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Symposium on Environmental Justice

Presented by the Public Interest Law Center of Philadelphia
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Overstudied and Underserved: Uses of the Law to Promote Healthy, Sustainable Urban Communities

A SYMPOSIUM PRESENTED BY THE PUBLIC INTEREST LAW CENTER OF PHILADELPHIA

Thursday, October 6, 2011

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WELCOME AND INTRODUCTIONS

DONALD K. JOSEPH: It's time to start. Welcome. Welcome. Welcome. Already, I know this is going to be a great conference because at nine o'clock, ninety percent of the people in this room were seated and ready to go. So it would be a mistake to ignore the outside world and not note the passing of Steve Jobs. He had a view that one should live every day as if one were facing death and to follow one's dreams.

PILCOP, I suggest to you, since 1968, as the Committee For Civil Rights under Law, has done exactly that. It is a wonderful opportunity that I have to welcome you to this Conference on Environmental Injustice. And before I do a shout-out to our sponsors, all of whom are listed over there (indicating), I must say that seeing some of the elders of PILCOP in this room, Dave Rich, Andre Dennis, Jeff Golan, it is wonderful to have you here.
And now to Marc Topaz and his law firm, who are our single largest sponsors this year, we say thank you. And we say the same to Drinker, to Pepper, to Cozen, and to Berger Montague, who are our second level. You should understand that these contributions are made as part of a yearly donation to keep PILCOP going. And all of these firms have supported us over many years. And we are deeply appreciative to them and all the rest, who I don’t have time to name now.

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

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

Over a series of weekly staff meetings, we create topics and then go over who would be the best speakers suited for them, and then we go get them. Geography is irrelevant. Thus, you will see speakers from California, New
Mexico and St. Louis, as well as our East Coast travelers.

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

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

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

There's a reason for that, however.

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

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

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

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

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

And if we would turn on the video.

- - -

(Whereupon, a short video on environmental justice in Chester, PA is shown to
the audience.)

(Applause)
ALEX C. GEISINGER: And on that note . . .

ALEX C. GEISINGER: Good morning.

AUDIENCE: Good morning.

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

For those of you who have done this and lived your lives in it for a long time, we ask for your indulgence. There's food, right. And you can run out and catch up with each other, if you haven't seen each other for a while. But there are people here for whom this is a relatively new concept. So we figured we'd take about ten minutes just to give them an overview before moving on to the rest of the program. So, please, you know, I won't be insulted at all, go grab some food, do what you need.
So as an overview of environmental justice, we'll start just by defining it. This is one of many definitions of environmental justice. So one definition states, environmental justice is the fair -- it's defined as the fair treatment and meaningful involvement of all people, regardless of race, color, national origin or income, with respect to development, implementation and enforcement of environmental law.

So I'm a professor, and I read you that definition. And I understand that that probably doesn't mean a lot to the people who haven't been doing this. So I figure it's probably worthwhile to ground you a little bit in a factual understanding of environmental injustice. Probably the pragmatic one is the siting of locally unwanted land, which is what we call LULUs, right, in low-income and minority communities. The film, of course, has already demonstrated this to you. You can see Chester and what's going on there. And it's a good way to think about generally the notion that a disproportionate amount of the environmental risks
in society are borne by low-income and minority individuals.

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

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

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

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

And if you think about it, if you're a developer, a rational developer, you're
going to try and put your development, your LULU, in a place where it's going to be most easily accepted. Right? Where there's not going to be a lot of community engagement against its development.

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

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

And the vision of the market theory goes something like this: Right. So instead of it being the siting of a LULU in a community that's already low-income or minority, the LULU gets sited first, sort of a coming to the nuisance idea. And then what happens is, property
values go down around the LULU. The people who
can afford to move out, move out. The people who
can't afford other than the low-income -- the
low-valued properties move in. And what you get
is a market phenomenon where the community builds
around the LULU instead of the LULU being put in
the community.

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

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

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

And we have a little bit of an
understanding about why that may be the case.

Communities don't have the power. There is implicit or intentional discrimination out there. And perhaps the market plays a little bit of a role in this as well. All right?

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

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

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

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

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

And so within the context of designing regimes to respond to global warming, we have to be mindful of exacerbating these distributional, right, differences among the
communities.

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

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

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

So I've done some research lately.

You know, if you think about it, you've heard all of these stories. This summer, the big story -- at least I live on the other side
of the river in New Jersey -- was Secaucus, New
Jersey paid $12 million to keep Panasonic in
Secaucus.

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

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

And then there's a bunch of stuff
out there that suggests that the taxes created, as
well as the economic benefits, actually accrue
only to the political and economic elite. So if
you own a business in town, you might actually be
benefited by the development of a LULU. If you
have the ear of the politician, you might also be
benefited by the development of the LULU. But
it's the people who bear the risk who are going to
be the least benefited again. Okay?
So I've done my job here. I was
going to talk a little bit more about broadening
the vision, but I want to keep us on track. So
that's my primer, my overview of environmental
injustice.
We're going to turn it over now to
Adam Cutler. Adam is going to tell you a little
bit about the work he's been doing and to give a
little bit more of the sense of the shape of the
conference.
Welcome. Thank you. Have a good
day.

ADAM H. CUTLER: Thank you, Alex.
And, again, thank all of you for coming today and
to thank everyone -- including our sponsors --
everyone who has helped plan and prepare for
today's event.
I wanted to talk also about some
of our broader themes and give you a little piece
of the legal framework surrounding environmental
justice and where things stand today in terms of
the movement for EJ and healthy, sustainable
communities.

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

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

In the Southeast Pennsylvania
region as a whole -- so Philadelphia and its
surrounding Pennsylvania counties -- the asthma
rate for adults was 15 percent. For children, it
was 18 percent. So that includes Philadelphia, which is a highly polluted area. It includes some other environmental injustice communities that I'll get to right now.

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

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

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

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

In Chester, children were three times more likely to be reported in poor overall health than in the region as a whole. In these same communities -- and Alex alluded to this in his comments -- 38 percent were reporting that the
quality of their grocery store options was only fair or poor.

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

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

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

In 1982, a North Carolina community, Warren County, organized to protest the siting of a PCB landfill that was proposed for their neighborhood. For six weeks of protests and
civil disobedience, they played a significant role in launching the EJ movement.

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

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

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

The common theme is, communities
of color, communities of poverty standing up and saying that we’ve had enough of the clustering of polluting facilities in our neighborhoods. We’ve had enough of bearing the burdens of polluting activities without receiving any meaningful economic benefits from them. We’ve had enough of not getting the same amenities and services that the affluent white communities get. And we’ve had enough of suffering adverse health effects at two and three times the rate of the rest of the folks in the country.

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

Others came through advocacy work resulting in legislation and other policy changes. Again, several of the people in this room today played a part in those successes. At the federal level, intense grassroots lobbying over many years led President
Clinton, in 1994, to sign Executive Order 12898, directing executive agencies to develop environmental justice strategies to address disproportionate adverse human health or environmental effects of their programs on minority and low-income populations, and to prevent discrimination in federal programs that affect human health and the environment. Nearly 20 years later, we're finally seeing some tangible results of that executive order. We have a revitalized Inter-Agency Working Group at the federal level among many federal agencies. And in recent weeks, we've begun to see the release of EJ strategies agency by agency. It's been a long time coming. So there is recognition of EJ at the federal level, and in most cases, at the state level, too. In Pennsylvania, for example, we have the state's Environmental Justice Advisory Board, which consults with Pennsylvania’s Department of Environmental Protection on EJ issues. We also -- the department also has an enhanced Public Participation Policy, which applies to certain trigger permits for activities that are located within half a mile of any census tract that
1 qualifies under Pennsylvania's definition as an
2 environmental justice area. That gives residents
3 of those areas additional opportunities for public
4 participation.
5 Other states have programs similar
6 to Pennsylvania’s. Some even go a bit further,
7 although not much.
8 But as a matter of law, while
9 these policies offer more opportunities for public
10 participation and engagement, there's currently no
11 enforceable legal right under federal or state
12 statutes to something called environmental
13 justice.
14 Executive order 12898, for
15 example, by its very terms, is unenforceable by
16 private citizens. There's no legal framework in
17 place, federal, state or local levels, that
18 reliably ensure that poor communities and
19 communities of color are able to redress
20 environmental injustice or even to have a real
21 influence on public decisions concerning city
22 planning and community development in a way that
23 takes EJ and community needs into account.
24 In large part, that’s because in
25 2001, in a case called Alexander v. Sandoval, the
U.S. Supreme Court, in an opinion that was authored by Justice Scalia, ruled that private citizens had no right of action to enforce regulations promulgated under Title VI to address the disparate impacts upon protected classes from facially neutral governmental activities.

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

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

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

The Sandoval decision, which came subsequent to those cases, took this Title VI
disparate impact strategy away from private citizens.

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

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

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

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

EPA's existing administrative complaint process under Title VI, which could address disparate impact claims, has unfortunately been broken from the start. Complaints take too long to resolve, if they're resolved at all, and
the standards are convoluted and ultimately hollow.

The federal National Environmental Policy Act, NEPA, can in some instances mandate an environmental impact statement that takes EJ into account. But NEPA only applies to federally funded projects and it's largely a procedural hurdle rather than a source of substantive rights. So it may offer overburdened communities an opportunity to delay a project while an environmental assessment is conducted, but it does not ensure that EJ concerns will be taken into account.

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

So indeed in Pennsylvania, although our state constitution guarantees everyone the right to clean air and clean water, the DEP is bound by their existing regulations, by state supreme court precedent, not to require a
full harms-benefit analysis to be performed for most categories of permits. At the local level, planning and zoning processes historically have not addressed EJ considerations. They’re far more likely to take neighborhood concerns into account when those neighborhoods are politically powerful. Poor and minority communities are too often left out of the process or they’re only invited in once the appeal decision-making is done, a land use development deal has already been struck, and at that point the community has very little leverage. So we have no magic legal wands that we can wave to address community substantive concerns before a project is built or expanded or before a permit is granted or renewed. There's nothing to ensure that the project and the various permitting and oversight authorities have conformed to principles that will benefit, rather than wholly burden, EJ communities. And only after the project is up and running can these communities seek redress through environmental laws or through other civil
rights laws. That is only after the overburdened community is actually exposed to more environmental health burdens.

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

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

It's the obstacle that we have to overcome when a community in the small borough of Eddystone, with a population of 2,400, is told
that their borough will be getting new riverfront parkland, but that the price is that their new neighborhood will be one of the largest metal shredders in the country, and they'll be receiving deliveries from 175 diesel trucks per day.

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

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

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

How can we join together in productive collaborations to transform
neighborhoods that are overburdened by years of environmental impacts and neglect, transform them into places where today's residents not only get to participate in the decision-making process, but also get to enjoy the benefits of that transformation?

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

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

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

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

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

So without further delay, Bob.
ROBERT KUEHN: Thank you so much for coming this morning. And I particularly want to thank the organizer of the conference for inviting me, and the terrific job that Adam has done in putting this together.

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

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

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

One of those is Dr. Robert
Bullard, who some people refer to as really the
godfather of the environmental justice movement,
who has done more to define the field and give it
a research basis than anyone I know.

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

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

So I'm honored to be here today.

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

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

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

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

And then I know that at least I personally, and I think all of us, thought about it a little more and said, you know, it's really not us who can tell communities how to engage. Really, we want to hear that from communities.
So really what we're positioned today to share is what we've done, how we've been asked to assist, how we think that we can perhaps be a part of communities and better assist in that effort.

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

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

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

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

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

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

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

She is the former director of Community Partnerships for Earth Force, where she's focused on communities in Pittsburgh and also worked here in the City of Tenure [sic] --

AYANNA KING: Chester.

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

During her tenure -- I saw that word on the next line here -- at the Pennsylvania Department of Environmental Protection, she organized Pennsylvania's first statewide environmental justice conference in 2009.
She’s the founder of the Pittsburgh Transportation Equity Project and the Youth Policy Institute. And she has done a lot of work, and I’m sure we’ll be learning a lot from her today.

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

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

She’s spearheading an effort here in Philadelphia called the Partnership for Pharmaceutical Pollution Prevention, which is a collaborative effort to develop better practices to deal with pharmaceutical waste management. And so she, too, will be talking today about some of her experiences and thoughts on working in communities dealing with environmental justice.
Finally, we're going to listen Dr. Horace Strand. I have to say, Dr. Strand, my father was a World War II Navy vet, so I can't give that marine shout-out to you that they did in every town and elsewhere.

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

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

And invariably, every few years, I'll have a student from Philadelphia who will talk to me about it afterwards. And just this past spring, I had a student who said that, you
know, she grew up on the Main Line, and she knew about Chester, but she said she just never knew what was going on. It really is unfortunate. You know, I think this is a blind spot in many of our thinking, just to know what's up the street.

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

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

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

He's a very accomplished gentleman, obviously. And he's received a number of awards, including the NAACP George Raymond Freedom Award, the Environmental Community Service Award presented by Wawa, and the Pennsylvania Resources Council, Inc. Community Service Award.
He currently serves as the chairman of the Chester Environmental Partnership. So we'd like to begin this morning with Ayanna King.

(Applause)

AYANNA KING: Good morning.

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

And I'm so glad and thankful that Adam and Alex went before me, so they set up all the legalese and all the different pieces for me. And I also want to thank Bob for my introduction.

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

I wanted to start out because one
of the things that I always look at when I wake up each morning is, I like to exercise. And I have to get my day going. And I started thinking about like, you know, everything about this presentation and what I was going to say.

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

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

So looking at that, I looked at three different angles that I can bring to this presentation. When I worked in grassroots, and I started the Pittsburgh Transportation Equity Project, one of the first things I did was go to the community, have a meeting, and ask them would they be interested in working on transportation equity. Is this an issue that they feel is
Because if I want engagement, I need to know are the people in that community interested in being a part of that process. I don't want to speak for them. I don't want to work on behalf. I want to work with. I want to build this from the ground up.

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

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

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

So with that, once people agree, we establish norms, how we were going to work
together. And we started doing the community assessment piece: Who's in that community who can help us? What skills do we have at the table? That is very critical, because you need to know where you need to fill in your gaps.

We started organizing. We started looking at universities. What resources were in the universities? How can students play a part in this? How can we work collectively together? And by doing that, we created very strong partnerships. And we started working with universities. They started commencing research. We worked together to develop white papers around the issues around transportation equity. We started looking at spatial mismatch, where the jobs are and where the people are, and how we can build and do, you know, continuity with those different angles and make sure that people understood it in a plain language way.

We want everyone to understand why we're coming together, why we're organizing. And in our design and strategy with that, what we did was organize at bus stops. We went right to the people. We used door knockers, because we knew some people would never open their doors.
So whenever we had a community meeting, we would go out and put door knockers on of that meeting. We would basically stay at the bus stops, talk to people, ask them about -- take surveys, ask about transportation issues. And we started connecting with other transit organizations who were doing things and partnering. And then we started looking at how do we engage young people. They ride the bus. They understand that, you know, this bus comes here. But they don't understand the background of it.

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

With that model, what happened -- and we were very smart about how we did things. We let the young people do the presentations to the region. We got all the different people from the work force who were making decisions, transportation who were making decisions, and they basically engaged the whole region around how it
was impacting you, what it was doing to their families in environmental justice communities, how it can build better relationships by working together and understanding what the issues are from the people who have to deal with it every day. Okay?

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

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

So what did I do? I took that information and I learned from it. I absorbed it. And I was like, okay, as I progressed and I became a second director for the Office of Environmental Advocate for the DEP, who's basically overseeing all of the environmental justice communities for the state, and for me it was like every time, I want to be in the community before a problem. Not after a problem. I don't want to walk in and sit
down and people are always -- they don't even know me, but now they have a problem with me. Okay?

That's what usually happens.

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

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

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

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

If you ask me to come to your community because there was something that you noticed, I came out to visit. I would ask my staff to do the same thing. We worked collectively together. We were a team. We did
not -- I did not just supervise. I was a part of them. I never asked them to do anything that I would not do. Okay? So we always worked from that angle.

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

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

By doing that, it was very feasible to know what was going on in the North Central area, what was going on in the Northeast part of Pennsylvania, and engage it with the people -- my board members who live there and come and visit and have listening sessions, talking to community members, meeting people in the
community, so they can understand that we exist.

When we held that 2009 statewide conference, we had about 200 attendees. And we gave out over 60 scholarships. We engaged the community full force and worked with them and listened to them. And they were part of the process. They sat on panels.

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

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

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

Then my job is always, how can I help? What can I do? Where can I get them to build capacity? How can I teach them about the
process? How can I educate them on the issue, if
that's needed? Whatever it is, I'm looking at
what's in the best interest for them.

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

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

And I took all of that
information. What I did was, you know, before I
went to government, I did consulting. And after
government, I did consulting. And I always
learned, one, to listen, assess and respect the
community's wishes. Okay?

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

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

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

Understand the skills of the
group. Like I said, just keep reinforcing that
and know what things you need, what people you
need, who you need at the table and how to build
those partnerships.

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

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

And always respect the different
cultural differences within communities.

I was laughing because Vernice had
seen me today and she said, this is the
professional Ayanna. Because one minute I have on
sweats and a ball cap, the next minute I have on a
suit in an African print.

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

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

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

And one of the things I always
explain and educate communities on is assess your
partnerships. Evaluate them. See if they’re
working for you. If they’re not, you need to find
different partners and figure out which direction
you need to go to get the things that you need.
And that's empowering yourself, because you are
deciding what's in the best interest for your
community.
Lastly, you know, I always like to
end with a quote, and I found a really great quote
from Margaret Mead, a Philadelphia-born American
cultural anthropologist who said, "Never doubt
that a small group of thoughtful, committed
citizens can change the world; indeed, it's the
only thing that ever has."
Thank you.
(Applause)
JULIE BECKER: Good morning.
AUDIENCE: Good morning.
JULIE BECKER: I want to thank
the Public Interest Law Project and my esteemed
panelists this morning.
And I am going to actually go
ahead and use slides. It's not because I find
that they're that interesting, but it helps me
with my timing just a little bit.
So next slide, please.
Okay. So first of all, for some of you -- one more, there we go -- and this is -- you'll click through it, okay?

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

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

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

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

So I'd like to talk a little bit
more -- that's a really wordy slide, but I want to focus on a couple of key components. One particular strategy that has been used successfully in public health for about almost 20 years now has been this idea of community-based participatory research, participatory action research, community participatory approach. It doesn't matter what you call it, it's all kind of the same. And the person who really kind of got us off the ball in public health was Dr. Kenneth Olden, who is the first African-American director of the National Institute for Environmental Health Sciences, which is part of the National Institute of Health. Whew, what a mouthful. So the key thing that I'd like you to get from this particular slide, this is the definition that was given by Dr. Olden. And what he really put forth and really kind of changed how we think about environmental justice within public health is that this is a collaborative effort, which is really huge, and that it involves an equitable approach. So instead of in the past, when we
thought about researchers going in or public health people going in, it was one of these things, public health and community.

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

Next slide, please.

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

And really and truly one of the things to do, it is to make change. When we talk about community-based participatory approaches, it is to make a change. It's not to evaluate a change. It's not to do sort of this observational approach. It is to make change, whether it is to community health, to systems, to create a specific program, or to change policy.
So, therefore, it requires a different set of skills than what you have in general.

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

Next slide, please.

So what are some of the pros?

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

It also increases a chance to sustain it, which is really important. Very often, when we start to do things, we go out and we want to do a program or we want to make changes within the community, but there is no forethought on what's going to happen after the funding leaves, after people leave. How is this going to be internalized within the community?
And what community-based participatory research does, from its inception, it says, how are we sustaining these efforts going forward, which is great.

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

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

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

And it includes a fair amount of social activists, which for a lot of researchers,
they feel grossly uncomfortable with that. So it
takes a special type of researcher and a special
type of person to be able to work in this kind of
setting. And it, therefore, requires different
skills.

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

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

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

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

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

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

Case in point: Recently, we have been working in West Philadelphia, in two specific communities, and we're working, actually, on some economic development and environmental justice
And so what there was, was a really big mismatch in what the community thought we were going to do and what we were actually going to do for the project. So what the community thought we were going to do is help them form non-profits and write grants for that. And we were not going to do that. Our goal was to help them develop skills and provide them with the resources and connect them to other agencies and connect them with a whole bunch of stuff. And so as a result, the community got a little annoyed. And I have to say that our community partner got annoyed because they knew we were working with a community group. They were very annoyed because they knew that that wasn't the goal of it. And the researchers were incredibly frustrated with it. So there was a gross mismatch of what the expectations were. So defining them from the get-go makes a huge difference. Accountability. Both -- everybody who is going to be sitting at that CBPR table has to be accountable. What are you going to do?
What are you going to give? And what do you expect in return? And that has to be measurable. Because the problem with, for example, in the one thing that I’m just suggesting right now, is that there was no accountability from the community’s perspective. So they felt that they were there just to learn and there was nothing that they had to go back and do, when, in reality, there were some specifics, but they were not communicated clearly. So, again, there was no measure of accountability. And it makes a big difference.

And this next one is enormous. So I have worked on -- since 1996, I’ve worked on about six different community-based participatory research projects, mostly in North and West Philadelphia. And the pay is huge. So here’s the thing: The academics get paid. Community groups themselves that are written into the grant, they get paid. Community members who are volunteering their time do not. This is inequitable. So, truthfully, we have to reframe how we think about it. Because just like professionals are bringing
certain expertise, community members need to be paid for their expertise. And so we need to factor that in. And if that means that you have to give up a little from the academic point of view, so be it. If that means the community groups that are involved have to give up a little or have to pay their community member to participate. But if we're talking about equality, we need to have pay as part of that. And that's a huge dynamic.

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

And so one of the things that needed to happen is, we had to sit there and come
together and kind of look at how do we go ahead
and what are some things we can agree on. So we
can agree on, we didn't want you to fire us. All
groups could agree on that.

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

Next slide, please.

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

And it wasn't until year three and
a half that they really started to look at that.
And that really was like, we wasted a lot of time,
because people were really angry a good portion of the time, because they didn't really feel they were being respected.

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

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

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

The last -- the next couple of things are clear, winnable goals. So often when we do CBPR, we're going to eradicate violence in
certain neighborhoods. Really? No, we're not going to do that. We're not going to do that in three years. We're not going to do it in five years. We're not going to do it in a long time. And the reason we're not going to do it is because -- or environmental justice in general -- we're not going to be able to do that because it took us a lot of time to get there. It's going to take us time to get out of it.

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

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

There's a series of principles that have been outlined by some of the great thinkers of community-based participatory research. And those are a series of about ten different principles. And if you're interested, I'll be happy to share those with you.
But the appearance to some of these principles -- and a lot of them have to do with issues around respect and communications and how things are going to operate when you use that -- is really crucial going forward. And those should be reviewed on a continual basis.

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

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

And so sometimes -- like, for example, one of the things with the community group that was working on some of the economic types of things, what we learned from that was, is, they did not like to use computers, but they wouldn't own up to the fact that they didn't like
to use computers. They were masters of the BlackBerry. They knew how to use that BlackBerry, 
but they wouldn't use a computer, which was so interesting.

When we interviewed folks -- and we did a number of in-depth interviews -- we found out that their reading levels weren't that great.

And so that a lot of the information that was on the computer was at a much higher level, reading level.

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

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

I meet and see a lot of folks right now who are saying community-based participatory approach is the only way to go and
work in the communities. And I refute, no, that's not the case. But I think it's really important to have that be -- this be part of our toolbox.

Thanks.

(Applause)

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

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

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

I remember when I first got involved in the environmental justice movement as
an inexperienced person. My expertise is theology

and I'm also a private school administrator. And

I had my life planned out, a quiet,

non-confrontational existence, spending my time

being nice to people and trying to help people to

learn God's ways, never wanting to be associated

with anything that was considered radical or, you

know, controversial.

But injustice came to me, and I

was confronted with it. And I looked at how

people were being treated who were powerless to

help themselves by people who had a whole lot of

power, politicians, very rich investors who

represent some big companies, like Westinghouse,

B Capital II, and other companies, Waste

Management or Metro Management, companies that

represented ground pressure companies, soil

remediation, things like that, came into our

community. And these individuals came to make

money. And they wanted to place their facilities

in a place where they get the least resistance and

the least opposition, and where people were

powerless to fight that, because of economics,
because of education and basically because of

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

And when we raised the issue, of course, we're one of the wealthiest counties in America, Delaware County, the county chairman at that time was Mary Leonardi (ph), she's now deceased, as we were walking out of the county council meeting, I had a few individuals from the surrounding communities that was with us, and she was indicating that she was going to look into the matter that we were raising. But she seemed more interested in who the other individuals were that were with me. She wanted to know their names, the telephone numbers, the Social Security numbers. I'm just kidding.
But when she realized that they weren't from Chester, they were from surrounding communities, she literally said, let -- you guys stay out of this. Let me deal with them. In other words, mind your business. Don't be an outside instigator. Let us deal with these folks alone by ourselves.

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

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

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

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

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

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

Grassroot organizations don't have funds, don't have, you know, the expertise to know what their rights are, how to challenge these strategists who literally made these plans ten, twenty years in advance, before we realize what was coming down the pike.

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

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

You understand the problem better
than I do. You may not be able to put it in the
scientific language that the regulatory agencies
demand you put it in before they will take the
next step.

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

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

When I started, I didn't know
anything -- I didn't even know what a particulate
matter was. You know, I didn't know what effects
mercury and metals would have on the environment.

That was not my expertise.

But this is what they expect the
layperson to be able to write in your letters of
concern or disagreement or backlash in the
community, so that they can look at that and make
a decision on whether or not they're going to put
these kinds of things in your communities.
So that's why we need scientists.
That's why we need academia. That's why we need medical doctors. That's why we need lawyers. That's why we need human rights activists. People who know how to fight. People who know what our rights are to come together and sit down at the table and challenge these power brokers in a way that forces them to give the community the respect and dignity that is needed.

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

But if you look at that scenario, what makes that worse is this: Is that if you select my community to bear the brunt of society's ills, even though I have a choice in the matter, at least you can empower my community to benefit economically from that burden.
But that's not a part of, you know, their strategy. That's not a part of their plan.

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

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

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

And we fought. And we blocked trucks. We took rats to county council. At the time that I took a rat to county council, it's because the executive director, Ted Erickson, said he went down there and he didn't see any rats.
And, you know, God is always on our side, you know. And right after that, a truck ran over a rat that was almost the size of a cat.

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

And so when it came time to speak,

I said, by the way, Mr. Erickson said he came down to the community and told the Inquirer that he didn't see any rats in the community. That Reverend Strand was just, you know, exaggerating, in similar words. And I said, but I thought I would bring one for you, and pulled the rat out. And they like flipped out. Front page.

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

But the point is that when I worked -- of course, we worked with Jerry. I won't say too much about Jerry because I'm going to talk about him tonight. But Jerry and Sue took it all the way to Third Circuit Court of Appeals.
and also back to the U.S. Supreme Court, and it
became moot, the issue about the clustering effect
of these facilities and the DEP’s, you know,
permitting process.

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

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

Because one of the things I
learned as an activist in doing my protest is that
the community will raise the issue and then the
politicians will put their spin on it and make it look like we were exaggerating. And they were putting their spin on it because they were concerned about the people who knew how to fight them, getting the right information.

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

And as a result of this kind of collaboration, as well as the hard work of the Public Interest Law Center that has been with us throughout this entire battle, one way or the other, we have realized that there are things we can get immediately and there's things we need to
get long term, which is part of what both of my
colleagues have integrated into their
presentations.

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

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

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

But the whole significance of the
inspector, he can go down there every day and
monitor and make sure that the facility is
operating safely, make sure that it's not burning
any, you know, dead bones or, you know, not
burning contraband and all those other things.
Because, you know, you get some strange smells in the air when those things are fired up. You don't know what we are smelling. So we have that now.

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

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

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

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

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

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

We started doing things that had not been done before, forcing them to step up to the plate, sponsoring baseball teams, football teams, working with the Boys and Girls Club. We're taking it to a new level.

And we're saying, if you're here and we can't get rid of you, then we want you to help enhance the quality of life of our community.

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

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

Lastly, if any industry wants to come to Chester now, they have to come to the
student community. That's hot.

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

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

Thank you.

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(Applause)

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ROBERT KUEHN: Thank you so much.

We're going to ask for questions from the audience in a minute.

But I just wanted to pose a question, because I've been doing this work for about twenty years with students. And in some respects, I still think like a student a little
bit, because when we would go to these communities, we would, of course, since it’s our discipline, focus like a laser on the environmental problem. And whatever the old saying is, you know, to a carpenter with a hammer, everything looks like a nail.

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

And, quite frankly, just addressing the environmental problem, we began to see, might not be enough or never was enough. And so I wonder if particularly you, perhaps, Ayanna and Dr. Strand could speak to this, about why, as broad as even we define environmental justice, it is just one of many things going on in communities and how do we pay attention to that and possibly deal with that in trying to improve the community overall?

AYANNA KING: Can you hear me?
Okay.

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

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

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

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

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

REV. DR. HORACE STRAND: You know, the conditions that you described are conditions that causes city governments to want these kind of facilities in their community. Because they feel they can't get anything else.
But the problem is, when you negotiate bringing these facilities in, they're only concerned about revenue for the operating budget of the community -- of the city. So they don't think about the benefit that these industries, even though the community -- it's not good for the community -- could be to help affect the education, to help affect the infrastructure. For instance, they built Harrah's Casino in Chester. Now, I don't frequent the scene. However, the deal was that the city got $2 million in revenues guaranteed each year from the casino. The county got $7 million guaranteed. But they failed to negotiate on behalf of the school district. Right now, our school district is in turmoil because it has a $10 million deficit. These are the kind of things that you deal with and why, you know, environmental justice is not the only issue, because most of these communities are already economic-oppressed before these industries come in. And if you have somebody negotiating, they should negotiate in the interest of the overall community.

ROBERT KUEHN: We'd like to hear
from you.

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

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

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

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

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

But if you had to pinpoint the major obstacle you face these days at community engagement, any secret you've found to getting
people more involved, I’d like to hear from you.

JULIE BECKER: I'll start.

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

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

We can get to the lofty goals.

But, unfortunately, we need to have that wind because people are tired.

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

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

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

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

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

All the communities that I've worked in -- and it's very interesting, because I currently reside in Hampton, Virginia. And like Dr. Strand said about the crime, there's no resources for young people to do recreational things, to keep them motivated. Everything is an afterthought. It's like it's really -- we're
really seeing what capitalism truly is right now.
And we're not hitting what's needed from the
ground up in our communities because there's no
resources.
Like Julie said, look, you have
the fact that people are pooped out. People have
been working on issues for years. And we've had
more issues today than we had in the past. And we
have no resources to help that.

KARL INGRAM: Hi, my name is Karl
Ingram. And I'm, I guess, known best in the city
as a food activist. But before I got involved
with food, I was doing some nonviolence work. So
once I was introduced as the same in both, you
know, had done nonviolence work and food activism.
And then I came to the
realization, I said, you know what, I'm not an
activist, I'm just an overly aggressive passivist.
But on that note, so I'm also
involved with community-based participatory
research through Temple University. And we've run
into some real problems with, you know, grant
money and whatnot, and where to go. What is
appropriate change? Because any time you risk
changing something, what are you going to change
I mean, it's easy when you talk about reducing violence or, you know, cleaning up the environment. But any time you talk about changing something, you know, it's risky.

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

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

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

JULIE BECKER: I'm going to build on what Reverend Strand says. Something is better
than nothing. Something is better than nothing.

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

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

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

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

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

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

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

CATALINA HUNTER: Good morning.

My name is Catalina Hunter.

(Inaudible due to language barrier.)

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

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

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(Applause)

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MICHAEL CHURCHILL: I wanted to thank the panel very much, and particularly for
the analysis of power that they make about the
conditions that a community organizing has to take
place in.

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

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

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

So, for example, if you focus on
the issue of asthma, which is a major issue in a
lot of environmental justice communities, if you
focus very specifically, there are ways in which
to create really direct strategies to help people
deal with asthma, one of which may be connecting
them directly with health care providers. Because
very often, folks that are there in
environmentally -- environmentally impacted
communities don't have access to a lot of health
care providers, so one of which is creating a
system approach to that.

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

And lastly, there are other
strategies that are generally low income that help
to monitor and hold people accountable to doing
that. There have been things that have been tried
in terms of measurement that these low cost
buckets with which to measure particulate quality
in communities that are affected. And that's been
really successful.
One community particularly that has done very, very well is actually in Harlem.
And they've done a lot of work in this particular area.
In the Philadelphia region, we have had some good successes with using the community-based participatory approach in looking at systems approaches in connecting people to health care providers.
And so going forward, looking for ways to utilize this as an appropriate tool, I think, is a good way to go.

REV. DR. HORACE STRAND: You mentioned briefly about politics coming into play sometimes.
Well, we sent the community activist to the White House. And as a result, he appointed a lady, the head of the EPA, that was doing a phenomenal job, Lisa Jackson.
And is that right?
AUDIENCE: Yes.
REV. DR. HORACE STRAND: And she's been getting a lot of squawk and a lot of fight from, you know, the powers-that-be.
But, for instance, our community has a program where we deal with asthma abatement. We partnered with Crozer-Keystone. We did something that was unique. They use their client base identified as the clusters in the community. We got a grant from the EPA that sends peer counselors into the homes to teach the parents how to do asthma abatement in the home.

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

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

So there are some things that are happening. And we also always encourage any local municipality, community to get people empowered to sit on the city council, these zoning boards, and places like that, because that's where decisions are made. So politics always has a part to play in making that decision.
AYANNA KING: And I have to just say from my experience working with politicians, we educated them. When I started with the Pittsburgh Transportation Equity Project, we educated them on Title VI and understanding their power.

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

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

And so it can have repercussions, but you have to do something to make that change. You have to keep pushing for it. And eventually they came around and they supported us and worked with us in different ways.
MR. KUEHN: One final observation, question of anything?

(No response.)

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

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

AYANNA KING: Thank you.

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

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

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SESSION II: CROSS-DISCIPLINARY COLLABORATIONS

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

Will our second panelists come up. (Pause) If you can just be seated, everybody, please.

DONALD K. JOSEPH: Louder.

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

If everybody could please get seated for our second panel.

Thank you. Thanks.

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

(Applause)
JENNIFER R. CLARKE: Thank you.

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

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

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

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

But I have to say that we're very,
very lucky to have each of the four people here. Because as you will hear, they're all at the top of their professions. So to kick it off, because when we're talking about environmental justice and public health, we are talking about the health of people, we thought it would make sense to start with a medical doctor and a researcher. So we're very lucky to have with us Dr. Lou Bell, who is -- I have to get your title right, Dr. Bell -- who is the Chief of the Division of General Pediatrics at the Children's Hospital of Philadelphia. And Dr. Bell also is Associate Chair for clinical activities in the Department of Pediatrics. So Dr. Bell is going to start by talking to us about what it is that he does with respect to the health of people in low-income communities. LOUIS M. BELL: Okay. Thank you very much. It's really a pleasure to be here and listen to these conversations. And I just want to give you a little perspective, as Jenny said, about the things that we're focused on
within the Department of Pediatrics, and
specifically my division.

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

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

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

And I don't think we have, as
physicians and academicians, done a great job in
translating some of the work that we've been
funded to do, translating that into health policy,
learning how to communicate with policymakers. And that's something that we're trying to change. And I'll describe a little bit about that work as I go forward.

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

So our community that we serve is the community primarily of West, Southwest and South Philadelphia. We are their community providers, both on the primary care side and almost eighty-five to ninety percent of the children who seek emergency care or hospital care from those areas come to CHOP for their care.

We have five primary care practices scattered throughout this area. And in addition to that, those are five that CHOP is responsible for, but there are other federally qualified health centers in Southwest Philadelphia and other public centers that are run by the Department of Pediatrics.
So that's the primary care environment. But we have five different ones that we're really able to access and communicate with on a very robust way. Because we focus on the child and the family, that's the way we focus our research. So we operate in this very messy environment, as was mentioned before, in terms of how do we deliver care, health care, to children. We're interested in improving access to care. We're interested in limiting disparities based on economics and gender. We want to improve outcomes. We want to lower costs of care. And the last part that I think we really need to do a better job, and we're trying to, is to really inform health policy for children.

And I've included in your packet three different briefs that we call "action briefs," that is an example of some of the things that we're doing with a new center called "PolicyLab," which is the Center to Bridge Research, Practice and Policy. That's a three-year-old center of emphasis at CHOP. We are also interested not only in health care delivery, but health. And
increasingly, I think, as general pediatricians, we're called upon to think about the impact of health that education has, that environments have and housing, those sorts of issues, of how they impact the health of children. And we've talked a lot about asthma, which is a very multifactorial condition.

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

So we can, for the first time, begin to mine this information and use it to, again, focus on how we deliver care to patients.

We can look at some of these health-related issues in terms of, for example, we now know that girls are referred less frequently for assessment of
short stature than boys. And that's a gender difference in terms of the way we look at height. And, in fact, girls are more likely, when they're short and below normal height, to have some sort of significant medical condition related to that.

So we discovered that by looking at this data. We've been lucky enough to gather together a really talented group to start to do this sort of research. We are not a community-based participatory research network. Our community, if you will, is the primary care pediatrician, on the one hand, and the academic clinical researchers that live in the academic medical centers. So these are the two -- this is our group, if you will, our community.

So here are three questions to consider, and then I'll turn it over. How accurately can our community of pediatric primary care providers, who are, you know, on the front lines of delivering care in the community reflect the needs of the community that they're surveying in terms of some of these issues that we've been talking about?

How can we use this clinical
research network to focus on the types of research that has the most benefit for children and their families?

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

So those are my questions to pose.

And I'll turn it over to the next panelist.

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

Next, I'd like to introduce Leslie Fields. Leslie is the national environmental justice director of the Sierra Club. And she's going to talk about her experiences with using science in the work that she's done.
LESLIE FIELDS: Okay. Thank you very much.

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

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

AUDIENCE: (Raising hands.)

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

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

As I stated, I began my environmental justice record for the Sierra Club. And Sierra Club, as many of you know, we're a
very, very big environmental organization founded in 1892. And I'm very much appreciative of my colleagues who are here, William Kramer, who spoke up a little earlier and the Chairman of our Board, Robin Mann is here. She lives in the area. I very much appreciate them coming out as well.

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

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

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

You know, people think, oh, Canada, nice and friendly. They're sending a lot of pollution down, including the Keystone
Pipeline. I just had to put that up there. And there's some community work that's called 48217. That's what they call themselves. That's their ZIP code. They have the only refinery in the state. They have a salt mine. They have the coal-fired power plant. They have the Ford legacy truck plant. They have a number of other legacy GM auto facilities. They have the largest incinerator in the United States. And they have a number of other terrible, terrible facilities in this one area code. No hospital. They have to go up to Henry Ford or they have to go over to Oakwood. And every weekend, there are children from that ZIP code in Oakwood Hospital for various reasons, asthma, respiratory distress issues, et cetera. We are in Indianapolis, many of the same conditions. We are in Memphis, Tennessee. We are in Puerto Rico. We are also in Arizona, two organizers there. One is working on coal issues in private communities and the other one, Robert Tohe, he's fantastic, he's a Navaho elder. I'm trying to get him to write his book. Robert was at Alcatraz when it was
being occupied by a band from Wounded Knee, and
just is so wonderful. And he is working on the
issue of uranium mining on that community and also
the effect of climate change on sacred sites.
And we are in Washington, D.C.,
working on the Anacostia River issues -- we call
it the "Forgotten River" -- on everything from all
the stuff that comes down from this area, the
Delaware Gap, the Schuykill, into the Chesapeake
Watershed, the Susquehanna, and then also the fact
that Thomas Jefferson put the Navy yard right
there at the base of the mouth of the Anacostia
and Potomac Rivers.

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

And we're also in New Orleans.

And our organizer in New Orleans first started
working on the issue of Cancer Alley. As many of
you know, Cancer Alley being the 15 miles between
Baton Rouge to New Orleans. Dozens and dozens of
petrochemical refinery plants in the
African-American community there.

Since Hurricane Katrina, Darryl,
our organizer still works with that community, but
we have been working on sustainable development of New Orleans with the Mary Queen of Vietnam Parish in New Orleans East, the African-American community in the lower ninth ward, and then also the home initiative in Peridot Parish. And I'm going to talk a little bit about New Orleans, because working with science, it's important, but we want to make sure it's good science. It's not bad science. It's not sporadic science. It's not abusive science. It's not exploitive science. I'm trying to partner up a program with different academic institutions and also different institutions that have medical facilities with each of our programs. We're very blessed in New Orleans to work with Tulane University. I've worked with the law clinic for years. But, unfortunately, as you know, New Orleans lost much of its hospital health care facilities after the hurricanes and it's still coming back. And that's a huge problem with community working. They do not simply have health care. In the lower Ninth Ward, they have a small hospital. That hospital is yet to be
opened. They didn't have mail for two-and-a-half years. There's no public transportation there.

There's only one restaurant that's open, you know, whenever, until the food runs out. There is no grocery store. And it's still a huge struggle.

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

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

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

We could not get the state and had to fight very hard to get the CDC and the federal government to come down and start testing the FEMA trailers for formaldehyde.
So we took it upon ourselves. We did our own air testing of formaldehyde. And it was really a struggle just raising the money, doing the tests, you know, making sure there was secure testing and being accredited and also just fighting with the federal government on providing these resources to this community.

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

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

We tested his trailer, and it turned out that his -- he had 3.308 parts per million formaldehyde at that time. We went back
and tested his trailer. We tested other family trailers. And Becky did this with Darryl Malek-Wiley as well and our volunteers in Mississippi and Louisiana.

And we realized we really had a national problem. Because there were some old formaldehyde standards that the Housing and Urban Development had promulgated in 1981, but that standard was so high. So we had to really work with -- we had to get the federal government involved, ATSDR, CDC. And as many of you probably remember, they did find high elevated levels of formaldehyde, but we had advocated to Congress and, fortunately, Congressman Waxman really took this issue. And he had a government oversight hearing, held up the CDC and FEMA there, because there were some other issues around their lawyers saying that, well, make sure that we don't let this out because we're going to be culpable and liable. And it was a really tough situation to get these people the kind of, first, testing that they needed and then some health care. And so we did a lot of research.

And that's what my position is, I tried to bring
up all these issues to the national level and international level. And the California Resources Board had promulgated a formaldehyde standard. So we petitioned for a notice of rulemaking. We were granted -- EPA did a rulemaking. We had the rulemaking hearings. We had the civil rights community. We had affected people come in. And we basically told EPA just to adopt the CARB standard. And so we did get a good rule from that.

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

And, lo-and-behold, members of Congress have been poisoned by formaldehyde. Our House sponsor was then Congressman Diane Watson from California. She said she had been poisoned by formaldehyde in her office when she was a state assemblywoman, and still felt health effects. And then our Senate sponsor was Senator Amy Klobuchar from Minneapolis. And she
said when she was an assistant attorney general and came back from her maternity leave, she could not understand why she stayed so sick. It's because she had been -- her carpets in her office were just offgassing formaldehyde. It's everywhere.

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

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

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

So we do work with Tom Julia. And his organization wanted to really promote the
right kind of formaldehyde standard. And we got a
bill through Congress. We had a Republican
sponsor. And I’m proud to say that Senator -- I
mean, now President Obama, signed that bill into
law as 1660 last July. And it's one of the few
environmental laws that has been passed.

(Applause)

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

So I’ll stop.

(Applause)

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

Next I’m going to turn to
Dr. Arthur Frank, who is the Professor and Chair of the Department of Environmental and Occupational Health at Drexel University. Dr. Frank I hope will talk, among other things, about how you translate the difficult precepts of science or interpret those difficult precepts for communities, so the communities themselves can make use of the science. I’m hoping that his remarks will include his experiences there.

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

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

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

Where we see problems in the workplace and where we see problems in communities
are generally among the disenfranchised. And people are disenfranchised in many ways: Because of their economic situation, because of their racial and ethnic situation, because of the fact that they are workers in an environment where jobs may be hard to get.

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

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

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

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

And to do that -- we heard that this morning, earlier -- that we need science to fight back. It's not sufficient just to say we don't like the idea. There are rules, there are regulations you have to fit in there. And there are a number of serious and difficult problems when it comes to science.
First of all, I will tell you that for most questions, we don't have the data we need. And if we do have the data we need, we have no -- not at the level of the community, but most of the time we have them at the level of the county.

And so we may know that there's an asthma rate of fifty percent in Philadelphia. But it's not equally distributed, you know. Manhattan, you know, one of the counties of New York, the asthma rates are not equally distributed. And in the communities of color, it is much higher than in the more affluent parts. And it's not just issues of external environmental pollution, as we've heard. There are issues within the home even that may be looked at. So the data doesn't exist to help us make the scientific arguments. Science is not well supported.

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

It's actually not all that hard.
One of the things we teach in our department, and that we have our public health students come at, is what we would call risk communication. But that really is trying to take complex issues of science and translate them into an understanding of some basic biology, what is epidemiology. And that's part of our job in doing this.

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

The last two points I think I'd like to make, though, is the question that I get asked a lot, as a physician and as a scientist who has been looking at these issues, you know, why am I here at a meeting sponsored by the Public Interest Law Center? Why have I spent thirty years of my life working with lawyers? And I have. I do a lot of medical-legal work, you know, for
transparency, mostly for injured workers, although
I have done, you know, work on both sides of
issues.

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

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

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

So that there are difficult issues
of data. But at the end of the day, it is the
multi-disciplinary approach of people who work in
communities and understand communities,
scientists, physicians and lawyers, who bring about the kinds of changes that we see. And I will leave you with this thought: There is an approach that we could take in this country, which others have, the European Union, for example, and that's something called "precautionary principle." When we don't have information, you err on the side of protecting people. It's not the old -- what I tell my students -- is the old dead-bodies-in-the-street routine. Let it be out there for twenty years and people show up dead, then we'll go back and look at it. That's generally how we've done things in this country. And it's really time for changing that. And, again, I will argue that working with my colleagues in the legal profession is a way to do that. So thank you for the opportunity to speak to you this morning.

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(Appause)

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JENNIFER R. CLARKE: Our final introductory remarks are by Cecil D. Corbin-Mark,
who is the Deputy Director of Policy for WE ACT
for Environmental Justice.

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

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

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

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

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

So how many of you this morning
woke up thinking about the policy that impacted your life lately? Show of hands.

(Audience complies.)

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

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

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

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

(Audience complies.)

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

(Audience complies.)

CECIL CORBIN-MARK: Okay. All right.

How many of you drove on a street
this morning?

(Audience complies.)

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

AUDIENCE: Yes. Yes.

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

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

Far too often, communities like the one that my family has lived in for the past nine decades, Harlem, my beloved Harlem -- yes, I
am a New Yorker. I know that might rankle some of
you people in Philadelphia, but that's okay. Live
with it -- communities like mine are really, in
very many ways, disproportionately impacted by
either the absence of strong policies to protect
health or in some ways lacks enforcement of the
policies that do exist to protect health.
At our organization, WE ACT for
Environmental Justice, our initiative is about
building healthy communities. Our vision is that
you build healthy communities by engaging the
people that live in those communities in the
process of making policy around environment and
environmental health issues.
You realize that policymaking is
driven, in large part, yes, by lawyers who make
and write laws and regulations, but in substantive
part, by science and the product of scientific
research.
Think about the notion of how did
we get to something like a Toxic Substances
Chemical Act, TSCA. If we got there without
science, would you not be afraid?
Okay. I come from a black church
community, so I need a little bit of affirmation.
I know many of you—all have been thinking you came to a revival this morning. But would you not be afraid if science was not driving your nation’s chemical policy?

AUDIENCE: Yes.

CECIL CORBIN-MARK: Okay. Thank you. Thank Jesus and any other higher power, or not. And so really and truly, I mean, it is important we understand, on some very basic level, the importance of science to the making of policy. We should also understand, on a daily basis, how those policies impact our lives and impact our health very directly all the time. And so then you start to think about, well, who’s making the science and who is then driving the policy, and are those of us that are impacted in that process aware. And the answer far too often is, no, we are not. If that is the truth for the broader public in terms of our communities across this country, you can bet your bottom dollar it is doubly the truth for low-income communities and
1 communities of color.
2     We live in a great country. No
3 question about it. But we are also a very flawed
4 country. And one of the ways that we are flawed
5 is that the science many times that drives policy
6 doesn't often think about those who are most
7 vulnerable, those who are most impacted.
8 Case in point: When we develop
9 risk assessment models -- this is a real bone of
10 contention for the environmental justice
11 community -- when we develop risk assessment
12 models, often those risk analyses are based on a
13 healthy thirty-plus-year-old white male.
14     Now, I know my white brothers. I
15 definitely do. But they're not me in many
16 respects and I am not them.
17     And so if a policy that is
18 intended to protect the health of people in our
19 nation is based upon only one particular type of
20 human being, I think we could have some problems.
21     So when you ask the question, as
22 this panel was asked to consider, why is it
23 important to have science in our process of making
24 policy, to me it's really clear. When I walk the
25 streets of my community, I encounter my residents
all the time. Some of them know me. Some of them
don’t.

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

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

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

I know that in terms of obesity,
when I look around and I see some of my neighbors,
I know that we are suffering a very significant
challenge. And, yes, it is a challenge across
this country, but it is a different challenge, a
challenge of higher order in terms of those who
are in low-income communities and communities of color, sadly.

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

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

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

They are in this process of advancing science because they want to advance in
their careers. All noble and good pursuits.

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

So I applaud those scientists. But then they meet the passion of people like Vernice Miller and Leslie Fields and myself. And we’re passionate about protecting the people in the communities that we live in and protecting ourselves, because we're not totally altruistic.

Right? But we recognize that we need this marriage in order to push the policies, to change the policies that allow the formaldehyde to be in the hair care products that target African-American and Latino women.

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

AUDIENCE: Yes.

CECIL CORBIN-MARK: Ah. Hello?

AUDIENCE: Yes. Yes (louder).

CECIL CORBIN-MARK: Thank you.

Thank you.

But yet indeed products that
African-American and Latino women apply to their hair on a regular basis are filled with formaldehyde, so much so that OSHA literally had to go and call these companies out and say, unh-unh. There are skin lighteners that are on the product shelves in grocery stores and drugstores, and so forth and so on, that are there that are filled with mercury. And we know some of the problems with mercury. And these are products that target these communities. So we have used science in the process of trying to change policy by building evidence-based campaigns. Our model is about organizing, getting information about what impacts people on the ground in their communities, taking that to scientists and building research partnerships, where we engage in setting a research agenda together to solve the problems the communities are facing and they're impacted with. We then take the product of that community-based research and we put it into our advocacy campaigns to change policy. What do we get for that? Well, in our work around pesticides, for example, we deal
1 with the issue of chlorpyrifos, one of the very
2 toxic chemicals in many of the pesticides that are
3 used in the homes, banned, but then continually
4 still in use in our communities. And we then
5 found out the levels with science of what people
6 were being exposed to.
7 We took that to the city council
8 and said, you have got to come up with a series of
9 laws that better protect these communities.
10 The result, a city council
11 ordinance requires notification before pesticides
12 are applied. And that the city is on the path to
13 reducing to the least toxic of actors in
14 pesticides.
15 That’s the value of marrying
16 science to the service of communities and their
17 particular problems.
18 In our chemical policy and toxics
19 work, we have been looking at this issue of BPA,
20 bisphenol-a. It's a chemical that has the
21 properties of hardening plastic and making it
22 clear and making things shatterproof in some ways.
23 And we have used the research we
24 found in our communities about exposure to
25 chemicals to try to push a variety of chemical
policy laws in the state. We recently got a BPA ban passed at the state level and a chlorinated Tris ban passed at the state level, all because of the work of engaging impacted people with their policymaking process.

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

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

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

CECIL CORBIN-MARK: You're going
to cut me off, I know.

JENNIFER R. CLARKE: -- because we

need to --

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

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

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

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

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

Thank you.

Do you see them? Look at them.

They're up there right in the rafter.

Thank you very much.

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(Applause)

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JENNIFER R. CLARKE: Thank you.

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

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

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

VERNICE MILLER-TRAVIS: Don't be afraid.
The question I have is, what happens when you have experience, an institutional experience, between a major academic institution that is adjacent to or in the midst of an EJ community and they research that community and the research goes horribly wrong and it colors the relationship for the rest of time immemorial, as if there's no one else at that institution who could ever come and do good work at the community? You know, Cecil, we've struggled with that for a very long time in terms of our relationship with Columbia. And I hesitate to think, if we hadn't met really great people and if we hadn't opened our hearts and opened our minds, we would have never had the 20 years of success that we've had in terms of research and the benefit to so many other communities. We struggle with this in Baltimore. We really, really, really struggle with this, between the East Baltimore community and Johns Hopkins University. And I know it's not the only challenge like that. But what do you do to transcend what sometimes are really, really
difficult, you know, bad practices, but they're not the only practices at that whole institution? How do you transcend that?

LESLIE FIELDS: That's a good question, Vernice. In Detroit, we have a really great relationship. It's not totally in Detroit with -- well, we have Wayne State University. And we've done a lot of good work, as you know, with the University of Michigan. And we work with the public health school, school of law in one part, and most importantly, the school of natural resources and environment. But it wasn't always like that.

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

We've had back and forth with the law school, and have had back and forth with the public health school, but it's been very helpful to have the great Bunyon Bryant and Paul Mohai to help us with the faculty in these other parts of that university.

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

ARTHUR FRANK: Yes, I do.

Representations take years, if not decades, to earn and can be lost in about ten seconds.

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

What I've found -- and I've dealt
in any number of communities over the years --
folks in the community have a pretty good sense of
why you are there and what your goals are for
doing work. And I think you let communities vet
to people who come in and want to be there.
And if you're coming in to do to
the community, not for the community, that will be
figured out very quickly. And that's not
necessarily the person you want to have there.

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

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

And so we create a system and we
create rules about engaging this community. We
require, for example, that the clinical
researchers, that if they want access to these
primary care sites, they have to go, they have to
prove to the primary care pediatricians that it's
going to be a win-win for their practice or for
their patients or for their ability to care for
those patients.

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

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

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

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

So there's good work going on in
some places. And then there's all this other
stuff going on, right?
And it's amazing how many of our premier institutions are, literally, right smack in the heart of low-income communities, communities of color: Harvard, in the Allston community, and what's going on with their expansion, Yale in New Haven, UPenn here in West Philadelphia and Columbia, and they're building a second Harlem campus as well. And on and on the list can go.

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

On our preparatory phone call, one thing that we discussed was the issue of how is it that, you know, we can do such great community-based participatory research, yet all we seem to be able to attract are the most junior of faculty. And even those are somewhat skittish about being engaged in it, because they know that on the track to getting tenure, this is not the
most respected of research. And so it could end
their careers moving forward.

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

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

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

LOUIS M. BELL: I just have a
comment to make regarding this issue between
academic promotion through the ranks and engaging
in community-based participatory research or
health services research or research about
understanding health of children in my case.
I heard you use the word, it's not
a respected field. And I disagree with that. I
think this is a very respected field. The tension
is time.

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

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

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

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

DAVID ZISSER: I want to
encourage -- because I can tell there's a lot of collective wisdom in this -- as somebody said before, there's a lot of collective wisdom in the audience. I know there's a lot of collective wisdom at the panel, too. But I do encourage you to leave some time for audience participation in the upcoming panels.

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

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

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

My understanding of science is basic, but it is that these things do take time.

So a question I have is, how do you engage
evidence-based science research in a way that actually assists a time-sensitive campaign and involves the community and involves organizing and, you know, lawyers as well?

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

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

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

(Applause)

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

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

(Applause)

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

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

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

I’m going to wait until some of my good friends and board members sit down.
So one of the wonderful things about our keynote speaker today, Vernice Miller-Travis, is that she represents in one person all of the different ways that you could look at environmental justice. Let me give some examples. She brings the perspective of research. She was one of the researchers and writers of the influential work on Toxic Wastes and Race. She is a convener. She is one of the people who convened the lawyers’ committee and others to write the very influential and powerful document that’s in your materials, which was called, "Now is the Time," and it was really the blueprint for the Obama Administration. She has looked at this issue from the perspective of foundations. She was a person who started at the Ford Foundation their environmental justice project. She has done science. She has done organizing. Vernice Miller-Travis has really done it all. Please welcome her.
(Applause)

VERNICE MILLER-TRAVIS: Thank you so much.

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

(Applause)

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

So I just want to raise you up, Jerry.
VERNICE MILLER-TRAVIS: I want to thank the Public Interest Law Center of Philadelphia, long-time colleagues of mine, for inviting me.

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

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

And so you lift up these communities all over the place, Alice. And people speak your name at EPA and say, you better not let Alice come in. Did you not pay attention to these
people in Chester? So I want you to know that you
are certainly in my vows.
And I want to make observations
just about where we are, at the Quaker Meeting
House at Society of Friends here in Philadelphia.
I am originally from New York,
like Cecil, born and raised in Harlem, New York.
But my mother's family is from Ellicott City,
Maryland. And so for us, the history of slavery
and segregation in the South, which, of course,
you know is on the other side of the Mason-Dixon
Line -- so let me just ask you all. Where is the
Mason-Dixon Line? Because most people have no
idea. Where is the Mason-Dixon Line?
(Audience answering.)
VERNICE MILLER-TRAVIS: Excuse me?
AUDIENCE: It's in North Maryland.
VERNICE MILLER-TRAVIS: There you
go. Most people have no idea where the
Mason-Dixon Line is, and that Maryland is sure
enough in the South. Believe me. I'm here to
tell you now that I have lived there for 14 years.
But you know that the institution
of slavery was particularly egregious in the State
of Maryland. And why was that? Because Maryland
1 was the most northern slave-holding state. And if
2 you made it -- as a slave, if you made it out of
3 Maryland, you were free.
4 And the people who brought so many
5 slaves out of Maryland were the Friends of
6 Philadelphia and the Quakers of Pennsylvania.
7 So somewhere on this property is
8 the underground railroad, you can be sure.
9 Somewhere in this building were people who left
10 the institution, heading north to freedom through
11 this building and through this institution. And
12 so I think it's really important that we
13 acknowledge that history.
14 And acknowledging that history, I
15 also want to lift up that two great people died
16 yesterday: Steve Jobs, really, really significant
17 in the world of technology. But a far greater
18 person died yesterday, the Reverend Fred
19 Shuttlesworth, who led the Ministerial Alliance of
20 Birmingham, Alabama, who invited Martin Luther King
21 to come to Birmingham, as a 20-something-year-old,
22 to help lead the movement and the struggle and the
23 fight against segregation with Jim Crow. Reverend
24 Shuttlesworth worth was 83 years old. They called
25 him the "Wild Man of Birmingham."
And if you have any memory or you've ever seen any of the documentaries about the civil rights movement, and you see these pictures of this man, this frail slight man staring down "Bull" Connor and the dogs and whips and the chains and the fire hoses that they used and the bombings that went on in Birmingham. And there was this one slight man who was unwavering in his battle against segregation. His name was the Reverend Fred Shuttlesworth and he died yesterday.

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

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

But the people who have stood with us in the legal community have been the public
interest lawyers from one end of the country to the other. And so when you think about the struggle in Chester, you think about Zulene Mayfield. You think about Reverend Strand and so many other people. But you also think about Jerome Balter, who was unwavering in his fight for victory and justice and fair treatment of the people in that community.

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

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

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

So I thought I would start with a couple of examples, three examples of community struggles that have led to some really transformative work that had gone on in these places and then identify the kinds of human agency and activities and collaborations that happened in those places that made that work possible and that
should be instructive for us as we go forward in
our world.

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

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

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

One of those persons was someone who literally lived next door, on the other side of the chain link fence. And he watched his father die mysteriously. He watched his sister die mysteriously. And then he became really ill. But when he became really ill, he was the star quarterback at South Carolina State University. So there was no reason for him to become seriously ill because he was a gifted athlete.

And then when he came home to try and recover from this illness that no doctor could diagnose properly for him, he began to sort of walk through this community, which was called the Forest Park, Arkwright neighborhood, a middle class African-American community, and found that many, many, many households had people who either had died from cancer or who were suffering with some other form of cancer. And he began to research and research. And over eight years, he began to put together the history of what had happened in this community. And then he began to petition EPA Region IV, based in Atlanta, that's
the Southeastern United States region, to come and engage with the community and to begin to unpack what was happening to them and to try and take some forward momentum of what to do.

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

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

This is a really long story, but I'm going to end it here and tell you this: Last year, I was asked to come and facilitate a meeting for the South Carolina Department of Health and Environmental Quality, DHEC, it's called, or Environmental Control. And I want to say it is the only state environmental and public health agency that's one agency. And I think it's something that we need to revisit as a model. Because the environmental agencies frequently do not have enough public health knowledge. And the
public health agencies frequently have no environmental knowledge.

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

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

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

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

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

So he asked me, well, we've got to
do something for this, because we've got to have a
big event. So the secretary of the foundation
allowed me to take the grant agreement down to
Spartanburg. And he signed it, and he signed it
in front of a group of 500 people at ten o'clock
on a Saturday morning.
And he kept apologizing to me profusely for the small number of people that were there. And I said, you're kidding, right?

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

A reporter called me at the foundation and asked me, why was the Ford Foundation interested in this community. And I said, well, you get paid to do what you do, right?

She says yes.

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

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

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

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

And this particular funeral society determined that they were being called on so frequently to do funerals, that, you know, something was amiss. And lo-and-behold, they found out that they were living adjacent to what would now be determined as a Superfund site and people's drinking water had been contaminated.
And it create a whole host of health problems that
ultimately led to a lot of premature deaths.

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

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

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

And over those eight years, I
tutored him and gave him the benefit of my
experience, as an advocate in New York, of what he
could do to be more successful to move his agenda.
And the reason that I think that's important is because I believe that to those who much is given, much is required. And so if you had the opportunity to tutor someone else, to give them the benefit of the experience that you had, to try and transform what's happening in their life, you are required, you are required to do that. You can't pass on that.

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

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

And so that's the Spartanburg story.

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

Baltimore is a really interesting place, and it is a place where my family went to when they left Ellicott City. Now, Baltimore is exactly twenty miles from Ellicott City, Maryland. My great aunt, God bless her, who is ninety-three years old, she left there when she was eighteen.

She has never stepped foot back in Ellicott City, Maryland. I have only been to Ellicott City, Maryland twice, and never with my family. And why is that?

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

So the legacy for some of us, this is history, right? I've got to read this stuff to
find it out. But some people are still alive who
lived through this. And in the living through it,
the modern day representation of that was codified
in land use and zoning, strictures and statutes,
where we codified racial segregation.

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

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

But in some places, you could put
everything, right? You could put the refineries.
You could put the dumps. You could put the
landfills. You could put everything that no one
wanted to live near. We call that expulsive zoning. You would expel out of some places those things which other folks didn’t want to live next to. But then you would demarcate that that was the place where only some people could live: Black people, blacks, Catholics, Jews, immigrants, Latinos, Native Americans, Chicanos, depending on where you were in the country. Strictly defined where you could live based on race or religion or ethnicity.

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

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

And he was in John Hopkins University going through this radical cancer treatment. And so one day he called me and he said, Vernice, I have a taste for -- he was a vegan extraordinaire, a pain-in-the-ass vegan extraordinaire. Because every time we were with him, he dragged us to some damn vegetarian
restaurant that none of us wanted to eat at, but
we went because he dragged us there.
And he asked me for some organic
mangos. I happened to be in New York. I went by
this wonderful supermarket in New York and brought
him some mangos.
And so I called Johns Hopkins
University to figure out where to get off the
highway. And they told me an exit. And the exit
turned out to be one exit before where I should
have gotten off at on 95.
And I wound up in this
neighborhood, my husband and I. And we stopped
the car and I saw more white people than I had
ever seen in Baltimore in my entire life. I
didn't know there were that many white people in
Baltimore.
Apparently there's a white section
of Baltimore. Who knew? I didn't know. I had
never been there in my whole friggin' life. And
I've been going to Baltimore since I was nine
years old. And I'm like, wow. And I'm, you know,
having this like Wizard of Oz kind of experience.
Where in God's name am I? It was beautiful. The
houses were beautiful. They were historic. There
were oak trees. There were esplanades. There were thriving markets. I was like, where in God's name am I? I was in Baltimore. Who knew?

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

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

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

So in the midst of that, you have the great Johns Hopkins University, one of the premier research, medical, and academic institutions in the country. And it is adjacent to a place called the Middle East section of Baltimore.
So anybody in here who is a fan of the TV series Wire? It was not fiction. It's happening today in the Middle East section of Baltimore. They stood on a corner. They turned the cameras on. And they did a 360 and they shot what they saw.

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

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

And so that place is right next to Johns Hopkins University. And so Johns Hopkins University, as so many universities do, is expanding, expanding and expanding. And they want
to build a new biomedical research center, not
unlike Columbia University.

And they determined that they
would join forces with the Annie Casey Foundation,
the City of Baltimore and a community development
corporation called the East Baltimore Development
Corporation, to revitalize a whole section of the
Middle East community of Baltimore that is
immediately adjacent to Johns Hopkins University.

But in order to do that, they needed to tear down
and demolish 500 row houses.

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

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

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

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

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

But this process is a really dramatically different process than that. And one of the things that was particularly difficult was that Johns Hopkins, in the '90s, there's a
professor at Johns Hopkins -- and this was really
the basis of the question that I asked the
previous panel -- they have a world class
researcher at this institution named Farfel. I
think his first name might be John. And he has
done some of the most groundbreaking research on
lead and lead exposure in the nation and around
the world.
And they did a research project in
the Middle East community of Baltimore in the
early '90s, and the community has felt that they
used the children in those households as guinea
pigs to test lead abatement strategies. They
didn't remediate. They just left the children in
those circumstances and tested different
remediation strategies in the homes in which they
lived.
Just about -- about four months
ago, maybe three months ago, the Court of Appeals
based in Baltimore has determined to hear that
case again. And the case is coming back again.
It's a really extraordinary case.
When you combine that with
historic discrimination that has happened at Johns
Hopkins and the surrounding community, when you
combine that with the story of Henrietta Lacks, some of you may have read that extraordinary book, you get hypersensitivity between that community and Johns Hopkins University, and then you get the university trying to expand. And so one of the things that the Annie Casey Foundation did was to try and put on this process an extraordinary sensitivity about lead and lead contamination and lead poisoning. And so in the demolition of 518 row houses, there was a propensity for an enormous amount of lead dust to be picked up in this community as those buildings were being demolished. And so what they determined to do was to create an expert panel of independent experts, myself being one of the four experts, led by the renowned Dr. Janet Phoenix, to evaluate demolition practices and to help them figure out a way to measure the air quality as the demolition was happening, and to come up with a practice and a system to take those buildings down in a way that would not create an enormous public health challenge for the people who lived in the surrounding community.
It became a very successful process. I think the publication of the reports that Annie Casey published about the East Baltimore revitalization initiative, responsible development, it's called, and responsible demolition, is in your documents. And so you can read it. I think it's very interesting. But it is a big deal.

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

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

And they were mad as hell, because there's all this bad blood between John Hopkins and the surrounding community. By the end of the
day, we came up with a process that was respectful of the community issue, was protective of public health and allowed the deconstruction and demolition of 518 row houses.

The City of Baltimore has adopted the protocol as guidance for the City of Baltimore. We have tried for the last two legislative sessions to get the protocol adopted as state law. But each time, we have been defeated by the -- the construction industry and the contractors’ associations, particularly the black contractors’ association, because they believe it’s going to add a lot more money to the cost of demolition and deconstruction. But, nevertheless, I think it’s great model.

And then lastly, I’ll just tell you, in quick swathe, the long journey of West Harlem Environmental Action. And this is a really long story, but I’m not going to drag it out. I’ll just say that through a crisis situation from the North River Sewage Treatment Plant -- if you have ever been to West Harlem, if you have ever been by our community or through our community, on the West Side Highway, the Henry Hudson Parkway, you’ll see this enormous
giant sewage treatment plant, the same sewage treatment plant that had a fire in its two main engines over the course of the summer and dumped millions and millions of gallons of raw sewage back into the Hudson River.

On top of that sewage treatment plan is a park. And the park is the environmental benefit that the community was given for shoving the North River Sewage Treatment Plant in our community.

It's not quite as close to us as the waste facilities are to the residents of Chester, a situation that I actually had never seen anything quite as frightening as how close those facilities are to the people that live in Chester. It's on the other side of the highway from where we live, but it's close enough for the emissions to come right into our homes and completely destroy our quality of life for a number of years. You could not escape the smell of 180 million gallons of raw, fetid sewage invading your community, your home, your school, your business every single day, until we sued the City of New York, with the help of a natural resources defense counsel, and Paul, Weiss,
Rifkind, Wharton & Garrison. And we stuck it to the city really bad. And we beat them mercilessly. And I was oh so happy to do it.

And I tell you that to say this:

That for the longest time, we were in that struggle by ourselves. And no one validated us.

Now, I could never figure out how 180 million gallons of raw sewage did not seem to offend anyone else's sensibilities but those of us who lived in West Harlem. The City of New York said there was no odor. And we were "screaming meanies," literally. That was in the pages of the New York Times.

The New York City Department of Environmental Protection ignored us repeatedly. The New York State Department of Environmental Conservation ignored us repeatedly. EPA Region II, whom to this day I cannot take them seriously because of the way they treated us in that process, gave two findings of no significant impact for the environmental impacts of that giant sewage treatment plant on the quality of our life.

But eventually, through organization, through mobilization, through public
education, through determination, at one point --

Cecil, are you in the room? I think there are

15,000 units of public housing in our community,

at least there were, back in the mid-'80s when we began to organize. And at some point, Peggy Shepard and I knocked on every single door.

Now, we didn't do it in one year,

but we knocked on every single door of public housing in our community. We were hard-core organizers. And that's the kind of work that has to happen to create the kind of transformation,

the kind of public education, the kind of mobilization that we're talking about. Old-school organizers.

Combined with extraordinary advocacy, extraordinary public education,

incredible lawyers, incredible researchers at the Columbia University School of Public Health, we have built this three-prong strategy. And organizing is at the core of the strategy. But we couldn't have done what we have done without some extraordinary, extraordinary lawyers who stood by our side.

So I just wanted to tell you those three stories. And I wanted to just tick off a
list of things that I think is important that I
think have been learned in all of these case
studies and in every successful environmental
justice role around the country, these things have
been predominant:

Persistence. We've got to be
prepared to be at the table for anywhere from a
couple years to a couple decades. We have been at
this for 23 years at West Harlem. And you've just
got to be in there for the long haul. There's no
quick fix to these issues.

Creating benefits to staunch the
burdens. You know, I think that's pretty
self-explanatory.

Organizing to create a united
front. Right? There are always a lot of
different factions in local communities. And if
you really want to build power, everybody has got
to be on the same page and expand their agendas
and work together for transformation.

Integrating through advocacy and
community-based participatory research, along with
community organizing, as a three-prong approach to
fight environmental injustice.

Understanding the proper role of
lawyers and researchers in the struggle for environmental justice. You're going to hear from Eileen Gauna later. Eileen is the sister of an extraordinary environmental justice hero or heroine, Jean Gauna, who passed away in 2007. And Jean used to say all the time, lawyers are on tap, not on top. And I have never forgotten that, because she used to tell me that all the time. Remember, Vernice, what your role is, build your community power by building community capacity. Really, really important. Let me write this down.

Bringing resources, technical assistance, opening doors to decision-makers and funders to the community table. Creating approaches to social justice, more creative approaches to social justice.

Understanding who your allies are and that they can be found in many different venues, like ours.

Practical real-time needs. Assist in communities to participate meaningfully in local, state, and federal administrative processes.

The permitting process is very, very, very technical. You all know that. People
need help maneuvering through that process. They
need your assistance to do that.
Federal rulemakings. Right now,
the coal from Westfield waste rule, the mercury
and air toxics rule, the definition of solid waste
rule, to name but three examples of hundreds of
federal rulemakings that are going on that have
direct impact on people's lives.
Help folks navigate the process
and help them meaningfully get included in the
process. And work to integrate civil rights and
environmental law in the struggle to bring about
environmental justice.
Thank you so very much.
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(Applause)
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ADAM H. CUTLER: We do have time
to take one or two questions from the audience for
Vernice.
If anybody has one, feel free to
come up to the mike.

VERNICE MILLER-TRAVIS: We would
have had more time if Vernice hadn't talked so
long.
ADAM H. CUTLER: You can also ask her questions.

VERNICE MILLER-TRAVIS: Right, I’m on the panel today.

ADAM H. CUTLER: Go ahead, Diane.

DIANE SICOTTE: Hi. I’m Diane Sicotte, and I teach environmental justice at Drexel University.

My question is, I happen to be teaching this term, right now, two classes on environmental justice. So what do you think are the most important things that a professor can convey or try to make available to students about environmental justice?

VERNICE MILLER-TRAVIS: Well, I’d say one of the big lessons that I learned, and I learned it from the people in my community in West Harlem, is that just because you have had the good fortune to go to college and to go to graduate school and to be a degreed person does not make you the smartest person in the world.

DIANE SICOTTE: I already knew that.

VERNICE MILLER-TRAVIS: But our students usually don't know that.
And I think that, you know, once you enter the academic arena, the message that you get inculpated all the time is that you are different there. You are better there. You are special.

And, you know, we are special, but we're not that special.

Most of what I learned, I learned when I -- it was ten years between the time that I finished college and went to graduate school. And I breezed through planning school. Why? Because I was on my local planning board at the time that I was in graduate school. That was the real education on how you do local land use and planning at the community level.

People in the community taught me, one, how to work with people. How to treat people. How to recognize their knowledge as being every bit as superior as my knowledge. And how to translate what they were experiencing into the language that people speak, but authenticating what their experience and what their knowledge was.

It seems like -- you know, it seems like second nature. Right? It's a really
hard thing to do, especially when all your life,
somebody has been telling you that you're special
and you're different, and you're different and
unique. About you're not really that special.
Now, maybe your mommy and your
daddy think you're really that special. But in
the scheme of things, it's the people that we
serve, right? And we have to figure how to lift
up, how to validate their knowledge, how to
validate their experience.
And so I think that would be --
that was the greatest thing that I learned.
And I had some extraordinarily
patient senior citizens who taught me that. And I
try to remember it every day in every way as I go
about doing my work. So that would be one thing.
Another thing would be how to take
the knowledge that you are getting in the
classroom and use it in the service of people in
struggle. You know, there are tremendous things
happening with technology, Google Maps and Google
Earth, that help people figure out and see
visually sort of where they are, and where they
are in proximity to threats and to environmental
threats of every kind.
How do you take that stuff that we're learning in school, in a cutting-edge technology, and put it in service of communities in struggle.

There's lots of creative things going on. These young people now, the way their minds work, it's just extraordinary to me. And how you connect that to community struggle for social justice, I think, is something to give them a challenge to try and figure out.

DIANE SICOTTE: Thank you.

ADAM H. CUTLER: We'll take Alice's question.

ALICE WRIGHT: My question is, what's the responsibility or -- and how can universities, the scientific community, take the knowledge that they know about health in the environment to the people who really make the decisions?

I mean, I sit on many of the environmental justice calls through the federal government. And the people who really make the change, they're not in the room.

VERNICE MILLER-TRAVIS: Tell me a little bit more, Alice. Who do you think is not
in the room?

ALICE WRIGHT: Well, I'm saying
the policymakers, the people who write the regs,
the people who vote on the regulations.
And, I mean, at some point, I
think that we need to take it to them
and expose --

VERNICE MILLER-TRAVIS: Yes.

ALICE WRIGHT: -- them for who
they are for not changing regulations that are 40,
50, 60 years old.

VERNICE MILLER-TRAVIS: Yes.

ALICE WRIGHT: And, you know, in a
sense from my experience working in
communities that are so vulnerable, there's this
mean-spirited attitude that they deserve what they
get. And I just think, at some point, it needs to
be addressed.

VERNICE MILLER-TRAVIS: It does
need to be addressed and so --

ALICE WRIGHT: So how do we do
that?

VERNICE MILLER-TRAVIS: One of the
last pieces I mentioned was that people need help
participating in these federal rulemakings.
And why is that important? It's important because the way the process works about environmental statute, policy and law is that Congress passes laws. And then on the environmental front, they then give it to EPA to then turn into what EPA calls a rulemaking. And that rulemaking is the codification of what Congress has tasked them to do.

So some of these rulemakings that go on for years and years and years, the definition of solid waste rule, which regulates the hazardous waste recycling industry, has been going on for 19 years. And it's just the last two years that the people who are most impacted by what that rule would regulate, each of the communities, low-income tribal communities, have been engaged in the process.

And one of the reasons they've been engaged in the process is because Earthjustice and Environmental Renewal Advocacy Organization and the Sierra Club have made a real extraordinary effort to bring those people into the process.

So we give them technical assistance. We walk them through the rules. We
bring people from all over the country to Capitol Hill to talk to their members of Congress about why these rules are important.

That kind of work has got to go on. And we have a role to play in it. We can break it down into very, very complex processes.

So that's what we're there for.

We're there to break that science and that technology down, to explain to folks and then to take back what they say and give it back to the federal government, the decision-makers, this is what communities would like to see in terms of how you ultimately promulgate the statute or this law.

There is a wide-open process for this to happen. The people who are most absent in this process are the people who are most directly affected by these laws and statutes.

And lastly, I would say, I know that people say this all the time, and you probably think, oh, they're just saying that, that it's not going to really matter. It matters that people interact with their elected representatives of federal, state and local government. It matters.

I met with your Senator Casey --
not him exactly, his staff person -- on Monday,
talking about a couple of rules that are
happening. And I tried to lift up the communities
in Pennsylvania that are really struggling with
these issues. And it would be really great if
Senator Casey would go and meet with these
communities out where these coal combustion waste
sites are, out where these incinerators are. That
if he would come and see for himself, then maybe
he wouldn't be such an asshole and vote against
these issues when they come up before Congress.

Now, let me be fair. As senators
go, Senator Casey is one of the best people in the
United States Senate. Let's be absolutely fair.
But on the coal issue, as so many
say this who are from coal states, they're
pigheaded, they're blind-sided, and they're going
with the coal industry first, but there are
impacts that are happening to the communities.
But who is the difference-maker?
Bring the people who are suffering to meet
directly with their representatives and let them
look them in the eye and say, I'm going to vote
against your interest.
That's the role that we can play.
We can help raise the money. We can get the people on the buses. We can go with them to Washington or to Harrisburg, or wherever it is, but we've got to get the people involved in the process so the decision-makers are hearing from the people who are most directly affected. That's the greatest thing I think we can do, Alice, is to bring the people into the political process.

Thank you.

(Depository)

ADAM H. CUTLER: Thank you again, Vernice. That was outstanding.

JEROME BALTER: I want to raise the connection between the question of environmental pollution and what is bothering many citizens, including the -- what do we call them -- those people on the right.

And the question is, what is the relationship? That is, if you stop pollution, you reduce illness. And the biggest cost to government are the sick. So that if the government invests in pollution control, will they
not reduce the cost of Medicare and Medicaid and  
get through all this nonsense that's going on?  
And especially the right wing,  
because people only learn through their  
experience. And if you can show them that what  
they don't like is affecting their pocketbook,  
maybe we can win them over.  

(Applause)  

ADAM H. CUTLER: Well, I think  
Jerry just hit on a new collaboration that we can  
be working on over the next few years.  
Thank you, Jerry, for those  
comments. And thank you to Alice and Diane for  
your questions.  

(Applause)
SESSION III:

A PROJECT TO UNITE NE REGION (OR PA - PHL AND PBG)

INTEGRATING CUMULATIVE IMPACT SCREENING TOOLS

INTO PLANNING

ADAM H. CUTLER: I’ll be moderating the next panel, so I’d like to call up our panel three participants now. And as they’re moving up and everybody gets comfortable, I will go right into the introductions.

While we’re waiting for -- oh, here she comes. Come on up, Eileen.

JENNIFER R. CLARKE: While Eileen is coming up, I just want to acknowledge one person who has contributed a lot, 99 percent to today, and that is Taylor Goodman. Taylor is our development director.

JENNIFER R. CLARKE: Taylor's headed over to the Downtown club to make sure that tonight's event is nicely staged.

ADAM H. CUTLER: Okay. So our
third panel is kind of picking up from some of the points that Vernice made. Our third panel is going to talk about particular cumulative impact screening tools and other tools that communities might be able to bring into the planning process. And I will just briefly introduce our distinguished panel. As before, you can read their more detailed biographies in your booklet. Speaking first will be Dr. Jim Sadd. Dr. Sadd is a Professor of Environmental Science at Occidental College in Los Angeles, California. Next will be Eileen Gauna. Professor Gauna is a Professor of Law at the University of New Mexico School of Law. And finally, we have with us John Relman. John is a civil rights attorney and the founder of Relman, Dane & Colfax, a Washington, D.C. civil rights litigation firm. He also teaches public interest law at Georgetown University Law Center as an adjunct professor. So without further ado and to keep us running on time, I'll turn it over to Jim for the first presentation. JIM SADD: Good afternoon.
You can go to the next slide.

My job today is to talk about environmental justice screening generally and also to detail an environmental justice screening method that I and my colleagues have developed in the State of California.

I’d like to first say that the whole task of environmental justice screening is a task that’s several years old. And it really is in response to a NEJAC call to try to operationalize the whole concept of cumulative impacts.

And so we have Vernice and other NEJAC members over the years to thank for that.

I listed on this slide several attempts recently that are trying to develop these cumulative impact screening techniques, the most prominent, I think nationally, is the EJSEAT from the U.S. EPA which I think many of you heard of. California EPA is also developing a hazard assessment screening tool that should be done soon.

The State of New Jersey has also joined the fray and is working on a preliminary technique.
And then there is the EJ screening effort that I've been involved with, which I'll be talking about in detail. All of these different screening methods have some shared purpose. They're trying to identify EJ communities that are the most impacted and vulnerable communities in order to identify areas that are deserving of targeted efforts of various types. All of them are geographically based, as you see. All of them use secondary data. That is, they're not really measuring anything, but they're taking information that is already public information, accepting it as accurate, and then using that in order to develop a screening method. And so what environmental justice screening is, is screening. It's not assessment. We're not measuring anything. But it is identifying areas that are deserving of drilling down for additional work. All of these techniques use information from the U.S. Census in one form or another, mostly at the census track level. And they really vary most in their methods of scoring
different locations and in the weighting of importance of different elements of cumulative impact.

Next slide, please.

So to first talk about the environmental justice screening method that we've developed, we've done this under contract to CAL EPA and other California State agencies and others.

And the goal of this project was to develop indicators of cumulative impact that actually reflect the research that has been done to demonstrate disproportionate impacts and vulnerability, but also to select indicators that are transparent and relevant both to communities and policymakers and other interested stakeholders.

Then these indicators are applied to a screening method, which I'll show you, that has a number of uses. And I can talk about specific uses that ours has been put to later, if you wish.

Next slide, please.

So the focus of the EJ screening method that we developed uses 36 different
indicators of cumulative impact and vulnerability. It's specific to air pollution and climate change.

And as I mentioned, it uses secondary databases which are accepted as accurate and truthful, but we actually use ground-truthing in order to validate that information in specific areas. And that's often a community-based participatory research project.

The technique that we use incorporates land use information, which is really different from all of the other methods. And we think that's important because land use decisions, I think as we all know, really are the basis of so many environmental justice problems and also solutions. And for this reason, this method really requires the land use information that's both classified and also has a spatial resolution that is high enough or granular enough that actually can be useful at the neighborhood level. It has to reflect neighborhood to neighborhood variation.

We've actually done this in the State of California. We've covered an area that takes into account about 85 percent of the population of the state.
And, finally, the technique that we use, which is a little different than others, doesn't map everywhere. It only maps where people are actually exposed in a non-occupational setting. So we're mapping in residential areas and also sensitive land uses.

Now, we've taken the definition from the California EPA. But these basically are land uses where people who are especially sensitive to air pollution or to climate change impacts spend much of their day; so, for example, senior housing, health care facilities, child care facilities, schools, urban parks, and playgrounds and so forth.

Next slide, please.

So in our method, we have four different categories of cumulative impact. First, we're looking at indicators of proximity to various types of housing and also the locations of those sensitive land uses that I mentioned before.

Second, we're looking at indicators of health risk and exposure.

Third, we're looking at indicators of social and health vulnerability, all of which
have been validated in the research literature to actually be statistically significant determinants of disproportionate exposure and impact. And, finally, we have recently added a climate change vulnerability piece to our screening method, because we think the data is good enough. The cause and effect on relationships are also good enough in order to include it, but, of course, can be backed out if you're only interested in the air pollution. Next slide.

So lest all we think that everything is California is wonderful. And I'll say that I left a cold and rainy day yesterday in California to come to this perfect weather in Philadelphia, for which I'm really grateful. And also, there are areas in California which are not so nice. And here is an example, the Liberty/Atchison Villages, which is not very far from UC Berkeley, where one of my colleagues works and lives. And as you can see, it is adjacent to a number of environmental hazards and really personifies or typifies the cumulative impact problem that is so prevalent in many communities in the United States.
Here it's adjacent to an interstate, a port, a rail yard, one of the largest refineries in the United States, a chemical plant and so forth. So I won't spend a lot of time on this slide, because this is for nerds, like me. But, basically, this is a three-step process. There is a Geographic Information Systems spatial assessment, which I'll summarize for you, that basically makes the base map on which the mapping will be done and also develops the proximity metrics. Second, there is programming done in the statistical package. We use SPSS. It could be done in SAS or any other package that has that capability. But if they're written in them, the results are mapped. And the reason for that is, we want to make sure that we have quality assurance and quality control at every step, so we can actually demonstrate what was being done. We can identify errors. And we can actually make this into a programmable method and hand it off to someone else who can change the indicators, make other decisions, and use it in a similar way. So this is the southern California
area, the Greater Los Angeles area. If you’re not familiar with it, the City of Los Angeles is sort of this area right here (indicating). And the freeway system is shown in dark lines. And there’s also three other shades on this map. There is white. Those are all of the residential and sensitive land use areas where mapping would take place. Then there's some light gray. That is open space, commercial corridors and that sort of thing, which is not mapped. And then we have darker gray areas, which shows industrial areas, transportation corridors, utilities and so forth. So everywhere in white in the maps that you'll see are the areas that are scored and mapped for cumulative impacts.

This is the East Los Angeles area, where the land use data is shown. As you can see, there is a number of different types of land use. Everything shown in blue is either residential or sensitive. So that’s where we're going to map. And everything that’s not blue is not.

And if you’ll notice -- next slide -- I've lifted up some areas in pink, which are cemeteries. We don't map in cemeteries.
because there's no one living there.

So we isolate those land uses where we will do our mapping, and we lay them over census block information, sort of in a cookie-cutter fashion.

Next slide.

We cut the land use with census blocks and we wind up with a whole bunch of little polygons. Now, GIS nerds like me call these slivers. But we, in our environmental justice work, call these cumulative impact polygons, because this is the base map which we use. These polygons are all either the size of the census block or smaller. So they're a nice surrogate for a neighborhood. And then, of course, once the scoring is done, each of those polygons receives a color, and the color indicates its level of cumulative impact on the neighborhood.

Next slide.

So let's first look at the first category of indicators in proximity to hazards and sensitive land uses. Here are the sensitive land uses that are recognized by the California Air Resources Board. They're self-explanatory.
I'm not going to get into the actual scoring metrics that you use. But I did provide a paper for the proceedings, volumes, that describes that in detail. And as part of the Witmer Bio Research Group to be engaged in a meaningful way with communities, we published that paper in an open source journal. So instead of having to pay $3,000 a year to subscribe to it in order to get it, you can just get it on the web as a downloadable PDF.

Next slide, please.

And then we're looking at proximity to a variety of hazards, both point and other area hazards, and a variety of land uses that are associated with high levels of air pollution.

Basically what we do is, we draw a distance buffer around each of those cumulative impact polygons, each of those neighborhood-sized geographic units, and count the number of hazards within a certain distance.

And the distance buffers that we use are actually the ones that have been recommended for land use decisions by the
California Environmental Protection Agency in order to guide the land use decision-making for new facilities in the State of California. Now, there's nothing that says that the local land use planning agencies have to accept those recommendations. However, they are recommendations that are there. And, secondly, this is only for new facilities, like a new school or a new child care center. And there is no recognition of the existing schools and existing sensitive land use that is there already.

Next slide.

So if you look at a distance-weighted hazard count of all the CI polygons in the Southern California area and combine that with sensitive land use, this is what the map looks like.

So red is a lot of them. Green is not very many. And so you can see they definitely are concentrated in certain areas. They tend to be concentrated adjacent, in fact, to areas of high industrial activity.

We then aggregate that information up to the census tract level. Now, we have to do
that because we need a consistent level of
geospatial data to match it with all of the other data
that we’re going to use, which is generally at the
census tract level, and we can’t misrepresent the
precision of this sort of mapping.
However, we’ve demonstrated it’s
possible to keep that granularity for some sorts
of local and land use applications. And we do
this aggregation upwards of the tract level using
population weighting.
    So if there’s a large number of
hazards located next to a large number of people,
that gets extra weight because it’s
population-weighted or population-focused.
    Then we do something which we
think is pretty simple and transparent, and it’s
very different from most screening methods, which
is, we take all those counts for all the locations
and we rank them in quintiles, the lowest 20
percent, the highest 20 percent, and the other
three in between. And we just give those quintile
groups a score of one to five.
    We’ve actually tried some very
complicated scoring techniques. We have used
EJSEAT use scores and standard deviations, and we
found that it doesn't make a whole lot of
difference. And this is a much more accessible
and easily understood and easily translatable to
be scoring. And this quintile distribution is
something that we follow through on the entire
method.

Now, I've talked about probably
the most complicated part of this. Everything
else is pretty simple.

So next slide.

This is just the scores then for
hazard proximity and land use for the Southern
California area. Again, the red is high scores,
high proximity and -- excuse me, great exposure to
these facilities. And then green is -- green is
good.

Next slide.

So then we look at measures of
health risk and exposure. We use five. These
are, in fact, very similar to the ones that were
used by EJSEAT, but we're using California-based
measures, because there are ways in which we feel
the California-based information is calculated
differently and is a little bit better. And all
of this information is detailed in the
And if we map the exposures and health risk metrics in the Southern California area, the map looks like this. And from this, you can learn a couple of things about Southern California.

One is that the wind blows from west to east. And so all of the pollution that’s generated sort of in the Greater Los Angeles area blows to the east. And that’s why there is a huge plume of high exposure and health risk in the eastern portion of the Los Angeles area.

The second thing you can see is that the health risk really follows the transportation corridors quite well, and also, again, forms a cloud around industrial areas.

Looking now at metrics of social and health vulnerability, these mostly come from the census, but we divide them up really into three groups.

There are a group of census tract level metrics that reflect socioeconomic status.

And, again, these are all validated by the...
research, by research that has been done. We didn't sort of just pick these out of our heads and think they were a good idea.

We also looked at levels of biological vulnerability, those elements that we can capture from the census and other sources that reflects the difference vulnerability of groups. The elderly and the very young are much more sensitive to air pollution and climate change impacts. And then we also have birth outcomes information, the percent of preterm and small for gestational age infants over a period of years.

Then we have some civic engagement metrics. These come from the census and also from the voting records. These also are meant to capture the degree to which local decision-making can be influenced by local residents. People that are linguistically isolated or people that are in areas with lower voter turnout probably don't have as much as local engagement with decision-making.

Next slide.

And mapping those metrics for the six-county Southern California area looks like this.

Next slide.
Finally, we have added some metrics for climate change vulnerability. Next slide.

We feel that the impacts of climate change are fairly well understood at this point in terms of heat stress, similar to what I was talking with some of my colleagues, and I'm anxiously awaiting information about the fatalities and other health effects of the very hot and humid weather that occurred throughout much of the central and eastern United States this summer.

But these are meant to capture the risks of living in heat islands in urban areas, also temperature change and exit temperatures, and, finally, metrics of mobility and social isolation, because it's very well understood that people who are socially isolated and people that can't go to the cooling center or can't get out are the ones who are the most vulnerable.

And looking at the map of the Southern California area of climate vulnerability, it looks like this.

So then we take all four of those maps and we add them together.
Next slide.
Remember that for each of those indicated classes, you've got a score of one to five. So that any particular neighborhood can have a score of as low as four and as high as 20. And this is what that map looks like.

I'm a scientist. I'm always trying to validate information that I think is correct. And it's difficult to actually validate this information. However, one measure of validation is that regulators, communities and others in California -- in the Southern California region -- who feel that they understand the landscape and the riskscape of environmental justice believe that this is a pretty good depiction of what it is like there.

And there are actually some surprises in doing this.

Do you want to show the next.

This just adds the climate vulnerability indicator you could back out if you want.

But one thing that we noticed is that many of the areas where there is already organizing, where there's already attention showed
up here as hotspots. But, also, there were some hotspots that didn't -- or, excuse me, that showed up where there is no organizing or no interest, such as the area around Pomona and Ontario. So that's an additional benefit to this sort of screening for community organizations.

Next slide.

Now, we're not the only game in town. The Environmental Justice Strategic Assessment Tool, or EJSEAT, the U.S. EPA, is also something that has been around for a while. This is something that Eileen is going to be talking about.

I just wanted to segue into her talk by talking about this very briefly.

Next slide.

It also has indicators. The indicators are similar, but different than the ones we use.

Next slide.

And I wanted to show these in sort of a comparative way. I've done that in two ways.

Next slide, please.

So here is a table which shows the indicators by class that we use in the
environmental justice screening method there to the left, and the EJSEAT indicators, 18 of them, which are on the right. And that arrow is to indicate that the indicators of health that they use in EJSEAT, we have incorporated into social and health vulnerability.

But this will give you a feeling for how the two methods compare in terms of the number of indicators and the types of indicators. The two methods have similar goals. They work at different scales.

One of the things that really hobbles the use of EJSEAT is, it's required to be nationally consistent and applicable in the same way throughout all 50 states. And I am blessed to live in California, where we have wonderful environmental data. But in places like, you know, Alaska and Utah, they don't have near the quality.

And, finally, these two methods use significantly different indicator metrics. Our ways of analyzing are different. And, also, although we use place-based scoring in both methods, there are big differences in the method and the philosophy.

Next slide.
So I thought I’d show you what the EJSEAT map looks like for that same Southern California area. Remember, they’re not only mapping in sensitive land uses and residential, they’re mapping everywhere. But this is EJSEAT for Southern California.

The next slide.

And this is the EJ screening method. And if you flip back and forth, you might notice that the two have a certain amount of similarity.

And what that tells us is that the whole concept of screening is very robust. You can actually do this. You can argue about scoring methods, which indicators to use, how to weigh them, how to move the geography, all that sort of dirty stuff, and you come up with a general pattern that is about the same.

So, you know, these patterns are real. In the parlance of a 12-step program for alcohol abuse, you have a problem, well, we have a problem. Of course, we all know that. I’m preaching to the converted here.

And just the last two slides that are in your proceedings are a full list of the
indicators that we use.

I want to pass the time to my colleagues. I’d be happy to answer any questions later.

Thank you.

(Applause)

EILEEN GAUNA: First of all, I want to thank you for the invitation and also to give my warm regards to Jerome Balter, who I remember from years and years ago, when he, along with a lot of other people, were taking EPA to task when they really needed to be taken to task in no uncertain terms.

And with that in mind, I want to put this -- put a little bit of context here. Like a lot of the prior speakers have been doing, I was kind of taken aback by the -- by the title, "Overstudied and Underserved," you know, "Uses of the Law to Promote Healthy, Sustainable Urban Communities."

I thought "overstudied"? You know, I have to tell you, I'm one of the old dogs. And I remember those days, as many of you in the
audience here remember, where there was little to support the claims. Nobody cared to look.

And, you know, the Reverend Strand and Cecil and Leslie and Vernice have all talked about or alluded to these days where there was outright exclusion and there was no information.

And now I see that we're sort of until the Environmental Justice Act II, where we do have some studies. We do have some good work that has been done. And we are not outright excluded. We're at the table.

Now, that doesn't mean that these are happy days. We're at the table, but it's not exactly equal footing for you. And we have information, but it's not enough. And some of it might be a little bit problematic.

So while we keep up that pressure to take action, I'm here to talk a little bit more about the policy implications of the studied part.

Now, Jim Sadd is one of a few handful of what we call the green team of environmental justice researchers throughout the country. You know, Jim Sadd and Paul Mohai and Bunyon Bryant and Manuel Pastor and Rachel
Morello-Frosch are just some really good folks who have moved research forward in this area. There's also research that is being done at the agency level. And that research that's being done at the agency level, that empirical work, we don't know exactly, you know, what they're doing with it. It's kind of a moving target. But, you know, it can be used, to target resources for enforcement in the brownfields area, for, you know, grants.

Basically, you have agencies who need to measure what they do and they have to support the tremendous amount of resources that are going to be moved in different areas. And so they undertook to do this screening method. Again, it's a screening method to try to identify areas of concern. And they called it Environmental Justice Smart Enforcement Assessment Tool, which means it was kind of developed probably in the OECA or the enforcement context.

But, again, you know, what exactly they were going to use this for and how it was to be used is and remains a little bit unclear.

Well, the National Environmental
Justice Advisory Council, you know, said, let us take a closer look at this -- at this method, because we want to kind of take a look at it.

So they formed a work group. And I was on the work group. I was co-chair. Jim Sadd was also on that with me. And so was Paul Mohai from the University of Michigan, and Juliana Maantay from New York. Just some good people. Some community people were there as well, Omega Wilson and Richard Moore. And so we, you know, had that good work group from different perspectives and we started to take a look at this tool.

Now, I just put a few slides in the packet for you. By the way, this is a great packet of information. Thank you so much for putting it together. But it bears -- I didn't want to send in a whole -- the report that we did, that our work group did, that we handed off to NEJAC, who then handed it off to the administrator is over a hundred pages long. But if you go to the website, you can get the report, the EPA website, or just e-mail me directly and I will send you the report. But I wanted to save paper and printing costs.
and so forth.

But what the agency was really looking at was a nationally consistent method of identifying these communities. And it's important that we understand that it's at a national level, instead of a state or regional level that Jim Sadd was talking about, where you can have much more resolution and really pinpoint things with a greater degree.

What our work group really did was take a critical look at that screening tool. And I'm not going to go into the technical details of it. I think, you know, I would encourage you to read the report if you're interested in that.

But the points that I wanted to make here, in my limited amount of time, is that what our technical folks on the work group did is, they took a critical look at that screening tool.

It's a really good thing that we've developing tools like that at all levels, in governmental, private and university.

As Jim mentioned, there were 18 indicators that were being used to screen environmental justice communities or communities of concern. They looked at each of those
indicators, broke down the databases behind those indicators, and they came up with some really interesting things. And we discussed these things and the implications of them and so forth.

We found that some of those indicators, the data behind them were rather weak. And the indicators themselves could -- had different weights within the overall score.

So if we had a really weak indicator that was weighted rather heavily, that could tend to distort that EJ score, the raw score, at the very end of the day.

We saw that another of the indicators, for example, the compliance indicator, had some squirrelly data behind it. You know, one of the health indicators had some errors in the database.

So it was this kind of thing that the work group, largely at the direction of Jim Sadd and Paul Mohai and others, helped us uncover and to make recommendations about.

A lot of it was rather technical, lots of telephone calls and so forth. But what I wanted to do was give to you some of our recommendations, just to give you a sense of what
these tools are and the potential for using them and misusing them and why we were particularly concerned.

So with that in mind, maybe you can hit the first one.

We found that it's probably pretty useful for prospective applications, but when used -- retrospective applications, I'm sorry, for taking a look back and saying, okay, have our grants been distributed to, you know, these areas, these areas of concern.

Now, you'll notice that I'm using the term, "areas of concern," instead of environmental justice communities. And I will explain that in a minute.

But when you're taking a look back at how robust has enforcement been in these areas, that that's probably a better use of this tool.

When it's used prospectively, it really should be accompanied with more information. And, again, I'll explain that in a little bit when I cover some ground. But how you use it is very important.

We thought that it really needs to be folded in with more public participation models
and so forth before you get to that prospective application.

Let me back up just a little bit. I want to talk a little bit more about the contribution of our dream team. And that is, what Jim Sadd did, explained later, and Paul Mohai did the same, so did Juliana, is they took these indicators and they looked at them in relation to areas, they applied them to areas that they studied under their own research methods and had, to use Jim's term, ground-truthed those studies. So they were very familiar with these areas. And they found, you know, why some of these indicators seemed to work and why some of them didn't. And so it was a way to test what this tool was doing against what I think are more sophisticated tools at a regional or state level had done and could -- and we could really see dramatically why some of these indicators really need to be reconfigured and changed.

Next slide, please. So what we did is, we recommended that after you apply this nationally consistent tool and you come up with -- it's like a very coarse screening tool. It will point to areas
that may be of concern, but it doesn't have
critical site-specific land use and other data
that really would give you a good picture of
what's going on.

Now, this is important because at
the national level, if you're moving lots of money
and lots of resources into these areas and you
have a tool that isn't picking up problematic
areas because it doesn't have the critical data
that is needed to do this, you could misallocate
resources.

And so what we suggested is that
you can use this coarse screening method, and then
you put it out for public comment and you allow
areas to say, you know, we think they missed us
and we are an area, an environmental justice area,
and this is why, and this is because we have
information that is not being picked up by this
screen.

So it is critical that for these
prospective applications, you put this through a
filter that involves a public participation
process. And then that way, you can define it.
You could also have, for example,
as Jim mentioned, you could have areas that show
up as areas of concern. But then when you take a
closer look at them, they’re not really areas of
concern because, you know, they may be out in the
desert somewhere where there really is nobody. Or
it could be areas where it's not really of concern
for some other reasons. So we needed a process to
help this become a better tool.

Next slide.

Okay. The tool itself is largely
air-focused. Like, again, I didn't want to turn
this into too much of a -- you know, it's after
lunch and we're having to fall over our knees,
which is always, you know, terrible to do, so I
didn't want to like really drive you guys under
the table.

But the tool itself is largely
air-focused. It doesn't have a lot of information
about what might be happening on surface waters
and ground waters, with respect to soil
contamination and that sort of thing. So it
really has to be supplemented with information.

Next slide, please.

Here was where we thought that we
were walking kind of a double-edge sword. What we
didn't want to happen -- because the states were
very interested in this tool and a lot of people
were very interested in this tool -- and what we
didn't want to happen was for state agencies, for
example, to say, oh, this community has a score of
XYZ. That's not high enough. It's not an
environmental justice community, and so,
therefore, we can disregard what people in that
community are saying because they're just, you
know, being hysterical and, you know, those things
that we've been hearing for years and years and
years. You don't really have a problem. You just
want to make trouble.

And we thought it was critical
that this tool is not be used in an exclusionary
manner. It cannot say definitively if any
particular area is not or is an environmental
justice community. It's a step one. It's a very,
very coarse screen. It's not a necessity.

You know, you couldn't -- because
of that, the bad side of it is, it really can't be
used arbitrarily to impede community development,
overturn local land use, authorities or permitting
decisions. Because if we say the school isn't
well developed enough to exclude communities, we
can't use it in a definitive way. And so here is
where I think it has real limitations, for example, in some applications. It does have to be supplemented with other information, you know, before you can walk into a permitting proceeding, for example, and say, no, no, no, you know, don't put it here in this community, it already has too much.

So, you know, that's a significant limitation to it. And, you know, it's helpful, but it probably would not be helpful in that context. That's not to say that it couldn't help inform.

There's another reason as well. This is a tool. It is not a source of legal authority in its own right. And, of course, you know, the permitting proceedings have to go under, you know, the particular regulations and statutes at issue.

So bad news for the litigators.

Sorry.

And it should be used to bring resources, but it should not be used to bring stigma to a community. So those were some considerations we thought were important.

Next slide, please. Next slide,
please. Could you go back one slide? Did we miss
a slide? Let's see. Oh, no. I'm sorry. Okay,
let me check mine.

(Pause)

Okay. All right.

And, again, it should be used in
the context of, you know, problem solving and a
bias for action. This bias for action is a really
important strong recommendation. We didn't want
to fall in the track of, let's study this thing to
death, let's pick apart the methodology that
underlies this particular empirical tool, and
let's use it as a reason not to do anything.

And so we recommend, in the
strongest possible terms, that the agency not do
that, that it do it in the context of -- you know,
again, one can understand the frustration behind
this, you know, overstudied and underserved. And
we didn't want our discussions to contribute to
that paralysis-by-analysis type of a thing that we
have all seen for so many years.

And, again, we thought that the
EPA and the states must really focus on all
sources of impact and vulnerability in an area,
not just those captured by the Environmental
Justice Smart Enforcement Assessment Tool.

You know, and here is another double-edge sword. It's important to develop these tools at the national level. If you do that, they have to be tools that are consistently applied across the United States.

But in order to do that, you need nationally consistent databases. And so it means that there are some national applications where the use of this tool is appropriate. And then there are going to be some applications where the use of this tool is not appropriate and it needs to be supplemented with more information.

So, again, it's kind of a tricky thing.

For example -- let me give you an example. The health data we found was not -- it was relatively weak with the use of this tool. And it's because the healthy data generally is not compiled in a nationally consistent way. And so it tended -- it was a weak indicator, but it was overweighted. And so it could tend to actually distort the scores.

And so here is where we were making recommendations of, yeah, you've got to really be careful with this. And, you know, we
have to be careful with the way that we use it.

It's important as it is.

Okay. Next slide.

So we recommended to the EPA that they really need to seek a wide range of views on this. They need to do outreach in terms of how EJSEAT and other tools are actually being implemented. They're a force for good, but they can be a force for much mischief as well.

They need to undertake what's called a sensitivity analysis to understand how each of these EJ elements affect the scores. You know, and our dream team did, you know, a lot towards this end, but there is certainly a lot more work that needs to go into it. And this needs to be a transparent process.

Again, this is another thing that I thought from a policy perspective, is critically important. The agency developed this tool in-house. It didn't seek information initially from some outside sources that could have been -- you know, these folks have been doing environmental justice research for a long time. And they have strengthened the methodology for doing this research over the years. They should
have been consulted.

NEJAC took them to task. And, you know, they really stepped up to the plate and made some good recommendations.

We haven't heard back from the agency in terms of whether they will take our recommendations. We don't know. You know, there's sort of a whiff of, well, maybe they're developing something else.

Again, this is one of these areas where our, you know, environmental justice advocates need to keep track of what the agency is doing and continually put pressure on the agency to say, okay, let's take a look at this tool, let our folks, who do good work in this area, take a look at these tools to make sure that they are well designed and that they are used appropriately.

Okay. Next slide.

I'm going to wrap up. Okay. Go ahead. Next slide. This is the end.

And, again, they need to -- there was one place where they really need to seek -- in particular, the tribes were absent, native people were absent in the work group and in other ways.
And so they really need to incorporate that.

That's it. Okay. We can answer more specific questions. I was like getting the boot.

Thanks.

(Applause)

JOHN RELMAN: Good afternoon, everyone. It's a pleasure to be here. Thank you for having me.

This is kind of a nice homecoming for me to be up here. I'm a 1975 graduate of Germantown Friends School. I know there are some graduates in the room.

And what's also nice, and I have to say that the reason I decided to become a civil rights lawyer was because of my formative years at Germantown Friends School and then went to the Lawyers Committee for Civil Rights, where I spent 13 years, both in the national office and in the Washington office, litigating civil rights cases.

So it's also fun to be here in a conference hosted by an organization that is in the family of the Lawyers Committee.
And, finally, I have to say although I’ve been in many meetinghouses in my life, I’ve spoken very few times. I defined myself in all of high school, I don’t think I ever stood up. But there’s always a first. And this is the first time that I have ever seen a law conference -- or not a law conference, just a conference in a meetinghouse. A very fitting place and a beautiful meetinghouse, so it’s very, very nice to be here.

So with my limited time, what I want to do is, I’m sort of perplexed as to why I was on this panel, since it’s all about the use of maps.

And I thought about this for a moment and I realized, well, I don't know much about mapping, but I certainly use a lot of maps in trying to prove our cases.

In fact, when I started to think about all the different times in our cases that we try that we use maps, it’s extraordinary what we do with them and how dependent we are on them.

And so what I want to do with the ten minutes that I’ve got is to take you through some examples of the maps that we've used to prove
our civil rights cases.

And let me just say that the work that I do really started off as fair housing work. I do a lot of fair lending work. And in proving these cases, no matter what kind of discrimination case it is, it's really all about trying to establish that the motivation for any action, whether it's governmental or not, is on the basis of race or national origin or it's on the basis of a prohibited characteristic.

And a picture is worth a thousand words. When you're in front of a jury, in front of a judge, the picture can tell an incredible story. And we've learned that over the years. And so I just want to give you a few examples of how this has been done and how effective it is. And my hat is off to the people who do these maps. A lot of these maps that are being done today were done by Allan Parnell and Ann Joyner at the Cedar Grove Institute for Sustainable Communities. We use them in a number of our cases. And there are just extraordinary things that have been done. But first, we to the first slide (sic).

I'll take you through it.
So I’ll give you some examples.

This would be in the voting area. Now, this is a case that goes -- a Supreme Court case that goes way back to 1960.

Next slide, please.

And here, this is sort of a primitive use of a map in a gerrymandering case that goes all the way back to 1960.

But if I can actually segue.

So here, what you’ve got, is Tuskegee, Alabama. The four sides represent the city limits. Four times the number of African-Americans in Tuskegee, Alabama in 1960 than whites or than white voters.

But the map of the city was redrawn in this configuration here, a 28-sided figure, in order to exclude African-American voters. All right?

So that simple picture told an incredible story to the Supreme Court at a time when you might have had to go through pages and pages of documents.

Next slide.

Let me take you up to a more recent case that we tried in 2008 in Columbus,
Ohio.

So next slide, if we could.

So we were approached about a case that involved a city called Zanesville, which is about 60 miles east of Columbus. And there is an historically African-American neighborhood known as the Coal Run neighborhood that sits right outside the City of Zanesville. This is right on I-70 as it goes through Ohio.

And what we were told was, that this community of Coal Run, this African-American community, had been denied water for more than 50 years. It was known as -- the name of the term -- this is an offensive word, but this is what it was called, it was called by everybody there, it was known as "Nigger Run," also known as "Shit Sling Hollow."

The reason why it was called that was because this area is coal mining territory.

You can't drill wells deep enough to get to good water. And, therefore, the only water that you could get had to come from this water treatment plant here in the City of Zanesville.

The folks here for more than 50 years, the African-American families, had
hauled water from the water plant, which they paid for, on their trucks and put it into cisterns.

And in the cisterns, the water got filthy, dirty, infested with mice, animals. It was disgusting. And they had to operate out of outhouses here. There was no indoor plumbing. That's why it was called "Shit Sling Hollow."

So we were approached about the case. And next slide, if you could.

The first thing that we saw when we looked at the results of the investigation and started to map it was, the water line went to Circle Lane and then it stopped.

Next slide, if I could. And then the next thing we did was, we looked at the houses and where they were located. This is the African-American neighborhood of Coal Run (indicating). The white houses go essentially to here (indicating). And this is where the water went.

So we plotted the race. If you go to the next slide.

This shows who had water.

Next slide.
This shows the racial makeup.

This is race unknown (indicating). This shows the racial makeup.

Next slide.

This is who had water in race.

So the picture to us was pretty clear. But the reason I put these slides up is because, actually, when I did the opening of trial, it was a nine-week trial in Columbus. And we had a Southern District of Ohio jury. Fairly conservative, by any estimate. Came from six different cities.

And the City of Zanesville and the county, Muskingum County, is an all-white county that this is in, all white county. This is one populate of the African-American neighborhood. They've got lots of excuses for why things had happened. We had to go back. And there were thousands of pages of documents and historical records on had they asked for water and what all had happened.

And the one picture that we found out after trial, that we put up in the opening, that told the whole story, that actually convinced these jurors from the beginning -- we could have
actually stopped the trial right there after the first day -- next slide -- was this one.

These are the water pipes that go out into an all-white county. This is Coal Run (indicating). This is what you saw right here, where the water stops. The water went everywhere.

And, by the way, Zanesville all had it. The City of Zanesville said, we don't run any pipes outside the city. But they actually did. This was all connected. Muskingum County said, we just couldn't get water there.

The jury looked at that and said, you've got to be kidding. We didn't know what they were saying, but that's what they were saying, you've got to be kidding me. This map told the whole thing.

And then we had a nine-week trial where they prodded up every single reason why they couldn't deliver water, and we had to break it down.

But this picture was worth the whole thing. The end result, water came to Coal Run after 50 years. And there was ten-and-a-half million dollars of damages that went to the families of Coal Run.
All right. Next one.

As a result of that case, we learned about work that was being done around the country in dealing with annexation of minority communities or failure to annex minority communities.

This is in Warren County. And Allan Parnell talked to me a little bit about this situation, where there was some litigation going on.

I show you this map just because it's interesting. These are minority communities that have not been annexed, if you're looking around here (indicating). These are the annexations that happened. And these communities are minority communities that still have not been annexed. And he starts showing me about this.

Next slide, if you could.

That, of course, led to another case. This is not a case that -- we were involved tangentially in this case. This is in Modesto, California.

If we can have the next slide.

Here there was both the refusal to annex Hispanic communities and a denial of
services to those communities.

These areas here in the purple are
the heavily Hispanic communities, more than ten
times the Hispanic population of anywhere else in
Modesto in these areas.

These are the sewer lines in the
green. And you can see the sewer lines just don't
go to the Hispanic communities.

Next slide.

What we have here, these are
streetlights. And, again, in the green areas, if
you can see it, these are ten times the Hispanic
population than the rest of the city. No
streetlights in these areas.

Next slide.

These are storm drains. The same
thing. Each one of these is a storm drain. What
this meant was, the children were walking to
school in streets that were not paved and in the
mud, in the water, because there are no storm
drains.

Next slide, if we could.

Now, this is interesting. And
this is a fantastic example of mapping. This just
outdid it.
I’m going to ask you to flip through these in rapid order. This shows the Modesto annexation. One second. It goes by year. It’s going to start in 1961 and it’s going to go up to 2004. And as we go through, I want you to watch — hang on — watch what happens to — these are the Hispanic neighborhoods. In the red, it’s more than 75 percent. In the brown, it’s 50 to 75 percent.

Now, just go through like a flip card pretty quick and see what happens to annexations over the years. Watch the minority communities. (Flipping slides.) Stop right there. There you go. Back up. Completely left behind as they annexed every year. Minority communities were just completely left behind. So sort of a remarkable story you can tell with these maps empty. Now, the next type of case that we’ve been heavily involved in is cases involving the siting of low-income affordable communities. And there are two ways that this happens.
One of the concerns is that for affordable housing -- just a couple more minutes and I'm going to stop -- where low-income affordable housing is sited, one of the problems is, it gets repeatedly sited in minority communities, which perpetuates segregation. That's a real problem.

In other times, we can't get minority housing, it's literally stopped from going into white areas, where there are good services.

So this first case I want to tell you about is one -- go to the next slide, please.

This is actually one that was pioneered by folks in Texas. This is the Inclusive Communities Project. And what they were demonstrating with this map here -- actually, you can't see it too well -- but the siting of housing is all in the minority communities.

And what Allan Parnell did with this map was, he actually added -- these are industrial areas where there is a dot. So it's both in industrial areas and in the heavily minority neighborhoods.

Next slide. Next one.
This is a big suit we're fighting now that I've been deeply involved in, in the last three years, in New Orleans. This is St. Bernard Parish. This is outside the city. Here's New Orleans.

Next slide, if we could, and I'll get you oriented. Okay.

Here is Lake Pontchartrain.

Here's New Orleans. Here is St. Bernard. It's white because it is white, 98 percent white. Always been that way. One of the most racist communities in America.

Right after Hurricane Katrina -- you go back one slide -- here is the industrial canal right here. Here's the Lower Ninth Ward. This is heavily African-American, as you can see. This is greater than 75 percent African-American in the red.

The sheriff of St. Bernard Parish gave orders to shoot to kill anybody who crossed the industrial canal. I kid you not. Reported in numerous newspapers. I had him on the stand. He admitted that that was their order. Okay?

They passed a moratorium -- well, first, they passed a zoning law in 2006 that said
if you live in St. Bernard Parish and you want to rent your single family home to anyone, they have to be related to you by blood. That was the ordinance, related to you by blood.

I'm telling you, all I had to do in front of a judge down there was put up this slide that said it perpetuates segregation. Right? Look at this. Look at this. Right?

Now, the next thing that happened, which is the current case that's going on right now -- I don't have enough time to talk about it. I'll tell you really quickly, because it's a different version of this, but the map is equally powerful.

This is a case in which after we got that ordinance struck down, low-income affordable housing developers, who do terrific projects, fantastic housing, got tax credits to build in St. Bernard, actually right around here, right in this area (indicating). They got low-income tax credits through the LIHTC federal tax credit program.

And this housing was going to be mixed use. Of course, it was going to be affordable to folks in these communities, as well
as folks in St. Bernard. It's critical housing, affordable housing, because this whole parish was flooded. They desperately needed housing.

You know what St. Bernard said when they found out it was going to be affordable housing? They said, crime is coming in from New Orleans. The ghetto is moving in. We don't want those people there.

And they furthermore said, by the way, we don't need any housing here. We're just fine.

Well, three times in 2009, we held the parish in contempt. Three times they were held in contempt for violating the previous order in front of Judge Berrigan down there. And then this year again, we finally got the building permits. Investors left when the economy went bad and building started again this year.

We've been back down in St. Bernard to fight to allow the housing to go forward. They've been held in contempt twice more this year. The building is almost done. The housing will be almost complete November the 1st. It's fantastic stuff. It's been a three-year battle. But it's these maps that
convinced the judge not only was there intent to
discriminate, but the laws had a district impact
because the available market pool around here was
disproportionately African-American and the effect
was going to be disproportionate.

So these maps were extremely
powerful to allow our expert to make statistical
findings that we wanted to.

The final set of maps I want to
talk about is a slightly different problem, which
is one where, again, it has a little bit of
environmental justice aspect to it as well.

This is a case that my partners --
I haven't been litigating, but my partners in the
firm have been litigating.

Next one, if we could.

And this is out in Napa County.

And what we see here is, in the red is where
proposed low-income housing is proposed to be
sited, here, here and here (indicating).

And this is to show that the
placement of this housing by the governmental
authorities is in the middle of nowhere, which
makes it, you know, impossible for folks to be
able to access services.
So what these maps show in this recent trial -- we're still waiting for the verdict from the judge. Next one, if we could. Next slide.

So these are bus stops. And this shows how far folks are from the bus stops. I mean, it's unbelievable. This shows food access. This is Safeway, Penngrove Market. This is where the shops are. But look at where these sites are. This is unbelievable. This shows that several of the sites, these are brownfields where they're sited to be at. Next one, if we could. They're on floodplains, also, on both sides.

So just to give you an idea, you know, we, as lawyers, can talk. We have to do our openings. We have to do our closings. We have to cross-examine witnesses. The witnesses that I put on in Columbus, I mean, a couple of the county commissioners were on for over a day and a half of
cross-examination, where we take them document after document to break down their testimony.

But these maps go up and people get it. It's like beautiful. So I love you guys (looking at panelists).

(Applause)

ADAM H. CUTLER: Thank you, everyone.

I want to ask one question to the panel and then quickly see if we have some questions in the crowd.

So we've learned through Jim and Eileen about two different types of screening tools that could be used, you know, to show us where communities need help and need resources. And from John, we've seen the power of maps as they can be used in litigation to prove obvious civil rights law issues.

In the development of the screening tools, are there opportunities, you know, for the screeners, for those who are developing the screen tool and communities who are involved in the ground-truthing process to
interface with litigators, who think about these things?

JIM SADD: I'll take a stab at that.

Absolutely. We wouldn't have done an environmental justice screening tool had not NEJAC laid that out as a goal that someone should pick up and do. So, you know, we didn't think this up on our own.

And I think that there are many ways in which we can have synergistic interactions that all move toward a common goal.

I'll say another thing about maps, just, you know, because John so eloquently showed how influential they can be.

I think people respond to maps because they automatically give them more imprimatur or they think they're more reliable and more accurate than other things, like texts.

Whenever we read something in a text, we're automatically skeptical, perhaps, but not maps. And a lot of times, maps don't deserve that.

One of my textbooks that students use when they learn about mapping is a book
called, "How to Lie with Maps." It's part of a whole series. "How to Lie with Statistics." And "How to Lie with Calculus."

While maps are very powerful, they can be used for powerful good and they can be used for propaganda. But, yes, I think there's lots of opportunities. And had we not interfaced with NEJAC and with communities, we would not have embarked on or been successful in developing a screening method.

JOHN RELMAN: Again, I would just second all of that. I mean, I think that, you know, obviously, that's my point, is I think that these maps are incredibly powerful. I think they're really important interconnections and collaboration that can be done between those who do the maps and civil rights litigators.

I mean, our job is to really to, by a preponderance of the evidence, convince the decision-maker that race played a role in a decision or whatever the claim is that we're making.

And the maps create a picture. It's a picture that people can come to their own conclusion about just by looking at. And if maps
are done effectively, and they do represent the
evidence, then they are tremendously effective.

But I agree with Jim. If you use
a map, and you have it and it doesn't truly
represent what's going on, it will backfire on
you. So you have to make sure that when you use
it, all of the empirical data that underlies the
map, whatever that map shows, whether it's the
number of buses, whatever it is, that has to be
truly accurate and it does represent what's going
on.

Also, I have to say, at the
investigation stage of the case, it helps us to
see what the truth is, what's truly happened. It
makes it very clear to us.

And then we test it out. I'll
look at a map and say, does that really represent
what's happening? Is there another way this could
be depicted that will tell a different story. So
we have to look at it from all angles.

EILEEN GAUNA: And I just want to
add quickly that you'll notice that the government
tool that was sort of the wimpy one that didn't
work real well, and it did. But, I mean, what can
I say?
And thanks to NEJAC for pressing on with this area, because it's really important. But it was the community folk that were on the work group that really did press us in terms of, are you sure that this can accurately reflect what we are experiencing in our community. And they're the ones that pointed out, well, you know, this talks a lot about air pollutants, but where I come from, you know, soil contamination is a real problem or groundwater contamination is a real problem.

So, you know, there is that partnership between, you know, the empirical workers, the lawyers, the community people, the public health workers that can get a problem and can look at it from a lot of different angles, that you really start to see something come of it that's very useful.

ADAM H. CUTLER: I'm being pushed to wrap things up. But I do want to open up for just one question from the audience, if there is one.

Ryan, do you want to come up to the mike real quick?

RYAN: I just have a practical
question about getting maps into evidence and using it.

What kind of fights did you have with that? Was that in pre-litigation? And like can you just walk through the process of using empirical data in the mapping process and how difficult it was to get it into evidence?

JOHN RELMAN: Yeah. No, that's a much longer question. And it can be hard.

Look, but the basic short answer is, you have to be prepared to have your -- that the map has to be what we call a demonstrative exhibit. It has to be -- the map itself is not admitted for the truth. It's admitted to only show what the underlying data, that you otherwise have to get admitted through an expert, would show.

So I have to have both someone to bring in the underlying data, number one.

Then I have to have my expert, my mapper take the stand and explain what the map represents and where the data came from and why it's publically available or otherwise reliable.

And then I have to move to have it in.

Now, the only reason that I was
able to use it -- and you're probably picking this
up from what I said -- I was able to use that map
in the opening. There are some judges that would
never have let me use that map in the opening.
Okay?
But because we asked in advance
and had essentially a session with the judge, a
hearing with the judge, demonstrating, making our
case as to why we were going to be able to show
that, in fact, this map is a proper demonstrative
of where those water lines go, in fact, the county
was not prepared to say that's not true. I mean,
they were stuck. That is where the water lines
go. They go under, around, over Coal Run. They
do not go into Coal Run, okay? So there wasn't
too much they could say. So we were allowed to
use it.
But you're right. I think it has
a powerful effect. And, therefore, you have to
get it admitted.
ADAM H. CUTLER: Well, I do want
to wrap things up and try to keep this on
schedule.
I want to thank our panel. These
are some amazing tools that obviously are still
works in progress. But we look forward to using them in the future.

(Applause)
SESSION IV: LAND USE/PLANNING/COMMUNITY ECONOMIC DEVELOPMENT TOOLS

DONALD K. JOSEPH: Okay. We are not changing the time we are ending one minute. But we are allocating that time differently so that all of the substance can be heard by all of you.

So if you look over there, we're going to start with a video. It will go five minutes. The panel will go its scheduled one hour and ten minutes, and we will wrap up by 4:45, as promised.

Adam, you're on.

ADAM H. CUTLER: That you, Don. Real quickly, I just want to introduce this short film. This is a film about the community of Hunting Park in North Philadelphia, which you've heard mentioned a couple times today.

I want to acknowledge in the audience Ted Oswald, who was one of my clinic students two years ago. Ted and his colleagues in
the clinic that year put this film together, shot
it, edited it, submitted it to the EPA's Faces of
Grassroots video contest, and were named one of
the top ten videos in the country in that
category.

(Applause)

ADAM H. CUTLER: So without
further ado, here's the film.

(Whereupon, the audience is
screening "Reclaiming Hunting Park.")

ADAM H. CUTLER: So now to
moderate our fourth panel, I present to you
Michael Churchill from the Law Center.

MICHAEL CHURCHILL: Okay. Good
afternoon. It's really a pleasure to be here.

In 1976, the Law Center held a
jobs and the environment conference to talk about
how acting on environmental issues would reconcile
and would actually promote economic opportunity.
The keynote speaker of that was Congressman Bob
Edgar.
In the intervening years, I've watched and learned from one of our nation's most innovative environmental justice advocates, Jerry Balter, about how to safeguard communities from unwanted, harmful polluters, both existing ones and wannabe intruders.

So it's a pleasure for me to circle back to thinking about the positive side of community economic development and environmental justice. We know in principle that the two can coexist. And we've already heard about a number of interesting examples.

But today we're asking, what does it take for that to happen, aside from the ability to make noise and use lots of people, which is always important. But what tools do we need to assure economic development that produces healthy communities and not the opposite.

Most city officials want developments which produce a stronger tax base or which produce more jobs. But many of those projects have impacts ranging from the subtle to the devastating for current revenues.

So how do we, in fact, bring EJ and EC together so we can get healthier, more
sustainable communities?
We have wonderful panelists who can address that issue from a number of vantage points.
I would like to point out that there are no practicing lawyers in the group. Two have never suffered that disability. And two are lax practitioners.
I point this out because the Law Center feels deeply that litigators and clients must understand the best practices for solutions if they are to successfully redress wrongs, or even better, prevent them from occurring.
So we will start with Alan Greenberger, whose bio is in the materials. But he's currently Deputy Mayor for Planning and Economic Development of the city, formerly Executive Director of the Planning Commission, and before that, practicing architect and planner.
So, Alan, is helping an environmentally sound development something important from the city's point of view? And if so, how do we get it?
ALAN GREENBERGER: Good afternoon, everybody. Nice to see you. Nice to be here in
the building again. I haven't been here in a while.

I wanted to tell you a number of things in answer to Michael's question. So let me start back and you'll bear with me for giving a little bit of personal history, but I think it's germane to this. I'm not one of the people who came out of the law side, although I probably spend as much of my days now talking to lawyers as I do talk to anybody else.

I'm an architect and I practiced in the city for 34 years, in fact, a lot of it in this neighborhood, not the projects, but the office. Projects that ranged from, for those of you who know it, the Salvation Army's Kroc Community Center. That was my last project in practice before I left practice.

But I want to tell you about the reason I left practice, because I think it's germane to this. I left practice partly because the mayor asked me to, to be the chief planner of the city, and that morphed into being Deputy Mayor for Economic Development. But I did it very much -- certainly because of him, but also because I looked at kind of a sweep of Philadelphia
And I think most cities have some kind of similar version of this story, where in kind of multi-generational cycles, 35-, 40-, 50-year cycles, cities go through significant change of point of view and value sets at some level. And the last time that happened in Philadelphia was probably post-World War II, early 1950s. A lot of things happened post World War both at the national level, state level, city level. New agencies were invented, new ideas about government started happening.

And that's the last time it happened here. And it played out pretty consistently from its base through the 19 -- maybe '60s, early '70s, before that movement started to change somewhat.

And what happens in these movements is, they sort of reach a peak of reform or change and then they kind of plateau and then inevitably it gets a little stranger as it goes along. And I thought, at the time the mayor asked me to leave practice, and I still think, even though the economy has put a pretty big damper on the ability to do things, that we're
in a 50-year cycle.
The kinds of things you're talking about today, not that they haven't been talked about before, some of the panelists, I know, have been reckoning with these issues for a long time as probably many of you have, but I think we are reaching a point, despite some of the kind of ideological kind of contention that we see out there that clearly says there's multiple sides to a lot of issues, I do think we're reaching a point where there's an opportunity to have a significant change in the way we sort of live our lives in this city and probably in the world in general.

I wanted to be part of that, because I thought that, you know, this opportunity is not coming around again in my lifetime.

So that's why I joined the city. And so here's some of the manifestations of it that relate directly to Michael's question.

I don't think you can have a healthy city without planning for it. If you just sit back and let stuff happen, some of it will be good, some of it will be neither good nor bad, and some of it will be bad. It's just inevitable.

And without a sense of rules and a sense of sort
of community will, you don't get to where you want to go.

And I think planning is one of the key ways to get there. And when I talk about planning, I'm not talking about let's figure out what everything should be and then do it. Particularly, let's think about what everything should be from, you know, a smaller group of professionals over here and then do it over here.

Planning is really an opportunity to organize public will. That's how I think of it. So that's why so much planning today involves intense discussions with communities about what's wanted locally, about what's broader good for neighborhoods and for the city as a whole.

And when public will is organized and there's a general agreement between government, the private investment and development sector and neighborhoods, things happen. And they happen much more readily under those circumstances and much more happily than they do under any other set of circumstances.

So while the work that you need to do to get to that point of general organized will is a lot and it takes a lot of time. And that's
why I think it seems to move very slowly. If it's
done well, things start to happen.
And, Michael, I apologize, I don't
remember how the time sequence of this is working.
I could limit my answer to just that, sit down, or
how do you go about doing this?
MICHAEL CHURCHILL: No. I'd love
to hear how you think it will get done.
ALAN GREENBERGER: Okay. All
right. I've got a lot more than that.
MICHAEL CHURCHILL: About ten
minutes.
ALAN GREENBERGER: Okay. Thank
you. My memory is not so good any more. I'm sure
nobody here has that problem.
So what we've done -- and this is
the first time we've done this in 15 years in the
city, so we're making this up as we go along --
we're doing two major things. We are rewriting
our zoning book, the 700 pages that exist now with
a hundred different overlays, complexity, hard to
read, obsolete references to business types and
uses that don't even generally exist in the city
anymore. That's all getting cleaned up. It's
been a four-year effort.
The citizens of the city voted to create a zoning code commission that consists of 31 members that are drawn from all over the city. Every council member has an appointment. The mayor has five appointments. All the chambers of commerce, with the big one, and the various active chambers of commerce are represented. Laborers are represented. There are a couple of developers on it.

That group has worked tirelessly for four years now with a consultant to rewrite this zoning code and try to make it not just relevant to today, but also to some reasonable projected future. We're sort of thinking in generation terms before, hopefully, it has to be revisited. Although it was suggested that it be at least revisited every five years to sort of adjust, because it won't be perfect. And we're closing in on the end of that cycle, which is the rewriting of the rule book.

That draft rule book is in front of council. Hearings at council were closed last week. Now, a kind of time meter is clicking. And our goal is to get this in front of council with a final draft in November for consideration,
and we hope approval in December, before this
council session closes.

Zoning is a very boring subject.

It’s unbelievably tedious, full of obscure rules
that turned out to mean something in terms of how
we live our lives. And it gets passions going, so
we know that. But it’s just your head spins when
you get into what’s now the 438 pages of intense
detail.

But it’s trying to map out the
rules, the categories, the procedures. For
example, we spent an enormous amount of time
debating in public sessions like these all over
the city different processes to get community
input on major projects, because we felt, and
still feel, that major projects had major impacts,
generally out of proportion due simply to what
they are in size. And it took an intense set of
ideas, negotiation, vetting back and forth to get
to a place where we thought we were doing the
right thing by community input, but we also felt
we were doing the right thing by creating more
predictability for development, which is a huge
problem in the city.

At the same time that we’re doing
that, we’re creating what’s called Philadelphia 2035, which is a new comprehensive plan for the city, also not being done in 50 years.

And the structure of it is this. The structure of it is important. There’s the first year where we looked at the city as a whole, and, again, in sessions just like this, sometimes with this many people, held in different parts of the city over several years. We tried to ascertain what are the big moves that are going to be transforming to the city. What parts of the city not properly served by mass transit. Which parts need substantial redevelopment, particularly in parts where there’s post industrial land that’s not doing what it should be doing, basically sitting vacant.

So we did that for this first year. But the real work over the next four years is to do what we refer to as district plans. We’ve divided the city up into 18 different districts. They kind of represent consolidations of neighborhoods at a time, sort of three to four neighborhoods at a time, that we think represent how Philadelphians think about where they live and what they kind of relate to as, well, this is my
area and that's another area over there. And we've started the first two of these. Our plan is to do two of these every -- no, four of these every year. We'll see if we can keep the pace up. It involves intense community participation, trying to ascertain what's stable and working should be left alone, what's in need of change in land use, where the problems, where the uses that are congested together that shouldn't be together, and where are the ones that are missing, what things should be together that aren't now together.

And we expect that it's going to lead to a series of land use ideas that, again, are hopefully based on a kind of confluence of public will, government interest and development interest, so that people feel comfortable with where these things are going. And then once done, apply the new rule book to projected land uses. And it's a very -- I'll even go so far as to say tedious, although occasionally thrilling process, that we think will merge the kind of interest that you have here with the need for the city to grow and be economically healthy. I think I'm going to leave it at
MICHAEL CHURCHILL: Okay. We'll come back with questions for you.
ALAN GREENBERGER: Yes, please.

Michael Churchill: You've all heard our next speaker, Vernice Miller-Travis, at lunch. She really is extraordinary. She is going to speak about what communities do when developers or governmental agencies discover that land that is near them is very valuable and want to do something that's not included in the zoning or may be included in the zoning but at a whole different scale.

Vernice Miller-Travis: Thank you. I'm going to stay here. And I am going to talk a little bit more about the East Baltimore development initiative, which I mentioned as one of the case studies in my previous comments, and make some connections between development and land use and community health and environmental justice.
and how those things are interwoven together.

So the first thing I want to observe is the clear connection between the previous panel and this panel. And I want to say to Adam and to the conference planners that to me, it feels like a seamless integration of the two conversations because the two things are completely related.

You know, in order to get a picture of development, development prospects, what are all of the interconnections between land use and development, you really need to map what the state of play is presently and then you to ask a very fundamental question.

And if my colleague, Peggy Shepard, was here and on this panel, Peggy would ask this question, as she has asked so many times relative to the expansion of Columbia University into West Harlem, and that is: For whom is the development undertaken? Right? That's a really fundamental question. People get really confused about that.

Just because a land use plan or a redevelopment plan is happening near where you live, you assume that it has something to do with
you. And usually it doesn't have anything to do with you. In fact, it is designed to make sure that you go someplace else.

So the question about for whom is development undertaken is a really fundamental question. And I think if you can get everybody in the room, local governments, you know, developers, the real estate community, the finance community, of course community residents and other actors, and you ask that question and put it on the table at the beginning of the process, for whom is the development undertaken, and have a real mash-up, a good productive one, about that question, everybody would walk out of that room with a much clearer understanding of what's at stake.

Because communities, and particularly environmental justice communities, often find themselves fighting a battle 20 years after the battle was lost. Right? And that's the land use and development process. And we learned that the hard way in West Harlem. And now that I know it, I try to teach it to every community I come in contact with around the country.

We learned from the previous panel that the fact that indeed racial segregations, in
its postal zoning, are still alive and well in communities across the United States of America. These factors continue to drive proliferation of instances of environmental injustice. And so when you looked at the maps about infrastructure, or lack thereof, those are fundamental environment justice issues. And I just want you to know that those maps are demonstrative of thousands of communities across the United States that still do not have basic fundamental access to safe drinking water and sanitary sewage systems. And I know it sounds so preposterous, sitting in the City of Philadelphia, how could that be in 2011? But it is. And it's pretty extraordinary. The more rural your community, the less likely you are to have that infrastructure. So I want to take you through a few things that happened relative to Baltimore City. And then I want to end up with some of the lessons we learned and have learned and extrapolate it from the East Baltimore development at issue. So how many of you people know
that in 1893, there was a massive cholera epidemic in Baltimore City?

(Members of audience raise hands.)

VERNICE MILLER-TRAVIS: Oh, wow.

I didn't know this, so you're really one of the informed, because I didn't know this.

I mentioned earlier that in 1917, Baltimore City promulgated the first racial-based local zoning ordinance that, in fact, went all the way to the Supreme Court.

The City of Euclid -- Euclid v. somebody, I should always know this cite, because it's such a fundamental case in land use zoning law. And that local ordinance was followed by 50 years of legally sanctioned residential segregation and expulsive zoning in the City of Baltimore that then met up with the passage of the 1968 Fair Housing Act. That was then followed by 45 years of informal residential segregation and expulsive zoning.

And then in 1998, a really interesting thing happened. The National Science Foundation began to fund a long-term longitudinal study, called the Baltimore Ecosystem Study, which is still ongoing.
Again, I just learned about this for the first time last year. I don't live in Baltimore, but I live near Baltimore and I do a lot of work in Baltimore. And I would venture to say that most of the residents in Baltimore have no idea that National Science Foundation has poured millions of dollars in this massive Baltimore Ecosystem Study.

And the Baltimore Ecosystem Study is still ongoing and has a tremendous amount of support from the Forest Service and from a number of other federal entities. And it is really one of the most extraordinary pieces of research I have ever seen about anyplace in any city in the United States of America. And they are really mapping every indice (sic) in the City of Baltimore.

And these are some of the lessons that they've come to. That the declining health status of poor and people of color in Baltimore City can be mapped charting three things: Residential segregation, expulsive zoning and the decline of natural resources in the City of Baltimore.

One of the real key indices is loss of tree canopy in the City of Baltimore.
Hence, the role of the Forest Service. The decline in the overall quality of water in the Chesapeake Bay and all of the tributary rivers that run through and around Baltimore that enter into the Chesapeake Bay. And so many other indices.

But when you map those things, and when you map them over time, it takes you on a straight line trajectory to where Baltimore is today and to the just massively poor health indicators.

Baltimore has the highest level of lead poisoning and cases of elevated blood lead level in the State of Maryland. They have the highest levels of asthma and incidents of asthma and asthma hospitalization. They also have the highest levels of premature death from asthma from every age group in the State of Maryland.

They do not have the highest rate of home foreclosure. That goes to the county that I live, Prince Georges County. But they have really dilapidated housing stock. They have really old housing stock. Most of the houses are built before 1978, so many of them have lead-based paint, and on and on and on.
Baltimore is the epicenter of a lot of really bad things. Hence, why they get studied so much.

But there's this connection between the loss of natural resources and the need to restore those natural resources in order to restore the overall health and quality of life of the people, the residents are the people, of Baltimore, particularly low income and communities of color and immigrant communities.

I think it's a fairly fascinating connection. And I don't think there's any other study like this going on in the United States. And the National Science Foundation has spent millions of dollars supporting this research. It would be nice if the people in Baltimore City were involved with that, but that's another presentation for another time.

Let's move over to the East Baltimore revitalization initiative, which I mentioned to you earlier. It was meant to put forward a new model of redevelopment in Baltimore, responsible development, which led to this responsible demolition protocol, and driven and integrated entirely by the people who live in the
community that were most affected by this massive redevelopment, the residents of East Baltimore. So here were the things that they were trying to do: To involve residents in a consequential way in planning, design and implementation.

To offer intensive family advocacy and support to families forced to relocate. To provide more equitable compensation than has been typical in redevelopment projects to families that relocate. To ensure that relocated residents have the right and ability to return to the revitalized community, first right of return they have.

To provide training and job radius for community residents, to help them secure jobs created by the redevelopment project. To increase opportunities for local minority- and women-owned businesses to obtain project contracts.

To use strict safety protocols to minimize the health hazards for residents of neighborhoods affected by demolition activity. So I should tell you that the
parcel that's being redeveloped is 88 acres, that
the overall project is $22 billion when fully
built out. That there are 518 row houses that are
being demolished in order for -- that have already
been demolished in the summer of 2005, the summer
of 2006. And that demolition safety has become a
key element of the revitalization agenda in East
Baltimore.

So here's something that goes on
in Baltimore that I found really extraordinary.
And, you know, Baltimore has its own unique
things, very different in many ways from New York
City. And they have a phenomena in Baltimore that
I can only describe as drive-by demolition. You
go to sleep. You wake up. The house that was on
the corner is not there anymore. Nobody told you
they were taking the house down. Nobody tinted
it. Nobody let you know. And then the houses on
either side of that house are now caving in
because they were being held up and their
foundation were being supported by the house that
used to be there.

You don't necessarily have to be a
licensed contractor to do demolition. You don't
have to do tinting or any protocols to keep the
dust from walking through your neighbors and onto
other people's property. And it is just the most
extraordinary thing I've ever seen.

And, literally, my husband had
lots of doctors. And his primary care physician
was based in Baltimore, though we live about
35 miles south of Baltimore. And so we were up
there a lot. And I would notice that we'd go up
there, we'd go to the doctor's office, and I'd
look and I'd say, I know there was a building when
we were there, you know, four months ago. What
happened to that building? And my husband thought
I was crazy.

But then as I got into this
process, I'm like, they really do take buildings
down in the dead of the night. And it's really
extraordinary.

So that was one of the reasons why
they needed to develop this demolition protocol
not just because of the possibility for elevated
lead dust levels, but to really set a floor and a
bottom of the practice for the City of Baltimore
to have an ordinance that would stop this drive-by
demolition practice.

So they needed to develop these
demolition protocols. And these are some of the
things that they set out to do. And today it is,
again, the City of Baltimore, the Annie Casey
Foundation, the Johns Hopkins University and the
East Baltimore Development Corporation.

So EBDI, the East Baltimore Development Initiative, convened focus groups and held community hearings during which residents and advocates could voice their concerns and suggest how to handle demolition, much as they had done when the housing relocation plan was being developed.

That East Baltimore Development Initiative asked the coalition to end childhood lead poisoning, to take a lead role to formulating demolition plan protocols.

In January of 2005, the Casey Foundation provided grants to the coalition to intensify its work on the demolition protocols.

The coalition conducted field tests to determine the merits of deconstructing homes piece by piece rather than leveling them. It was found that that was going to be way too expensive, but they sort of split the difference in the protocol that was developed.
With input from neighborhood residents and outside experts, the coalition and EBDI staff worked in 2004 and 2005 to refine the demolition plan and protocols, a process that included community presentations. In the spring of 2005, the initial version of the demolition protocols was completed. The project leaders convened an independent panel of outside experts to assess the demolition protocol in conjunction and consultation with community residents and advocate for needed changes and reviewed test results measuring the amount of lead released into the neighborhood during demolition. And I was one of the four people who served on this independent panel.

And, finally, in response to the continuing concern of community members and their advocates, project leaders revised the demolition schedule. Under the revised plan, the Community Development Corporation agreed to postpone almost all of the demolition until all residents living in the project area had been relocated, a significant delay to the original demolition schedule.
And I want to say that around the edges of that 88-acre parcel were people still living at home. So you didn't tear down the whole neighborhood. You just tore down the middle of the neighborhood. So there was a need to balance the protection of the health of the people who were remaining in their homes and businesses.

How much time do I have? Am I up?

Yes?

MICHAEL CHURCHILL: You can take a minute more.

VERNICE MILLER-TRAVIS: Two minutes, okay, good. New York time going here.

So and this is what we did and worked with the folks doing the demolition. These were the practices that we had to have put in place to protect the community:

Adequate use of fencing, barriers and other means to limit casual entry to demolition sites until demolition is complete and all debris is removed.

Widespread notification to residents, community organizations, faith-based organizations and city agencies about when and where demolition would be happening, along with
highly visible signage on houses to be demolished.
Train the community block monitors to observe the demolition process and assist residents with questions and home safety measures.
Four days of training on lead safety and related issues for demolition supervisors and two days of training for all other workers.
Removal and safe disposal of building components containing high amounts of lead before demolishing buildings that were structurally sound, mostly the windows and the doors.
Removal and safe disposal of building components containing high amounts of lead before demolishing buildings that were structurally sound, using ample amounts of water throughout the process to reduce the spread of dust.
Careful demolition using the picker method instead of the more traditional wrecking ball, bulldozing or implosion methods.
And high fences to control the spread of dust.
Capping procedures for removing
from demolished buildings, including using hoses
to suppress dust and plastic coverings on the
trucks.

Post-demolition street and
sidewalk cleaning and debris removal.

Removing two inches of topsoil on
all properties where demolition had occurred and
replacing with new sod.

Providing community residents with
high efficiency particulate air vacuums, HEPA
vacuums, attacking that.

Remove dust from shoes as
individuals enter their homes.

An independent testing of the
streets and sidewalks surrounding demolished
properties to measure the impact of demolition and
debris removal.

Additionally, we had air monitors
stationed all around the property and placed in
some vacant homes, so that we could really test
what the air quality was. And we independently
evaluated that and worked with the community to
walk them through that process.

So it was a pretty extensive
process. You would think that everything that I
just went through would just explode the cost of
demolition and deconstruction. It added
25 percent to the total cost of demolition and
strung out the process for about six months.

Thank you.

(Applause)

MICHAEL CHURCHILL: The full
picture, and you really should read it, about this
Baltimore project is in the materials here. It
really defines the way that redevelopment
processes should work based on everything we
learned from the horrors of the mistakes that we
made in the '60s and the '70s.

But I want to make one last point.

It makes a bottom-line difference. What you
weren't told was that instead of -- there's a
before and after test with these monitors. And
let me point out, also, that it is really
important for the community to know that there are
independent persons monitoring what the results
are with, if I understood it right, the power to
stop the practices if they weren't going according
to the way they were supposed to.
And that replaces community fears that government would be bought off, with a neutral independent evaluator.

And if I may credit Jerry again, that was one of the concepts that he constantly preached in the '90s on his work with communities. The result was, instead of the 40 times normal amounts of lead that usually comes from the demolition process in Baltimore, it only went up .3 percent, .30 percent, above the normal instead of 400.

Is that correct?

VERNICE MILLER-TRAVIS: Thank you for mentioning that.

MICHAEL CHURCHILL: Yes, it's really important when you get results from this.

VERNICE MILLER-TRAVIS: That is the point, to really reduce the burden on communities. And that is the overall point of my role in Chester. We want to reduce people's environmental burden. Right? We don't want it neutralized. We don't want to spread it around to other communities so people are equally poisoned. We want to reduce the overall burden of pollution on communities and improve community health.
MICHAEL CHURCHILL: Now we're going to turn a little bit.

Melissa Kim is a former lawyer, now working as director of the Korean Community Development Services Center's North 5th Street revitalization project. I hope I got that right.

And Ms. Kim is on the front line of the battle of one community to upgrade its infrastructure and community capacity to bring new businesses and jobs in the way that the community considers is sustainable and environmentally sound.

So the question is, do you have the tools you need? Tell us what you see from the front line in Philadelphia.

MELISSA KIM: Hi, everyone. Before I give you all the tools, I just wanted to spend a minute to talk about why I left practice. It's not that the mayor called me.

But what I saw, like Alan, was that there were a lot of exciting things going on in Philadelphia. And he spoke about cycles. One cycle that is a relatively new phenomenon that is probably uncharted to this extent or to the degree that it is now, is that of
immigration.

And Philadelphia, as you know from the 2010 census, was bumped back up to the fifth largest city in the nation. And that’s largely because of Latinos and immigrants.

And so in Philadelphia, the immigrant movement is something that radiates some particular insight. And one of the areas in which that is happening is in our commercial corridors.

So I wanted to be a part of this exciting movement of all the things happening in Philadelphia. And I’ve always wanted to be an urban planner. And I finally left law to do so when I heard about all of the wonderful planning initiatives happening in Philadelphia.

And so after studying planning for a while, I decided to work on this commercial corridor, for which I actually have a couple of slides that I brought with me.

And it’s that. And you can just let it cycle. It just has to cycle. And I’m just going to let it cycle through and just consider it like slow science TV.

The first slide that you saw was a map of Philadelphia. And it actually is
geographically accurate. So it hasn't been manipulated to prove a particular point, other than that our corridor is very small. It is one tiny sliver, about 1.5 miles long and two blocks wide, out of about 265 corridors in the City of Philadelphia.

So what I thought I would do was give you a little bit of perspective about what we've been doing with the tools that we have, talking about how a community-based organization, with some limited resources, can tackle some of the challenges that we are dealing with on this northern corridor.

But, first, I also wanted to provide a little background for those of you who are not engaged in the practice of urban planning or commercial corridor development, explain a little bit about why corridor development at all. And it's something that's a fairly new concept. Because back in the old days, everyone had a High Street or a Main Street where they could go shopping and that was the center of your community. But as we all know, with the advent of automobiles and with the advent of big-box retail, commercial corridors are beginning
And so now we have these corridors that are just shattered from what they used to be in one sense. And on the other hand, you have this amazing opportunity, when an immigrant community or immigrant populations come in, they often are the forces of revitalization. And so that's what's happening in a lot of the corridors in Philadelphia. So corridors are important in another sense, because they are the barometers of the economic confidence in a particular community. And so if you have a healthy corridor, there's an image that the neighborhood itself is healthy. So we have this -- it's all part -- a corridor, although it's just a sliver of a larger neighborhood, it's the backbone of it in many ways. It also provides opportunities for entrepreneurs. And it also provides jobs. And it also provides important goods and services to the nearby community. Then from the perspective of scale and function, the corridor is important because it mediates between the individual merchants or the
community that is at the street level and the
city. I mean, the city has an enormous amount of
responsibility. They can’t possibly service every
single merchant or address every neighborhood’s
needs.
And so it’s the role of the
commercial corridor, it’s the district which is
what Jane Jacobs considers one of the most ideal
organs of self-government. The district is just
the right size. It’s not too big. It’s not too
small. And they can transmit data from the ground
level back up to City Hall to inform them of their
policies. And it can also serve as a vehicle to
bring city services into the neighborhood
district.
So that’s kind of the background
of what we try to do.
Now, in talking more specifically
about my street, the photos that are cycling
through are different images of 5th Street. And
as you can see -- I mean, they’re in no particular
order -- but 5th Street is a very wide street. It
actually functions as a highway. Many people who
live just above Philadelphia will often drive down
5th Street to access Roosevelt Boulevard. That’s
Roosevelt Boulevard (indicating).

And you'll see that it's fairly densely populated with commercial stores, commercial properties. At the same time, it is also fairly residential. You know, I mean, I could be wrong about this, but I really don't know of any purely commercial districts. It's all mixed.

And so the residential population of the neighborhood is about 24,000. And that's counting the four census tracts, from Roosevelt Boulevard, which is the 4800 block of 5th Street, up to the 6100 block of 5th Street, which is Spencer.

So of the 24,000, 50 percent are black or African-American -- I'm sorry, or African. They don't make that distinction in the census. It's actually an important distinction in my neighborhood, because we have so many African immigrants. And 25 percent are of Hispanic. 13 percent are Asian. And 12 percent are white. 20 percent are foreign-born, which is a fairly high population. And 18 percent of the population over five years old speaks English less than very well. So you can see it's a very diverse
community that's not what you would think of as a
typical neighborhood. And one third is at the
poverty level.

At the same time, it's a fairly
stable neighborhood. It's kind of in between.
It's not what would be considered a neighborhood
that's in a state of emergency, because it does
have stable home ownership rates of 65 percent,
thereabouts. And it's not terribly blight. It
has about an 88 percent occupancy rate of all the
properties. But the properties that are there are
an eyesore.

So the corridor has about 325
businesses, most of which are immigrant-owned.
And the businesses are mixed. Some of them cater
to different immigrant groups. So you'll have
African beauty salons and you'll have that next to
a Vietnamese bakery. You'll have a Jamaican
restaurant. You'll have a Haitian restaurant.
You'll have a Korean barber shop.

So it's actually very interesting.
And we see a lot of different just interesting
juxtapositions that you wouldn't see on many other
corridors.

So with that background, you can
imagine that there are several challenges to economic development.

One is that the corridor can have -- it is perceived -- if you see some of the photos, you'll see that a lot of the buildings are in need of maintenance. You'll see that sometimes there's quite a bit of trash on the street. There's graffiti. There's an absolute lack of decent street lighting. There's a perception and actual reality of crime. And so these are the challenges that a lot of corridors face.

In addition, we have merchants who lack in basic linguistic areas. They don't have the skills -- the linguistic and cultural skills to go to City Hall and file a license for whatever permits they need. They don't have the skills to go before the ZBA, the zoning board of adjustment, to appeal their case. They may or may not know how to create a business plan. And if there are city services, they might have difficulty accessing them.

And so these are the particular challenges to our corridor. And we try to address them through a semi-standard corridor management
program.

There are actually several different groups out there that are working on commercial corridors. And they have a suggested program. And it goes something like this: Streetscape improvements, marketing retail attraction, crime and public safety, and there’s a fourth one which is escaping me. I think economic structure, restructuring. And I think that’s the same as retail attraction. You try to attract certain anchor stores and develop certain niche markets.

And so that’s the standard program. But we chose to deviate from that because it doesn’t really address the needs that we have at this particular time and it doesn’t address our particular strengths. Our strengths lie in the fact that we have good public transit, a high percentage of youth in our neighborhood and a local population that can support -- a density that can support a sufficient level of economic development to have stores be prosperous.

We have an interesting mix of niche stores. And people will travel miles and
miles to come eat at a particular restaurant or to
get their hair done at this particular operating
salon. And so that kind of defies the general
theories that are out there relating to economic
development because they will tell you that you
need a certain retail mix, you need a certain type
of anchor store. And that really just hasn't been
the case in our corridor.

MICHAEL CHURCHILL: If you could
finish in one more minute.

MELISSA KIM: Okay, sure, in one
minute.

I just wanted to give you some
attributes. So what the attributes are, are on
the slideshow. And basically it's basically
funding needs.

So we have engaged the tools that
ask people, what are their good
ideas on 5th Street? And we put a sign up in
three different languages. And we kept it simple.
And we let people write in their native language.
And we found that this is a way to start
conversation going between people, and to do it on
the street. Give them goofy glasses. Make it
fun. And get people to start a dialogue.
And so what we found was lacking in our corridor is social capital. And so we created—so we diverged from the standard corridor management program and we created a program called the Olney Community Collaborative. And, basically, the idea is a series of small-scale micro interactions that are meaningful and create this micro public where people would interact and develop into relationships.

And so that project that you saw there about what's your good idea, is just one of the projects that we have. We often have yoga classes, Korean culture night, food night. We've had educational workshops, community cleanups. And those things sound simple. But they really do go a long way and they form the fundamental--the basis for the large-scale projects we might want to have in the future. That's where we are.

MICHAEL CHURCHILL: Thank you so much.

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(APplause)
MICHAEL CHURCHILL: It's a pleasure for me to be able to introduce Karen Black, because she is, along with Shelly Yanoff, my favorite lax lawyer. They both share the ability to find exclusions by looking at the details of what is actually happening and finding commonalities that people can agree upon to work together about. And then they're able to use that law degree as a powerful fulcrum to leverage positive change that radiates out in ways of increasing amplitude. Karen brings to her policy work an advocate's passion for ensuring healthy livable communities for all and an ability to get others to work with her on that goal.

KAREN BLACK: Wow, thank you. Hi, everybody. It has been an amazing day. I was here for most of it. I had to go over to city council for a little while. This was more interesting, let me tell you. And I am the other lax attorney, though I like recovering attorney a little better as a phrase. And I worked for 12 years in civil
rights law, ten of which was with the Public
Interest Law Center. So this is really wonderful
to be here.

When I left, I decided to go into
policy work. And most of my practice, as a
consultant and heading up the policy center before
that, is about the equitable revitalization of
distressed communities.

The equitable revitalization of
distressed communities, there are many people in
the room who want to revitalize distressed
communities, in any room you go into, certainly in
city council, but we have to do it equitably and
hopefully effectively and efficiently. And
sometimes those things clash.

I want to just talk to you for a
second like I speak to decision-makers, because
much of my job is to try to whisper in Alan's ear,
or someone like him. And he'll tell you that
sometimes I whisper and sometimes I shout.

And usually I have a lot of people
around me who are doing most of the talking about
why they should care about an issue and then
breaking down what they can do about it. Because
just talking about it, I think everyone in this
room and everyone in the city cares about the environment. And I don’t just say that. I know it. I know it because we have polled Philadelphians.

A group, Next Great City, that I work with, we pulled together, first in 2006, when Mayor Nutter was a candidate, and then in 2010, when the economy tanked, and people started telling us that people didn’t really still care about the environment. It’s not where they wanted to put their money. They were wrong.

So let’s just talk about some of the 2010 figures.

Philadelphia residents, 44 percent think the laws and regulations to protect their air, water and land in Philadelphia are not strict enough. Eighty-eight percent want the city to do more to protect their air, water and land. This is November and December of 2010. Right? The economy was in the dumps. No one had public funding.

Thirty-one percent said that if you, in fact, reduce air and water pollution, increase energy efficiency and start maintaining vacant land and parks, it would have a
transformationative effect on their neighborhood and
their quality of life.

Eighty-one percent said it would
make a huge difference. Right?

So people care. And what they see
as their environment, which we found out in 2006,
which was a shock to an awful lot of
environmentalists in the room, was that what they
see as their environment is what they see, hear,
feel and smell when they walk out their door.

It's the vacant lot across the street. It's the
smell from the polluting refinery that may be
three miles away, but they're smelling it. So
it's their environment. It's their neighborhood.

And I think that's really the crux of what we've
been talking about today.

So when you talk about it in the
abstract, everyone believes they deserve clean
air, clean water, a safe, sustainable environment.

That's the easy part.

The hard part is, how do we do
that? How do we give that to folks?

And people in every city, in every
government need to place uses. They have to find
a place. And if you're going to find something,
if you're going to try to create a place for
something that no one wants, where do you go?
Where there's the least power and the least
resistance.

When my first child was in
preschool, I sent him to camp. And I noticed the
first week that they took the little ones to the
pool, as soon as they got there, and they screamed
bloody murder. It was cold. You know, it was
early in the morning. They didn't have a
transition.

And so I went to the head of the
camp and I said, you know, what's going on here?
And she said, ugh, when I put the
older kids in that pool, they came to my office
and complained.

And I said, could you come with me
over to the preschool area, because they're
crying, and that's complaining, too.

And she said, I haven't heard a
thing. Right?

And that is what we're talking
about in this room. Right? It's about real
people really crying, but do they have the ear of
someone who can change things and trying to give
them that power.
So let me just talk very quickly,
because I really want to hear what you have to
say. And so many of our panels kind of filled the
time with really exciting stuff, but I'd like to
have a discussion here.

It is my belief that every
government can and should make a commitment to
enhance the quality of life of people in
neighborhoods undergoing new physical development
of any kind. That should just be a statement that
we want growth, we want investment, but that we
should do whatever we can to enhance the quality
of life of those existing residents in those
neighborhoods.

We should make facts readily
available to the public. Too often you try to go
below the radar on this, right, the drive-by
demolition, because you don't want trouble. But
the problem is, people don't realize they have a
problem until it's too late.

I went to a meeting the other day.
They were putting in public sewers in an area.
And there was a public official, very
authoritative out there.
And someone said, well, is this going to smell?
And he said, there is no smell.
And then someone -- the next person said, look, I'm an engineer, and you have to vent it somewhere.
And he said, when we vent it, we only have small bubbles of air, and so the smell is very small.
And then the next person said, well, I happen to know someone who had this done in her neighborhood and the smell was so bad that she had to put a charcoal filter in.
And he said, yeah, we put the charcoal filter in and now she's complaining because the noise from the filter is too loud.
And I'm thinking, in a matter of a minute, we've gone from there's no problem, you're paranoid, get over to it, to there's a problem, and you know what, it's not only going to smell, but you're going to hear it.
And in my mind, with my background, I thought, oh, there's a lot of research to be done here. And I'm going back to all of those people to find out. Right?
But there's a lot of people who then walk away and go, what was the answer? And they go on with their life until they're stuck with a problem. So making those facts available. Use technology to lower those negative impacts. We really have tremendous technology. So if there is a charcoal filter, put it in every one.

And you know what? If she can hear it 90 feet from her home, in her home, there's better technology. Right?

When you talk about noxious uses, I've been lucky enough to work with Alan on some zoning reform issues and trying to get this zoning code passed, and one of the council people in town said, a new school is a noxious use.

So I was with a group of people. And I said, why is a school a noxious use? And they said, oh, because the buses line up every day. The kids are screaming.

I thought, that's valid. I can understand that. If the buses are loud, if they're keeping their engines on, if there is diesel exhaust. What about clean buses, clean technology buses? That would make a difference.
What about if they turn the bus off? What about, you know, all those things that you could do? And so people can welcome that use, right, because that's so easy. So much of this is easy. I'm not saying all of it. A lot of it is tough.

Sharing the pain. A lot of talk today about clusters. Right? Once you have one negative use, noxious use, however we define it, then you don't want to place the next one there.

Right?

We have to share the pain. We have to space it out. We have to have equitable distribution.

And there are communities who put that in their zoning codes and who put that in their policies. And it's really important.

Alan said that zoning is boring. And for the first time, I'm going to disagree with him. Zoning is exciting. And it's exciting because it allows a community to state its values in policy. It allows it to decide what it wants to be when it grows up, what kind of growth it wants to see, and it becomes the law. It becomes the policy. And anyone who wants to do anything else in that community has to demonstrate why they
should be allowed to.

And so that's very important,
putting those values into policy. You can't do it
without good planning, which Alan is doing, and
you can't do it without a good zoning code. And
then share the assets. Share the improvements.

In Philadelphia, there's a new
really exciting effort, Green City, Clean Waters,
which I'm sure Alan could talk about for ages, but
it basically is talking about taking a problem,
storm water, and creating a solution that has real
benefits on the ground, creating new green spaces,
open spaces, new assets to trap that storm water.
And to do it, you need to clean up vacant lots.
You need to make buildings greener.
You need to improve. Put the rain
gardens in medians and by streets and those things
on commercial corridors.
I'm sure Melissa will say, that's
great. Let have some more trees for a canopy or
let's have some more rain gardens.
So placing those things, that
investment, making sure that investment goes to
those distressed areas is really important as
well.
So you're investing to create new assets. Because, really, that is the height of public policy, when you can take a challenge or a liability and turn it into an asset. And storm water has been a liability for this city. But if we can make it into an asset, if we can take $2 billion, that's what the city is planning on doing, and create new green, clean green safe spaces across the city in these distressed neighborhoods, that would help turn things around.

So right from the start, there's got to be a commitment to enhance quality of life. To say there are negative impacts in new growth, we know that. Let's limit those. To balance the interests of the individual neighborhoods and the community as a whole. To make facts readily available. To plan the strong community engagement. And to increase civic capacity when it's necessary to truly engage that community. Because sometimes it doesn't exist. To use improved technology. To make sure you are spacing things so that you aren't clustering a problem, exacerbating, in fact, layering on negative impacts. And then when you
do have a chance, to provide new improvements and new benefits, make sure those distressed neighborhoods see it.

Thank you very much.

(Michael Churchill: I love what Karen said about zoning, that it’s an expression of our values. And what I think has been exciting about this conference is, it again will allow us to see the connection between good health and zoning and environmental justice. And one of the things we need to ask is, does our new zoning code begin to make connection between permitting of polluting uses, where they can go, health standards, environmental justice points. We need to make sure that they’re not in separate silos, that somehow or other, as was suggested earlier, while the permitting process is going to be different from this process of deciding where we have bad uses, you can’t do that. It's time to bring the codes and the zoning
process and the permitting process and the health
analysis process together. That's the message
that I have heard from today's session.
Now, we have time, I think, for
some questions from the audience for this
wonderful panel.
Who else would like to make a
comment or a question?
Yes, ma'am.
MEMBER OF THE AUDIENCE: Question.
I know that there are federal and state offices
for EJ concerns.
But I wanted to know, is there a
place of resource at the city level for
environmental justice issues or concern from the
EJ community?
ALAN GREENBERGER: I'm not aware
of an office that's specifically that. But I will
tell you is that my office will be that. And I'll
be happy to sit back and listen to you.
MEMBER OF THE AUDIENCE: Hi. I
have a question about, there are many ways in
which the zoning code could actually help promote
public health in this city. For example, you
know, if we required sidewalks, it would encourage
walking and it would actually make it more of a livable city, I think. And there are lots of other examples.

But I wonder, to what extent did you put public health people on the zoning commission? And, second, what are you doing about trying to promote the public health issue in the zoning code?

ALAN GREENBERGER: We had the benefit of receiving, through the health department, a pretty substantial grant from the -- I guess it was the National Institutes of Health. And one of the things that that grant enabled us to do was to bring on a planner, who's name is Clint Randall, who has been working with us now for the last year and a half. And his specific job was to be the bridge between community health and urban planning and then ultimately into the zoning code.

So through Clint, there's been, first, a lot of mapping that's gone on. I don't know all the details of everything he's looked at. But, for instance, I know he's mapped the entirety of the city related to access to fresh food.

And so while right now we're
writing a rule book that's simply establishing categories and so on. The district planning that we're doing has a very clear relationship to community health issues in terms of transit, in terms of fresh food, and the kinds of things that you were discussing. And if you ask me more details, I'll be at a bit of a loss. But that's his job. And he's been really effective at bringing a lot of things to the fold, some of which are these kind of planning issues and other ones that fall more into the realm of purely health, like, for instance, the sale of cigarettes particularly to minors.

MEMBER OF THE AUDIENCE: But it sounds like an afterthought rather than something that you proactively thought about in creating the planning commission, which is my objection.

VERNICE MILLER-TRAVIS: So I want to say that I'm really, really loving you. And you need to get a coterie of people who do what you do, and I love what you're doing, or maybe through some of the national associations to really inspire them to want to be proactive about using the land use and zoning process to do good and create benefit.
But that is just not the way it's happening around the country. And I'm sad to --
I'm sad to report that he's so enlightening and Mayor Nutter must obviously be on the same page that he's on, which is why he asked him to leave his architectural practice and come and do this work.

But this is not the way it's working across the country. And it's especially not the way it's working for most communities of color.

Yes, people recognize that there is a direct and inverse relationship between land use and health, land use and siting and diminution of health, premature morbidity. All of these things that we've laid out, people know it. But I just want to report to you that when race and class are on the table, people tend to get really confused about what's in everyone's best interest. And it gets really hard for people to determine collective benefit and collective best use.

If the historical practice has been to keep putting all the things that nobody wants to live next to in the same geographic
location, the monster becomes, from generation after generation, well, it's already there, so why would we degrade some other communities when we already have a place where all this stuff is.

Let's just keep putting it there.

That is the dominant practice.

And I'm so sorry to report it, sort of bring you down here, but that is sort of the way that it is.

And so you need to enlighten public officials. You need to enlighten political leadership.

But when race and class are on the table, it tends to make people lose whatever common sense they might have about what is in the best collective interest of a particular geographic location or political district. And then they start sort of pitting populations against each other.

New immigrant populations are on the bottom. Older immigrant populations are on top of them. Black and Latino folks, who have been here forever, are on top of them. Native Americans are not in the conversation at all. And that's the construct that we're trying to challenge. Right?
We're trying to bring folk of law and to recognize that sustainability means equal justice and equal protection. That you cannot achieve sustainability through discrimination, through inequality. You can't get there from there. You've got to be working together and figure out what's in your common interest. And there's not just a lot of folk who are there yet, but we're working to get them there.

And hopefully -- actually, President Obama and Administrator Lisa Jackson and others in the Obama Administration are reining it down from the top. And I'm going to goad them into doing it one way or the other, and continued federal resources will be tied to that.

And sometimes you've got to use the hammer. Right? Not everything is a nail. And not everything needs a hammer. But in this instance, you need a hammer.

MICHAEL CHURCHILL: Well, you know, we couldn't have put it any better than that.

You're in love with Alan, and I'm in love with you. And I think we could not get a better summary of what this conference is about
and the change that we all hope that we can propel
from the past historic practices. So well
described.

Thank you so much. And I now turn
it over to Don.

- - -

(Applause)

- - -
CLOSING REMARKS

DONALD K. JOSEPH: If anybody has seen the JLEP Law Review hard copy, please produce it.

Thomas? Get it up here.

So my job is to really repeat -- what was it Karen had -- hasn't this day been amazing?

So let's thank everybody.

(Applause)

DONALD K. JOSEPH: So I know I'm the only person between you and either getting out of here or drinks. So I will stick to my time, I assure you.

Number one, CLE forms, evaluations, make sure you turn them in. You need the CLE. We need the evaluations.

I am authorized to say that we will have a symposium next year. I am not authorized to say what the topic will be.

So, again, to our law firm
sponsors who have kept us going throughout the year, a shout-out thank you.

To the interns from Drexel, Temple, our Reed Smith law firm associate, our Stanford undergrad, even our Skadden fellow scholar who just came to us, we thank you all.

So now -- I think I have the time to do it -- so think about the speakers that you just heard today. I'm not going to say anything except their names and their titles.

Alex Geisinger, Drexel Health.

Robert Kuehn, University of St. Louis Law School.

Julie Becker, Women's Health Environment Network.

Reverend Horace Strand, Chester Environmental Partnership.

Ayanna King, Pittsburgh Transportation Equity Project.

Leslie Fields, Sierra Club.

Cecil Corbin-Mark, WE ACT.

Professor Arthur Frank, Drexel.

Vernice Miller-Travis, with one exception, as our keynote speaker as well as a panelist, you've been fabulous.
VERNICE MILLER-TRAVIS: Thank you.

DONALD K. JOSEPH: And you have ended, as well as keynote. So thank you.

Eileen Guana, Professor,
University of New Mexico Law School.

James Sadd, Professor of Environmental Science, Occidental in California.

John Relman, D.C. civil rights lawyer.

Alan Greenberger, Deputy Mayor for Commerce.

Melissa Kim, the 5th Street Revitalization Project.

And Karen Black, formerly of PILCOP, principal in May 8 Planning.

All of them who are still here, please stand up. Come on.

- - -

(Applause)

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DONALD K. JOSEPH: So to the sponsor from Rutgers of the symposium, and one will be published just like this one is from last year, we thank you.

And to the court reporter, who I
will ask to put my original notes in, as well
as -- or instead of my speech, depending on how
much I get -- thank you for volunteering on a
last-minute basis.

So the staff. The staff was
evermoreously helpful. But I tried to figure out
why it was that I didn't participate in these
panels in preparing you. And I realized the

Dave Hanyok was so competent,
there was no necessity for me to do so.

MEMBER OF THE AUDIENCE: Hear,
hear.

- - -

(Applause)

- - -

DONALD K. JOSEPH: And Taylor
Goodman, already thanked, stands on the shoes of a
former fundraiser and built on it so that there
was a ten-page to-do list organizing how not only
the conference would go, but it's still going on
over at the Downtown Club.

So kudos to the lawyers in the
PILCOP.

Michael, the font of historical
wisdom of our institution.

(Applause)

To Ben Geffen, our young gem of excellence, Sonja, the czar of disabilities, and Jim Eiseman, now in Florida trying a case, they were excellent feedback and team players in getting people interested and keeping us going.

But I must --

(Applause)

DONALD K. JOSEPH: But I must say that the MVPs of this symposium are Adam and Jenny.

(Applause)

DONALD K. JOSEPH: We started much earlier this year with Adam coming up with the names and basically running most of them down himself, or Dave doing so. We had an orderly, non-emergency process with basically our speakers in place
nearly June.

And so all three of you, that has been a terrific addition.

Finally, our Executive Director for the past several years has the entire Law Center humming with the great productivity and camaraderie that shows every time I go in the office for a staff meeting.

It's a pleasure to have the opportunity to work with all of you. Michael and Tom, as the progenerators (sic), and Flora as well, you must feel like very proud grandparents to see how well this organization is functioning.

And to you, really, the thing I figured out over these conferences is, the real purpose of them is our supporters, who come year after year, because they are involved, they are good citizens, and they are committed to the values that PILCOP offers.

So I say to you, thank you. And I leave you with a Talmudic saying: It is not incumbent upon us to complete God's work, but neither are we free from desisting from trying.

I declare this symposium
adjourned.

(Applause)

(Whereupon, the symposium was adjourned at 4:47 p.m.)