

# Environmental Justice Advisory Council

Annual Report  
2004-2005



## PRINCIPLES OF ENVIRONMENTAL JUSTICE

**W**HE THE PEOPLE OF COLOR, gathered together at this multinational People of Color Environmental Leadership Summit, to begin to build a national and international movement of all peoples of color to fight the destruction and taking of our lands and communities, do hereby re-establish our spiritual interdependence to the sacredness of our Mother Earth; to respect and celebrate each of our cultures, languages and beliefs about the natural world and our roles in healing ourselves; to insure environmental justice; to promote economic alternatives which would contribute to the development of environmentally safe livelihoods; and, to secure our political, economic and cultural liberation that has been denied for over 500 years of colonization and oppression, resulting in the poisoning of our communities and land and the genocide of our peoples, do affirm and adopt these Principles of Environmental Justice:

1. Environmental justice affirms the sacredness of Mother Earth, ecological unity and the interdependence of all species, and the right to be free from ecological destruction.
2. Environmental justice demands that public policy be based on mutual respect and justice for all peoples, free from any form of discrimination or bias.
3. Environmental justice mandates the right to ethical, balanced and responsible uses of land and renewable resources in the interest of a sustainable planet for humans and other living things.
4. Environmental justice calls for universal protection from nuclear testing, extraction, production and disposal of toxic/hazardous wastes and poisons and nuclear testing that threaten the fundamental right to clean air, land, water, and food.
5. Environmental justice affirms the fundamental right to political, economic, cultural and environmental self-determination of all peoples.
6. Environmental justice demands the cessation of the production of all toxins, hazardous wastes, and radioactive materials, and that all past and current producers be held strictly accountable to the people for detoxification and the containment at the point of production.
7. Environmental justice demands the right to participate as equal partners at every level of decision-making including needs assessment, planning, implementation, enforcement and evaluation.
8. Environmental justice affirms the right of all workers to a safe and healthy work environment, without being forced to choose between an unsafe livelihood and unemployment. It also affirms the right of those who work at home to be free from environmental hazards.
9. Environmental justice protects the right of victims of environmental injustice to receive full compensation and reparations for damages as well as quality health care.
10. Environmental justice considers governmental acts of environmental injustice a violation of international law, the Universal Declaration On Human Rights, and the United Nations Convention on Genocide.
11. Environmental justice must recognize a special legal and natural relationship of Native Peoples to the U.S. government through treaties, agreements, compacts, and covenants affirming sovereignty and self-determination.
12. Environmental justice affirms the need for urban and rural ecological policies to clean up and rebuild our cities and rural areas in balance with nature, honoring the cultural integrity of all our communities, and providing fair access for all to the full range of resources.
13. Environmental justice calls for the strict enforcement of principles of informed consent, and a halt to the testing of experimental reproductive and medical procedures and vaccinations on people of color.
14. Environmental justice opposes the destructive operations of multi-national corporations.
15. Environmental justice opposes military occupation, repression and exploitation of lands, peoples and cultures, and other life forms.
16. Environmental justice calls for the education of present and future generations which emphasizes social and environmental issues, based on our experience and an appreciation of our diverse cultural perspectives.
17. Environmental justice requires that we, as individuals, make personal and consumer choices to consume as little of Mother Earth's resources and to produce as little waste as possible; and make the conscious decision to challenge and reprioritize our lifestyles to insure the health of the natural world for present and future generations.

Adopted today, October 27, 1991, in Washington, D.C.

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## **Mission**

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The Environmental Justice Advisory Council (EJAC) is committed to the basic tenet set forth by the Environmental Justice Movement that all communities, regardless of their racial, ethnic, or economic composition, are entitled to equal protection from the consequences of environmental hazards. EJAC will make recommendations to the NJDEP Commissioner and the New Jersey Environmental Justice Task Force to ensure that the Department develops effective communication programs, implements and enforces environmental laws, regulations, and policies so that such actions do not unfairly burden any New Jersey population of people with a disproportionate share of environmental pollution. Further, EJAC will advise the Department on how to provide mechanisms for outreach to and direct participation of communities in environmental decision-making.

**Adopted  
Thursday, May  
22, 2003**

**Revised February  
2005**

*Environmental Justice Advisory Council members have a unique interest in advocated for urban and rural environmental issues. Many Council members have experience in organizing, training and being responsible for environmental decision-making for the entities with which they work.*

## Council Members

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**Council Chairperson**

**Valorie Caffee**  
*Director of Organizing  
 NJ Work Environment  
 Council*



**Council Vice Chairperson**

**Elizabeth Rose Kearns**  
*Environmental Specialist for  
 Jersey City*



**Council Secretary**

Ana Baptista (Designee)  
*Ironbound Community Corp.  
 Newark, NJ*



**Dawn Breeden**  
*North Jersey Faith-Based*



**Theodore Carrington**  
*NAACP and  
 Environmental Justice Alliance*



**Mr. Colandus "Kelly"  
 Francis**  
*Camden County NAACP  
 Camden City*



**Ms. Kim Gaddy**  
*Environmental Justice and  
 North Jersey Organizing, New  
 Jersey Environmental  
 Federation  
 Essex County Environmental  
 Commission*



**Avery Grant**  
*Concerned Citizens Coalition of  
 Long Branch  
 Long Branch, NJ*



**Juanita Joyner**  
*Isles, Inc.  
 Trenton, NJ*



**Frederick Hugh Martin,  
 Jr.**  
*Division of Public Works  
 City of Camden*



**Donald McCloskey**  
*Environmental Policy Manager  
 Public Service Enterprise Group*

Reconstituted under New Jersey Executive Order No. 96. in 2004, the Environmental Justice Advisory Council (EJAC) works with the Environmental Justice Program and Task Force to review and advise on community environmental and public health concerns. The Council looks forward to working with communities and government officials on these issues. The following report outlines the milestones of the Advisory Council from 2004-2005 and its agenda for 2006.

## **History and Purpose of the Council**

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The Environmental Justice Advisory Council (EJAC) was originally created as the “Environmental Equity Task Force” in May 1998 by former New Jersey Department of Environmental Protection (NJDEP) Commissioner Robert Shinn in response to the environmental justice (EJ) work taking place at the federal level by the Environmental Protection Agency and its EJ Advisory Council. The two overriding mandates to the Task Force at the time were: 1) to create a state EJ policy and 2) to develop a new pollution permit process which would address EJ concerns and allow for earlier and expanded public participation.

The EJ policy was adopted in February 2000 through an Administrative Order issued by Commissioner Shinn. The expanded public participation process was developed as a rule proposal in 2002 and entitled the “Expanded Community Participation Process for Environmental Equity.” NJDEP attempted to create a screening tool to determine whether a community was suffering from disproportionate pollution burdens and racial discrimination due to the location and operation of polluting facilities to incorporate in the proposed rule. Disparate health and health impacts, as well as other adverse environmental indicators, were to be taken into consideration within the context of the new rule.

An unprecedented three evenings of public hearings were held on the rule in each region of the state, at which hundreds of people testified, and large amounts of written testimony were received. Because the formula to determine environmental injustice was not user-friendly and would require another rule to fix it, former NJDEP Commissioner Campbell withdrew the rule in May 2002 and began work on a new EJ Initiative, part of which resulted in the adoption of an Environmental Justice Executive Order, issued by former-Governor James McGreevey in February 2004.

Prior activities of the Advisory Council and NJDEP staff advisors included the drafting of the “Guide to Administering an Effective Environmental Equity Stakeholder Process.” EJAC Member Betty Kerns, a municipal representative from Jersey City, chaired the committee responsible for the creation of this guidance. The primary goal of the guidance is to create an outreach and communication system between environmental permit applicants and communities to increase public participation in environmental decision-making.

The guidance can also be used internally by NJDEP, as well as others. It was created as a companion to the proposed rule.

In February 2002, former NJDEP Commissioner Bradley Campbell established New Jersey's first Environmental Justice Program. Under the leadership of former NJDEP Senior Policy Advisor Michelle DePass, the State's first Environmental Justice Executive Order was drafted in 2004, and recommendations were made to change the name of the Environmental Equity Task Force to the Environmental Justice Advisory Council.

## **Enabling Legislation**

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On February 18, 2004, former Governor James E. McGreevey signed Environmental Justice Executive Order No. 96 (EJEO), as a call to all executive branch state departments, agencies and authorities to consider the impacts of decision-making on human health and the environment, and to periodically review policies to ensure they do not create disproportionate adverse environmental effects. The Executive Order created an Environmental Justice Task Force (EJTF), a state multi-agency State body, to oversee the process. Co-chaired by the departments of Environmental Protection and Health and Senior Services (NJDHSS), the Task Force includes senior management designees from the Office of Counsel to the Governor, the Attorney General's office, the Departments of Human Services, Community Affairs, Agriculture, Transportation, and Education. The Task Force is an advisory body that makes recommendations to State Agency heads regarding actions to be taken to address environmental justice issues consistent with the agencies' existing statutory and regulatory authority. The Task Force is authorized to consult with, and expand its membership to other State agencies, as needed, to address concerns raised in affected communities.

The EJEO also reconstituted the Environmental Justice Advisory Council. The Advisory Council is comprised of 15 members, with one third of the membership from membership from grassroots and/or faith-based community organizations. Additional membership is comprised from various sectors including academia, statewide environmental, civil rights and public health organizations; large and small businesses and industries; municipal and county officials; and organized labor.

The Executive Order outlines the Advisory Council's role and responsibilities. In addition, the EJEO expands the Advisory Council's role in the following ways:

- In addition to making recommendations to NJDEP, the Advisory Council shall also make recommendations to the EJ Task Force, the multi-agency State body;
- The Council shall advise the Task Force in its mandate to identify communities, from those that file EJ petitions under the EJEO; and
- The Council advises the EJTF and communities in the development of Action Plans in accordance with the EJEO.

**Other areas of responsibility include:**

- Working in partnership with the NJDEP Environmental Justice Program;
- Helping develop criteria to be used to define an “EJ community;”
- Serving as liaisons to the NJDEP for the constituencies that EJAC members represent;
- Championing local and state EJ struggles, as appropriate, and making recommendations to the NJDEP and EJTF regarding these local advocacy efforts;
- Advising NJDEP on strategies to effectuate meaningful public participation protocols for government programs, policies, and initiatives;
- Providing “EJ 101 & Beyond” education to the EJ Task Force;
- Educating EJAC members about the general EJ and environmental concerns around the State and nation;
- Sharing information with other Advisory Council members, including solutions that are working in other parts of the state/country;
- Advocating for actions that provide more opportunities that empower the public to address their concerns and develop solutions to environmental problems;
- Serving as spokespersons for the Advisory Council, when appropriate.

## **Activities**

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The EJAC usually meets at least 10 times per year. In 2005 the Advisory Council formed several Subcommittees to carry out the work of the Council. Active committees included:

- Work Plan Subcommittee: The Committee, chaired by EJAC Chairperson Caffee, developed a Work Plan for 2005-2006.
- Bylaws Committee: The Committee, chaired by Juanita Joyner, completed revisions to the Council bylaws
- Annual Report Committee: The Committee, chaired by Donald McCloskey, authored the 2004-2005 EJAC Report.



## Motions

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### *2004 Motions*

1. **Waterfront South Camden, NJ Air Permitting.** Moved that: The Advisory Council recommends the suspension of the issuance of air pollution permits in Waterfront South, Camden during the development of the Camden Action Plan. *The Council unanimously adopted on June 2, 2004.*

Justification: The South Jersey Environmental Justice Alliance and the Environmental Advisory Council strongly recommends to the Commissioners of Environmental Protection and Health that the EJ Task Force develops an Action Plan, with the Camden petitioners, under the Executive Order, before issuing any new air permits.

2. **Guidance Document for Expanded Public Participation.** Moved that: The draft “Guide to Administering an Effective Environmental Equity Process” is revised to include the contact information for each EJ Task Force agency, which communities may use to call directly if they need assistance with environmental or health concerns. *The Council unanimously adopted this motion on June 2, 2004.*

3. **Diesel Outreach.** Moved that: The NJDEP Office of Communications develops public service announcements for local New Jersey cable networks and print media on environmental issues, in particular environmental health issues. In addition, NJDEP should develop an environmental news service and camera-ready stories about these issues for distribution to small weekly media outlets, newspapers, and “underground” communications. *The Council unanimously adopted this motion on Aug. 4, 2004.*

4. **Assessment of Citizen Exposure to Air Toxics.** Moved that: The Commissioner seriously consider establishing a specific unit within the Department whose mission would be to assess citizen exposure to air toxics in neighborhoods and communities.

Justification: The Council was impressed with the project done by NJDEP air quality assessment Director Joann Held and others for Camden’s Waterfront South, but understands that work was done by these professionals that required energy and effort added to their other important duties. The Council believes that a unit dedicated specifically to such projects will be of great value for the goals of environmental justice and the factual, scientific ways of addressing risk reduction. *The Council unanimously adopted this motion Sept. 22, 2004.*

5. **Environmental Justice Petition Process.** Moved that: Petitions received by the Environmental Justice Advisory Council under the Environmental Justice Executive Order process meet a threshold for consideration,

including that the community of concern must be low income and/or a community of color, and that the petitions must have at least 50 signatures, of which 25 must be residents in the area of concern. *The Council unanimously adopted Dec. 8, 2004.*

## **2005 Motions**

5. **Mandatory Fluoridation of Drinking Water.** Moved that: Given the unknown cumulative effects and potential for over-dosage in the process of Fluoridation of the public water supply, the Environmental Justice Advisory Council does not support mandatory fluoridation of public water supplies in New Jersey. In addition, it was noted that the current health status of low-income and/or people of color may not be fully considered in this process, especially with respect to the high rate of diabetes for people of color. Furthermore, the Council contends that the decision to fluoridate water should be made by local municipalities and not mandated by the State. *The Council unanimously adopted this motion on May 26, 2005*
  
6. **Centralization of Information for Public Access at the Municipal Level.** Moved that: The Advisory Council recommends a) NJDEP prepare summaries of its actions affecting a community's land in the site remediation or ISRA process; b) that this process be standardized so that the same information will be available in each municipality so that people may compare information among the municipalities; and c) that the Department maintain a centralized repository of this information, in addition to providing it to local communities and those who make land use decisions, such as planning and school boards. *The Council unanimously adopted this motion on July 5, 2005.*

Justification: The Advisory Council identified disconnects between information available to local communities, the site remediation process and deed restrictions placed on land use.

## **Resolution**

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### *Council Opposes Mandatory Fluoridation of the Public Water Supply*

#### **Resolution on the Fluoridation of the Public Water Supply in the State of New Jersey**

Submitted to the:  
Public Health Council  
Department of Health and Senior Services  
Office of Boards and Council

Market and Warren Streets  
PO Box 360  
Trenton, New Jersey 08625

Whereas, the Environmental Justice Advisory Council (EJAC) acknowledges the benefits of fluoride in preventing tooth decay, the Council is concerned with plans by the Public Health Council (PHC) and the Department of Health and Senior Services (DHSS) to mandate fluoridation of New Jersey's public water supplies; therefore be it

**Resolved**, that the EJAC does not support mandated Statewide Fluoridation of the public water supply;

**Resolved**, that the Public Health Council and DHSS should continue to allow individual municipalities to make the choice to fluoridate their public water supply;

**Resolved**, that studies be conducted to better understand potential leaching of lead from old lead pipes exposed to Fluoride. The Council acknowledges that this problem could disproportionately affect those that live in older homes and high risk populations including the sick, elderly, children and women of childbearing age;

**Resolved**, that the Council has concerns of overmedication since Fluoride, labeled a "drug" by the Food and Drug Administration (FDA), can be obtained through various foods;

**Resolved**, that the full health implications of Fluoridation in water be explored by the DEP, the Center for Disease Control and DHSS, that that information be conveyed to residents;

**Resolved**, that the EJAC believes that while many people are fundamentally aware of Fluoridation in our water supply, more work must be done by the Department of Health and Senior Services to educate the broader community, especially those who have chosen or are in the process of choosing to receive Fluoridation. Furthermore, communities must be educated about the full

breadth and implications of adding Fluoride to a public water supply. In addition, the full breadth of this information should be provided at schools, dental and health clinics, and other community areas. Furthermore, this information should be provided in various languages to reach New Jersey's various ethnic populations;

**And be it further resolved,** that the Council form a sub-committee to review the proposal by the Public Health Council to make fluoridation mandatory. We will also review other documents which oppose this position. *The Council Unanimously adopted this resolution on May 26, 2005.*

## **Partnership Building**

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The Environmental Justice Advisory Council established relationships with several organizations throughout 2004-2006, which included work with or outreach to the following organizations:

**Clean Air Council:** Provided an introduction to Environmental Justice during monthly meeting and Council representatives testified at the Council's 2005 hearing, "Air Pollution - Effects on Public Health, Health Care Costs, and Health Insurance Costs (See Appendix A for an excerpt of testimony.)

**Thomas Edison State College John S. Watson Institute for Public Policy:** Participated in Leadership Trenton Panel Discussion and the Urban Air Quality and Education Initiative.

**Rutgers—Environmental and Occupational Health Sciences Institute:** Collaborated on the Environmental Justice Alliance Urban Air Quality and Education Initiative.

**NJ Environmental Justice Alliance (NJEJA):** People's Assembly Event held on October 29, 2005, which drew a diverse audience who engaged in hands-on workshops and learned about environmental justice-related issues in the State's three regions. Participants also used the workshops to develop goals and objectives for NJEJA's coming year.

**Greenfaith, Work Environment Council:** In May 2004, in partnership with Greenfaith (formerly Partners for Environmental Quality), an environmental faith-based organization and the New Jersey Work Environment Council (WEC), members of the Council participated in tours of Paterson and Newark, NJ.

**Camden County NAACP:** In November 2005, the Council toured the Waterfront South Neighborhood and the St. Lawrence Cement plant. The neighborhood tour was lead by Colandus "Kelly" Francis, president of the Camden County NAACP.

**Rutgers EcoComplex:** EJAC members held two meetings at the EcoComplex, located outside Bordentown, NJ. The Council members toured the complex's plant where it is implementing a pilot program that uses garbage from a nearby

landfill and converts it into fuel (methane-to-liquefied natural gas, LNG). The fuel is being used in garbage trucks in Burlington as an alternative to diesel fuel. Council members also heard a presentation from Priscilla Hayes of the Solid Waste Policy Group about a proposed plan to recycle organic food waste, which would reduce the need for landfills, can be converted to use as a fuel, and reduce pollution. NJDEP staff also made a presentation about General Permits. EJAC anticipates doing more partnering with the complex on such innovative work.

**Community organizations:** In 2004 and 2005, the Council provided recommendations to the Environmental Justice Task Force to advance petitions from several community organizations throughout the State. A partial list of these communities includes:

Concerned Citizens Coalition of Long Branch, South Jersey Environmental Justice Alliance, and the Ringwood Neighborhood Action Association.

## **Advocacy**

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### ***Support of Educational & Other Activities to Reduce Diesel Emissions***

The Council supported the following outreach and educational initiatives to quantify and develop actions to reduce diesel exhaust and Particulate Matter pollution:

- **New Jersey Air Quality Education & Awareness Initiative:** This project was sponsored by the New Jersey Environmental Justice Alliance (NJEJA) and the John S. Watson Public Policy Institute-Thomas Edison State College. EJAC member Theodore Carrington served as the Project Coordinator, while EJAC members Valorie Caffee, Colandus “Kelly” Francis, Juanita Joyner, Kim Gaddy, and former-member Michelle Garcia served as consultants and provided project oversight. Data gathered from the project helped substantiate the ongoing call for the reduction of diesel exhaust and industrial air pollution. EJAC members supported stronger enforcement of the state’s anti-idling law as one way to reduce diesel emissions and their adverse health impacts.
- **New Jersey Environmental Justice Alliance’s Diesel Committee:** NJEJA’s Diesel Committee worked closely with NJDEP’s Diesel Team on developing a legislative campaign to retrofit certain diesel-powered vehicles to help reduce diesel exhaust. Decreases in diesel emissions help reduce illnesses, such as asthma and cancer, and save lives. Legislation was adopted in 2005, along with a public ballot question, that calls for the installation of pollution control devices on public fleet vehicles. Some members of EJAC also belong to NJEJA.
- **NJDEP’s On & Off Road Diesel Workgroups:** NJDEP created these work groups to develop recommendations to include in the State

Implementation Plan that would further reduce diesel exhaust and reduce or eliminate the reliance on diesel fuel. Some EJAC members also served on these groups.

## **2006 Priority Initiatives**

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In 2006, the EJ Advisory Council intends to initiate activities and/or advise on the following policy, regulatory and legislative issues:

- Conduct diesel and soot reduction educational outreach;
- Help in completion of community Action Plans by working closely with communities;
- Monitor efforts to repeal the Fast Track law;
- Institutionalize and strengthen current Environmental Justice policies and the Executive Order;
- Encourage input with the ongoing site remediation public participation rule proposal and with brownfields cleanups and redevelopment;
- Make recommendations for earlier public participation in air permitting process
- Providing education and input on the General Permits for Research and Development rule proposal;
- Co-sponsor and participate in steering committee to implement public “Listening Sessions” on topics of priority to environmental justice advocates, including: land use planning, cumulative risk impact and assessment and transportation.
- Complete the “Guide to Administering an Effective Environmental Justice Stakeholder Process.

## Appendix A

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Transcripts from the April 13, 2005 Clean Air Council Annual Public Hearing can be found online at:

[http://www.state.nj.us/dep/cleanair/ph\\_2005.htm](http://www.state.nj.us/dep/cleanair/ph_2005.htm)

### **The Adverse Health Effects on Communities Disproportionately Affected by Poor Air Quality**

*Presented by **Valorie Caffee**, Director of Organizing/EJ Coordinator, NJ Work Environment Council and Chairperson, Environmental Justice Advisory Council to the NJDEP*

New Jersey residents face the nation's second-greatest cancer risk from diesel exhaust, according to the report, *Diesel and Health in America: The Lingering Threat*, released on February 22<sup>nd</sup> by the Clean Air Task Force (CATF).<sup>1</sup> The report also says that 880 New Jersey residents prematurely die each year from exposure to diesel exhaust, placing it fourth in the nation for such deaths. As a Trenton-area resident myself, I am particularly troubled by the report's finding that ranks Trenton fifth for metro areas for per capita health impacts from diesel fine particles. The report concluded that, "People who live in metropolitan areas with a high concentration of diesel vehicles and traffic feel their impacts more acutely."<sup>2</sup> This is an extremely important report because it's the first time that the health impacts from mobile air pollution have been codified in such a centralized way, and because it validates the anecdotal concerns of those who are most adversely affected by diesel emissions.

With the majority of black and brown people living in our urban centers, I want to address the relationship between New Jersey's air quality and environmental justice. Let me first offer a working definition. "Environmental justice" is the right to a safe, healthy, productive, and sustainable environment for **all**. Environmental justice demands fair treatment for all populations of people, with no group bearing a disproportionate share of negative environmental consequences. It's "...a concept that addresses, in a cross-cutting and integrative manner, the physical and social health issues related to the distribution of environmental benefits and burdens among populations, particularly in degraded and hazardous physical environments occupied by minority or disadvantaged populations."<sup>3</sup>

Unfortunately, "...it has been shown that non-whites are disproportionately exposed to ambient air pollutants associated with respiratory symptoms and exacerbation of other ailments."<sup>4</sup> Numerous studies show that people of color, and poor residents of every race and ethnicity, suffer from greater exposure to

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<sup>1</sup> *Diesel and Health in America: The Lingering Threat*, Clean Air Task Force, February 2005

<sup>2</sup> Ibid

<sup>3</sup> *Toward Environmental Justice: Research, Education, and Health Policy Needs*, Institute of Medicine, 1999

<sup>4</sup> Ibid

air pollution than their white, more affluent counterparts. There is, then, a direct relationship between poor air quality in many areas of New Jersey and the struggle for environmental justice, and to its consequent health and socioeconomic impacts on communities of color and poor communities.

A couple of years ago, the principal at the Sacred Heart School in Waterfront South, Camden, said in a newspaper interview that the majority of the students at the only school in this small community of just under 2,000 had asthma.<sup>5</sup> She also noted that she has asthma. That same year, the federal Environmental Protection Agency (EPA) said that this area had some of the worst air pollution in the nation, prompting, along with resident complaints, the NJDEP to embark on an air quality survey. The preliminary survey results indicated that the residents of Waterfront South breathe very dirty air.

This community's name sounds like a vacation resort, but it is home to two Superfund sites, 114 known contaminated sites, a regional incinerator, the county sewage treatment plant, a cogeneration plant, a gypsum plant, a medical laundry, at least 30 scrap metal and other recycling businesses, a cement-grinding plant, contaminated drinking water, the majority of homes contain lead, it has **triple** the average pollution of any other community in New Jersey, and, until very recently, approximately 70,000 diesel-powered trucks rumbled through its narrow residential streets annually.

More than 90% of the residents are African-American, Latino and Asian. The state's poorest community, in 1990, the median income was \$15,000. It's the poorest and most-polluted area in New Jersey. Nearly half the residents are children. Various studies have reported that three-in-five residents, in general, have respiratory problems. Another study showed that the City of Camden had the state's highest infant mortality rate in 2002. The NJDEP also found that its highest average recorded levels of fine particulates in the air were in Camden.<sup>6</sup>

While Waterfront South is possibly the worst of the worse, there are other communities in the state in which the residents suffer from disproportionate pollution and its attendant health and other effects. The Tremley Point section of Linden is another example. Bounded by Route 1 and the Turnpike, this working class community of residents of Polish and German descent, Blacks and Latinos, has the largest oil refinery in the Northeast, a cogeneration plant, a huge pharmaceutical plant, an automotive assembly plant, a large utility plant, a Superfund site, thousands of diesel-powered trucks traversing its roadways daily, numerous oil tank farms, is near the county incinerator and the pharmaceutical company's incinerator, is part of Newark Airport's flight path, near Linden's own airport, and is proximate to chemical plants. One such chemical plant, Infineum, USA, is one of the nation's 123 facilities that could affect more than one million people should it have an accidental chemical release, explosion, fire or some other type of serious accidental incident. Various studies have ranked pediatric asthma as being a significant problem in Linden.

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<sup>5</sup> The Associated Press, 2002

<sup>6</sup> Ibid



Linden's high incidence of pediatric asthma isn't unique in our cities. The Trenton Childhood Asthma Project found that asthma-related emergency room visits and hospitalizations for children were 1,900 and 700, respectively, between 1999 and 2001. A 2001 survey conducted by Trenton's Division of Health found that out of the 1,000 parents of first-graders surveyed, 25% of the children's parents responded that their children were diagnosed as being asthmatic.<sup>7</sup> Mercer County was ranked third in the state for the highest levels of fine particulates in the CATF report. More than 70% of Trenton's residents are people of color.

Asthma, Chronic Obstructive Pulmonary Disease (COPD) and heart attacks are the most serious short-term health effects from air pollution. Children and the elderly, especially younger children, are the most vulnerable to adverse respiratory problems associated with bad air. Asthma is now our nation's most common chronic disease among children, with African-American children five times more likely to die from it than white children.<sup>8</sup> A May 2004 report by Harvard's Medical School's Center for Health and Global Environment found that children of color and poor children are more likely to develop asthma and at worsening rates as a result of the interaction of urban pollutants with climate change and global warming. Diesel air emissions and the burning of fossil fuels are major sources of such climate change and global warming phenomena. "Diesel particulates help deliver and present pollen and mold allergens to the immune system in the lungs," the report notes.<sup>9</sup>

The American Heart Association states that, "Hospital admissions for several cardiovascular and pulmonary diseases acutely increase in response to higher ambient PM concentrations," such as that found in our urban centers.<sup>10</sup>

Ambient particulate matter is especially problematic for people of color. While the costs to health are great, so are the socioeconomic impacts. According to the Centers for Disease Control, asthma alone accounted for 10 million lost school days, 1.8 emergency room visits, nearly one-half million hospitalizations; and 15 million out-patient visits in 2000. The financial cost was \$14.5 billion. The CATF report projected that with the current trends, there will be 2,400,000 lost work days in 2010. Chronic diseases also cause severe emotional strains for families.

Poor indoor air quality (IAQ) is also problematic. In fact, this week the EPA declared indoor air pollution to be among the top five environmental risks to public health, saying the air to be two-to-five times more polluted indoors than outdoors. Schools are a major source of indoor air pollution. New Jersey has 1.3 million students and 18,000 staff in 2,400 public schools. The overall average age for the schools is 47 years, but in the so-called Abbott school districts, the average age is 62 years. The 30 Abbott school districts are those in which the majority of Latino and Black students are concentrated. Our schools, especially those in the Abbott districts, are densely-populated. Overcrowding, "deferred"

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<sup>7</sup> Trenton Childhood Asthma Project, Trenton Division of Health, 2001

<sup>8</sup> *The Growing Asthma Epidemic and Dirty Air*, Environmental Defense, 2004

<sup>9</sup> Harvard Medical School's Center for Health and Global Environment, May 2004

<sup>10</sup> Scientific Statement from The American Heart Association, January 2004

maintenance, poor ventilation, idling school buses, proximity in cities to heavily-traveled roadways and polluting facilities, mold, the use of pesticides, and other environmental triggers all contribute to indoor air pollution and associated health problems.

In fact, IAQ is the issue for which the Public Employee Occupational Safety and Health (PEOSH) Program receives the most complaints from public employees, including school staff. From November 1, 2004 to January 31, 2005, there were 38 IAQ complaints out of 58 total complaints, or 66 percent. IAQ is also the issue for which most public employers request on-site consultation from PEOSH.<sup>11</sup>

Communities which have large populations of Latinos and African-Americans and lower-income residents suffer from both more exposure to air pollutants and more adverse health affects linked to such exposure than do communities with largely white and wealthier residents. Therefore, there is definitely a strong relationship between New Jersey's air quality and environmental justice.

Aggressive action needs to be taken to rectify this multi-faceted problem, which includes the following recommendations: prioritize areas where sources of large volumes of air pollution are already known to exist for immediate remedial action; more vigorous enforcement of the state's anti-idling law; continued NJDEP "enforcement sweeps" in cities; the Department of Health should engage in more extensive health data monitoring and tracking, and make such data available to the public; counties and local municipalities should help contribute to such data compilation and make the results available to the public; for public schools, bus retrofitting and/or replacement should be priorities, with a viable funding source that doesn't add to school districts' budget burdens identified to pay for them, school bus idling near school entrances should be reduced or eliminated, better ventilation systems should be installed, major school renovation work should not take place during school hours, create asthma prevention, screening and treatment programs for children in urban schools; communities burdened with disproportionate pollution must have a meaningful role in environmental decision-making and be informed about tools they can use to address their problems, such as New Jersey's Environmental Justice Executive Order; and air pollution permits must be examined for their impacts on proximate communities before they are issued. These are among some of the measures that could be taken to reduce and eliminate the adverse health and socioeconomic impacts of disproportionate exposure to poor air quality on lower-income and communities of color.

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<sup>11</sup> Public Employee Occupational Safety & Health Program, NJ Department of Health & Senior Services

*Presented by **Kim Gaddy**, Environmental Justice Advisory Council Member;  
Environmental Justice and North Jersey Organizing, New Jersey Environmental Federation;  
Chair, Essex County Environmental Commission testified at the Clean Air Council Public  
Hearing on April 13, 2005:*

“I’m a resident of Irvington, New Jersey. I’m the parent of three, two children who are asthmatics. My one year old is currently taking Albuterol because he was diagnosed with pneumonia two weeks ago and I don't know if he'll have asthma at this stage.

I am here today to put a New Jersey face on the findings and recommendations of the national report, Diesel and Health in America, The Lingering Threat, which was researched and produced by the Clean Air Task Force.

The report shows that New Jersey is the second worst state out of the lower 49 states plus the District of Columbia for individual lung cancer risk due to high levels of diesel particulates in New Jersey's air. Hudson County being the fifth worst county in the country, number one in the state, with Camden County second and Mercer County third in the state. Depending on what New Jersey county you live in, your individual lung cancer risk is 246 to 394 times greater than what the USEPA deems as acceptable risk or one in a million lifetime cancer risk.

In New Jersey the impact of diesel particulates is almost eight times the cancer risk per million of all the other air toxics combined. This report also places New Jersey fourth worst for other diesel related health impacts, including premature death, non fatal heart attacks, asthma, acute and chronic bronchitis and other respiratory symptoms, lost work and school days, asthma being the leading cause of school absenteeism, minor restricted activity days. This can lead to quality of life impairments and family financial crisis. The state and county data that I just mentioned is contained within the report and the numbers are based on USEPA methodologies.

And finally this report explains that the Federal Clean Air Act doesn't go far enough, especially in the short-term to clear the skies, the Clean Air Act regulations for on and off road diesel vehicles do not impact any of the 13 million diesel vehicles currently in use nationwide, some of which will put on 1 million miles over their typical 30 year life span.

While urban canyons channel high concentrations of ground level diesel fumes along transportation corridors, roads, railroad lines, et cetera, rural and suburban school kids often travel on diesel infested busses on average 1.5 but up to 4 hours per day round trip, 5 days a week for 12 plus years of their life. Tail pipe fumes hop on the bus through the front door whenever the bus makes a stop. Diesel levels on the bus can be up to 10 times worse than outside ambient levels, with levels high in the front of the bus and made worse in the winter when the windows are closed.

Another generation or two of children, one full high school graduating class will continue to be impacted by high levels of diesel fumes before these obsolete school busses will be retired from school use. New Jersey school busses are allowed by law to transfer children for 10 to 20 years depending on their type and purchase date.

The report and New Jersey Environmental Federation said that this is a risk that does not need to be taken. “

**For more information about the Environmental Justice Advisory Council, contact:**

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