

BACKGROUND FOR POINTS IN JULY 17 MEJO COMMENTS TO COMMON COUNCIL

1. Significant environmental contamination inadequately addressed or ignored

Responding to resident concerns about contamination at Oscar Mayer, [a July 17, 2020 city staff memo](#) on the OMSAP assures that “some level of contaminants on former industrial properties is not surprising” and the “many comparable properties with similar contamination issues have been successfully remediated and redeveloped.” It assures that “there are laws that ensure properties are evaluated for potential contaminants” and adequately remediated before redevelopment and that “there are additional checks to ensure affordable housing is not developed on contaminated land.”

We can cite abundant evidence that these laws and checks are not working. We know of several Madison sites, such as the ongoing [Tennyson affordable and senior housing developments](#), where contaminants were not fully investigated or remediated before redevelopment. They were just buried and developments built over them.

Further, Oscar Mayer’s long history of industrial contamination goes well beyond most other contaminated and redeveloped sites in Madison.

During its over 100 years of operation, Oscar Mayer and/or Kraft Heinz spewed hazardous materials— heavy metals, chlorinated compounds, petroleum compounds, animal wastes, sewage and more—onto land and into groundwater beneath the factory site and offsite into [Starkweather Creek](#) and [Lake Monona](#), causing several fish kills.

Oscar Mayer’s animal and industrial wastes, sent via underground sanitary drains to the city’s sewage treatment plant at the Burke site, adjacent to the plant to the northeast (near where Pick N’ Save is now), began overwhelming the plant [as early as the 1930s](#) and contaminated the marshlands there.

[Oscar Mayer owned and used the Burke plant from 1950-1978](#), after first pre-treating animal waste effluents at their own onsite wastewater treatment plant. After going through both of these treatment plants, wastes were sent to MMSD at Nine Springs. During this time, animal parts such as hog hair, toenails, and eyelids [clogged up their sewage drains](#) so they buried them at the Burke site. Older long-time north side residents recall how bad the smell was and how Oscar Mayer place devices emitting perfume on fences around the site—which only made the stench worse.

Eventually, to save on MMSD sewage treatment bills, waste effluents from the plant were used to irrigate the wetlands (now Bridges Golf Course) and invasive reed canary grass was planted in an attempt to bioremediate. Contaminants in sewage leached into Starkweather Creek for decades, and not surprisingly, 2005 and 2016 studies (see [here](#) and [here](#)) have shown that [this part of the creek is more toxic than any other](#) (it is also affected by contaminants from the airport and Truax military base).

Despite city and state environmental laws and ordinances, most of these myriad toxic and hazardous wastes [have never been investigated or cleaned up](#). They remain at the Oscar Mayer site and former sewage area to the northeast. They are deep in the groundwater there. They are in Starkweather Creek, Yahara River, and Lake Monona sediments, waters, and fish people eat.

Yet the OMSAP only mentions environmental contamination once.

Contamination in Oscar Mayer wells contributed to Superfund list designation

[By the 1980s](#), and likely much earlier, the City of Madison and DNR were fully aware of the significant contamination at the interconnected Truax landfill, former Burke sewage, and Oscar Mayer sites, including in Oscar Mayer’s deep water supply wells.

This [1989 report on Truax Field](#), which the city was well aware of, included PCE and TCE data from Oscar Mayer’s deep water supply wells. The report ranked the site high enough on the [Hazard Ranking System](#)--the key mechanism for listing sites on National Priorities List, or Superfund-- to be on the NPL (according to an EPA Superfund expert I consulted in 2018 this score would still qualify the site for Superfund listing). **The 1989 report notes that “the score results primarily from detection of trichloroethylenene in deep supply wells.” These “deep supply wells are two wells on the Oscar Mayer site. In other words, TCE in Oscar Mayer wells contributed to a high enough toxicity score to be considered under Superfund.**

Nobody at DNR or EPA has been able to tell us what decisions were made about the HRS or NPL, and when. In the mid-2000s, the company shut down its wells due to contamination and switched to Madison’s public water supply (Well #7).¹ At that point, the [groundwater at the site and a wide area around it, began to rise](#) because Oscar Mayer was no longer pumping it down to put in its hotdogs. This rising water caused (and continues to cause) flooding in homes in the area. It also very likely brings toxic contamination, and hazardous vapors, with it into homes and businesses. *But nobody is measuring.*

Environmental laws not working

MEJO’s letters this year to [Plan Commission](#), [Parks Commission](#), and [Sustainable Madison Committee](#) have articulated many glaring gaps in identifying and remediating toxic contaminants at the Oscar Mayer site. This [Midwest Environmental Advocates \(MEA\) report](#) also describes numerous “open sites” (not fully remediated) under DNR rules.

Yet the OMSAP only mentions environmental contamination once, and later briefly assures that developers will follow environmental laws and the site will be properly remediated. The history described above, and current status of the site, clearly suggest otherwise. The many open spill sites at Oscar Mayer and surrounding areas that have not yet been cleaned up—after many years if not decades—show that responsible parties have not cleaned up their toxic messes, and our laws are weak and often ineffective tools in assuring that they do so.

Before 1970, Oscar Mayer discharges were largely unregulated. After the National Environmental Policy Act (NEPA) was enacted in 1970, during the 70’s, 80’s, and 90’s, regulations were gradually put in place. In 1994, Wisconsin’s Brownfield remediation and redevelopment rules (NR700) were enacted. However, these laws allow significant loopholes and agency discretion, and Oscar Mayer and Kraft Heinz, like many powerful corporate polluters, found ways to only minimally follow them or to ignore them altogether. Too often, the DNR and city looked the other way.

¹ According to the [Ramboll 2016 ESA Phase I](#) for the Oscar Mayer site, the Truax Landfill was eventually listed on the HRS in 1994. It is not clear if this is related to the 1989 designation.

[Corporate polluters have “captured” city and state regulatory agencies](#) just as they have at the federal level.

Even more troublingly, while there is enough documented contamination at the former Oscar Mayer site to consider it under Superfund, there is likely a lot more that hasn't been investigated yet. Several areas of OM where there is likely significant toxic contamination have been completely ignored in DNR's past investigations and therefore we have little/no contaminant data from them. These include: the former onsite wastewater treatment plant, power plant, incinerator, insecticide and plastics manufacturing, pharmaceutical labs, waste injection areas, fly ash fill areas, and more (see below).

Contradicting requirements in [NR700](#) and [city and state stormwater laws](#), there have been no investigations of discharges via storm drains from the site, even though it is well known that Oscar Mayer sewage overflows and other releases caused fish kills in these waterways over the years.

2. Significant new contamination information released only recently; many data gaps remain

After Reich Brothers and Rabin purchased Kraft Heinz in 2017, they hired Environmental Resources Management (ERM) to do a [Phase I \(October 2017\)](#) on three different parcels of the properties (central, west, filling station (east)). The ESA for the "Central Property" includes all the OM buildings, including the northern parcel that the city is hoping to purchase for the Metro bus barn (but discussion of this was excluded from the OMSAP engagement process for reasons that are unclear; see more below).

ERM did a [Phase II investigation report \(June 2019\)](#) on the central property that included only three areas of the central site. It is not clear why only these three areas were selected for investigation.

The testing in these three areas included four groundwater wells in the northern area the city wants to purchase. Groundwater tests near Bldg 43 (the “Spice Room”) found hits of 1, 2, cis dichloroethylene and J-flags of TCE. However, four wells at a few shallow depths aren't enough; they tell us very little. They certainly do not tell us how wide and deep groundwater contamination is in the area, whether the contamination has travelled down into storm and sanitary sewers and other utility pathways--and/or offsite into neighborhoods, possibly vaporizing into people's homes. We need to know this to begin assessing risks to future workers in bus barn buildings and to people living in adjacent neighborhoods.

The June 2019 ERM investigations, importantly, found extremely elevated levels of TCE ($66,800 \mu\text{g}/\text{m}^3$ in vapors under Bldg 43 (called "subslab" vapors or gas). They also got significant hits of 1, 2, dichloroethane in the southern part of the site (MW 17A, 17B, 17C) and near some above ground storage tanks.

An [April 17, 2020](#) round of testing by Reich consultants showed even higher TCE vapor levels--up to $99,700 \mu\text{g}/\text{m}^3$ (see [map here](#)). May 2020 [SVE pilot tests](#) found vapor levels beneath Building 43 of up to $180,000 \mu\text{g}/\text{m}^3$ TCE and $110,000 \mu\text{g}/\text{m}^3$ cis 1, 2 dichloroethylene.

These levels greatly exceed the [DNR's vapor screening levels](#) for residential and industrial buildings. They indicate that there is a groundwater plume with extremely elevated TCE and other VOCs beneath

Building 43 and likely extending deep and wide around it. Levels under Building 50, which the city also plans to purchase, are also likely very high, but have not been assessed.*

TCE levels in indoor air in these buildings were never assessed, nor were preferential pathways the chemical and vapors may have traveled over time, such as sanitary and storm sewers, even though [DNR's NR 716](#) requires this.

* Wisconsin's current groundwater enforcement standards are 5 µg/L and Preventive Action Level 0.5 µg/L for PCE and TCE in groundwater. Based on more recent TCE studies, the [DHS proposed in 2019](#) that the TCE groundwater enforcement standards be reduced to 0.5 µg/L and PAL to 0.05 µg/L.

City wants more data before purchasing northern parcel for bus barn

After reviewing these ESAs, apparently the city decided it should do its own Phase I and II ESA for the northern parcel (including Bldg 43 and 50) and two other parcels it was considering purchasing as part of due diligence before buying them. On [June 26, 2019](#) the city put out an RFP for further investigations. This RFP states: "In addition to general interest in the environmental conditions of the three parcels, the City is particularly concerned about the following issues:"

- Former Spice Room – Is the ERM investigation of this site adequate to characterize solvent contamination of the soil, shallow groundwater, and deep groundwater?
- General fill and storm water ponds – Aerial photos from the 1950s shows filling of all three properties as well as several historic storm water ponds. Is there shallow soil contamination associated with the fill and ponds that would require management if excavated? Was there any solid waste materials deposited on the properties?
- Per and polyfluoroalkyl substances (PFAS) – PFAS contamination has recently been identified at the former Burke Wastewater Treatment Plant located at 1401 Packers Avenue. From 1950 to 1978, Oscar Mayer leased this property for pretreatment of wastewater from their meatpacking plant. To what degree should the City conduct PFAS testing of groundwater and soils on the Oscar Mayer properties?
- 1910 Roth Street – There are only two shallow soil samples from this property, which was formerly the C.E. & P.A. Roth Coal and Fuel Oil company.
- Solvent plumes in groundwater – When the production wells were in operation, the Oscar Mayer facility had a strong downward hydraulic gradient. It is also documented that these production wells were impacted by solvent contamination, potentially from onsite use. Has deeper groundwater on these three parcels been adequately characterized? Are offsite impacts sufficiently understood to be able to limit the City's future liabilities?

The RFP also states that "The proposer shall prepare a Phase 2 ESA report documenting all sampling activities and analytical results, including stating and depicting the extent (horizontal and vertical) of any identified contamination, identification of risks to human health and environment, and recommendations for remedial action if necessary...The Phase 2 report should include recommendations

on how the City can limit its liability when purchasing these three parcels....*The supplemental Phase 2 ESA report must be finalized by October 15, 2019.*” (highlights added)

Due to an arrangement with Kraft Heinz, Reich Rabin won't allow city to get more data before purchasing this parcel

The city was apparently informed sometime after this RFP went out that Reich Rabin had made an agreement with Kraft Heinz that a Phase II couldn't be done until after purchase. City Engineering staff Brynn Bemis explained to me on July 7, 2020 that “because of a legal agreement between the current owners and Kraft Heinz, this work must be conducted after we purchase the properties.”

Presumably resulting from the 2019 city RFP, a [Phase I ESA](#) was done by Sigma, dated May 2020. This report, focused mostly on the northern parcel, but including some information from the rest of the site, lists numerous activities and significant potential contamination at the site that had not been revealed in previous reports, including:

- plastics manufacturing in both buildings 43 and 50 (not just 43, as previously known)
- injection of hazardous wastes on the site, landfilling of hazardous wastes on the site
- the manufacture of several insecticides that might include PFAS
- PFAS-contaminated Burke sewage site overlapped with the northeast corner of the site
- possible dumping of Burke sewage plant wastes on the site
- significant PCE levels in onsite Oscar Mayer well on northern parcel
- at least three different sources of chlorinated solvents on the site

[This document](#) summarizes some of the key new findings in the May 2020 ESA.

The May 2020 Sigma ESA was only first shared with two alders at a citizen's request on June 23, 2020. As far as we know, it wasn't shared with other alders, residents, or committees that reviewed the OMSAP after this date. *Therefore this important contaminant information and its implications for the city and the plan were not discussed by these committees.*

Also, just as critically, none of the residents involved in the OMSAP process or public meetings were aware of this information.

Without this information on the table, how can well-informed and social/fiscally responsible decisions be made about where and how to develop these lands?

3. Based on incomplete/inaccurate information in its application to the Federal Transit Authority for its bus barn project, and no relevant public engagement, Madison Metro received a “categorical exclusion” from National Environmental Policy Act (NEPA) requirements for an Environmental Assessment (EA) and Environmental Impact Statement (EIS).

(NOTE: Though the Madison Metro bus barn project on the northern parcel of OM was not discussed during the OMSAP engagement process, we think this is disingenuous—and perhaps a purposeful strategy related to getting “categorical exclusion” (CATEX) approval. This parcel is directly adjoining

other OMSAP parcels and bus transit clearly plays critical roles in the plan. Also, recently residents have been told it is part of the OMSAP).

In order to receive federal funds, Madison Metro needs to meet [National Environmental Policy Act \(NEPA\) FTA requirements](#), which include doing an Environmental Assessment (EA) and possibly an Environmental Impact Statement (EIS) if the EA indicates it's necessary.

Unfortunately, the City of Madison evaded NEPA environmental assessment requirements by adopting a Trumpian approach. On [July 16, the New York Times reported](#) how Trump just “unilaterally weakened one of the nation’s bedrock conservation laws, the National Environmental Policy Act, limiting public review of federal infrastructure projects to speed up the permitting of freeways, power plants and pipelines.”

In a move Trump would approve of, Madison Metro applied for and received a “categorical exclusion” (CATEX) from the Federal Transit Authority (FTA) from NEPA laws without engaging the public and based on the conclusion that there would be no environmental or environmental justice impacts and no water quality impacts from the bus barn projects even though they will occur on land known to be heavily contaminated (as described above).

On [November 18, 2019](#), the Federal Transit Authority granted Madison Metro an exemption from the NEPA process after it submitted a CATEX checklist document on [Nov. 8, 2019](#). This document describes Madison Metro’s justification that *there will be no environmental impacts from the project*.

This categorical exclusion was based on inaccurate and/or incomplete information and should not have been granted by FTA. According to the [Cornell Legal Information institute](#):

§ 771.118 FTA categorical exclusions:

“(a) CEs are [actions](#) that meet the definition contained in [40 CFR 1508.4](#), and, based on FTA's past experience with similar [actions](#), **do not involve significant environmental impacts**. They are [actions](#) that: Do not induce significant impacts to planned growth or land use for the area; do not require the relocation of significant numbers of people; do not have a significant impact on any natural, cultural, recreational, historic or other resource; **do not involve significant air, noise, or water quality impacts**; do not have significant impacts on travel patterns; or do not otherwise, either individually or cumulatively, **have any significant environmental impacts.**” (highlights added)

According to the CFR, certain types of actions should be not be issued categorical exclusions:

“(b) Any [action](#) that normally would be classified as a CE but could involve unusual circumstances will require FTA, in cooperation with the [applicant](#), to conduct appropriate [environmental studies](#) to determine if the CE classification is proper. Such unusual circumstances include:

- (1) Significant environmental impacts;
- (2) Substantial controversy on environmental grounds;
- (3) Significant impact on properties protected by Section 4(f) requirements or Section 106 of the [National Historic Preservation Act](#); or

(4) Inconsistencies with any Federal, State, or local law, requirement or administrative determination relating to the environmental aspects of the [action](#).”

The Madison Metro bus barn project, on the highly contaminated northern Oscar Mayer parcel, meets most of the above criteria for not qualifying for a categorical exclusion.

Clearly, based on the information summarized earlier in this document, the bus barn projects could have significant environmental impacts. Contradicting statements in the Metro CATEX checklist, bus barn projects will involve some disturbance of heavily contaminated land and shallow groundwater. In fact, land on this parcel is already being disturbed, presumably in preparation for the project; according to city staff, Reich Rabin is currently “re-designing” storm drain systems, excavating concrete and soils.

Further, according to the Code of Federal Regulations (see link above), categorical exclusion approvals should be based on appropriate public engagement and input. If Madison Metro had openly engaged the community on the CATEX, and shared information with them about environmental contamination, there would undoubtedly have been “substantial controversy on environmental grounds.”

Though according to the CATEX document Metro engaged some people in the community about the proposed bus barn projects, it did not tell them about the CATEX or the significant environmental contamination on the northern parcel (MEJO has consulted with people who were involved). One persistent community member discovered the CATEX—after it had already been approved—and shared it with others. This understandably generated “substantial controversy on environmental grounds,” especially as people have learned much more about the serious environmental contamination at the site in recent months.

The CATEX was also not discussed at any city committees as far as we know, nor shared with city alders or other decisionmakers. Therefore, neither the public nor elected officials knew about the CATEX, so they didn’t have any opportunity to raise questions and comment on it.

Just as troublingly, significant new contaminant information directly pertinent to the northern parcel (the December 2019 and April 2020 TCE data under Building 43, the May 2020 ESA) was released well *after* the CATEX was approved on November 18, 2019.

Given the above, it is hard not to conclude that Metro chose not to tell the community or city elected officials and leaders about the CATEX or the contamination in order not to generate “substantial controversy on environmental grounds” that could mean they would need to do an environmental assessment before receiving federal funds.

This is one key reason Trump wanted to weaken the public engagement requirements in NEPA.

The New York Times cited an environmental justice activist’s on Trump’s weakening of NEPA: “The NEPA change is likely to have an outsized impact on low-income neighborhoods that are already disproportionately exposed to environmental hazards...”

Similarly, Madison Metro’s disingenuous and dishonest Trumpian approach, which exempts the city from having to do a full environmental assessment of the highly contaminated northern OM parcel of

land--by ignoring or downplaying environmental contamination and avoiding appropriate public engagement--will have disproportionate impacts on the health of Metro workers, the neighborhood, and the environment. Given the demographics of the area (with more people of color than other parts of Madison), of Metro workers, and among the people who will use the bus system most, this will disproportionately affect low income people of color. **Yet the CATEX concluded that there would be no environmental justice impacts, and FTA accepted that.**

4. The OMSAP doesn't propose to preserve the full 30 acres of Hartmeyer wetland

It is well documented in legistar records for city meetings at which the OMSAP was considered that [many in the Northside community](#)—the Sherman Neighborhood Association, Friends of Hartmeyer Natural Area, numerous individual residents—want the full 30 acres of the Hartmeyer wetland area to be preserved--for flood prevention, pollutant filtration, wildlife habitat, ecological education, aesthetics, peace and quiet, and more. The hydrogeologist and crane expert Dr. Rich Bielfuss, who also lives in the neighborhood, submitted comments about the important functions the wetland plays in preventing flooding and for wildlife habitat.

MEJO also strongly supports the preservation of the full 30-acre Hartmeyer wetland, for reasons we articulated in our comments to the Parks Commission and Sustainable Madison Committee (see links above).

Oddly, under inappropriate (and possibly unethical) influence from some city officials and Plan Commission members who support the OMSAP, environmental groups such as Sierra Club have been urged to oppose the preservation of the full 30 acres of Hartmeyer land, arguing that this will exacerbate urban sprawl and worsen climate change—and some city staff and committee members have made comments implying that those supporting the 30-acre wetland preservation do not care about affordable housing and/or people of color. Wetland supporters' comments, including creative, innovative proposals for how this wetland could be used to benefit low income people of color in the neighborhood, abundantly illustrate that these accusations are false.

Not too long ago, environmentalists worked statewide to protect wetlands. Today in Madison, environmentalists want to destroy wetland for development? Yes, the world has turned upside down.

5. Inadequate, unequitable public engagement process

In addition to the inadequate process regarding the CATEX described above, there were significant gaps in the public engagement process throughout the OMSAP planning and city committee approval process.

OM's serious contamination problems and environmental injustice issues they raise were not considered during the OMSAP process; at meetings aimed to engage diverse residents who will be disparately affected by this contamination, the site's serious toxic contaminant problems weren't even mentioned.

On [February 13, 2018](#), Toriana Pettaway, Equity Coordinator for the City, conducted diversity training for the OMSAP Committee to help them be more “inclusive in their decision-making processes” and organized activities to help committee members consider how their decisions “will affect a diverse

group of people and communities who are not at the table and may not always have a voice.” Annette Miller from EQT by Design (consultant contracted by the city) organized focus groups and other meetings to engage under-represented groups and get their input on the OMSAP.

We commend facilitators of the OMSAP process for including these trainings and for outreach to engage low income and people of color. However, at the June 23, 2020 Sustainable Madison Committee meeting, committee member Nada Elmikashfi asked Annette Miller whether environmental contamination was mentioned in any of the meetings. She said, clearly, “NO.”

People cannot raise concerns and provide input about issues that they are not aware of. Is this really equitable engagement?

Also, as noted above, the bus barn “satellite facility” the city wants to locate at the highly contaminated northern end of OM was not included in the OMSAP process, nor was the city’s CATEX application and approval discussed with community members, alders, or city committees. Some critical environmental contaminant information about the bus barn parcel and other parts of OM wasn’t even released (and only to two alders at a resident’s request) until June 23, 2020.

Consequently, affected residents and alders had little information on the potential health and environmental implications of this very significant proposed development at the site. Again--people cannot raise concerns and provide input about issues that they are not aware of. This is not transparent, open or honest engagement.

Just as problematically, significant community concerns and input have been dismissed throughout most of the process. For instance, the Sherman Neighborhood Association, Friends of Hartmeyer Natural Area, MEJO, many Northside residents, and scientists have called to preserve all 30 acres of the wetlands on the Hartmeyer property for ecological, public health, and social justice reasons. Residents have put forth creative and innovative plans for how to preserve these wetlands and maintain key components of the plan. Sadly, their concerns have wrongly been dismissed by city staff as NIMBYism (and even hints that wetland proponents do not care about people of color).

Though the Sustainable Madison Committee supported the community’s call for preserving all 30 acres, in clear defiance of these votes and the community’s input, the Plan Commission approved the current version of the OMSAP, which only preserves 14.1 acres. This strongly indicates that the community’s input and engagement in this process were token. The process was a sham.

Last but not least, the OMSAP approval process was rushed through during COVID pandemic when public engagement opportunities are significantly constrained, especially for low income people of color who do not have access to or comfort with Zoom meetings and other technological engagement processes.

For instance, MEJO has worked for several years with teens and adults from the Truax neighborhood on stormwater and toxics issues affecting Starkweather Creek, which has been negatively affected by Oscar Mayer’s discharges for decades and still is today. A recent [Northside News article](#), and [Capital City Hues series](#) featured MEJO’s collaboration with East Madison Community Center teens to address PFAS in Starkweather Creek, which runs through the Truax neighborhood where the

teens live. High levels of PFOS, one of the most toxic PFAS compounds that builds up to high levels in fish, were found just downstream of the Burke golf ditch, which drains from the former sewage site used by Oscar Mayer.

Once the lockdowns were implemented in mid-March, in-person community work in this neighborhood, including our Starkweather project with low-income teens, was abruptly ended (for obvious reasons). (Sadly, at least one of the teens MEJO worked with on the Starkweather project is now homeless.) Many people in the Truax apartments do not have access to internet and/or Zoom and other online engagement mechanisms. Even among those who do, many are not comfortable engaging in these venues due to technical and language barriers, trust issues, cultural/race tensions, and more. Building trust, skills and capacities for people in this neighborhood to engage in city Zoom meetings, in order to have a voice in this process, would require someone going into private apartments and homes, making sure people have computers and other equipment needed (and providing it, if not), and helping people build skills to engage in Zoom processes. Obviously, because of the lockdown, this also was not feasible, nor does MEJO have the resources to do this.

These challenges in online engagement likely exist in other low income neighborhoods on the Northside. As a result, the voices of many low income people and people of color who will be affected by the OMSAP plans have been missing from the city meetings during the Covid lockdown at which OMSAP was discussed.

In sum, the OMSAP process was not responsive to community concerns, nor was it equitable in engaging low income people and/or people of color.

6. Environmental justice ignored; racist comments made by city staff in defending project

The core of MEJO's work is engaging with affected communities to identify and address environmental injustices and working collectively to eliminate them. Environmental injustices, including race and class disparities in who is exposed to toxic contaminants, cannot be discussed or considered if information about toxic contaminants and their potential health impacts is not available (because they are not investigated) or they are not made available to the community and decisionmakers.

The OMSAP mentions environmental contamination once, and does not mention environmental justice at all. All of the gaps and problems described above in this document, combined, contribute to significant environmental injustices in the process and plan.

Consequently, the OMSAP process and plan make a sham of environmental justice.

The alarmingly high levels of toxic trichloroethylene (TCE) and other chlorinated compounds at OM will likely vaporize into buildings on the site, exposing workers, as well as into neighborhood homes and businesses. Over the longer term, toxic contamination discharged from the Oscar Mayer site, and the former Burke sewage plant used by Oscar Mayer for many years, into Starkweather Creek and Lake Monona has negatively affected (and will continue to negatively affect) human health and the environment in substantial ways. These contaminants make their way into fish that are consumed by low income and minority subsistence anglers, who often depend on the fish to feed their families.

These are clearly environmental injustices. Going forward, if the city builds affordable housing over contaminated land without a transparent, equitable process, without putting all the contaminant information on the table for discussion—and without fully investigating contamination at the OM site—it will be creating yet another environmental justice issue.

Troubling racial stereotypes shared by city staff in defense of OMSAP

Defending their stance in support of the OMSAP, and against the Friends of Hartmeyer Natural Area's 30-acre conservation park proposal, the [June 8, 2020 city staff memo](#) says that in focus groups with low income people and people of color, a “conservation park or nature preserve was not mentioned as being an important feature” and “[a]necdotally, staff has heard persons of color often do not feel comfortable in urban natural areas because those spaces and users don't feel welcoming to them. Repeating this type of open space on the Hartmeyer property will not help create a space for all Madison's residents.” The implication was clearly that conservation and the environment are not top priorities for people of color.

Unfortunately, these statements (which we learned later were from a white, male city staffperson) reflect narrow cultural assumptions and racial stereotypes. A [growing body of research](#) supports the importance of urban green space for health, environmental justice and racial equity. In fact, the [2018 report](#) summarizing the OMSAP focus groups with under-represented people listed “open and green space” as one of the things participants appreciated about living in Madison.

MEJO has worked with many low income people of color (African American, Hispanic, Hmong, African, Ho-Chunk, and other Native Americans) who have close relationships with and passion for fish, wildlife and wild/natural areas. MEJO has organized numerous events engaging people from diverse backgrounds in [exploring and foraging in urban parks](#) and [fishing](#). We have organized [meetings about with diverse community members](#), Starkweather Creek [trash cleanups](#), and based on our community work, written reports on how we can better engage diverse communities and address [stormwater runoff into Starkweather Creek](#).

Madison shoreline parks are extremely popular among anglers of color. Having talked with hundreds of subsistence anglers on Madison shorelines over the last couple decades, I know that that [many African Americans regularly travel to Madison lakes from Milwaukee, and even Racine and Chicago](#) to fish for food for themselves, their families and friends. Some come here because they do not feel comfortable fishing on the Milwaukee Lake Michigan shoreline or in small towns between Milwaukee and Madison—because they have experienced overt racism there (as [this article illustrates](#)). This doesn't mean they don't experience any racism in Madison while fishing—they do. A few years ago, white bicyclists tried to ban fishing along the bike path in front of Monona Terrace, a popular fishing spot for African American anglers.

In other words, our experiences working with multi-cultural communities show that people of color have strong and passionate connections with nature and wildlife. Sadly, again, the city staff memo comments reflect racial stereotypes that nature and the environment are white issues, as [this recent article notes](#).

If some people of color don't feel comfortable in Madison natural areas because, as city staff wrote “those spaces and users don't feel welcoming to them,” which may be the case in some places (such as those described above), rather than using this as a reason not to increase urban natural areas, perhaps

city leaders should ask--why don't these people of color feel comfortable in these areas? How can we change this, how can make these spaces more welcoming and comfortable to everyone regardless of race or class, and to engage diverse people more equitably in these places?

If Madison is going to live up to its racial equity and justice goals, we need to include more diverse people of color in the conversations about these issues and assure that they are meaningfully engaged and their voices are heard, respected and acted on in critical decisions that will affect them and all Madisonians for generations to come.

Last but not least, Madison should explicitly include [environmental justice](#) in all city decisions.