

# **Alaska Tribal Solid Waste Environmental Justice: *A Framework for Dialogue and Action***



EJ summit gathering in Anchorage, Alaska February 2012

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*Funded under:* USEPA Grant: EJSG-11-R10-15-zehr

**December 2012**

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## Attachments:

- A. Alaska Tribal Environmental Justice on Solid Waste Guidance Toolbox ("AK EJ Toolbox")**
- B. Alaska Tribal EJ Summit I Summary**
- C. Alaska Tribal EJ Summit II Summary**

## Abbreviations:

- EJ      Environmental Justice**
- SWM    Solid Waste Management**

Environmental Justice (EJ) means the fair treatment of people of all races, cultures and incomes by: 1) Identifying, advocating for, and adopting public health and environmental laws, regulations and policies that reduce disparity in the exposure to pollution; and 2) Implementing and enforcing these policies while recognizing that the “environment” encompasses both physical and social determinants.

## 1 Purpose

This Framework offers a model for using a public/stakeholder participatory approach to assist tribal, state and federal agencies in working together to address and solve Environmental Justice (EJ) issues relating to solid waste management in Alaska’s Tribal communities. The framework also provides guidelines to consider when any situation or activity that ignites environmental justice concerns. By outlining principles that promote good environmental justice practice, the Framework provides a tool that can be used for accountable EJ work and action by all stakeholders involved.

## 2 Background

In order to promote community-based participation and engagement in the decision-making process of environmental justice for solid waste issues, the Zender Environmental Health and Research Group was awarded an EPA Small Environmental Justice grant to:

1. Conduct two Tribal Environmental Justice EJ Summits on Solid Waste Management (SWM) to educate Tribal leaders and members on EJ, and to gather tribal voices on what EJ issues are affecting their communities. The Summits incorporated EPA's *EJ Community Problem-Solving Model* exercises to achieve and provide:

- Culturally appropriate education sessions on the principles of EJ and the methods of how Tribes can engage in an EJ process to address solid waste management in their communities;
- An opportunity for Alaska Tribes to voice their perception and interpretation of EJ and what it means for their Tribal communities;
- An opportunity for Alaska Tribes to voice, document and prioritize solid waste and environmental justice issues in their communities.

2. Develop and distribute an "Alaska Tribal EJ Toolbox" that provides information and resources available to Tribal members and entities to approach and address EJ issues in their communities.

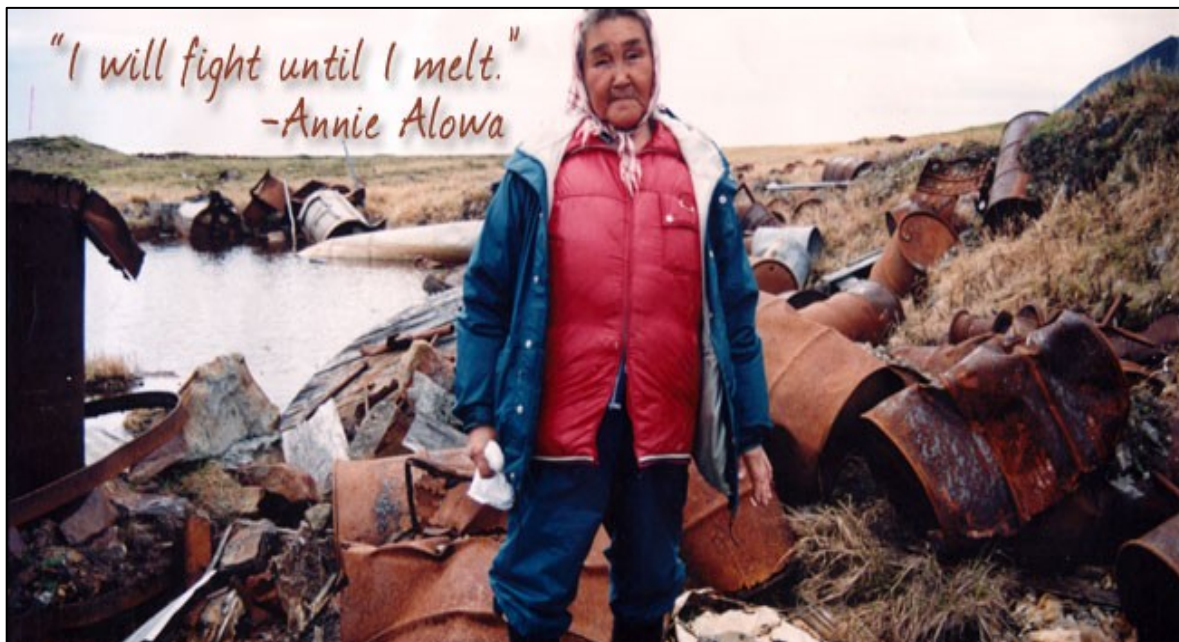
3. Report to EPA Region 10 the findings and concerns voiced by the Summit participants.

4. Develop and distribute this Framework to all stakeholders and decision-makers.

### 3 Principles for Environmental Justice Placed into Practice

The following principles can be used to assess whether the intent of this Framework is being carried out (see also Attachment A: AK EJ Toolbox):

1. **Respect** for our Tribal community partners and the knowledge and resources they bring to EJ efforts.
2. **Early involvement** by the Tribal community in shaping the process of planning, prioritizing, and responding to EJ issues.
3. **Community participation strategies** that allow for meaningful involvement, empower Tribal community residents to influence decisions, and build their capacity for effective involvement.
4. **Transparent decision-making** that discloses who the decision-makers are, what information was provided to assist in the decision-making process, the rationale for decisions made, and the influence on those decisions by outside sources.
5. **Coordination of efforts** across all agencies, jurisdictions and stakeholders.



Source: Alaska Community Action on Toxics <http://www.akaction.org/>

## 4 Vision of EJ Practice for Alaskan Tribal Communities

The vision of EJ is rooted in the philosophy that solutions must rely on community-based participatory efforts. To solve EJ concerns and issues, partnerships between all community persons and parties involved must be fostered and built. The following are components that may assist to achieve this vision:

1. **Community education** that is timely, consistent, ongoing and culturally appropriate.
2. **Ongoing access to information** and data that is understandable and meaningful to the many and diverse Alaska Tribal communities-- ensuring that relevant information is widely distributed. Given the complexity of the environmental justice, health and law field and its terminology, agencies should ensure the translation of data and other information.
3. **Public participation** that is multi-level, mutually respectful, interactive, and empowering --and enables agencies, industries and others to work collectively and collaboratively with the Tribal community. Pathways should be in place for two-way, ongoing communication with Tribal community members and entities concerned about EJ.
4. **Community capacity building** that provides impacted tribal communities with the skills and knowledge to give meaningful input, and that emphasizes a long-term relationship with agencies and industry to promote EJ.
5. **Procedures that promote collaboration, communication and coordination** among multiple federal and state agencies including local, tribal governments and native corporations.
6. **Criteria for identifying, setting and responding** to EJ priorities that have been shared by the tribal community. This should also include consensus building. This process should be lead by agency leadership.
7. **Appropriate accountability measures and processes** for community participation, input and advice, resources should be available for this.
8. **Written procedures for ensuring that environmental justice** is built into any activity or decision that may affect Alaskan Tribal communities.

## 5 Strategies for Carrying out EJ Efforts

These strategies were compiled from comments at both EJ Summits, as well as at a February 2010 EJ informational session hosted by EPA. See Attachment A (AK EJ Toolbox).

1. **Identifying** with the Tribal community their concerns and emerging issues, and the gaps in existing regulations, laws and policies that may affect them.
2. **Crafting** innovative approaches for consideration by Tribal and agency leadership.
3. **Advocating** for Tribal community concerns, through venues such as coalitions, grassroots organizations, working groups, etc., and by supporting and utilizing existing advocacy groups for leadership.
4. **Building** the capacity of Tribal members and Tribal organizations to advocate on their own behalf.
5. **Supporting** the adoption of laws, policies and regulations that reduce the disparity in adverse environmental exposures, especially when considering the dumpsite situation in many Tribal communities. Work with organizations to change their policies to create healthier environments. Such policies that could be changed in relation to Alaska Tribal solid waste include for example, current dumpsite design and performance, future landfill siting criteria, village construction project waste disposal, and land use planning; educating about the enforcement of laws, policies and regulations.
6. **Consulting** include providing information, notification, training ,assessment and facilitation to include linking of environmental issues back to health and public health consequences.
7. **Involving** community members, health care providers, businesses, schools, native corporations and others. Involvement activities include education and planning for public participation strategies that are early, consistent, ongoing, culturally relevant, mutually respectful, and empowering of Tribal community members in encouragement of decision influencing.



Talking circle between agencies and tribes at EJ summit, Anchorage, Alaska  
Feb 2012.

## 6 Rural Alaska SWM Challenges

Tribal communities in Alaska face solid waste management health and environmental risks emanate from the landfill – or “dump”. Alaska maintains the only exemption from the federal solid waste statute RCRA, which the state applies to small rural communities including all Tribal communities. Thus, even the twenty percent (20%) of Tribal community landfills that are State-permitted lack an engineered liner, and leachate is neither contained nor treated.

One-third of Tribal communities do not possess adequate equipment for consolidation or landfill shaping/grading, and the bulk of the remainder receiving far less than adequate maintenance. Less than 10% apply cover material to promote vector and odor control. With the unlined sites often adjacent to rivers and water bodies, over half of the sites experiencing yearly flooding from Spring snowmelt and Fall and Summer storms.

Dumpsites are generally unlined, unfenced, uncovered, un-segregated, and many communities do not have a landfill operator. Nearly three-quarters of the dumpsite are within one mile of town. Smoke and ash from openly-burned, non-separated, solid and hazardous waste settles in town and surrounding areas. Regular inhalation of the toxic smoke by community residents has been reported to occur in a large number of villages. The proximity to the community of the uncovered waste sites, together with generally free access and absence of a managed working face means that serious contaminant and pathogen risk exposures occur on- and off-site. Environmental contamination is virtually assured in the majority of cases. This situation is vastly different from compliant rural landfills in Lower-48 states, which are required to possess a liner, fencing, monitoring, cover operations, etc., and prohibited from open burning.

Also, due to extreme isolation and lack of road access, the majority of Alaska remote rural communities do not have access to borough-compliant landfills as an alternative disposal option, or access to other supportive infrastructure found in Alaska’s larger regional hubs such as solid waste recycling, hazardous waste collection, lead-acid battery exchange, or construction and demolition facilities.

A suite of integrated issues accompanies these circumstances, such as in-town open burning due to dilapidated, littered, or otherwise poor dump access, unauthorized disposal/storage in town due again to unsafe site accessibility or nuisance odors, and disposal of RCRA hazardous wastes due to lack of other options, and the presentation of otherwise inert wastes as hazardous here because of the unique Alaska RCRA exemptions. The latter issue includes, for example, disposal of plastics and other materials (e.g. furniture foam) that are later openly burned, causing toxic, untreated smoke emissions.

Both inhalation and ingestion exposures occur due to smoke emissions and subsequent ash settlement onto soil, people/children, fish and meat drying racks, and drinking water sources. Ingestion exposure occurs as well due to the dumpsite flooding or direct leachate flow to adjacent rivers from which the village populations harvest the bulk of their diets. Contact, ingestion, and inhalation exposures result from dumpsite visits and subsequent

tracking of contaminated soil into town and homes. Short-term health risks, such as dizziness, nausea, coughing, stomach ache, headache, eye and throat irritation, variously, have been associated with persons living within one mile, visiting the site, burning wastes, and smelling site odors. Solid waste issues unique to these communities have presented substantial economic, social, and environmental and public health impacts.

## **7 "Tribal Voice" recommendations for SWM Challenges**

The following recommendations were gathered at the two EJ Summits held in Anchorage 2012. See Attachments B and C (Summit summaries). Summit summaries can also be found and downloaded at <http://zendergroup.org/ej.html>

### ***Solution and strategy recommendations***

1. Commercial industries need be aware of waste they bring into the communities.
2. Alaska Tribes must be invited to be a strong voice at state and national levels.
3. Tribes need to be recognized as sovereign government entities by the State of Alaska.
4. Native organizations such as Alaska Federation of Natives (AFN) and other non-profit Tribal groups (i.e. Kawerak, AVCP, etc.) need to be aware of solid waste issues facing the communities they represent
5. EJ principles should be applied when contracting out state and federal construction projects.
6. Construction contractors need to take out debris, or pay to maintain and improve landfill or dump site.
7. State and Federal agencies need to encourage and recognize interaction of local governance: Tribe, City, Tribal corporations. Commercial entities should be responsive to communities' concerns.
8. State should notify all contractors of responsibilities to better manage waste.
9. Commercial companies should promote and barge better products (i.e. more biodegradable packaging).
10. The State of Alaska should be engaged in Tribal communities dialogue on EJ issues and efforts.
11. Tribal community members' knowledge and engagement on EJ concerns should be increased.



## 8 Goals for the Practice of Environmental Justice within and for Tribal Communities

The following goals and objectives may assist to ensure environmental justice principles are integrated into the development, adoption, implementation, and enforcement of environmental laws, regulations, and policies that may affect Tribal communities. See Attachment A: AK EJ Toolbox

**Goal 1:** Ensure environmental justice principles are integrated into the development, adoption, implementation, and enforcement of environmental laws, regulations, and policies that affect Tribal Communities in Alaska.

### Scope

- The concept that everyone has the responsibility to ensure a safe and healthy environment for all should be an over-arching principle.
- Ensure EJ principles are applied even in tough economic times.

### Objectives

- Explore opportunities to advance EJ goals within current statutory and regulatory rules and identify any necessary changes or clarifications.
- Examine opportunities to incorporate EJ principles into construction projects and permitting processes.
- Utilize enforcement as a tool to address past inequity and advance EJ objective.
- Be mindful of roles in federal, state, local and regional land use and zoning decisions affecting EJ communities.

**Goal 2:** Ensure meaningful public participation and promote community capacity-building to allow communities to be equal partners in decision-making processes.

### Scope

- EJ begins and ends with communities.
- Recognize the value of Tribal and local experiences in issues and decisions that affect them.

- Recognize that federal and state agencies do not always have the ‘right’ answer or solution to problems.

### **Objectives**

- Enhance Tribal community outreach efforts by agencies, including but not limited to, activities related to the planning, development, and adoption of policy, regulations, standards, and rules.
- Agencies should identify opportunities to enhance public accessibility to information, including, but not limited to providing adequate translation/interpretation services; translating of materials and documents into Native languages, and ensuring accessibility of documents and materials to the affected community (e.g. physical location in the community and information on websites).
- Enhance training opportunities to increase awareness and understanding of EJ principles, including but not limited to, public participation and meaningful community outreach.
- Develop model guidelines for meaningful public participation.

**Goal 3:** Advance environmental justice focused on disproportionate environmental impacts to Tribal communities, promote research and data collection that includes traditional knowledge, as well as collaborative multi-agency and cross-disciplinary efforts.

### **Scope**

- Accurate and relevant human health and environmental information is important for informed decision-making to ensure a healthy environment.
- EJ addresses issues of disproportionate impacts of environmental pollution with which the community is most concerned.
- Scientific research is a piece of the solution to environmental problems.

### **Objectives**

- Enhance systems for consistent environmental data collection and application to ensure applicability of data to EJ issues.
- Identify and address gaps in research and data collection.
- Assess cultural impacts (e.g. subsistence activities, language barriers) via methods that make sense to the topic at-hand and incorporate these aspects into decision-making processes.

**Goal 4:** Ensure effective federal, Tribal and state coordination and accountability on environmental justice issues.

### **Scope**

- Effective approaches to solving EJ issues require partnerships and collaborative problem-solving
- Issues are often multi- and cross-media in nature, involving synergistic effects.
- Issues often involve multiple entities.
- Gathering all available knowledge to address EJ issues is necessary.
- Measuring whether everyone is advancing EJ objectives is necessary.

### **Objectives**

- Develop protocols for effective coordination between involved entities.
- Identify resources and staff to address environmental justice at the state level.
- Explore opportunities for the State of Alaska enacting an multi-stakeholder Advisory Committee on Environmental Justice to assist and provide guidance in shaping the State's strategy and/or policy for achieving environmental justice.
- Develop performance measures to determine the success of environmental justice programs.
- Explore opportunities to ensure compliance with Title VI of the Civil Rights Act.
- Explore opportunities to conduct place-based environmental justice pilot projects.
- Examine opportunities to ensure greater coordination with federal, Tribal, state and local entities.