: Mining / Toxic / Illegal Dumping*
- ◆ *Panel E: Utilities, Water, and Air*

The panelists included:

- ◆ Jonathan Hook, US EPA, Region 6
- ◆ Calvert L. Curley, Navajo Nation EPA
- ◆ Richard Moore, Southwest Network for Economic and Environmental Justice
- ◆ Bineshi Albert, Sacred Alliances for Grassroots Equity Council
- ◆ Danny Gogal, US EPA
- ◆ Pablo Padilla, Pueblo of Zuni
- ◆ Everett Chavez, Pueblo of San Domingo Councilman
- ◆ Stanley Paytiamo, Pueblo of Acoma Environment Department
- ◆ Spencer Garcia, Sky City Community School
- ◆ Lloyd Tortalita, Pueblo of Acoma
- ◆ Dr. Paul Sandoval, Acoma/Laguna Community Hospital
- ◆ Milton Yazzi, Navajo Nation
- ◆ Robert Begay, Navajo Nation Historic Preservation
- ◆ Ray Gauchupin, Pueblo of Jemez, and member of the New Mexico Commission on Indian Affairs Sacred Site Planning Committee
- ◆ Joe Quinchelo, Pueblo of Picuris
- ◆ Laurie Weahkee, SAGE Council
- ◆ Jeff Sisneros, Governor, Pueblo of Santa Clara
- ◆ Phil Harrison, Shiprock
- ◆ Wynoma Foster, Eastern Navajo Diné Against Uranium Mining
- ◆ Joseph Chaverria, Pueblo of Santa Clara Environment Department
- ◆ Leanne Hocker, Land Grant Issues
- ◆ Lauren Sittnick Teacher, Pueblo of Laguna
- ◆ Lawrence Lente, Pueblo of Laguna Elder
- ◆ Kathy Sanchez, Pueblo of San Idefonso
- ◆ Gilbert Sanchez, Pueblo of San Idefonso
- ◆ Robert Gomez, Pueblo of Taos

### ***Welcome***

Judith Espinosa, ATRI, and Margaret Chavez, Pueblo of Santo Domingo and a member of the EJPC, opened the meeting as co-facilitators. Pueblo of Acoma Governor Fred S. Vallo, Sr. gave an invocation and welcome. Governor Vallo touched on important EJ issues in the region, such as uranium mining, and encouraged all those present to engage in a sincere dialogue. Pueblo of Laguna Governor Roland E. Johnson also welcomed those gathered and expressed his appreciation of the NMED for initiating dialogue with Tribal communities. Jonathan Hook, US EPA Region, recalled the establishment of the EJ and Tribal Affairs Offices in EPA and the need to implement culturally appropriate responses to Tribal concerns. Deputy Secretary Watchman-Moore thanked people for their work, especially the Acoma Workgroup of the EJPC, and discussed her philosophy to engage and consult Tribes early in the planning phase and throughout all phases. EJPC Co-Chair Cynthia Gomez welcomed participants and thanked them for their willingness to provide comments and recommendations.

*Panel A: History of Environmental Justice in the United States and in New Mexico*

*“The environment is a resource that we, as Native people, must protect to ensure our cultural survival. Environmental justice is a concept borne from our thoughts and cultural views about where our home is and what is sacred to us. We must continuously challenge Federal and State decision makers to adopt this perspective and use their regulatory authority to protect the tangible symbols of our core values, not only for ourselves but for our children.”*

**. Bineshi Albert of Sacred Alliances for Grassroots Equity Council**

Concepts of EJ were explored from the perspective of Tribal communities and social movements’ efforts to protect Native homelands and sacred sites, placing historical context at the center of any EJ concerns by Tribal people. Members of Panel A noted that consideration of early struggles of Indian people such as forced relocation, US treaty violations, loss of native lands, and the exploitive extraction of natural resources by industries unconcerned by native perspectives of stewardship of the earth’s resources. Calvert L. Curley of the Navajo Nation EPA noted: “To talk about environmental justice [from a Tribal perspective], you have to go back in history.” He said that an acknowledgment of the historic social injustices and their connection to present-day EJ issues are necessary prerequisite to fully understanding Tribal concerns and resolving current EJ conflicts in an equitable way.

The reciprocal relationship between people and nature, and the strong correlation between Tribal members’ conception of ‘home’ and ‘environment’ are important to understanding Tribal perceptions. Bineshi Albert of Sacred Alliances for Grassroots Equity Council explained: “The environment is our home. It extends beyond the walls and boundaries of our houses.” Recent coalition efforts in indigenous communities noted that waste companies are targeting Native communities because they have less stringent regulations—at least, the appearance of less stringent regulations—and high unemployment rates. While the relationship between Tribes and States has improved over the years in Ms. Albert’s estimation, she emphasized the continued need for Tribes to work together to achieve a paradigm shift in the way that State and federal government address these issues.

Richard Moore of the Southwest Network for Economic and Environmental Justice highlighted the combined EJ efforts of the South Valley and the Pueblo of Isleta with regard to the groundwater contamination of southern Bernalillo County. Moore recounted the slow, but gradual progress of low income communities of color to ensure they had water which was safe to drink and use for household purposes. He also spoke of the strength and resolve that results when sovereign (Tribal) and non-sovereign (non-Tribal) communities to work together to bring about change.

Danny Gogal of the US EPA gave an overview of the history of the EJ justice movement from the national perspective and spoke of the US EPA’s efforts to address EJ issues with Tribes and Pueblos. The unique status of Tribes—as sovereign nations—lead to the creation of a subcommittee of the National Environmental Justice Advisory Council (NEJAC) for the expressed purpose of examining and resolving Tribal issues. Mr. Gogal noted Tribes have a

unique problem because of the challenges Tribes face because of their lack of resources to develop environmental programs. Hence, EPA is looking at issues of fairness and Tribal involvement as the Tribes implement their own programs.

***“There has been progress, but we will continue to struggle.” – Richard Moore,  
Southwest Network for Economic and Environmental Justice***

A brief summary of panel recommendations included:

- ◆ EJ must be viewed in light of Native American history, struggles and values.
- ◆ Ensure Tribes—as stakeholders and as sovereign nations—are effectively involved in policy development.
- ◆ Educate others about Tribal sovereignty.
- ◆ All Pueblos, Tribes, and other Indigenous People must work together.
- ◆ Tribal communities must continue to challenge decision-makers to implement change.

***Panel B: Capacity Building – State of Tribal Environment***

Everett Chavez of the Pueblo of Santo Domingo identified a few impediments that Tribes constantly struggle with in addressing their environmental concerns: lack of funding, lack of expertise, lack of personnel, and lack of technical assistance. Of particular importance, Chavez noted Tribes need to develop human resources parallel to economic development and environmental protection. Chavez also emphasized “capacity building is a deliberate and step-wise process” for Tribes. Funding beyond program development and cooperative agreements such as, Memorandum of Agreements (MOA) and Memorandum of Understanding (MOU) to address gaps in technical assistance and expertise are urgent needs of Tribes. Chavez underscored that States need to recognize Tribes as equal stakeholders. All governmental entities need to work collaboratively to address EJ issues and to allocate funding to address these critical needs. Chavez recommends that States and Tribes work together through MOAs and MOUs to develop Tribal capacities. More importantly, Tribes need to become proactive advocates to secure more funding at the national and state level.

***“Capacity building is a deliberate and step-wise process.” Everett Chavez,  
Pueblo of Santo Domingo***

Most recently, Pueblo of Zuni established an Environment Department to address its environmental concerns. Melissa Estes, Director of Zuni Environmental Protection Department, informed the audience about the constant struggles of capacity building in small Tribal programs such as Zuni’s. As an example, Zuni must address all environmental issues with less staff, less money, and without other needed resources and equipment. Although US EPA development grants are available to pay for certain start-up costs, funding for development and implementation is extremely limited. Tribes also face other barriers which are unique to remote



communities. Their geographic isolation has meant higher costs associated with travel, including increased travel time; longer distances between meetings, training, and field sites; more wear-and-tear on vehicles; rising gas prices; and limited services (like FedEx pick-ups or fast Internet lines). In particular, small Tribal programs constantly face staffing issues, especially with regard to having personnel with sufficient training and expertise. Zuni is in the process of conducting air sampling because of their upwind location from three electrical coal-fired plants in Arizona. Jurisdictional issues (New Mexico, Arizona, US EPA Regions, Tribes, and Counties) make resolution more difficult. Furthermore, acceptance of US EPA funds to complete monitoring means that the information gathered is subject the Freedom of Information Act. These data can be released to the public by the US EPA without approval of the Zuni government.

A brief summary of panel recommendations included:

- ◆ Capacity building should be addressed as a collaborative effort by Federal, State and Tribal Governments.
- ◆ Develop cooperative agreements, such as Memoranda of Understanding/ Memoranda of Agreement (MOU/MOA), to address Tribal capacity building concerns.
- ◆ Assist Tribes with technical assistance and funding for the development of viable Tribal environmental programs.
- ◆ Assist Tribes in the protection of land, air, and water from migrating pollution of nearby power, oil, gas, and coal plants.

### ***Panel C: Sacred Sites***

Robert Begay of the Navajo Nation Historic Preservation Department expressed Tribal concerns to protect sacred sites. The Navajo Nation has approximately 245,000 members and an unemployment rate of 40 percent. The Navajo government is concerned about sacred sites on US Forest Service or US Bureau of Land Management (BLM) managed lands. Last year, BLM approved Resource Management Plan that includes up to 12,000 new wells, some of which are at sacred sites. The Navajo Nation was not involved or consulted during the approval process. The Navajo Nation wishes to work with BLM to manage those lands as a stakeholder. The Navajo Nation attempts to work with federal agencies presently, but Tribal requests are not always met. Despite such experiences, Mr. Begay noted that Navajo Nation has a better relationship with federal agencies, than it does with the State of New Mexico. He asked for the State of New Mexico's assistance and support in protecting sacred sites and ensuring environmental protection.

***“The 17-mile escarpment has over 25,000 petroglyphs, as well as Native American prayer sites and sacred sites that have been continually used for centuries,” Laurie Weahkee of Sacred Alliances for Grassroots Equity Council.***

Ray Gachupin, Pueblo of Jemez, spoke next. He is a member of the New Mexico Commission on Indian Affairs which serves as a liaison between the State and Tribal governments to strengthen the government-to-government relationship and to improve the well-being of Native Americans. Mr Gachupin said the Commission is seeking the passage of an Executive Order

(EO) from the Governor of New Mexico, Bill Richardson, to establish policy stipulating procedures of State–Tribal consultation regarding sacred sites on Indian-owned and non-Indian owned lands within the State’s boundaries. The draft EO is being circulated for comment among New Mexico Tribal leaders. The intent of the Commission is to actively develop Tribal-driven policies rather than respond to policies from the State of New Mexico. Mr. Gachupin recommended that Tribes reach agreement on the EO and formally express their solidarity to the Commission and to Governor Richardson’s Office. Mr. Gachupin requested the State’s support to improve government-to-government relations.

Joseph Quanchello, Pueblo of Picuris, expressed his concern regarding the expansion of the Oglebay Norton industrial mica mine located on New Mexico Highway 518 between Peñasco and Ranchos de Taos. Dumping of byproducts and waste from the mica mine is occurring along the highway between the Rio Grande and Picuris. In addition, the micaceous clay is used by the Pueblo of Picuris to produce traditional pottery. The site is sacred to the people in the area. For years, people in the area have voiced their opposition to the mine expansion and their concern of surface and groundwater contamination, but New Mexico lawmakers and officials have taken no action to support the position of Picuris. Mr. Quanchello said that Legislators listen only to their political supporters. He asked that the 1872 Mining Law allowing the purchase and operation of the mica mine in the Carson National Forest be amended or abolished. Mr. Quanchello recommended that New Mexico implement laws to protect sacred sites. He said that the State of New Mexico and NMED should show that they take Tribal concerns seriously, act on information being given by Tribes, and allocate funds for clean-up activities.

*“New Mexico should follow the spirit of Presidential Executive Order 12898 (1994), which calls for agencies to make ‘achieving EJ part of their mission by identifying and addressing, as appropriate, disproportionately high and adverse human health or environmental effects on minority populations and low-income populations to the greatest extent practicable and permitted by law’.” – Arden Kucate, Pueblo of Zuni*

Laurie Weahkee, Executive Director of Sacred Alliances for Grassroots Equity Council, stated her deep concern over the proposed expansion of two major routes through the Petroglyph National Monument in Albuquerque. The archeological site is sacred to many Pueblos and Indian Tribes in New Mexico. The 17-mile escarpment has over 25,000 petroglyphs, as well as Native American prayer sites and sacred sites that have been continually used for centuries. The Sacred Alliances for Grassroots Equity Council and affected Pueblos and Tribes have requested that the City of Albuquerque complete an alternative analysis that considers Tribal concerns as well as strong taxpayer opposition to bond issues which would fund the proposed expansion. Ms. Weahkee emphasized that the Tribes were not adequately consulted in the 1992 Environmental Impact Study (EIS), yet the City has consistently refused to update the EIS. She has asked for the assistance of Governor Bill Richardson in reaching a joint solution. Ms. Weahkee recommended stringent, enforceable legislations requiring meaningful Tribal consultation and substantial penalties for failure to consult which would ensure that historic landmarks and sacred sites, such as the Petroglyph National Monument, remain protected.

Arden Kucate, Pueblo of Zuni, also raised concerns regarding the protection of sacred sites and preventing environmental degradation. Mr. Kucate asserted that New Mexicans continue to act in the spirit of *Presidential Executive Order 12898: Federal Actions To Address Environmental Justice in Minority Populations and Low-Income Populations* (February 11, 1994), which calls for agencies to make ‘achieving EJ part of their mission by identifying and addressing, as appropriate, disproportionately high and adverse human health or environmental effects on minority populations and low-income populations to the greatest extent practicable and permitted by law.’ Current laws and regulations are ineffective in preventing or minimizing environmental pollution and damage. Often, Tribal efforts to protect the environment and sacred site are defeated through regulatory loopholes or legislation that lacks enforcement or severe penalties. As examples, the National Environmental Protection Act (NEPA) and Environmental Impact Statement EIS process are supposed to assist and provide Tribes with a means and formal mechanism to provide feedback and recommendations, but non-Tribal government agencies try to minimize Tribal consultation. Mr. Kucate recommends that the State agencies evaluate what works and what doesn’t work with regard environmental protection. Furthermore, she asserted that the State’s Tribal consultation process needs to be assessed and improved. Often, a Tribal request is made to obtain what is termed “meaningful consultation,” but often the process does not lead to real consultation. Mr. Kucate emphasizes that the State agencies need to start listening and open a true dialogue with Tribal communities.

Brief summary of panel recommendations:

- ◆ Encourage the State (and NMED) to work closer with Tribes in the protection of sacred sites and environmental protection through cooperative agreements and proactively respond to Tribal concerns.
- ◆ Tribes need to proactively protect sacred sites. Tribes need to be consulted both as sovereign nations and stakeholders and actively, sincerely engage Tribes in the planning, approval, and implementation processes.
- ◆ Tribes need funding to support advocacy and clean-up actions.
- ◆ The State needs to implement stringent, enforceable legislation with substantial penalties that mandate Tribal consultation on a government-to-government basis.
- ◆ NMED should evaluate what has worked and what has not.

***Panel D: Mining / Toxic and Hazardous Substances / Illegal Dumping***

Jeff Sisneros, Governor of the Pueblo of Santa Clara, expressed his concern over illegal dumping by non-Tribal members on Tribal lands, air quality emissions by Los Alamos National Laboratory (LANL), and the City of Española’s non-compliance with Santa Clara water quality standards. Governor Sisneros recommends a Listening Session in northwestern New Mexico to hear from small villages and Tribes who have the same concerns.

Phil Harrison of Shiprock, New Mexico, reported on the impacts of uranium mining and milling in northwestern New Mexico that have affected the Navajo communities. Although the US Congress passed the Radiation Exposure Compensation Act (RECA), compensation efforts are reportedly problematic. RECA provides compensation payments to individuals who contracted certain cancers and other serious diseases as a result of their exposure to radiation. With regard

to Navajos communities, exposure occurred during employment in underground uranium mines. Harrison stated that RECA is not working. Documentation requirements, the absence of data, scant resources, and the complexity of the legislation hinders compensation efforts, with the result that those adversely affected are not being compensated despite the legislation. Furthermore, limited funding for actual compensation is also an obstacle. Mr. Harrison noted that of the more than 5,000 Navajo workers with health problems caused by uranium mining, only 20 percent have actually been compensated. Navajo communities also are concerned about underground water contamination as a result of uranium mining. He said that future amendments to RECA by the US Congress should be enacted immediately to streamline the documentation process and expedite compensation efforts. Mr. Harrison also said that the NMED and the US Bureau of Indian Affairs and other federal agencies should work collaboratively to see that legislation is swiftly implemented.

Wynoma Foster, Eastern Navajo Dine Against Uranium Mining (ENDAUM), reiterated the importance of acknowledging the injustices of the past to move forward toward resolutions. Tribal communities constantly struggle with little or no available data to support their claims for compensation. The Navajo Nation sits on one of the largest deposit of uranium, and corporations are looking to extract the uranium despite opposition by surrounding Navajo communities. Ms. Foster noted state and federal agencies can assist by setting precedence with higher environmental standards, offering support for renewable energy, and supporting land and water restoration efforts.

*“Of the more than 5,000 Navajo workers with health problems caused by uranium mining, only 20 percent have actually been compensated [by the Radiation Exposure Protection Act],” Phil Harrison said.*

Joseph Chavarria, Pueblo of Santa Clara Environment Department, shared his experiences in working with the NMED. The Pueblo of Santa Clara began cooperative agreements with the NMED to address illegal dumping on reservation by non-Tribal members. Most recently, the Pueblo of Santa Clara also began working cooperatively with the NMED to address superfund sites and wastewater discharge concerns from the City of Española. The NMED offered technical assistance and sampled wells. Since these efforts began, contamination is being reported, and tri-annual reviews have been implemented. However, Mr. Chavarria notes the cultural values associated with sites are often not acknowledged by state and federal agencies unless documented. The need for documentation of such sites is a hurdle that is unique to Tribal communities. Mr. Chavarria recommended a proactive approach to address environmental concerns by opening lines of communication between the NMED and the Tribe to pursue this concern. Because jurisdictional issues may exist, he felt that discussion should begin as soon as possible.

Brief summary of panel recommendations:

- ◆ NMED needs to initiate or fund a comprehensive health study concerning uranium mining.
- ◆ NMED and federal agencies, like the Department of Indian Affairs, need to find resolution to reclamation, compensation, and on-going health concerns.

- ◆ State needs to open lines of communication with Tribes. A need exists for a proactive, collaborative approach to deal with environmental problems.
- ◆ NMED needs to prevent and mitigate adverse environmental impacts as well as set precedence with higher standards and renewable energy.

*Panel E: Utilities / Water / Air*

***“The license to pollute is a license to take a human life.” – Robert Gomez,  
Pueblo of Taos***

Robert Gomez of the Pueblo of Taos Environment Department recounted his experiences. Taos Pueblo has the largest in land and population of the Eight Northern Pueblos. Land use is managed by unwritten cultural practices. Ceremonial use is one of the designated practices. Taos Pueblo has concerns with air quality and would like State support to assess the level of compliance with Air Quality Standards. Thus, a need exists to establish baseline information to determine impacts of migrating pollution from industry. Mr. Gomez recommended that the State and federal agencies support Tribes and industry development and use of renewable, clean sources of energy.

J. Gilbert Sanchez, Pueblo of San Ildefonso and Director of Tribal Environmental Watch Alliance, stated that for years, the Pueblo people have been negatively impacted by the actions of government, corporations, and the militarization of this country. Therefore, a need exists to evaluate the health impacts of proposals, in addition to their economic impacts. Mr. Sanchez recommended that Tribes become more informed and involved in environmental issues. He emphasized: “Tribal governments do not respond to these concerns. Instead, the Tribal Environmental Watch Alliance of Northern New Mexico must respond.” He said that although Tribal environmental organizations can participate, nongovernmental organizations are not sovereign nations. Thus, Tribal governments and their leaderships need to be more involved in the policy process. Mr. Sanchez recommended that Tribes take control, advocate, and assert their rights as sovereign nations to improve the health and environment of their people.

***“Women as life-givers need to be involved in EJ discussions.” - Kathy Sanchez,  
Tewa Women United.***

Kathy Sanchez, Pueblo of San Ildefonso, of Tewa Women United, educate others about the Native cultural views about the environment and the harmful and adverse physical and spiritual impacts of radioactive pollution from the LANL. Ms. Sanchez recommended that Indian people not become paralyzed or sidetracked by “the debate about what is wrong.” Instead, she asserted that the Tribes should “unite on issues critical to healing” the damage. She also noted the importance of including and encouraging women to become more actively involved in discussions about environmental issues, with a result that women are empowered to take a stand and make a difference.

Brief summary of panel recommendations:

- ◆ Tribes need NMED technical assistance in all environmental media. Specifically, Tribes need assistance in establishing baseline information with regard to issues of importance to their communities.
- ◆ State needs to explore renewable, clean sources of energy.
- ◆ State and Tribes need to move beyond discussion of adverse environmental impacts and assert move non-Tribal governments to work with them to achieve resolution.

### III. Citizen Comments

Several Tribal members gave oral or written public testimony. Their comments are summarized in **Appendix A – Matrices of Citizen Recommendations**. Recommendations gleaned from panel and non-panel Tribal members have been incorporated in the overall recommendations that follow.

#### Summary of Overall Recommendations

In general, recommendations were geared to both the NMED and Tribes. Recommendations to the NMED were specific to seven general areas: cultural sensitivity, cooperative agreements, funding, technical assistance, Tribal consultation, legislation and evaluations.

- ◆ **Legislation.** The NMED needs to develop or amend policy to set stringent environmental standards to reduce current pollution and protect the environment, including sacred sites. Furthermore, the State of New Mexico must implement legislation to mandate Tribal consultation with regard to governmental actions that may impact Tribes and sacred sites.
- ◆ **Cultural Sensitivity.** As a means to implement culturally appropriate responses, the NMED was encouraged to improve their understanding of what EJ means in Indian Country. According to participants, environmental justice must be viewed in light of Native American history and struggles. Many believed resolutions meant acknowledging injustices of the past.
- ◆ **Tribal Consultation.** Of particular importance, Tribes are frustrated with past practices of no Tribal consultation in planning, development, and other governmental actions. Tribes recommend that the State of New Mexico, including the NMED, engage Tribes as stakeholders in the preliminary stages of planning. Tribes need to be consulted as sovereign nations to improve and strengthen government-to-government relationships.
- ◆ **Cooperative Agreements.** The development and implementation of cooperative agreements between New Mexico and Tribes, such as MOUs, MOAs, and JPAs to address Tribal capacity, public participation, technical assistance, enforcement, and jurisdictional issues.
- ◆ **Funding and Technical Assistance.** The availability of grants and other funding mechanisms to Tribes to address clean-up and capacity building issues. In particular, Tribes highlight the need for funds to support program activities beyond development. Participants recommend that the NMED increase technical assistance to Tribes to address their on-going problems (i.e., lack of staff, lack of expertise, lack of funding, lack of equipment) by sharing resources and information to address environmental concerns shared across legal boundaries.

- ◆ Evaluations. There is a need for the NMED to evaluate what has worked and what has not in addressing concerns raised in the past by Tribes. The NMED should also consider evaluating its implementation policies and procedures with regard to permitting, public participation, enforcement, and Tribal consultation.
- ◆ Alternative sources of energy. The NMED needs to support and explore renewable and clean sources of energy.

Recommendations specific to the Tribal and Pueblo governments concerned achieving strength and solidarity through joint efforts at involvement and leadership. Participants encouraged all Tribes to participate, unite, and work collaboratively in addressing and voicing their environmental concerns to federal and state governments. Tribes must assert their sovereign right to dialogue government-to-government on a government-to-government basis. Tribal people must continue to challenge decision-makers to implement change.

#### **IV. Lessons Learned**

*Room Set Up.* Lessons learned from earlier Listening Sessions were implemented. The meeting room layout was modeled after that of the Deming meeting and used the arrangement of tables, podium, and seating to delineate the distinct roles of the public, listeners, and panelists. The table for panelists was set up at the front of the room with microphones for each of the speakers. A podium was placed beside the panelist table. Directly across the podium and the table were in parallel alignment for the Listeners. Adjacent to the podium and next to the Listeners were chairs for the public audience and open microphone participants. Refreshments were located at a table in the back of the room.

*Refreshments.* An important lesson learned from the Deming meeting and its consideration for this meeting was the availability of food half-way through the session. In a Listening Session to last eight or nine hours, a light meal refreshes participants and offers opportunities for people to network and exchange views.

*Recording and Time Limits of Commenters.* With regard to recording, a few speakers opposed being taped because of cultural reasons. However, the majority of speakers allowed the taping to continue because they understood the importance of the session and the need to document expressed concerns. In the future, more thought to documentation of Tribal concerns should be considered to ensure respect of the culturally sensitivity of all Tribal commenters. Similarly, many speakers took issue with the five-minute time limit imposed on individual public commenters. Additional time should be considered because of the tendency of Tribal commenters to underscore their current concerns with historical references.

*Federal Agency Participation.* One speaker asked for a show of hands from those in the audience who represented the federal government because many participants had come to the meeting with expectations that federal agencies would be better represented. It was noted that Tribal communities have a closer working relationship with federal entities than the State. In the future, a greater number of representatives from diverse federal agencies should be invited and encouraged to attend. Several notable comments and recommendations extended beyond the scope of the NMED's authority to act.

## **APPENDIX A**

### **Matrices of Citizen Recommendations**



<b>Matrix of Public Testimony from the Environmental Justice Listening Session – Pueblo of Acoma</b>				
<b>Citizen Recommendations</b>	<b>Comment or Concern</b>	<b>City/County/Tribe</b>	<b>Name</b>	<b>Affiliation</b>
<b>Laws &amp; Regulations: Creation, Implementation &amp; Enforcement</b>				
NMED needs to enforce its regulations.	Is concerned by cancer in family due to mining.	Pueblo of Acoma	Spencer Garcia	Sky City Community School student
Legislation to protect sacred sites needs more teeth. A need exists to revisit EISs. Consult with Tribes regarding impacts.	Protect sacred sites. Expansion of Paseo del Norte will seriously destroy the Petroglyphs.	Bernalillo County (Albuquerque)	Laurie Weahkee	Sacred Alliances for Grassroots Equity Council
Tribal governments should be given the authority to regulate oil & mining activities that affect their members & their lands, water, & air.	Historically, oil and mining leases have restricted Tribal regulation. Tribal governments are limited in air emission regulation of power plants on and off the reservation.	Navajo Nation	Calvert L. Curley	Navajo Nation EPA
NMED should explore development of renewable energy sources. NMED needs to ensure older power plants comply with the Clean Air Act of 1970.	Power plant emissions are causing asthma. People, water, land, and animals are more important than coal revenues.	Navajo Nation	Sherry Devore	Sacred Alliances for Grassroots Equity Council
Regulation & enforcement is needed regarding uranium & coal mining reclamation issues. Funding to address these problems is greatly needed.	Is concerned about reclamation & lease problems related to uranium & coal mines as well as the decrease in funding to address reclamation.	Navajo Nation	Diane Malone	Navajo Nation EPA

<b>Matrix of Public Testimony from the Environmental Justice Listening Session – Pueblo of Acoma</b>				
<b>Citizen Recommendations</b>	<b>Comment or Concern</b>	<b>City/County/Tribe</b>	<b>Name</b>	<b>Affiliation</b>
<b>Laws &amp; Regulations: Creation, Implementation &amp; Enforcement</b>				
A comprehensive health study concerning uranium mining is needed. NMED & Indian Affairs Department need to find resolution to reclamation, compensation & on-going health concerns.	Compensation legislation not working to address the needs of people suffering from cancer and other illnesses related to uranium mining. Is concerned about the health of the people and reclamation to prevent further pollution.	San Juan County/ (Shiprock, NM)	Phil Harrison	Citizen
NMED needs to start listening to Tribal concerns, especially with regard to enforcement & jurisdictional issues & engage Tribes in meaningful dialogue. NMED should evaluate what has worked and what has not.	Environmental issues are not being addressed. Life-sustaining elements are adversely affected. Need for meaningful dialogue.	Pueblo of Zuni	Arden Kucate	Zuni Pueblo
NMED should set a precedent with higher standards of protection & implementation of policies supporting use of renewable energy sources.	End uranium mining. No or very limited data are available to Tribes on the extent of the pollution from uranium mining or the effects it is having on the people & animals. Water is sacred.	Cibola County (Crownpoint, NM)	Wynoma Foster	Eastern Navajo Diné Against Uranium Mining
State regulations lack enforcement.	Tribes with gaming give up to 8 percent of their proceeds to the State but get nothing in return.	Pueblo of Acoma	Stanley Paytiamio	Pueblo of Acoma Environment Department

<b>Matrix of Public Testimony from the Environmental Justice Listening Session – Pueblo of Acoma</b>				
<b>Citizen Recommendations</b>	<b>Comment or Concern</b>	<b>City/ County/Tribe</b>	<b>Name</b>	<b>Affiliation</b>
<b>Laws &amp; Regulations: Creation, Implementation &amp; Enforcement</b>				
Test & study local health issues in Paguete, then, make results public. Inform & educate the public in high-risk areas about potential health effects & provide information about safe practices.	Is concerned about the link between mining and cancer issues in Paguete. Well water in Paguete is contaminated.	Pueblo of Laguna	Lauren Sittnick	Teacher
Physicians need specific & practical information regarding environmental health risks and potential symptoms to share with patients and community.	Lack information regarding environmental health risks specific to the area.	Laguna, Cañoncito & Acoma Hospital	Dr. Paul Sandoval	Indian Health Service physician
Address Superfund Site which needs uranium clean-up site. Legislature needs to be more proactive in response to these kinds of issues.	Need for action to address local concerns especially on the FINA Superfund site & uranium cleanup. No actions have been taken by legislators.	McKinley County (Church Rock, NM)	Gerald Brown	Citizen
State needs to look at LANL health impacts, not just economic impacts.	Concerned about LANL & its impacts to neighboring Pueblos.	Pueblo of San Idefonso	J. Gilbert Sanchez	Tribal Environmental Watch Alliance

<b>Matrix of Public Testimony from the Environmental Justice Listening Session – Pueblo of Acoma</b>				
<b>Citizen Recommendations</b>	<b>Comment or Concern</b>	<b>City/County/Tribe</b>	<b>Name</b>	<b>Affiliation</b>
<b>Laws &amp; Regulations: Creation, Implementation &amp; Enforcement</b>				
Address health, safety & environmental concerns related to illegal dumping, mining, emissions, water quality.	Inaction regarding illegal dumping, mining, emissions, water quality.	Pueblo of Santa Clara	Jeff Sisneros	Governor, Pueblo of Santa Clara
Recognize cultural/religious sites. Water quality, illegal dumping, & needle problems must be addressed. Open lines of communication are essential for a proactive approach to problem-solving.	Cultural/religious sites are not recognized by non-Tribal governments. Water quality, illegal dumping, & needle problems. Lack of Tribal involvement adds to these concerns.	Pueblo of Santa Clara	Joseph Chavarria	Pueblo of Santa Clara Environment Department
The US EPA & other agencies should continue to assist Tribes in developing their own environmental programs & ensure Tribes are effectively involved in policy development.	The continued need to work directly with Tribal officials and Tribal members, utilizing the US EPA developed Tribal protocol for public participation, meaningful involvement and fair treatment in policy development	Washington, DC	Danny Gogal	US EPA
The federal government should address EJ & sovereignty issues.	Federal government has permitted environmental injustices. Native Americans are intimately involved with the environment.	Pueblo of Santo Domingo	Everett Chavez	Pueblo of Santo Domingo

<b>Matrix of Public Testimony from the Environmental Justice Listening Session – Pueblo of Acoma</b>				
<b>Citizen Recommendations</b>	<b>Comment or Concern</b>	<b>City/County/Tribe</b>	<b>Name</b>	<b>Affiliation</b>
<b>Laws &amp; Regulations: Creation, Implementation &amp; Enforcement</b>				
Address sovereignty & fiduciary issues. Help Tribes to protect our health, safety & environment.	The US, as trustee, has not met its fiduciary duties to Tribes. Military testing occurs in air space above Tribal lands. A lack of regulations & expertise exists to address these issues.	Pueblo of Acoma	Laura Wachumpino	Haaku Water Office, Pueblo of Acoma
NMED needs to offer grants and extend eligibility to all Tribes and communities. Eliminate sovereignty waiver requirement for grant eligibility.	The Tribal sovereignty waiver requirements in the NMED grant application process is an EJ issue. Tribal environmental programs in infancy & hampered by limited funding/opportunities.	Pueblo of Santo Domingo	Margaret Chavez	Pueblo of Santo Domingo Solid Waste Program
Tribes need to develop Tribal environmental programs & do own sampling.	LANL impacts. Tribal environmental programs in infancy. Little resources. We should not trust the federal government.	Pueblo of Santa Clara	Michael Chavarria	Pueblo of Santa Clara Environment Department

<b>Matrix of Public Testimony from the Environmental Justice Listening Session – Pueblo of Acoma</b>				
<b>Citizen Recommendations</b>	<b>Comment or Concern</b>	<b>City/County/Tribe</b>	<b>Name</b>	<b>Affiliation</b>
<b>Laws &amp; Regulations: Creation, Implementation &amp; Enforcement</b>				
NMED need to resolve our EJ concerns regarding Mica mining which have been raised in the past. NMED need funding to support clean-up actions. Amend or abolish the 1872 Mining Law that allowed the purchase and operation of the mica mine in the Carson National Forest	People for Picuris Pueblo use mica clay for pottery. This location is sacred to the Pueblo. Mining of mica by Oglebay Norton is opposed by the Picuris and dumping of byproducts occurs along NM Hwy 518. Tribes have responsibility to protect environment.	Pueblo of Picuris	Joseph Quanchello	Pueblo of Picuris
Ensure safety of water supply. Develop renewable, clean sources of energy. Protect sacred sites including water.	Maintaining cultural practices—includes the traditional, ceremonial use of water which is sacred.	Pueblo of Taos	Robert Gomez	Pueblo of Taos Environment Program
Need for open communication & listening regarding mining issues in Paguate. Revisit mine near Laguna to reassess any environmental impacts. Further remediation/reclamation of the mine is needed.	Contaminated site at Paguate. Potential for downstream contamination. Lack of Tribal consultation in the past.	Cibola County	Lawrence Lente	Pueblo of Laguna Elder

<b>Matrix of Public Testimony from the Environmental Justice Listening Session – Pueblo of Acoma</b>				
<b>Citizen Recommendations</b>	<b>Comment or Concern</b>	<b>City/County/Tribe</b>	<b>Name</b>	<b>Affiliation</b>
<b>Laws &amp; Regulations: Creation, Implementation &amp; Enforcement</b>				
Honor our sovereign right to self determination. EPA should act as a partner, not controller with meaningful government-to-government consultation. Resolve jurisdictional issues between State & Pueblos. Tribal information should be protected. These data should not be released without Pueblo approval. The US EPA should truly address environmental problems. Adequate funding from the federal government is essential.	Is concerned about sovereignty/jurisdiction issues as well as funding & solutions to urban pollution, discharge, & illegal dumping.	Pueblo of Sandia	Alex A. Puglisi	Pueblo of Sandia Environment Department
Set strict standards for antibiotics & other drugs present in effluent. Ensure clean water.	The presence of antibiotics & other medications has been found in effluent. Is concerned that water does not get clean enough to protect the health of the people & animals that drink the water. Water is sacred.	Pueblo of Santo Domingo	Boyd Nystedt	Pueblo of Santo Domingo Utilities Department

<b>Matrix of Public Testimony from the Environmental Justice Listening Session – Pueblo of Acoma</b>				
<b>Citizen Recommendations</b>	<b>Comment or Concern</b>	<b>City/County/Tribe</b>	<b>Name</b>	<b>Affiliation</b>
<b>Institutional Capacity Building</b>				
Need answers to our questions and concerns, especially regarding open pit mining. Legislators should ensure these concerns are addressed.	Open pit mining issues are not being addressed. Voice concerns to legislators but no support, no response.	Cibola County (Paguante)	Leanne Hocker	Land grant resident,
Help ensure that the Tribes are able to protect their land, air, & water from migrating pollution caused by nearby power, oil, gas, and coal plants. Funding & technical support services are needed.	Public disclosure of data occurs without Tribal consent because we use of federal funds. Through permitting, the federal government has allowed emissions (by permit) of power, oil, gas, and coal plants (EJ) & its negative effects on the people of Zuni. Tribal governments are limited in staff, expertise, & funding. Rural isolation and extensive travel problematic & expensive. Limited air monitoring data are available.	Pueblo of Zuni	Melissa Estes	Pueblo of Zuni



<b>Matrix of Public Testimony from the Environmental Justice Listening Session – Pueblo of Acoma</b>				
<b>Citizen Recommendations</b>	<b>Comment or Concern</b>	<b>City/County/Tribe</b>	<b>Name</b>	<b>Affiliation</b>
<b>Institutional Capacity Building</b>				
Tribes seeking an Executive Order to set sacred sites consultation policy. Tribes need to be proactive in protecting sacred sites & provide input consultation policies.	The need exists for consultation & cooperation between State and Tribes.	Pueblo of Jemez	Ray Gachupin	New Mexico Commission on Indian Affairs
Provide more money or make more grants available to the Pueblo/Tribal communities for program development & technical assistance.	Need technical assistance to address problems in all environmental media—meaning water, air, land, health, safety, everything!	Pueblo of San Juan	Phoenix Vigil	Eight Northern Indian Pueblos Council, Inc.
Encourage State (including NMED) to work closer with Tribes on sacred sites and environmental protection. Cooperative agreements are needed.	Tribes have better relationships with the Federal government than with the State of New Mexico. Sacred sites are not recognized and protected.	Navajo Nation	Robert Begay	Navajo Nation Historic Preservation Department
Capacity building should be a collaborative effort among Tribal and non-Tribal governments. States have resources & expertise that Tribes can use to address unmet needs. Let’s work together to develop formal agreements to address solve mutual problems.	Jurisdictional issues have put States & Tribes in adversarial positions. Tribes are limited in human resources to address EJ issues, funding amount & type to support and maintain Tribal environmental programs.	Pueblo of Santo Domingo	Everett Chavez	Pueblo of Santo Domingo

<b>Matrix of Public Testimony from the Environmental Justice Listening Session – Pueblo of Acoma</b>				
<b>Citizen Recommendations</b>	<b>Comment or Concern</b>	<b>City/County/Tribe</b>	<b>Name</b>	<b>Affiliation</b>
<b>Institutional Capacity Building</b>				
Foster one-to-one commitments to individual communities & the State to implement community-based solutions. Allow individual Tribal communities to apply for grant funding directly to the State to address problems, such as waste from illegal dumping.	No permitted landfills exist on Tribal lands. As a result, illegal dumping and waste disposal are extremely costly.	Navajo Nation	Vernon Nez	Navajo EPA
Tribes need help in obtaining data to define our EJ issues, because the federal government will not act without data supporting EJ claims.	As the environment nourishes and support our lives, we must support & protect the environment.	Pueblo of Acoma	Lloyd Tortelito	Pueblo of Acoma Elder
Advocacy is needed at the regional & national levels from US EPA, Governor’s Government to Government Tribal-State Summit. More technical assistance from State. More Solid Waste funding to Tribes. More cooperative agreements, such as Memoranda of Understanding and Joint Powers Agreements.	Is concerned with the lack of true government-to-government consultation. Tribes and Pueblos are interested in development of their own environmental programs and ways to work better with nonTribal governments.	Pueblo of Santo Domingo	Boyd Nystedt	Pueblo of Santo Domingo Utilities Department

<b>Matrix of Public Testimony from the Environmental Justice Listening Session – Pueblo of Acoma</b>				
<b>Citizen Recommendations</b>	<b>Comment or Concern</b>	<b>City/County/Tribe</b>	<b>Name</b>	<b>Affiliation</b>
<b>Institutional Capacity Building</b>				
States needs to provide some technical assistance to Tribes. Competitive grants needs to be available to Tribes.	Travel is expensive. Geographical isolation is a barrier. Tribes need help with EJ issues.	Eight Northern Indian Pueblo Council, Inc.	Felix Vigil	Eight Northern Indian Pueblo Council, Inc.
Help Tribes by providing funding and technical advice.	Tribal environmental programs in infancy and hampered by limited funding/opportunities.	Pueblo of Santo Domingo	Margaret Chavez	Pueblo of Santo Domingo Solid Waste Program
States should provide assistance to Tribes.	Tribes limited in funds to address environmental concerns.	Pueblo of Acoma	Stanley Paytiamio	Pueblo of Acoma Environmental Department
Provide meaningful Technical Advisory Services to Tribes.	Urban pollution. Discharge concerns. Illegal dumping.	Pueblo of Sandia	Alex A. Puglisi	Pueblo of Sandia Environment Department
Need assistance of NMED to get airborne monitoring baseline information.	Tribes lack capacity to fully ensure clean air, land, & water.	Pueblo of Taos	Robert Gomez	Pueblo of Taos Environment Program
Need Tribal leadership more involved to protect health of the people, especially to the environmental risks such as those originating from LANL.	Tribes do not respond to environmental threats like LANL.	Pueblo of San Idefonso	J. Gilbert Sanchez	Tribal Environmental Watch Alliance

<b>Matrix of Public Testimony from the Environmental Justice Listening Session – Pueblo of Acoma</b>				
<b>Citizen Recommendations</b>	<b>Comment or Concern</b>	<b>City/County/Tribe</b>	<b>Name</b>	<b>Affiliation</b>
<b>Public Participation Capacity Building</b>				
Public participation is important. The voice of the people must be heard for concerns to be addressed. People must accept the responsibility of speaking out when wrong-doing occurs.	While it is disheartening to hear stories presented today, we need to hear to struggles of the people to understand their concerns.	Pueblo of Laguna	Carletta Garcia	Laguna Acoma for a Safe Environment
The term ‘environmental justice’ is borne from our thoughts and cultural views [as Native Americans] about where our home is – this earth. We must continuously challenge Federal and State decision makers to adopt this perspective and use their regulatory authority to protect our dwelling place.	Is concerned with the need to take a holistic approach to solving environmental problems and eradicating environmental injustice. In the Indian way of thinking, the people are not separate from the land they live on, the water they drink, or the air they breathe or the other living things that share their world.	Bernalillo County (Albuquerque)	Bineshi Albert	Sacred Alliances for Grassroots Equity Council
Women, as life-givers, need to be involved in EJ discussions. Tribes need to unite on environmental issues, especially nuclear safety.	Is concerned about the effects of LANL on the adjacent Pueblo lands, water, animals, & people. Native Americans take a holistic approach & think cyclically. They do not take a linear approach to how they think about things.	Pueblo of San Idefonso	Kathy Sanchez	Tewa Women United

<b>Matrix of Public Testimony from the Environmental Justice Listening Session – Pueblo of Acoma</b>				
<b>Citizen Recommendations</b>	<b>Comment or Concern</b>	<b>City/County/Tribe</b>	<b>Name</b>	<b>Affiliation</b>
<b>Public Participation Capacity Building</b>				
Sovereign & non-sovereign peoples subject to environmental racism must continue to work together. The concept of sovereignty must be understood.	People of color, especially the underserved encounter similar EJ struggles. They often lack access to or receive no information from government about environmental issues & decisions that affect them directly.	Bernalillo County (Albuquerque)	Richard Moore	Southwest Network Economic & Environmental Justice
More time & chances to speak about our concerns is needed.	We are not given enough time/opportunities to express our concerns.	Pueblo of Acoma	Lloyd Tortelito	Pueblo of Acoma Elder
Encourage NMED to continue to have public meetings. Get out of Santa Fe & see what is happening	Need for action to concerns. Little is done to inform the public. Little public input.	Cibola County	Bill Hocker	Cebolleta Land Grant Resident
More state & Tribal collaboration. Tribal participation in the preliminary phase of discussions.	Limited resources to create viable environmental programs. Need resources beyond plan development.	Pueblo of Zuni	Edward Wemaytem	Citizen

## **APPENDIX B**

### **Final Agenda**



## NEW MEXICO ENVIRONMENT DEPARTMENT



### LISTENING SESSION

#### FINAL AGENDA

**JULY 27, 2004**

**SKY CITY HOTEL**

**INTERSTATE 40, EXIT 102, 1:00 - 8:00 PM**

1:00 – 1:30 pm      Welcome Invocation and Introductions

Invocation and Welcome: Governor Fred S. Vallo, Sr., Pueblo of Acoma

Welcome: Governor Roland E. Johnson, Pueblo of Laguna

Welcome: Jonathan Hook, USEPA Region 6

Background of Project:

Derrith Watchman-Moore, Deputy Secretary, New Mexico Environment Department  
Cynthia Gomez, Co-chair, Environmental Justice Planning Committee

1:30 – 2:30 pm      Panel A: History of Environmental Justice in U.S. and New Mexico

Calvert L. Curley, Navajo Nation EPA  
Richard Moore, Southwest Network for Economic and Environmental Justice  
Bineshi Albert, Sacred Alliances for Grassroots Equity Council  
Danny Gogal, US EPA

2:30 – 3:00 pm      Panel B: Capacity Building – State of Tribal Environment

Pablo Padilla, Pueblo of Zuni  
Everett Chavez, San Domingo Councilman

3:00 – 3:45 pm      Open Session #1 – Public Comments

Stanley Paytiamo, Environment Department, Pueblo of Acoma  
Spencer Garcia, Sky City Community School  
Lloyd Tortalita, Pueblo of Acoma  
Milton Yazzi, Navajo  
Dr. Paul Sandoval, Acoma/Laguna Community Hospital

3:45 – 4:30 pm      Panel C: Sacred Sites

Robert Begay, Navajo Nation Historic Preservation  
Ray Gauchupin, NM Commission on Indian Affairs, Sacred Site Planning Committee  
Joe Quinchelo, Pueblo of Picuris  
Laurie Weahkee, SAGE Council

4:30 – 5:30 pm      Panel D: Mining / Toxic and Hazardous Substances / Illegal Dumping

Jeff Sisneros, Governor, Santa Clara  
Phil Harrison, Shiprock  
Wynoma Foster, Eastern Navajo Dine Against Uranium Mining (ENDAUM)  
Joseph Chaverria, Santa Clara Environment Department

5:30 – 5:45 pm      Break

5:45 – 6:45 pm      Open Session #2 – Public Comments

Leanne Hocker, Land Grant Issues  
Lauren Sittnick, Teacher  
Lawrence Lente, Pueblo of Laguna Elder  
Clyde Sanchez (invited)

6:45 – 7:30 pm      Panel E: Utilities / Water / Air

Kathy Sanchez, Pueblo of San Idefonso  
Gilbert Sanchez, Pueblo of San Ildefonso  
Robert Gomez, Pueblo of Taos

7:30 – 8:00 pm      Closing Remarks – NMED

Vera Leno will be the Translator for the Meeting.



## **APPENDIX C**

### **Outreach Materials**



# NEW MEXICO ENVIRONMENT DEPARTMENT

## NOTICE OF PUBLIC LISTENING SESSION

### STATE ENVIRONMENT DEPARTMENT SEEKS PUBLIC INPUT ON ENVIRONMENTAL JUSTICE IN YOUR AREA

The New Mexico Environment Department (NMED) is seeking public input on environmental justice concerns in your community. Public “listening sessions” will be held statewide. Participants and organizations will be given an opportunity to comment on their environmental justice concerns and to offer recommendations. The environmental justice public listening sessions are receptive, solution-oriented meetings conducted with the community in partnership with the NMED and other state and federal representatives. The purpose of these listening sessions is to hear from participants on topics ranging from general to specific areas of environmental interests/concerns and to work effectively towards mutually beneficial solutions.

Topics may include: Permitting and Public Participation, Sacred and Religious Sites, Capacity Building, Land Grants, Uranium Mining, Hazardous Waste, Illegal Dumping, Pesticides and Farm Workers, or Water/Wastewater Treatment Infrastructure.

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**What is Environmental Justice?** The fair treatment and meaningful involvement of all people, regardless of race, ethnicity, culture, income, or education level with respect to the development, implementation, and enforcement of environmental laws, regulations, and policies. Environmental justice seeks to ensure that no population is forced to shoulder a disproportionate burden of the negative human health and environmental impacts of pollution or other environmental hazards. (*Definition provided by [www.naccho.org](http://www.naccho.org)*)

For our purpose, we are interested in hearing your environmental justice concerns, if you feel that your community has been forced to shoulder a disproportionate burden of the negative human health and environmental impacts of pollution or other environmental hazards.

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The NMED, with the University of New Mexico’s ATR Institute as facilitator, will conduct a Listening Session for northern New Mexico and Tribes at the following location:

#### **ACOMA, NEW MEXICO (TRIBAL SESSION)**

**July 27, 2004, 1:00 pm**

**Sky City Hotel, Interstate 40, Exit 102**

Representatives from the NMED, the US EPA, and other state or Tribal governments will be in attendance to personally hear your concerns. By working together we can build effective, solution-oriented community/government relationships.

Any person or organization that wishes to provide oral comments will be given five minutes to present their environmental justice concerns. Written statements can also be submitted during the session or by mail. Please send all comments to: EJ Listening Session Workgroup, 801 University Boulevard SE, Suite 302, Albuquerque, NM, 87106.

If you are an individual with a disability and you require assistance or an auxiliary aide, i.e., sign language interpreter, to participate in any aspect of this hearing, please contact Jon Goldstein at 1-800-219-6157 or 505-827-2855, NMED, P.O. Box 26110, 1190 St. Francis Drive, N4050, Santa Fe, NM, 87502 (TDD or TDY users please access this number via the New Mexico Relay Network). Albuquerque TDD users: (505) 275-7333; outside of Albuquerque: 1-800-659-1779.



NEW MEXICO ENVIRONMENT DEPARTMENT  
OFFICE OF THE SECRETARY



# PUBLIC LISTENING SESSION ON ENVIRONMENTAL JUSTICE

The New Mexico Environment Department (NMED) is seeking public input and comment on environmental justice in your communities. The recommendations will be used to formulate community-based policies and planning initiatives. The listening session will be held at:

## SKY CITY HOTEL

Interstate 40, Exit 102, Acoma, New Mexico

July 27, 2004, 1:00 pm to 8:00 pm

### What is Environmental Justice?

The fair treatment and meaningful involvement of all people, regardless of race, ethnicity, culture, income, or education level with respect to the development, implementation, and enforcement of environmental laws, regulations, and policies. Environmental justice seeks to ensure that no population is forced to shoulder a disproportionate burden of the negative human health and environmental impacts of pollution or other environmental hazards. *(Definition provided by www.naccho.org)*

For our purpose, we are interested in hearing your environmental justice concerns, if you feel that your community has been forced to shoulder a disproportionate burden of the negative human health and environmental impacts of pollution or other environmental hazards.

### Why an Environmental Justice Listening Session?

The NMED environmental justice listening sessions are receptive, solution-oriented meetings conducted with the community, and in partnership with federal, state, Tribal, and local government representatives. The purpose of these listening sessions is to hear from participants on topics ranging from general to specific areas of environmental interest/concern and to work effectively towards mutually beneficial solutions. Individuals and organizations will be given an opportunity to provide input as to their environmental justice concerns and to offer recommendations to the NMED.

### What Topics Will Be Covered?

Topics may include: Permitting, Public Participation, Sacred and Religious Sites, Water Quality, Capacity Building, Uranium Mining, Hazardous Waste, Illegal Dumping, Pesticides, or Wastewater Treatment/Infrastructure.

### How Do I Participate?

Come at 12:00 noon to 1:00 pm on the day of the Listening Session and sign-up to be called upon. You will be given five minutes to speak. Written comment will also be accepted at that time, although not required.

NEW MEXICO ENVIRONMENT DEPARTMENT  
OFFICE OF THE SECRETARY

Harold Runnels Building  
1190 St. Francis Drive  
P. O. Box 26110  
Santa Fe, NM 87502

Phone: 1-800-219-6157 or 505-827-2855  
Fax: 505-827-1768  
E-mail: Jon\_Goldstein@nmenv.state.nm.us

**Your Input  
is Needed!**

### How to Provide Input at Your Regional Listening Session?

If you or your organization is interested in commenting, you may participate in one of two ways. You can voice your concerns as a panel participant or during public comments. You will be given no more than five minutes to express your concerns and to provide recommendations.

To be a panel participant, please contact the NMED for more information and to schedule a time to present. Public comments will be taken on a first come basis with sign-up commencing at 3:00 p.m.

### How to Formulate Your Concerns?

Your entire comment should be delivered in five minutes or less. It doesn't have to be detailed, but should include a recommendation.

Following is an example of how you might want to formulate your comments:

*"Hello, my name is <insert> and I am from the community of <town>. I would like to bring to your attention my concern with <your environmental issue>. This has been an issue in my community since <year> and it has affected me and my community by <state health affects>. My recommendations to NMED and local governments is <state>. Thank you."*

Because the time is limited, we encourage those providing input to also submit written comments. They need not be formal or lengthy.

### Are Written Comments Welcomed?

Yes. Written comments will be accepted during the Listening Session and by mail until August 30, 2004. Please send all written comments to the EJ Listening session Workgroup, 801 University Boulevard SE, Suite 302, Albuquerque, New Mexico 87106.



**New Mexico Environment Department  
Office of the Secretary**

Contact: Jon Goldstein  
Harold Runnels Building  
1190 St. Francis Drive  
P. O. Box 26110  
Santa Fe, NM 87502

Telephone: 1-800-219-6157 or  
505 827-2855  
Fax: 505-827-1768  
Email: Jon\_Goldstein@nmenv.state.nm.us



## Statewide Environmental Justice Listening Sessions

Sponsored by the  
New Mexico Environment Department

**Deming**  
June 30, 2004

**Las Vegas**  
July 21, 2004

**Acoma (Tribal)**  
July 27, 2004

**Albuquerque (Statewide)**  
September 16-17, 2004



## Listening Sessions on Environmental Justice

The New Mexico Environment Department (NMED) is seeking public input and comment on environmental concerns in your communities. The comments will be used to design and implement initiatives, such as policies and planning, to work effectively towards mutually beneficial solutions.

### What is Environmental Justice?

The fair treatment and meaningful involvement of all people, regardless of race, ethnicity, culture, income, or education level with respect to the development, implementation, and enforcement of environmental laws, regulations, and policies.

Environmental justice seeks to ensure that no population is forced to shoulder a disproportionate burden of the negative human health and environmental impacts of pollution or other environmental hazards. *(Definition provided by www.naccho.org)*

For our purpose, we are interested in hearing your environmental justice concerns, if you feel that your community has been forced to shoulder a disproportionate burden of the negative human health and environmental impacts of pollution or other environmental hazards.

### Why an Environmental Justice Listening Session?

The NMED environmental justice listening sessions are receptive, solution-oriented meetings conducted with the community, and in partnership with federal, state, Tribal, and local government representatives. The purpose these listening sessions is to hear from participants in topics ranging from general to specific areas of environmental interest/concern and to work effectively towards mutually beneficial solutions. Individuals and organizations will be given an opportunity to comment on their environmental justice concerns and to offer recommendations to the NMED. The goals of these sessions are as follows:



- Obtain input from communities on environmental, health, and quality of life concerns.
- Provide individuals and environmental justice community representatives in New Mexico with an opportunity to present their environmental justice issues to the NMED.
- Provide recommendations to the NMED so that it can formulate solutions to alleviate disproportionate impacts on environmental justice communities in New Mexico, including policies, strategies, and regulations.

- Establish and strengthen working relationships between and among environmental justice communities, the NMED, and other government agencies, in order to secure long-term partnerships with the community at large.
- Report back to communities and local governments as to the status of their recommendations.

### What Issues Will Be Covered?

- Permitting and Public Participation
- Enforcement
- US—Mexico Border Issues
- Uranium Mining
- Sacred and Religious Sites
- Land Grants
- Pesticides and Farmworkers
- Water/Wastewater Issues

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NEW MEXICO ENVIRONMENT DEPARTMENT  
OFFICE OF THE SECRETARY



## SUGGESTIONS FOR EFFECTIVE COMMENTS

The New Mexico Environment Department (NMED) has planned this series of **Environmental Justice Listening Sessions** statewide to get input on environmental justice concerns from the residents of New Mexico. The NMED has invited its management team and other governmental representatives to hear your concerns. To make this Session as productive as possible, we have provided the following tips.

- Formulate your comments knowing you have only **five minutes** to speak.
- Present your concerns in a way you feel is appropriate. In general you should state:
  - **name**
  - **organization (if you are affiliated with one)**
  - **community**
  - **environmental concern(s)**
  - **recommendation(s) to the NMED**
- Be specific about your recommendations and how the NMED can address your concerns. **Recommendations are most important to the NMED.**
- Do not use your comment period to debate a particular issue. It will result in less time for you to adequately state your concerns and make recommendations. NMED and other representatives will be listening only and will not be speaking directly to presenters.
- Recognize that everyone has a legitimate perspective. The mission is not to engage in a debate about the merits of a particular point. NMED wants to know what people perceive the problems to be and why.

Sometimes frustration may be an adequate response because you believe that problems have not been adequately addressed by the NMED or other governmental agencies in the past. NMED understands and hopes to work with your community to start on solutions.

If you find that a particular concern was not adequately expressed and needs to be clarified further, please write down your concerns on the written comments form provided at the Listening Session and submit it to the facilitator. Your comments will be included in the record.

Send your written comments to :

The Environmental Justice Listening Session Workgroup  
801 University SE, Suite 302  
Albuquerque, NM 87106

We sincerely appreciate your participation. If you should have any questions, please contact Jon Goldstein at 1-800-219-6157 or 505-827-2855, NMED, P.O. Box 26110, 1190 St. Francis Drive, N4050, Santa Fe, NM, 87502.



NEW MEXICO ENVIRONMENT DEPARTMENT  
 ENVIRONMENTAL JUSTICE LISTENING SESSIONS  
**ROLE OF LISTENERS**



The New Mexico Environment Department (NMED) has planned this series of Environmental Justice Listening Sessions statewide which it anticipates will be productive to you in your work. The thrust of the Sessions is for the NMED, along with its sister-agencies from the federal, tribal, state and local levels, to get a sense of the concerns of the citizens of New Mexico on issues pertaining to Environmental Justice. In furtherance of this goal, we have invited several non-governmental organizations and individuals representative of communities that address Environmental Justice issues. In order to make this Session as productive as possible, we have outlined in detail what the *Role of the Listener* should be.

Please recognize that everyone has a legitimate perspective, and that everyone's perspective is necessarily colored by limited information. As such, your primary role here is to listen to understand. Our mission here is not to engage in a debate about the merits of any particular claim, but to get a sense of what people perceive the problems to be and why.

If you believe that a commenter's perspective may be informed by misinformation that you feel needs to be clarified, please write down your concern and the clarification and give it to the facilitator. At the appropriate time, the moderator or facilitator will address the audience and present the pertinent clarifications.

Because effective communication is the first step towards problem solving, we hope that you will take this opportunity to follow up with community groups and citizens, in a collaborative problem solving venue, to address some of their concerns. The NMED is similarly willing to participate in multi-agency collaborative efforts in this regard. In our experience, this has been one of the most effective means to address issues that involve environmental impacts from sources that do not lie within the jurisdiction of any one particular agency.

Sometimes citizens or citizen groups might express frustration because they believe that problems have not been adequately addressed. A common but unhelpful reaction to this frustration is for governmental officials to simply disregard what is being said. Please bear in mind that problems do not get solved, or resolved, when one or both parties make no attempt to work through the frustration.

In addition to comments about adverse environmental impacts of certain activities, sometimes citizens or citizen groups have concerns about the process of the decision-making that led to that action. Issues of process and protocol are important components of resolving matters. Bear in mind that every citizen wants to have a say in the decisions that affect their family's health and their environment.

At the conclusion of the listening session, a report will be prepared concerning the comments raised and the recommendations offered by the public. You will receive a copy of the report. More importantly, you will be given an opportunity to respond to the comments for the record. Use this as your personal opportunity to clarify information. A Final Report to the NMED will summarize general comments and your official responses.

We sincerely appreciate your participation. If you should have any questions, please contact Jon Goldstein at 1-800-219-6157 or 505-827-2855, NMED, P.O. Box 26110, 1190 St. Francis Drive, N4050, Santa Fe, NM, 87502.

## **APPENDIX E**

### **Summary Report Environmental Justice Listening Session IV Albuquerque, New Mexico**



## Summary Report

# Environmental Justice Listening Session IV

Albuquerque, New Mexico  
Hilton Hotel

September 16-17, 2004

Sponsored by the

**New Mexico Environment Department**



Prepared by the

**Alliance for Transportation Research Institute**

University of New Mexico  
810 University Boulevard NE, Suite 302  
Albuquerque, New Mexico 87106  
(505) 246-6410, Fax (505) 246-6001  
Internet: [www.unm.edu/~atr](http://www.unm.edu/~atr)



The University of New Mexico

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## Acknowledgements

### The Environmental Justice Listening Sessions Are Sponsored by:

**New Mexico Environment Department  
Office of the Secretary  
P.O. Box 26110  
1190 St. Francis Drive  
Suite #N4050  
Santa Fe, NM 87502  
Telephone: 1-800-219-6157  
(505) 827-2855**

### Special Thanks go to the following individuals and groups:

#### A. The Environmental Justice Planning Committee (EJPC)

The New Mexico Environment Department (NMED) would like to thank the contributions of the Environmental Justice Planning Committee (EJPC). Secretary Ron Curry and Deputy Secretary Derrith Watchman-Moore of the NMED appointed an EJPC that would be responsible for the design of public listening sessions, discussion of important process issues, and also the development of protocol for promoting an authentic participatory process. The EJPC was composed of representatives of community, business, industry, municipal, and Tribal entities selected for their respective expertise in environmental justice coalition building, knowledge of regional environmental justice issues, and their familiarity and networks with local grassroots organizations in New Mexico.

The 13-member Environmental Justice Planning Committee includes:

- ◆ Derrith Watchman-Moore, Deputy Secretary, NMED, Co-Chair
- ◆ Cynthia Gomez, Co-Chair
- ◆ Dennis Chavez, Mimbres Valley Surface Water Users Association
- ◆ Margaret Chavez, Pueblo of Santo Domingo
- ◆ Calvert L. Curley, Navajo Nation
- ◆ Tomasita Gonzalez, SouthWest Organizing Project (SWOP)
- ◆ Bill Hocker, Acoma Enterprises
- ◆ Sofia Martinez, Concerned Citizens of Wagon Mound and Mora County
- ◆ Richard Moore, Southwest Network for Environmental and Economic Justice (SNEEJ)
- ◆ Olivia Balandran Rodriquez, U.S. Environmental Protection Agency, Region 6
- ◆ Regina Romero, New Mexico Municipal League
- ◆ Marla Shoats, Shoats & Weak, Inc.
- ◆ Mark Turnbough, Consultant

## **B. Albuquerque Work Group**

A subcommittee of the EJPC was formed to spearhead the Environmental Justice Listening Session at the Albuquerque Hilton Hotel. The subcommittee met periodically to optimize the outcome of the public participatory process and to ensure participants were individuals and organizations representative of New Mexico communities. The Albuquerque Workgroup included:

- ◆ Derrith Watchman-Moore, NMED Deputy Secretary,
- ◆ Cynthia Gomez, co-chair
- ◆ Richard Moore, Southwest Network for Economic and Environmental Justice (SNEEJ)
- ◆ Regina Romero, the Municipal League
- ◆ Darla Aiken, NMED
- ◆ Cindy Padilla, NMED

In addition to the EJPC involvement, the NMED also sought the assistance of two “on the ground” Community Liaisons experienced in dealing with local environmentally impacted communities, communities of color, and/or low-income communities. The Community Liaisons who assisted the NMED and the EJPC with logistics of the Albuquerque meeting included:

- ◆ Bianca Encinias, Southwest Network for Economic and Environmental Justice (SNEEJ)

## **C. Consultants to the Environmental Justice Listening Sessions Project**

The New Mexico Environment Department would like to thank the contributions of the Judith M. Espinosa, Alliance for Transportation Research Institute (ATRI), Eileen Gauna, Professor, Southwestern School of Law, and Paul Robinson and Frances Ortega, Southwest Research and Information Center for their role as consultants. The ATRI served as the primary contractor and facilitator for all listening sessions.

## SUMMARY REPORT

**“Environmental Justice** is the fair treatment and meaningful involvement of all people regardless of race, color, national origin, or income with respect to the development, implementation, and enforcement of environmental laws, regulations, and policies.

**Fair treatment** means that no group of people, including a racial, ethnic, or a socioeconomic group, should bear a disproportionate share of the negative environmental consequences resulting from industrial, municipal, and commercial operations or the execution of federal, state, local, and Tribal programs and policies.

**Meaningful involvement** means that: (1) potentially affected community residents have an appropriate opportunity to participate in decisions about a proposed activity that will affect their environment and/or health; (2) the public's contribution can influence the regulatory agency's decision; (3) the concerns of all participants involved will be considered in the decision making process; and (4) the decision makers seek out and facilitate the involvement of those potentially affected.

**Environmental justice is achieved when** everyone, regardless of race, culture, or income, enjoys the same degree of protection from environmental and health hazards and equal access to the decision-making process to have a healthy environment in which to live, learn, and work.”

- *From the Environmental Justice Home Page of the US EPA Website*  
(<http://www.epa.gov/compliance/environmentaljustice/index.html>)

### Introduction/Welcome

Judith M. Espinosa, Director of the ATR Institute (ATRI), University of New Mexico (UNM), opened the Statewide Environmental Justice (EJ) Listening Session at the Albuquerque Hilton Hotel, and welcomed everyone. She is a member of the National Environmental Justice Advisory Committee for the US Environmental Protection Agency.

Ms. Espinosa introduced Derrith Watchman-Moore, Deputy Secretary of the New Mexico Environment Department (NMED). Ms. Espinosa said that Ms. Watchman-Moore is a ‘straight-shooter’ like her father, who had been a long-time member of the State Legislature, representing McKinley and San Juan Counties.

Derrith Watchman-Moore welcomed all the attendees and introduced Secretary Ron Curry of the NMED.

NMED Secretary Ron Curry recognized the presence at the gathering of Ned Farquhar, Advisor to Governor Bill Richardson.

Secretary Curry added his welcome. He said that the Deputy Secretary was a native of Gallup and he had been a native of Hobbs. He said that two regions were unlike in many respects and had different environmental problems. But together, he and the Deputy Secretary make a good team, who are well-versed in finding solutions for different areas of the state. Early in his career, while working with Eddie Benevides, Secretary Curry said that he first began to learn about environmental and race issues.

Secretary Curry also recalled his experience working for Judith M. Espinosa, when she was Secretary of the NMED saying, “I first learned about environmental justice from Judith Espinosa. She continues to make me aware of things in State of New Mexico, and I continue to learn.”

Secretary Curry offered his own example of an environmental justice problem through a comparison of the Northeast Heights of Albuquerque where his children went to school to that of a reoccurring situation at Pajarito Elementary School in the early 1990s. Every year in the spring, at Pajarito Elementary School in the South Valley, there was raw sewage flowing in playground. Every year, Secretary Espinosa would ask him to find some emergency funding to address the problem. But year after year in spring, the problem continued to happen. Secretary Curry questioned why this happened each year at Pajarito. He stated that if this happened at La Cueva High School in the Northeast Heights, the problem would have been completely corrected by the afternoon of the first day it occurred.

Secretary Curry cited the need to elevate the EJ issue and address it head-on. He said that the purpose of these EJ Listening Sessions is two-fold:

1. To hear about people’s concerns which need to be addressed and address those issues in such a way that they do not arise again,
2. To learn from the experience of the Listening Sessions as to the type of recommendations for Governor Richardson which are needed in terms of EJ statutes and regulations to level the playing field and protect minorities and low-income people from disproportionate risk.

Secretary Curry urged people to continue to work hard on this and develop something useful to present to the Governor. He said that he does not want the product of these sessions to merely be a well-written, pretty report that sits on the shelf and never gets read. He said he wanted something tangible from these sessions. Secretary Curry wants the substance and nature of these EJ problems to be confronted in a responsible, balanced and proactive way.

*“...Give me something useful to take to the Governor. The one thing I do not want is a...pretty report that sits on the shelf and does not get read, or used, to make things better.” Ron Curry, NMED Secretary*

Deputy Secretary Watchman-Moore emphasized the importance of support from the top to get things done, as she acknowledged the strong support of Secretary Curry and Governor Richardson in addressing EJ problems in New Mexico, saying: “If you don’t have support at the

top you don't get very far and support of the Secretary and the Governor are very important to this initiative.”

### **Larry Starfield Comments**

Larry Starfield, the Deputy Regional Director of the US Environmental Protection Agency (EPA) Region 6 (which includes New Mexico, Texas, Oklahoma, Arkansas, and Louisiana) was introduced. He recognized the leadership of Judith M. Espinosa (ATRI) and Richard Moore of the Southwest Network for Economic and Environmental Justice (SNEEJ) in putting the four EJ Listening Sessions together. He said that NM is ahead of the curve on EJ issues and lauded the state's commitment to EJ. The four EJ listening sessions held in New Mexico are four more than other state in Region 6; New Mexico is the first in the region. He characterized 'EJ problems' as 'local problems.' Therefore, the solutions must come from the local areas, too. To establish EJ, the state must find partners at the local, grassroots level, involving advocacy groups, the communities, universities, Metropolitan Planning Organizations (MPOs) and Regional Planning Organizations (RPOs), and the tribes.

The EPA's team of EJ professionals in Region 6 is small and has only five members, with Olivia Balandran Rodriguez as the team leader. The five-member team has the job of trying to keep track of activities in states and train other 900 people at EPA Region 6 to develop community-based solutions. One team member assigned to each state in EPA Region 6. That person tries to be a liaison to communities in that state and keep things moving on the local level where EJ concerns occur. Each team member teaches others on the state-government level to do the EJ work that is needed to help address EJ issues locally. The EPA Region 6 Office is seeking to identify issues that are significant in New Mexico. Once the EJ problems have been identified on the local level, the EPA's EJ team can help. The EPA looks forward to partnering with NM and communities.

Solutions do not come one-size-fits-all. Deputy Regional Director Starfield cited an example that had occurred in El Paso. When some major contamination was found, the community did not want to have a Superfund designation because of what that designation would do to property values. The EPA found another way of addressing the problem that worked better, protected property values, and the community found to be a more comfortable fit.

The search for solutions is very complex. How do you find solutions to complex problems? Complicated, big government solutions are not always the answer. Sometimes, big corporations are not always at fault. Sometimes, the problem may be beyond jurisdiction of EPA. Collaboration as demonstrated in NEJAC is fundamental to addressing EJ and maintaining dialogue is critical. That is why it is most effective to bring partners to help solve problems. Regulation may not be enough; enforcement may not be enough. Even if we enforce to the nth degree, it may not solve the problem. Other solutions may include incentive programs, green buildings, efficiency, lifestyle changes, or family-specific solutions.

*“The search for solutions is very complex. Complicated, big government solutions are not always the answer... Even if we enforce to the nth degree, it may not solve the problem. Other solutions may include incentive programs, green buildings, efficiency, lifestyle changes, or family-specific solutions.”* US EPA Deputy Regional Director Starfield

The EPA has a bias for action; the National Environmental Justice Advisory Committee (NEJAC) of the EPA has a bias for action. Even when working with partners that we do not like—or distrust initially—collaboration is essential, although we may not always agree. In some cases, litigation may be necessary. But we have had good success with community-based trainers. Great partnerships make a difference. The community has to decide that the air, land, or water is not as clean as they would like and want to do more. He cited as an example of successful partnering, the Wagon Mound solid waste contamination project, where the EPA funded a survey to determine if there was a link between the presence of hazardous waste and community health issues. Each community has to decide what the important issues are. And then, we need to make sure that all communities have a good quality of life.

*“The EPA has a bias for action. The National Environmental Justice Advisory Committee (NEJAC) has a bias for action... Collaboration is essential—even though we may not always agree.”* US EPA Deputy Regional Director, Larry Starfield

### **Dr. Charles Lee Comments**

Dr. Charles Lee of the US EPA Office of Environmental Justice (OEJ) was introduced as a person who had been working on EJ issues before there was word for it. He is preeminent author of the landmark 1987 Report by the Commission for Racial Justice of the United Church of Christ (UCC), *Toxic Wastes and Race in the United States: A National Report on the Racial and Socio-Economic Characteristics of Communities with Hazardous Waste Sites*, which identified and documented EJ. This report looked at the correlation between race and poverty to the distribution of environmental burdens and cumulative risks, and worked for change.

Numerous studies since that time have shown and continue to show that disproportionate impacts are tied to cumulative risks and disadvantaged populations. Dr. Lee said that some progress has been made since that time, although there is still a long way to go. He cited an ABA study prepared by Hastings Law School, *Environmental Justice for All: A Fifty State Survey of Legislation, Policies and Initiatives*, (2004), which showed that nine states have passed EJ legislation and another 40 states have some EJ regulations. Quoting Nicholas Targ, the Chair of the Environmental Justice Committee, Section of Individual Rights and Responsibilities, of the American Bar Association (ABA), Dr. Lee, said: “These efforts constitute 50 laboratories of Environmental Justice at work.”

By holding the first EJ Listening Sessions in Region 6, New Mexico is on the cutting edge of the effort to advance EJ nationally. New Mexico is creating a model for the other States to follow.



He spoke of the question of the meaning of ‘disparate impacts.’ This concept—he said— is tied to issues of cumulative risk and vulnerable populations. Dr. Lee cited a recent NEAJC report that looked at the question of disparate impacts, *Evaluation Report: EPA needs to Consistently Implement the Intent of the Executive Order on Environmental Justice* [report 2004-P-00007]. He said that Judith M. Espinosa, and Phyllis Harris, Acting Assistant Administrator for the EPA Office of Enforcement and Compliance Assurance, were among those who had worked on this document. Their deliberations on this complex issue do not only look at disparate exposures, but at the character of the communities that are at-risk, due to the racial or ethnic minority status of the majority of its residents, the incidence of poverty as well as the presence of multiple environmental stressors in the community, and even the degree of access the residents may have to medical care. Looking at these factors is important because corporations site industries in areas where the population is composed of low-income people and/or minorities because they think that community oversight of their activities will be less rigorous. These disadvantaged communities may be stressed in a number of ways by different polluters.

Dr. Lee talked about President Clinton’s Initiative on Race, whereby Mr. Clinton made it a national goal for the 21st Century to eliminate disparities in health in racial and ethnic minorities and low-income populations. In 2002, the EPA made a commitment to work with the Center for Disease Control and Prevention (CDC) of the National Institutes of Health (NIH) and the American Public Health Association (APHA) to find ways to consistently measure, address, and prevent these disparities in health project, ‘Healthy People 2010.’ The conference that marked the kick-off of this pilot project was attended by 1,500 people, including the US Department of Health and Human Services (DHHS), American Medical Association, the ABA, CDC, environmental groups and EJ groups, as well as organizations such as SNEEJ, the Indigenous Environmental Network (IEN), and the League of United Latin American Citizens (LULAC) to find ways of identifying environmental contributions to health disparities, and priorities and partnership opportunities for health promotion and disease prevention. As part of these efforts, the DHHS has initiated ‘Racial and Ethnic Approaches to Community Health (REACH) 2010 Projects’ to identify new strategies of ‘presentation, publication and implementation’ and targeting specific priority areas to make a marked difference in specific health outcomes.

*“Numerous studies since that time have shown and continue to show that disproportionate impacts are tied to cumulative risks and disadvantaged populations. The character of the communities that are at risk [include]... the racial or ethnic minority status of the majority of its residents, the incidence of poverty, as well as the presence of multiple environmental stressors in the community, and even the degree of access the residents have to medical care... These disadvantaged communities may be stressed in a number of ways by different polluters.” Dr. Charles Lee of the US EPA Office of Environmental Justice*

The OEJ has developed a model for collaborative problem-solving. Because EJ involves many issues, a robust and dynamic process is needed which would build on community knowledge and community assets, respect all stakeholders, and remain committed to addressing power imbalances. Other tools include robust partnerships, holistic analysis, and addressing power imbalances. A short video was made by the EPA on environmental laws narrated by Richard Moore of SNEEJ. He is another person who has had a long history in EJ. He, too, was also

doing EJ work before there was a name for it. Richard Moore has done much to address and alleviate EJ concerns in the state.

The OEJ will also be back in New Mexico next week for training session for community groups on use of EJ laws and alternative dispute resolution. Working on EJ and creating new mechanisms and organizational culture to address EJ problems are not easy tasks. Do not make EJ a stand-alone division or bureau. Systematically integrate EJ into the NMED and train personnel to incorporate EJ principles into all environmental work. This effort must be based on deep respect between the partners and democratic processes. Work from the basic premise that EJ was never meant to be an add-on. EJ is intrinsic and should be embedded into NMED. The Listening Sessions should provide the moral compass for this work.

Dr. Lee offered some ways that the EPA Office of Environmental Justice can contribute [to this partnership]. EPA offers three EJ collaborative problem solving grants. The EPA Office of Environmental Justice looks forward to partnering with New Mexico, with Region 6, and all interested stakeholders.

*“Systematically integrate EJ into the NMED and train personnel to incorporate EJ principles into all environmental work. The Listening Sessions should provide the moral compass for this work.”* Dr. Charles Lee US EPA Office of Environmental Justice

Judith M. Espinosa thanked Mr. Starfield and Dr. Lee. New Mexicans are very creative. I am very proud of what we are doing by conducting these Environmental Justice Listening Sessions. Through sharing our thoughts and working collaboratively together, we can accomplish something truly noteworthy and really make a difference in people’s lives. That is why I am present—to make a difference.

*“New Mexicans are very creative. I am very proud of what we are doing by conducting these Environmental Justice Listening Sessions. Through sharing our thoughts and working collaboratively together, we can accomplish something truly noteworthy and really make a difference in people’s lives. That is why I am present—to make a difference.”* Judith M. Espinosa, Director of ATR Institute and NEJAC member

## Overview of Listening Sessions

### Derrith Watchman-Moore Opening Remarks

NMED Deputy Secretary Watchman-Moore recounted her appointment to the NMED. I was trained as a scientist. I had not worked with Secretary Curry previously. But I came to the work with the hope that the Secretary and I could create a legacy and make a difference. I brought with me a philosophy of approaching this work that was derived from my upbringing as a Navajo. That approach is rooted in reverence and guided by love. It seeks the highest good for as many people as possible and comes from the opening of one’s spirit to the interconnectedness of every thing. It was that influence I have hoped I can bring to the NMED.

Information is power. Race matters. Resources are important. New Mexico is diverse. There are differences in lifestyles and ways of doing things in different parts of state. We have to look deeply to decide how to make decisions that are right, and will fit that community. EJ grants are there to help.

With the help of NMED's Rick Martinez, the Department found the money to fund the EJ Listening project. She and Secretary Curry sought experts, like that of Judith M. Espinosa and her staff at the ATR Institute, University of New Mexico. Judith brought in Eileen Gauna, an EJ law professor at Southwestern University School of Law and Paul Robinson and Frances Ortega from the Southwest Research and Information Center, and Richard Moore of SNEEJ. All wanted New Mexico to establish a sound practice for these sessions and for New Mexico to be the model for the region and the nation.

*"I came to the work with the hope that the Secretary and I could create a legacy and make a difference. I brought with me a philosophy of approaching this work that was derived from my upbringing as a Navajo. That approach is rooted in reverence and guided by love. It seeks the highest good for as many people as possible and comes from the opening of one's spirit to the interconnectedness of every thing. It was that influence I have hoped I can bring to the NMED."*  
NMED Deputy Secretary Derrith Watchman-Moore

The Deputy Secretary recognized and thanked the members of the NMED Environmental Justice Coordination staff: Darla Aiken, Leslie Barnhart, Jon Goldstein, Charles Lundstrom, Rick Martinez, Brent Moore, Cindy Padilla, and Anna Leyba. She also recognized and thanked all the members of the Environmental Justice Planning Committee (EJPC) whose members were drawn from the state's EJ community, from grassroots organizations, industry, business, and government with the Deputy Secretary and Cynthia Gomez of Amigos Bravos, as Co-Chairs. The idea of the project was to bring diverse people into the process, to develop trust in what the government (NMED) was doing, and to create listening sessions that necessarily would have a local impact. Over 100 people attended each of the previous Listening Sessions in Deming, Las Vegas, and Acoma Pueblo, New Mexico.

At times, the members of the EJPC sometimes had to agree to disagree—in other words, be friendly adversaries. Lots of support for the EJ project arose from within NMED. From the fruits of these Listening Sessions, we wanted to define EJ in the state and gather recommendations and create a method to follow up and implement these solutions. NMED also formed the EJ Policy Committee as a six-member panel to make formal recommendations regarding legislation, either in the form of amendments to existing laws or new laws, that NMED could recommend to the 2005 New Mexico Legislature.

*"Information is power. Race matters. Resources are important. New Mexico is diverse. There are differences in lifestyles and ways of doing things in different parts of the State. We have to look deeply to decide how to make decisions that are right and will fit that community."* NMED Deputy Secretary Derrith Watchman-Moore, Scientist and Navajo Woman

## Cynthia Gomez Opening Remarks

Cynthia Gomez of Amigos Bravos also thanked attendees and commented on seeing many familiar faces from the previous meetings. Saying that many people do not know the meaning of EJ, she read the US EPA's definition, which is quoted on the first page of this report. Ms. Gomez explained that before the term EJ was coined about 15 years ago, people used the term 'environmental racism' to refer to the practices cited in Dr. Lee's 1987 report on the siting of toxic waste facilities in disadvantaged communities.

Who are EJ Communities? They are communities of color, low income, mostly young, the working class, and the elderly who face disproportionate risks or are affected disproportionately by environmental pollutants of the air, land, and water. These EJ communities already carry a heavy burden, because the people living in these communities do not have equal access to healthcare—either to prevent adverse effects or to address these effects after they have become acute.

Ms. Gomez then sketched the meetings' planning process. For each Listening Session, the organizing piece of the planning was community based, and community liaisons were hired for each meeting. The community liaisons played many roles from ordering the food and securing the room to conducting outreach to create broad meetings that addressed concerns specific to the communities. She recognized and thanked the community liaisons for each session:

- Deming-Allyson Siwik of the Gila Resource Information Project,
- Las Vegas-Janice Varela of Amigos Bravos,
- Acoma-Laurie Weahkee of Sacred Alliances for Grassroots Equity (SAGE) Council and Carletta Garcia of the Laguna Acoma Coalition for a Safe Environment, and
- Albuquerque-Bianca Encinias of SNEEJ.

These sessions were powerful and empowering. Participants came away from those meetings more informed and stronger. They learned from these sessions that they faced similar problems, and they learned to network differently, more collaboratively.

*“These sessions [in Deming, Las Vegas, and the Pueblo of Acoma] were powerful and empowering. Participants came away from those meetings more informed and stronger. They learned from these sessions that they faced similar problems, and they learned to network differently, more collaboratively.”* Cynthia Gomez, Co-Chair of the New Mexico Environmental Justice Planning Committee

These sessions have been documented with note-takers and on video-tape. Feedback from the note-takers also helped advise the process. The meetings at Deming, Las Vegas and Acoma were taped. A 10-minute video of highlights from the Deming and Acoma sessions was produced and will be shown during lunch. She briefly recapped the three meetings by providing a range of EJ issues that arose at each Listening Session and quoted a few of the commenters.

Then Ms. Gomez talked about how the two-day session would proceed. After the opening remarks, each day of the Albuquerque Listening Session will have panel discussions on various topic area (see Agenda in Appendix A). Each panelist will provide an overview and also make suggestions or recommendations to the NMED. (Those recommendations can be found in the Matrices of Public Comments which immediately follows the meeting summary.) In addition to the panel discussions, an several open comment will take place, where members of the audience can speak on a particular EJ issue. (Those who spoke are noted in the narrative, and if the speaker made a recommendation, it is included in the Matrices of Public Comments.)

## **Panel A: History of Environmental Justice**

### **Bineshi Albert Comments**

Bineshi Albert introduced herself as a member of the Yuchi and Anishnabe tribes, saying, I have been doing community organizing since my youth. That is what my family has always done. That is what I was raised to do. Today, I work as a community organizer for the Sacred Alliance for Grassroots Equity (SAGE) Council. This work and my feeling for it is rooted in my core values.

I am native urban Indian. Issues affecting native communities occur in urban areas, too. Native communities have been networking using ‘word-of-mouth’ long before there were fax machines and computers. Many of the issues then and today were the same: corporations siting their incinerators and plants in poor communities with the promise employment and scholarships. The incinerators burned medical waste and solid waste. Then and today, the corporations go to Native communities due to the perception that the environmental protections will be less stringent and that the community will allow the contamination, because of the great need for economic development in these communities.

As a youth in May 1990, I attended the historic EJ meeting, ‘Protecting Mother Earth’ in Dilkon, Arizona, which 500 people attended. When we came together from all parts of the country, we discovered that we were all facing the same kinds of problems from polluters. Coming from a grassroots perspective, the Native people there said: ‘Compare what is occurring with what we value as Indigenous people. Let us learn more about these problems and do something about them.’ We agreed to share information and strategize among communities.

The grassroots origins of EJ has helped us to always frame these problems in ways which allow us to look at what we value and be more active—to work hard to prevent EJ sitings when we can, as well as to work hard to mitigate environmental problems which have already occurred. In Dilkon, we came together wanting to have a more formalized network to bridge from grassroots to state and nation, between the different city, state, tribal, and federal governments and advocacy groups and other [nongovernmental] organizations. In this way was the Indigenous Environmental Network formed. I was one of the founding members.

EJ is a new term in Western society. Among Native people, the environment and environmental justice are encompassed in our central value system and have been incorporated into our cultural values. The environment is not just trees and the animal part of our homeland; it is everything we need for our cultural survival. The environment is not separate from us or outside. For

Indians, the inherent definition is embedded in our belief system and encompasses more than the natural environment. It could be outside under the stars, or inside this building. That connection is hard to communicate to those that do not share those values.

The people in New Mexico have a long history of organizing to take care of our environment and that makes New Mexico different. Our value system is embedded in the way we care for our acequias systems, land grants, grazing rights.

*“Among Native people, the environment and environmental justice are encompassed in our central value system and have been incorporated into our cultural values. The environment is not just trees and the animal part of our homeland; it is everything we need for our cultural survival. The environment is not separate from us or outside. For Indians, the inherent definition is embedded in our belief system and encompasses more than the natural environment. It could be outside under the stars, or inside this building. That connection is hard to communicate to those that do not share those values.”* Bineshi Albert, Sacred Alliance for Grassroots Equity (SAGE) Council

Water is so important to Indian people that it transcends the understanding of many non-Natives. The Pueblo of Isleta uses water from the Rio Grande for their traditional ceremonies. The Zunis use Zuni Salt Lake. Protections of native sacred sites such as these and such as the Petroglyph National Monument are essential to preservation of our Native heritage.

The sacred site at the Petroglyph National Monument, and the Native people who honor it, have existed for centuries, here. The City of Albuquerque has relationship with the Native people. Yet, it wants to build *two* commuter highways through the Petroglyphs. What does wanting to build six lanes of Paseo del Norte extending through the Petroglyph National Monument say about this relationship? As a Native person and a taxpayer, it is insulting and frustrating to me that my relationship with the City is not valued.

EJ is about what we value as a community. The environment means where we live, where we work, where we go to school, where we play, and where we worship. I work in the community to protect *this* sacred site and others for my children and my children’s children. The City needs to work together with Native people to see how to go from this relation to a better place and move forward from conflict to progress.

*“Water is so important to Indian people that it transcends the understanding of many non-Natives. The Pueblo of Isleta uses water from the Rio Grande for their traditional ceremonies. The Zunis use Zuni Salt Lake. Protections of native sacred sites such as these and such as the Petroglyph National Monument are essential to preservation of our Native heritage.”* Bineshi Albert, Yuchi and Anishnabe

Richard Moore, the founder and Executive Director of the Southwest Network for Economic and Environmental Justice (SNEEJ) spoke next. He explained that SNEEJ is a coalition of 56

organizations which recognizes the direct link between economic and environmental issues, saying, “As indigenous people and people of color, we recognize that the demand for a safe, clean environment and workplace can only be achieved by building a movement with gender equality that promotes environmental and economic justice. Furthermore, sustainable economic development alternatives must be defined by the communities most impacted by these policies. The Southwest Network supports the struggle for sovereignty of indigenous people and tribes. We affirm our spirituality and our holistic oneness with Mother Earth.”

He thanked EPA Region 6 Administrator Richard Green for his initiative and support, Deputy Regional Administrator Larry Starfield for his professional relationship with SNEEJ and for his commitment to openness. He thanked Secretary Curry, Deputy Secretary Watchman-Moore, and the NMED for holding these EJ Listening Sessions and the opportunity to express his views. He asked for a moment of silence to honor others who have been involved in the EJ struggle in New Mexico, including the late Dorothy Purley, who sought compensation for those who—like herself—suffered adverse and fatal health effects of uranium mining, the late Bill Weahkee, who worked to improve EJ for the Pueblos and Tribes, and the late Jeanne Gauna, the founder of the SouthWest Organizing Project (SWOP). He asked that this gathering remember all those who have done this work and have passed, and for all those who continue to do this work.

Mr. Moore cited the noteworthy work of ATRI’s Judith M. Espinosa and recalled that she had worked with him previously regarding healthcare. He also applauded the work of Dr. Charles Lee of the EPA OEJ and worked with the Reverend Benjamin Chavis of the NAACP on EJ issues before most people understood or recognized there was even a problem. He said that I am here because of the future generations. I work at the city and state level; I work on the national and international level. These are world issues. They are ideological; they involve our notions of ‘race and class.’

EJ is born from the social justice and civil rights movements. The convergence of these movements opened a dialogue to discuss these issues and work together for solutions. Over the years, I have been present at many EJ gatherings to protest, as well as by invitation. Either way, I show up.

Historically, ‘environmental racism’ and genocide have intentionally targeted our people, our communities, people of color. ‘Environmental racism’ occurs where we cross the border. Add that to the definition of what the environment is: ‘The environment means where we live, where we work, where we go to school, where we play, where we worship, and where we cross the border.’ What if the City had some big plan to put a freeway right through the Cathedral in Santa Fe? The Bishop and everybody would rise up and say something about it. They would say, ‘It is not right.’ But that is what the City of Albuquerque wants to do over at the Petroglyphs—It’s ‘environmental racism.’ I’m here to tell you, we ain’t putting up with it!

*“EJ is about what we value as a community. The environment means where we live, where we work, where we go to school, where we play, and where we worship...and where we cross the border.”* Richard Moore, Founder of the Southwest Network for Economic and Environmental Justice

I would like to share my experiences from my youth as an organizer. We opened the first community health clinic in the San Jose neighborhood in 1967. Many of the poorer communities around there had concerns of the smell for the sewage plant. There were also rats, mosquitoes, and cockroaches. We went to the Mayor and he told us we were imagining things. We invited the Mayor to come to lunch in San Jose. We made sure when he came there were all those things—the smell so bad you couldn't eat, the rats, mosquitoes, the cockroaches and all the rest. After that 'lunch,' we worked with City officials to clean up that obnoxiousness. Environmental groups were contacted to be a part of the coalition that would solve the strong odors from the sewage plant, but they felt was not an environmental issue. Maybe if there was a tree in the middle of the sewage plant or a whale swimming up the Rio Grande, they would have been more interested. The situation that we had been living with is environmental *injustice*.

When I was working with tenants and helping to organize in San Jose, there were so many things we did not know. We did not know lead-based paint would kill your children, or cause brain damage, or learning disabilities because they were eating those chips of paint, lead paint. We do not wish that on anybody from any class! In the Mountain View neighborhood of the South Valley, the water we were drinking was contaminated with over 25 times the nitroglycerin that was considered safe. The people of the Mountain View neighborhood were drinking contaminated water for a long time. Some pollution from nitrates was caused by the old Schwartzman Slaughterhouse.

You do not have to drink the contaminated water for it to affect you adversely; you could be bathing in it. It would contaminate you through the pores of your skin. That neighborhood was already at risk. You could bathe in it or drink it, and then move away, and get withdrawals. The officials from the City, County, State and federal government all knew this, but the doctors who would diagnose you did not know this. The officials did not enforce the laws that were already on the books. Why is it that landfill is sited out in County where the population is 79 percent Hispanic, not in City? The answer is 'race and class.'

There is a big difference between environmental issues and environmental justice issues. The difference is race and class. Over and over, the studies have shown that people of color, the young, the poor, the elderly, the most vulnerable in our society face disproportionate risk, suffer disproportionate effects from these toxic facilities that are placed in our communities against our will. In Sunland Park, there was an incinerator for many years that burned medical waste. The facility was over 255 yards from the school. People complained of rashes. That area is still contaminated, but the incinerator is not there anymore.

*"There is a big difference between environmental issues and environmental justice issues. The difference is race and class. Over and over, the studies have shown that people of color, the young, the poor, the elderly, the most vulnerable in our society face disproportionate risk, suffer disproportionate effects from these toxic facilities that are placed in our communities against our will."* Richard Moore, Longtime EJ Advocate

Let's consider the farmworker who toils under the hot sun all day without a drink of clean water and picks the chile that we as New Mexicans love so much. I cannot take a bite of chile without



thinking of those farm worker communities. The farm worker who does not earn enough to feed his or her family—let alone provide them with medical care—gets sick because of the pesticides that have been sprayed in the fields. But it does not end there, because the pesticides runoff into the river and pollute other land every time it rains, or when the farmer waters the crops.

What about the asbestos and other chemicals that got dumped due to fires in Los Alamos and all the ash that was produced? These ashes were contaminated with all kinds of heavy metals and radioactive materials. What about all those people who are downwind of the lab. Los Alamos is one of the counties with highest income in the nation. How come their waste is taken to Wagon Mound, a Chicano ranching community and dumped there. Meanwhile, Los Alamos is still producing more weapons and waste. They put a particle board facility in Las Vegas that was paying \$10 per hour *less* than workers at their brother facilities in Oregon. What about the tortilla plant that was, in actuality, a chemical factory? The runoff from the plant got into the air, and land and water. Cows all around there were dropping dead. People were getting sick. What are the Hispanic and Native people up there supposed to say: ‘We’re just glad we have a job.’? It’s not right, people.

The recognition of ‘environmental injustice’ as a reality and a fact, the Executive Order [12898], and the federal interagency working group did not just happen. None of that was a favor from somebody. The movement made that happen! That was the result of somebody’s sweat and blood, somebody’s hard, life-and-death struggle—somebody like Dorothy Purley, who died of cancer from extended exposure to uranium. We do not want anybody to do no damn favors for us. We want to do ourselves. The NMED, the EJPC—they are just getting to know us, know how we feel about these issues. We may not agree with you, but we are always going to put ourselves at that table—invited or not.

Eileen Gauna, distinguished Professor at Southwestern University School of Law and EJ author spoke next, saying, “Today I’d like to talk a bit about the evidence that is steadily coming forward in the environmental justice area—evidence that largely supports the claim that communities comprised largely of people of color and the poor are disproportionately subjected to a wide range of environmental risks. This includes those risks brought about by location near commercial hazardous waste facilities, landfills, industrial facilities, polluted waters, contaminated fish, pesticides, and lead poisoning. Moreover, these same communities receive less in the way of environmental benefits, such as access to open space, parks, transportation, and the enforcement of our environmental laws.”

Before I highlight particular studies, I would like to note some general trends in the research itself and in the general findings. The early studies were shocking in their conclusion that there were significant racial and income disparities. More surprising was that, of these two variables, race was more statistically important than income. In other words, a middle-income community of color would be more likely to host a polluting facility than a low-income white community.

These early studies—particularly those looking at commercial hazardous waste facilities—were challenged on several grounds. First, it was alleged that the researchers didn’t sufficiently control for variables. Secondly, it was noted that these studies only examined the present locations of the facilities and did not consider what the surrounding communities were like when the facility was first sited. In other words, many argued that these facilities could well have been

sited in predominately white areas, but after the facility was sited, whites moved out and people of color moved in. If this is so, the argument goes—there is no racial discrimination; rather, market forces are the cause of the disparities. So what we end up with is this. There is undeniably a racial disparity in the present location of these facilities, but people disagree as to the causes of the disparity. These two competing theories about the cause of the existing disparity—the discriminatory siting theory and the market dynamics theory—influenced the studies that came forward and the evidence that we see today.”

*“...evidence largely supports the claim that communities comprised largely of people of color and the poor are disproportionately subjected to a wide range of environmental risks. This includes those risks brought about by location near commercial hazardous waste facilities, landfills, industrial facilities, polluted waters, contaminated fish, pesticides, and lead poisoning. Moreover, these same communities receive less in the way of environmental benefits, such as access to open space, parks, transportation, and the enforcement of our environmental laws.”*  
Eileen Gauna, Professor at Southwestern University School of Law

Subsequent studies, both on a national and regional scale, have become much more sophisticated and have controlled for other variables to a much greater extent. There were also studies that went back in time and looked at the character of the communities at the time of siting, rather than presently. Other studies began to look at a variety of environmental exposures, risk, and adverse effects. With few exceptions, the newer studies confirmed—and even strengthened—the findings of the earlier studies, and they found little evidence of demographic changes after the facility was sited. In other words, there is a definite racial disparity that appears to exist at the time of the initial siting of the facility.

The studies out of California are particularly interesting for a couple of reasons. First, like New Mexico, California is a state with a very large percentage of people of color and one might expect that in such an area the distribution might be more even. But the regional studies in California—which use the most sophisticated methodologies and pinpoint finer and finer evidence of exposure and harm—have found the same racially disproportionate patterns, even to a greater degree in many instances. Although there have been no such studies in New Mexico, the comments we have heard thus far in this series of public hearings, and in other venues, reveals the same troubling patterns that has been found in California and across the country. While New Mexico is unique in many respects, we may find the same racial disparities and will have to do something about them. These hearings are a good start to get an idea as to the nature and extent of the problem. As we listen to the commenters, it will be helpful to bear in mind the patterns that have been found nationally and in other regions.

To give you a flavor of what this evidence looks like, here are a few representative highlights.

#### Hazardous Waste Facilities

- A 1987 national landmark study—conducted by Charles Lee who you just heard from—found that 3 out of every 5 Blacks and Latinos, and half of all Asian/Pacific Islanders and Native Americans, lived in communities with uncontrolled hazardous waste sites. In this study, race was a more significant factor than income, even after controlling for urbanization

and regional differences. This study was updated in 1994 using 1990 census data, and the same racial disparities were found. It is fair to note that another 1994 study found no disparities. However, that study only looked at metropolitan areas that had commercial waste facilities instead of the whole U.S. and did not examine disparities for all people of color (only blacks and Latinos). When those same researchers combined census tracts to create geographically larger areas, they found similar racial disparities.

- A 1994 national study of 544 communities that hosted active hazardous waste facilities (called TSD facilities), looked at the character of these communities when the facilities were first sited, at least where that information was available. It found a disproportionate siting of these facilities in Latino neighborhoods. Interestingly, it did not find evidence of post-siting minority move in. In other words, once the facility was sited, we saw the same general population trends as any place else. This finding disputes the argument that these facilities are initially sited fairly, but that subsequent people of color move in is the real cause of the present disparity. This study confirms the general finding of the other studies—that working class, heavily minority neighborhoods near industrial areas are the communities that are statistically at the greatest risk for siting polluting land uses.

#### Industrial Facilities

- A 1997 study found racial disparities in the location of what are called TRI facilities, those industrial facilities that have to report their releases of approximately 654 toxic chemicals. These are not just hazardous waste facilities but all kinds of industrial facilities and manufacturing plants.

#### Superfund Sites

- In the superfund area, there was a study that showed that facilities on EPA's National Priorities List (commonly called Superfund sites) are more likely to be located in predominantly nonwhite areas, but not in areas that are less wealthy.

#### Air Pollution

- In 1992, fifteen existing studies, many focusing on air pollution, found inequitable distribution by race and income, with race being the more significant variable. This study was updated in 1994 examining 64 empirical studies that looked at a wide range of environmental hazards—all but one found disparities by either race or income. Again, in the majority of studies, race was more statistically significant.

#### Pesticide Exposures

- Other studies have looked at pesticide exposure, particularly among farm workers. Nationally, 90% of farm workers are people of color. The World Resources Institute has estimated that as many as 313,000 farm workers in the US may suffer from pesticide related illness each year and another source estimates that 800-1000 farm workers die each year as a direct consequence of pesticide exposure.

### Fish Consumption (contaminated fish)

- Studies of fish consumption among Native Americans and Asian Americans, who typically consume far more fish than whites, or European-Americans, have demonstrated to present water quality standards are insufficient to protect these populations. This is because many of these standards still assume people only eat 6.5 grams of fish per day. Many low income communities near water ways consume over 200 grams of fish per day. Clearly, the toxins that bioaccumulate in the fish affect these populations to a much greater degree; but to date, the exact affects are unknown.

### A Variety of Environmental Hazards

- In 1992 the EPA undertook its own review of the evidence and found that racial minority and low income populations experienced higher than average exposures to air pollutants, hazardous waste facilities, contaminated fish and agricultural pesticides. They also found a significant racial disparity in lead poisoning, one of the most serious environmental health hazards to affect children.
- In 1998 another comprehensive national study examined the distribution of 29 indicators of environmental quality throughout the nation—this included industrial air emissions, industrial water discharges, water quality, air quality, and proximity to hazardous waste sites. Again, they found a clear and strong relationship between race and environmental quality, a significant racial disparity among non-whites, including Latinos.
- An interesting study in southern California, a heavily minority area, didn't just look at exposures, but actually examined estimated lifetime cancer risks due to toxic exposures. The study found that the estimated cancer risks for people of color are higher than for Anglos, with Latinos experiencing the highest risks. In a later study, these same researchers found that minority students are more likely to attend school near hazardous waste facilities and TRI-reporting facilities, and face higher health risks from air toxic exposures than white students. In a subsequent study, these researchers concluded that significantly reducing the respiratory risks faced by schoolchildren would yield an estimated academic performance boost of over 10 percent.
- Recently, both the Sierra Club and the League of United Latin American Citizens came out with reports that show that Latinos suffer from greater exposure to pollution because (1) a large percentage of this population lives in close proximity to pollution sources and (2) because of a disproportionate occupational exposure to toxic pollutants. These studies noted that while Latinos comprise just 13 percent of the population, 60% live near uncontrolled toxic waste sites and many are exposed to mercury produced by power plants that accumulate in the fish.

These are just a few of the studies that have been undertaken thus far, and do not cover the range of environmental contaminants, nor do they examine the existing vulnerability of the populations exposed. As has often been noted, the very populations that are being exposed to relatively higher levels toxic loadings—where they live, work, and go to school—are also populations that suffer higher than average respiratory and other illnesses, are less able to afford nutritious diets, and have less access to medical care. Children and the elderly, in particular, are at the greatest

risk. So when you have relatively high toxic exposures on one hand, and a vulnerable population on the other, you have both troubling health issues and quality of life issues that fall in racial patterns. In a recent report of the actual causes of death in the year 2000, death from toxic exposures was ranked the fifth leading cause of death. This is extraordinary, and underscores why the work of the NMED on environmental justice is critical, and should be given the highest priority possible.

*“In a recent report of the actual causes of death in the year 2000, death from toxic exposures was ranked the fifth leading cause of death. This is extraordinary, and underscores why the work of the NMED on environmental justice is critical, and should be given the highest priority possible.”* Eileen Gauna, Noted EJ author

## Panel B: Regional Issues

### Sandra Montes Comments

Sandra Montes spoke as concerned citizen and promotura for the Pajarito Mesa Community, an area of approximately 1,800 acres, which is located in the South Valley of Bernalillo County about three miles south of Rio Bravo Boulevard. She also represents the Mutual Domestic Water Association of Pajarito Mesa. Ms. Montes has been a part of the community since 1997. She said that ninety percent of the population are immigrants—mainly from Mexico—and are low-income. Overall, the community suffers from a lack of infrastructure, such as paved roads, electricity, and sewer and water service, which non-minority communities take for granted. The community has no US Post Office. When residents need to call 911 for emergency police, fire, or ambulance services, it usually takes two to three hours for the County to respond, because they cannot find it.

Numerous health risks exist in the Pajarito Mesa Community, such as lack of potable water, illegal dumping—of tires especially, the presence of which greatly increases the danger of fire, attracts rodents and serves as a breeding ground for mosquitoes. Additional health risks exist because the community’s proximity to an adjacent landfill, a car race track and a metro detention center. She said that the landfill, which is privately owned and is used for demolition and construction dumping, is not required to be lined.

*“The community [of Pajarito Mesa] suffers from a lack of infrastructure, such as paved roads, electricity, sewer and water service...The community has no Post Office. When residents call 911, it usually takes two to three hours for the County to respond, because they cannot find it.”*  
Sandra Montes, Field Organizer, SouthWest Organizing Project

The owners of the landfill are supposed to separate household waste from construction waste, but they do not. There is no enforcement of environmental standards. There are no inspections. Everything is going straight into the groundwater. The private wells in the community are contaminated. The landfill is in crucial zone where the water recharges to the aquifer. We are very concerned about the quality of water. That is why we formed the mutual domestic association.

She said that the proximity of the landfill causes many other problems. It contributes to illegal dumping. There is a lack of signage to direct people to the landfill or stating the hours of operation. Low-income people from the surrounding area cannot afford to use the landfill because it is too expensive, with the result that they dump their household trash along the side of the road. The area is scattered with a lot of old, discarded appliances, which the neighborhood children sometimes climb on and use for play. But many times, the dust kicked up from the landfill trucks traveling on the dirt roads repeatedly throughout the day makes it impossible for the children to play outside. The bus stop for the school children is right on a corner where the heavy dump trucks pass, making it very unsafe for the children. Construction debris becomes strewn on the roads. Three times, Ms. Montes had to replace her windshield and had flat tires on her vehicle due to nine nail punctures. The landfill has applied a permit to expand.

Higher income communities get all the benefits—paved roads, clean water. We pay taxes, too; we deserve the same quality of life. We are humans. Animals have somebody to speak for them and have better rights. We have been left alone. Make companies pay for their violations, they always get a break and get some time to fix the problem, and by the time they go back to court, they don't have to pay any money. But if I litter, then I am going to pay a fine of \$300-500. Make the big corporations pay for what they do. Level the playing field.

*“Higher income communities get all the benefits—paved roads, clean water. We pay taxes, too; we deserve the same quality of life. We are humans. Animals have somebody to speak for them and have better rights. We have been left alone.” Sandra Montes, Pajarito Mesa Community in the South Valley of Bernalillo County*

Victoria Rodriguez works for the SouthWest Organizing Project (SWOP) as a community organizer. SWOP works to empower communities throughout the Southwest. Her native country didn't have the resources, so she came to New Mexico for a better future for herself and her family. Her kids were born here in New Mexico in the Mountain View Community of the South Valley. One of them suffers from asthma. Ms. Rodriguez's presentation focused on water quality issues in the Village of Veguita, which is located between Belen and Socorro. Veguita is a rural New Mexico community of approximately 1,900 people, with about 55 percent of the population being minority. The median income is \$22,000. SWOP began working with Veguita in 2001. In 1994, a high level of nitrates was found in water. Drinking water is considered safe if it has less than 10 grams per liter, but in Veguita, the contamination was 160 grams per liter in some wells. Approximately 150 of the community's 500 wells are contaminated.

*“Drinking water is considered safe if it has less than 10 grams [of nitrates] per liter, but in Veguita, the contamination was 160 grams per liter...Approximately 150 wells are contaminated. Nitrate contamination in the water is odorless and colorless...many people do not realize they are drinking unsafe water.” Victoria Rodriguez, Community Organizer, SouthWest Organizing Project*

Nitrate contamination in water is odorless and colorless, with the result that many people do not realize they are drinking unsafe water. Drinking water contaminated with it is extremely dangerous to children. Consuming high levels of it can result in rashes, respiratory problems and cancers. It is a known cause of methemoglobinemia—more commonly known as ‘blue baby syndrome’—which is a blood disorder that causes an infant to be unable transfer sufficient oxygen to the body’s cells and tissues. Nitrates in well water may result from point sources, such as sewage disposal systems and livestock facilities, as well as from non-point sources such as fertilized cropland, parks, golf courses, lawns and gardens, or from naturally occurring sources of nitrogen. The elderly, as well as the very young, are also particularly susceptible to this disorder.

In 2001, Veguita got funding to conduct tests on the water, because the contamination is moving below ground. They need to find out where the pollution is moving, but that cannot be determined until the source of the pollution is known. Discovering which way the contamination is moving is hard, because it changes direction. Sometimes the test results indicate the water is safe; then the next time it is contaminated. Yet, people continue to drink the water, but they do not know if they are drinking safe or contaminated water. However, the funding has been completely expended and more funding is needed. Given the dangers to the community, it is important to track that down. The community needs assistance in finding an affordable solution. A reverse osmosis system makes one clean gallon but puts back highly concentrated gallons of contaminated water back into the water supply and will cost \$275,000 to install. Another solution is to form a mutual domestic association, but the residents will have to give up one-quarter of their water rights to do that. In this traditional community, water is their most precious possession. Naturally, giving up their rights to the water is something they do not want to do.

*“In this traditional community [of Veguita], water is their most precious possession. Naturally, giving up their rights to the water is something they do not want to do.” Victoria Rodriguez, Community Organizer, SouthWest Organizing Project*

Julio Dominguez is a South Valley resident and works with for the South Valley Partners for Environmental Justice (SVPEJ). His comments centered on the EJ problems in the Mountain View community, which has approximately 5,000 people of which 73 percent are Hispanic. The median income is \$32,000 for the neighborhood. The neighborhood has a higher than average population of younger and older people. About 55 percent of the residents consider a language other than English (Spanish) as their first language.

As has been discussed today, environmental justice communities face ‘disproportionate risks.’ Let me tell you what ‘disproportionate risks’ mean in my neighborhood. Of the 36 EPA regulated sites in the South Valley, 31 of them are in my community. Mountain View has 16 air polluting industries and 66 additional polluting industries, including 25 auto salvage yards, 7 bulk petroleum terminals and one petroleum pipeline, 35 hazardous waste facilities, 5 gravel and concrete companies, the General Electric plant, which emits chlorinated solvents, and the PNM Persons station. There are EPA Superfund Sites, 21 sites which fall under the provisions of the Resource Conservation and Recovery Act (RCRA), 9 facilities which are considered Toxic

Release Inventory (TRI) sites and 10 facilities which are designated toxic air release sites. A number of odor emitting industries are also present in the area, including the City of Albuquerque sewage and water treatment plant. Agri-businesses producing farm-related pollution are also located there, including one dairy, one chicken farm, a fertilizer factory, and agricultural lands treated with pesticides and herbicides. The community gets noise pollution from the Albuquerque International Airport, Kirtland Air Force Base, AMTRAK passenger trains, BNSF freight trains, and Duke City Raceway. My community also has a large nitrate plume in the groundwater and several petroleum hydrocarbon plumes.

*“Let me tell you what ‘disproportionate risks’ mean in my neighborhood [of Mountain View]. Of the 36 EPA regulated sites in the South Valley, 31 of them are in my community. Mountain View has...EPA SuperFund Sites... 16 air polluting industries and 66 additional polluting industries...the City of Albuquerque sewage and water treatment plant ... agri-businesses producing farm-related pollution... noise pollution... and a large nitrate plume in the groundwater and several petroleum hydrocarbon plumes.” Julio Dominguez, South Valley Partnership for Environmental Justice*

Questionable land use and zoning issues have put the health of the community at risk due to exposures from the presence of these heavy industries in a residential area. The air quality is substandard resulting in much higher exposures of toxins and causing asthma, allergies, and other breathing problems for many residents. Because of the multitude and complexity of the pollution problems, more cooperation between County and State agencies is needed to address these problems. A taskforce has been formed to address some of these issues in the Mountain View.

*“Questionable land use and zoning issues have put the health of the community at risk due to exposures from the presence of these heavy industries in a residential area.” Julio Dominguez, resident of the Mountain View Community in the South Valley of Bernalillo County*





### Aerial View of SuperFund Sites in the Mountain View Neighborhood

#### Open Public Comment Session #1

#### Background of Commenters

The next section of the report will include some background on the commenters from the Open Comment Session. Their recommendations can be found in the Matrices of Public Comments at the end of the summary report.

- ◆ Paul Robinson is Research Director of the Southwest Research and Information Center.
- ◆ Maceo Carrillo Martinez is a resident of the Mountain View Community, a graduate student at the University of New Mexico, and a member of the Albuquerque/Bernalillo County Groundwater Pollution Advisory Board (GWPAB). He is a member of SNEEJ and the South Valley Partnership for Environmental Justice. The environmental problems are so complex that it will take collaboration by multiple agencies from all levels of government to clean up the pollution in that neighborhood.
- ◆ Lucy Sanchez works with Amigos Bravos in Albuquerque. She was born in Hatch in 1959 and moved to the South Valley in 1987. She lives in the Mountain View neighborhood. As a child, she and her family lived in a contaminated area. She played in contaminated soils. Ms. Sanchez said she speaks for folks in the South Valley, because they have no voice. They have no say when something is put in their backyard. They have no money and resources to fight such proposed developments, which make a difference. She agrees with the example given by NMED Secretary Curry about the contrasts between the response time to environmental problems in the Northeast Heights versus the South Valley. It takes sometimes years in the South Valley before something is being fixed, particularly in air and

water quality issues. Ms. Sanchez has chronic breathing problems and asthma unexplained by physicians.

- ◆ Patty Grice is President of the Mountain View Neighborhood Association in the South Valley. The residential area mixed with agricultural sites, and heavy commercial/industrial uses. The environmental concerns are not new concerns. She thanked NMED Secretary Curry, Charles Lundstrom of the NMED, and Kristine Suozzi of the Bernalillo County Environmental Health Department, and the Air Quality Board for their commitment and work. The environmental concerns of the community are not new. The community has been suffering from severe environmental problems—air, water, and land—for decades, but no government agencies have addressed them.
- ◆ Rosa Samudio is the Youth Leadership and Development Organizer for SNEEJ and a resident of the Mountain View Community in the South Valley.
- ◆ Eva Del Rio is a campaign support staff intern for SNEEJ and has successfully trained 40 young people throughout the Southwest.
- ◆ Janice Varela is a lifelong resident of Pecos, NM. She works for the Mining Action Network and Amigos Bravos in Questa and Silver City to address mining contamination. She also works for the Rio de las Gallinas Acequia Association.
- ◆ Johnnye Lewis is the Director of the Community Environmental Health Program at UNM. Her work is in the field of toxicology and does a lot of EJ work. In the last year, has expanded background beyond science and started putting experiences into legislation. She is frustrated with policy arena when scientific data exists which could bring decisions to a meaningful resolution, but decisions are just made on the basis of politics.
- ◆ Kristine Suozzi works for the Albuquerque Environmental Health Department and assists the Mountain View Community. She also has an NIH grant and works with Dr. Charles Lee of the EPA. She co-teaches Town Planning at the University of New Mexico.
- ◆ Bianca Encinias works for the Southwest Network for Economic and Environmental Justice and grew up in Mountain View. She attributes her knowledge, independence, and basic values to her Spanish-speaking grandmother who refuses to learn or speak English.
- ◆ Lauro Silva is from Aztec, but lives in Mountain View. He helped start Citizens for Alternatives to Radioactive Dumping (CARD) and 1000 Friends of New Mexico.
- ◆ Julie Stephens is a member of the Rio Grande Community Development Corporation and thanked the NMED for holding the EJ Listening Sessions.
- ◆ Tomas Garduño is a member of Southwest Network for Economic and Environmental Justice and lives in the South Valley.
- ◆ John Nez Torrez is from Nambe. We are Machicas, the people of the sun, not the people of air conditioning.
- ◆ Felipe Garcia is from Mora and is the Vice President of Concerned Citizens of Wagon Mound and Mora County.

- ◆ Sofia Martinez is President of Concerned Citizens of Wagon Mound and Mora County. She divides her time between Wagon Mound in northeastern New Mexico and the Mountain View Community in the South Valley of Bernalillo County.
- ◆ Kitty Richards is from the Bernalillo County Office of Environmental Health and works the South Valley Partnership for Environmental Justice on EJ issues.
- ◆ Madalena Avila is from the Mountain View neighborhood.

### Panel C: Regional Issues Panel#2

#### Sarah White Comments

Sarah White is Navajo and is a member of Diné Citizens Against Ruining Our Environment (Diné CARE). She is concerned with the environmental and health impacts on the Four Corners region of New Mexico, Arizona, Colorado, and Utah. She is concerned that companies come to low-income and minority people regions with plans for polluting facilities. Ms. White has worked on environmental issues for over 20 years. She said that the government is not concerned with the environment or people's health, but with spending and that's it. National policy supports negatively affecting poor communities in the name of national security. She encouraged everyone to think about how all the pollution affects the health, environment, culture and economic future of New Mexico. The only way we can do this is if we all get together as one, not as individuals. Ms. White said that coal burning power plants are one of the dirtiest kinds of facilities that exist. People there already have severe pollution. It settles down into the valley. You see the orange and yellow clouds as it settles. Studies show the people are affected.

*“Coal burning power plants are one of the dirtiest kinds of facilities that exist. People there already have severe pollution. It settles down into the valley. You see the orange and yellow clouds as it settles. Studies show the people are affected.” Sarah White, Diné Citizens Against Ruining Our Environment*

She said Steag, Inc. and the Dine Power Authority (DPA) come to elderly people and coerce them to sign land withdrawals for new power plant sites, such as the Desert Rock and Cottonwood Stations. For many years they have come, with different faces, but they all sing the same song. These projects have been planned for years, but the people who live near the proposed new plants are just finding out about them. Residents are opposed to these new plants. Power plants could generate \$1.4 billion for Navajo but no estimates exist as to the costs to communities, health, land, animals and culture. There was no chance for public participation, no chance to comment. San Juan County has high incidence of asthma and kidney disease from all the pollution. There are very high concentrations of mercury existing power plants in the region. The mercury levels will only increase with more plants in the Navajo Nation.

*“They come to elderly people and coerce them to sign land withdrawals for new power plant sites... For many years they have come, with different faces, but they all sing the same song. These projects have been planned for years, but the people who live near the proposed new plants are just finding out about them. Residents are opposed to these new plants.” Sarah White, Navajo*

### **Elaine Cimino Comments**

Elaine Cimino is from Los Alamos and a member of La Cienega Valley Citizens for Environmental Safeguards (CES). She has worked on LANL (contaminants) waste and water issues for the last seven years, especially Agua Fria water quality issues and in minority and pueblo communities. She received an EJ grant to survey LANL contaminants. LANL is a very large problem to the community. Many of these issues are not going to be solved unless we solve the economic issues that are attached to them. We need to think about economic implications and how we are dependent upon military industrial complex for our economic future here in New Mexico. She said that she takes solace in the fact there are good people that have a conscious about some of the mismanagement out there [at LANL].

*“LANL is a very large problem...Many of these issues are not going to be solved unless we solve the economic issues that are attached to them. We need to think about economic implications and how we are dependent upon military industrial complex for our economic future here in New Mexico.” Elaine Cimino, La Cienega Valley Citizens for Environmental Safeguards*

NMED is dealing with LANL and only dealing with RCRA (corrective action order). Hanridge and others have included provisions under the Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA) which will regulate radionuclides, which cannot be regulated under RCRA. We need to seriously look at bringing CERCLA into the picture here. When deep water wells are drilled, the fluid used on the drilling equipment will get static in the wells and will not give a true reading of the contaminants in the wells. This is happening around LANL. A GAO report documents this. As a result have serious RCRA violations. Many of the wells will be a do-over. The US EPA has told people in the Pojoaque Valley that all they need to do to comply with existing water standards is just to dilute the water. This is not a precautionary principle. This does not solve the problem of contaminants. I suggest that we do a pump and treat. We need water.

*“The US EPA has told people in the Pojoaque Valley that all they need to do to comply with existing water standards is just to dilute the water. This is not a precautionary principle. This does not solve the problem of contaminants... We need water.” Elaine Cimino, La Cienega Valley Citizens for Environmental Safeguards*

### **Frances Ortega Comments**

Frances Ortega of SRIC, a non-profit scientific and educational organization, spoke for Joaquin Lujan of the Polvadera Community regarding dairies and water issues. Mr. Lujan could not

attend the session. Ms. Ortega worked on one of the first Superfund Technical Assistance Grants (TAG) grants. Originally, TAG grants were given to committees of people working for companies, which are not allowed so EPA began to look for authentic community-based TAG groups. She said, quoting Howard Zinn: “In every act is the seed of change.”

*“In every act is the seed of change.” Frances Ortega of Southwest Research and Information Center, quoting Howard Zinn*

Ms. Ortega’s comments focused on Mutual Domestic Water Users Associations (MDWUA) and the subsequent loss of water rights by those who join them. The acequia system has been used in New Mexico for centuries. Acequias are sovereign make decisions within own systems. In communities which need more wells or to enlarge piping, MDWUAs seek loans from the US Department of Agriculture—loans which are substantial must paid back by the community. Many of these communities are composed of minority and low income people who do not live in debt. People in these communities do not want to get vested into loans because has never lived in debt. Some loans to MDWUA have resulted in loss of water rights to pay loans. Loan contracts can sell water rights.

All too often, water rights are being sold and moved to entirely different watershed. By-laws cannot be changed 60 to 70 years during the life of the loan, limiting community options to address water and other service needs. An increase in population can result in overuse of water that will ensure leach field becomes out of compliance. State enforcement of water quality authority on local waste water systems can result in penalties when systems are not operated or maintained properly. These communities can be devastated by loss or sale of water rights to pay off community of individual debts. These are examples of the commodification of water which is an institutionalized, state-wide, multi-agency threat to the continued existence of traditional communities in New Mexico. Low-bid well-drillers fail to ensure responsible siting of wells by putting wells in too near septic tanks. They need to obtain geologic information.

*“State enforcement of water quality authority on local waste water systems can result in penalties when systems are not operated or maintained properly. These communities can be devastated by loss or sale of water rights...These are examples of the commodification of water which is an institutionalized, state-wide, multi-agency threat to the continued existence of traditional communities in New Mexico.” Frances Ortega, UNM Doctoral Candidate*

## Open Public Comment Session #2

- ◆ Diane Bustamante works for the Colonias Development Corporation, which deals with landfills, pesticides, farmworker issues, housing, and dairies. She said she wanted to speak about what she had been hearing. EJ Groups need to evaluate at how we collaborate to make our voices more effective.
- ◆ Douglas Meiklejohn is from the New Mexico Environmental Law Center in Santa Fe. He said NMED does not look at demographics or distribution of environmentally risky facilities in areas where permits are being sought. NMED does not look at disparity of impacts on

communities near facilities and proposed facilities. Because effective participation requires legal representation and technical expertise, communities with those resources can protect themselves better than low income and minority communities. Extensive public notice and meaningful participation must part of the process. EJ communities need to raise money to get lawyers and experts. Regulations should be revised to say that environmental injustice IS the basis for permit denial, not possible denial. Currently, communities can't prevent environmental injustice as environmental injustice is not against the law or counter to the rules.

### Open Comment Session about Multiple Chemically Sensitivity

A special telephone call-in session was held for those who wanted to give comments about Multiple Chemically Sensitivity (MCS) which is sometimes referred to as 'environmental illness.'

*"It is thought that patients with chemical sensitivity have organ abnormalities involving the liver, nervous system (brain, including limbic, peripheral, autonomic), immune system, and porphyrin metabolism, probably reflecting chemical injury to these systems. Agents whose exposures are associated with symptoms and suspected of causing onset of chemical sensitivity with chronic illness include gasoline, kerosene, natural gas, pesticides (especially chlordane and chlorpyrifos), solvents, new carpet and other renovation materials, adhesives/glues, fiberglass, carbonless copy paper, fabric softener, formaldehyde and glutaraldehyde, carpet shampoos (lauryl sulfate) and other cleaning agents, isocyanates, combustion products (poorly vented gas heaters, overheated batteries), and medications (dinitrochlorobenzene for warts, intranasally packed neosynephrine, prolonged antibiotics, and general anesthesia with petrochemicals). Multiple mechanisms of chemical injury that magnify response to exposures in chemically sensitive patients can include neurogenic inflammation (respiratory, gastrointestinal, genitourinary), kindling and time-dependent sensitization (neurologic), impaired porphyrin metabolism (multiple organs), and immune activation." (Ziem & McTamney from the "Profile of Patients with Chemical Injury and Sensitivity." *Environmental Health Perspectives*, 1997 March, 105 Supplement 2: 417-36).*

- ◆ Ann McCampbell MD is chemically sensitive. She lives in Santa Fe and can no longer practice medicine because of her sensitivity. She is the Chair of the Multiple Chemical Sensitivities Task Force of New Mexico. A much larger number of people suffer from being chemically sensitive to toxins than most people realize. In a 1999 New Mexico Department of Health (NMDOH) survey on the prevalence and distribution of chemical sensitivities and MCS in New Mexico, sixteen percent of New Mexicans report being unusually sensitive to chemicals. Dr. McCampbell said NEJAC has passed a resolution recognizing MCS as a EJ issue, but was never acted on by the US EPA in 2000. In 1996, a report to the State Legislature by the Governor's Committee on Concerns of the Handicapped, recommendations were made to address the needs of people with MCS, but nothing was ever done.
- ◆ Maggie MacRaven, who lives in Albuquerque, is from a marginalized community and has MCS. Ms. MacRaven was the only person from the MCS community to come in-person to provide comments. She said she risked her life to attend.
- ◆ Rita Ferraro who lives in Cedar Crest, said she was an environmental refugee. She said that people with MCS are like the canaries that are put in the coal mines to warn the miners that

the air is bad. The increasing incidence of people with MCS may be a warning to those who are still healthy that the environment must be kept clean and free of hazardous substances.

- ◆ Marsha Murphy lives in El Prado and has MCS. She said she was poisoned by pesticides. She was diagnosed with environmental illness in 1993, lost job in 1995, and has been on disability since 1998. Ms. Murphy has sick building syndrome and avoids formaldehyde.
- ◆ Ann Noriega, who lives in Taos, got turpentine poisoning while painting in 1983. Pesticides and herbicides are major concerns as they are dispersed by wind and water. She says there is no safe application of pesticides and herbicides.
- ◆ Sheena Cameron is an accomplished artist and lives in Rio Arriba County and has MCS.
- ◆ Ann Mattingly has MCS and is sensitive to electromagnetic sources and products that have formaldehyde. She cannot work. Ms. Mattingly said she was more fortunate than most because she could build her house without formaldehyde. She is able to work part-time from her home.
- ◆ Daniel Richards lives in Silver City. He was exposed to toxic mold when he worked as a carpenter. Now he can no longer work and says he is sick for two days after going grocery shopping because of the chemicals in the store.
- ◆ Nancy Campbell is a nurse and lives in Tierra Amarilla. The doctor she worked for died about five years ago. They were both exposed to pesticides sprayed on the weeds along the roadside by the New Mexico Department of Transportation.
- ◆ Robert Webber lives in Taos and has MCS.
- ◆ Jennifer Stamm lives in Santa Fe. She developed MCS to building products.
- ◆ Joan Faustini lives in Santa Fe and has MCS. She was on the faculty of New Mexico State University for 15 years. She was exposed to a pesticide while working for a health maintenance organization. Ms. Faustini cannot return to work until she has safe housing. For eight months was a homeless person.
- ◆ Rachel (no last name was given), who lives in Santa Fe, was living in an apartment and was in the shower with the windows were open, when they sprayed in with a pesticide. She and son got very ill and became disabled. She would like to work and participate, but very few places are pesticide-free.
- ◆ Malka Michaelson, who lives in Santa Fe, was diagnosed with MCS after pesticide exposure in 1989. She lost her university teaching job because the school she worked for would not accommodate MCS. Ms. Michaelson lost her apartment as complex owner would not accommodate MCS conditions. She could not find safe housing.
- ◆ Orion Crawford, who lives in Cedar Crest, had MCS, but he did not know what it was he had until I came to New Mexico and met other MCS community members.
- ◆ Cloe Barrett lives in Santa Fe and has MCS. She used to live near Rochester Park where DDT was heavily used in agriculture areas until it was banned. She received an auto-immune expose to chemical during childhood.

- ◆ Shirley Brumley was exposed to toxic chemicals when her house was sprayed with pesticides 32 years ago. She said at one point she was an 83-pound skeleton. She says she is an environmental refugee because of her sensitivity to common household materials.
- ◆ Ileana Johnson, who lives in Albuquerque, has MCS and is lucky enough to still be able to work.
- ◆ Donnie LaRue is from Taos and has MCS.
- ◆ Judy Lang is from Albuquerque and has MCS. There is over-use of toxics and pesticides.
- ◆ Susan Guyette, Ph.D. lives in Santa Fe and has MCS.
- ◆ Diane Jackson has MCS.
- ◆ Marjorie Young, who lives in Santa Fe, has been sick for 14 years. She was affected by contamination from pesticides and methyl mercury. Ms. Young is unable to work.
- ◆ Don Shapiro is from the Environment and Health Coalition which works with the MCS community. He works for the University of New Mexico, Office of Employee and Organizational Development. He advocates for those who have MCS.

## Day Two Welcome and Introduction

Judith Espinosa of ATR opened the meeting on the second day, noting that it was the National Environmental Justice Advisory Council (NEJAC) that had originally suggested to the EPA that the Regions and the states should start to have listening sessions. She described the panels of the previous listening sessions and how there was testimony from community members on the issues and problems from areas as diverse as Los Alamos, Navajo Nation, Albuquerque's South Valley, Parajito Mesa, Mountain View, as well as areas in Las Vegas, Wagon Mound and Deming. She noted that the Albuquerque Listening Session—although a statewide session—was partly dedicated towards issues in the metropolitan region.

Cynthia Gomez, Co-Chair of EJPC, noted that a collaborative model is based upon mutual respect and places everyone's input on an equal footing. NMED can develop this model for the rest of the nation. She also noted that the overwhelming participation from the public is what is making the process work and that the second day of the listening session will be devoted to talking about the role of public participation in exchanging information and decision-making.

*“What is needed is a collaborative model is based upon mutual respect and places everyone's input on an equal footing. NMED can develop this model for the rest of the nation.”* Cynthia Gomez, Co-Chair of EJPC

Derrith Watchman-Moore, NMED Deputy Secretary, noted that she is a trained scientist and has had a lot of dealings with scientists and people that are interested in social and economic situations. She noted that just as science is about balance, the NMED needs to bring the input into balance as well. She said that using a community-based effort that starts with people from



the grassroots is a good model. She noted that as the NMED will make recommendations and send them to the Governor, not all will agree, but all will be heading in the same direction.

*Derrith Watchman-Moore, NMED Deputy Secretary suggested as a good model “using a community-based effort that starts with people from the grassroots” ... “to create balance’ in the input that the Department receives.*

### **Jonathan Hook Comments**

Jonathan Hook, Director of the Office of Environmental Justice and Tribal Affairs at EPA Region 6, noted that what the public really wants, above all, are people in government that are honest and direct. It is important for governmental actors to actively listen so that the government does not impose its own values and solutions in the guise of consultation.

*“What the public really wants, above all, is people in government that are honest and direct.”  
Jonathan Hook, USEPA, Director of the Office of Environmental Justice and Tribal Affairs*

He talked about the history of the Office of Environmental Justice and Tribal Affairs and mentioned a five step process of (1) elevating issues to a senior staff level; (2) facilitating dialogue between facilities and impacted communities; (3) securing funding to address problems (4) encouraging collaborations between different regulatory programs; and (5) using a holistic approach to environmental justice training. He noted that alternative dispute resolution has great promise, but needs to change from a Eurocentric approach to a multicultural approach. He also noted that ‘tyranny of the urgent’ is another obstacle, as it is hard to be proactive where there are urgent problems that need to be addressed.

*“The ‘tyranny of the urgent’ is another obstacle. It is hard to be proactive when there are urgent problems that need to be addressed.” Jonathan Hook, USEPA, Director of the Office of Environmental Justice and Tribal Affairs*

### **Roundtable: Community Involvement in Environmental Justice**

*“The general notion founded in the US Constitution and in our body of laws is that the people should have the right to petition their government and a voice in the actions of that their government takes. New Mexico stands among the States which have also held to strong principles of open government: the presentation of testimony and evidence, and public participation; those elements have been reflected in the State’s environmental statutes from the outset of their adoption.” -Judith M. Espinosa, NEJAC Member and ATR Institute Director*

### John Heaton Comments

Representative John Heaton (Carlsbad), Chair of the Radioactive and Hazardous Waste Committee for the New Mexico House of Representatives, noted that the NMED touches every business, every community county, village and person. We need a policy that makes sense so that this state can grow an economic base and get people out of poverty.

*“We need a policy that makes sense so that this state can grow an economic base and get people out of poverty.” – Representative John Heaton of Carlsbad*

He noted that there is a problem in getting adequate funds to NMED because the legislature sees that there are earmarked funds for the Department, and cuts general funds from NMED’s appropriation. This action leaves the Agency ‘hamstrung,’ because the NMED must use the earmarked money only in very specific ways. At the same time, businesses want permits faster and better, and environmentalists want more research before permitting is allowed. Representative Heaton views *De novo* hearings as a waste of resources, because the record from the previous hearing is basically ignored. That means that the NMED has to establish all of the evidence for a second time, sometimes costing upwards of \$250,000 at each level of appeal. His favored approach is to first have the agency hear the matter, then have an appeal to the District Court instead of the Court of Appeals.

*“Lack of funding from the New Mexico State Legislature leaves NMED ‘hamstrung’.” – Representative John Heaton of Carlsbad*

### J. D. Bullington Comments

J. D. Bullington, the Vice President of Government Affairs, New Mexico Association of Commerce and Industry, noted that his organization had been trying to get *De novo* hearings repealed for about eight to ten years. He sees *De novo* as unduly expensive for business as well as for the NMED, which could better use the money elsewhere. He noted that although there have only been about four *De novo* hearings in the last several years, they are expensive.

*“...there have only been about four De novo hearings in the last several years; they are expensive.” – J. D. Bullington, New Mexico Association of Commerce and Industry*

Recently, his organization tried a different approach and entered into negotiations with a diversity of environmental groups, including statewide businesses, the Concerned Citizens for Nuclear Safety (CCNS), the New Mexico Environmental Law Center, Bernalillo County, the dairy producers, Citizens for Clean Water, and other groups. They reached a compromise on a proposal for legislation. In exchange for eliminating *De novo* review, his organization agreed to support enhanced public notice of the permit proceedings, to include signs on the property in English and Spanish, expanding the area of mailing, purchasing a 2-inch by 3-inch display in newspapers (rather than small legal ads), and possibly notifying adjacent land-grant families as

well as the Tribes and Pueblos. He noted that repeal of *De novo* review is not about changing the emissions or lowering pollution standards. However, because of direct contact with EJ groups, the New Mexico Association of Commerce and Industry had a better appreciation of the concerns of community groups and feels that they have done the right thing by making this compromise.

*“Because of direct contact with EJ groups, the New Mexico Association of Commerce and Industry had a better appreciation of the concerns of community groups and feels that they have done the right thing by making this compromise.” – J. D. Bullington, New Mexico Association of Commerce and Industry*

### David Benavidez Comments

David Benavidez, a staff attorney for New Mexico Legal Aid Services, talked about the analogy of notice in water and air permits to that of water rights issues. First of all, he explained how the transferability of water rights is an EJ issue in its own right. The most valuable water rights—those with the oldest priority dates—are held by communities of color, such as acequia communities, the Pueblos and Tribes. Although it would appear that these valuable rights would translate to benefits, this has not been the case as many of these communities continue to be the poorest communities in the state. Often, they lose their water rights through mistakes in surveying, and through priority administration and adjudications. Moreover, the State Engineer has never enforced their priorities against municipalities and industry. Notice plays a big part in this.

*“The most valuable water rights – those with the oldest priority dates – are held by communities of color, such as, acequia communities, the Pueblos and Tribes. Although it would appear that these valuable rights would translate to benefits, this has not been the case as many of these communities continue to be the poorest communities in the state. Often, they lose their water rights...” David Benavidez, New Mexico Legal Aid Services*

Historically, the acequia communities lived under a very old cultural system (derived in part from Spain and Mexico) of water-sharing where the water right stayed with the acequia and was tied to the land. There was no such thing as a transfer of water rights under the acequia system. More modernly, under State law, prospective water rights purchasers seek out the most vulnerable individuals and apply to the State Engineer for a transfer. The community (or acequia association) can start an adversarial proceeding called a ‘protest,’ but in order to do so, the community needs to know that a transfer has been sought. To have this knowledge that a protest is needed entails the daily reading of the legal notices of a newspaper of ‘general’ circulation, but does not have to be the newspaper with the widest circulation. The notice provisions have been amended twice by the State Legislature to provide for better notice, but the bills were vetoed by former Governor Gary Johnson. The State Engineer had opposed the legislation, because of the assumption that its passage would result in more protests and more work for his office. Essentially, the State Engineer took the position that increased public involvement was not a good thing. Issues of notice are so important that a campaign was launched to change the New

Mexico State Constitution to provide for *De novo* review. This is necessary because often the notice does not get read or seen by those communities who would be most affected, with the result that they were denied the opportunity to develop a good record to defend their rights. Therefore, the communities need a better chance to put forth their case the second time around. In addition, if the *De novo* appeal was not granted, the Appellate Court would have to defer to the State Engineer's decision, which he makes without consideration of arguments based on the public welfare.

Therefore, in order to give communities a chance to have adequate notice and fairly present their case, *De novo* review is necessary.

*"...communities need a better chance to put forth their case the second time around." -David Benavidez, New Mexico Legal Aid Services*

### Michael Guererro Comments

Michael Guererro, Co-Director of the SouthWest Organizing Project (SWOP), emphasized that the fundamental consideration regarding *De novo* review is that the affected community always starts at a disadvantage. Finding these notices, he argued, is like trying to find a needle in a haystack. You have to know its coming in order to find it. He also noted that the notice is not given until the permit application is deemed 'complete,' which can occur only after substantial negotiation has already occurred between the permit applicant and the Agency—after all the terms for permitting have been worked out. Moreover, the time that the community has to respond has been shortened, thus, putting the community at an additional disadvantage, because the affected community is not apt to understand the technical terms of the permit.

*"...the affected community always starts at a disadvantage." - Michael Guererro, the SouthWest Organizing Project*

All too often, the following results occur:

- ◆ the affected community does not understand that they need legal representation;
- ◆ no resources are available for technical and legal review;
- ◆ no time exists to become knowledgeable about the issues;
- ◆ language barriers exist due to the technical nature of these matters and because the primary language used in the affected community is not English; and
- ◆ the permitting process has its own culture that is unfamiliar to the community.

Mr. Guererro noted the appearance of a "revolving door" between industry and the permitting Agency. In many cases, during permit hearings, Agency staff will go to lunch with industry representatives, but not with the community groups. He also responded to J. D. Bullington's point about Agency resources being better spent on matters other than *De novo* review. He pointed out a contradiction in Bullington's assertion, because the industry's position has

typically been to shorten the timeframe for processing a permit, while simultaneously advocating cutbacks the NMED budget. It is not the case that our state driving away business with stringent environmental regulation. In fact, quite the opposite occurs. With the result that after many years of giving away the tax base to garner industry favor, New Mexico is still at the bottom economically, and our environment has been further degraded. A clean environment and strict regulation of industry is good for the economy and produce rather than drive away jobs.

To improve the permitting process, Mr. Guererro recommended that the permit application should be posted immediately in an accessible place, that it be sent to local residents, community-based organizations, local churches and schools, statewide EJ groups and environmental groups, acequia associations and Tribes and Pueblos. Community meetings should be mandatory, and the community should have the opportunity to have training and technical assistance resources so that they can participate on an equal footing. As is currently the case, when the timeframe is shortened, the community does not have time to adequately respond in the permit proceedings; thus, *De novo* review is often the only way that the community can be afforded a meaningful response and can submit new information.

*“Finding these notices is like trying to find a needle in a haystack. You have to know its coming in order to find it...De novo review is often the only way that the community can be afforded a meaningful response and can submit new information.”* Michael Guererro, Co-director of the SouthWest Organizing Project

### **Regina Romero Comments**

Regina Romero, Intergovernmental Relations Director of the New Mexico Municipal League, noted that all laws, from election laws to open meeting laws to permit proceedings, require some form of public notice and citizen participation. She noted that we are all New Mexicans and have to reach out to each other. While, she stated, that nothing was done in the dark, she suggested loopholes have to be closed so that impacted communities can receive better information when they need it.

*“...loopholes [in notification] have to be closed so that impacted communities can receive better information when they need it.”* Regina Romero, Intergovernmental Relations Director of the New Mexico Municipal League

She explained several options that Cities and Counties have to provide notice: newspaper notification, word-of-mouth, posting a notice at the Post Office, the City Hall, the County Courthouse, grocery stores, or even at the center lamp post in rural communities, along with public service announcements in plain English and in Spanish. She recommended that the State Agencies should have a dialogue with the Cities and Counties to try to improve matters. She also recommended that citizens be given the opportunity to get involved on day one and that the technicians should explain terms in plain English. She recommended that the NMED have a copy of the permit application available at the regional offices. On the community's role, she

suggested that EJ groups or communities could appoint one person to be responsible to look for the public notices that would impact them.

*“...citizens [should] be given the opportunity to get involved on day one and that the technicians should explain terms in plain English.” Regina Romero, Intergovernmental Relations Director of the New Mexico Municipal League*

## Response Panel

### Diane Bustamante Comments

Diane Bustamante, Colonias Development Council, stressed that legal notices are not always where you expect them to be and that the public service announcements usually occur in the very late evening or very early morning hours. Ms. Bustamante described a hearing where hundreds of people attended only to be told that what they said was irrelevant, because there was no consideration of social impact. She suggested that the NMED contact community organizers and specifically ask them what they need, and that there should be training of the NMED staff to be more sensitive to cultural and class differences. Technical and legal assistance should be made available to the community.

*“When affected communities are left out, confrontation is usually the result.” Diane Bustamante, Colonias Development Council*

At the County level, there is a lack of continuity. For example, in her area there have been nine County Managers in only the last few years. As a result, the community is often the only link to history, and the Agencies need to respect and consider that knowledge. In a similar vein, there is a lot more room for collaboration to occur, but the Agency must let communities know how to work within their systems. When affected communities are left out, confrontation is usually the result. Three concerns must be realistically addressed to get community buy-in to the location or expansion of new industry in an EJ community: (1) ‘Will the project be economically viable for the community?’; (2) ‘Will there be meaningful participation and is the project socially fair?’; (3) ‘Will the project be ecologically sound?’.

*“Three concerns must be realistically addressed: (1) ‘Will the project be economically viable for the community?’; (2) ‘Will there be meaningful participation and is the project socially fair?’; (3) ‘Will the project be ecologically sound?’.” Diane Bustamante, Colonias Development Council*

### Sofia Martinez Comments

Sofia Martinez, Concerned Citizens of Wagon Mound and Mora County, noted that meaningful public participation is about communication and reciprocity. For the most part, knowledge does not reside in the governmental institutions, it resides in the communities. That is why

communities insist on speaking for themselves. But this is made more difficult because outsiders try to speak for the community. It is like the saying ‘fish don’t see water, men don’t see patriarchy and white people don’t see racism.’

*“For the most part, knowledge does not reside in the governmental institutions, it resides in the communities. That is why communities insist on speaking for themselves.”* Sofia Martinez, President of Concerned Citizens of Wagon Mound and Mora County

Getting to the table is important, but people have to meet regularly and establish a link with each other. Ms. Martinez gave the landfill in Mora County as an example. CCWMMC found out about the special waste permit the date of the hearing late, because notice was not posted until the day of the hearings. As a community organizer, she routinely must make at least four contacts to get people to a meeting. State employees are not committed to do that. Radio announcements are good, but they have to be at least four weeks ahead of time. She emphasized that *De novo* review was very important to the community. She discussed the difficulty involved in obtaining a lawyer for the granting of the special waste permit, noting that initially the community group entered the case *pro se*, or representing themselves with benefit of legal counsel. Eventually, they got a lawyer and won the case on appeal, largely because of the inconvenient time of the hearing, the placement of notice in the newspaper, and the failure to provide notice in Spanish.

*“Getting to the table is important, but people have to meet regularly and establish a link with each other.”* Sofia Martinez, President of Concerned Citizens of Wagon Mound and Mora County

### **Doug Meiklejohn Comments**

Doug Meiklejohn of the New Mexico Environmental Law Center commented that it was truly astonishing that we are even talking about what kind of notice should be given to communities. His civil procedure professor had pointed out that notice by publication is the type of notice least calculated to actually give notice. It is used only by title examiners. Yet, in New Mexico this is the standard way of giving notice. This changed to a degree in 1990, with the amendment of the Solid Waste Act, in which the State Legislature—reacting to a proposal by a Baltimore company—enacted much more comprehensive notice provisions. The Act required, for example, certified mail to adjacent landowners and display advertisements in newspapers. Even so, there are a significant number of rural communities in New Mexico that do not have newspapers and whose primary language is not a written language (such as, Navajo). He recommended provisions for oral notification, such as radio.

*“Notice by publication is the type of notice least calculated to actually give notice. It is used only by title examiners. Yet, in New Mexico, this is the standard way of giving notice.”* Doug Meiklejohn, New Mexico Environmental Law Center

In his experience, by the time the community gets involved the company has been in negotiations with the regulatory agency for one to two years and in most cases has come to an agreement or understanding on the permit conditions. He also talked about the lack of resources for communities, noting that his public interest law firm has no choice but to decline the majority of requests for representation. In addition to adequate notice and technical and legal resources for the community, the standards must include consideration of cumulative impacts and other environmental justice considerations. He noted that in 1996 in a Sunland Park permit hearing that testimony on EJ was deemed to be irrelevant, and that, in another case, a resident's attempt to discuss social impacts was similarly rejected by the NMED. Removing the EJ impacts from NMED consideration, he argued, was wrong, because the New Mexico Solid Waste Act, for example, allows the authority to take into consideration 'interests of owners of adjacent properties and the interest of the general public.' As a result, the community is frustrated with the hearings.

“Removing the EJ impacts from NMED consideration [in the Sunland Park permit hearing] was wrong, because the New Mexico Solid Waste Act, for example, allows the authority to take into consideration ‘interests of owners of adjacent properties and the interest of the general public.’”  
Doug Meiklejohn, New Mexico Environmental Law Center

Mr. Meiklejohn agreed that the attempt to repeal *De novo* review had been presented to the legislature for several years, but his understanding of how the effort started differed from that of another panelist. The impetus was from the NMED, who convened meetings to deal with the *De novo* provisions. In the ensuing years, the legislature came quite close to repealing *De novo* review without strengthening notice on the original permit proceedings. He noted that his law firm would agree to a compromise on the issue only if the proposed legislation included provisions for better notice for the initial permit hearing. The compromise pertains only to the Water Quality Act but there are similar negotiations underway to amend the Air Quality Act.

## Keynote Speech

### Tom Goldtooth Comments

Tom Goldtooth, the founder of the Indigenous Environmental Justice Network (IEN), based in Bemiji, Minnesota, gave the keynote speech during lunch. Mr. Goldtooth, who is Diné and Dakota, said that the Indigenous Peoples of the Americas have lived for over 500 years in confrontation with an immigrant society that holds an opposing worldview. As a result, we are now facing an environmental crisis which threatens the survival of all natural life. He presented information about IEN as well as a Native perspective on environmental racism and EJ in the context of the history of Indigenous people in the US, and their treaty relationship on a sovereign government-to-government basis with the US government. Problems of environmental injustice will not be solved by what is in people's heads [their knowledge, basic intelligence]; it will only be solved by what people have in their hearts. It will come from those who are guided by love to live a life that reflects—as a core value—the interconnectedness of all the world's people with one another and with our Earth Mother and our Sky Father.



*“...the Indigenous Peoples of the Americas have lived for over 500 years in confrontation with an immigrant society that holds an opposing worldview. As a result, we are now facing an environmental crisis which threatens the survival of all natural life.” –Tom Goldtooth, Indigenous Environmental Network*

Environmental racism is the implementation of environmental, natural resource and development schemes that nullify or impair the enjoyment of the human rights and fundamental freedoms of Indigenous Peoples. This new form of environmental discrimination is an assault on Indigenous Peoples' human rights and public health including their right to their unique and special social, cultural, spiritual and historical life ways and worldviews. Environmental racism results in the devastation, contamination, dispossession, loss, or denial of access, to Indigenous Peoples' biodiversity, their waters and traditional lands and territories. Environmental racism is now the primary cause of impaired human health affects of Indigenous Peoples and the forced separation and removal of Indigenous Peoples from their lands and territories, their major means of subsistence, their language, culture, and spirituality, all of which are derived from their cultural, physical and spiritual relationship to their land.

To Native peoples, the term ‘environmental justice’ goes beyond the issue of disproportionate toxic and nuclear contamination and health exposure of our elders, men, women, youth, children and our traditional food web. It includes issues of exploitation, ecological damage, restoration of natural resources, compensation for victims of exposures and protection and healing of biological diversity that sustains us and allows us to practice our culture, language, and spirituality. It includes the protection of all areas that are sacred and that are culturally and historically significant to our peoples.

It addresses economic development and social justice issues towards building sustainable communities with safe and sustainable jobs and livelihoods. Environmental justice means the de-colonization of our minds and recognition of traditional knowledge as the foundation of who we are. It addresses ethical and policy issues concerning biotechnology, ownership of life, introduction of genetically modified organisms into the environment and policy issues on intellectual property rights of Indigenous knowledge. It means developing and maintaining education and language programs that teaches adults and the younger generation what their relationship is to the sacredness of our Earth Mother. It means understanding and defending our treaties and to exercise our right to self-determination as Indigenous peoples. It means to claim our inherent right to protect our traditional land, water, air and our future generations. In the United States, it means the right to develop our own tribal environmental protection programs with our own water and air quality standards, and seek delegated authority to implement our own environmental programs - which strengthens our sovereignty. In the United States and Canada, it means to have the right to fully protect our environment and all natural resources in our traditional territories, reserves and reservations by applying, monitoring and enforcing our own Tribal-based environmental, historical, sacred areas, endangered species and conservation laws.

Environmental justice means to be active—from the grassroots to Tribal government—in all policy decisions from the local, Tribal, state, national and international levels where policy development is being made that would affect our future generations and all life that sustains us

and our Earth Mother. He said that intolerance of traditional Native religion is a related xenophobia of racial discrimination toward Indigenous Peoples and traditional Indigenous spiritual belief and practice by dominant religions and States has been historical and profound. Tom Goldtooth said the current attempt by the City of Albuquerque to put a road through the Petroglyph National Monument was evidence that religious intolerance is, unfortunately, still a powerful motivator. Religious intolerance results in the prohibition, denial of access to, and denigration of ceremonial plants and ceremonial articles used in spiritual practice, the denigration, prohibition and persecution of Indigenous spiritual beliefs and ceremony, the denigration and persecution of Indigenous spiritual practice, Indigenous spiritual leaders and Indigenous practitioners, denial and harassment of Indigenous spiritual leaders and practitioners crossing political trans-boundaries and the denial of access to, and the profaning and destruction of Indigenous sacred sites.

As Indigenous Peoples, we speak for ourselves; no one else is authorized to speak on our behalf. Environmental groups have no right to represent Indigenous People. We represent ourselves. We will always stand by the strongest position in defense of Traditional Natural Law. We will support Indigenous People's rights to self-determination. We will not make accommodations for, or deals, with polluters. We support basic principles of environmental justice, including the rights of people to a clean environment regardless of race, economic position, gender, or national identity. Violations of environmental justice we understand to be violations of International Law, the Universal Declaration of Human Rights, and the United Nations Convention on Genocide.

*“Problems of environmental injustice will not be solved by what is in people’s heads [their knowledge, basic intelligence]; it will only be solved by what people have in their hearts. It will come from those who are guided by love to live a life that reflects— as a core value—the interconnectedness of all the world’s people with one another and with our Earth Mother and our Sky Father.” –Tom Goldtooth, Indigenous Environmental Network*

### **Open Public Comments**

- ◆ Katharine Montañño is from Las Vegas, New Mexico. She is with Concerned Citizens for Nuclear Safety.
- ◆ Joni Arends is from Santa Fe, New Mexico. She is with Concerned Citizens for Nuclear Safety.

Other commenters mailed or emailed written comments.

**Closing and thank-yous were given by Cynthia Gomez, NMPC Co-Chair and NMED Deputy Secretary Derrith-Watchman Moore.**

**Public Comments and Recommendations follow. See the Matrices of Citizen Recommendations**

## **Matrices of Citizen Recommendations**

<b>Matrix of Public Testimony from the Environmental Justice Listening Session – Albuquerque Statewide Meeting</b>				
<b>Citizen Recommendations</b>	<b>Comment or Concern</b>	<b>City/County/Tribe</b>	<b>Name</b>	<b>Affiliation</b>
<b>Laws &amp; Regulations: Creation, Implementation &amp; Enforcement</b>				
Protection of continuity of petroglyphs should be provided for and enforced. This site is sacred and is of religious and cultural significance to Indian people in the Southwest.	Is concerned that sacred site will be violated because of corporate greed of developers. Petroglyph protection as a contiguous sacred site from threat of by a highway is a leading Environmental Justice issue in the state.	Albuquerque, NM	Bineshi Albert	Sacred Alliance for Grassroots Equity Council
As an EJ matter, protection of continuity of petroglyphs should be provided for and enforced to ensure the rights of Natives to freedom of religion on one of their important and sacred sites	Is concerned about religious intolerance by the City of Albuquerque.	Diné/Dakota	Tom Goldtooth	Indigenous Environmental Network
Environmental law should require compensation for damage from commercial facilities as permit responsibility. Provide more inspections, including unannounced inspections as well as ones that have been announced.	Is concerned vehicles have been damaged from rocks and nails associated with landfill. Do not impose stricter standards or penalties on individuals than you do on big business.	Pajarito Mesa, South Valley, Bernalillo County	Sandra Montes	Promotora in Pajarito Mesa, South Valley Partnership for Environmental Justice
Agencies should have bias for action, by identifying existing vulnerable or overburdened communities at risk and take action now to reduce exposures and prevent health impacts.	Is concerned that communities have been doing their own risk assessments as agencies and industries as avoided or ignored the risk communities recognize.	Albuquerque, NM	Judith M. Espinosa	ATRI/NEJAC

<b>Matrix of Public Testimony from the Environmental Justice Listening Session – Albuquerque Statewide Meeting</b>				
<b>Citizen Recommendations</b>	<b>Comment or Concern</b>	<b>City/County/Tribe</b>	<b>Name</b>	<b>Affiliation</b>
<b>Laws &amp; Regulations: Creation, Implementation &amp; Enforcement</b>				
State environmental protection laws should be implemented to provide for protection of vulnerable people in EJ communities, such as youth and elders. This should be specifically considered as part of state's public health and welfare protection responsibility. Prevent additional siting or expansion of toxic waste facilities in already overburdened communities like Mountain View through ordinances or regulations that make planners consider cumulative effects on EJ communities	Is concerned that EJ communities, young people and elderly people are more susceptible to exposures to toxics	Mountain View Community, South Valley, Bernalillo County	Julio Dominguez	Promotoro in Mountainview/South Valley partnership for Environmental Justice
State needs to define Environmental Justice in order to clear state what J is and how state EJ policy should be implemented	Is concerned that State has not defined Environmental Justice so it is ignored	Mountain View Community, South Valley, Bernalillo County	Patty Grice	Mountain View Neighborhood Association
Effective EJ program is needed to interject EJ into policy and regulations and encourage outreach. Should be embedded in all State agencies, not as a stand-alone division of the agency. Develop a statewide interagency taskforce on EJ.	Is concerned that NM does not have a good model for EJ. California has effective program, interjects EJ into policies and regulations and encourage outreach	Mountain View Community, South Valley, Bernalillo County	Patty Grice	Mountain View Neighborhood Association

Matrix of Public Testimony from the Environmental Justice Listening Session – Albuquerque Statewide Meeting				
Citizen Recommendations	Comment or Concern	City/County/Tribe	Name	Affiliation
<b>Laws &amp; Regulations: Creation, Implementation &amp; Enforcement</b>				
NM laws/regulations should include assessments of cumulative impacts to accurately reflect impacts on public health and safety. Take a statewide approach. Prevent other state agencies and local governments from making decisions that disparate impacts & affect people of color & low incomes.	Is concerned that NM permitting decisions do not consider cumulative impacts	Bernalillo County	Eva de Rio	Southwest Network for Economic and Environmental Justice
To give communities a fair chance to have adequate notice and adequately present their case, <i>De novo</i> review is necessary.	Is concerned that EJ communities can not protest water rights transfers adequately without <i>De novo</i> protection	Santa Fe, NM	David Benavidez	New Mexico Legal Aid Services
<i>De novo</i> review is often the only way that the community can be afforded a meaningful response and can submit new information. Do not get rid of <i>De novo</i> review.	Is concerned that EJ communities are not currently able to participate on an equal footing due to lack of adequate notice	Albuquerque, NM	Michael Guererro	SouthWest Organizing Project
<i>De novo</i> appeal rights should not be reduced or eliminated	Is concerned EJ groups need <i>De novo</i> appeal rights to protect them	Mora, NM	Felipe Garcia	Concerned Citizens of Wagon Mound and Mora County
State policy should insure that no programs are implemented that have discriminatory effect on disproportionate impacts on any community	Is concerned about the health safety and environment in overburdened communities. It is a fairness issue and a matter of life and death.	Pueblo of Nambe and Bernalillo, NM	Tomas Garduño	Southwest Network for Economic and Environmental Justice

<b>Matrix of Public Testimony from the Environmental Justice Listening Session – Albuquerque Statewide Meeting</b>				
<b>Citizen Recommendations</b>	<b>Comment or Concern</b>	<b>City/County/Tribe</b>	<b>Name</b>	<b>Affiliation</b>
<b>Laws &amp; Regulations: Creation, Implementation &amp; Enforcement</b>				
Establishment and enforcement of a legal means to retain individual and community water rights needed in traditional acequia communities. Communities need to be able to monitor their water for pollutants, track the path of pollution plumes in the groundwater and correctly treat their water without it costing them their water rights.	Is concerned that people can lose water rights when community water systems are established	South Valley, Bernalillo County, NM	Victoria Rodriguez	SouthWest Organizing Project
Legal authority should be expanded to clearly state that ethnicity and income level are appropriate to consider in decisions involving public health and welfare	Is concerned that decisions for permitting by NMED and local governments, do not consider ethnicity race, income in permitting	Bernalillo County	Eva de Rio	Southwest Network for Economic and Environmental Justice
Address EJ as a statewide interagency policy affecting all Departments. Legislation is needed. Economic and EJ interests of agricultural workers should be addressed in the workplace, environmental protection, and marketing policy. Make protecting public health and the environment a higher priority than protecting corporate interests.	Is concerned that take for granted those such as the chile pickers and their children who are contaminated by pesticides so we have food on the table. They do not earn a living wage and are contaminated by industrial strength pesticides and herbicides.	Albuquerque, NM	Richard Moore	Southwest Network for Economic and Environmental Justice

<b>Matrix of Public Testimony from the Environmental Justice Listening Session – Albuquerque Statewide Meeting</b>				
<b>Citizen Recommendations</b>	<b>Comment or Concern</b>	<b>City/County/Tribe</b>	<b>Name</b>	<b>Affiliation</b>
<b>Laws &amp; Regulations: Creation, Implementation &amp; Enforcement</b>				
Community representatives should be directly funded to ensure that they have sufficient technical and legal resources to directly represent the interests of their EJ communities	Is concerned that communities do not have the same access to tech and legal resources as industry and government.	South Valley Bernalillo County	Rosa Samudio	Southwest Network for Economic and Environmental Justice
Disposal fees, penalties and other funds from violations should be collected and set aside to fund Community grants.	Is concerned that polluters do not pay for what they cause and EJ communities are disadvantaged but they must pay.	South Valley Bernalillo County	Rosa Samudio/Julio Dominguez	Southwest Network for Economic and Environmental Justice
State should obey local groundwater protection policy and protect aquifer by not allowing operation, including expansion, of landfill in that designated area. Enforce ordinances and regulations and special conditions that are on the permits, such as proper notification and requirements for special use permits. Prohibit expansion of landfill at Pajarito Mesa	Is concerned landfill is allowed to operate in locally adopted groundwater protection zone	Pajarito Mesa, South Valley, Bernalillo County	Sandra Montes	Promotora in Pajarito Mesa, South Valley Partnership for Environmental Justice
Funds should be available for community education and training	Is concerned that EJ communities may not know environmental factors cause ill-health	Albuquerque, NM	Lucy Sanchez	Amigos Bravos
Address noise pollution concerns	Is concerned about the lack of regulation/law on this.	Las Vegas, NM/Lordsburg, NM/	George Chapman, Joanne Bales	Concerned citizens



<b>Matrix of Public Testimony from the Environmental Justice Listening Session – Albuquerque Statewide Meeting</b>				
<b>Citizen Recommendations</b>	<b>Comment or Concern</b>	<b>City/County/Tribe</b>	<b>Name</b>	<b>Affiliation</b>
<b>Laws &amp; Regulations: Creation, Implementation &amp; Enforcement</b>				
Provide small grants to EJ community groups to educate themselves and their communities about the health risks and adverse health effects of pollution to the air, land and water.	Is concerned about empowerment of EJ communities. Say we can do things for ourselves if State supplies the funding.	Mountain View Community, South Valley, Bernalillo County	Julio Dominguez	Promotero in Mountain View/South Valley partnership for Environmental Justice
Make the City of Albuquerque move a sewer pumping station that it sited outside the city limits in Bernalillo County. The sewer pumping station is on the 500 block of Rossmoor SW. It creates a horrible smell, particularly in the warmer months.	Is concerned that the quality of life and health of the residents of Mountain View are affected by the City's actions. People get sick to their stomach if they stay outside. It is right next to some houses.	Mountain View Community, South Valley, Bernalillo County	Jason Martinez	Concerned citizen, Mountain View Community
Use Civil Rights Act of 1964 and other existing laws to enforce EJ problems now.	Is concerned that many problems heard about during EJ sessions were due to lack of NMED enforcement	Bernalillo County	Cynthia Gomez	Southwest Network for Economic and Environmental Justice
Lobby for more funding from Legislature based on EJ report.	Is concerned that many problems heard about during EJ sessions were due to lack of NMED funding	Bernalillo County	Cynthia Gomez	Southwest Network for Economic and Environmental Justice
Use scientific data to make decisions.	Example: Weakening the standards for uranium in groundwater leads to kidney disease.	Albuquerque, NM	Johnnye Lewis	University of New Mexico Health Sciences Center

<b>Matrix of Public Testimony from the Environmental Justice Listening Session – Albuquerque Statewide Meeting</b>				
<b>Citizen Recommendations</b>	<b>Comment or Concern</b>	<b>City/County/Tribe</b>	<b>Name</b>	<b>Affiliation</b>
<b>Laws &amp; Regulations: Creation, Implementation &amp; Enforcement</b>				
Effective EJ program is needed to interject EJ into policy and regulations and encourage outreach. Pattern after California; they are effectively addressing EJ concerns	Is concerned State has no model to pattern EJ policies after. California program is effective	Mountain View Community, South Valley, Bernalillo County	Patty Grice	Mountain View Neighborhood Association
State should establish and sustain farmworker environmental exposures assessment programs	Is concerned that nothing has been done to assess the exposures of farmworkers	Doña Ana, NM	Diane Bustamante	Colonias Development Council
When deciding about permitting, regulation, enforcement, or policy, remember that everybody deserves to live in a safe and healthy environment.	Is concerned the playing field is not level and people suffer. Those of us living on the ground level with contamination, we are the evidence. EJ is vehicle for community empowerment and social change.	Mountain View Community, South Valley, Bernalillo County	Madalena Avila	?
Hearing officers should be independent to make the best and fair decision. They should not have a real or appearance of conflict of interest	Is concerned that the doctrine of public trust is not honored by public servants anymore.	Bernalillo County, NM	Bianca Encinias	Southwest Network for Economic and Environmental Justice
Adopt Precautionary Principle to reduce toxics in impacted communities Our government is not ignorant of what is happening to the environment and has contributed to it.	Is concerned that laws and regulations are not stringent enough to prevent toxic exposures endangering health, safety, and environment	Albuquerque, NM	Don Shapiro	Environmental Health Coalition

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<b>Laws &amp; Regulations: Creation, Implementation &amp; Enforcement</b>				
Use precautionary principle in spreading chemicals such as integrated pest management as state policy	Is concerned that protection by NMED of the health, safety and environment has been grossly inadequate.	El Prado, NM	Marsha Murphy	Environmental Health Coalition
State responsibility to address environmental justice should include concentrations of damaging or risky facilities, and health, environmental and cultural impacts	Is concerned that State is not accepting its responsibility to address EJ, such as concentrations of damaging or risky facilities, and health, environmental and cultural impacts.	Santa Fe, NM	Doug Meiklejohn	New Mexico Environmental Law Center
Consideration of disproportionate impacts fundamental to effective environmental justice considerations	Is concerned that NM has no statewide, interagency EJ program. People of color and low-income people suffer.	Santa Fe, NM	Doug Meiklejohn	New Mexico Environmental Law Center
State has responsibility to consider environmental justice issues, including demographics as part of responsibility to address public welfare and health	Is concerned that State does not consider environmental justice issues in the context of the proceedings, including demographics	Santa Fe, NM	Doug Meiklejohn	New Mexico Environmental Law Center
Many problems result from inadequate enforcement and inadequate funding for NMED. No permits should be granted without demonstrate capacity to monitor and enforce	Is concerned NMED is spread too thin to be effective enforcer. Just a teacher can only handle so many students, NMED should only regulate what it can handle.	Bernalillo County	Cynthia Gomez	Southwest Network for Economic and Environmental Justice/Amigos Bravos

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<b>Citizen Recommendations</b>	<b>Comment or Concern</b>	<b>City/County/Tribe</b>	<b>Name</b>	<b>Affiliation</b>
<b>Laws &amp; Regulations: Creation, Implementation &amp; Enforcement</b>				
NM should establish a National Pollution Discharge Elimination System Permit Primacy and it should provide for annual and semi-annual workshop with communities about NPDES	Is concerned that State lacks a NPDES program which is needed and that EJ communities would be unfamiliar with it if it is initiated	Bernalillo County, NM	Maceo Carillo Martinet	Southwest Network for Economic and Environmental Justice /SRIC
State should establish interagency work groups which includes communities and Middle Rio Grande Conservancy and US Fish and Wildlife. State, local, and federal groups should be involved.	Is concerned that the only way to deal with EJ programs is through multiple agencies as an integrated system.	Bernalillo County, NM	Maceo Carillo Martinet	SNEEJ/ Southwest Research and Information Center
State should not rely on ‘self reporting.’ Instead, ensure that permittees provide funds for independent monitoring and assessment of performance. Have more inspections announced and unannounced with independent inspectors	Is concerned that corporate polluters do not report their misdeeds. Is concerned that communities need more protection. Make sure the ordinances of the County are used in required permit. . Follow-up on complaints with investigation and report back.	Mora County, NM	Felipe Garcia	Concerned Citizens of Wagon Mound and Mora County
Use federal EJ authority to improve the quality of public health, safety and the environment for the Jemez people.	Is concerned with the high incidence of asthma in children in the Pueblo of Jemez.	Pueblo of Jemez	Kristen Yepa	Concerned citizen

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<b>Laws &amp; Regulations: Creation, Implementation &amp; Enforcement</b>				
Work with Tribes and Pueblos on ways to improve consultation. Make it more meaningful and respectful of sovereignty.	Is concerned that State needs to do a better job on consultation. How are disclosures or efforts to protect information about sacred sites managed.	Albuquerque, NM	Bineshi Albert	Sacred Alliance for Grassroots Equity Council
State, Tribes and Federal Government should insure that proponents hold public announced and non-intimidating meetings with communities before seeking endorsements from individuals or groups.	Companies isolate elderly and vulnerable members of community for isolate endorsements rather than conduct announced and open community meetings before seeking community support	Navajo Nation, San Juan County, NM	Sarah White	Diné Citizens Against Ruining Our Environment (CARE)
State, Tribes and Federal Government should conduct investigations that insure that consent form demonstrate informed consent before accepting endorsements of project from the public.	Governments should conduct investigations that insure that consent form demonstrate informed consent before accepting endorsements of project from the public	Navajo Nation, San Juan County, NM	Sarah White	Diné Citizens Against Ruining Our Environment (CARE)
Before NMED issues the permit, ask where the water used for this facility going to come from. Find out if the siting will harm the water quality as well as the supply.	Is concerned that water quality and quantity in the community be better protected	Mora County, NM	Felipe Garcia	Concerned Citizens of Wagon Mound and Mora County

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<b>Laws &amp; Regulations: Creation, Implementation &amp; Enforcement</b>				
State, tribes and Federal Government should support funding and technical assistance for community-based health research and cleanup. Funding is needed for testing and monitoring of the groundwater because of all of the cumulative pollution.	Need people to come together and write letters and ask for funding for health research and cleanup	Navajo Nation, San Juan County, NM/ Mora, NM	Sarah White/ Felipe Garcia	Diné CARE/ Concerned Citizens of Wagon Mound and Mora County
State should use CERCLA- Superfund – as enforcement tool as means to effective control releases of radionuclides. Do a pump and treat program in the area.	Is concerned State does not use all the enforcement tools it has to effectively control releases of radionuclides.	Los Alamos, NM	Elaine Cimino	La Cienega Valley Citizens for Environmental Safeguards (CES)
State legislature should compile record of committee and house proceedings to demonstrate words and actions of members and record witnesses	Is concerned that lack of record of legislative proceedings prevents prevents accountability	Los Alamos, NM	Elaine Cimino	La Cienega Valley CES
Recommends effort to remove pollution rather than rely on dilution where remediation is needed.	Is concerned that public health is at risk if we rely on dilution, rather than cleanup	Los Alamos, NM	Elaine Cimino	La Cienega Valley CES
Conduct community environmental health and awareness surveys having developed questions from communities themselves.	Is concerned that the knowledge of the community is not being used to address EJ problems	Los Alamos, NM	Elaine Cimino	La Cienega Valley CES

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<b>Laws &amp; Regulations: Creation, Implementation &amp; Enforcement</b>				
Stop WIPP and have each State store its own nuclear waste.	Is concerned that New Mexico is the sacrifice zone for nuclear waste. They are storing the waste in terrain that scientist said is not safe. Is also concerned about the diesel plant	Las Vegas, NM	Katharine Montaño	CCNS
Make State officials accountable if they do not abide by their oaths of office.	Is concerned officials cannot be trusted to do the right thing.	Las Vegas, NM	Katharine Montaño	CCNS
NMED and federal agencies should be clear about what constitutes “significant” comments that will be included in the record and provide better guidance to the public. There should be better consultation with tribes.	Is concerned the tribes did not have adequate consultation about the nuclear plant in Eunice	Santa Fe, NM	Joni Arends	CCNS
Better regulation and planning is needed for land use and zoning to prevent level of burden which has been placed on the Mountain View neighborhood.	The environmental concerns of the community are not new. The community has been suffering from severe environmental problems—air, water, and land—for decades, but no government agencies have addressed them.	Mountain View Community, South Valley, Bernalillo County	Patty Grice	Mountain View Neighborhood Association

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<b>Laws &amp; Regulations: Creation, Implementation &amp; Enforcement</b>				
State needs to define Environmental Justice in order to clear state what J is and how state EJ policy should be implemented	Is concerned that State has not defined Environmental Justice and EJ issues are ignored	Mountain View Community, South Valley, Bernalillo County	Patty Grice	Mountain View Neighborhood Association
State should implement EJ policy in permitting context where communities are in danger of impacts and gateway to environmental inequities of disproportionate risk from toxics	Is concerned that State has no EJ policy in permitting context where communities are in danger of impacts and gateway to environmental inequities of disproportionate risk from toxics	Albuquerque, NM	Eileen Gauna	Southwestern University College of Law
State look at EJ include not only the permitting, but standard setting, enforcement, and cleanup aspects of facilities	Is concerned that State does not look at EJ include in permitting, standard setting, enforcement, and cleanup aspects of facilities	Albuquerque, NM	Eileen Gauna	Southwestern University College of Law
State agencies should have had discretionary formula that should mandate permit criteria above normal in a community of color that is poor	Is concerned that State agencies do not have discretionary formula that mandate permit criteria above normal in a community of color that is poor	Albuquerque, NM	Eileen Gauna	Southwestern University College of Law
State should use authority to outright deny a permit to mitigate impacts more consistently	Is concerned that State does not use authority to outright deny a permit to mitigate impacts	Albuquerque, NM	Eileen Gauna	Southwestern University College of Law



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<b>Laws &amp; Regulations: Creation, Implementation &amp; Enforcement</b>				
When state agency is acting under federal law, as agreement or primacy state, agency is acting for the federal government and has responsibility to comply with the Federal Executive Order on EJ	Is concerned that State has no EJ program when it can act based on Civil Rights Act and Federal Executive Order without enactment of new laws.	Albuquerque, NM	Eileen Gauna	Southwestern University College of Law
State should adopt and use definition of vulnerable communities for special protect as is case with vulnerable aquifers	Is concerned that State has no definition of vulnerable communities for special protect as is case with vulnerable aquifers	Albuquerque, NM	Judith M. Espinosa	Alliance for Transportation Research Institute, NEJAC
State should insure that Mutual and Domestic Water Users Association water systems grants to community are well understood by association members and do not result in potential loss of traditional water rights	Is concerned that some loans to Mutual and Domestic Water Users Associations have resulted in loss of water rights to pay loans	Mora, NM	Frances Ortega for Joaquin Lucero	Southwest Research and Information Center for Polvadera Waters Users Association
State should avoid acceptance of MDWUA by-law restrictions that prevent communities from addressing water concerns and needs during water system loan periods	Is concerned that MDWUA by-laws can be frozen during loan periods in ways that limit community options to address water and other service needs	Mora, NM	Frances Ortega for Joaquin Lucero	Southwest Research and Information Center for Polvadera Waters Users Association
Do not let them renew the agreement for the dump that has been suspended until they can get rid of the foul odors.	Is concerned that the foul odors makes people sick.	Sunland Park, NM	Natalie Francis	Border Network for Human Rights

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<b>Citizen Recommendations</b>	<b>Comment or Concern</b>	<b>City/County/Tribe</b>	<b>Name</b>	<b>Affiliation</b>
<b>Laws &amp; Regulations: Creation, Implementation &amp; Enforcement</b>				
State should identify commodification of water as critical concern for traditional communities and avoid decisions that put traditional water rights at risk by using those rights as financial commodity or loan guarantees	Is concerned that commodification of water is a state-wide, multi-agency threat to traditional communities in NM	Mora, NM	Frances Ortega for Joaquin Lucero	Southwest Research and Information Center for Polvadera Waters Users Association
State should adopt policies to insure that State Engineer and NMED collaborate actively on decisions that address water quality and water quantity	Is concerned that water quality and quantity issues require more collaboration between State Engineer and NMED, which is not happening currently	Mora, NM	Frances Ortega for Joaquin Lucero	Southwest Research and Information Center for Polvadera Waters Users Association
State should require comprehensive demonstration that burden of proof is met in all case and not rely on unsupported assertions regarding burden of proof	Is concerned that NMED goes easy on polluters. Burden of proof lies with applicants in most NM environmental law including NMED statutes and NM Mining Act. But state tends to accept statements of proof without demonstration, shifting burden to affected community	Albuquerque, NM	Paul Robinson	Southwest Research and Information Center
Protect and keep watershed and land for traditional agricultural purposes.	Is concerned about land grant and water rights settlements	Taos, NM	Ernie Atencio	Taos Land Trust

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<b>Laws &amp; Regulations: Creation, Implementation &amp; Enforcement</b>				
State should insure that protection of public and environmental health is accomplished by requiring rigorous demonstration that public welfare, health and safety are affirmatively protected by permit applicants	By failing to require demonstration that public welfare, health and safety are protected state is failing to insure full and effective protection of communities and environment.	Albuquerque, NM	Paul Robinson	Southwest Research and Information Center
State should identify and allocate additional funds to address community water quality concerns	Is concerned that lack of Funding for testing to address EJ issues	South Valley, Bernalillo County, NM	Victoria Rodriguez	SouthWest Organizing Project
State should identify and allocate additional funds to replace damaged water supplies and compensate people and communities when damages are documented.	Is concerned that lack of Funding for replacement of damaged water supplies	South Valley, Bernalillo County, NM	Victoria Rodriguez	SouthWest Organizing Project
NMED needs expanded permit fees to support staff application review and permit enforcement responsibilities	Is concerned that compliance of dairies with permitted designs not monitored or enforcement	South Valley, Bernalillo County, NM	Victoria Rodriguez	SouthWest Organizing Project
Policy implementing precautionary principle aggressively to protect health in NMED decisions and policy should be the center point of decision. Include academia and academic knowledge in the development of legislation and policy making rather than on politics.	Is concerned that public health and environment are not being protected. Protection of public health should be the focal point of legislative and policy decision-making.	Albuquerque, NM	Johnnye Lewis	University of New Mexico Health Sciences Center

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<b>Laws &amp; Regulations: Creation, Implementation &amp; Enforcement</b>				
State needs to invest funds in major expansion of environmental epidemiological capacity to establish research capacity to provide community exposure data, and monitoring through time and comparisons among community exposures	Public Health and epidemiology are not funded sufficiently to provide for determination of exposure levels in communities or data this is sufficient to show patterns over time and among communities	Albuquerque, NM	Kristine Suozzi	National Children's Project/Bernalillo County Environmental Health
State needs capacity to insure that environmental epidemiology and public health data can be coordinated. State needs funding and staff and a will to do it.	Is concerned that State lacks the capacity to ensure environmental epidemiology and public health data can be coordinated.	Albuquerque, NM	Kristine Suozzi	National Children's Project/ Bernalillo County Environmental Health Department
State needs to increase investment in Tumor Registry to insure that data are useful at a neighborhood level rather than just at the county level. More funding is needed. We are behind other states.	Is concerned that data cannot currently be generalized to a specific neighborhood, just to county level.	Albuquerque, NM	Kristine Suozzi	National Children's Project/ Bernalillo County Environmental Health Department
State should post information upon receipt on permit applications, permits and enforcement be provided on the Internet to allow easy public access and require electronic version of applications and renewals ASAP.	Is concerned public notice is inadequate. The State should be more creative in how it posts these notices.	Bernalillo County, NM	Bianca Encinias	Southwest Network for Economic and Environmental Justice

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<b>Laws &amp; Regulations: Creation, Implementation &amp; Enforcement</b>				
State should closely monitor well installers to insure that well construction does not damage water supplies	Is concerned that low-bid well drillers have put wells in near septic tanks due to failure to ensure responsible siting of wells	Mora, NM	Frances Ortega for Joaquin Lucero	Southwest Research and Information Center for Polvadera Waters Users Association
State should conduct research to assess environmental health conditions and verify documentation in permit applications before permits are issued and during operations	Is concerned that State has not conducted field studies to verify conditions in communities	Mountain View Community, South Valley, Bernalillo County	Julio Dominguez	South Valley Partnership for Environmental Justice
State needs authority and funding to address cumulative impacts of proposal to insure that full scope of impacts on public health and welfare are known before decisions are made. I do understand bureaucracy. This experience reinforced my belief that we must have the community people there to keep us honest.	Is concerned that State OKs permitting activities without knowing full effects because of failure to assess cumulative impacts. I do understand bureaucracy. This experience reinforced my existing belief that we must have the community people there to keep us honest.	Albuquerque, NM	Julie Stephens	Rio Grande Community Development Corporation
Keep <i>De novo</i> .	Is concerned communities won't get adequate notice	Albuquerque, NM	Kitty Richards	Bernalillo County Environmental Health Department

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<b>Laws &amp; Regulations: Creation, Implementation &amp; Enforcement</b>				
State decision-makers should consider impacts on children, youth, elderly and chemically sensitive sections of communities when protecting public health and welfare	Is concerned that decision-makers do not have scientific data about chemical sensitivities	Wagon Mound, NM and Mountain View, South Valley, Bernalillo County, NM	Sofia Martinez	Concerned Citizens of Wagon Mound and Mora County
State needs to implement toxics use reduction and precautionary principle policies. Conduct health assessments of overburden EJ communities. Consider cumulative risk in future permits for new sites, expansions.	Is concerned that many health problems in northeastern NM occur because they are downwind of LANL. Is concerned with the cumulative effects that all EJ communities face.	Wagon Mound, NM and Mountain View, South Valley, Bernalillo County, NM	Sofia Martinez	Concerned Citizens of Wagon Mound and Mora County
State policy should ensure that no programs are implemented that have discriminatory effect or disproportionate impacts on any community, with burden of proof on the permittees.	Is concerned that no State policy exists to ensure that programs do not have discriminatory effect or disproportionate impacts on any community.	Albuquerque, NM	Tomas Garduño	Southwest Network for Economic and Environmental Justice
States needs additional resources to ensure effective enforcement of releases for landfills on site and along roads including effective covers on trucks	Is concerned about blowing dust, trash, pollution from landfills, including dust from access roads. The landfill is a nuisance and expansion should be prevented.	Pajarito Mesa, South Valley, Bernalillo County	Sandra Montes	Promotora in Pajarito Mesa, South Valley Partnership for Environmental Justice

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<b>Laws &amp; Regulations: Creation, Implementation &amp; Enforcement</b>				
Vulnerable communities and communities at risk face multiple sources of risk and therefore should be subject to cumulative risk analyses.	Is concerned that NMED does not use all the regulatory power it possesses. NEJAC has been addressing investigation of cumulative impact assessments as part of our work.	Albuquerque, NM	Judith M. Espinosa	ATRI/ NEJAC
Establish recycling fees for glass bottles, bottle deposits. Establish recycling for old tires. They can be shredded and used in construction and other purposes.	Is concerned that we would need less space for landfills if recycling was mandatory.	Buena Vista, NM	Mary J. Whiteman	Las Vegas Peace and Justice Committee
Road repairs were done in such a way on Goldhill Road that storm water drains into my erosion control ditch. Since then I have had significant damage from flooding and erosion.	Is concerned that ‘County road repairs’ caused flooding problems on her property	Lordsburg, NM/Hidalgo County	Mary M. Hamer	Concerned citizen
Hazardous materials are being dumped by the dismantle RoundHouse owned by the railroad and along the tracks. It is never cleaned up.	Is concerned hazardous materials on railroad property is causing health problems	Lordsburg, NM/Hidalgo County	Joanne Bales	Concerned citizen
Incorporate notice provisions in one place	Is concerned that notice has to be active and ongoing, and will inform the average person, regardless of culture.	Santa Fe, NM	Rod Ventura	New Mexico Environmental Law Center

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<b>Citizen Recommendations</b>	<b>Comment or Concern</b>	<b>City/County/Tribe</b>	<b>Name</b>	<b>Affiliation</b>
<b>Laws &amp; Regulations: Creation, Implementation &amp; Enforcement</b>				
Protect Albuquerque's drinking water supply and treat (rather than cap) contaminated sites.	Is concerned about the production of nuclear waste and the potential contamination of Albuquerque's water supply with nuclear waste. Concerned about mixed waste generated by Sandia Laboratories and capping of contaminated sites instead of treatment.	Santa Fe, NM	Joni Arends	Concerned Citizens for Nuclear Safety
Develop stricter standards under the Water Quality Act, the Air Quality Act and the Solid Waste Act. Use a more preventative approach to permitting, create a Governor's executive office on EJ. In permit hearings, consider cumulative risk, water resources, water use by the facility, water quality, public health and public health. Increase enforcement resources. Add more inspectors and beef up enforcement.	Is concerned about the continual issuing of permits in 'dairy row' and 'one size fits all' permit fast tracking without regard to existing sources of pollution and the shallow aquifers. Different regulations should pertain to different discharge and emissions quantities. The dairy, mining, and coal plant industries might fall under a different type of regulatory framework that mobile home parks or small quantity dischargers of 50,000 gallons/day	Albuquerque, NM	Kitty Richards	Bernalillo County Environmental Health Department



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<b>Laws &amp; Regulations: Creation, Implementation &amp; Enforcement</b>				
Stop work on State Land Office Lease HA-0048, for pit mining allowing until public meetings have been held by the County Commission and public meetings have occurred. Determine if an air quality permit is needed for particulates, dust, diesel emissions and noise. Have the NMDOT review the impacts of the Velarde mining operation for deterioration of the roads	Is concerned about the effect of the mine on Velarde	Velarde, NM /Rio Arriba County	Jane Ervin	Concerned citizen
<i>De novo</i> appeal rights should not be reduced or eliminated	Is concerned that De novo appeal rights are needed to protect EJ communities	Mora County, NM/Albuquerque, NM	Felipe Garcia and Sofia Martinez/ Gloria Castillo/	Concerned Citizens of Wagon Mound and Mora County /SWPEJ
Get more funding for enforcement and to assist communities.	Is concerned that NMED is underfunded and understaffed to the point of being ineffective.	Wagon Mound, NM and Mountain View, South Valley, Bernalillo County, NM	Sofia Martinez	Concerned Citizens of Wagon Mound and Mora County
Strengthen tribal-state consultation, in a culturally appropriate manner, across all State Agencies	Is concerned that cultural sites/resources are not considered EJ issues.	Pueblo of Nambe	John Torres Nez	CAMBIO

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<b>Citizen Recommendations</b>	<b>Comment or Concern</b>	<b>City/County/Tribe</b>	<b>Name</b>	<b>Affiliation</b>
<b>Laws &amp; Regulations: Creation, Implementation &amp; Enforcement</b>				
Have the State Department of Agriculture review the impacts of the Lease HA-0048, for pit mining mining on agriculture in the area and put a dollar amount on the adverse impact on crop production. Have the Board of Tourism review the impact the mine has on tourism in the area. Do not allow the mine to be expanded beyond its original boundaries. Have the State Preservation Department conduct an archeological study to determine if the mine impacts in cultural or archeological sites. See if the mine actually any economic value to the community or is a detriment.	Is concerned about the effect of the mine on Velarde	Velarde, NM /Rio Arriba County	Jane Ervin	Concerned citizen
The funding level for environmental epidemiology should be increased so that additional staff positions are not grant-funded.	Environmental health and public health is not valued in New Mexico.	Albuquerque, NM	Kristine Suozzi	National Children's Project/ BC Environmental Health Department
Keep solutions to problems affordable for those who have limited resources.	Is concerned about the cost of a new septic system being imposed on him which he cannot afford.	?	Juan DeArco	Concerned citizen

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<b>Citizen Recommendations</b>	<b>Comment or Concern</b>	<b>City/County/Tribe</b>	<b>Name</b>	<b>Affiliation</b>
<b>Institutional Capacity Building</b>				
State should invest in and conduct well developed cultural competency training programs for all staff to insure that lack of cultural competency does not prevent effective communication and bias in favor of permittee who frequent state agency offices more than community representatives	Is concerned that NMED staff need culturally competence when working with communities. Lack of awareness of cultural context and history limits acceptance in community. Lack of cultural competence results in NMED being perceived as working with and for industry as they work with businesses and industry more than the communities they serve.	Mora County, NM	Frances Ortega for Joaquin Lucero	Southwest Research and Information Center for Polvadera Waters Users Association
State should invest in social science – social, economics, and cultural experts – to insure its staff rely on experts in fields relevant to public welfare and health as part of implementation of regulatory authority	Is concerned that NMED tends to rely on engineering and physical science and seldom invests in social science expertise. Failure to invest in social science underlies failure to require scientific demonstration of protection of public welfare, health and safety	Albuquerque, NM	Paul Robinson	Southwest Research and Information Center
Teach cultural competence. Ensure independence of hearing officers. Be sensitive to different cultural ways of communicating.	In permit hearings, officials do not really listen to the community.	South Valley, Bernalillo County	Bianca Encinias	Southwest Network for Economic and Environmental Justice

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<b>Citizen Recommendations</b>	<b>Comment or Concern</b>	<b>City/County/Tribe</b>	<b>Name</b>	<b>Affiliation</b>
<b>Institutional Capacity Building</b>				
State must establish and sustain cultural competency training programs for agency staff	Cultural competency with all agencies and not just NMED has to be part of the agenda and policy	Doña Ana, NM	Diane Bustamante	Colonias Development Council
State should require that local and state staff establish routine and ongoing communication with community groups and attend meetings in communities to establish working communication relationships	Let communities know that agencies exist and work for the people the state including grassroots people	Bernalillo County, NM	Maceo Carillo Martinet	SNEEJ/SRIC
State should require all staff from all Departments and Agencies to attend EJ training sessions and EJ tours conducted by affected communities before making decision affecting communities.	Is concerned that NMED and State staff lack cultural competency and thorough knowledge of what EJ is and how to address EJ issues. Racist and classist policies do not occur by accident, but by design.	Albuquerque, NM	Tomas Garduño/Eileen Gauna/	Southwest Network for Economic and Environmental Justice/ Southwestern University College of Law
State should establish and maintain interagency task forces to provide for collaboration when gathering, presenting and using of data on health and welfare impacts of environmental disparities. Include City, County and State agencies.	Is concerned that EJ can only be addressed by multiple agencies working directly with affected communities	Mountain View Community, South Valley, Bernalillo County	Julio Dominguez	Promotoro in Mountainview/South Valley partnership for Environmental Justice

<b>Matrix of Public Testimony from the Environmental Justice Listening Session – Albuquerque Statewide Meeting</b>				
<b>Citizen Recommendations</b>	<b>Comment or Concern</b>	<b>City/County/Tribe</b>	<b>Name</b>	<b>Affiliation</b>
<b>Public Participation Capacity Building</b>				
Policy regarding permit application should ensure that they be posted immediately in an accessible place, that it be sent to local residents, community-based organizations, local churches and schools, statewide EJ groups and environmental groups, acequia associations and Tribes and Pueblos.	Is concerned that EJ communities are not currently able to participate on an equal footing due to lack of adequate notice	Albuquerque, NM	Michael Guererro	SouthWest Organizing Project
Loopholes [in notification] have to be closed so that impacted communities can receive better information when they need it.	Is concerned that EJ communities do not receive notification in an appropriate manner	Albuquerque, NM	Regina Romero	New Mexico Municipal League
The NMED have a copy of the permit application available at the regional offices	Is concerned that EJ communities do not receive notification in an appropriate manner	Albuquerque, NM	Regina Romero	New Mexico Municipal League
Multi-interest collaboration and dialogue effort such as EJ Planning Committee work and should be used often. Invite us to the table, treat us with respect and trust what we know about our own communities.	Is concerned there will be no follow through once report is read. Environmental Justice Planning Committee members are getting to know each other. We all learn as much from each other.	Albuquerque, NM	Richard Moore	Southwest Network for Economic and Environmental Justice

<b>Matrix of Public Testimony from the Environmental Justice Listening Session – Albuquerque Statewide Meeting</b>				
<b>Citizen Recommendations</b>	<b>Comment or Concern</b>	<b>City/County/Tribe</b>	<b>Name</b>	<b>Affiliation</b>
<b>Public Participation Capacity Building</b>				
Multi agency task forces should work directly with community.	Is concerned that EJ can only be addressed by multiple agencies working directly with affected communities	Mountain View Community, South Valley, Bernalillo County	Julio Dominguez	Promotora in Mountainview/South Valley partnership for Environmental Justice
State should adopt and enforce policy to ensure that community representatives are effectively represented on State's boards and commissions	State adopt policy that broadens participation, community members are on board and commissions making decisions	Pecos, NM	Janice Varela	Amigos Bravos
State should insure that policy protects senior water right interests, allows for protest and public participation on applications and effective dialogue between the State Engineer's Office and communities before policy is enacted. NMED and SEO work together that impact water in our lives.	State Engineer's Office proposed expedited water transfers, no protest or public participation, and transfers would be horrible communities, streams, and acequias. Ensure authentic, meaningful, broad public participation.	Pecos, NM	Janice Varela	Amigos Bravos
State should work with tribal communities to insure that early and effective public involvement is conducted on projects in Indian Country.	Public outreach and participation are not being conducted for Desert Rock power plant project on Navajo Reservation	Navajo Nation, San Juan County, NM	Sarah White	Diné CARE

<b>Matrix of Public Testimony from the Environmental Justice Listening Session – Albuquerque Statewide Meeting</b>				
<b>Citizen Recommendations</b>	<b>Comment or Concern</b>	<b>City/County/Tribe</b>	<b>Name</b>	<b>Affiliation</b>
<b>Public Participation Capacity Building</b>				
State should expand participation in decision-makers conference to insure that community voices are represented as effectively and extensively as industry and government	Communities need to be involved as full partners in policy dialogue specifically including activities such as decision makers conferences	Pecos, NM	Janice Varela	Amigos Bravos
State should develop capacity to conduct community-based participatory research	State should develop capacity to conduct community-based participatory research	Albuquerque, NM	Judith M. Espinosa	Alliance for Transportation Research Institute, NEJAC
When community seek to start participatory research efforts, State should respond with its own capacity conduct toxicologically based risk assessments and consider research-based scientific data, not rely on conclusions without support from permit applicants	When community seek to start participatory research efforts, state should respond with its own capacity conduct toxicologically based risk assessments and consider research-based scientific data, not rely on conclusions without support from permit applicants	Albuquerque, NM	Judith M. Espinosa	Alliance for Transportation Research Institute, NEJAC
NMED should take a strong position about threats against public involvement. Gave an example of threats against a person who gave testimony at the Las Vegas meeting and was threatened.	Is concerned with the ability of citizens to participate in public processes and be protected against retaliation for that participation.	Albuquerque, NM	Cynthia Gomez	Southwest Network for Economic and Environmental Justice

<b>Matrix of Public Testimony from the Environmental Justice Listening Session – Albuquerque Statewide Meeting</b>				
<b>Citizen Recommendations</b>	<b>Comment or Concern</b>	<b>City/County/Tribe</b>	<b>Name</b>	<b>Affiliation</b>
<b>Public Participation Capacity Building</b>				
State should establish working groups to collaborate with community and local land use authority to reduce and eliminate environmental and economic disparities	Is concerned that EJ concerns cannot be addressed without better land use and planning decisions based on community input	Mountain View Community, South Valley, Bernalillo County	Julio Dominguez	South Valley Partnership for Environmental Justice
Documents recalling history of Environmental Justices, including acknowledgement of early leaders should be compiled and distributed. Acknowledge the memory of EJ leaders in NM who have passed on concern that future generation need to know their work and be empowered	Is concerned that officials wrongly perceive EJ as an entitlement rather than something people have fought and died to achieve.	Albuquerque, NM	Richard Moore	Southwest Network for Economic and Environmental Justice
Grassroots people can teach State regulators about communities they are affecting.	Is concerned that EJ concerns cannot be fully addressed without recognition by regulators of residents' knowledge of their community	Mountain View Community, South Valley, Bernalillo County	Lucy Sanchez	Amigos Bravos
State needs to provide training and education about environmental stressors to prevent contamination and health effects as well as to help people realize that their health problems may be due to environmental pollutants.	Is concerned EJ communities do not know what is making them sick or how to prevent toxic contamination.	Mountain View Community, South Valley, Bernalillo County	Lucy Sanchez	Amigos Bravos



<b>Matrix of Public Testimony from the Environmental Justice Listening Session – Albuquerque Statewide Meeting</b>				
<b>Citizen Recommendations</b>	<b>Comment or Concern</b>	<b>City/County/Tribe</b>	<b>Name</b>	<b>Affiliation</b>
<b>Public Participation Capacity Building</b>				
State should insure direct role of affected community in environmental policy through effective public participation and citizen involvement in decision-making activities	Those in the South Valley have no voice. When something is being put in their back yard they have no say. There needs to be a change and needs to happen now.	Mountain View Community, South Valley, Bernalillo County	Lucy Sanchez	Amigos Bravos
Increase public participation and insure that language needs of Native American and Spanish-speakers are provided. Embed EJ into State Depts.	Is concerned that language barriers prevent meaningful participation	Bernalillo County, NM	Bianca Encinias	Southwest Network for Economic and Environmental Justice
Notice of meeting should be posted by signs in communities and places people frequent, in language of affected communities and newspaper publication should not be considered sufficient for effective public notice	Is concerned that notification is inadequate. Not everyone reads the newspaper. In addition, the circulation of the Albuquerque Journal has dropped.	Bernalillo County, NM	Bianca Encinias	Southwest Network for Economic and Environmental Justice
State should convene meetings in collaboration with community and county-based groups to insure that people in affected counties know about permit applications and public hearings	Is concerned that notification is inadequate Ensure that people in affected counties know about permit applications and hearings. Is concerned that meetings are held when people cannot attend.	Mora County, NM	Felipe Garcia	Concerned Citizens of Wagon Mound and Mora County

<b>Matrix of Public Testimony from the Environmental Justice Listening Session – Albuquerque Statewide Meeting</b>				
<b>Citizen Recommendations</b>	<b>Comment or Concern</b>	<b>City/County/Tribe</b>	<b>Name</b>	<b>Affiliation</b>
<b>Public Participation Capacity Building</b>				
Textbooks, curricula, and other educational materials should be developed to education the state's citizens about EJ (whether they are state officials, youth, permit applicants or the public) These materials should include the history, basis (evidence) for, and principles of EJ. These materials should come in English, Spanish, Native American Languages and talking books for those unable to read in any language.	Is concerned that officials will wrongly see EJ as a government give-away, rather than a fairness issue. Many of us benefit and others have stepped on the shoulders before them. and the battle has not gone away, activists and policy makers and all the people who have acted raise visibility of EJ to the policy level. This is a new way of working partnership and EJ and how we frame it is the textbook and how it gets written.	Mountain View Community, South Valley, Bernalillo County	Magdalena Avila	?
Use the proper language, (Spanish and Native American), for the notifications, regulations, actions, announcements. Put things in lay terms.	Is concerned that people cannot participate as players on an even playing field if they do know what is going on or cannot understand it.	Pajarito Mesa, South Valley, Bernalillo County	Sandra Montes	Promotora in Pajarito Mesa, South Valley Partnership for Environmental Justice
Ensure adequate notice to EJ communities.	Is concerned that in open meetings law, there is only a minimal requirement of three days notice.	South Valley, Bernalillo County, NM	Bianca Encinias	Southwest Network for Economic and Environmental Justice

<b>Matrix of Public Testimony from the Environmental Justice Listening Session – Albuquerque Statewide Meeting</b>				
<b>Citizen Recommendations</b>	<b>Comment or Concern</b>	<b>City/County/Tribe</b>	<b>Name</b>	<b>Affiliation</b>
<b>Public Participation Capacity Building</b>				
State should conduct community outreach in Los Alamos to build relationships with working people and impacted communities of color, particularly disproportionate affected and displaced people. We want to have a town hall meeting with real stakeholders in Los Alamos, the original Hispanic and pueblo users of the land and not from the people talking about waste issue.	Is concerned that displaced and disproportionately affected communities need to be heard from. Waste issues are important.	Los Alamos, NM	Elaine Cimino	La Cienega Valley Citizens for Environmental Safeguards
State should avoid commitments to permittees that fail to include public in negotiation process and fail to include public participation in review of proposed decisions	Is concerned about lack of inclusion of community in AOC process resulting no public participation process	Los Alamos, NM	Elaine Cimino	La Cienega Valley Citizens for Environmental Safeguards
State needs to look at how it can delegate power to the people in environmental decision-making	Is concerned about lack of inclusion of community	Los Alamos, NM	Elaine Cimino	La Cienega Valley Citizens for Environmental Safeguards
State must consider implications of our dependence on nuclear weapons complex for economic viability of state	Is concerned that NM is being used as a nuclear colony by the military industrial complex because we are State with EJ population	Los Alamos, NM	Elaine Cimino	La Cienega Valley Citizens for Environmental Safeguards

<b>Matrix of Public Testimony from the Environmental Justice Listening Session – Albuquerque Statewide Meeting</b>				
<b>Citizen Recommendations</b>	<b>Comment or Concern</b>	<b>City/County/Tribe</b>	<b>Name</b>	<b>Affiliation</b>
<b>Public Participation Capacity Building</b>				
State should take action to prevent and punish intimidation of community voices by corporate polluters.	Is concerned people are too frightened to stand up and be heard	Wagon Mound, NM and Mountain View, South Valley, Bernalillo County, NM	Sofia Martinez	Concerned Citizens of Wagon Mound and Mora County
Language should be used to effectively communicate with impacted communities. Have an open and face public process, using independent hearing officers.	Is concerned that jargon and technical terms are exclusionary. Is concerned that notices, documents, and announcements are not plainly written nor are they in the Spanish or Native languages	Wagon Mound, NM and Mountain View, South Valley, Bernalillo County, NM	Sofia Martinez	Concerned Citizens of Wagon Mound and Mora County
State should conduct community awareness surveys to determine baseline level of knowledge and community education needs before establishing public hearings for permit applications	Is concerned that hearings and public meetings are intentionally exclusionary	Wagon Mound, NM and Mountain View, South Valley, Bernalillo County, NM	Sofia Martinez	Concerned Citizens of Wagon Mound and Mora County
State should avoid one-on-one sessions in public meetings that isolate individuals and rely on plenary session meetings where all participants hear questions, comments and responses.	Is concerned that NMED plays divide and conquer to get community to go along with polluters	Wagon Mound, NM and Mountain View, South Valley, Bernalillo County, NM	Sofia Martinez	Concerned Citizens of Wagon Mound and Mora County
Ensure that all agencies local, state and federal allow public participation in decision-making	Is concerned that US Forest Service include community in planning and changes	Buena Vista, NM	Mary J. Whiteman	Las Vegas Peace and Justice Committee

<b>Matrix of Public Testimony from the Environmental Justice Listening Session – Albuquerque Statewide Meeting</b>				
<b>Citizen Recommendations</b>	<b>Comment or Concern</b>	<b>City/County/Tribe</b>	<b>Name</b>	<b>Affiliation</b>
<b>Public Participation Capacity Building</b>				
We need to start training our youth now to be the community leaders of tomorrow. Bioneers, is an organization that practices Visionary and Practical Solutions for Restoring the Earth ( <a href="http://www.bioneers.org/">www.bioneers.org/</a> ) has an annual conference in California. Scholarships to youth are provided. We need training for our community groups. We need training for community groups. We need more qualitative training for folks in general. Scholarships need to be provided to youth interested in the environmental field such as scholarships for participation in the Bioneers conference. NMED needs to foster leadership development in communities.	Is concerned that the younger generation will not know about EJ or how to provide leadership to EJ communities. You can't be the lone wolf out in the wilderness. Today, people are afraid to be called environmentalists, because sometimes they can be dogmatic. May the sun within you be always brighter. Our belief is that the sun gave us life; the earth gave us life. 'El sol de consciencia' means more than 'consciousness' or the 'sun of justice.' Before we have justice, we have to have 'consciencia.'	Aztec, NM/Mountain View, South Valley, Bernalillo County	Lauro Silva	Citizens for Alternatives to Radioactive Dumping/1000 Friends of New Mexico
State Land Office should required to engage in public participation before granting leases to companies like Coppola Concrete Supply.	Is concerned that the State Land Office notified community of lease approval #HA-0048. No public participation prior to decision-making took place at all.	Velarde, NM	Jane Ervin	Concerned citizen

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<b>Citizen Recommendations</b>	<b>Comment or Concern</b>	<b>City/County/Tribe</b>	<b>Name</b>	<b>Affiliation</b>
<b>Public Participation Capacity Building</b>				
<p>Following ways: Post all notices, reports, documents in multiple places where people gather including them in multiple languages in the language of the communities, Spanish, Pueblo</p> <p>and Translate technical documents into layman’s language. Make documents in layman’s terms.</p>	<p>Is concerned that the State’s public participation processes need to be strengthened.</p>	<p>Mora County, NM</p>	<p>Felipe Garcia</p>	<p>Concerned Citizens of Wagon Mound and Mora County</p>
	<p>Is concerned that environmental racism is institutionalized. Is concerned that NMED does not participate in trainings with community groups.</p>	<p>Mountain View, South Valley, Bernalillo County, NM</p>	<p>Bianca Encinias</p>	<p>Southwest Network for Economic and Environmental Justice</p>

## Multiple Chemical Sensitivity

A question arose whether people who suffer from multiple chemical sensitivity (MCS) constitute a distinct EJ group irrespective of whether they are people of color or poor—two long-recognized categories under the rubric of EJ. It is undoubtedly true that any environmental standard should strive to protect as many people as is feasible. However, any environmental standard, with the exception of zero exposure, will not protect all people to the same extent. For example, a certain level of exposure might be benign for a healthy person, but that same level of exposure might be problematic for a person who is ill or has a compromised immune system. Similarly, a health standard might not protect a physically handicapped person to the same extent as a non-handicapped person. Such vulnerability, however, can be found in all socioeconomic strata, from the very poor to the very wealthy, among people of all racial and ethnic groups. It is not known, or ascertainable with any degree of precision, which people will suffer MCS. They remain unidentifiable among the general population.

In EJ scenarios, both disparate and susceptibility is not diffuse throughout the general population, nor does such remain unidentifiable. It is well-documented that people of color and the poor are disproportionately subject to greater exposures to environmental stressors (with race being more statistically significant than income). Enforcement of environmental laws has been shown to be less rigorous in these communities. It is also known that these identifiable communities might be more vulnerable than the general population because they also suffer occupational exposures in greater numbers, have less access to adequate healthcare, and may sustain greater exposures to some stressors due to cultural practices. Thus, disparately greater exposure, less stringent enforcement and greater vulnerability fall in distinct racial and economic patterns.

While MCS is a serious issue that must be addressed thoughtfully, it appears to present a different policy question than disparity that falls in racial and income patterns. This is especially the case given the well-documented political and economic disenfranchisement of people of color and the poor, both as an historic fact and an enduring social phenomenon. Were the State of New Mexico to consider people with MCS as distinct EJ group, it would similarly have to consider all people with asthma or all people with cancer as distinct EJ groups, irrespective of their relative political and economic resources. This would make the consideration of remedies to address EJ concerns problematic—potentially diluting the resources (i.e., enforcement, monitoring, etc.) need to target initiatives to discrete special areas that are highly impacted.

The citizen recommendations from the MCS community follow:



<b>Matrix of Public Testimony from the Environmental Justice Listening Session – Albuquerque Statewide Meeting</b>				
<b>Citizen Recommendations</b>	<b>Comment or Concern</b>	<b>City/County/Tribe</b>	<b>Name</b>	<b>Affiliation</b>
<b>Regarding Multiple Chemical Sensitivity</b>				
State should acknowledge MCS as an EJ issue as is the case with the NEJAC resolution dated May 26, 2000.	Is concerned that State does not acknowledge multiple chemical sensitivity as an EJ issue as is the case with NEJAC	Santa Fe, NM	Ann McCampbell MD	MCS Community
Promote green buildings; discourage the personal use of heavy fragrances; ban smoking in all public used spaces; providing access for MCS community to give testimony regarding their illnesses; follow-up the EJ Listening Sessions with a meeting co-convened by NMED and the NMDOH so that the MCS can help craft recommendations to address MCS	Is concerned that a much larger number of people suffer from being chemically sensitive to toxins than most people realize. Sixteen percent of New Mexicans express concerns about their chemical sensitivities. MCS is not being addressed by government on any level.	Santa Fe, NM	Ann McCampbell MD	Chair of Multiple Chemical Sensitivities Task Force of New Mexico
Closely look at the health effects of foam insulation, pesticides and formaldehyde and regulate them more stringently. Protect those who are still healthy.	Is concerned about MCS and the danger to people the environment from toxic chemicals.	Albuquerque, NM	Maggie MacRaven	MCS Community
Clean the air and water before it affects every one of us. Find and advocate alternatives to pesticides. Do not allow aerial spraying. Prohibit smoking in public buildings and other public places.	Is concerned because she knows a lot of people who have MCS. Exposure to pesticides has been one of the primary causes of MCS. NMED has a big job to protect everyone's health, safety and the environment.	El Prado, NM	Marsha Murphy	MCS Community

<b>Matrix of Public Testimony from the Environmental Justice Listening Session – Albuquerque Statewide Meeting</b>				
<b>Citizen Recommendations</b>	<b>Comment or Concern</b>	<b>City/County/Tribe</b>	<b>Name</b>	<b>Affiliation</b>
<b>Regarding Multiple Chemical Sensitivity</b>				
Take immediate and urgent action to clean up the environment. Help people with MCS have as good a quality of life as others do.	Is concerned that the increasing incidence of people with MCS may be a warning to those who are still healthy that the environment must be kept clean and free of hazardous substances. People with MCS are like the canaries that are put in the coal mines to warn the miners that the air is bad.	Cedar Crest, NM	Rita Ferraro	MCS Community
Take immediate and urgent action to clean up the environment. Help people with MCS have as good a quality of life as others do. Mosquitoes are best addressed by larvicide's that are not poisonous or persistent. Exposure to toxins can be prevented, especially in farmworkers.	Is concerned pesticides and herbicides are dispersed by wind and water. There is no safe application of pesticides and herbicides. Many people are affected by environmental toxins.	Taos, NM	Ann Noriega	MCS Community
Take immediate and urgent action to clean up the environment. Help people with MCS have as good a quality of life as others do. People are chemically naïve. We use routinely dangerous chemicals without good knowledge of the effects they will have on people and the environment.	Is concerned that an epidemiological study in the 1990s said Native Americans are much more likely than Hispanics or Anglos to suffer from MCS. Higher incidence of MCS may occur, because Native Americans live in highly polluted areas.	Rio Arriba County	Sheena Cameron	MCS Community

<b>Matrix of Public Testimony from the Environmental Justice Listening Session – Albuquerque Statewide Meeting</b>				
<b>Citizen Recommendations</b>	<b>Comment or Concern</b>	<b>City/County/Tribe</b>	<b>Name</b>	<b>Affiliation</b>
<b>Regarding Multiple Chemical Sensitivity</b>				
Take immediate and urgent action to clean up the environment. Help people with MCS have as good a quality of life as others do. NMED work on auto emission controls. Identify alternatives to formaldehyde in building materials.	Is concerned that a much larger number of people suffer from being chemically sensitive to toxins than most people realize.	?	Ann Mattingly	MCS Community
Take immediate and urgent action to clean up the environment. Help people with MCS have as good a quality of life as others do. Prevent aerial spray of pesticides. Instead, use integrated pest management.	Is concerned that a much larger number of people suffer from being chemically sensitive to toxins than most people realize.	Tierra Amarilla, NM	Nancy Campbell	MCS Community
Formaldehyde is a carcinogen and causes asthma. Diesel should be banned and perfumes removed from all household products. Provide sufficient funding for enforcement of all pollution control regulations.	Is concerned that a much larger number of people suffer from being chemically sensitive to toxins than most people realize. Doctors cannot help people with MCS; the only antidote is strict permanent avoidance with contact with chemicals. The idea of phasing out toxic chemicals is ludicrous; use must be discontinued immediately.	Taos, NM	Robert Webber	MCS Community

<b>Matrix of Public Testimony from the Environmental Justice Listening Session – Albuquerque Statewide Meeting</b>				
<b>Citizen Recommendations</b>	<b>Comment or Concern</b>	<b>City/County/Tribe</b>	<b>Name</b>	<b>Affiliation</b>
<b>Regarding Multiple Chemical Sensitivity</b>				
Take immediate and urgent action to clean up the environment. Help people with MCS have as good a quality of life as others do.	Is concerned that a much larger number of people suffer from being chemically sensitive to toxins than most people realize.	Santa Fe, NM	Jennifer Stamm	MCS Community
Signs are needed to warn people before and after spraying in buildings and on grounds at public places. Medicare and other health benefits should include MCS sufferers.	Is concerned that a much larger number of people suffer from being chemically sensitive to toxins than most people realize.	Santa Fe, NM	Rachel ?	MCS Community
Promote alternatives to pesticides and elimination of pesticides where safe alternatives exist. Promote safe indoor air, safe buildings, extensive notice before and after spraying, include MCS communities in EJ committees. Promote EJ for every citizen in State of NM.	Is concerned that a much larger number of people suffer from being chemically sensitive to toxins than most people realize.	Santa Fe, NM	Malka Michaelson	MCS Community
Take immediate and urgent action to clean up the environment. Help people with MCS have as good a quality of life as others do.	Is concerned that a much larger number of people suffer from being chemically sensitive to toxins than most people realize.	Cedar Crest, NM	Orion Crawford	MCS Community
Take immediate and urgent action to clean up the environment. Help people with MCS have as good a quality of life as others do.	Is concerned that a much larger number of people suffer from being chemically sensitive to toxins than most people realize.	Silver City, NM	Daniel Richards	MCS Community

<b>Matrix of Public Testimony from the Environmental Justice Listening Session – Albuquerque Statewide Meeting</b>				
<b>Citizen Recommendations</b>	<b>Comment or Concern</b>	<b>City/County/Tribe</b>	<b>Name</b>	<b>Affiliation</b>
<b>Regarding Multiple Chemical Sensitivity</b>				
Seeks education and research about full effective of chemical in MCS exposure. Research into synergy of chemicals to cause MCS affects. Promote zero tolerance to pesticides and herbicides in NM.	Is concerned that a much larger number of people suffer from being chemically sensitive to toxins than most people realize.	Santa Fe, NM	Cloe Barrett	MCS Community
Recommends elimination of pesticides at homes and work place and replacement with integrated pest management. Move ash trays from away from elevators and doors. Keeping smoking areas away from doors to allow safe access.	Is concerned that a much larger number of people suffer from being chemically sensitive to toxins than most people realize.	Albuquerque, NM	Ileana Johnson	MCS Community
Advocate the use of integrated pest management instead of pesticides. Suggested Arbico Organics Website ( <a href="http://store.arbico-organics.com/">http://store.arbico-organics.com/</a> ) as a source of information	Is concerned that a much larger number of people suffer from being chemically sensitive to toxins than most people realize. Poisoning plants also poisons environmental and causes human health risk.	Taos, NM	Donnie LaRue	MCS Community
NM should develop a model program for the nation on safe housing.	Is concerned that a much larger number of people suffer from being chemically sensitive to toxins than most people realize.	Santa Fe, NM	Joan Faustini	MCS Community

<b>Matrix of Public Testimony from the Environmental Justice Listening Session – Albuquerque Statewide Meeting</b>				
<b>Citizen Recommendations</b>	<b>Comment or Concern</b>	<b>City/County/Tribe</b>	<b>Name</b>	<b>Affiliation</b>
<b>Regarding Multiple Chemical Sensitivity</b>				
Take immediate and urgent action to clean up the environment. Help people with MCS have as good a quality of life as others do. Strong public education reduce public use of chemicals is needed.	Is concerned that a much larger number of people suffer from being chemically sensitive to toxins than most people realize. Overuse of toxins and pesticides result in accumulations in our bodies without our knowing. Adult Deficit Hyperactivity Disorder and autism are some of the results of overexposure to toxins.	Albuquerque, NM	Judy Lang	MCS Community
Take immediate and urgent action to clean up the environment. Help people with MCS have as good a quality of life as others do.	Is concerned that pesticides are poisonous and cause MCS, which is a permanent disability. Pesticides poison everyone. Any public area should not have pesticides applied. Those of us with MCS cannot go into areas where pesticides have been used. Children in very are susceptible.	Santa Fe, NM	Susan Guyette, Ph.D.	MCS Community
Seeks adoption and implementation of Precautionary Principle and extensive education campaign about MCS problems and solutions.	Is concerned that a much larger number of people suffer from being chemically sensitive to toxins than most people realize.	?	Shirley Brumley	MCS Community
Take immediate and urgent action to clean up the environment. Help people with MCS have as good a quality of life as others do.	Is concerned that a much larger number of people suffer from being chemically sensitive to toxins than most people realize.	Santa Fe, NM	Annie Ross	MCS Community

Matrix of Public Testimony from the Environmental Justice Listening Session – Albuquerque Statewide Meeting				
Citizen Recommendations	Comment or Concern	City/County/Tribe	Name	Affiliation
<b>Regarding Multiple Chemical Sensitivity</b>				
DOH and NM Department of Agriculture need to work together to address pesticide use in wood-treatment facilities, and colognes in public buildings.	Wood smoke, pesticides and perfumes hurt and something can be done and should be done about them.	Santa Fe, NM	Marjorie Young	MCS Community
Immediate and urgent action to be taken. Help people	Is concerned that a much larger number of people suffer from being chemically sensitive to toxins than most people realize.	Albuquerque, NM	Don Shapiro	New Mexico Environment and Health Coalition
There should be a statewide emissions test and be required to run	Is concerned that a much larger number of people suffer from being chemically sensitive to toxins than most people realize.	?	Diane Jackson	MCS Community

## **APPENDIX B**

### **Final Agenda**



## STATEWIDE ENVIRONMENTAL JUSTICE LISTENING SESSION

Sponsored by the  
**New Mexico Environment Department (NMED)**  
**U. S. Environmental Protection Agency (US EPA) Region 6**

**Hilton Hotel**  
**1901 University Boulevard NE**  
**Albuquerque, New Mexico**  
**September 16-17, 2004**

### AGENDA

#### Thursday, September 16, 2004

10:00-10:45 am Introduction/Welcome

Ron Curry, Secretary New Mexico Environment Department  
Larry Starfield, Deputy Regional Administrator, EPA Region 6  
Charles Lee, US EPA, Office of Environmental Justice

10:45 – 11:00 am

Overview of EJ Listening Sessions  
Derrith Watchman Moore, Deputy Secretary, NMED  
Cynthia Gomez, Co-Chair, Environmental Justice Planning Committee

11:00 –12:00 am Panel A: History of Environmental Justice

Bineshi Albert, SAGE Council  
Richard Moore, Southwest Network for Environmental and Economic Justice (SNEEJ)  
Eileen Gauna, Southwestern University School of Law

12:00 - 1:00 pm Panel B: Regional Issues Panel #1

Sandra Montes, Pajarito Mesa Community (Landfill Issues)  
Julio Dominguez, SVPEJ-SV Resident (Superfund/Air Quality)  
Victoria Rodriguez, Southwest Organizing Project (SWOP), Vegita, New Mexico  
Community (Rural Water Quality)

1:00 – 2:00 pm Lunch (provided)

2:00 – 4:00 pm Open Public Comment Session #1 (Regional Issues)

4:00- 5:00pm

Panel C: Regional Issues Panel #2  
Elaine Cimino, Los Alamos (LANL Waste Issues)  
Joaquin Lujan, Polvadera Community (Dairies/Water Issues)  
Rose Gardner, Eunice, NM (Uranium Enrichment Issues)  
Sarah White, Diné Care

5:00 – 7:30 pm Open Public Comment Session #2 (Statewide Public Comment)

7:30 – 8:00 pm Wrap Up: Summary of Day One  
Overview of Day Two

#### Friday, September 17, 2004

9:00 – 10:00 am Welcome/Introductions

Review of Day One and Overview of Day Two

Derrith Watchman Moore, Deputy Secretary, NMED

Cynthia Gomez, Co-Chair, Environmental Justice Planning Committee

Jonathan Hook, EJ Coordinator, US EPA, Region 6

10:00 – 11:15 am Roundtable: Community Involvement for Environmental Justice

Panelists will discuss issues of public participation related to environmental justice communities, including environmental statutes and regulations which require public notice and De nova hearings.

Representative John A. Heaton, Carlsbad, New Mexico

JD Bullington, Executive Director, New Mexico Association of Commerce and Industry

Regina Romero, Intergovernmental Relations Director, New Mexico Municipal League

Doug Meiklejohn, New Mexico Environmental Law Center

11:15 – 12:30

Response Panel

Sofia Martinez, Concerned Citizens of Wagon Mound

David Benevidez, New Mexico Legal Aid Services

Michael Guerrero, Southwest Organizing Project (SWOP)

Diane Bustamante, Colonias Development Council

12:30 – 2:00 pm Lunch – Featured Speaker: Tom Goldtooth, Executive Director,  
Indigenous Environmental Network (IEN)

2:00 – 3:00 pm Public Feedback to Community Involvement for EJ in Morning Sessions

3:00 – 3:30 pm Closing Remarks and Next Steps

**Session Facilitator: Judith M. Espinosa, ATR Institute, University of New Mexico**

## **APPENDIX C**

### **Outreach Materials**



# NEW MEXICO ENVIRONMENT DEPARTMENT

## NOTICE OF PUBLIC LISTENING SESSION

### STATE ENVIRONMENT DEPARTMENT SEEKS PUBLIC INPUT ON ENVIRONMENTAL JUSTICE IN YOUR AREA

The New Mexico Environment Department (NMED) is seeking public input on environmental justice concerns in your community. Public “listening sessions” will be held statewide. Participants and organizations will be given an opportunity to comment on their environmental justice concerns and to offer recommendations. The environmental justice public listening sessions are receptive, solution-oriented meetings conducted with the community in partnership with the NMED and other state and federal representatives. The purpose of these listening sessions is to hear from participants on topics ranging from general to specific areas of environmental interests/concerns and to work effectively towards mutually beneficial solutions.

Topics may include: Permitting and Public Participation, Sacred and Religious Sites, Capacity Building, Land Grants, Uranium Mining, Hazardous Waste, Illegal Dumping, Pesticides and Farm Workers, or Water/Wastewater Treatment Infrastructure.

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**What is Environmental Justice?** The fair treatment and meaningful involvement of all people, regardless of race, ethnicity, culture, income, or education level with respect to the development, implementation, and enforcement of environmental laws, regulations, and policies. Environmental justice seeks to ensure that no population is forced to shoulder a disproportionate burden of the negative human health and environmental impacts of pollution or other environmental hazards. (*Definition provided by [www.naccho.org](http://www.naccho.org)*)

For our purpose, we are interested in hearing your environmental justice concerns, if you feel that your community has been forced to shoulder a disproportionate burden of the negative human health and environmental impacts of pollution or other environmental hazards.

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The NMED, with the University of New Mexico’s ATR Institute as facilitator, will conduct a Listening Session for northern New Mexico and Tribes at the following location:

**ALBUQUERQUE, NEW MEXICO**  
**September 16-17, 9:00 am**  
**Hilton Hotel, 1901 University Blvd. NE, Ballroom**

Representatives from the NMED, the US EPA, and other state or Tribal governments will be in attendance to personally hear your concerns. By working together we can build effective, solution-oriented community/government relationships.

Any person or organization that wishes to provide oral comments will be given five minutes to present their environmental justice concerns. Written statements can also be submitted during the session or by mail. Please send all comments to: EJ Listening Session Workgroup, 801 University Boulevard SE, Suite 302, Albuquerque, NM, 87106.

If you are an individual with a disability and you require assistance or an auxiliary aide, i.e., sign language interpreter, to participate in any aspect of this hearing, please contact Jon Goldstein at 1-800-219-6157 or 505-827-2855, NMED, P.O. Box 26110, 1190 St. Francis Drive, N4050, Santa Fe, NM, 87502 (TDD or TDY users please access this number via the New Mexico Relay Network). Albuquerque TDD users: (505) 275-7333; outside of Albuquerque: 1-800-659-1779.



## NEW MEXICO ENVIRONMENT DEPARTMENT

**ANUNCIO DE UNA JUNTA PÚBLICA**

## SOBRE LA JUSTICIA AMBIENTAL



**EL DEPARTAMENTO DEL AMBIENTE DE NUEVO MÉXICO SOLICITA SUS**  
Comentarios Sobre la Justicia Ambiental en su Comunidad.

El Departamento del Ambiente de Nuevo México (NMED) está solicitando comentarios del público sobre la justicia ambiental en su comunidad. Estas juntas para **escucharlos** se llevarán al cabo por todo el estado. Individuos y organizaciones tendrán la oportunidad para dar comentarios con respecto a sus preocupaciones ambientales y ofrecer recomendaciones al NMED. Las juntas de la justicia del ambiente son conducidas con participación abierta de la comunidad para buscar soluciones mutuas en colaboración con el NMED y otros representantes del gobierno federal y estatal. El propósito de estas juntas es para escucharlos hablar de asuntos, generales o áreas específicas, sobre sus intereses o preocupaciones del ambiente. Esto es para trabajar juntos y para encontrar soluciones mutuas que nos beneficien.

Las temas incluyen: Licencias y participación pública, ejecución de proyectos del ambiente, asuntos sobre la frontera entre México y los Estados Unidos, las mercedes, minas de uranio, sitios religiosos y sagrados, pesticidios y trabajadores agrícolas, o el agua y sanitificación del desague.

**Qué es justicia del ambiente?** Es la participación valorada y el tratamiento justo de todas las personas, sin importar a raza, raíces étnicas, cultura, ingreso económico, o nivel educativo, con respecto al desarrollo, implementación y ejecución de leyes ambientales, reglas y plan de acción. La justicia ambiental trata de asegurar que ninguna comunidad sea forzada a sostener una carga desigualdad de impactos negativos para la salud y el ambiente por causa de la polución y otros peligros del ambiente. (*Definición proveída del [www.naccho.org](http://www.naccho.org)*).

Para este propósito, nosotros estamos interesados en escuchar sus preocupaciones. Si Ud. siente que su comunidad ha sido forzada a llevar una carga desigualdad con impactos negativos de salud o del ambiente por causa de la polución u otros peligros del ambiente, queremos oírlos.

El NMED, con el Instituto de ATR de la Universidad de Nuevo México que va facilitar la junta, tendrán una **Junta Pública de Justicia Ambiental** en el sureste de Nuevo México en el local siguiente:

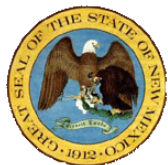
**ALBUQUERQUE, NEW MEXICO**  
**El 16-17 de septiembre, 2004, 9:00 am**  
**Hilton Hotel, 1901 University Boulevard NE, Ballroom**

Representantes del NMED, el EPA de los EU, y del gobierno estatal o de las tribus, estarán presente para escuchar personalmente sus preocupaciones o comentarios. Trabajando juntos podemos crear una relación entre la comunidad y el gobierno para logra soluciones mutuas que nos beneficien.

Cada organización u individuo que quiera hablar, tendrá cinco minutos para presentar sus preocupaciones sobre la justicia ambiental. Comentarios escritos también serán aceptados durante la junta o por correo.

Por favor mandar sus comentarios a: EJ Listening Session Workgroup, 801 University Boulevard SE, Suite 302, Albuquerque, NM, 87106.

Si Ud. es un individuo con una discapacidad y requiere asistencia o ayuda (como interprete para sordo) para poder participar en esta junta, por favor póngase en contacto con Jon Goldstein at 1-800-219-6157 o 505-827-2855, NMED, P.O. Box 26110, 1190 St. Francis Drive, N4050, Santa Fe, NM, 87502 (si utiliza TDD o TDY por favor usen este número por la vía de New Mexico Relay Network. Si usa Albuquerque TDD: (505) 275-7333; afuera de Albuquerque: 1-800-659-1779).



NEW MEXICO ENVIRONMENT DEPARTMENT  
OFFICE OF THE SECRETARY



# PUBLIC LISTENING SESSION ON ENVIRONMENTAL JUSTICE

The New Mexico Environment Department (NMED) is seeking public input and comment on environmental justice in your communities. The recommendations will be used to formulate community-based policies and planning initiatives. The listening session will be held at:

## HILTON HOTEL

1901 University Blvd NE, Albuquerque, New Mexico

September 16-17, 2004

### What is Environmental Justice?

The fair treatment and meaningful involvement of all people, regardless of race, ethnicity, culture, income, or education level with respect to the development, implementation, and enforcement of environmental laws, regulations, and policies. Environmental justice seeks to ensure that no population is forced to shoulder a disproportionate burden of the negative human health and environmental impacts of pollution or other environmental hazards. (*Definition provided by www.naccho.org*)

For our purpose, we are interested in hearing your environmental justice concerns, if you feel that your community has been forced to shoulder a disproportionate burden of the negative human health and environmental impacts of pollution or other environmental hazards.

### Why an Environmental Justice Listening Session?

The NMED environmental justice listening sessions are receptive, solution-oriented meetings conducted with the community, and in partnership with federal, state, Tribal, and local government representatives. The purpose of these listening sessions is to hear from participants on topics ranging from general to specific areas of environmental interest/concern and to work effectively towards mutually beneficial solutions. Individuals and organizations will be given an opportunity to provide input as to their environmental justice concerns and to offer recommendations to the NMED.

### What Topics Will Be Covered?

Topics may include: Permitting and Public Participation, Enforcement and Supplemental Environmental Projects, U.S.-Mexico Border Issues, Land Grants, Uranium Mining, Sacred and Religious Sites, Dairy Farms, or Water/Wastewater Treatment Infrastructure.

### How Do I Participate?

Come at 9 am on September 16, 2004 and sign-up to be called upon. You will be given five minutes to speak. Written comment will also be accepted at that time, although not required.

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NEW MEXICO ENVIRONMENT DEPARTMENT  
OFFICE OF THE SECRETARY

Harold Runnels Building  
1190 St. Francis Drive  
P. O. Box 26110  
Santa Fe, NM 87502

Phone: 1-800-219-6157 or 505-827-2855  
Fax: 505-827-1768  
E-mail: [Jon\\_Goldstein@nmenv.state.nm.us](mailto:Jon_Goldstein@nmenv.state.nm.us)

**Your Input  
is Needed!**

### How to Provide Input at Your Regional Listening Session?

If you or your organization is interested in commenting, you may participate in one of two ways. You can voice your concerns as a panel participant or during public comments. You will be given no more than five minutes to express your concerns and to provide recommendations.

To be a panel participant, please contact the NMED for more information and to schedule a time to present. Public comments will be taken on a first come basis with sign-up commencing at 9:00 a.m.

### How to Formulate Your Concerns?

Your entire comment should be delivered in five minutes or less. It doesn't have to be detailed, but should include a recommendation.

Following is an example of how you might want to formulate your comments:

*"Hello, my name is <insert> and I am from the community of <town>. I would like to bring to your attention my concern with <your environmental issue>. This has been an issue in my community since <year> and it has affected me and my community by <state health affects>. My recommendations to NMED and local governments is <state>. Thank you."*

Because the time is limited, we encourage those providing input to also submit written comments. They need not be formal or lengthy.

### Are Written Comments Welcomed?

Yes. Written comments will be accepted during the Listening Session and by mail until August 30, 2004. Please send all written comments to the EJ Listening session Workgroup, 801 University Boulevard SE, Suite 302, Albuquerque, New Mexico 87106.

### Scholarship Available

Scholarships are available to cover lodging and mileage expenses. Please call Darla Aiken at 505-827-2931 for criteria and additional information.

#### New Mexico Environment Department Office of the Secretary

Contact: Jon Goldstein  
Harold Runnels Building  
1190 St. Francis Drive  
P. O. Box 26110  
Santa Fe, NM 87502

Telephone: 1-800-219-6157 or  
505 827-2855  
Fax: 505-827-1768  
Email: Jon\_Goldstein@nmenv.state.nm.us




## Statewide Environmental Justice Listening Sessions



Sponsored by the  
New Mexico Environment Department

**Deming**  
June 30, 2004

**Las Vegas**  
July 21, 2004

**Acoma (Tribal)**  
July 27, 2004

**Albuquerque (Statewide)**  
September 16-17, 2004



## Listening Sessions on Environmental Justice

The New Mexico Environment Department (NMED) is seeking public input and comment on environmental concerns in your communities. The comments will be used to design and implement initiatives, such as policies and planning, to work effectively towards mutually beneficial solutions.

### What is Environmental Justice?

The fair treatment and meaningful involvement of all people, regardless of race, ethnicity, culture, income, or education level with respect to the development, implementation, and enforcement of environmental laws, regulations, and policies.

Environmental justice seeks to ensure that no population is forced to shoulder a disproportionate burden of the negative human health and environmental impacts of pollution or other environmental hazards. *(Definition provided by www.naccho.org)*

For our purpose, we are interested in hearing your environmental justice concerns, if you feel that your community has been forced to shoulder a disproportionate burden of the negative human health and environmental impacts of pollution or other environmental hazards.

### Why an Environmental Justice Listening Session?

The NMED environmental justice listening sessions are receptive, solution-oriented meetings conducted with the community, and in partnership with federal, state, Tribal, and local government representatives. The purpose these listening sessions is to hear from participants in topics ranging from general to specific areas of environmental interest/concern and to work effectively towards mutually beneficial solutions. Individuals and organizations will be given an opportunity to comment on their environmental justice concerns and to offer recommendations to the NMED. The goals of these sessions are as follows:



- Obtain input from communities on environmental, health, and quality of life concerns.
- Provide individuals and environmental justice community representatives in New Mexico with an opportunity to present their environmental justice issues to the NMED.
- Provide recommendations to the NMED so that it can formulate solutions to alleviate disproportionate impacts on environmental justice communities in New Mexico, including policies, strategies, and regulations.

- Establish and strengthen working relationships between and among environmental justice communities, the NMED, and other government agencies, in order to secure long-term partnerships with the community at large.
- Report back to communities and local governments as to the status of their recommendations.

### What Issues Will Be Covered?

Permitting and Public Participation  
 Enforcement  
 US—Mexico Border Issues  
 Uranium Mining  
 Sacred and Religious Sites  
 Land Grants  
 Pesticides and Farmworkers  
 Water/Wastewater Issues

Contact: Jon Goldstein  
 Harold Runnels Building  
 1190 St. Francis Drive  
 P. O. Box 26110  
 Santa Fe, NM 87502

Telephone: 1-800-219-6157 or  
 505 827-2855  
 Fax: 505-827-1768  
 Email: Jon\_Goldstein@nmenv.state.nm.us





NEW MEXICO ENVIRONMENT DEPARTMENT  
OFFICE OF THE SECRETARY



## SUGGESTIONS FOR EFFECTIVE COMMENTS

The New Mexico Environment Department (NMED) has planned this series of **Environmental Justice Listening Sessions** statewide to get input on environmental justice concerns from the residents of New Mexico. The NMED has invited its management team and other governmental representatives to hear your concerns. To make this Session as productive as possible, we have provided the following tips.

- Formulate your comments knowing you have only **five minutes** to speak.
  - Present your concerns in a way you feel is appropriate. In general you should state:
    - **name**
    - **organization (if you are affiliated with one)**
    - **community**
    - **environmental concern(s)**
    - **recommendation(s) to the NMED**
  - Be specific about your recommendations and how the NMED can address your concerns. **Recommendations are most important to the NMED.**
  - Do not use your comment period to debate a particular issue. It will result in less time for you to adequately state your concerns and make recommendations. NMED and other representatives will be listening only and will not be speaking directly to presenters.
  - Recognize that everyone has a legitimate perspective. The mission is not to engage in a debate about the merits of a particular point. NMED wants to know what people perceive the problems to be and why. Sometimes frustration may be an adequate response because you believe that problems have not been adequately addressed by the NMED or other governmental agencies in the past. NMED understands and hopes to work with your community to start on solutions.
- If you find that a particular concern was not adequately expressed and needs to be clarified further, please write down your concerns on the written comments form provided at the Listening Session and submit it to the facilitator. Your comments will be included in the record.

Send your written comments to :

The Environmental Justice Listening Session Workgroup  
801 University SE, Suite 302  
Albuquerque, NM 87106

We sincerely appreciate your participation. If you should have any questions, please contact Jon Goldstein at 1-800-219-6157 or 505-827-2855, NMED, P.O. Box 26110, 1190 St. Francis Drive, N4050, Santa Fe, NM, 87502.



NEW MEXICO ENVIRONMENT DEPARTMENT  
 ENVIRONMENTAL JUSTICE LISTENING SESSIONS



## ROLE OF LISTENERS

The New Mexico Environment Department (NMED) has planned this series of Environmental Justice Listening Sessions statewide which it anticipates will be productive to you in your work. The thrust of the Sessions is for the NMED, along with its sister-agencies from the federal, tribal, state and local levels, to get a sense of the concerns of the citizens of New Mexico on issues pertaining to Environmental Justice. In furtherance of this goal, we have invited several non-governmental organizations and individuals representative of communities that address Environmental Justice issues. In order to make this Session as productive as possible, we have outlined in detail what the *Role of the Listener* should be.

Please recognize that everyone has a legitimate perspective, and that everyone's perspective is necessarily colored by limited information. As such, your primary role here is to listen to understand. Our mission here is not to engage in a debate about the merits of any particular claim, but to get a sense of what people perceive the problems to be and why.

If you believe that a commenter's perspective may be informed by misinformation that you feel needs to be clarified, please write down your concern and the clarification and give it to the facilitator. At the appropriate time, the moderator or facilitator will address the audience and present the pertinent clarifications.

Because effective communication is the first step towards problem solving, we hope that you will take this opportunity to follow up with community groups and citizens, in a collaborative problem solving venue, to address some of their concerns. The NMED is similarly willing to participate in multi-agency collaborative efforts in this regard. In our experience, this has been one of the most effective means to address issues that involve environmental impacts from sources that do not lie within the jurisdiction of any one particular agency.

Sometimes citizens or citizen groups might express frustration because they believe that problems have not been adequately addressed. A common but unhelpful reaction to this frustration is for governmental officials to simply disregard what is being said. Please bear in mind that problems do not get solved, or resolved, when one or both parties make no attempt to work through the frustration.

In addition to comments about adverse environmental impacts of certain activities, sometimes citizens or citizen groups have concerns about the process of the decision-making that led to that action. Issues of process and protocol are important components of resolving matters. Bear in mind that every citizen wants to have a say in the decisions that affect their family's health and their environment.

At the conclusion of the listening session, a report will be prepared concerning the comments raised and the recommendations offered by the public. You will receive a copy of the report. More importantly, you will be given an opportunity to respond to the comments for the record. Use this as your personal opportunity to clarify information. A Final Report to the NMED will summarize general comments and your official responses.

We sincerely appreciate your participation. If you should have any questions, please contact Jon Goldstein at 1-800-219-6157 or 505-827-2855, NMED, P.O. Box 26110, 1190 St. Francis Drive, N4050, Santa Fe, NM, 87502.

**NMED ENVIRONMENTAL JUSTICE LISTENING SESSIONS  
CRITERIA FOR TRAVEL STIPENDS/SCHOLARSHIPS  
FOR ATTENDANCE AT THE STATEWIDE LISTENING SESSION  
ALBUQUERQUE, NEW MEXICO**

1. Must submit a statement of request on the attached form; include amount requested, and minimum one paragraph justification.
2. Request must be submitted to the NM Environment Department by 5:00 pm Tuesday, September 14, 2004. Decisions will be made at the discretion of the Deputy Secretary and are final.

1190 St. Francis Drive  
Santa Fe, NM 87504  
Attn: Cindy Padilla, Solid Waste Bureau  
Or email: Cr\_Padilla@nmenv.state.nm.us
3. Maximum allowable:
  - a. One night lodging @ \$80.00 (maximum allowed) at the Alb. Hilton, reserved for September 16, 2004. Amount is based on single occupancy. Additional room charges for additional occupants/extras are the responsibility of the recipient.
  - b. Room reservations are the responsibility of the applicant and cancellations must be made 48 hours in advance. All room charges for non-cancelled reservations will be the responsibility of the applicant and an invoice will be sent. Please call the Hilton direct at 800- 445-8667 or 505-884-2500. Identify group as Environmental Justice Listening Session.
  - c. Roundtrip mileage @ .32/mi
    - i. Applicant must submit affidavit with Name, address and town of origin.
    - ii. Odometer reading from beginning to end must also be included.
  - d. Must be in-state participant
  - e. Meals are not provided as part of the stipend/scholarship.
4. Awards will be based on need, available budget, and on a first come basis.
5. Payments will be through check from the Southwest Research and Information Center to the hotel or to the participant payable by Thursday, September 16, 2003, 12:00 pm, to be picked up by recipient only, photo I.D. required, at the registration table. If check is not available, it will be mailed within two weeks.

Contact for more information:

Darla Aiken, Special Projects Coordinator 505 827-2931  
Cindy Padilla, Solid Waste Bureau Chief 505 827-2775

**NMED ENVIRONMENTAL JUSTICE LISTENING SESSIONS  
CRITERIA FOR TRAVEL STIPENDS/SCHOLARSHIPS  
FOR ATTENDANCE AT THE STATEWIDE LISTENING SESSION  
ALBUQUERQUE, NEW MEXICO**

**REQUEST FORM**

DATE: \_\_\_\_\_

NAME (Print) \_\_\_\_\_

Signature: \_\_\_\_\_

ADDRESS: \_\_\_\_\_

\_\_\_\_\_

AMOUNT REQUESTED: \$ \_\_\_\_\_

HOTEL: \$ \_\_\_\_\_

MILEAGE: (Number of miles roundtrip X \$.32): \$ \_\_\_\_\_

Town of departure: \_\_\_\_\_

Total roundtrip mileage (include odometer reading – beginning and ending): \_\_\_\_\_

STATEMENT OF REQUEST: \_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

**NMED USE ONLY:**

REVIEWER: \_\_\_\_\_

COMMENTS: \_\_\_\_\_

APPROVED/DISAPPROVED: \_\_\_\_\_

DATE: \_\_\_\_\_



## STATEWIDE ENVIRONMENTAL JUSTICE LISTENING SESSION



September 16-17, 2004  
Albuquerque Hilton Hotel  
1901 University Boulevard NE  
Albuquerque, New Mexico

## ACKNOWLEDGEMENTS

The New Mexico Environment Department (NMED) would like to thank the following for their personal contributions to the successful Listening Sessions

### ENVIRONMENTAL JUSTICE PLANNING COMMITTEE

Secretary Ron Curry and Deputy Secretary Derrith Watchman-Moore of the NMED appointed an Environmental Justice Planning Committee (EJPC) to be responsible for the design of public listening sessions, discussion of important process issues, and also the development of protocol for promoting an authentic participatory process. The EJPC was composed of representatives of community, business, industry, municipal, and Tribal entities selected for their respective expertise in environmental justice coalition building, knowledge of regional environmental justice issues, and their familiarity and networks with local grassroots organizations in New Mexico.

Derrith Watchman-Moore, Deputy Secretary, NMED, Co-Chair  
Cynthia Gomez, Co-Chair, Mexicano Land Education, and Conservation Trust

Dennis Chavez, Mimbres Valley Surface Water Users Association  
Margaret Chavez, Pueblo of Santo Domingo  
Calvert L. Curley, Navajo Nation  
Tomasita Gonzales, Southwest Organizing Project

Bill Hocker, Acoma Enterprises  
Sofia Martinez, Concerned Citizens of Wagon Mound  
Richard Moore, Southwest Network for Environmental and Economic Justice  
Regina Romero, New Mexico Municipal League  
Marla Shoats, Shoats & Weaks, Inc.  
Mark Turnbough, Consultant

### COMMUNITY LIAISONS

Community Liaisons were hired for their experience in dealing with local environmentally impacted communities, communities of color, and/or low-income communities. The Community Liaisons provided logistics for each of the regional meetings.

Deming Meeting: Allyson Siwik, Gila Resource Information Project  
Las Vegas: Janice Varela

Acoma: Laurie Weahkee, SAGE Council, and Carletta Garcia, Laguna Acoma Coalition for a Safe Environment

Albuquerque: Bianca Encinas, Southwest Network for Economic and Environmental Justice

### LISTENING SESSION CONSULTANTS

NMED consultants provided coordination, documentation, and reporting facilitation.

Alliance for Transportation Research Institute / University of New Mexico

Judith M. Espinosa, Director

Staff: LaVerne H. Garnenez, Geri Knoebel, Nancy Bennett, Eric Holm, Mary White, Paul Perea, and Jeanette Albany

Eileen Gauna, Professor, Southwestern University School of Law

Southwest Research and Information Center

Paul Robinson, Research Director

Staff: Frances Ortega

### NMED ENVIRONMENTAL JUSTICE COORDINATION STAFF

Ron Curry, Secretary

Derrith Watchman Moore, Deputy Secretary

Staff: Darla Aiken, Leslie Barnhart, Jon Goldstein, Charles Lundstrom, Rick Martinez, Brent Moore, and Cindy Padilla

### SPONSOR

Environmental Protection Agency, Region 6

The Albuquerque Environmental Justice Listening Session was possible through a grant provided by the U. S. Environmental Protection Agency, Region 6. Participation, planning and advise were provided by:

Olivia Balandran Rodriguez, Region 6  
Danny Gogal, Headquarters  
Charles Lee, Headquarters

Jonathan Hook, Region 6  
Larry Starfield, Deputy Regional Administrator

September 16-17, 2004

Page 3

The New Mexico Environment Department (NMED) is seeking public input and comment on environmental justice in your communities. The recommendations will be used to formulate community-based policies and planning initiatives.

### WHAT IS ENVIRONMENTAL JUSTICE?

The fair treatment and meaningful involvement of all people, regardless of race, ethnicity, culture, income, or education level with respect to the development, implementation, and enforcement of environmental laws, regulations, and policies. Environmental justice seeks to ensure that no population is forced to shoulder a disproportionate burden of the negative human health and environmental impacts of pollution or other environmental hazards. *(Definition provided by www.naccho.org)*



For our purpose, we are interested in hearing your environmental justice concerns, if you feel that your community has been forced to shoulder a disproportionate burden of the negative human health and environmental impacts of pollution or other environmental hazards.

### WHY AN ENVIRONMENTAL JUSTICE LISTENING SESSION?

The NMED environmental justice listening sessions are receptive, solution-oriented meetings conducted with the community, and in partnership with federal, state, Tribal, and local government representatives. The purpose of these listening sessions is to hear from participants on topics ranging from general to specific areas of environmental interest/concern and to work effectively towards mutually beneficial solutions. Individuals and organizations will be given an opportunity to provide input as to their environmental justice concerns and to offer recommendations to the NMED.

### WHAT TOPICS WILL BE COVERED?

Topics may include: Permitting and Public Participation, Enforcement and Supplemental Environmental Projects, U.S.-Mexico Border Issues, Land Grants, Uranium Mining, Sacred and Religious Sites, Dairy Farms, or Water/Wastewater Treatment Infrastructure.

### HOW DO I PARTICIPATE?

Come at 9 am on September 16, 2004 and sign-up to be called upon. You will be given five minutes to speak. Written comment will also be accepted at that time, although not required.





## STATEWIDE ENVIRONMENTAL JUSTICE LISTENING SESSION

Sponsored by the  
**New Mexico Environment Department (NMED)**  
**U. S. Environmental Protection Agency (US EPA) Region 6**

**Hilton Hotel**  
**1901 University Boulevard NE**  
**Albuquerque, New Mexico**  
**September 16-17, 2004**

### AGENDA

#### Thursday, September 16, 2004

10:00-10:45 am Introduction/Welcome

Ron Curry, Secretary New Mexico Environment Department  
 Larry Starfield, Deputy Regional Administrator, EPA Region 6  
 Charles Lee, US EPA, Office of Environmental Justice

10:45 – 11:00 am

Overview of EJ Listening Sessions

Derrith Watchman Moore, Deputy Secretary, NMED  
 Cynthia Gomez, Co-Chair, Environmental Justice Planning Committee

11:00 –12:00 am Panel A: History of Environmental Justice

Bineshi Albert, SAGE Council  
 Richard Moore, Southwest Network for Environmental and Economic Justice (SNEEJ)  
 Eileen Gauna, Southwestern University School of Law

12:00 - 1:00 pm Panel B: Regional Issues Panel #1

Sandra Montes, Pajarito Mesa Community (Landfill Issues)  
 Julio Dominguez, SVPEJ-SV Resident (Superfund/Air Quality)  
 Victoria Rodriguez, Southwest Organizing Project (SWOP), Vegita, New Mexico Community  
 (Rural Water Quality)

1:00 – 2:00 pm Lunch (provided)

2:00 – 4:00 pm Open Public Comment Session #1 (Regional Issues)

4:00- 5:00pm

Panel C: Regional Issues Panel #2

Elaine Cimino, Los Alamos (LANL Waste Issues)  
 Joaquin Lujan, Polvadera Community (Dairies/Water Issues)  
 Rose Gardner, Eunice, NM (Uranium Enrichment Issues)  
 Sarah White, Diné Care

5:00 – 7:30 pm Open Public Comment Session #2 (Statewide Public Comment)

7:30 – 8:00 pm Wrap Up: Summary of Day One  
 Overview of Day Two



September 16-17, 2004

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### Friday, September 17, 2004

9:00 – 10:00 am Welcome/Introductions

Review of Day One and Overview of Day Two  
 Derrith Watchman Moore, Deputy Secretary, NMED  
 Cynthia Gomez, Co-Chair, Environmental Justice Planning Committee  
 Jonathan Hook, EJ Coordinator, US EPA, Region 6

10:00 – 11:15 am

Roundtable: Community Involvement for Environmental Justice  
 Panelists will discuss issues of public participation related to environmental justice communities, including environmental statutes and regulations which require public notice and De nova hearings.

Representative John A. Heaton, Carlsbad, New Mexico  
 JD Bullington, Executive Director, New Mexico Association of Commerce and Industry  
 Regina Romero, Intergovernmental Relations Director, New Mexico Municipal League  
 Doug Meiklejohn, New Mexico Environmental Law Center

11:15 – 12:30

Response Panel

Sofia Martinez, Concerned Citizens of Wagon Mound  
 David Benevidez, New Mexico Legal Aid Services  
 Michael Guerrero, Southwest Organizing Project (SWOP)  
 Diane Bustamante, Colonias Development Council

12:30 – 2:00 pm Lunch – Featured Speaker: Tom Goldtooth, Executive Director, Indigenous Environmental Network (IEN)

2:00 – 3:00 pm Public Feedback to Community Involvement for EJ in Morning Sessions

3:00 – 3:30 pm Closing Remarks and Next Steps

**Session Facilitator: Judith M. Espinosa, ATR Institute, University of New Mexico**

## NEW MEXICO ENVIRONMENT DEPARTMENT

## ENVIRONMENTAL JUSTICE PROJECT LISTENING SESSION

ALBUQUERQUE, NM – SEPTEMBER 16-17, 2004

## COMMENT FORM

Dear New Mexican:

The New Mexico Environment Department (NMED), on behalf of Governor Bill Richardson, seeks information on your perspectives, concerns, and recommendations regarding Environmental Justice in our state. The Department has scheduled listening sessions in four communities—Deming, Acoma, Las Vegas, and Albuquerque—to hear from community representatives on this important subject. NMED would appreciate a written summary of your comments regarding Environmental Justice in New Mexico to insure that your statements are accurately reflected in its summary of the meeting.

Please use additional sheets if this space is not sufficient to identify your concerns and recommendations.

Thank you for your interest.

The information below will be used to help maintain a record of comments and concerns from the Listening Sessions for use in a Final Report. We will send you a Final Report. However, you can provide comment without giving us your name or other identification.

Name: \_\_\_\_\_

Organization, if any: \_\_\_\_\_

Mailing Address: \_\_\_\_\_  
\_\_\_\_\_

Telephone: \_\_\_\_\_

Email: \_\_\_\_\_

Please provide information about the community you are representing and your involvement in that community:

What are the environmental concerns for you and your community?

Identify communities affected:

What policy, administrative or enforcement suggestions or actions would you recommend?

**RETURN FORMS TO:**

**Environmental Justice Listening Session Workgroup  
Suite, 302, 801 University Blvd. SE  
Albuquerque, NM 871106  
505 246-6418**

**COMMENT ID: \_\_\_\_\_/\_\_\_\_\_**

DEPARTAMENTO DEL AMBIENTE DE NUEVO MÉXICO  
PROYECTO DE JUSTICIA AMBIENTAL

BOSQUEJO  
POR  
PANELISTAS Y PARTICIPANTES PÚBLICOS  
EN  
LAS SESIONES DE ESCUCHAR DE JUSTICIA AMBIENTAL

- Por favor suministre información sobre la comunidad a la que usted está representando y su involucramiento en esa comunidad.
- ¿Cuáles son las preocupaciones ambientales para usted y su comunidad?
- Por favor identifique las comunidades afectadas por estas preocupaciones.
- ¿Qué sugerencias o acciones políticas, administrativas o de sanción recomendaría usted?

**DEPARTAMENTO DEL AMBIENTE DE NUEVO MÉXICO**  
**SESIÓN DE ESCUCHAR DEL PROYECTO DE JUSTICIA AMBIENTAL**  
**ALBUQUERQUE, NM – 16 DE SEPTIEMBRE, 2004**  
**FORMA PARA COMENTARIO**

Querido Nuevo Mexicano:

El Departamento del Ambiente de Nuevo México (NMED), de parte del Gobernador Bill Richardson, solicita información sobre sus perspectivas, preocupaciones y recomendaciones en cuanto a la Justicia Ambiental de nuestro estado. El Departamento ha programado sesiones de escuchar para cuatro comunidades - Deming, Acoma, Las Vegas y Albuquerque - para escuchar de la representación comunitaria sobre este importante tema. NMED apreciaría un resumen en escrito de sus comentarios en cuanto a la Justicia Ambiental en Nuevo México para asegurar que sus declaraciones se reflejen correctamente en su resumen de la reunión.

Por favor use hojas adicionales si este espacio no es suficiente para identificar sus preocupaciones y recomendaciones.

Gracias por su interés.

La información abajo se usará para ayudar a mantener un registro de los comentarios y preocupaciones de las Sesiones de Escuchar para el uso de un Informe Final. Sin embargo, usted puede suministrar comentario sin darnos su nombre u otra identificación.

Nombre: \_\_\_\_\_

Organización, Si La Hay: \_\_\_\_\_

Domicilio De Envío: \_\_\_\_\_

\_\_\_\_\_

Teléfono: \_\_\_\_\_

Correo Electrónico: \_\_\_\_\_

Por favor suministre información sobre la comunidad que usted está representando y su involucramiento en esa comunidad:

¿Cuáles son las preocupaciones ambientales para usted y su comunidad?

Identifique las comunidades afectadas:

¿Qué sugerencias o acciones políticas, administrativas o de sanción recomendaría usted?

**DEVUELVA FORMA A:**

**Gnupo de Trabajo de la Sesión de Escuchar de Justicia Medioambiental  
Suite, 302, 801 University SE  
Albuquerque, NM 87106  
505 246-6418**

**ID DL COMENTARIO: \_\_\_\_\_ / \_\_\_\_\_**

## New Mexico Environment Department Environmental Justice Listening Sessions

Albuquerque, New Mexico  
September 16-17, 2004

### Round Table: Community Involvement for Environmental Justice

*Panelists will discuss issues of public participation related to environmental justice communities, including environmental statutes and regulations which require public notice and De novo hearings.*

The issue of public participation in governmental actions is a long cherished democratic principle. It has manifested itself in various ways over the years, but the general notion that the people should have the right to petition their government, and should have a voice in the actions their government takes is founded in the constitution and legislation. These principles have been institutionalized throughout the years in all sectors of government both federally and within state government processes.

New Mexico stands among the states that have also held to strong principles of open government, presentation of testimony and evidence, and public participation; and those have been reflected in its environmental statutes from the outset of their adoption.

Within the broad realm of public participation is the notion of *De novo* hearings or simply the right to have a new hearing presenting evidence and information in appeals of their case to a judge, a hearing officer, or an administrative representative.

For several years, a working group composed of state agencies, industry groups, and community organizations has discussed the need for *De novo* hearings in the enforcement of the New Mexico Air Quality Act and the New Mexico Water Quality Act.

The New Mexico Air Quality Act provides that people and companies wishing to conduct an activity that may impact air quality (such as a power plant) must obtain a permit from the New Mexico Environment Department. A permit from that Department is also required by the New Mexico Water Quality Act for a person or company undertaking an activity that may affect ground water quality.

Both the Air Quality Act and the Water Quality Act provide that a person who is dissatisfied with a decision about a permit made by the Environment Department may file an appeal. In the case of the Air Act, the appeal is to the Environmental Improvement Board; with respect to the Water Act the appeal is to the Water Quality Control Commission. Unlike most laws providing for appeals, these two Acts provide that a new hearing (or a hearing *De novo*) is conducted by the Board or the Commission. In other words, the Board/Commission does not only review the evidence presented in the hearing before the Environment Department, the Board/Commission

rehears the whole case and allows new evidence, and makes a decision based upon that new record.

For several years, the Environment Department and various industries have tried to change the Air and Water Acts to eliminate the *De novo* hearing provisions so that the Board/Commission would only review the evidence presented in the Environment Department hearing. The Department and industry have argued that conducting two complete hearings is too time consuming and expensive.

Environmental groups have resisted elimination of the *De novo* hearing. Those groups have argued that there is not adequate public notice before the Environment Department hearing to insure that citizen groups will be able to prepare for and participate effectively in the Department hearing, and therefore that citizen groups need the *De novo* hearing to present their arguments and opinions. Those environmental and community groups also have argued that the *De novo* hearing should be eliminated only if the Air and Water Acts are amended to provide for adequate public notice before the hearing conducted by the Environment Department.

According to information received from NMED staff, the *De novo* provisions have been used twice under the Air Quality Act (both by environmental advocacy groups) and four times under the Water Quality Act (twice by industry and twice by environmental advocacy groups).



## **APPENDIX F**

### **Evaluation Forms**

◆◆◆ NMED Environmental Justice Listening Sessions ◆◆◆

◆ Overall Evaluation of the EJ Listening Sessions Planning Process ◆

PLEASE RETURN TO:  
ATRI/UNM  
801 UNIVERSITY BLVD. SE, SUITE 302  
ALBUQUERQUE, NM 87106

1. Rate the overall EXPECTATIONS you had about participating on the Committee prior to your participating on the EJ Planning Committee:

- Extremely Low      Low      Mid-Range      High      Extremely High

2. Rate the size of the 13-Member EJ Planning Committee:

- Too Small      About Right      Too Big

3. Rate the overall effectiveness of the EJ Planning Committee:

- 1=Least Effective      2      3      4      5=Most Effective

4. Rate the overall efficiency of the EJ Planning Committee:

- 1=Least Efficient      2      3      4      5=Most Efficient

5. Rate the level of cooperation achieved between the members of the EJ Planning Committee:

- 1=Least Cooperation      2      3      4      5=Most Cooperation

6. Although the composition of the EJ Planning Committee was diverse, was there an entity or type of group missing from the table that should have been represented there, or was underrepresented there? Yes No

\*\*If Yes, who or what kind of group should have been there and why?

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7. Did differing communication styles or use of language by the members have an effect on the dynamics of the EJ Planning Committee? Yes No

\*\*If Yes, please say what kind of the effect and whether it was positive or negative?

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8. The individual Planning Meetings were:

- Too Short      About Right      Too Long

9. The Planning Meetings were spaced:

- Too Infrequently      About Right      Too Frequently

10. Overall, the total amount of time devoted to the EJ Planning Meetings was:

- Too short
- Short
- About right
- Long
- Too long

11. Did the EJ Planning Committee achieve their stated goals?

- 1=Not at All
- 2
- 3
- 4
- 5=Completely [See Q. 12 to comment.]

12. Briefly say why you feel that way \_\_\_\_\_  
\_\_\_\_\_

13. Please rate the effectiveness of the Work Groups and Community Liaisons in accomplishing their stated goals:

- Deming Work Group \_\_\_\_\_  1=Not at All  2  3  4  5=Completely
- Deming Community Liaison \_\_\_\_\_  1=Not at All  2  3  4  5=Completely
- Las Vegas Work Group \_\_\_\_\_  1=Not at All  2  3  4  5=Completely
- Las Vegas Community Liaison \_\_\_\_\_  1=Not at All  2  3  4  5=Completely
- Acoma Work Group \_\_\_\_\_  1=Not at All  2  3  4  5=Completely
- Acoma Community Liaison \_\_\_\_\_  1=Not at All  2  3  4  5=Completely
- ABQ Work Group \_\_\_\_\_  1=Not at All  2  3  4  5=Completely
- ABQ Community Liaison \_\_\_\_\_  1=Not at All  2  3  4  5=Completely

14. What, if anything, could have been done differently to improve the effectiveness or efficiency of the Work Groups or the Community Liaisons?

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

15. Would you continue to use Community Liaisons to prepare for EJ Listening Sessions?

- Yes
- No
- \*\*Provide feedback regarding your Yes or No answer:

\_\_\_\_\_  
\_\_\_\_\_

16. How helpful to the planning process was it to have an EJ Planning Committee Website?

- 1=Not at All Helpful
- 2
- 3
- 4
- 5=Completely Helpful

17. Rate the quality of the NM Planning Committee Website:

- Extremely Low
- Low
- Mid-Range
- High
- Extremely High

18. How helpful was it to have independent consultants to act as a honest brokers for the planning, facilitation, and reporting of the EJ Listening Sessions?

- 1=Not at All Helpful
- 2
- 3
- 4
- 5=Completely Helpful

19. Identify the TOP Three Barriers [if any] that impeded the progress of the EJ Planning Committee: [Order so that ONE is the most important or highest priority barrier]

19-1. \_\_\_\_\_

19-2. \_\_\_\_\_

19-3. \_\_\_\_\_

20. Please indicate your top FIVE lessons learned about the EJ Listening Session Planning Process: [Order so that ONE is the most important or highest priority lesson learned]

20-1. \_\_\_\_\_

\_\_\_\_\_

20-2. \_\_\_\_\_

\_\_\_\_\_

20-3. \_\_\_\_\_

\_\_\_\_\_

20-4. \_\_\_\_\_

\_\_\_\_\_

20-5. \_\_\_\_\_

\_\_\_\_\_

21. The aspect of the EJ Planning Process that I liked the most was: \_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

22. The aspect of the EJ Planning Process that I liked the least was: \_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

23. Any Other Comments or Suggestions on the EJ Listening Planning Meetings?

\_\_\_\_\_

\_\_\_\_\_

◆ ◆ ◆ ◆ ◆ Thank you for sharing your thoughts. ◆ ◆ ◆ ◆ ◆

◆◆◆ NMED Environmental Justice Listening Sessions ◆◆◆

◆ Overall Evaluation of the Listening Sessions Meetings ◆

PLEASE RETURN TO:

ATRI/UNM

801 UNIVERSITY BLVD. SI, SUITE 302  
ALBUQUERQUE, NM 87106

1. Prior to my attendance, my expectations about the Environmental Justice Listening Sessions were:  
1=Extremely Low    2    3    4    5=Extremely High
2. Generally, do you think having panel discussions on identified topics was helpful to the EJ Sessions?  
1=Not at All Helpful    2    3    4    5=Extremely Helpful
3. Generally, the block of time devoted to a panel discussion on a given topic was:  
Too short    Short    About right    Long    Too long
4. Were individual speakers from the panels given adequate time to present their point of view?  
1=Not at All    2 Slightly    3 Somewhat    4 Almost     Completely
5. Overall, the amount of time devoted to the panel discussions was:  
Too short    Short    About right    Long    Too long
6. Do you think it was helpful to begin the EJ Listening Session with a panel on the History of EJ?  
1=Not at All    2 Slightly    3 Somewhat    4 Almost     Completely
7. Feedback about the panel discussions  


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8. Do you think having a roundtable discussion and response panel were helpful to the EJ Sessions?  
1=Not at all helpful    2    3    4     Extremely helpful
9. The block of time devoted to the roundtable discussion and response panel was:  
Too short    Short    About right    Long    Too long
10. Were individual speakers in the roundtable discussion or response panel given adequate time to present their point of view?  
1=Not at All    2    3    4    Completely

11. Overall, the amount of time devoted to the roundtable discussion and response was:

- Too short       Short       About right       Long       Too long

12. Feedback about the roundtable discussion and response panel

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13. Do you think having open comment sessions for the public to share their experiences was helpful to the EJ Sessions?

- 1=Not at all helpful     2       3       4       Extremely Helpful

14. The block of time devoted to an open comment session was:

- Too short       Short       About right       Long       Too long

15. Were individual speakers given adequate time to present their point of view?

- 1=Not at All       2       3       4       Completely

16. Overall, the amount of time devoted to the open comment sessions was:

- Too short       Short       About right       Long       Too long

17. Feedback about the open comment sessions \_\_\_\_\_

---

18. Were any major EJ topics in New Mexico left out of the discussion during the 4 EJ Sessions?

- Yes     No    If yes, what? \_\_\_\_\_

19. Do you think having a separate Tribal meeting was helpful (rather than embedding it into all meetings)?

- 1=Not at all helpful     2       3       4       Extremely Helpful

20. Do you think having a luncheon speaker was helpful to the Statewide EJ Listening Session?

- 1=Not at All Helpful     2       3       4       Extremely Helpful

21. How interesting was the luncheon speaker?

- 1=Not at All Interesting       2       3       4       Completely

22. Do you think it was helpful for the public to have informal opportunities to meet and speak with NMED staffers during the Listening Sessions?

- 1=Not at All Helpful     2       3       4       5=Extremely Helpful

23. Did the NMED staff adequately use the Listening Sessions to initiate one-on-one interactions with the public?

- 1=Not at All
- Slightly
- Somewhat
- Very Much
- 5=Completely

24. The number of scheduled breaks within the EJ Sessions were:

- Too Few
- About Right
- Too Many

25. Overall, the length of each EJ session was:

- Too short
- Short
- About right
- Long
- Too long

26. Overall, the helpfulness of the EJ sessions was:

- 1=Not at all helpful
- 2
- 3
- 4
- Extremely Helpful

27. Rate the quantity of the food and beverage at each meeting:

- |                  |                                     |                                      |                                   |
|------------------|-------------------------------------|--------------------------------------|-----------------------------------|
| <u>Deming</u>    | <input type="checkbox"/> Too Little | <input type="checkbox"/> About Right | <input type="checkbox"/> Too Much |
| <u>Las Vegas</u> | <input type="checkbox"/> Too Little | <input type="checkbox"/> About Right | <input type="checkbox"/> Too Much |
| <u>Acoma</u>     | <input type="checkbox"/> Too Little | <input type="checkbox"/> About Right | <input type="checkbox"/> Too Much |
| <u>ABQ</u>       | <input type="checkbox"/> Too Little | <input type="checkbox"/> About Right | <input type="checkbox"/> Too Much |

28. What [if anything] could have been done to have better anticipated the amount of food needed?

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29. Any comments about the quality or type of the food and beverage served at each meeting?

Deming \_\_\_\_\_

Las Vegas \_\_\_\_\_

Acoma \_\_\_\_\_

ABQ \_\_\_\_\_

30. Please rate the number of breaks in the meetings:

- Too Few
- About Right
- Too Many

31. The pace of the EJ sessions was:

- Too slow
- Slow
- About right
- Fast
- Too Fast

32. The aspect of the EJ sessions that I liked the most was: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

33. The aspect of the EJ sessions that I liked the least was: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

34. I would rate the experience of the EJ facilitator(s) as: [CHECK one]  
1=Not at all Experienced      2      3      4      5=Very Experienced

35. I would rate the leadership style of the EJ facilitator(s) as: [CHECK as many, or few, as apply]  
Clear   Energetic   Fair   Gracious   Knowledgeable   Patient   Skillful

36. Based on my experiences at the EJ sessions, my expectations for the future of working relations between with NMED and EJ groups is:  
1=Extremely Low      2      3      4      5=Extremely High

37. In the future, how frequently do you think it would be to hold an Environmental Justice Listening Sessions:  
Never      Twice Yearly      Once a Year      Every 2 Years      Every 3 Years

38. Any Other Comments or Suggestions on the EJ Listening Sessions? \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

◆◆◆◆◆ Thank you for sharing your thoughts. ◆◆◆◆◆



## **APPENDIX G**

### **Listening Sessions Photos**

# Deming June 30, 2004



Diane Bustamante, Colonias Development Council



Mining, Hazardous and Solid Waste Panel

L-R, Art Martinez, Silver City; Joanne Bales, North Lordsburg; Sister Chabela Galbi, Chaparral Community Health Council

## Deming



Agriculture and Land Use Panel

L to R, Ignacio Ibarra, Centro de Trabajadores Agricolas; Ruben Nuñez, Colonias Development Council; Dennis Chavez, Mimbres Valley Surface Water Users Association



## Las Vegas July 21, 2004



Mayor Henry Sanchez, Las Vegas



History of Economic Justice and Environmental Justice Movement in the U.S. and New Mexico  
L-R, Francisco Apodaca, Director New Mexico Conservation Voters Alliance; Linda Velarde, EJ  
Facilitator, Vallecitos Mountain Refuge; Richard Moore, SNEEJ

## Las Vegas



### Water Quality, Land Grant and Cultural Issues Panel

L to R, Paula Garcia, New Mexico Acequia Association; William Gonzales, San Augustine Land Grant and Community Acequia; Antonio Medina, Mora, President Asociacion de las Acequias del Valle de Mora; Patricio Garcia, Commissioner, Interstate Stream Commission



Las Vegas



Sofia Martinez, Concerned Citizens of  
New Mexico  
Wagon Mound



Manny Aragon, President,  
Highlands University



Janice Varela, Mining Coordinator, Amigos Bravos

## Acoma July 27, 2004



Governor Fred S. Vallo, Sr.,  
Pueblo of Acoma



Governor Roland E. Johnson,  
Pueblo of Laguna



Carletta Garcia, Laguna Acoma Coalition for a Safe Environment

**Acoma**



History of Environmental Justice in the U.S. and New Mexico Panel  
L-R, Danny Gogal, US EPA; Richard Moore, SNEEJ; Bineshi Albert, SAGE Council;  
Calvert L. Curley, Navajo Nation EPA



Laurie Weahkee, SAGE Council



**Acoma**



Derrith Watchman-Moore, Deputy Secretary, New Mexico Environment Department



Spencer Garcia



## Albuquerque September 16-17, 2004



Ron Curry, Secretary, New Mexico  
Environment Department



Charles Lee, US EPA, Office of  
Environmental Justice

## Albuquerque



Julio Dominguez, SVPEJ-SV Resident



Larry Starfield,  
Deputy Regional Administrator, US EPA Region 6

**Albuquerque**



Cynthia Gomez, Co-Chair Environmental Justice Planning Committee



Judith M. Espinosa, Director, ATR Institute, UNM



Bianca Encinias, SNEEJ



Regina Romero, New Mexico Municipal League

## Environmental Justice Planning Committee



**Environmental Justice Planning Committee**



## **APPENDIX H**

### **Environmental Justice Planning Committee Website**

## EJ Planning Committee

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Welcome to the Environmental Justice Planning Committee Web site. Take a look at [What's New](#).

**Purpose of the Environmental Justice Planning Committee**

The New Mexico Environment Department (NMED) embarked on an Environmental Justice project to conduct "Listening Sessions" in various areas in New Mexico in order to obtain input from its constituents on this timely issue.

To do this the Secretary and Deputy Secretary of the NMED appointed an Environmental Justice Planning Committee (EJPC) that was responsible for the design of public listening sessions, discussed important process issues, and also set the protocol for promoting an authentic participatory process. The planning phase of the process involved the identification and outreach to key constituents.

The ATR Institute at the University of New Mexico provided technical and staff assistance to the NMED and the EJPC.

**The "Public Listening Sessions"**

The EJ Planning Committee designed a plan and format for the public hearings. There was four public listening sessions:

- Northern New Mexico
- Southern New Mexico encompassing US/Mexico Border areas
- Northwest New Mexico for Indian Country
- Southeastern New Mexico

The EJPC also worked in collaboration with the US Environmental Protection Agency and the NMED to plan a statewide public listening session in Albuquerque, NM.

With direction and assistance from the EJ Planning Committee and the NMED, the ATR Institute developed a planned written communication strategy for persons or groups who have participated in order to provide feedback from the public listening sessions.

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## EJPC Members

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**Environmental Justice Planning Committee Members**

- [Chavez, Dennis](#)
- [Chavez, Margaret](#)
- [Curley, Calvert](#)
- [Gomez, Cynthia](#)
- [Gonzalez, Tomasita](#)
- [Hocker, Bill](#)
- [Martinez, Sofia](#)
- [Moore, Richard](#)
- [Romero, Regina](#)
- [Shoats, Marla](#)
- [Turnbough, Mark](#)

**Environmental Justice Staff**

- [Aiken, Darla](#)
- [Goldstein, Jon](#)
- [Lundstrom, Charles](#)
- [Martinez, Rick](#)
- [Moore, Brent](#)
- [Padilla, Cindy](#)
- [Shearer, Joyce](#)

**EPA Staff**

- [Olivia R. Balandran](#)
- [Jonathan Hook](#)

**ATRI Staff**

- [Espinosa, Judith](#)
- [Gauna, Eileen](#)
- [Ortega, Frances](#)
- [Robinson, Paul](#)



Calendar

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<a href="#">Home</a>	November 2004
<a href="#">EJPC Members</a>	Public Listening Sessions on Environmental Justice
<a href="#">Calendar</a>	Past Sessions: ■ <b>Albuquerque</b> September 16-17, 2004 Albuquerque Hilton Hotel 1901 University Boulevard NE Albuquerque, New Mexico  <a href="#">Program and Agenda</a> <a href="#">Scholarship Information</a> <a href="#">Comment Form (English)</a> <a href="#">Comment Form (Spanish)</a> <a href="#">Information Notice</a> <a href="#">Information Flyer</a> <a href="#">Conference Brochure</a>
<a href="#">Minutes</a>	Role of Listeners <a href="#">Suggestions for Effective Comments</a>
<a href="#">EJPC Databases</a>	■ <b>Acoma</b> July 27, 2004 Sky City Hotel Interstate 40, Exit 102 Acoma, New Mexico 1:00 p.m. - 8:00 p.m.  <a href="#">Preliminary Agenda</a> <a href="#">Information Notice</a> <a href="#">Information Flyer</a>
<a href="#">EJPC-L Listserv</a>	Role of Listeners <a href="#">Suggestions for Effective Comments</a> Comment Form: <a href="#">English</a> <a href="#">Spanish</a>
<a href="#">Reports/Documents</a>	
<a href="#">Search</a>	
<a href="#">Contact Information</a>	

EJPC-L Listserv

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<a href="#">Home</a>	EJPC-L is a free, informational listserv® service for the private use of the Environmental Justice Planning Committee. The EJPC-L provides the following resources for Committee members:
<a href="#">EJPC Members</a>	News stories Significant new documents New Web sites EJPC Web page updates
<a href="#">Calendar</a>	This listserv® is an informational list that allows postings from Committee members. Archived postings (saved on a monthly basis) will be retained for six months.
<a href="#">Minutes</a>	<b>How To Subscribe to EJPC-L</b>
<a href="#">EJPC Databases</a>	Leaving the subject line blank, send an email to: <a href="mailto:listserv@list.unm.edu">listserv@list.unm.edu</a>
<a href="#">EJPC-L Listserv</a>	In the body of the message type (with no other text): subscribe EJPC-L Firstname Lastname.  For example, Alexander Roussel would enter the following message text: subscribe EJPC-L Alexander Roussel
<a href="#">Reports/Documents</a>	<b>How to Unsubscribe to EJPC-L</b>
<a href="#">Search</a>	Send an email to: <a href="mailto:listserv@list.unm.edu">listserv@list.unm.edu</a> Leave the Subject field blank.
<a href="#">Contact Information</a>	In the body of message type (with no other text): unsubscribe

The screenshot shows a website page with a light green background and a purple border. At the top, there is a header box with a yellow and orange gradient containing the text "Reports/Documents". Below the header, a navigation menu on the left side lists several categories: Home, EJPC Members, Calendar, Minutes, EJPC Databases, EJPC-L Listserv, Reports/Documents (highlighted with a red border), Search, and Contact Information. The main content area on the right is titled "Environmental Justice Listening Session Summary Reports" and lists three reports: "Albuquerque Listening Session Final Summary Report (pdf) held on September 16-17, 2004", "Deming Listening Session Final Summary Report (pdf) held on June 30, 2004", and "Acoma Listening Session Final Summary Report (pdf) held on July 21, 2004". Below these reports is a "Back to Top" link. A decorative wavy line separates this section from the next, titled "Environmental Justice Planning Committee Documents". This section lists several documents: "Environmental Justice Project Milestones - 2004 (pdf)", "Environmental Justice Listening Sessions - Scope of Work (pdf)", "Environmental Justice Listening Sessions - Brochure (pdf)", "Environmental Justice Planning Committee - 2004 Summary Work Plan (pdf)", "Consensus Defined Handout (pdf)", "Travel Reimbursement and Instructions for UNM Travel Voucher (pdf)", and "Environmental Justice Travel Voucher (pdf)".