



*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.*

November 30, 2022

Mr. Casey Sixkiller  
Regional Administrator  
U.S. EPA, Region 10  
1200 Sixth Avenue, Suite 155  
Seattle, WA 98101

**RE: DRCC's Technical Advisory Grant for the Lower Duwamish Waterway and Harbor Island Superfund Site**

Dear Regional Administrator Sixkiller:

The Duwamish River Community Coalition (DRCC) has served the community as a Technical Advisory Group since the Duwamish River was designated as a Superfund site in 2001. For over twenty years we have elevated the voices of those most impacted by Duwamish River pollution and other environmental injustices for a clean, healthy, and equitable environment for people and wildlife. We have worked with community members, government agencies, tribes, businesses, and other community-based organizations to center community concerns and make the overwhelming processes of Superfund accessible and transparent.

DRCC is based in the Duwamish Valley, a community with disproportionately high environmental health burdens and risks and fewer positive environmental benefits than the rest of Seattle. The South Park and Georgetown neighborhoods are among Seattle's lowest income neighborhoods, and South Park, in particular, is one of the city's most ethnically diverse neighborhoods. These communities are exposed to multiple environmental justice concerns, including proximity to the Lower Duwamish Waterway Superfund site (one of the most toxic hazardous waste sites in the nation), access to only 40 square feet of green space per resident versus an average 387 square feet per resident within Seattle City limits, air pollution from a disproportionate number of polluting industries as well as surrounding major highways (State Highways 99 and 509, and Interstate 5), and they are home to a high percentage of susceptible or vulnerable populations. In addition, they have historically lacked access to, and influence on, decision-makers that shape the future of their communities as other, more affluent, communities in the region have. These factors combine to produce a community facing

significant health, public safety, and economic disparities that require community advocacy and systemic investment to repair.

Our work over the years has been supported in part by the Technical Assistance Grant (TAG) that we receive from the Environmental Protection Agency (EPA). The purpose of the TAG is to “help communities participate in Superfund cleanup decision-making” by providing community groups the funds to contract a technical advisor to “interpret and explain technical reports, site conditions, and EPA’s proposed cleanup proposals and decisions.”<sup>1</sup> Yet what was initially a helpful resource that allowed us to better serve our community has become another one of the many systemic barriers that we face when working to create a safe and healthy environment for all.

**After careful consideration and numerous conversations with our coalition, board, and community members, as of December 31, 2022, we have decided to move forward without the TAG for the Lower Duwamish Waterway, and have made the decision not to accept the TAG for the Harbor Island Superfund site.** We did not come to this decision lightly and feel that we cannot continue to accept this grant and remain consistent with our organization’s values and goals.

We reached this decision at an unprecedented time for the EPA as internal restructuring and an influx of funding has allowed the Agency to consider the ways that environmental justice and health equity are inextricably linked to their work. We are optimistic that ongoing conversations about environmental justice have begun happening at all levels of the Agency, and believe that this is a necessary first step towards making good on the EPA’s “commitment to delivering justice and equity for all.”<sup>2</sup> Yet as these discussions about environmental justice take place, DRCC has had to face numerous ways in which the TAG is structured and operates that are inherently unjust, especially to a small, grassroots community organization like ours.

Maintaining the TAG has imposed outsized administrative burdens on DRCC. Significant portions of our time and resources have been spent on preparing, processing, filing, and refiling invoices, work plans, and other documents as we attempt to navigate confusing and inconsistent TAG procedures in a timely manner in order to get reimbursed for the services that we are committed to providing to our communities. As we reflect on everything that has gone into the upkeep of this grant, we find ourselves questioning whether this is the best use of our time and resources as the workload associated with the grant has increased over the years, while the scope of work we are permitted to include has narrowed. At the same time, the size of the award has remained the same since 2001, despite significant inflation, which has effectively

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<sup>1</sup>*Technical Assistance Grant (TAG) Program*, United States Environmental Protection Agency, <https://www.epa.gov/superfund/technical-assistance-grant-tag-program>.

<sup>2</sup>*EPA Finalizes Environmental Justice Action Plan for Land Protection and Cleanup Programs*, United States Environmental Protection Agency, <https://www.epa.gov/newsreleases/epa-finalizes-environmental-justice-action-plan-land-protection-and-cleanup-programs>.

reduced the value of the grant – a fact which underscores the ways in which the TAG grant program is intrinsically inequitable.

As noted, as the years have gone by, EPA has significantly narrowed our allowable scope. This means that the work that we are able to bill to the grant has become increasingly limited. While these work plans are agreed upon by both parties, there is an undeniable power dynamic between a federal government agency who controls the funding we receive, and a small non-profit who is dependent on said agency. Our current work plan with the EPA is the most limiting plan we have had since we began receiving the TAG, and we do not feel that we can do the full extent of work that is required of us to truly advise and protect our community and serve the cause of environmental justice.

Our work requires us to examine all types of intersectionalities. We must look critically at the interconnectedness of issues like Superfund and climate change, of the work that different levels of government like the Department of Ecology and EPA must do, and of the way that different neighboring Superfund sites interact as one ecological system as part of a single river. The limiting nature of the TAG inhibits our ability to receive EPA funding to do this large scale, systemic work and has made it difficult to continue taking a holistic approach to our technical advisory role and our advocacy on behalf of our community.

The final factor that played a role in our decision to move forward without a TAG was a condition in the Harbor Island Superfund Site contract. In order to accept the TAG for this site, DRCC would have to “consult with” the EPA prior to conducting any fisher outreach to “ensure that work does not duplicate that of the Lower Duwamish Waterway Fish Consumption IC Program.”<sup>3</sup> Work with the Duwamish River fishing community is a fundamental part of our technical advisory and advocacy work as they are one of the most marginalized and impacted groups in our community. Fishing is more than a recreational pastime. It is a way to provide for one's family, to connect with culture, to spend valuable time outdoors, and for some, a way to engage in spiritual practices. Imposing such an overly broad limitation and barrier to our interactions with fishers is an unacceptable and fundamentally unjust condition for funding.

Fishers will face the consequences of an inadequate cleanup in a way that many people will not. They spend hours at the banks of the river in direct contact with sediment DRCC's ability to conduct unhindered outreach and engagement with fishers is a critical part of our work. **In order to remain true to our organization's values and mission, we cannot accept funding that will require us to get all of our fisher outreach pre-approved by the very agency we seek to hold accountable.**

As the EPA aims to begin centering environmental justice in their work and in their organizational hierarchies, we hope that our inability to continue accepting TAG funding will help the Agency reflect on the ways in which many of their systems are still deeply flawed.

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<sup>3</sup>Harbor Island Superfund Site Grant Agreement.

Environmental justice is about centering the experiences of people who have been denied access to spaces where decisions are being made. EPA Administrator Michael Regan has recognized the importance of taking an environmental justice approach to the Agency's work, stating that the Agency's new Environmental Justice Action Plan "reflects the voices of communities who've historically been left behind and will enable stronger and faster progress in addressing contaminated land across the country."<sup>4</sup> While these investments will no doubt bring about long awaited changes, no amount of money can remedy the consequences of environmental racism if the systems that bolster these inequities remain firmly in place.

The EPA should remove systemic barriers like the burdensome TAG requirements that limit true partnerships with community-based organizations like DRCC. Our communities have valuable insight that must be heard and incorporated as we think about creating environmental solutions. In contrast, the structure of the TAG program prevents meaningful participation and progress from occurring. The National Environmental Justice Advisory Council recognizes this, stating that "bringing local experience and knowledge to the table improves the quality of cleanup decisions and builds community support."<sup>5</sup> There is no doubt that other environmental justice groups around the country are also feeling the burden of these institutional obstacles, and we are confident that by increasing accessibility, the EPA will be creating spaces for richer and more diverse perspectives to be heard.

With the launch of the Office of Environmental Justice and External Civil Rights, the EPA has a valuable opportunity to engage disenfranchised communities with direct funding and support for community-led action.<sup>6</sup> While no single initiative will fully remedy the environmental and social injustices that our community faces, a significant first step will be for our local Region 10 office to designate an Environmental Justice lead for the Duwamish Valley. This commitment would serve as testament to the EPA's desire to "incorporate environmental justice into the agency's programs, policies, and processes" and better allow for the "fair treatment and meaningful involvement of all people."<sup>7</sup>

Ultimately, the EPA says that it embraces "the need for better outcomes in communities where there are unique burdens and vulnerabilities for populations living in and around Superfund sites."<sup>8</sup> We hope that EPA will recognize this opportunity to consider some tangible ways to live up to this promise.

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<sup>4</sup>EPA, *supra* note 4.

<sup>5</sup>*Superfund Remediation and Redevelopment for Environmental Justice Communities*, United States Environmental Protection Agency, [https://www.epa.gov/sites/default/files/2021-05/documents/superfund\\_remediation\\_and\\_redevelopment\\_for\\_environmental\\_justice\\_communities\\_may\\_2021.pdf](https://www.epa.gov/sites/default/files/2021-05/documents/superfund_remediation_and_redevelopment_for_environmental_justice_communities_may_2021.pdf)

<sup>6</sup> *EPA Launches New National Office Dedicated to Advancing Environmental Justice and Civil Rights*, United States Environmental Protection Agency, <https://www.epa.gov/newsreleases/epa-launches-new-national-office-dedicated-advancing-environmental-justice-and-civil>.

<sup>7</sup>*Id.*

<sup>8</sup>EPA, *supra* note 4.

Regional Administrator Sixkiller, we are deeply appreciative of your commitment to environmental justice and the collaborative relationship we are building together. Our decision to move forward without the TAG is based on larger institutional deterrents that we have faced over the past twenty years, and we look forward to continuing to work together and supporting you in your role. The thoughtfulness and local expertise you bring to our region is invaluable to our collective struggle for environmental justice and we are excited about the ways that you are already moving the Agency forward towards our shared goals.

DRCC remains committed as ever to continuing to provide technical assistance to our valued community in a way that is both clear and accessible. We will continue to keep the Duwamish Valley communities informed and engaged in the Superfund cleanup process on all reaches of our river, and we are confident in our ability to continue providing the same technical advisory services we always have; The only change we are making is that we will no longer be using TAG funds to do so. **We will continue to coordinate the Community Advisory Group (CAG) for the Lower Duwamish Waterway, and we look forward to being part of a CAG for the Harbor Island Superfund Site, including the East Waterway. We are optimistic that the changes we are making will allow us to become fiercer advocates in our work to create a clean river for all with truth, justice, and freedom.**

In community,



Paulina López  
*Executive Director*



Jamie Hearn  
*Superfund Manager*

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