



Elevating the voices of those impacted by the Duwamish River pollution and other environmental injustices to advocate for a clean, healthy, and equitable environment for people and wildlife. Promoting place-keeping and prioritizing community capacity and resilience.

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Laura Knudsen
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Re: Harbor Island Community Involvement Plan

To Ms. Knudsen:

Thank you so much for the opportunity to comment on the Community Involvement Plan for Harbor Island. Community voices are very important in all decisions that impact them directly. Despite the COVID-19 pandemic, DRCC has been engaging with the community in creative ways including safe in-person gatherings, socially distanced small events, and multilingual social media and video interactions to bring some of this information to the community and gather their input. We prioritize the voices of those who are directly impacted by these changes to ensure that our impacted low-income and black/indigenous/people of color immigrant, refugee, and fisher communities who already suffer the greatest exposures and health disparities can be meaningfully informed and engaged.

The Duwamish River Community Coalition (DRCC) has long been a community steward for environmental justice in the Duwamish Valley, which is one of the most polluted areas in the entire Pacific Northwest following 100 years of industrial dumping and release of toxic waste. DRCC has worked tirelessly alongside community groups and neighbors for 20 years to clean up the water, land and air while fighting to eliminate ongoing industrial pollution that makes our communities among the least healthy in the County.

Generally, we appreciate the consideration given to the unique needs of an environmental justice community like the Duwamish Valley. As you learned during our community interviews, we suffer from the consequences of living near multiple forms of pollution, and these cumulative impacts mean that we require enhanced community

engagement practices. Our comments are informed by our technical expertise from over two decades of Superfund advocacy and the lived experience of our community members.

I. CONCERN REGARDING OPERABLE UNIT MAP

On page A1 of the CIP, the western portion of the West Seattle Bridge section is not accounted for in any of the Operable Units. We request clarification on which OU the lower portion of the West Waterway belongs to, especially since a popular fishing spot, the Spokane Street Bridge, is also included in this section.

II. TRIBAL ENGAGEMENT PLAN

On page 3-4, the Plan states that the CIP does not focus on tribal engagement because the EPA has a government to government relationship with sovereign tribes. We request more transparency around this process in order to ensure tribes are being properly informed and provide our community with more information on how tribal engagement occurs.

We recognize the importance of the independent relationships that EPA cultivates individually with tribes and also understand that the Duwamish Tribe is not federally recognized. However, they are an important part of the tribal community in the Duwamish Valley, and will be particularly impacted by the cleanup of Harbor Island as their longhouse is right across the street. Regardless of whether the Duwamish Tribe is included in the tribal engagement plan, this section of the plan should at minimum acknowledge that Duwamish tribes are important members of the community and will be engaged regardless of their federal status.

III. IMPROVING ENGAGEMENT WITH FISHING COMMUNITIES

We have several concerns with the way fisher engagement is described in the Plan and some recommendations on how to conduct more meaningful outreach to these communities. On page 18, the Plan discusses fishing pier outreach. The EPA should consult with the Environmental Coalition of South Seattle (ECOSS) to see how fishing communities, who are predominantly immigrant, prefer to be engaged.

ECOSS has a wide network and operates out of Harbor Island. They are well versed in working with communities who are not primarily English speaking and already do outreach to these communities. We ask that EPA do this in addition to the outreach that they are doing with Community Health Advocates, who are funded by the EPA. This ensures a more holistic and diverse understanding of fisher needs is being received and assessed.

ECOSS can also potentially help put the EPA in touch with non-CHA fishers since the only fishers who were interviewed for the Plan were in the CHA program. EPA should also look at ways to conduct outreach in-person at major fishing spots with translated materials and interpreters.

On page 21 of the plan, Goal 3: Mitigate Cleanup Construction Impact only implements informational strategies. When looking at ways to manage construction impacts on fishing communities, these types of strategies often result in the burden being placed back on community members to understand and then share the information within their own circles. In 2013, the EPA conducted an Environmental Justice Analysis. In the Agency's own words:

Informational campaigns place the burden of addressing environmental contamination's health effects on those affected, rather than those responsible for the risk. In the case of the LDW, there is anecdotal, photographic, and survey evidence that current fish advisories, which are on prominent signs in multiple languages, are currently ignored. Additionally, fish advisories, in attempting to restrict or influence behaviors, assume that there are accessible substitute food sources for the fish consumers and that changing behavior is appropriate.¹

The EJ Analysis goes on to list offsets that should be used in conjunction with Institutional Controls. Not only do these options mitigate construction impacts, but they can also be implemented as community outreach for the site in a broader sense. They include providing maps of other fishing locations, providing cleaner seafood substitutes to local residents, fish trading or vouchers for clean seafood that can be substituted for fish caught in the Duwamish River, transporting fishers to clean fishing sites, sustainable aquaculture or aquaponic projects.² These types of mitigation efforts should be considered in the Plan and more outreach to the community should be done so that offsets can be prioritized in a way that is informed by fisher input. Ultimately, mitigation needs to include providing opportunities to access healthy fish and healthy fishing activities prior to and during cleanup activities.

¹ EPA EJ Analysis (LDW), p. 53.

² See EPA EJ Analysis (LDW), p. 57.

It is also important to note that fishing communities go significantly farther south than what is identified in the Plan. The Plan analyzes environmental justice communities within a 1-mile radius of Harbor Island and Superfund sites in the Duwamish Valley. However, to conduct a more complete assessment of fisher needs, outreach should go into Tukwila. On a similar note, the Plan states that South Park and Georgetown are indirectly impacted by the Harbor Island cleanup because they do not live within immediate proximity of the site. However, all fishing communities will face direct impacts of the site cleanup because clean up levels will impact all fish throughout the river. The Plan should acknowledge that directly impacted communities span the entire Duwamish River and are not just those that live near Harbor Island.

IV. THE PLAN SHOULD INCLUDE BETTER DESCRIPTIONS OF THE AGENCY'S OUTREACH AND ENGAGEMENT COMMITMENTS

Community Action Plans should include "EPA's planned outreach activities and community involvement mechanisms [and] describe the objective and intention of the activity."³ They should then describe the objective of each outreach activity, "projected sequence of project milestones tied to site activities with projected timelines, and discuss the mechanisms that will be used to explain to the public how community feedback is considered during the cleanup process."⁴ Currently, the goals in the Action Plan do not include concrete activities, projected timelines, or mechanisms to explain how community feedback will be accounted for. EPA must provide these details so community members have a better idea of the type of outreach they can expect, and so that they can hold the Agency accountable if they do not deliver adequate outreach.

The Plan should also include information about whether there will be any third party facilitation or dispute resolution focused organizations involved in community outreach the way Triangle Associates works with the Lower Duwamish Waterway Group for the LDW site. Triangle provides a valuable service to the outreach process, and we request more details about how community meetings will be conducted with the assistance of a similar organization.

On page 14, the Plan discusses how the EPA will increase awareness of the site. This section needs significantly more information, as this is a fundamental component of community engagement for the site. For example, EPA states they will send listserv notifications "on a regular basis." How does EPA classify this? Will emails go out on a monthly basis? A quarterly basis? EPA also states EPA "can organize tours of the East Waterway," "can send direct mailers," and "can conduct outreach at Spokane Street Bridge

³See Superfund Community Involvement Handbook.

⁴ *Id.*

fishing pier.” This language is vague and does not commit to actually providing tours or sending mailers, nor does it include any details about the frequency or timeline. Our concern with this language is that it will not actually require EPA to do any of these things, and will make it difficult for communities to later request these types of services.

EPA should also include more concrete commitments for individual outreach. The Plan shows that EPA has done research on relevant cultural and community events, but does not state which events they will attend, how many they will attend on a yearly basis, or the amount of events they will attend for each targeted community. EPA should commit to attending, at a minimum, twelve events or meetings a year.

Our concerns with the trust building section and improving transparency section are similar. EPA should specify which events and how many they are formally committing to attending. They also need to explain how they will make sure the community knows informal chats are available for people who want to know more about the site, because it is the Agency’s responsibility to make sure these opportunities are well known and not community member’s jobs to seek them out. We also request more information about which schools will be contacted for youth focused outreach, as well as what youth associations and corps that the Agency plans to work with. There should also be more details about how this technical and complicated information will be tailored to a younger audience.

V. EPA SHOULD CONDUCT AN INDEPENDENT ENVIRONMENTAL JUSTICE ANALYSIS.

In the improving transparency section, EPA discusses how community members have expressed interest in having an Environmental Analysis conducted. The EJ Review included in the plan is not as thorough and comprehensive as the EJ Analysis done on the LDW and we request that an independent EJ Analysis also be conducted for Harbor Island.

The basis of the EJ Review is the EJ Screening tool which, the Plan acknowledges, is limited in its application. The tool limits the review to small areas despite our knowledge of impacts reaching much farther than a 1-mile radius of Superfund sites in the Duwamish Valley. It also says that EJScreen cannot capture the harms faced by those who work but do not live on Harbor Island. This is a massive limitation, as these individuals are some of the most highly impacted by the Superfund site. Further, the screening tool relies on census data that does not always represent the characteristics of a community, particularly when said community consists of immigrants, people who do not speak English as a primary language, and in some cases, people who cannot read and write in English.

In contrast, the EJ Analysis done for the LDW relied heavily on the lived experience of community members and used their personal experiences and information gathering techniques that were tailored to their unique characteristics. This resulted in a highly-detailed and relevant document. Not only is the EJ Review in the Plan not comparable for the reasons stated above, but the LDW EJ Analysis was conducted ten years ago. A new EJ Analysis for Harbor Island has the potential to identify new community needs and account for the ways our community and the Duwamish River have changed in the past decade. The Plan states that this tool must be used in conjunction with other “ground-truthing” methods of outreach, but then these are not identified in the EJ Review.

In order for the Agency to meaningfully assess “think critically and holistically about our work in the Duwamish Valley and how we can work together for environmental justice,” an EJ Analysis is necessary to take a deeper look at our communities accessibility needs as an environmental justice community, which is an explicitly stated goal of the EJ Review.

IV. EPA SHOULD EXPLAIN WHY THE CIP WASN'T DEVELOPED BEFORE THE EAST WATERWAY PROPOSED PLAN.

The Agency should explain why the CIP was not finalized before the East Waterway Proposed Plan was released. Since the CIP outlines the EPA's public engagement commitments for site cleanup, it is concerning to many community members that the Proposed Plan could be released without any binding guidance or official requirements for outreach. As a result, the EPA should also explicitly address this concern in the Plan and address how they plan to specifically engage with communities regarding the East Waterway given the contentious relationship between the public and the way earlier forms of the Proposed Plan were developed.

V. THE PLAN NEEDS MORE DETAILS ON HOW THE COMMUNITY WILL IMPACT DECISIONS.

We request more information on how the community will be able to impact decisions. The Plan currently contains little details on how they will be able to influence agency decisions. To ensure that the community has the opportunity to describe the ways that they would like to impact decisions, EPA should work with us to create a shared definition for what meaningful involvement means and looks like in the Duwamish Valley. A key aspect of fair treatment requires transparency around how benefits will be distributed within the community. In order for us to be able to determine whether benefits are being distributed equitably, we need more details regarding the scheduling, timeline, and methodology around the East Waterway.

This Draft CIP does not include a plan or any commitments about how to involve the community in the review and approval of a final cleanup plan for the East Waterway. EPA should immediately develop a clear plan for this critical review in collaboration with the impacted community and the organizations that represent them.

While we understand that a final cleanup plan has not been chosen, the EPA can still describe the ways they plan to do outreach for the East Waterway and how community members can expect to have their input heard and incorporated as these aspects of the plan are developed and finalized.

VI. THE PLAN SHOULD INCLUDE TIMELINES FOR EARLY ACTION AREAS.

According to the EPA's guidance document on Community Involvement Plans, a CIP "should be prepared for all remedial actions."⁵ This includes Early Action Areas, which are currently not mentioned in the CIP. EPA should include general timelines and outreach commitments for all Harbor Island Early Action Areas. Knowing specific outreach objectives for the different stages of cleanup, including Early Action Areas, will help the community know what to expect at each stage of cleanup and can also make it easier for us community members to think about their specific engagement needs and hold the Agency accountable as cleanup begins.

VI. EPA SHOULD ENGAGE IN AN ENHANCED COMMUNITY ENGAGEMENT PROCESS FOR HARBOR ISLAND.

We request a community engagement process similar to the one established for the Lower Duwamish Waterway that follows enhanced community engagement principles. We request the following:

- Advanced review of technical documents - we would like the chance to provide comments on cleanup documents that are not released to the general public, such as proposed plans and remedial design documents
- Monthly check-in meetings - this can be done in conjunction with our standing meetings with EPA for the LDW. We ask for the same type of transparent information exchange for the Harbor Island site.
- A town hall located downtown to include business Responsible Parties and provide better accessibility to those who live and work in proximity to Harbor Island
- Biannual Stakeholder meetings for community members with the East Waterway Group and other RPs for Harbor Island

⁵ See Superfund Community Involvement Handbook.

- Three Roundtable meetings a year with a third-party mediator where EPA solicits feedback from the community and provides updates on the site
- IC Education - EPA should provide educational materials and discuss in public meetings what an Institutional Control is and what ICs will be implemented at the Harbor Island site
- Consultation with DRCC on outreach events and when appropriate, partnering with DRCC or other community organizations on outreach and public engagement events

In summary, we believe that the Harbor Island Community Involvement Plan should be revised to include (1) clarification on the Operable Unit map, (2) details about the Tribal Engagement Plan, (3) improvements to the sections detailing engagement with fishing communities, (4) better descriptions of the Agency's outreach and engagement commitments, (5) an independent Environmental Justice Analysis, (6) an explanation of why the CIP wasn't completed before the release of the EW Proposed Plan, (7) information on how community will impact decision-making, (8) timelines for early action areas, and (9) adopt an enhanced community engagement process similar to that of the LDW.

We appreciate this opportunity to provide comments. Please do not hesitate to contact us if you have any questions.



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