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**Congress of the United States**  
**House of Representatives**

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COMMITTEE ON OVERSIGHT AND  
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COMMITTEE ON EDUCATION AND THE  
WORKFORCE

January 9, 2012

The Honorable Lisa Jackson  
Administrator  
Environmental Protection Agency  
Office of Congressional and Intergovernmental Affairs  
ARN Building, MC1301A  
Washington, D.C. 20460

Dear Administrator Jackson:

I applaud your efforts to ramp up attention to and respect for environmental injustices. As you know, the burden of environmental transgressions disproportionately falls on communities of low income and communities of color. I am writing to alert you to a proposed trash incinerator in Cleveland, Ohio, which is likely to add to that burden in our region.

Though the emissions from the incinerator will be spread widely, the closest communities tend to accumulate the worst exposures. The Census tract that would host the incinerator is 36% Hispanic and 13% African American. It has a 51.7% poverty rate. According to the permit application for the incinerator, the emissions will include mercury, cadmium, lead, dioxin, and particulate matter, each of which carries its own host of health problems, especially for children and the infirm. The permit does not take into account the increase in truck traffic, which accounts for a significant burden of particulates, metals, and noise. Nor does it consider the existing environmental and health burden the community already bears, including high rates of asthma and lead poisoning. It appears as though this community with a significant minority population will take a disproportionate burden from the proposed incinerator.

Public participation thus far has been anemic. I have received complaints that little or no outreach has been done in Spanish. Allowing members of the community to voice concern about the facility allows the community to air its grievances and concerns but does not allow an opportunity to participate meaningfully in decisions about activities that may affect their environment and/or health.

According to the EPA:

Environmental Justice is the fair treatment and meaningful involvement of all people regardless of race, color, national origin, or income with respect to the development, implementation, and enforcement of environmental laws, regulations, and policies.

What is meant by fair treatment and meaningful involvement?

*Fair treatment* means that no group of people should bear a disproportionate share of the negative environmental consequences resulting from industrial, governmental and commercial operations or policies

*Meaningful Involvement* means that:

1. people have an opportunity to participate in decisions about activities that may affect their environment and/or health;
2. the public's contribution can influence the regulatory agency's decision;
3. their concerns will be considered in the decision making process; and
4. the decision makers seek out and facilitate the involvement of those potentially affected

It appears as though the proposed incinerator satisfies neither criteria. Concerned citizens have written to Region 5 EPA, to request a review of the permit application and to request a designation of the affected area as an "environmental justice community." As the Ranking Member of the Subcommittee on Regulatory Affairs, Stimulus Oversight and Government Spending of the Committee on Oversight and Government reform, I am requesting a personal briefing on the results of EPA's review of the application and the environmental justice community designation.

I look forward to working with you.

Sincerely,

A handwritten signature in black ink that reads "Dennis J. Kucinich". The signature is written in a cursive, flowing style.

Dennis J. Kucinich  
Member of Congress