

***National Environmental Justice
Advisory Council Meeting***

July 27 - 29, 2010

***Tuesday,
July 27, 2010***

National Environmental Justice Advisory Council

July 27, 2010

NEJAC Committee Members Present:

Elizabeth Yeampierre, Acting Chair
 John Ridgway, Co-Chair

Chuck D. Barlow
 Teri E. Blanton
 Sue Briggum
 Jolene M. Catron
 Wynecta Fisher
 Stephanie Hall
 Jodena Henneke
 Savonala 'Savi' Horne
 Hilton Kelley
 J. Langdon Marsh
 Margaret J. May
 Paul Mohai
 Fr. Vien T. Nguyen
 Edith Pestana
 Shankar Prasad
 Nia Robinson
 Patricia Salkin
 Nicholas Targ
 Vernice Miller-Travis
 Kimberly Wasserman

Charles Lee, Director, OEJ, ***ex officio***
 Victoria Robinson, Designated Federal Officer, ***ex officio***

NEJAC Committee Members Absent:

Don Aragon
 M. Kathryn Brown
 Peter M. Captain, Sr.

National Environmental Justice Advisory Council

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Keynote:

“---” indicates inaudible in the transcript.

“*” indicates phonetically spelled in the transcript.

M O R N I N G S E S S I O N

(9:06 a.m.)

Welcome***by Victoria Robinson, Designated Federal Officer,******EPA Office of Environmental Justice (OEJ)***

MS. V. ROBINSON: We would like to welcome everybody to this NEJAC meeting here in Washington, D.C. and also like to welcome everybody in the audience, as well as the NEJAC members and as you can tell by the agenda, we will have a large number of senior EPA staff, as well as representatives from several other federal agencies here at the meeting throughout the next three days.

So, once again, thank you for coming. I am Victoria Robinson. I am a designated federal officer for the NEJAC and I have said this before but the NEJAC, I think, has been deemed one of the -- if not the hardest working federal advisory committees --

MR. : Yes.

MS. V. ROBINSON: -- across the federal agency and as usually, we have full agenda. I think some of you were handed a -- most of you should have received a modified agenda. Modified in that there is an addition on Thursday but the rest of the agenda stays the same and today's agenda is very full.

We will have a panel discussing EPA's new Plan EJ. We will have the discussion on the rulemaking update and interaction with a youth workshop that is ongoing. We also have a public comment period scheduled today at 6:30 p.m. I would like to make a couple of quick administrative announcements.

For those who want to give public comment, we already have 20 signed up. You must sign up to give comment even if you are pre-registered and indicated that you wanted to provide comments, we are asking you to stop by at the Public Comment Signup Desk so that we can make sure that you are actually here.

Those who are on that list will be called first. We do have a one hour dinner break between the last presentation and public comment but we are asking you - - don't wait until after dinner to sign up for public comment. We would like to get a real good idea of how many people are going to give comment.

The restrooms are located to the right of registration area. We do have -- this is mostly for the speakers and the NEJAC members, we do have a court reporter and two note takers from our contractor. We are also audio recording the meeting.

Most sessions will be available via podcasts on EPA's website later. There's also a verbatim transcript and a written summary of the meeting proceedings. So, please remember to speak -- when you speak, to state your name clearly and speak audibly so that the court reporter and the note takers and the audio recording can hear it.

So, let us get right to the meeting. I would like to introduce Elizabeth Yeampierre. She is the NEJAC Chair. Next to myself is Charles Lee, who is my boss and he is the director of EPA's Office of Environmental Justice. Charles will be moderating our first panel with the senior EPA officials. I would like introduce Elizabeth now.

Welcome

by Elizabeth Yeampierre, NEJAC Chair,

Executive Chair, UPROSE, Inc.

MS. YEAMPIERRE: (Speaking Spanish) Peace and blessings everyone.

I would like to welcome you on behalf of the NEJAC. We are really fortunate to be joined by 10 new NEJAC members. This has been a very exciting time for us. We have had an unprecedented amount of participation from assistant administrators to regional directors.

It is a level of EPA engagement in the NEJAC that is actually historical. So, we are happy that at this NEJAC gathering, it will be consistent with what we have been experiencing under Lisa Jackson's administration. My name is Elizabeth Yeampierre.

I am from Brooklyn, NY and I am executive director of UPROSE and I would like to go around and have our members introduce themselves at this time.

(Committee introductions)

MS. YEAMPIERRE: Thank you. We are joined today by Malcolm D. Jackson. Mr. Jackson is our new assistant administrator for the Office of Environmental Information. Throughout his career, Mr. Jackson has developed expertise in IT strategy, large scale enterprise resource planning, performance metrics development and business process re-engineering.

Mr. Jackson was a board member of the Child's Literacy Initiative in Philadelphia and the Jackson State University National Alumni Association, where he chaired the membership committee. He holds a B.S. from Jackson State University and an M.B.A. from Northwestern University.

There are a number of other things on his bio that I will leave out but welcome Mr. Jackson.

MR. JACKSON: Thank you. Thank you very much.

MS. YEAMPIERRE: If you could introduce yourself and also what -- we were waiting for some other folks but we would like you to go first. If you are ready to present that would be great. Thank you. I am sorry.

***Comments by Malcolm D. Jackson, Assistant Administrator,
Office of Environmental Information***

MR. JACKSON: Okay. Thank you. First of all, it is an honor to be here today. This is week three of being the assistant administrator for the Office of Environmental Information and it is exciting to learn about NEJAC. I have to tell you, when I was looking over the material and reviewing it, it is an area that I have a tremendous amount of passion for.

I think about all the board members. I have lived in a number of cities, some of which those of you here have -- are currently representing. Going back to -- I am originally from Chicago, so I have a strong tie in Chicago and understand some of the challenges from the underrepresented areas of Chicago.

Interesting enough, I lived in New Orleans as well. So, I am very familiar with the New Orleans area and some of the challenges there and if they off to my left, the Vietnam community there -- I lived in New Orleans in the early 80's and I am very familiar with some of the challenges that you have out.

I will be specific -- out Chef Menteur Highway out there and actually, I lived out there. So, I am very familiar with some of the communities that are in that

area. In addition, I am kind of dating myself when I start talking about the places I lived.

It is interesting, I tell people that D.C. will be my 7th city that I have lived in and I have seen a lot of challenges from underrepresented communities and understand how that could be impacted. So, just thinking about the work that you do here today and thinking about the work you have done in the past.

First, I would like to thank you for that because I know how important it is. From my perspective, I know when you think about what we do in the Office of Environmental Information -- in a nutshell, we manage information.

So, I have a strong passion about making sure that information is available and accessible to various people in the format in which they can understand it and can use that information in making decision-making and it is important to me.

What I commit to you is that we will continue to work with you ongoing with the Office of Environmental Information to provide that information to you. We have people here who are part of our team within OEI and we will be working diligently to find ways in which we can provide that to you.

Again, I am going to be here for the first couple of hours because I have other committees but just because I am leaving does not mean that it is not important to me. I will be following up looking for ways to finding out which we can -- we in our office can help you do your job better in providing that information. Thank you.

MS. YEAMPIERRE: Thank you. We have also been joined by our assistant administrative for water, Peter Silva. Peter Silva was appointed by President Obama to serve as assistant administrator for water at the EPA. He started his position on July 27th, 2009 after being confirmed by the U.S. Senate.

He has over 32 years of public sector experience in the water and water and wastewater fields with extensive knowledge of U.S./Mexico borders issues. Also, a long bio but I am sure you can speak for yourself, if you could. Thank you.

Comments by Peter S. Silva, Assistant Administrator for Water, EPA

MR. SILVA: Thank you so much, Madame Chair. Again, it is also a pleasure for me to be here and share some time with you all. I also have to leave a little bit early this morning but I will come back and as a matter of fact, on Thursday we are presenting our Urban Waters Initiative.

We are very excited about it and hopefully get your engagement in that initiative to see how we can roll it out and share with as many communities as we can throughout the country. I also have a long history of Environmental Justice.

When I was with the State Water Board for six years, I worked -- as matter of fact, with EPA Region 9 on environmental justice issues and primarily in California but also with the farm working communities in California. So, quite a bit of experience.

I am personally engaged in this and I can tell you, having been exactly here a year today at EPA, how committed the administrator is and I can -- we have done quite a bit of work working with Cynthia on these -- a number of programs that we want to present with you today -- how we -- EPA does a better job in ensuring that environmental justice is part of everything we do in rulemaking and in permitting I think is very, very important.

It is not easy. I think you are going to hear a lot of discussion about how we can best do it. It is not going to be easy but that is why I think we want to have a good dialogue with you today on that issue and other matters as unfolds.

I welcome the new members to the group. I think it will be fun for you and hopefully get a lot of work done together. So, I thank you for having me and look forward to working with you in the next few days.

MS. YEAMPIERRE: Thank you for joining us. We know that the work that you are doing right now is particularly challenging and is only going to get more so. We have been joined by Lisa Garcia. Lisa is the EPA senior advisor to the administrator for Environmental Justice. Welcome Lisa.

MS. GARCIA: Thank you.

MS. YEAMPIERRE: Ready? Okay. Who else?

MS. V. ROBINSON: Nicholas -- let Nicholas.

MS. YEAMPIERRE: We also have been joined by some NEJAC members who were not here when we did the original roll call. I think -- Nicholas? Where is Nicholas? Nicholas, if you could just introduce yourself and just your name and where you are from?

Comments by Nicholas Targ, NEJAC Member, American Bar Association

MR. TARG: Hi. My name is Nicholas.

MS. YEAMPIERRE: Here.

MR. TARG: And this one is on? My name is Nicholas Targ. I am a partner with the law firm of Holland and Knight. I am here representing, in part, the legal community through the American Bar Association. I am very pleased to be joining you.

MS. YEAMPIERRE: Lisa just mentioned that we are on time. Yes. So, Lisa, so --

MS. GARCIA: ---.

MS. YEAMPIERRE: Yes. So, Lisa is going to welcome everyone.

Comments by Lisa Garcia, EPA Senior Advisor on Environmental Justice

MS. GARCIA: Hello. Thank you, Elizabeth. Congratulations again and (speaking Spanish) on becoming the chair and to you, John, as vice chair and welcome to all the new members. I definitely look forward to the next few days getting to know most of you. Some of you I know -- hello.

I definitely look forward to working with you over the next few years. I think your decision to become a member is going to be, as Pete said, very exciting and we look forward to working with you during this administration where environmental justice has really become a priority. So, I am looking forward to that.

I think the NEJAC provides tremendous leadership and dedication and expertise to the discussion that we are having at EPA and hopefully looking forward working with other federal agencies. So, it is a very important role at this time.

I will just, in my welcoming -- I will just generally lay out the themes for the discussions that we are going to have over the next few days. As you know, earlier this year, the administrator issued her seven priorities. One of them is expanding the conversation on environmentalism and working for environmental justice.

In an effort to realize the administrative goals, EPA has been working very hard on trying to figure out what that means and how we weave environmental justice into the fabric at EPA. So, reflected in the discussions over the next few days are some of the items that have come forward and some of the topics that we have been dealing with.

So, I will just mention several of them to set the stage. One is the Interim Guidance on Environmental Justice in Rulemaking that was issued and released yesterday and we are very excited about that. It is on our website. There was a press release -- there was actually an article about it in the Wall Street Journal which makes me a little nervous.

I guess we can say we made to the Wall Street Journal. One of the primary focuses of that is to ensure that environmental justice is integrated into the rulemaking process and so, I am not sure how many are familiar with this but the rulemaking process as EPA starts out with a working group and it is a whole procedural process.

So, the goal is to really start early on during the early guidance period to begin to look at environmental justice considerations. This is the first guidance ever to really initiate this effort. So, I want to congratulate everyone at EPA and all the stakeholders who helped develop that.

We are going to hear later on from Jim Jones and I believe Louise Wise who will walk everyone through that Interim Guidance. So, I encourage you to take a look at it. The other thing that we are going to talk over today is Plan EJ 2014.

That is a new agency wide plan. Someone just described it as kind of a master plan -- a road map. Cynthia and I will be walking you through that plan. It is really meant to focus the agency on moving forward. Once again, this is all about integrating environmental justice into every single program at EPA.

So, we look forward to talking to you about that. The 2014 portion is -- recognizes the 20th anniversary of the Clinton's executive order on environmental

justice. So, that is where the number comes from. I will be going through that. The third item, just quickly -- I don't know where my notes are but it is the strategic plan.

During the past, I guess, few months, EPA developed a strategic plan and in that plan, there were five goals but there were also five crosscutting strategies in that. The fiscal year runs from 2011 to 2015. The strategic plan basically sets forth the agency's long-term vision, goals and objectives and strategies to achieve them.

So quickly, the top strategic goals are taking action on climate change and improving air quality, protecting America's waters, cleaning up our communities, ensuring the safety of chemicals and preventing pollution and enforcing environmental laws.

Then the crosscutting goals are crosscutting across all of these strategic goals. One of them, again, is working towards environmental justice and children's health. So, we are looking forward to that portion of it. Let me just mention that.

It is out for public comment but just until July 30th, so I am not sure if anyone has seen it but you should definitely take a look at that. That sets the stage for, like I said, fiscal year 2011 to 2015. It is on our website. The fourth thing that we are going to be talking about is interagency activities.

I think that for many of the EJ community, there is a recognition that EPA cannot do it alone and there was a request that at the next NEJAC meeting, that some of the other federal agencies come and talk about their efforts and so you will be hearing from some of the other federal agencies and have a welcome from chair, Nancy Sutley.

She is the chair of the Council on Environmental Quality, which we are all

looking forward to her presenting here and talking about the administration's efforts on environmental justice. So, those are kind of the themes. Thank you once again for having us. We look forward to the next three days.

MS. YEAMPIERRE: So, our next --

MS. V. ROBINSON: No, Cynthia.

MS. YEAMPIERRE: Are you introducing her?

MS. GILES: I can introduce myself. How is that?

MS. YEAMPIERRE: That would be awesome.

Comments by Cynthia Giles, Assistant Administrator,

EPA Office of Enforcement and Compliance Assurance

MS. GILES: Thank you, ELizabeth. I am Cynthia Giles, assistant administrator for the Office of Enforcement and Compliance Assurance. Welcome to -- and congratulations Elizabeth on being the chair and welcome to the new members.

Especially for the new members, if you are wondering why the assistant administrator for Enforcement is sitting up here, the reason is that in addition to enforcement, I have the privilege of being the national program manager for Environment Justice for the agency. So, I am here wearing both hats working on environmental justice across the whole agency and incorporating it into our enforcement program.

I hope you will learn, over the course of the next few days, how well, I think, the agency is trying to listen to the advice and suggestions that you have given not only in recent meetings but in the various reports and thoughtful studies and

recommendations the NEJAC has made to EPA over the years.

So, we are attempting to build on all the great work that has been done and to take action. We -- I am sure you are and we are also about trying to take action to make environmental justice a reality on the ground. So, we are focusing on the areas that Lisa just mentioned and we will be going through those in more depth.

I wanted to reiterate and emphasize that this is the Administrator's Advisory Committee so we are looking forward to taking your thoughts, suggestions and input back to the administrator. She is interested to hear them and to take action on the various recommendations that you have and building on the work we have already done.

I hope you will also see that we have done a lot since we last met and we have a lot of progress to report. I am very pleased to say, we have a long way to go but we have taken a lot of actions that I think are going to make a significant difference.

So, rather than take up more time in introductions, I wanted to say how pleased I am to be here and am looking forward to the conversations over the next three days.

MS. YEAMPIERRE: Thank you, Cynthia. I want to recognize that Cynthia has joined every NEJAC meeting since she has been appointed. That is -- I had mentioned earlier that it was unprecedented the level of involvement of the assistant administrators.

It really shows the commitment of the administration and yours in particular. Thank you so much. We are now going to move towards introducing Charles Lee. Before that, are there any new -- any NEJAC members who joined us

since we -- if you could introduce yourself for a second? Thank you.

MS. HORNE: I am Savi Horne. I work with the North Carolina Association Land Loss Prevention Project and we work at the intersection of environmental justice/land loss and food justice. Thank you -- based in Durham, North Carolina.

MS. YEAMPIERRE: So, Charles Lee is the director -- the EPA -- of the EPA Office of Environmental Justice. Charles?

Comments by Charles Lee, Director, EPA Office of Environmental Justice (OEJ)

MR. LEE: Thank you, Elizabeth. Good morning everyone. I did make welcoming remarks and shared a lot of thoughts with you yesterday at the NEJAC orientation session. So, I am not going to repeat them but I do want to reiterate a welcome and a note of appreciation for your taking time to serve on the NEJAC.

The Office of Environmental Justice, as Elizabeth said, is the office that manages the NEJAC and in that role, we are in a process -- everything that you do but we do it now with a real sense of connection to the administrator like Cynthia said. So, we are really trying to make this the administrator's advisory committee and serve the whole agency.

The other thing that I just wanted to add to what Cynthia and Lisa said is the fact that OEJ is a -- is moving to working with the entire agency, with the help of Cynthia and Lisa, and the mission to -- of integrating environmental justice across all the EPA in everything we do is something that is being taken up by the entire agency.

So, this is really a new day and I think there are a lot of exciting opportunities to come. Thank you.

MS. YEAMPIERRE: All right. So, we are going to start because we are actually running ahead of schedule which is unusual for us. So, you see a little confusion up here because our folks --

(Laughter)

MS. YEAMPIERRE: -- you know how folks roll. So, we are going to start with Plan EJ 2014, which is going to be moderated by Charles and our presenters are Lisa Garcia and Cynthia Giles.

Plan EJ 2014

by Charles Lee, Director, EPA Office of Environmental Justice (OEJ)

MR. LEE: Great. Okay. Is that the right slide? Okay. There it goes. Okay. Well, good morning again and this is -- we are talking, about at this point, the agency's --- plan for environment justice and this is -- really is a very significant moment that we are now rolling out a framework for integrating environmental justice throughout the agency.

We look forward to a period of truly focused and productive work. We want to have an extremely robust outlook on the plan and there are three questions that we posed in the materials that we gave you that I will not reiterate now but that was -- we will share with you when the presentation is made.

Then lastly, I just wanted to say, by way of introduction, that a lot of people worked on the plan but the driving forces behind this are Lisa Garcia and Cynthia Giles. The concept of Plan EJ 2014 is really the brainchild of Lisa Garcia and we are really indeed fortunate to have their leadership.

There will be two presentations. Each -- Lisa Garcia first and then

Cynthia. Each will speak for 10 minutes and we will use the rest of the time for dialogue. Then, I guess -- so, Lisa will give an overview of how the Plan came about and as -- and it's general purpose and goals and Cynthia will walk you through the component parts of the Plan.

With that, I will turn it over to Lisa Garcia, who is the senior advisor to the administrator on environmental justice.

Plan EJ 2014

by Lisa Garcia, EPA Senior Advisor on Environmental Justice

MS. GARCIA: Thank you. Thank you, Charles. Yes, it was definitely the work of many, many people but I guess just to reiterate. This is in draft and so, as Charles said, we really look forward to the dialogue and to working over the next few months and as we continue to work on the Plan over the next few years and to working with the NEJAC and other environmental justice stakeholders.

So, Plan EJ 2014, I guess I will just open it up with Plan. Basically, it is a plan. It is a roadmap for EPA to move forward and challenge ourselves to really integrate environmental justice into the fabric of EPA -- to really build capacity in all of the programs on many different areas where we can consider environmental justice, where we can work or advance environmental justice concerns and work with communities.

EJ -- the EJ aspect is because it really comes from the environmental justice communities. It is basically a compilation of many of the issues that we have heard through listening sessions, round tables. The administrator has been going around with the Congressional Black Caucus and doing round tables and EJ tours.

So, it -- the areas of focus are really from what I would say is the community, some of the top items that have kind of bubbled to the top. The issues that EPA really needs to tackle to move the agency forward. 2014 represents, as I mentioned before, the 20th anniversary of the executive order but also recognizes that EPA cannot do this over night.

That we need to work together with communities and with our agency staff to really develop the tools and the mechanisms for EPA to -- like I said, to build the capacity and empower EPA staff to really get to some of the hard questions and the issues facing environmental justice communities and overburdened communities.

So, that is the overall -- the big picture, Plan EJ 2014. So, I will just quickly go through a little bit of the history of how it came about. Once again, in January, right -- I think it was right about or right before the last NEJAC meeting in New Orleans, the administrator issued the priority.

So, we set off to figure out -- now we have the priority. It is a mission. The agency has to work towards the environmental justice. How do we implement that? What does that mean for the agency? Like I said, we had a few round tables. We have met with people.

People have come to the office. We have gone to community meetings or round tables and tried to figure out what were some of the main issues environmental justice advocates stated that their communities were facing and that they really needed EPA's assistance to be able to build healthier and sustainable communities.

Along with that, on a parallel track I guess, we talked to some of the regions and to the programs, you know, the AA's and their staff trying to figure out what

were -- what they considered may be some of the limitations or the barriers.

And what, in my mind -- and, you know, I do not want to necessarily take complete credit but in my mind I realize, we need a roadmap, you know, that there is a lot of -- with the emergence of a new priority, many people were beginning to say, "Okay, well we will do this on environmental justice. We will do this."

So, I think what began to develop when Cynthia, Charles and others would meet is that we really need a little bit of a roadmap. We kind of need to focus this agency and then looking at the issues that some of the communities were confronted with and some of their concerns.

What are the top issues that maybe we can work on and of course, there were -- there was a list of many, many things. What we tried to do in this plan was to create five focus areas. If someone could just switch that -- but basically, the five focus areas are rulemaking -- beginning to consider environmental justice in rulemaking.

Permitting, getting to the real tough questions in permit issuance. When EPA issues permitting, how do we consider environmental justice. Enforcement and compliance. Many communities have mentioned that some of the, you know -- that they recognize facilities already exist but there is real problems with compliance and enforcement.

Community based action. As much as EPA has had environmental justice programs for many years and they have issued, you know -- EPA has issued many grants, there still are questions of capacity building, of workshops on grant writing.

So some of the basic needs for communities are still very much an issue and so we talk about community based actions and then administration wide action.

Once again, this goes to the -- I think it has been asked in almost every meeting, "Where are the other federal agencies? What can the other federal agencies do to help us?"

I think there is that real recognition that EPA cannot do it alone. So, then began the work of developing this plan in recognition that we need to present it, you know, at the NEJAC here but also to -- to the public, to other community stakeholders, and figure out how we move forward with the plan.

Are these the right focus areas? We definitely need this overarching and crosscutting agenda to help us move forward to help the agency focus but once again, we really look forward to the discussion with everyone here. It is out for a 60 day public comment period so, it is also on the web.

We are going to send it to some of the other stakeholders that we work with and some of the other -- in the other regions and folks who could not be here. We definitely look forward to working on this and I think as Cynthia mentioned, we recognize we have a lot of work to do.

But we need to take steps to -- as I said, the administrator has kind of challenged us to really face those issues and begin to work through them. So, we see this as a document or a plan that moves the agency forward and it is a work in progress.

So, now I am going to turn it over to Cynthia to talk about a little bit more of the specifics of it.

***Comments by Cynthia Giles, Assistant Administrator,
EPA Office of Enforcement and Compliance Assurance***

MS. GILES: Okay. Thanks very much. What we thought we would do today is, since I know you are just seeing this document is to quickly run on through what this is intended to achieve and what is in there and then to invite some conversation and discussion about it.

We are asking the NEJAC to review this and get back to us after you have had some more time for deliberation and conversation amongst yourselves but we are hoping to get some initial feedback from you today and certainly to answer any questions you have that would help you in your deliberation.

As Lisa mentioned, this plan really is the outgrowth of trying to impose a little more disciplined focus on the many important EJ efforts that got started actually immediately upon this administration coming in. There is a lot happening.

A lot of different things happening but we just -- we decided that this was the right moment to take a step back for a second, look at the other inputs that we have had and decide which are the priority topics that we want to be focusing on as an entire agency so that we can assure that we are getting things accomplished.

That we are tackling some of these difficult problems that have been the subject of reports and conversations at NEJAC over many, many years and be able to say we have actually done something on these and really advanced this. So, that was our objective.

So, what I thought would be helpful today is to take a quick run through these and then would very much like to have your feedback. We intended this to be something that was ambitious and challenge ourselves to make real progress. At the same time, we recognize the importance of making some choices about which things

we are going to focus on so that we get something accomplished.

We know there are many, many other things to talk about and to do. Some of the reports that we have received recently, I -- Vernice, I see, is not here but the report that they gave EPA had hundreds of listed items of suggested issue -- EJ issues, all of which are important but we feel that it is important to try to focus ourselves on a couple of specific things.

So, the three categories of topics in the plan -- one is crosscutting agency focus areas, one is tools that are going to help us get that done and the third is program specific initiatives. The crosscutting agency focus areas are things that cut across all of the program areas.

I know when we met at the NEJAC last, there was a lot of conversation about the challenges imposed by the reality that EPA is organized by media categories and communities are not so organized and that sometimes there fields in the communities -- like there is a significant disconnect between what EPA -- how EPA is organized and focuses itself from how communities experience the problems.

So, these are the things we are trying to say. We have got to cut across those program barriers and EPA needs to act as one agency to address these problems. So, the five -- the five areas are first, incorporating EJ in rulemaking. The rules and regulations that EPA writes are the foundation of all the other regulatory activities that we take.

It is really important that we get this right. So, in the rulemaking guidance that we just issued yesterday, we are directing all of the program offices, as they develop regulations, to be looking at a potential for environmental justice impact from

the rules or potential for existing disparities to be in part or in whole addressed through new regulations.

So, looking here at requiring, as rule writers go through the process that they looking, the potential for different exposures based on proximity or other types of exposure -- pathways to environmental hazards that they look at also these differential pathways of exposure.

How that effects how people might respond to environmental hazards, susceptible populations, cumulative impacts and also ability to participate in rulemaking. So, the communities that are the most affected by rules have a capacity to have a seat at the table.

This is process guidance, as we call it within EPA. It tells the rule writers when, in the different steps in writing rules, they need consider environmental justice and what questions they need to ask themselves and what questions they need to answer to make those determinations.

We are hoping to learn by doing on how to tackle these complicated questions. After we do learn more, we are expecting to put out a more developed and robust technical guidance for rule writers in about a year is the proposal. So, that is the incorporating environmental justice in rule writing.

Second is considering environmental justice in permitting. I know this has been an issue of continued interest and focus within the NEJAC and many other communities. There has been a long debate reflected in these reports about whether EPA can do this.

What we want to do is to move past whether to how are we going to do it.

I think the whether is decided and we want to make it real. So, we want to figure out how we are going to do it and the proposal to focus on prospectively in permitting is to explore two separate things simultaneously.

Scott Fulton, who is the agency's general counsel, is going to talk more in the next session about the administrator's charge to the NEJAC with respect to permitting. So, I won't go into this in huge depth because we are going to have some more time to do that but the proposal is to look at two things simultaneously.

One, is for federally issued permits that EPA itself issues to try to wrestle with some of these categories of permits to figure out exactly how we are going to incorporate environmental justice into the permits, in the actual permits themselves, so that we can learn from experience in wrestling with these, in actual issued permits in actual situations, how to do it.

The second category is to recognize that permitting happens in a complex regulatory environment which includes states and local governments and that we are not going to make real progress on incorporating environmental justice in permitting in a way that is going to really matter to communities until we figure out how to deal with that reality.

So, the second simultaneous category with the first is a proposal to be working on with states, with environmental justice advocates and with others some permit categories and figuring out how we are actually going to incorporate a requirement to consider environmental justice into all the permits under that category.

So, there has been a lot of debate and talk about the difficulty of this question. We want to wrestle this one to the ground and figure out exactly how it is

going to happen. Compliance. We get a lot of questions from many folks about the concerns about compliance of facilities in their community and the impacts on them of non-compliance.

We are already in the process of tackling that in three ways that I want to tell you about and the proposal is that we would accelerate doing this and make it an even bigger part of the enforcement and compliance work. The three ways that we are working on this now -- one is in the selection of what types of compliance and enforcement work we should tackle as a nation.

So, in deciding on the national enforcement initiatives, of which we have six now, we were very largely informed by the input of the NEJAC in the conference call that we had but also the information that we had about the impacts of various non-compliance on many communities.

So, huge impacts of the large quantities of criteria are pollutants that come from larger sources like coal fired power plants -- that and glass manufacturing facilities that affect many, many communities and communities where asthma is a particular problem.

So, that was one area. The second is air toxics. The data certainly supports the view that the populations living closest to the largest sources of air toxics in the country are disproportionately minority and low income communities.

So, that was a major factor for us in deciding that we really needed to focus on the air toxics compliance and especially to look at the disproportionate impacts of that non-compliance. So, where are the populations most effected by that non-compliance and going after those.

CAFO's was another one concentrating on animal feeding operations, especially in rural communities, that can be a significant impact on drinking water. So, that is the first area in selecting the national work to do. The second is in targeting amongst all the work that we do.

There are millions of sources that are governed by regulations in the country. Which one should we be focusing on first to figure out if they are complying and to be going after them with enforcement actions?

So, in targeting, looking at where are there cumulative impacts of multiple sources and where is there potential for a disproportionate impact of those sources is a major factor for us now in how we are doing targeting for inspections and enforcement.

Third is in the design of remedy in these cases. Sometimes when there has been a facility that has been violating the law for quite a long period of time and as a result of that, neighboring communities have been exposed to pollutants of various types that they would not have if the facility had been in compliance.

We are trying to push harder for requiring those facilities to do something that attempts to -- you can never make right what was wrong but you can attempt to compensate the communities in some way by reducing other pollutant loads on that community as part of the injunctive relief and as part of settlement actions that the companies may take.

So, we are working hard on those areas and expect to be doing more. The fourth area, community based action -- this is two principle categories. One is taking action, as federal government, to address problems of concern in communities and so this is partly grants programs, as Lisa was mentioning and partially our

resources as a federal government to help support communities.

The second topic area really is supporting communities to take charge of their own destiny. How can we help as a federal government and working with state governments -- how can we help support communities to address the issues that they believe are of greatest concern.

Part of that is providing funding and capacity building, part of it is bringing other people to the table like we are attempting to do with other federal agencies and part is information -- sharing what we know about compliance sources, other problems so that communities have the capacity to decide what actions they want to take to improve their own communities and make them more sustainable.

Then the last point, administration wide action on environmental justice. This is very much what Lisa was saying. We heard you loud and clear, boy, at the last NEJAC. Where are the other federal agencies? You know, that was said multiple times.

Well, I am very pleased to say you are going to see other federal agencies at this NEJAC and there is certainly a widespread understanding across the federal government that while EPA may be a leader and EPA maybe helped to convene, the other federal agencies also have their own responsibilities to step up to addressing environmental justice concerns.

So there will be good dialogue on that, I am hoping, tomorrow. You are going -- and Nancy Sutley from Council of Environmental Quality is coming tomorrow and I think she is going to be making an announcement about future actions from the -- from other agencies on this score.

Second area of, I am just going to touch on incredibly quickly, the tools.

We recognize in the course of developing these five areas of areas the communities are --- to us and we ourselves agree are important areas for progress, that there are some things we need to support taking those actions.

One is science. The science on cumulative impacts in particular. There is an outgrowth from the conference that many of you were at that we had last March I think it was. So, we need to continue those efforts to -- especially on cumulative impacts.

Law. The Office of General Counsel has been working hard with us on identifying the places where we have the greatest opportunity to make a difference in regulations, permitting and enforcement. What are the things that our current regulations and statutes best support where we can make the most progress?

Information. We are working on developing a common mapping platform and screening tools, which have -- because people are intensely interested in this a lot of people have charged out and tried to design their own tools and -- which is great.

It is great to have people focused and working hard and coming up with great ideas but I think we are at the point now where we want to have consolidation of these and have a common platform so that we can all know what we mean when we are talking about these different problems.

Then fourthly on the tools are resources. Obviously communities need both financial resources and capacity building resources to get some of these things done and I think there are a lot of examples here, especially work that is being led out of the regional offices where the federal government, sometimes working with other

agencies and always working with the community, is identifying the problems that we are seeing in some communities in trying to tackle them from the ground up.

Not only is that important for helping communities and supporting them and taking charge of their own issues but it is a great learning platform for EPA. So, when we go out and try to do some of these things, we understand where the barriers and what the problems are and what we need to fix to make the next one better.

Then the last category is the program initiatives. This is recognizing that there is a lot of working going on in the individual programs; Superfund, water toxics that is relevant to and important for achieving environmental justice. Those things are still going on.

Pete Silva and other AA's are definitely leading the charge and you are going to be hearing from Matty Stanislaus* later. A lot of folks are out there doing important work within their program areas and that is going to continue. Really, the purpose of the plan is this -- we are as an agency going to commit to these things that cut across all the programs.

We are going to agree as regions and as programs to tackle these difficult problems together. So that is the short version of what the plan proposes and what we have teed up here for you. Please do not feel constrained by these questions.

These are just an attempt to tee up some questions for you to consider as you look at this plan and give us your feedback on it. One of course is whether you think this is -- did we get this right? Are these the right five things for the agency to be focusing on?

We, you know, looked at all the work that has been done before and

comments made and many community meetings and we think this is what we have heard and what we need to do to make real progress here but look for your feedback on that. Any specific recommendations you have for us on any of these areas, we are certainly -- would be thrilled to get.

Then some sense of priorities from you, if you have them, amongst the five areas as to which ones come first and which ones deserve the greater degree of attention. Our plan is to work on all five as quickly as we can but any feedback you have for us on that would be appreciated too.

Comments by Charles Lee, Director, EPA Office of Environmental Justice (OEJ)

MR. LEE: Thank you Lisa and Cynthia. I wanted to -- I was remiss before in pointing out that a copy of the Plan EJ 2014 was at your table and so, you know, there is, on page seven, a listing of the three questions that we teed up for to start the discussion today.

On the screen, there are the five crosscutting/cross agency focus areas. So, with that, I want to ask --

Comments by Cynthia Giles, Assistant Administrator,

EPA Office of Enforcement and Compliance Assurance

MS. GILES: Charles, I am sorry. I should not do that. I just finished talking and now I have something else to say. I neglected to mention something important which is our plan is to -- once we get feedback from NEJAC and from other folks on this plan is to come back to you and others with a detailed work plan.

Deliverables, milestones and a commitment for annual reporting back on

how we are doing. We did not lay -- we have some tentative thoughts about what those things would be for each of these manageable -- we did not lay them out here because we wanted to first get your feedback on if we have the right topics.

But we recognize that this is more general and it needs to be specific and we need to set ourselves accountability measures which we intend to do.

Comments by Charles Lee, Director, EPA Office of Environmental Justice (OEJ)

MR. LEE: Just to add to that, I think the whole idea here is to move forward really in partnership with you and many others and, you know, this morning the Plan EJ 2014 was posted on the EPA website for public comment. So, let me just turn and ask Elizabeth, who -- to ask -- make the first comment or ask the first question.

Questions and Answers

by Elizabeth Yeampierre, NEJAC Chair, Executive Director, UPROSE, Inc.

MS. YEAMPIERRE: Thank you. This is clearly a monumental and commendable effort and I think that it is really heartening to know that the agencies will be here because our communities do not live and breathe in silos. So, when we think about environmental justice, we think beyond EPA. We think about the Department of Transportation.

We think of the Department of Labor, OMB -- all of those agencies. I am happy that you are saying that you are welcoming our feedback because when I was presented with this, my first question -- I serve on Mayor Bloomberg's Sustainability Advisory Board where we came out with PlaNYC 2030.

Before that plan was developed, there was a community involvement process. We -- the city went out of its way to reach out into every community before it

determined what PlaNYC was going to look like. So, while I know that this draft comes out of a lot of the priorities set out by the Environmental Justice leadership over more than a generation, I would be concerned about integrating a community process and making sure that it shapes what it looks like.

As a member of the NEJAC, a lot of -- well, all of the members of the NEJAC are people who are volunteers and so having a document like this in advance would have been helpful so that, because we only come together a few times a year, to give you meaningful impact -- meaningful input while you are here.

But we are certainly going to look forward to reviewing it and giving you as much information and as much guidance as we can but I would urge you and I would urge anyone that is working with us to try to provide us the information in advance so that we can take advantage of the opportunity when we have face to face. Thanks.

MR. LEE: Thank you, Elizabeth. Just byway of process, those of you that want to speak, put up your cards and I will try to stay in order but Jolene, you are next.

Comments by Jolene Catron, Executive Director, Wind River Alliance

MS. CATRON: Thank you. I -- just trying to craft the question or the comment in brain right now. I noticed in the draft that indigenous communities are mentioned in general. I am curious as to what level of coordination you will be having with the Office of Internal Affairs with the Indian Office -- EPA's Indian Office is now located.

The other question that I have is about meaningful involvement -- fair and meaningful involvement of Tribal communities. Even though tribal agencies are -- environmental agencies are involved in a lot of this process, it does not necessarily

mean that it flows down into tribal communities themselves.

So, how will tribal communities be part of this equation?

Comments by Lisa Garcia, EPA Senior Advisor on Environmental Justice

MS. GARCIA: So, yes. We, I guess, made every effort to make sure that we were incorporating everybody and we have been working with Michele DePass and her team on the, I guess, inclusion of some of the tribal stakeholders but understanding that there are, you know, indigenous populations.

Some are the tribal governments or the NGO's and so we are -- we recognize that and we -- and I think that is why there was an effort to make this open to everybody to make sure that the comments come in from everybody and we will be -- as far as meaningful involvement that encourages that type of participation.

So, the rollout, as we said, is, you know -- the first is here but then going into the regions and working with their both EJ partners and the EJ coordinators but also the tribal partners and the tribal coordinators to make sure that this gets out.

Or if needed, that we hold, you know, a roundtable just on the plan to talk about what it means and moving forward how we develop the final Plan EJ.

MS. CATRON: In Indian country in general, there are not a whole lot of non-profit community based organizations on tribal lands. So, that community based work that is mentioned in here is really difficult to get to. So, the just -- just a comment.

MS. GILES: All right. Thank you.

MR. LEE: Okay. Sue, you are next.

***Comments by Sue Briggum, Vice President of Public Affairs,
Waste Management, Inc.***

MS. BRIGGUM: Thanks. That was really impressive. It is, by far, the most comprehensive view I have ever see in terms of the way the agency could incorporate environmental justice kind of throughout all of the programs and actions. From a business perspective, I would say I really see some opportunity to make meaningful -- for a difference.

We have seen in the past sometimes -- for example, one of the documents referenced was the toolkit which is very, very long and it has a lot of good ideas but it is also an opportunity simply to make certain that nothing ever happens because there are always more steps to go through. I was really taken by what you said about facilities.

If you have a history of non-compliance, you might have an opportunity within that structure to go to other sources and figure out a way to reduce exposures on the ground as part of a process that had meaningful difference but at the same time, it is an opportunity not to impair economic vitality.

That -- to keep jobs, keep facilities operating but at the same time, figure out a way, using all the authorities you have, and you are kind of willed to do so to make sure that things are accomplished in order to improve environmental conditions.

So, this is incredibly impressive and I have some real hopes that we might see things happen that will be kind of perceived as a big benefit in the system from all of the stakeholder's perspectives. So, I would encourage you to keep talking to business as you do your outreach as well because I think there are some opportunities.

MR. LEE: Great. Next is Lang Marsh.

Comments by J. Langdon Marsh, Fellow,

National Policy Consensus Center, Portland State University

MR. MARSH: Thanks. I wanted to join in and say this is really commendable and meaningful for them. I think it shows a great deal of leadership that will make a big difference in the future. Just a couple of suggested areas that I would like to see some discussion about.

That I -- to the extent to which they belong in the -- as a high priority but I do think that the states have a role to play in this, as well and I urge you to consider how the interplay between the program offices, the state -- the regional offices and the states can improve the capacity to deliver some of these -- in these particular focus areas.

I think you have a number of tools through the performance partnership and, you know, state grant programs and so on to not just build capacity but to kind of get greater involvement and integration of state efforts with those of the regions and the program offices.

The other area was -- which is sort of mentioned in here is NEPA. Under NEPA, the EPA is assigned the responsibility to comment on other impact statements of other agencies. As part of the cross agency integration, I think that is a role that could be significantly used for pushing the EJ issue into the decision-making of the other agencies.

So, I just, you know, would like to see a little bit more discussion about that or mention in the document.

MR. LEE: Did you want to response?

Comments by Cynthia Giles, Assistant Administrator,

EPA Office of Enforcement and Compliance Assurance

MS. GILES: I just wanted to mention quickly that point heard and very important about the state governments because the states do the majority of the permitting and the inspections and the enforcement, et cetera, and we need them with us.

We have started that conversation with the Environmental Council of the States and they are very interested in pursuing these questions with us. So, we have had a very, very positive feedback so far and great desire on the part of states who have been talking to enjoin to that.

Also, I wanted to agree on the NEPA point. As it happens, I am also the national program manager for NEPA. So, those are my three areas and we -- I think you will see a lot more attention to that in the --- as a group.

MR. LEE: Great. You know, I think a lot of the comments and questions thus far really speak to the second question that we asked which is ways in which EPA can strengthen the specific areas but, you know, it would be great to hear from you regarding some of the other two questions.

Particularly the first one, which has to do with are these the right -- are these cross-cutting areas the right ones? So, you know, as we move forward in your comments and thoughts, it would be good to get some feedback on that, as well. So, the next person is Hilton Kelley.

Comments by Hilton Kelley, Director,

Community In-power and Development Association

MR. KELLEY: Yes. Thank you all for being here today. Yes. I just want

to make a few comments. I think it is imperative that we do everything we can to help the people that are living in that community and in the initiative, I see where you have the Environmental Protection Agency's is going -- are going to take more steps to try and work with communities to try and put the power in the hands of the people that are there.

I think that we should really get a good grip on that and not drop that ball. For many, many years, I have believed and I have advocated how important it is to get community folks that are there on the fence line involved with fighting the environmental justice fight simply because they are living it and they are breathing it every day.

Also, I think it is important that we do everything we can to help strengthen the communication between all our federal agencies because many times it kinda get misconstrued and the ball get dropped because of lack of communication. So, I think those are some really strong areas that we really need to really press upon and push forward with to better those communications within the agency.

Thirdly, when it comes to permitting on a state level, we know that our states, particularly Texas, has a lot of power when it comes to the permitting process and in Region 6 EPA is really having a tough time in Texas dealing with the flexible permit issue.

I think that we really need to take a closer look at that flexible permitting process because it allows too many new sources to come online without any type of public scrutiny. So, permitting is critical to helping to bring some kind of environmental justice to communities that have been heavily impacted and to people that are living on those fence lines.

Thank you -- but I appreciate all the effort EPA is putting forward.

MR. LEE: Great. Did you want to say any response or any --

MS. GILES: ---.

MR. LEE: No.

Comments by Cynthia Giles, Assistant Administrator,

EPA Office of Enforcement and Compliance Assurance

MS. GILES: Well, just quickly on the permitting side. I wanted to emphasize that we are looking at permitting both on the substantive -- like what are the permit limits and, you know, the point you raise about the Texas folks flexible permit problem is certainly one that we are actively wrestling with.

But it also goes to your second point which is that meaningful opportunities to participate, which has also been an issue in Texas system and it is important that we do both. That we both think about what are the right standards and what should be in the permit and the communities most affected.

Do they really have a chance to speak to and be engaged in decisions?

MR. LEE: Wynecta?

Comments by Wynecta Fisher, E2, Inc.

MS. FISHER: Thank you for putting this document together. It is really impressive and I look forward to reading it more thoroughly. A couple of things just came to mind and Lang mentioned one and Hilton mentioned another and I am going to chime in on the permitting process and this is more of a request.

If EPA, in its permitting process, can set the levels where the states would have to do a phenomenal limbo to get under it because what we are finding, and Hilton -

- someone mentioned this, is that on the -- what the state will do is they will take what EPA says.

And they, especially in areas where you have a lot of fence line communities and multiple facilities, they won't -- they make it so that an agency -- not an agency but a company can actually fly just below the radar but they are flying below the radar and their neighbor is flying the radar.

If you have six manufacturing facilities just flying below the radar and the state does not look at those cumulative impacts but they are looking at each individual -- well, no that's okay right there with that plant because that plant is because that number but they are not looking at five plants flying below the radar.

So, if we can -- if you can somehow put something in there so that that does not happen again, that would be great. When I was looking at the community based action program, the other thing that I thought about was local government because you have EPA that develops guidance -- states guidance and policy.

Then the state puts the reg and generally the people that have to do the implementation is local government and with a lot of local governments currently facing deficits and laying off people, they do not have necessarily the technical expertise there.

It would be nice if somehow, when these new rules come out, you could provide a little technical assistance and maybe can do that through your regional offices. That would be great. Then finally -- and I -- this is just really a pie in the sky request.

I would love to see, because the question was are there -- is there any -- are the five cross agency focus areas outlined above the correct ones? I think they are

but I think there is one that is missing and it is kind of the elephant in the room and we talked about a little bit yesterday but the vast majority of environmental justice problems happen because of zoning.

You can have all the policies and you can have, you know, as much enforcement as you want but if the area surrounding my community is all zoned as light industrial and where I live is zoned as residential, that is going to be a problem.

I think there is an opportunity for your -- for EPA to educate people who are planners about responsible zoning. I think that is -- there is an excellent opportunity to do that. Thank you.

MR. LEE: Great. Did you want to comment -- respond in any way?

MS. GILES: ---.

MR. LEE: Okay. Nicholas? No, Shankar, you are next.

Comments by Shankar Prasad, Executive Director, Coalition for Clean Air

MR. PRASAD: Thank you. Seven years back, I started getting involved with the NEJAC with the community impacts working groups -- seven or eight years ago. At that time, coming from California, I thought that we are so much ahead and so on.

But it is such a nice thing to see in the course of eight years actually you have gone ahead --- in this document what we thought we would be doing, they are actually shown it on the paper. So, it is really nice to see these things and I also want to personally acknowledge and admire the support that Grant and Cynthia gave to OEJ during this different times.

Also the progress that was made with the -- some of the work products

from this concept. So, I want to thank you personally for that aspect. One issue that is surprises me is that looking at the choice of words between the two -- one and two and, you know.

We are talking about incorporating environmental justice into rulemaking right as into the -- when it comes to the question of permitting, we are saying the word of considering environmental justice concerns. I am sure there has been a lot of thought that has gone into those choices of words.

So, that is something that how it can be actually incorporated into the permitting process is something that is what is considering as you move to the next step of finalizing the plan and also to try to come up with the detail of what plan to get into that aspect. Thank you.

MS. GILES: Maybe if I could just quickly respond to that. You are certainly correct that there is a lot of thinking that has gone into that and it partly reflects the earlier comment that was made which is federal rule writing is done by the federal government.

We can -- within the context of course of the statutes and under which we operate, we have the capacity to make choices about how we exercise our discretion. When it comes to permitting, we do have authorities and responsibilities there but there are these other levels of government, states and local governments, whose authorities are also relevant.

So, in the permitting area, that is the reason for the selection of words is that we want to make sure that we do eventually get to incorporating environmental justice in the permitting but it is not certainly not a unilaterally choice by the federal

government to do that.

MR. LEE: Nicholas.

Comments by Nicholas Targ, Co-Chair of Environmental Justice Caucus

American Bar Association

MR. TARG: Thank you very much. I appreciate the opportunity. I appreciate very much the effort and the difficulty with the issue of integrating environmental justice into the work of the agency having given some substantial thought to this over a number of years.

In particular, I appreciate the administrations true attention to this and I would also like to say that I completely agree and support the previous comments. I guess I have four comments. I hope that I am not getting us into the weeds here.

I look forward to working with NEJAC to provide a written response over the time period that we have been given. The first of these go to issues. It may be of to implementation but also into the context of the overall strategy here. That is how this strategy is linked to the GPRA rolls that the agency has established and to the EPA strategic plan overall.

One of the things that I have noticed over time is that when there are specific environmental justice objectives, goals, mandates set that are outside the agency's typical reporting in strategic planning efforts, it is difficult to have a sustained level of concentration and follow through, I think, from all of the regions and the program offices simply because it is not -- it is not something that is actually required.

The second of the question goes also to an issue of integration at an agency level and that is, does this plan -- does this mandate replace the existing

environmental justice strategic plan process that has been in place for a number of years?

Each of the program offices with OEJ and the regions has historically established specific areas of focus, specific logic models, specific reporting and objectives. The question is how does this focus area then layer on top of the existing environmental justice infrastructure that is in place?

It may be on a completely path but it is just -- it is not clear at this point. The last two questions that I have address -- one, issues of grants. What a great idea. The question here is are these new grant opportunities that you are thinking about re-orientation of existing or perhaps conditioning environmental justice requirements?

Shantytown is the case that comes to mind in the water context of environmental justice attention. I think that case also dealt, in some large measure, with issues of planning and environmental justice and sprawl. Finally, the question of Title VI, the Civil Rights Act and what role Title VI plays perhaps a crosscutting role in each of these focus areas.

MR. LEE: Thank you, Nicholas. Did you want to respond?

Comments by Lisa Garcia, EPA Senior Advisor on Environmental Justice

MS. GARCIA: Yes, I think -- well, I guess generally, the goal is to -- once again, have this be a crosscutting effort. So, when you talk about the strategic plan or the EJ action plans or the grants, it is really about not creating a new action plan -- not creating a new strategic plan and not creating a new grant program.

It is making sure that all the programs, if they do have grants, beginning to look at, you know, how their grants are benefitting environmental justice communities

and then with the strategic plan and the action plan, there is an effort within the agency to really -- I will use the word streamline loosely but begin to move away from that.

Here is your EJ action plan and then here is your strategic plan but how do we use -- how do we begin to fold everything in together and I think that is why the crosscutting goal of incorporating environmental justice in children's health is going to help move the agency towards that effort.

The hope is that this -- when we talk about these five focus areas on permitting and rulemaking, that the outcome will be guidance and tools to help -- I guess you are familiar with the MPM guidance also but to help begin to get past that one sentence in the guidance and, you know, actually move forward to measures and actions.

So it is really trying to work in tandem as this move forward so that the EJ Plan, you know, the plan would inform those strategic measures and the actions and the outcomes. And so in developing the tools and working on these focus areas, EPA will be able to say okay, now I am going to take action.

We are going to look at this permit. We are going to look at this rule so that the outcome will be measures in the strategic plan, I guess, is the --

MS. : Did you want to add to the action plan?

Comments by Charles Lee, Director, EPA Office of Environmental Justice (OEJ)

MR. LEE: Yes. I think just to build on what Lisa said. There is a real -- is envisioned and you can see this in the first page of the Plan EJ 2014 that there is a real tight nexus between the -- this Plan 2014 and the EPA Strategic Plan and it comes

together in what is, as mentioned before, one of the five crosscutting strategies which is to work for environmental justice and children's health.

I think the way this going to happen is that the outcome -- the outputs of the deliverables of the Plan EJ 2014 becomes what is going to become known as the commitments that we have to make within the crosscutting strategies. So, that is one way they fit together.

The crosscutting strategies envisions an annual action plan and sooner or later, what we want to do is to take what you know as the EJ Action Plans and make those the -- to make the EJ Action Plans the outgrowth of that. So, that then becomes something that is much more imbedded within the overall agency planning process.

At some point, we will get to the issue of measures and how environmental justice and children's health are imbedded in those measures. So, there is a lot more to this but that is the way, in terms of your question, how they can connect.

Comments by Lisa Garcia, EPA Senior Advisor on Environmental Justice

MS. GARCIA: Just to add on Title VI, there is -- that is work that is definitely being done. It is a priority for the administrator and I do not know if we are going to have any updates on that but we can fill you in or talk about them as we develop those initiatives also.

MR. LEE: Great. Patty, you are next. You have been waiting very patiently.

Comments by Patricia Salkin, Associate Dean and Director, Governmental Law Center, Albany Law School

MS. SALKIN: Thanks. I want to also add my thanks and appreciation.

This is a great leap forward in terms of where things have been over the years but I would like to urge you -- and I want to follow-up on Lang's comment and Wynecta's comment.

To read the executive order broadly, to think about the kinds of state and local programs that EPA has been involved with both internally and in partnership with other agencies, like HUD, that we are going to hear from later today -- and CEQ really think outside the box on how EPA could have an impact on changing the mindset of planning and zoning decision-making, public participation, community empowerment.

We have a much more finite set of problems and they are real problems and there are many and the lists are hundreds when EPA permitting and EPA enforcement is directly involved but there are 10's of thousands of instances where EPA said, "Well, there is no federal permits."

And you know there was no state permit. It was one of the 10's of thousands of local government decisions that occur on a daily basis and we have got to figure out a way to provide community education, community training, training for public officials, grant programs to redo plans, programs to incentivize states to follow the lead of California and other states to require EJ elements in local comprehensive plans.

There is a litany of things that could be done and, you know, this administration, at this point in time, has the greatest opportunity to have an impact in this area because it has been ignored by the federal government. Yet there are other initiatives over the years that have had that kind of influence on local governments.

When you look at the Livable Communities Program and the Sustainable Communities Programs and the Smart Growth Programs, you know, the federal

government can and the EPA has done things that involve an influence in local planning and zoning decision-making and community development in those areas.

We just have really never effectively put an EJ lens on those kinds of things and I just think that now is time, whether it is through this plan, through the Community Based Action area or through administrative -- administration wide actions.

That is one area. The legal issues in this document seem to me to focus more on federal laws and regulations but if it can be broadened. If a working group could look at what opportunities there are for state and local regulations with EPA taking the lead.

If it comes out as it is an important federal policy, I think that, you know -- even if you cannot mandate compliance, there are lots of things that you can do to influence change and be the change agent and we have got to start somewhere. We have got to get that dialogue going.

MR. LEE: Great. ---? No? Okay. Next is -- we are going through John and Nia and Father Vien and then I have a question for Elizabeth. So, John?

***Comments by John Ridgway,
Manager of Information Management and Communications Section,
Hazardous Waste and Toxics Reduction Program,
Washington State Department of Ecology***

MR. RIDGWAY: Thank you. Duplicating the comments of others here. Just in general, I am very supportive of this and it is very good to see the strategy that will look at these complicated issues and incorporate the many different parties.

I am going to focus, because I do represent state and local government, a

little more on what we have heard. In reference to working with ECOS, I am aware that they are engaged in this already but kind of in a similar vain to communities in a representation, ECOS is not the only one.

Many states do not engage with ECOS very actively for a variety of reasons so this is an encouragement to look at a variety of parallel tracks to engage the states, hold the states accountable and also work with their legislative constraints and there are probably 50 different varieties plus there. It is not easy. I respect that very much.

Also, in the relationship between the states and regions, I do not know how to tackle this but a lot of this is going to be engaged through the regions. Many of the people who are going to see the efforts here are not going to be looking national dialogues of this nature but rather whatever the regions bring up.

So, if you can -- as you put your details together, try to also provide some specifics on how you are going to hold the regions accountable to support this in a consistent way and utilize what resources they have there -- maybe expand them a little bit for tracking progress and in helping to get those states involved, as well as local government; port authorities and other things are involved here too sometimes.

Or regional air authorities, in our case, have a lot of influence on helping this and/or could be road blocks to it. So, that is my comment. Thank you.

MR. LEE: Nia?

Comments by Nia Robinson, Environmental Justice and Climate Change Initiative

MS. N. ROBINSON: So, I also my thank you's and appreciations for the work you put in but I would urge the agency, as you start to flush out and put detail into

the focus area around supporting community based action programs that you look at the incorporation of historically black colleges and universities, Latino serving institutions and tribal colleges.

One, because there is a really -- there is a strong groundswell of action on all environmental fronts at those institutions. All of them are also leading the charge on research in country. Two, what we are also seeing is that those institutions are also located in environmental justice communities.

We have a really great opportunity to be able to pull those young people into the conversations along the work that is happening at a federal level on the environment. They are very, very interested. You know, we have an opportunity really to start to diversify the environmental careers that we are seeing. So, that is why I urge ---.

Comments by Lisa Garcia, EPA Senior Advisor on Environmental Justice

MS. GARCIA: Thank you. I would just say quickly that we definitely would like to hear more about your recommendations and work on that. The administrator is very interested in improving our work with students and working through internships and trying to figure out how we get to some of those institutions.

Certainly the minority serving institutions and tribal universities to help enhance those types of programs because it is the wave of the future, I guess. So, thank you for the comment.

MR. LEE: All right. Fr. Vien.

Comments by Fr. Vien T. Nguyen, Pastor,

Mary Queen of Vietnam Community Development Corporation

FR. NGUYEN: Thank you. I just wanted to begin by clarifying what Hilton said earlier that Texas does not corner the market on being bad. We have that pretty good right next door to you too in Louisiana.

One of the things that I have encountered, and I think a lot of times that hampers the participation of the community, is that when we, at the grassroots level -- when we have problems with some issues that the local and state government and we go to EPA, especially in terms of enforcement and compliance, what we have heard from the region is that while they -- the region have relegated that to the state.

That we go back to the state. The state says, "Well, we rely on the local government." Well, especially in the post Katrina situation, the local government had no resources to deal with all of that even if had they wanted to and yet this is the run around that after awhile the community does not know where to go.

There has to be effective recourse so that the community can -- because if we try it several times and keep hitting brick walls, we won't go back to it again. We will give up on it. So, that -- somehow there has to be that effective recourse.

Also, can there be some teeth in EPA's subjections, shall we say. I have raised this issue once before at the Bromfield conference and that is, if I recall correctly 1984, EPA recommended regional plans for disaster. Well, 2010, New Orleans -- Louisiana still does not have it even though after -- even though we have encountered all the problems of Katrina, we still don't have it.

That's what? 26 years now -- about? So, why don't we -- can we put some teeth into it in the sense that if we are going on the administrative wide action, just cross agency, what about the federal government attaching some strings to the -- to

funding to the state and say, "If you don't have this then you ain't going to get it." Thank you.

Comments by Charles Lee, Director, EPA Office of Environmental Justice (OEJ)

MR. LEE: Great. Well, we went through the first round of comments and like I said, I think that most of them really talked to how we can strengthen the specific actions under this plan but I would like everyone to kind of step back a little bit.

We do have about 20 minutes. Really kind of focus on that first question which speaks to whether or not these five focus areas are the correct ones. So, I took the liberty of asking Elizabeth to give some thought to this and so that is the question I want to pose to you.

As she is speaking, I would like others to think about this because it really is a really important question for us to get feedback on.

Comments by Elizabeth Yeampierre, NEJAC Chair, Executive Director, UPROSE,

Inc. and

by Lisa Garcia, EPA Senior Advisor on Environmental Justice

MS. YEAMPIERRE: So, I have been -- you know, I come from a grassroots community perspective but I have been listening to the members talk about cumulative impact and a variety of things as I have been sitting and listening and what I have been wondering about is whether you have given any thought to incorporating -- this is an opportunity to think forward.

To think 10 years from now, 20 years from now, 30 years from now and it is impossible for us to think 10, 20, 30 years from now without thinking about the

impacts of climate change particularly on communities of color and low income communities.

So, risk assessments look different. Cumulative impact looks different because if you have a storm surge, you basically have the creation of an entire community that is a brown field. So, measures for incorporating climate adaptation and community resilience.

Just wondering what thought was given and whether that would be an area that would be a crosscutting issue because we are not talking about environmental justice now in the way that we have traditionally. We are not looking at a certain -- set number of circumstances where our communities are just breathing in the emissions.

We are now also at risk of having the, you know, sewage overflow -- all kinds of catastrophes for waterfront communities and even communities that are not, that are landlocked, that are unexpected. So, what kinds of protections can you build in and would this plan address, you know, God forbid situations that can develop.

We have them developing right before us. So anyway, I am just -- I am really concerned about how you might address adaptation and resilience within the context of this plan.

MS. GARCIA: So, we definitely struggled with -- I mean just to be honest, we definitely struggled with some of -- that question. That one of the big focus areas moving forward and -- certainly the administrator, her first public appearance was at a climate justice forum.

So, it is an extremely important aspect as Elizabeth was saying of, you know, environmental justice communities moving forward that now there is this whole

other big concerns and it is a real concern.

What we decided to do was go out with these five focus areas with the understanding that as the agency moves forward to work on climate -- as I mentioned before, one of this -- the goals in the strategic plan is to work on climate change that this -- when we talk about permitting, when we talk about rulemaking, compliance and enforcement issues, that that would all help inform the climate decisions moving forward.

So, I do not think that EPA is only going to work on Plan EJ 2014. So, what we are hoping to do is to -- since EPA has made climate a priority, it is the administrator's priority, it is in our strategic plan, is to ensure that while we work on other priorities in incorporating environmental justice that we would be able to incorporate the question of climate adaptation and community resilience along with that effort -- more of the climate effort.

But that some of these focus areas really speak to the work of the agency more of a day to day business whereas the climate issues, while extremely important, there is a little bit of a tug or a pull still. Is it is going to be legislative? Is it going to come out through our regulations?

So, we just decided to come out with these focus areas, not -- or I should say, understanding that this climate piece is huge and very important to the agency also.

MS. YEAMPIERRE: I do not really know how other members feel, and please correct me if I am wrong, I just really think that climate change is an environmental justice priority because there, you know -- I always use this saying that

when the United States has a cold, Puerto Rico has pneumonia.

It is the same for communities of color that when things are bad across the board and climate and weather is happening everywhere, that the communities that are most vulnerable are going to be the most impacted. So, I think that it -- it is a different lens when we are talking about environmental justice.

I do know that the administrator does have commitment to climate justice. She -- we had a youth summit on climate justice targeting particularly young people of color and she sent a message and we thought that was just -- that it is definitely a priority.

So, we are not questioning that. We are -- I just have questions about how risk assessments are going to be done and what kinds of protections are going to be built in to this plan in the event that we are faced with those situations 10, 20, 30 years from now.

So, I do not know. Maybe you answered and I missed it.

MS. GARCIA: No, I --

MS. YEAMPIERRE: I am sorry.

MS. GARCIA: We definitely want to make sure that it is incorporated. So, I guess we will take the recommendation back of, you know -- I think it was meant to be all inclusive so that we would also -- we would look at cumulative impacts. We would look at climate change impacts.

We would look at everything but I understand the need to -- or the, you know, the need to really make it a priority outside of all this.

Comments by Cynthia Giles, Assistant Administrator,

EPA Office of Enforcement and Compliance Assurance

MS. GILES: If I could just add something to that. One is that this is our -- it is labeled Plan 2014 in recognition of the 20th anniversary but we fully recognize that this needs to be an evolving plan. This is not we are setting out these five topics and for the next 30 years, that is what we are doing.

The idea is that this is where we want to make progress in the upcoming few years. Climate is also a central issue for the agency, for the country, for the world and figures prominently in our strategic plan but it is more so than these other areas is really an evolving question as to how the nation is going to tackle the important challenge of climate change.

It is something that we will be working on and I would expect to see that here in a couple of years time, more concretely reflected here as we -- as we as a country and we as an agency get farther down the road of how we are doing that planning.

MR. LEE: Chuck?

Comments by Charles Barlow, Assistant General Counsel, Environmental Entergy Corporation

MR. BARLOW: Good morning. I really want to key off of what Elizabeth said and talk a little bit about the interconnection between climate change and environmental justice. I think that EPA would agree on and I know that Gina McCarthy would agree that EPA has found some staller allies in industry of the climate change front because it makes economic sense.

It makes business sense if you have -- if everyone is flooded and all of a

sudden you have no customers, you have no business. So, there is a real overlay between what needs to happen in climate protection and what needs to happen for the protection of the businesses of a lot of industries and a lot of companies.

Now, some industries understand that and are on board and some are not. You know, you have got industries of every shape and size and you have got boardrooms of every shape and size and some are very resistant when you start talking about anything like this.

Some will listen and understand when you start talking about anything like this but just like EPA has developed allies in big industry -- and obviously you have opponents too but you have got allies in big industry on climate change issues, both in the regulatory front and the legislative front.

I think that it would be worth EPA's time and efforts to do a little bit of missionary work on connecting the dots between EJ and climate change and EJ and other business initiatives sort of at the boardroom level because I think you will find that some of those allies that you have already got on climate change, you can develop and cultivate on the EJ front, as well.

MR. LEE: Thank you, Chuck. Let us see. Wynecta is next but, you know, I want to urge that you -- everyone speak to that first question about whether or not these five cross agency focus areas are the correct ones.

Comments by Wynecta Fisher, E2, Inc.

MS. FISHER: Thank you. I think we have an opportunity to add a sixth one and we can call it Climate Change and Disaster Preparedness. We can add some of these items that Elizabeth mentioned but more importantly, how do we deal with

cleanup after a storm?

You have a storm, whether it is a hurricane or a tornado. You have a house that once stood that is now fragments. How do you separate asbestos or lead from the items that are there? It is -- I mean especially when it looks like straw that is virtually -- I do not want to say it is impossible, maybe there is some technology to do that.

Then eventually, where do you dispose of it? Also, how are you housing people? It really disturbed me that those formaldehyde trailers are still out there and they are being used again.

MR. : What trailers?

MS. FISHER: You know the trailers that house people after Katrina are now being used. How are we as government -- how do we allow ourselves, once we found out that there was formaldehyde and they are not -- it is not good to let people live there, how can we not find a way to just destroy them? Why are we allowing them to still be reused?

So, I think there is an opportunity to address how do you not only respond to a disaster but how do you make people whole again? Then finally, Chuck mentioned industry because industry plays a big role in everything. Elizabeth and I were at a conference in March that EPA sponsored, I forgot the name of the conference, but there was a gentleman there from Proctor and Gamble.

They are really working on some innovative things because they said, "Hey look, you know, we have got to be great stewards of our environment. We have got to use less paper to package our products, less water and so forth."

So, what I would like to do is kind of get EPA to start thinking about how you get these major corporations involved in jumping on your bandwagon because not only are they are our employers and they simulate our economy but they also do use resources and so I thought about a quick way that you can do that, Cynthia.

There is a corporate responsibility summit that is going to take place in New York City in November and I think it would be a great -- it would be great for you to go there and hear what these companies are saying but more importantly, for them to hear from you so that they can understand what EPA's Plan 2014 is about.

MR. LEE: We have nine minutes left and we have five people. So, I would ask that your remarks concise. I do want you to speak to that first question about are these --

(Laughter)

MR. LEE: Are these the right crosscutting/cross agency focus areas?
Okay. So Lang, you are next.

***Comments by J. Langdon Marsh, Fellow,
National Policy Consensus Center, Portland State University***

MR. MARSH: Thanks. One that seems to be thing that is a part of EPA's daily business is research and it seems that it relates to Elizabeth's point, which I support, of looking at climate change, as well as a whole host of things where there are potential intergenerational impacts with EJ implications.

Whether it is in the arena of toxics or lifecycle impacts of facilities, products, other actions all of which could be folded into an expanded research or redirected research agenda because I think there is actually quite a lot of capacity in the

office of research to be able to address some of these issues.

We mentioned the issue of zoning, which several folks talked about. I think the whole land use issue we are forecasting of what kinds of implications there might be depending on different kinds of land use trends. I mean there is a great deal of very important research that might help produce the guidance documents that would assist local governments in making better decisions.

So, I just urge you to think about that aspect of EPA's daily business that might be directed more in this -- to support some of the things that we have been saying.

MR. LEE: Thank you, Lang. The other people in the queue are Sue Briggum, Savi Horne, Hilton Kelley and Jody Henneke. So, Sue, you are next.

***Comments by Sue Briggum, Vice President of Public Affairs,
Waste Management, Inc.***

MS. BRIGGUM: Thank you. I would also add at six that I think incorporates what Elizabeth started with and that would be in EPA decision-making, seek to avoid the environmental justice problems in the future because I think that clearly encompasses climate change and emergency response.

It also is a principal to kind of inform the way you approach what happens in terms of EJ and permitting and environmental programs and enforcement because it says, for example, if you have the opportunity to construe a statute to be protective and inclusive or not, you should do so which I think would be helpful when you are doing things like thinking about what --- authority is.

Can you take new facilities and say there has to be a mandatory federal

permit. I think that principal would encourage you to say, "Yes. I believe that there is authority for that." It would also be helpful when you thought about the myriad exemptions that are continually proposed.

Will this exemption truly enhance the environment and improve the lives of community members and enhance their ability to understand and have influence on what happens in their communities or might it make it less easy to access authority.

I think that would really be helpful as a guideline. I believe that is clearly where you are thinking of being -- of going but it would be helpful to have that as an articulated strategy.

MR. LEE: Did you want to say anything, Savi?

***Comments by Savonala "Savi" Horne, Executive Director,
Land Loss Prevention Project***

MS. HORNE: Yes. There seems to be an emerging -- sorry -- consensus that I am hearing around the council's table that there needs to be a sixth item and I am really just echoing what Elizabeth has said and Sue and others that there seems to be that climate justice -- climate change needs to be there.

I think as a sixth item, it would also allow the EPA to do more intergovernmental coordination. I think it is a wide sweeping enough issue. I think when you look at the Department of Agriculture and its programs, which help produce, as you know -- in order to produce food, it is a tremendously large energy footprint and I think that would bring that agency within the fold.

It seemed to me that unless you have a sixth prong that would allow there to be that kind of dialogue amongst the agencies, then the EPA would just sort of be working

in silos. I just would like also to uplift the work.

The whitepaper, which Cynthia you eluded to, that Vernice and our movement have delivered to the EPA with our recommendations that that really needs to be taken in heart to really evaluate the agency's, you know, prongs as they have this five major crosscutting focus areas, as well as to inform the agencies on some of the larger permitting issues.

This report took months and months of work. It was done by EJ communities and leaders from across the country and it needs to be taken in heart and I believe -- I did not really get that it was all that because it was so lengthy and so many recommendations that it is being taken seriously in the manner in which we have -- hold it in our heart to be a product that we really want the agency to work on.

MR. LEE: Great. We have three people left. Hilton, Jody and Nicholas and I are going to cut it off there. Scott Fulton is here for the next session. So Hilton, you are next.

Comments by Hilton Kelley, Director,

Community In-power and Development Association

MR. KELLEY: Yes. Hilton Kelly, Community In-power and Development Association. I think that Mr. Barlow, Chuck Barlow, brought up a very interesting point and he mentioned that Entergy is on board with climate change. They get it. They understand the impact that it has on their business.

They understand that if the communities are having serious problems with flooding and other issues, then it is going to have the impact on them. So, they are on board with trying to make a change and I also believe that the Valero Corporation is on

board in Port Arthur, Texas.

They have started to partner with fence line communities and try to understand exactly where we are coming from and how they can better improve the quality of life in our communities but I think that somehow we may need to try to pull the industries together.

Those that are on board at this particular that get the message how global warming is impacting our communities and partner them with those that are not on board and let industry try to educate industry on how this can improve the quality of life.

To also improve their businesses by getting a better understanding of how by improving their impact on the community or on the environment, how this can help improve their quality of work and also improve their revenues.

MR. LEE: Okay. Jody?

***Comments by Jodena Henneke, Program Manager,
The Shaw Environmental & Infrastructure Group***

MS. HENNEKE: Thank you. Jody Henneke with the Shaw Group. I may be one of the smaller numbers here. I think you have picked the right things. I would suggest with climate change, disaster preparedness, emergency response -- I think those are administration wide actions.

I do not think that those are exclusively under the control of EPA and those of us that have had to struggle with those hurricane responses and tornados and that sort of thing know that it is not just EPA that you are dealing with in the moment.

So, I think those things that we have been discussing are very important but I do think they go under administration wide action. I also think there is a bit to the

point of if we individually list -- itemize everything that we believe as a group and individually needs to be worked on, it is kind of a net effect of diluting the importance of the things on those lists.

So, I would encourage to keep the list smaller and wider but fewer. Thank you.

MR. LEE: Thank you. Nicholas, you have last comment.

***Comments by Nicholas Targ, Environmental Justice Caucus,
American Bar Association***

MR. TARG: I would like to say that I appreciate helping in Chuck's identification at the important of industry and other partners in the mission in the effort to address issues of environmental justice and I would propose that we might be able to have an amendment to the fourth of the focus areas.

Community based action needs to stand on its own but it could also be coupled with collaborative problem solving efforts and that would be a way to pull in others. I also -- I thought that Sue's identification of a way to create a -- of a big tent of other issues, other ways to address future environment justice issues made a lot of sense.

One of the issues that might be included under that fact that I would suggest be included under that is an administration wide priority and I believe that there is real virtue in the agency being able to participate vigorously in agency wide priorities to be able to help steer that proverbial moving train.

That would be the Sustainable Communities Initiative that would fall under that rubric. It is highly consistent with the work that the agency has been doing over the

last 15 or 20 years with Smart Growth and its brown field work and similarly with environmental justice.

MR. LEE: Great. Well, this has been a great conversation and it is just the beginning. On two items, as we close up -- the first is to thank Lisa Garcia and Cynthia Giles for leading this session. I think that, you know, their vision here is something that you have all spoken to as really exciting and something that we look forward to working with.

Then secondly that there is a -- we have set a deadline of October 1st for comment -- for public comments and that is a time by which we would like to have comments from the NEJAC and we did not want to discuss it now, your process for how you would bring that about.

There is time in the agenda built in for that kind of discussion and that will be tomorrow morning and if not and other times. With that, I would like to close and ask Scott Fulton to join the table and there will be the next session on incorporating EJ into current permitting and turn it over to Elizabeth.

MS. YEAMPIERRE: Scott Fulton, general counsel for EPA. If everyone can take their seats. Thank you. Scott?

Charge on Incorporating Environmental Justice into the Permitting Process

by Scott Fulton, General Counsel, EPA

MR. FULTON: Thank you, Madame Chair. Good greetings to all the members of the NEJAC. This follows neatly on the last segment in the discussion of

Plan EJ 2014. As indicated in that segment, one of the key cross agency focus areas in the agency's path forward on EJ is to look at permitting processes.

This we see as a very natural next point of focus in our progression following the rulemaking guidance that you heard about at your last meeting and you will get updated on, I think, in the next session. Permits are the mechanism for translating general norms or standards into facility specific requirements and expectations.

They really serve as the principal platform for environment -- for enforcement and compliance activities. So, we see as the first three prongs from Plan EJ 2014 rulemaking, which is the setting of general standards, permitting, which is the process of translating those general standards into facility specific requirements and then enforcement, the vehicle by which those expectations are made real through the rule of law.

Consideration of environmental justice in the permitting context is not a straightforward area. Folks have recognized for some time that EPA has the authority to take EJ considerations into account in a number of permitting contexts but how and where this is done has remained murky.

We need, very much, the guidance and advice of this group in order to break through the paralysis that tends to take hold in this area. The charge that the agency has developed for you, which I will walk you through in a moment, seeks your advice in a couple of specific areas.

First, we have the sense that this is an area where we can learn and advance the ball through the act of doing. For example, if we can identify some classes

of permits where EPA is the permit issuer that are suitable to serve as a laboratory for experimenting with EJ sensitive approaches.

Then perhaps we can look for opportunities within that sphere to learn by doing. In EPA's learning might then offer transfer to other contexts, both to other EPA permitting contexts but also to permits issued at other levels of government and thereby ultimately inform lasting policy changes in this area.

Second, we are looking for advice regarding where to focus our energies in understanding better the cumulative impacts phenomenon as it materializes in the permitting context. Here we are hoping that you can help us identify permit settings, irrespective of who the permitting authority is, that will bring greater clarity to -- in terms of how to approach the issue of cumulative impacts in the permitting context.

Importantly, the charge that we bring before you today should be seen as a starting point on your advice to the Obama administration on this issue. Our sense is that rather than allowing ourselves to remain overwhelmed by the totality of the challenge in the permitting context, let us find some discreet areas for action, learn from that action and then try to multiply that learning.

So, we see this as a starting point and we will be bringing to you, no doubt, additional charges relating to the issue of permitting. So, my thought is that I would walk you through the document so that you understand its content and you understand the charge.

After presentation of the charge, we will take clarifying questions or we will use the balance of our time to share preliminary views between yourselves and with us on the questions presented. First and foremost, let us work through the charge and

make sure that everyone is understanding what we are asking for the -- from the committee.

Do they -- that document is on the table at this point, Charles?

MR. LEE: Yes.

MR. FULTON: Okay. Excuse me for just a second. So, as you look the document, it first provides you with some background. There is a statement in here regarding the importance of permits just reminding us again that permits are key to delivering environmental results in communities.

The kinds of results envisioned by our environmental statutes and again, serve as a primary means for translating statutory and regulatory requirements into localized expectations and requirements. The background section also reminds us that the NEJAC has previously addressed the rule of environmental justice in the permitting process.

This is not new ground for the NEJAC, although as I indicated, we are hoping that you can help us find the path forward from where we have been before. In July of 2000, the NEJAC issued a report entitled "Environmental Justice and the Permitting Process".

In December of 2000, one of my predecessor's in the Office of General Counsel, Gary Guzy, issued a memorandum entitled "EPA Statutory and Regulatory Authorities Under Which Environmental Justice Issues May Be Addressed In Permitting". That memo concluded that EPA has legal authority to address environmental justice concerns in the permitting process under a number of major programs.

We now need to move beyond recognition of capacity for action to the action itself. In terms of the role of state and local governments, this section of your document recognizes the key role of states in particular under federal environment law and that most federal environmental statutes envision authorization and delegation by state -- by EPA to the states.

To look to the states to serve ultimately as the primary implementers of -- and permittees of these programs and indeed, federal environmental programs are largely delegated to the states. Besides fulfilling congressional intent, delegation is really a matter of necessity.

It would be altogether unmanageable for EPA to be the primary permitting authority for the thousands of permits issued across the country each year. EPA, in a delegated or authorized context, remains responsible for oversight of state programs or delegated programs -- programs delegated to the state.

That engagement is often described in terms of the authority to review, comment or object to state issued permits. The paper mentioned some of the practical limitations effecting EPA's review of state permits, including permit volume, and the fact that some issues bearing on environmental justice, such as citing, are frequently determined by the state or, in many circumstances, at the local level with little or no federal involvement.

The paper references the role of other federal agencies recognizing that in some circumstances, the federal permits that we are talking about may be issued by agencies other than EPA. Although there again, EPA sometimes has a reviewing or concurrence role in these settings.

The paper references the important role of tribal governments, noting the role of tribes as key implementers, as well, including the role of tribes as permit issuers. In terms of EPA's goal, the paper speaks to this in terms of ultimately wanting to ensure that environmental justice concerns are taken into account in all environmental permitting processes, irrespective of the permit issuing authority.

The agency recognizes the importance of giving full consideration to EJ as early as possible in the permitting process and the importance of communities have meaningful opportunities to obtain and provide information and to have their voices heard in the permitting process.

Under opportunities and challenges, this section of the paper observes that the opportunities to consider EJ in permitting decisions will vary among programs. For example, there may be different opportunities to incorporate EJ concerns into a permit reflecting a technology based performance standard as compared to a permit reflecting a harm based standard.

Also, there can be differences based on whether a permit is associated with the beginning of a new activity, such as the construction of a new source of emissions or to continue an ongoing activity, such as the operation -- an operation permit for an existing facility.

This section of the paper also brings attention to our shared and oft discussed challenge of dealing with cumulative impacts and areas in communities under stress. It is critical that we determine how to consider and address cumulative impacts where a number of different pollution sources affect a community.

In this regard, we believe that we should endeavor to identify those permit

programs that are most conducive, if you will, to illuminating and informing cumulative impacts analysis and thinking. The paper describes the NEJAC's role as we see it, relative to this issue at least at this moment in time.

As I anticipated at the beginning, we would very much like the NEJAC's counsel in identifying the permit programs that we should address first in our efforts to incorporate environmental justice concerns. We think we can make the most progress by working simultaneously on two fronts.

One is identifying permit processes that provide the best current opportunities for taking environmental justice concerns into consideration within EPA issued permits and then two, working with states, the advocacy community businesses, the tribes and others towards an approach where cumulative impacts are routinely considered in permits issued by various levels of government that -- in circumstances with the great potential to effect human health.

In terms of next steps, the paper recognizes, as a key next step for us, the essential work of reaching out to the states, other federal agencies and other governmental actors involved in this work, many of whom have their experience in thinking to bring to bear.

Given their role in permitting processes, their involvement we see as key to success in the agency's effort to advance EJ in the permitting sphere. So that brings us to your charge. This part I will read to you, as is the custom, and in fact a practice. Then we will take any questions that you all have relative to the charge.

So, if you could read along with me. "EPA requests that the NEJAC provide advice and recommendations in response to the two questions below. Question

#1: What types of

EPA-issued permits should we focus on now, to work on incorporating environmental justice concerns into EPA's permits?"

The explanation is that, "We would like to focus on EPA-issued permits that are important to public health and welfare of overburdened communities, and that have criteria and permit processes that provide the best current opportunities for taking environmental justice concerns into consideration in the permit decision-making process.

We believe this approach will provide our best opportunity for making short-term progress and providing valuable lessons for further efforts. In providing your advice and recommendations, please consider:

(a) EPA permit types that are of the greatest concern and interest to communities with environmental justice challenges and environmental justice stakeholders;

(b) EPA permit types that are of the greatest importance in protecting the health and welfare of minority, low-income and tribal communities; and

(c) EPA permit types that seem best able, based on the nature of the activity being permitted, how its impacts are distributed, how permits can be used to manage those impacts, and other considerations, to incorporate environmental justice concerns into permit decision-making in the near term.

Question #2: What types of permits issued pursuant to federal environmental laws, whether they are federal, state, or tribal permits, are best suited for exploring and addressing the complex issues of cumulative impacts from exposure to

multiple sources and existing conditions that are critical to the effective consideration of environmental justice in permitting?”

The explanation: “We recognize that a number of complex and challenging issues must be resolved to achieve our goal of meaningfully and consistently considering environmental justice in permit decision-making.

Perhaps most critical is the issue of whether and how cumulative impacts from many sources should be taken into consideration in a permitting process. Permit decision-making typically focuses on individual sources of pollution, such as air emissions from a certain facility.

Yet, overburdened communities often experience cumulative impacts on their health and welfare from pollution from many sources at the same time, in addition to the existing stresses on health and welfare from other factors affecting these communities, such as poverty or health disparities.

It is a challenge to understand whether and how these factors can be taken into consideration in deciding whether to issue a permit or what conditions to put in a permit for an individual source.

For this part of the permitting work, we would like to identify permit types that best allow consideration of cumulative impacts, and that also help us design an approach for including consideration of cumulative impacts in programs for which states have primacy.

To begin our work on this issue, we would like to identify the federally authorized environmental permitting programs that provide the best opportunities for considering cumulative impacts in the decision-making process. We would like your

advice and recommendations for identifying those programs.”

So, that is your charge. The timeframe that we hope for, in terms of response, would be to hear your thoughts on the above questions within 60 to 90 days. Again, we see this charge as a taking off point -- an initial point of discussion. We do fully expect to bring additional requests to the NEJAC for advice and recommendations on the issue of permitting.

So, that is the presentation of the charge. I think it would be good, Madame Chair, if it sounds like a logical progression to you to see whether there are questions and thoughts about the charge so we can assure we have got clarity of purpose.

MS. YEAMPIERRE: Absolutely. Thank you. This is really time sensitive and really is at the heart of all of the work that we do. So, thank you for that. We are going to take questions. I want to remind the members that we are going to break for lunch at noon.

So, we should time ourselves so that everyone has an opportunity to participate. If you could, though, before we take questions, just clarify what you mean by types? If you could give some examples. Are we talking about technology, institutional controls?

There are all kinds of permits and I think it may be helpful to some of the members in the public if you could expand on that.

Questions and Answers

Comments by Scott Fulton, General Counsel, EPA

MR. FULTON: I think we would be interested in the committee's thoughts

on a variety of slices of that question. I think there would be value in getting the committee's thoughts on whether there are classes of permits that kind of run across programs and Joe just mentioned technology based permits.

There is a line that can be drawn there between technology based requirements and permits that incorporate and carry those requirements forward and permits that intend -- rather pick up health based requirements. So, that is one possible way of slicing.

There are also are programmatic slices that might be useful to us if there are a particular type of permit that is issued under a particular -- in a particular program area that the committee thinks lends itself to sort of a focused look and some experimentation in terms of how we incorporate environmental justice.

We would be interested in that, as well. So, I think however the committee would choose to slice, the terms permit type, I think, would be valuable to us.

MS. YEAMPIERRE: John?

***Comments by John Ridgway,
Manager of Information Management and Communications Section,
Hazardous Waste and Toxics Reduction Program,
Washington State Department of Ecology***

and

by Scott Fulton, General Counsel, EPA

MR. RIDGWAY: Thank you, Scott. My question is what do you mean by best suited? Does that mean easiest or the hardest or -- any thoughts on that?

MR. FULTON: Well, recalling that we are trying to construct an approach that promotes learning by doing, I think what we are looking for are some settings that are amenable in the committee's view to making progress in terms of incorporating EJ concerns.

I do not want to say that that means necessarily that they're the most -- they are the most simple ones to do. By the same token, if we gravitate towards the most complex then the idea of being able to move forward through successes may elude us to some degree.

So, I do not know that it is any more useful than suitable but amenability is a word that works for me.

(Laughs)

MR. FULTON: That, I think, is the hope that we would identify -- if not, some low hanging fruit, some midrange fruit that is within reach and within our capacity to succeed with and then to build on that success.

MR. LEE: Thank you.

MS. YEAMPIERRE: Thank you. Chuck?

Comments by Charles Barlow, Assistant General Counsel, Environmental Entergy Corporation

MR. BARLOW: A couple of quick clarifying questions. Thank you, Scott, for being here. On Question #1, I think it would be educational for all of us if you just helped us understand what the -- what some of the types of EPA-issued permits are.

We operate facilities in eight states -- a big complicated in a variety types of facilities and I cannot think of one EPA-issued permit that we hold other than in one

state where a program is not delegated. So, obviously if you have got a clean water act, clean air act program that is not delegated, then your permit would come from EPA but what am -- I have got to be missing something. So, what other types?

Then, my second question is just when you start looking at the states, I know some states have some processes that are for permitting that are multimedia, especially for new facilities. You go in and the state deals with your air/waterways permits all at one time in one process.

I just wondered if generally you thought that it was easier to deal with cumulative impact issues when a state does have that sort of let us do this all at one time so that we can see all of the different types of permits for this facility process. But first was what is the EPA -- what are the EPA permits that we are really talking about?

MR. FULTON: Okay. It sounds like you are feeling neglected by the federal government at this point so we will --

(Laughter)

MR. FULTON: We do not want to leave you with that feeling. Well, as I mentioned in my opening comments, these programs are envisioned as being delegated by and large by the states and have in fact been largely delegated. So, what you see, in some circumstances, is a patchwork across the country where some states have not picked up all the elements of the federal programs.

We have a few programs that are largely undelegated. We have got a few things that -- a few activities that we would probably consider akin to the permitting process that are really federal activities and kind of reserved to the federal government

as opposed to states.

Pesticides registration would be an example of that but just a quick walk through a few of the major programs. So, for example, under the Clean Air Act, EPA does have direct implementing authority in a number of states for the prevention of significant deterioration program, the PSD permitting program, under the Air Act.

This is the program that occurs in states that have achieved at -- or air regions that have achieved attainment for the pollutant in question. Although many states have authority for that program under their approved state implementation plans, there are a small number of states that have sort of an in-between authority.

That they are viewed as being -- as delegated -- having been delegated the federal authority but they are basically issuing EPA permits as federal government's agent, if you will. In those circumstances, EPA is naturally a little more involved and appeals from those go through the Environmental Appeals Board at EPA.

So -- but the PSD permit program is an example of where in some areas, EPA is the permitting authority. Under the Clean Water Act, the National Pollutant Discharge Elimination System Program, which is the primary program for regulating surface water discharges is by and large delegated to the states.

But there are a few states that do not have that program and EPA is the implementing authority. Massachusetts is a significant and notable example in that regard. Another program where EPA tends to be fairly actively involved is the Underground Injection Control Permitting Program under the Safe Drinking Water Act.

There -- I think there is a more pervasive EPA presence from a permitting standpoint. I do not recall exactly what the delegation architecture is there but I do

know that there are a lot of federal permits issued on that front. Also, the 404 program under the Clean Water Act.

The dredge and fill activities, wetlands impacting activities -- that is an area where the Army Corps of Engineers is the primary permitting authority on the federal side but EPA has a role in the review of Corps permits -- and a fairly significant role.

So, that is just a brief walkthrough. If we want more detail, I do have some folks in the room that can expand and also correct whatever I have said that is incorrect.

MR. BARLOW: And then the multimedia.

MR. FULTON: Multimedia.

MR. BARLOW: Is that a good idea -- do you think you would find that easier to deal with the state that had a multimedia program instead of looking at each permit separately?

MR. FULTON: Possibly. Possibly. I, you know -- the idea of being able to break out of the media stovepipes and look at things on a cross-programmatic level is something that has appealed to a lot of us for many years and some -- and you know, we have taken some runs at that on the federal level but I cannot say that it is stuck.

I do know that there are some states that do that. I would think that would be helpful but I mean the challenge that we have in the EJ context, particularly when we are dealing with communities under stress, is mult -- is the challenge presented by multiple facilities and multiple impact paths.

So, I think the question would be whether the approach would be sufficiently holistic that you not only be looking at the multimedia impacts connected to

the permit -- the facility before you but also taking into account the broader reach of activity that might be affecting that community.

I -- my guess is that states even with well developed or advanced multimedia permitting programs are still challenged on that front.

MS. YEAMPIERRE: Thank you. Vernice?

***Comments by Vernice Miller-Travis, Maryland State Commission on
Environmental Justice and Sustainable Communities***

MS. MILLER-TRAVIS: Good morning, Scott. --- microphone.

MR. FULTON: Good morning.

MS. MILLER-TRAVIS: That would help, wouldn't it? A couple of things. I am really glad to hear that you looked back in the development of this process and reflected back on many of the documents that the NEJAC had produced previously, speaking specifically to this.

One of the reasons that we did drill down so deeply on this issue is because so many communities across the country came to us talking about the difficulty they were having in prevailing in the permitting process at the state and local level, even as interveners they were turned back being able to intervene in these processes.

So, it has been a 10 year lapse in our conversation with the agency on this. We are really, really, really happy to move forward at such a giant leap. When you stepped up, you stepped up in a huge way and I want to thank you for that. Just a couple of questions -- or one question, really.

One of the issues that we drilled down on and you mentioned it in your presentation. We could not figure a way around it. We really struggled with it. I am

glad to see Tim Fields because as assistant administrator of OSWER, we dealt with this deeply with OSWER programs, which is how do you influence the local land use and zoning process that is so determinative of so many of those permitting issues, which is really where the rubber hits the road in the environmental justice conversation.

Many communities have turned to EPA -- turned to the NEJAC to participate -- to request your intervention in this because they have not been able to prevail at the local level in influencing that local zoning and/or that state permitting process.

So, we weighed into this with the RCRA facility Siting subcommittee with OSRA as far as we could go. We weighed into this. We issued a report on the citing of waste transfer stations. OSRA developed a brochure -- the RCRA developed a brochure on the social siting criteria for RCRA facilities.

But obviously there is a tremendous pushback from local government once they even hint or infer that EPA or any other federal agency is moving in there purview. They scream bloody murder and the communities get completely overlooked and our lives get turned upside-down.

So, the question is how deeply can we drill down? What can we do? Can we pull Tim and some other folks who were involved in this conversation back together to really look at how can we ease our way into this conversation without overstepping EPA's authority for providing the protection that local communities so desperately need?

MR. FULTON: Well put. I think this is an area of significant challenge, it continues to be, and I think there are a couple of things that need to happen here. One is that we do need to make sure that in our dialogue, we are not simply treating

symptoms rather than the underlying ailment or challenge.

There is a risk of that if what you are trying to do is use one tool that really isn't sort of dealing with the root of the problem. You know, not to lay all the responsibility at the doorstep of local governments, because I think there are things that can and do occur in the permitting processes that do have an impact.

I mean even if local land use planning does determine where things are put, how those things that are put there operate is a matter of interest and responsibility for folks like EPA and the implementing states. I think this broader dialogue that we need to have with the states cannot end there.

It really does need to look at the intersection between local land use planning and how these permitting regimes operate in hopes that ultimately we can draw local government into that exchange in a way that is not traumatic but rather constructive for them in terms of their engagement.

I have been thinking for awhile that if one of the things that we could do would be to identify some local governments that seem to have a respectable job in dealing with these issues and trying to lift out of that some best practices and experience, it could be shared more broadly.

So that again, folks are not paralyzed by the challenge but have some notion that it is possible to think through this idea without sort of losing altogether the other drivers for how land use changes -- land uses are approached in this country.

But I think it is a really -- that is a really challenging area and at the federal level, we find that under our authorities, in most circumstances, we are really not engaged in siting decisions. In fact, I think under the Clean Air Act, there is a provision

that says that we are not supposed to be mucking around in local land use planning.

We need to be respectful of the alliance of authority that the Congress has given us but at the same time, part of a process, and a convening if you will, of a discussion about how to look at these intersections and how we might be able to think about it more profitably than we have thus far.

MS. YEAMPIERRE: Thank you. I just want to take a moment to recognize that we have been joined by young people in our community. On behalf of the NEJAC, I want to welcome you. I am sorry?

MS. : Can we have them stand?

MS. YEAMPIERRE: If you can stand up for a second so that we can recognize you.

(Standing)

MS. YEAMPIERRE: You do not have to if you do not want to but that is cool. Thank you.

(Applause)

MS. YEAMPIERRE: Just want to say briefly that this is a historical day for us. It is extremely important for those of us that are activists. We define community by having everyone at the table and we do not think a community is a community unless it is intergeneration.

So I would urge you, since this is your first meeting, to pay close attention. There are times it is going to be boring. Your eyes are going to glaze --

(Laughter)

MS. YEAMPIERRE: Your eyes are going to glaze over but I also want to

remind you that for our communities, we have -- we lose our rights when we do not pay attention. So, welcome and I look forward to talking to you and meeting you late.

So, right now we are, just to brief you just quickly, talking about incorporating environmental justice into the permitting process. Also, write down notes if you do not understand anything and we got you. So, the next person who has a question is Shankar.

Comments by Shankar Prasad, Executive Director, Coalition for Clean Air

MR. PRASAD: Thank you, Scott, for the nice presentation and illustrating the big challenge you will have in this monumental task. One of the things that we need to think about in your whole presentation is all about what? What type of ---? What type of facility?

What I think -- the clear reality of the issue is more where seems to be the fundamental problem when we talk of cumulative impacts or this multiple stressors. So, in that context maybe you want to think about adding a third segment or a third piece of the pie is whether the permitting scenarios need to be considered based on identified or prioritized areas or --- good job in having an EJ seed.

Of course we want to see that modified. So, you have a way process and a tool now that can identify community impacted areas and going down the path of defining the property of the multiple stressors like health disparities --- level is not likely to go anywhere because of the challenges and the multiple stressors that are in ---.

The question becomes -- also, you mentioned in your approach about risk versus technology. So, if you go down that path, can we differentiate for each type of a facility being permitted at one place on a risk based and at another place as a

technology based or would you face that challenge?

Those are the -- I think it is very important to think that when we are talking about risk, should we consider risk in the toxics content -- context or should we be talking about it in the context of criteria abilities because those two areas are significant because there is not really a threshold for the toxics.

We kind of believe in the threshold phenomena -- the threshold approach for the criteria abilities. So, that -- these are not easy to -- I am just probably complicating your task but I think if you sort of try to --- respond please at a time and look at pilot approach in these areas and things like that, that might be one way to think about it.

MR. FULTON: Thank you. That is -- those are very good comments. I would think others will check me if I am going out of bounds here but I think the where question that you framed, we ought to view as implied to some degree by the questions in your charge such that if the committee has thoughts about how to think about the where part of it, that you would bring that forward and respond to the charge.

I think your questions about risk based requirements versus technology based requirements is a very question. Can you envision a regime where you would be approaching like facilities in different communities looking through a different lens? One through a risk lens and the other through a technology lens?

I think -- there is an invitation here to be challenged by that, for sure. I mean this committee is drawn from a number of different vitally important sectors and I think our hope is that because you have got, in the mix, some governmental folks and industry folks who know what these permitting processes are like to manage and also

live within, that you would help us construct an approach or find our way towards an approach that also deals with the issues of predictability.

The challenge that the regulated community has, which is a significant challenge, to be able to anticipate and understand what requirements are going to be imposed in a given setting and to be able to plan accordingly and mobilize behind that but also the manageability concern for permitting agencies.

If you consider the volume of permits moving through, if we -- if what we end up constructing is so complex that it reduces the capacity of a permitting authority to be able to reach the decisions that it has to make then, you know, that may not be the right landing point.

On the other hand, we are still figuring this out. So, I think try -- bringing the best thinking to bear about how we look at this, what we should be taking into account should be our objective here but, you know, we will have to also look through these lenses of predictability and manageability to some degree, I think.

MS. YEAMPIERRE: I just want to do a quick time check. We have got about 13 minutes left and about 7 people. So, just so you can be aware of that. Lang?

***Comments by J. Langdon Marsh, Fellow,
National Policy Consensus Center, Portland State University***

MR. MARSH: Thanks. Thank you, Scott, for this excellent challenge. This is more of a clarifying question. In a sense, you are asking us, in part, to take a look again at the issue of cumulative impact and -- in terms of identifying types of permits and potentially where those are being issued.

I guess the question I have is if we identify or have identified some emerging ways to look at cumulative impacts that would allow for their consideration more feasibly within the permitting context, can we bring that into the discussion even though it is not directly answering your question?

It might be indirectly saying, well, if you applied some new approaches, you might be able to focus on these kinds of permits more readily. Is that clear?

MR. FULTON: Yes, I think I understand what you are saying and I think that would be welcomed and entirely appropriate. I mean cumulative impact -- the cumulative impact challenge is transcendent.

We are looking at it as what we will be discussing it in the next segment in the rulemaking context needs to be considered here in the permitting context. It will also inform thinking on the enforcement and compliance side of things.

So, whatever good thinking has been done on cumulative impacts, I think we would be interested in seeing transferred into these different settings to the maximum extent possible.

MS. YEAMPIERRE: Okay. Hilton?

Comments by Hilton Kelley, Director,

Community In-power and Development Association

MR. KELLEY: Yes. Hilton Kelley, Community In-power and Development Association in Port Arthur, Texas. When I think about cities being involved with the permitting process, I think about incentives. Somehow we need to have some type of incentive to get the cities and local government involved with the permitting process.

Because when it comes to local industries, in particular communities, let

us just say like Port Arthur, Texas, where you have refineries on top of refineries, chemical plants on top of chemical plants and we have an incinerator facility there that is begging every other state to bring its toxic waste to Port Arthur, Texas if you do not want it.

There needs to be something in place that would be a ceiling on the amount of toxic waste that could be brought to one community. There needs to be some type of incentive that is given to local government to get them involved with not taking certain amounts -- certain wastes.

Some cities will take as much waste as the city can handle without giving any thought to the impact of human health or to the environment and Port Arthur is a prime example of that. We have received VX nerve gas waste. We have received mustard gas waste from right here in Washington, D.C.

We have received PCB's from other nations. It is time to put an end to it in communities like Port Arthur, Texas. There has to be a way in which you say enough is enough for this particular community or area.

The only thing I can think of is we have to create an incentive for our local government and for those Congress people of those particular districts to get involved with protecting the people that were put in place to serve.

MR. FULTON: Thank you. Very, very good thoughts, Hilton. I -- it is my hope that we can identify some places in the country where the incentive structure and frankly just the government's intention has produced outcomes that we would all see as positive and successful in this area.

I just challenge us all as we do our work and we look at what is happening

around the country. In addition to identifying the problem areas, also see if we can find some examples of success and my guess is that within those examples, we will see what you are talking about.

That there is something about how things have been incentivized that allow the local government to manage differently in that setting than what you have experienced in Port Arthur.

MS. YEAMPIERRE: We would be happy to see something like that. Honestly, the equitable distribution of environmental burdens is not something that we are familiar with but that would be great to see that. Jody? Who has it? Stephanie? Sorry. Okay.

***Comments by Stephanie Hall, Senior Counsel,
Environmental Safety and Regulatory Affairs, Valero Energy Corporation***

MS. HALL: Good morning, Scott.

MR. FULTON: Good morning.

MS. HALL: Thank you for your presentation and the concise way in which you walked us through it. When I think about environmental justice, I really think about the fence line communities. That was touched on earlier by Hilton and I am sure he can appreciate that being in a fence line community.

So, the question I have is some industrial operations have fence line communities and others do not. So, as we embark upon the permitting process in considering EJ in that process, I guess I am trying to understand better what the agency's approach will be in terms of the facilities themselves.

Will it be a broader reach across the board or will there be a focus on

those industrial operations with fence line communities? I also think that the effort between a company directly and the fence line community cannot be underestimated.

I think Hilton can attest to the fact that at Valero, we have been able to do some very innovative things with his community in a partnership format which has entailed bringing his community to the table when we are looking to expand or looking to do something different at the plant because for the lay person in the community, the unknown can be alarming.

If you do not really understand what is coming, then you get a different reaction -- a different result. So, any attempt to encourage that continued dialogue between a willing company and an active community, I think benefits the process as well.

I am curious as to how the agency will deploy this process across the board or if there will be specific consideration given to industry with fence line communities. Thank you.

MR. FULTON: Well Stephanie, we will have more to say about that after we get your report. I do not want to turn it back to the committee but the question you are asking is among the very questions that we are looking for guidance and assistance on.

If it is a considered view of the committee that this is an area that should be a point of focus and how we think through the permitting processes and where we will find the best opportunities for forward movement, then we would welcome that input and it will inform the approach going forward.

I do not want to feel like I am the only spokesperson here but are

Lisa or Cynthia, do you have anything you want to add to that or are that --

MS. GILES: (Shaking head "No")

MR. FULTON: That is okay? Okay.

(Laughter)

MR. FULTON: Thank you, Cynthia.

MS. YEAMPIERRE: Jolene?

Comments by Jolene Catron, Executive Director, Wind River Alliance

MS. CATRON: Hi Scott. I am Jolene Catron, Executive Director of Wind River Alliance. I am trying to frame this within the context of the chair that I represent, which is indigenous communities and grassroots organizations and not tribal governments.

Our representative for the tribal governments is not here but my question, when you talk about tribal permitting, goes to back to the process of treatment as state and EPA's treatment of state process. So, I think that is a big chunk that is not included in this permitting process.

I think we need to look at that treatment of state process and how environmental justice is incorporated into that as part of this if you are including tribal governments as permit writers. The other thing too is that, from what I understand, there may be two or three tribes in the nation that actually issue permits.

I think Navaho Nation is one of them and then -- so that leaves a whole lot more of tribes who are pending their TAS status but really have not -- it would be interesting to kind of look into that to see how they have incorporated community into this process.

So, I think there is a different track almost of the tribal part of this equation and I would encourage you to consider that. Thank you.

MR. FULTON: Okay. Thank you, Jolene. I think we would agree that the tribes and their activities in this area need to be seen through a different light. The administration is very much committed to the idea of TAS status for tribes and sees the value of the tribes being in control of their own destiny in terms of being able to implement programs.

In the absence of TAS treatment, the federal government remains jurisdictionally responsible as a permitting authority on the tribes. I am glad you mentioned this because this is another area where federal permits are common on tribal lands.

In other circumstances, I think some of the EJ considerations that would be brought to bear in the context of federally issued permits would bear some similarities to the EJ concerns that we see in other environments.

MS. CATRON: Just as a follow-up question. I know from, you know, just the work that I am doing at the grassroots, the look -- in domestic energy development and the process of hydraulic fracturing and how that comes under the Safe Drinking Water Act, the UIC program.

So -- but I know that EPA does not have permitting -- well, the level of reporting -- or the companies reporting what kind of chemicals they are using is really kind of a fight right now but is EPA moving in a proactive manner to start looking at that UIC program pending the outcome of the fracking rules?

MR. FULTON: Yes, within the limits of the authority that we have. I mean

there is -- there are statutory exemptions relating to fracking activity that we are constrained by but we are very much interested in the issue from an environmental standpoint and considering it within the limited authorities that we have.

MS. CATRON: The reason why I mention it is just because the potential for increased domestic energy production and the impacts they have on tribal lands because they are very resource rich.

MR. FULTON: Well, understood. Thank you.

MS. YEAMPIERRE: We are going to take one last question from Teri.

Comments by Teri Blanton, Fellow, Kentuckians for the Commonwealth

MS. BLANTON: So, I am so new to this. I am little nervous. So, the permitting process -- I know that EPA, through the memorandum of understanding what the Corps of Engineers and other agencies last July, so we have seen a year of actually EPA stepping on the permitting process of the 402's and the 404's.

I feel that the communities need to be brought into the conversation much earlier than they are brought into it. It is like the permits are almost a done deal before the community even knows that this mining company is moving in above them and burying 20 miles of streams that affects them and their groundwater.

So, I would suggest that in the permitting process that the communities are brought in in the beginning of the process, not after a company has spent millions of dollars on this permit and all the two years of work has been done and then the community has the opportunity to put in input.

It is almost a done deal by the time the community is actually notified of what is happening. As far as important permits, I would say anything that has to do with

the Clean Water Act or the Clean Air Act, a cumulative impact has never been an issue in Appalachia.

The mining companies are allowed to --- hundreds and hundreds -- thousands of miles of streams and even though that CHIA, the Cumulative Hydrological Impact, is supposed to be measured none of this has ever taken place in the past.

We hope that in the future, in moving forward with this memorandum of understanding, that the EPA will step forward and exercise their right as far as the Clean Water Act.

Meeting with EPA, they will say, "Well, the Corps of Engineers issued this permit or the state issued this permit" but we all know that the EPA has the oversight of anything that has to do with the Clean Water Act.

I would just hope that they would exercise their authority to make sure that the Clean Water Act is followed to its fullest extent.

MR. FULTON: You do not seem nervous at all.

(Laughter)

MR. FULTON: Thank you for your encouragement on that front. It is certainly our intentions to act in a manner consistent with that encourage and I think the idea of providing for community involvement before a project becomes a fait accompli is a very important idea.

While I think the area of public participation is an area in which the agency has made some progress over the years. I am certain that we have not yet arrived in terms of where those opportunities for intervention occur in the permitting cycle.

Particularly with new projects, there is -- there can be a tremendous

amount of momentum and energy behind development based projects and providing the opportunity for input before everything is kind of lined up is critically -- I think we would agree it is critically important.

One of the things we would want to look at as part of our exploration here.

MS. YEAMPIERRE: Well, thank you Scott. I think this is actually the perfect moment to break for lunch. I would ask that -- I am sorry? I am sorry. I did not see your hand up, Cynthia. I am sorry.

Comments by Cynthia Giles, Assistant Administrator,

EPA Office of Enforcement and Compliance Assurance

MS. GILES: If I could just add one point. I think that the point has been raised over here raises something that has not come up yet here with respect to permitting, which is permitting by other federal agencies.

So, we have in the -- mountain top mining actually has the distinction of having both issues of state issued 402 permits and federally issued 404 permits and EPA as some -- I am sure you know.

And as some other folks may also be aware have recently issued guidance about how EPA intends to exercise its oversight authority and its statutory authorities with respect to both of those types of permits.

Specifically included environmental justice concerns and health impacts as one of the factors that as a federal -- in our federal oversight rule that we would be taking into account.

So, as the council is thinking about advice and recommendations to us about what permit types or how you would recommend we approach this, I just wanted

to flag that there is the other federal agency permits in our rule with respect to those to also consider.

MS. YEAMPIERRE: Before you all leave, we have some housekeeping things that we need to talk about so I am going to pass it on to Victoria. Thank you.

MS. V. ROBINSON: Thank you. Thanks Scott. Just real quick. We are scheduled to be back here at 1:15, if I am not mistaken. Somebody in the audience has lost a Blackberry. If you know your number, come up and see me. It is actually in the hotel lost and found. I have the phone number. I can read it out but I do not know if you want me to or not.

(Laughter)

MS. V. ROBINSON: So, the other thing is that for those members who have ordered your lunch, the hotel will be bringing them in in a couple of minutes and staging them over here. Your names will be on your boxes. Vernice will talk in a minute.

It will be grab and go, grab and sit but that way you will have your lunch promptly. Okay? If you could all return on time so we can start on time. It is going to be very, very tight schedule. All right. Thank you.

(Whereupon a luncheon recess was taken.)

AFTERNOON SESSION

(1:45 p.m.)

MS. YEAMPIERRE: Can I have your attention NEJAC members.

(Speaking Spanish) I just figured if I switched to another language everyone would pay attention. So, welcome back. So, we are now at the point of the agenda where we are going to start talking about some of the rulemaking initiatives.

We have got with us Jim Jones, who is Deputy Assistant Administrator with the EPA Office of Chemical Safety and Pollution Prevention. He is going to be providing an update on the Interim Guidance. Let me just read this: "Interim Guidance on Considering Environmental Justice During Rulemaking" -- so, Jim welcome.

Rulemaking Update

by James (Jim) Jones, Deputy Administrative Assistant,

EPA Office of Chemical Safety and Pollution Prevention (OCSPP)

MR. JONES: Thank you and I am joined by my colleague Louise Wise from the Office of Policy who will be talking about some of the implementation issues. If you can go to the next slide, Mike.

(Slide)

MR. JONES: So, this time last year actually, we came and addressed this group. I think you were meeting in Crystal City at the time. We told you about -- we had pulled together a workgroup and we were going to begin an effort to incorporate environmental justice considerations in the agency's rulemaking process.

Then we came back to this group at your meeting in New Orleans in the January/February timeframe and we gave you an update. At that point, we were pretty

far along and we were able to give you some really, I think, pretty specific sense of where this group was going. Here we are today, six months after that second briefing for this group.

Just yesterday, the guidance document that we will be talking about was publicly released. We are thrilled that it has been publicly released. We were really hoping we were going to get it out around the 15th so you would have had some time to read it but complex documents such as this that involve every part of the environmental protection agency, you have really got to make sure you have got all of it right.

So, it took a little bit longer than we were hoping but the document is publicly available. Hopefully some of you had a chance to get a little bit familiar with it and I will spend some time getting you more familiar with what is in this document.

The EPA has a number of activities that really make up the bulk of what we do. One of those such activities is rulemaking. It certainly does not define what the agency does but it is a big part of what EPA does.

I think many of us have long felt that if we are going to be effective in getting environmental justice considered appropriately in the Environmental Protection Agency, we have got to begin to weave considerations of environmental justice into the core work.

Rulemaking is one such activity and that is what this document is designed to do -- bring environmental justice considerations into the fabric of that part of our business processes. The next slide.

(Slide)

MR. JONES: So, in the release yesterday, the administrator -- there is a

statement that is in the cover page of the document. Just two points that the administrator makes. I encourage all of you to read the whole message from the administrator. The first, and these are quotes, "Far too often and for far too long, environmentalism has been viewed as a distant issue for low-income and minority communities.

I have called on the U.S. Environmental Protection Agency to change both the perception and the situation on the ground, by broadly expanding our conversation on environmentalism and developing policies that have a measurable effect on environmental justice challenges. This document is an important tool for answering that call."

I will say that this is just an observation, we would not be here today having released this document had it not been for the administrator's leadership on this issue and the leadership of two of the women at the table, that being Lisa Garcia and Cynthia Giles and Charles Lee, who is at the other end of the table.

The -- if you do not have that kind of leadership from the top, you never get these kinds of things across the finish line, I can tell you from my experience. The other group of people at EPA, which is this workgroup, many of whom who are here today.

I think many of you know many of those individuals who did an amazing amount of work over the last year. People have been thinking about this issue for a very long time, had an opportunity to take that thinking and put it into practice.

MS. WISE: Jim, you should take some credit too.

MR. JONES: I get to sit here and talk to you guys about it. All right, the

next slide.

(Slide)

MR. JONES: So, just to remind you, some of this will be a refresher from our meeting last February in New Orleans. Again, we are trying to integrate consideration of environmental justice into the fabric of the rulemaking process.

The term that you are going to hear is Action Development Process. That is a very formalized process that the agency uses to govern its rulemaking. There are two components to this effort. We are going to be spending all of our time in this part of the session talking about the first.

It is a process guidance and sort of how into the rulemaking process do we expect our rule writers to take environmental justice into consideration in the process. Then we are also working in a parallel track that is a little further behind, by design, some technical guidance -- exactly how do you do the technical analysis.

There are a lot of questions. Issues like cumulative risk assessment for which we need to ultimately and first figure out and then provide our rule writers the how do you do that analysis? There will be some further updates around that technical analysis later in this presentation and I am sure in the future NEJAC meetings.

Why do we do the process guidance? Well, as I mentioned, there is a lot of thinking has gone on over the years on this issue. It was an opportunity to just seize the day and put that thinking into paper. We have issued this guidance as interim final.

We are going to learn as we go and as the technical guidance comes -- gets more mature, we will incorporate some of that thinking into this guidance. We will ultimately have some technical guidance for both the public and for our staff at EPA in

the future. The next slide.

(Slide)

MR. JONES: So, the guidance is broken up into three parts. There is an introductory. There is an overview of the documents and some background. We have the administrator's message. The bulk of the document is in this Part 1 and Part 2.

Part 1, and we will spend a little bit of time talking about it, is that we really had to invest a fair amount of energy in making sure that the staff was all on the same page with respect to what are we talking about here? Getting folks using the same language, helping staff think through both the concepts of environmental justice and how do you think about it?

So, Part 1 is really about getting everybody on the same page. It is really an educational aspect of the document. Part 2 is then as you are going through the rulemaking. In each stage, what is it that we expect that both the agency's managers and the workgroup members to do and we will spend some time going over each of those sections. Next slide, Mike.

(Slide)

MR. JONES: In a nutshell -- so, a lot of discussion on how specific should this guidance be about what kind of analysis should be expected. This issue got discussed and debated for quite awhile at the agency operational level, senior management level -- top of the agency ultimately, you know, how much should it be quantitative.

Should we dictate that it be quantitative or should we allow it to be qualitative? Ultimately, we came to the conclusion that because there is -- for a couple

of reasons, there are so many different kinds of rulemakings in the agency.

It would not be practical to say that one size fits all as it relates to the kind of analysis that needs to be done. Then there are also practical issues with respect to how quantitative can we be in some situations and then an add-on to that, then there are some other factors that we decision makers need to take into account.

How much time do they have? Are they operating under a court ordered deadline? Is the analysis actually going to have any potential to inform the decision-making? So, we ultimately create an expectation that over time we want the analysis to be more and more sophisticated and quantitative.

But there may be situations for which qualitative analysis may be appropriate and then we also put it on our decision maker. Senior officials within the agency to be deciding -- for them to be deciding, what is the nature and the scope of the analysis that is going to be done for an individual making.

We will sort of walk through how that will work in the -- walk you through the process and that you ought to do that at the beginning. At the very beginning, you should, when you have initiated a rulemaking, think about and decide what is the scope of the analysis -- the environmental justice analysis that you are going to be doing. The next slide.

(Slide)

MR. JONES: So, this is -- now we are talking about things that are sort of in Part 1 and this is part of the educational aspect of it. When do we want EJ concerns to be taken into consideration? Basically, we have three examples in the rulemaking context.

If the rulemaking is going to create a disproportionate impact, you certainly ought to be giving consideration. If it is going to be exacerbated by the action that you take or, and this probably relates to the third category, the most common experience we will have is when the action could address a disproportionate impact.

Those are the three times we want people to be giving consideration to environmental justice. Then we all go on to decide -- the fair treatment involves not just the elimination of burdens, of risks, but also how are the benefits distributed from the rulemaking as the vast majority of our rulemaking's generate public health and environmental benefits.

How -- what is the distribution of those benefits? Are they disproportionately or more evenly distributed? Next slide.

(Slide)

MR. JONES: So, we then sort of give folks some ways to help them analytically think through sort of do I have a potential issues? These are factors that are not going to be surprising to anybody who works in the environmental justice world.

But to some of our rule writers, we found it -- we think it is going to be very important to help them, give them some ways to be thinking about whether or not there may be an environmental justice issue. I am not going to go over these in any details. I think again they are very familiar to this group. Next Slide.

(Slide)

MR. JONES: So, this is, I think, a real meaningful addition from our last -- when we briefed this group last about some of the factors we want rule writers to think about in -- as it relates to environmental justice. That was not just the rule per se but

how the rule is going to be implemented.

Does the rule do things that will make it difficult to be implemented? I would say would be the lay term to describe that. Does it make it easy or difficult to do compliance assurance? Does it make enforcement -- I mean, if you can create sort of the perfect rule that climates the disparity but is it so complicated and impractical that you could never enforce against it? Well, you have done that.

Do you really -- have you really protected anyone? One of the things that I think that you talked about this morning, does the action provide good background information for the permit writer? If your rules over --- framework for permitting, do you - - have you thought through how the people who will be writing those permits will be getting information that will allow them to make decisions that are -- incorporate the concepts around what we will be talking about.

So, the -- we give very specific ideas for rule writers to think about in the implementation of the action because ultimately it is not the rule itself that the -- delivers the environmental protection.

It is how the rule is implemented and we do not want to be either missing opportunities because we did not think through these kinds of issues or creating more problems. Next slide.

(Slide)

MR. JONES: So, the guidance document also helps rule writers think about how to get meaningful engagement which is a big part of environmental justice. It is one thing to be able to evaluate a potential impact but if you do not have meaningful engagement, you run a couple of risks.

One is that you actually really did not get your arms around whether or not there is a disproportionate impact because you really were not talking to the people who could have pointed it out to you is a big part of why you need to have meaningful engagement -- you learn.

The second part being that you may not bet the kind of buy in that you were hoping to achieve which is a secondary issue but one that we want to make sure that we are taking care of. So, the document walks through and again provides a number of tools that rule writers can use to help ensure that we are getting meaningful engagement.

You know, this, I think, applies to more than potential environment justice communities. I think it applies to the population at large. I mean the people are not reading the Federal Register. The stakeholders with big interests are reading the Federal Register.

We need to be thinking beyond that as a tool to reach effective communities to get their meaningful engagement. Next slide.

(Slide)

MR. JONES: Okay. So, now we are going to talk about the actual rule process and we are going to focus on two particular parts of the process. Two of them that are I think probably the most relevant for our discussion. So, when you are writing a rule EPA, it is not just a matter of the boss says I want a rule that will go protect against this kind of pollutant.

We have a very systematic process to ensure that all of the parties within the agency that really should be participating are participating and that there is

accountability then from the time in which you have been given the instructions to do it to the actual documentation of the analysis that you have done.

Document that you have gone back and you have gotten guidance about where -- what direction you are going, documenting that decisions have been made and the basis of those decisions.

So, it is a pretty regimented process and it is really designed to ensure that there is accountability and that we have, you know, processes that can help people get their job done. People at the EPA might argue the later part but, you know, every organization has processes described, you know, on how you are expected to do your work.

But to the two that I want to talk about are the analytical blue prints, and I will try to use words that are more meaningful to people other than those of us following the ADP process and final agency review. Now that is actually sort of what it sounds like but there are these other steps that we won't get into detail.

But in the guidance document, the guidance document describes that each one of the steps, what the expectations are for you as a rule writer, as well as a manager. Let's go to the next slide.

(Slide)

MR. JONES: So, the analytical blue prints for the -- I come out of a part of EPA that does lots and lots of risk assessments, largely around chemicals. The term we use, which may also not be that helpful for you but I will give it a try, is problem identification.

What is it that we are trying to get our arms around and how are we

therefore going to analyze the issue. First, you have got to define your problem and then you define the analysis that you are going to do that will help inform the decisions around that problem. That is what an analytical blueprint is.

It is in the rulemaking process where you describe this is the analysis that I am going to do to evaluate the situation in this rule that will then be used by decision makers to make a choice and what we are saying here in the -- at this stage, that is where the workgroup is going to describe the EJ analysis that they are going to do for that rule.

A decision maker is going to say -- they are going to be presented this and they are going to say -- the decision maker will say, yes, I think that that would be appropriate given all of the other things that I have got going on in this part of the operation.

I think you have defined the analysis for environmental justice in an appropriate manner. Then there will be considerations like the time that is available, the resources that are necessary but that is basically -- I think this is one of the key parts of this document.

That at that stage in the process, we are going to describe the analysis we are going to do to get our -- to better understand the potential environmental justice impacts of the rule they are working on. The next slide.

(Slide)

MR. JONES: So, then in final agency review, now you are pretty much at the later stages of the process. You have defined the analysis that you are going to do, you have done the analysis, you have actually -- decision makers have chosen which

path to take, where to set the standard.

You have got the record. At this point, you are -- we are making sure that everybody in the agency who has a stake is able to look at the documentation that we have in front of us surrounding that rulemaking, it is called Final Agency Review.

Speak now or forever hold your peace kind of endgame process and we are going to ensure at that part of the process that their three questions that are going to have been answered as part of the EJ work. Now, one is to describe the public participation that you use to ensure that there was meaning participation from minority, low-income and indigenous populations or tribes -- describe that.

Whatever it is that you did to do that to get meaningful engagement. Secondly, describe the analysis that you have done to address existing and new disproportionate environment and public health impacts. Then finally, describe how that -- the action that you ultimately are taking, how they impact the outcome of the final decision.

So, how did one and two -- the meaningful engagement and the analysis, how did that ultimately influence the decision that the -- that is being recommended. Next slide.

(Slide)

MR. JONES: Actually, we can probably skip that one and go to the slide after.

(Slide)

MR. JONES: I am going to, at that point, turn it over to Louise to talk about how we are going to implement this guidance.

Rulemaking Update

by Louise Wise, Deputy Associate Administrator,

EPA Office of Policy, Economics and Innovation

MS. WISE: Okay. So again, Jim mentioned that our goal here is not just to develop a document that we are going to put on a shelf but to actually get this process into the fabric of the way we do rules. So, we have to have not only the document but we need a rollout strategy at EPA to get people familiar with it -- to get them actually using it.

Then to check to see if they are doing that and to see -- to learn from what they are doing for the future. So, first of all, this does apply to new rules for sure. There are rules that are in their final stages where we, you know, cannot be at the -- if they are going for signature to the administrator in the next few weeks, demand new analysis.

So, between those there will be opportunity still to do analysis with some rules that are ongoing, even some that have been proposed for which we are going to come out with final rules. So, the -- one of the big challenges that we have -- and then by the way, I am the Deputy Associate Administrator in the Office of Policy, Economics and Innovation today.

In a few weeks, it will be actually the Office of Policy but our role is to oversee the regulatory process. So, a lot of what we do is training, overseeing how things are going with the process that Jim laid out for you. Then measuring, making sure that, you know, that people understand and are doing what they need to do.

So, a lot of the next set of bullets has to do with making sure that everybody at EPA knows about the guidance and that those people who are writing

rules really understand it. Again, the administrator issued actually an all hands memo already to staff so that they are aware, challenging them essentially to think about this in the course of their work.

But also, we will be looking to, you know, our office can only do so much. We will be actually looking to the associate administrators to take charge with respect to the rules that they are in charge of and make sure that they understand what their job is to make sure that their managers and the staff that they have working on these rules are applying the guidance.

Then, in addition, we both have routine training that we do for the Action Development Process where we are putting modules in with respect to this guidance. But we are also -- I am anticipating hopefully to have sort of just in time training for workgroups.

That is a concept that we have been talking about. Then our websites too to make sure that those are very well descriptive of what we do. Of course, we are working hand and hand with the Office of Environmental Justice on all of this.

(Slide)

MS. WISE: So, the next slide talks about how we are overseeing the process and trying to assist in that. One of the things that we have as a tool is the so-called regulatory gateway, which is actually a public website and available to talk about rules that are underway.

One of the first things that you do when you -- what we call tier a rule at EPA is that you go on to the regulatory gateway and say whether you anticipate EJ concerns with respect to this rule in the nature of that. So, that is a first sign of, you

know -- and a first stopping point actually for rule writers to indicate whether they think that there is.

The assumption is you can also put "to be determined" if you do not know. There is also, throughout out document, a reference back to the gateway to -- if you have discovered in your way, on that journey, as you are going through the regulatory process that you do have an EJ concern and you did not think that in the beginning, you can change what you put in the gateway.

So there is always a reminder to update that public notice. So, we will use that tool, as well as we have analysts that serve on all of the regulatory workgroups that are the significant ones. We call these Tier 1 and 2 rules. So, our analysts are being essentially trained in this guidance and told to make sure that they keep an eye out that the questions are being asked.

Along with some selected rules where we anticipate that there is an opportunity, for maybe some selected rules, which we are going to be looking to. Actually, the associate administrators of every major program, you know, water, airways to chemicals, to identify selected rules where we really ought to concentrate some effort because it is an opportunity.

We see it. We see that there is an EJ concern and it is an opportunity to actually learn by doing, by concentrating on some of these rules. We will be working with OEJ on working on that. Then there is a guidance development workgroup who put together this EJ guide who will continue to be engaged and to monitor what is going on because we are calling this an interim guide.

We are actually hoping that we will learn by doing it and make

improvements in 2011. So, turning to the next slide --

(Slide)

MS. WISE: In addition to this process guide, what we are calling a process guide, you know, we decided to actually put this out before we knew exactly how we are going to do some of the analysis or more in-depth analysis and the reason we did that was because we thought we should start asking the questions as soon as we could even knowing that.

So, we are, you know, saying what are the questions that need to be asked knowing that we still need a lot of work on the how we answer those questions. So, that is what this technical guidance is going to do. Again, it is a learn by doing.

We are going to learn from asking these questions that is going to feed into the technical guide. The interim guide, actually, annotates all of the guidance that we have already done with respect to how -- and there is a lot. There are actually 14 enumerated in the guide.

They do not answer all the questions and so we have already -- are taking steps to developing that technical guidance, including a workshop that we had in March called Strengthening Environmental Justice Research and Decision Making, A Symposium on the Science of Disproportionate Environmental Health Impacts.

We conducted that in D.C. in March and that already is helping us to frame that new technical guidance, which we are aiming to have available in early 2011. So, the next slide --

(Slide)

MS. WISE: -- which talks a little bit more about that. Again, we will draw

from our experience and we will, you know, be linked to actually finalizing this Interim Guidance and again, we will -- I have already said we are going to be essentially learning by doing. So, the next slide has to do with our outreach --

(Slide)

MS. WISE: -- during this interim final -- as we are implementing this interim final guidance. Again, the administrator, as Jim mentioned, issued a press release to announce this to the public. We do have an external website there that you can go on and are seeking public comment.

Then we will be having meetings and other external engagements to talk about and get comment back and discuss this guide. So, thank you. Questions?

MS. YEAMPIERRE: I just -- I am sorry. Victoria just distracts me sometimes. You know, I have to say that as an activist and as an organizer, whenever I hear a presentation, I am always looking for the holes. I am always looking for all the problems and you just disarmed me.

(Laughter)

MS. YEAMPIERRE: It is, you know -- that is what I do, right? I just think that this is unbelievable, the stuff that is happening, and the level of commitment and the presentations that have come before us on some issues that we have been concerned about for so long.

So, thank you. I mean I found that to be really -- that was a great presentation. I guess now we are going to take some questions and comments from the members. Did you take down names ---? Okay. Let us just start on the right with Fr. Vien.

Questions and Answers

Comments by Fr. Vien T. Nguyen, Pastor,

Mary Queen of Vietnam Community Development Corporation

FR. NGUYEN: Thank you and --- Elizabeth's view on praising this document and this route that we are taking and if I could address the issue of meaningful engagement for a moment so that it would not -- somehow we need to be conscious of the fact that meaningful engagement here cannot be only from the perspective of the agency.

But it has to be meaningful for the community -- the grassroots communities, as well. Coming out from the legacy of hearings and all that being perform. A lot of times the communities get turn off because they can say all they want and they know that it has no effect.

So, my question would be maybe -- or but not question but recommendation, a suggestion, would be in making -- in writing down the rules, that somehow you would include the written -- or foot note it. That -- so -- about the views that were brought in.

Then whether or not they have been addressed and if they were not addressed, why they were not addressed. Something like that would show that at least you heard. That would make it more meaningful and there would be full of participation as people come -- people's confidence builds.

MS. YEAMPIERRE: Vernice?

Comments by Vernice Miller-Travis, Maryland State Commission on

Environmental Justice and Sustainable Communities

MS. MILLER-TRAVIS: Thank you, Madame Chair. I too want to echo what a huge, huge, huge, huge step forward this is with the agency and say how much I personally appreciate the depth of thinking that went into this process and coming up with this Interim Guidance. I just want to flag a couple of things though.

In terms of the way that the process works for the agency, you put the notice forward in the Federal Register. You ask for public comment. You set the period. The period for that public comment -- and obviously, having done both commented at public hearings on the record and/or provided written comments, I think that the way that you get the most contextual understanding of where -- what environmental justice considerations are is from written comments.

Obviously, you know, you take a record there. You have a formal record. You hear people's comments but the written comments are where people get to go into depth about the various aspects of the rules. You know better than anyone how technical these rules are.

I just want to highlight for you -- I cannot think of a single environmental justice organization in the entire United States of America that has the staff capacity to really develop technical comments and response to the rules the way that the agency normally receives them.

I think the way that people can weigh in the best on the various elements of a rule. I have been spending untold hours over the last few weeks trying to get comments done for the EJ community nationwide on the definition of non-hazardous solid waste, as it pertains to the Clean Air Act, Section 112 and 129.

Were I not working with a national environmental organization, I do not know that I would have the physical capacity. It is already taxing me to my nth degree. I pay attention to the rulemaking. Not everybody does so I want to say that you have taken a quantum step forward.

But I am not sure that there is the --- capacity at the grassroots level to be able to meet you in the middle and give you the kind of feedback that can help you really analyze and understand where the deficiencies are and the rule where the impacts are that you might not have otherwise identified yourself in your own internal comments.

I am not sure what the answer is to, you know, how to bridge that gap but I just want to highlight for you there was a public hearing on the definition of non-hazardous solid wastes in the Clean Air Act in July? June? July? I cannot remember what month it was.

Just in the last few weeks and I think I was the only -- I was one of three environmental justice folks who made it to the hearing in Arlington to go on the record. There were hundreds -- hundreds of industry representatives. Hundreds of them.

We do not have the capacity to be able to match the private sector in terms of weighing in on these rules. How can you guarantee us that when we do rise to the occasion and are able to participate meaningfully, that our comments will be taken as seriously as the thousands of comments you are getting from the private sector on these rulemakings?

MR. JONES: Thank you. I think that they are very good points and the sections on meaningful engagement tries to help give staff the tools for how to hear

one, first find where effected populations are and then how to hear them without it being them submitting a risk assessment because you can hear an awful lot if you are really listening.

That can inform what we do if you know how to reach that community and if you listen and that is what the meaningful engagement section does. I would not pretend that I think we have completely figured that out. I think you have raised a very - it is a good point and one that we are going to continue to have to be vigilant about managing.

MS. MILLER-TRAVIS: I just want to highlight and lift up for praise the efforts that only QPS and the RCRA office have done in trying to go to the nth degree to get that public engagement and that involvement. It has been a really extraordinary effort on the part of those two program offices to try and really dig deep.

However, we still do not have the time commitment capacity to be able to get you comments the way that the agency normally receives them.

MS. YEAMPIERRE: Thank you. Before we go on to the other members, if you could just share with us the kind of input, comments or advice that you are seeking from the NEJAC and what the timeline is looking like? What -- how much time would we have to give you some guidance?

MR. JONES: So, I realize that the full document was just made available yesterday. So, I would not expect that everyone has become a master of it but any reaction that you have with respect to what you think is done well but frankly more importantly what you think we did not capture correctly is useful.

But I also think sort of going forward, we are not going to finalize this

document for six to nine months and so during that period of time any feedback around it, once you have had a chance to get into it, to read it more, with a little more time, any reaction from that kind of a read before it is finalized.

I am sure we will keep this committee up to date on our schedule for ultimately finalizing the document.

MS. YEAMPIERRE: Thank you. Sue?

***Comments by Sue Briggum, Vice President of Public Affairs,
Waste Management, Inc.***

MS. BRIGGUM: Thank you. Actually, I think my comments following logically from what Vernice had raised. I too am really impressed by this even though I did not have a chance to read it. I have to admit we got this yesterday evening, so I apologize.

I looked through it quickly and it is incredibly important to have environmental justice thought out very seriously when you are doing the rulemaking process because there is nothing that is harder, for example, from a facility that will be regulated in these terms to not have an environmental structure and clear rules saying what it is you should be doing so you can comply. So, this is incredibly helpful.

I am thinking really seriously about what Vernice talked about in terms of how you can make sure that the analysis is very meaningful in terms of environmental justice and what I think of is I get the sense -- this document is very different in approach and probably done by different people, I would assume, from the first example we saw of an environmental justice analysis of the definition of solid waste because I think that the decisions in that document would have been in some places like 180

degrees different if this had been used instead.

That leads me to wonder whether there might be a kind of expressly the same thing that I had said earlier before. Whether, when you have your list of the questions you asked about whether it supports or enhances compliance and enforcement in ---.

Those are incredibly important but whether you might also ask whether or not it enhances or supports more reliable, tangible environmental improvement because I think that Vernice is talking about her efforts, I have heard before, in terms of not rolling back protections but constantly trying to assure that the environmental programs are more protective, give people more ability to impact decisions and are more reliable in terms of physical environmental improvement.

If you had that as a substantive element of environmental justice, does this, for example, rollback regulatory standards or does it support and enhance them? Does it make it easier or less easy for the public to be assured that there will be very rigorous standards that are implied?

I think that is the one additional thing that might help the issue that Vernice just raised.

MS. YEAMPIERRE: Do you want to respond?

MR. JONES: I think that those are good points. I will say as Louise alluded to -- she was talking about a little bit of a different context but the -- a lot of rulemaking's have been going on within the agency that are basically done or they are very far along in their process.

They were ahead of this document. We have plugged in with many of

them, in particular those that have a -- where it is pretty obvious there is an environmental justice impact but I think that that, you know -- this pretty much needed to get but there were things that were already happening in the agency.

We definitely were not going to try to stop everybody from doing their work until this was completed and I think that that sort of limbo area is what we are going to be in for a little while. Yes.

Comments by Cynthia Giles, Assistant Administrator,

EPA Office of Enforcement and Compliance Assurance

MS. GILES: I just wanted to clarify, in case there is any confusion, that this document is effective now. We are using this now to do the rules we are doing. The period for comment is -- and the reason this is interim is that we hope to learn as we implement this.

To figure out what needs to be adjusted, if it does, after we have six to nine months of experience with it. During that time, anyone's comments on views they have about changing and their experiences they had are welcome so that when we finalize the document, those can be considered but we are using it today.

MS. YEAMPIERRE: Jolene?

Comments by Jolene Catron, Executive Director, Wind River Alliance

MS. CATRON: Jolene Catron, Executive Director, Wind River Alliance. I do not know a whole lot about rulemaking and so I am just commenting from my gut. My comment is about this very linear process and in my communities, grassroots tribal communities, our process is circular.

So, when you have a very linear process, it creates a checklist. We have

run into that problem a lot of times especially when you are talking about meaningful involvement -- check. So, I would just caution that you are thinking about a more circular process and not so linear and how can you build in more circular ways of this process. Thanks.

MS. WISE: I think that is an excellent comment. I think that the good news here is that this -- although it is being implemented as we speak, we are learning by doing. So, we are trying to take that approach of a sort of continuous listening and learning so that we can improve it.

MS. YEAMPIERRE: Nicholas?

***Comments by Nicholas Targ, Co-Chair of Environmental Justice Caucus,
American Bar Association***

MR. TARG: This is a huge accomplishment. I actually do know what goes into this and I know how much time and dialogue and soul searching and coordination and I can only imagine the number of meetings that went into producing this document. Congratulations. This is a very big deal and everybody should know it.

I am sure that this is spelled out in greater detail while we will feel our way as -- you will feel your way as you go along here. There are a couple of issues, one of which you touched on and that is a foregone reduction opportunity or opportunities to address environmental justice concerns that were not elected either because of the way the issue was scoped or because of, frankly, tradeoffs that were made.

You brought up a very legitimate example of the potential for reductions but where compliance would be made more challenging. Is our fore -- the term is a foregone reduction opportunity in the speak. Is that an issue that is considered

regularly?

Is that also a recognized differs from --- read of the executive order, which is to avoid disproportionately high in adverse impacts. So, this would be -- so pursuing that would be a departure and perhaps a more protective interpretation of the executive order than what would ordinarily be considered?

MR. JONES: The guide asks that workgroups think about that in their analysis and then present to decision makers, if they believe that there might be a foregone opportunity -- the identification of it so that when you make -- when decision makers are making decisions, they are doing it with their eyes wide open fully understanding the potential for that rule to address a foregone conclusion.

It does not say how we are going to approach it. It asks people to consciously think about it. So, it can be on the table when decisions are made.

MR. TARG: Okay. One of the things that -- a couple of follow-on's. One of the triggers or one of the issues that is going to be evaluated is a potential differential exposure, linear distance from a facility. Also, vulnerabilities in --- great.

At the bottom of the chart that says that you should consider these things, there is a line that says some of these issues may be more difficult than others. Ain't that the truth? Are there follow-on guidance's that the program offices will be developing to help with some of these more difficult or sort of repository for knowledge that is developed over time because it is a challenging issue?

MS. WISE: I do think the technical guidance, for one, is, you know, and I think we will be keeping our eye open for, you know, information and in fact in a couple of places in my office, we are looking at issues that we think are going to be hard and

will need attention in the future so, yes.

MR. TARG: These are issues of transparency and then I will be quiet at least for awhile. Will the critical decision making documents be posted as you are going along, perhaps on edocket and that might include the analytical blueprint going along with the action memo.

Then in the -- which is the document that is presented to -- what is the team's name that will actually consider that as the document that will ultimately be presented to the decision maker.

Then in the Federal Register, one of the things that I always found a little disheartening was a statement saying, "Issues of environmental justice were considered, environmental justice populations will be impacted just as any other population will be. Therefore, there are no environmental justice issues raised."

Then moved on and so the degree of transparency, the accessibility to those building block regulatory documents and then also the explanation of the basis for the conclusion.

MR. JONES: So, the document does not change the current practices for making the record available. So, at the proposal stage, the record supports where the agency is proposing to be will be available in the form you were describing. Again, sort of at the end.

So, we did not propose to change in the rulemaking process when the fullness of our analysis is made public but it will be in the record and it will be -- you will be able to see the degree to which we were true to the issues that we ask ourselves to do and how we interpreted them -- the choices that we made.

Whether we did a good job around it or whether we papered it over. So, that will become available in the course of the rulemaking process. Currently, we get the proposed stage and then it will get a final.

MR. TARG: It might be useful to make those documents available. I believe that they would be public documents and it would allow, regardless where you happen to be on any particular rule at any given time, a way of tracking the issue of environmental justice with respect to it and the degree of, frankly, involvement that may be necessary or appropriate from the given stakeholder.

MS. YEAMPIERRE: Thank you, Nicholas. Margaret?

Comments by Margaret J. May

MS. MAY: Thank you. I noticed that this writing begins with the administrator's statement and I really applaud that. Having worked in a bureaucracy for a number of years, I understand that change does not occur easily or quickly.

There are two slides, 6 and 14, that refer to the public participation process and I would like for you to explain what that process is to be if it is an established process, how is that to work? I think it is going to be very important to communicate that to grassroots communities like the one that I represent.

Then secondly, there is a reference in -- something in this that I read very quickly to training that will be provided to the rule writers. Would you also describe that please because I think that is going to be central to success?

MR. JONES: Thank you. So, around meaningful involvement -- this got to the issue of hard to have a one size fits all approach, which we felt at the end of the day that we could not describe exactly what any one workgroup would do to achieve

meaningful involvement.

It would be so specific to the context of the rule that they were working on. So, we tried in this section, Section E on page 13 of the document, to give rule writers a framework to think about how to achieve meaningful involvement.

It sort of -- it gets along the conversation we were having earlier with Vernice about how do you listen to people and using some of the standard tools are not necessarily going to get you there.

You have to do it specific to the issue that you are working on because the group that you need to meaningfully engage for the GSW rule may be completely different in the way you get to the group that you would -- you want to talk to related to -- for example, in my organization, a formaldehyde rule.

You cannot really have one approach because you are going have to think through how to achieve that. So, we describe the some framework that people can use to think through how to reach an effected community that they -- that we may not otherwise had previously reached out to or would not have known to reach in to us.

So, that may not be the most satisfactory -- because it is not that specific but we felt that if we got too specific, we were going to misdirect a large number of rule writers because it really would not speak to their issue.

On the training question, we have a group, and they are folks that work for Louise, who -- part of the their job is to make sure that the people who work on rule writing and EPA are familiar with what their responsibilities are and they have a lot of responsibilities of which we are adding a new one.

So, we are using that structure, that training structure that already exists to

train people who do rules about what the requirements of this guidance document are. So, there is an existing infracture and we are sort of -- we are adding a new element to the syllabus or an element to the course is being added as basically this -- it is training folks on this document.

MS. MAY: I am presuming that you will be monitoring that more closely to start to make sure that it is in fact happening --

MR. JONES: Yes.

MS. MAY: -- that the good habits are -- become a part of the process?

MR. JONES: Right.

MS. WISE: Absolutely.

MS. YEAMPIERRE: Kim?

Comments by Kim Wasserman, Director,

Little Village Environmental Justice Organization

MS. WASSERMAN: Kim Wasserman from the Little Village Environmental Justice Organization. I think I am -- in line with what we are talking about, I think I would have to push back and say that I think that it has to do with what Jolene is talking about. It has to be more than just a checklist of like reach out to the community.

Put something in ---. There has to be some -- I mean, even if it is something that is like going back to like community organizing, are you talking to people? Are people understanding what it is that you are talking about?

Is there a fruitful engagement because I think very easily in other departments we have seen where well, we contact the community and two of them

came out and testified at a hearing and one of them happens to be a local official and the other one is a contractor.

Well, that does not mean meaningful engagement. That is not the community at hand that we are talking about and so I think that -- I know that every situation is going to be different but there has to be some benchmark to say we did make an effort.

Even if the community did not come out and even if the community did not understand, there was an effort made. So, I -- just because coming from the community, I know that we have either heard about a public hearing two months too late and we go in and they say that it is too late.

There is nothing you can do about that but even when we do step up to be there, when there is a timeframe, a lot of times it is just not enough engagement, I think, on behalf of, you know, the EPA or whoever. So, I think that while every situation will be different, there does have to be some benchmark to how deep the conversation went or how engaged folks actually got with community folks.

The other thing I would say is that I think that folks can give resource to some -- like I think NEJAC can give -- and if I am stepping out of line, I apologize but I think we can resource to -- well, I know an organization in this city or I know an organization that is working on that, let me provide to you the names of those groups.

I do not expect all the rulemakers to know all the organizations in every city. So, I think that we -- and again, I apologize if I am stepping out of line but I think that we can provide some feedback to say that I happen to know somebody in this city that you should talk to.

Whether or not it works out, I am not sure but at least make that effort. So, I think again, it is more than just newspapers and radio. It is really the question of using who you have at this table to reach out to those communities to engage them.

MS. YEAMPIERRE: Kim, I think you are right on point. It is a matter of being strategic in your outreach and sometimes even when you do have people show up, you have a stakeholder's group that really does not represent anyone and is not reflective of the community at all.

So, it really is a matter of trying to figure out how you do that outreach in a way that is strategic so that it is meaningful and giving those groups that you reach out to an opportunity for them to educate and inform their stakeholders and the community so that when do come to them, they can participate in a way that is truly meaningful.

Shankar?

Comments by Shankar Prasad, Executive Director, Coalition for Clean Air

MR. PRASAD: Jim, congratulations. I know how much work you have put in in order to reach to this stage. I completely --- Nicholas and with his comments. One thing struck my mind during your presentation. You use the word --- and benefit distribution. That is the fundamental piece of environmental justice.

I mean all of us have seen the progress made in this country whether it be water quality, air quality, pesticide use, you name it. We have made a tremendous progress in the last 30 years but when it comes to the question of benefit distribution, has it been --- fairly --- though that is our goal, distributed has not been.

We know the answer for that. That is the reason that this whole council is existing and this is the reason that we are having the dialogue. So, it becomes

important as you move forward that your technical document that goes into -- takes these issues as most important.

I also want to sort of give you some feedback in the context of cumulative impacts which is very important but at the same time, one can go digging on that to the endless nth degree and can debate on it because of the validity of it and you may have - - end up in the courts because you are -- how do know this for the certain degree that that is going to happen.

So, I strongly urge you not to go in the context of impact assessment but to go in the context of whether it is measurably accumulative sense, whether it is a cumulative exposure differential that is much more of a physical phenomenon that you can see or is it an emission density issue.

Going that direction as a practical way of approaching this technical guidance or technical evaluation and how do you see technical document coming? Is it six months now or one year? Can you --

MS. WISE: Our hope is that we will at least have a draft of the technical document by December of this year and we will be able to then get something out in early 2011. That is our hope. Of course, there is a lot to -- that goes into creating a technical document, including peer review and all of that.

MR. JONES: And it will be very much a living document because we are just going to keep learning and as we learn, we are going to keep adding to that document.

MS. WISE: Right.

Comments by J. Langdon Marsh, Fellow,

National Policy Consensus Center, Portland State University

MR. MARSH: Thank you. Yes. Chairman Louise, I was very impressed last year when you presented this first and now I am really blown away because this is fantastic stuff. I wanted to draw attention to a critical point in the process, which I have been trying to figure out here.

I am just really looking for assurance more than anything else at this point but you have a very good emphasis on early identification of EJ issues. Then you go through a process that involves scoping, you know, figure out what kind of environmental justice analysis do you need.

The kind of assurance that I am looking for is that this is all pretty much, as I understand it, before there is an opportunity for much meaningful public involvement. So, to me, the issue of scoping is key because scoping can, you know, sometimes determine outcomes before you really get started on the analysis.

So, the assurance I guess I am looking for is that in all cases for both Tier 1 and Tier 2 -- I am not sure what they are but they have different processes that the decision maker, who is different in both cases, has, in any event, the input from the Office of Environmental Justice and your office, Louise, into that scoping issue.

So that there is at least some assurance that the scope will be sufficiently broad or -- but not too broad and will give communities the assurance later on that you have really gone through a good process to determine what ought to be analyzed.

MR. JONES: Yes. I think that we can give that assurance and the meaningful involvement is expected to occur from the very beginning, not just when you get to the public comment. It is very much a part of the process from the get go.

One of the questions that we were referring to earlier is how did -- you know, what did do about -- how did you attempt to achieve meaningful involvement and then how did it influence what -- where we ultimately are proposing to be as sort of a way to get at that issue in a way that is documented, as well.

So, I am really feeling very uncomfortable. There are way too many kind things being said so I would like the people who worked on this who -- workgroup, many of whom are in the audience today, to stand up and get the credit where -- for the credit to be where it is due and that is the workgroup who did this work.

(Workgroup standing)

(Applause)

MR. RIDGWAY: Wynecta.

Comments by Wynecta Fisher, E2, Inc.

MS. FISHER: Hi. Wynecta Fisher. Meaningful participation. Meaningful involvement. I actually have two questions, it is two parts, and you mentioned several times risk assessment. I am thinking of a grass -- or grassroots communities in general that might not have the means to employ someone to explain risk.

So, risk is not something that is easy to understand. I have problems understanding. I always have to get someone to sit me down and break it down four and five times because saying 10 to the minus something means nothing about -- you know, am I going to die or not? That is kind of a -- what does that mean? What does 10 to the minus --

(Laughter)

MS. FISHER: What does that mean? So, I guess when you are trying to

get some feedback from communities, sometimes -- how do you break risk assessment down so everyone can understand it?

MR. JONES: You know that is a great question. I am actually going to answer with an example of what I -- an effort we undertook to attempt to achieve meaningful engagement around a chemical that we are evaluating for potential regulation. That is formaldehyde.

So, we scheduled public meetings well -- very early in the rulemaking process. We have not gotten a proposal. We have not decided what we are going to do. It is about gathering information. We scheduled a number of public meetings.

We made sure a couple of those public meetings were in places where we knew there was community concern from the trailer issues and -- related to Hurricane Katrina. So, we scheduled public meetings and we attempted to ask some questions to bring some structure.

Have you ever experienced anything that you think may have been associated with formaldehyde? What has that experience been? How big is your trailer because that can ultimately help us figure out how to do a risk assessment? So, you are in a fact finding mode and never do you go and say "And this is what we think the risk would be" at that stage.

You are trying to learn from people who may have a different exposure than someone living in a 2,000 square foot house that has new furniture, which is, by the way, another way to get formaldehyde exposure. So, it is about asking people questions but then also being open to sort of -- is there anything else you want to tell us about your experience with respect to formaldehyde.

Now then, down the road ultimately we will want to go back and talk about well, here are the findings that we have had, so here are some of the options that we are thinking about. That, I think, is getting to where you are talking about how do you then convey whether or not there is some potential harm.

I think ultimately people want to know, is am I safe and are my kids safe. Risk assessors and government officials have a hard time with that language but I think ultimately that is what people are asking us. How we convey that, I think, is a very difficult -- it is difficult.

It is difficult for us to do. There are some things that you just -- they are not that easy to break down but I think that is what you have got to be prepared to answer is when someone asks you well, if did option a, would I be safe?

MS. FISHER: And maybe something that you could consider is that when you are sitting down, once you have the results, take a grassroots person that does not have a risk assessment background and sit them down with that data and say, "Here is what it means.

How would you tell this -- how would you describe this to the people that you represent." That could be a beginning of dialogue possibly.

***Comments by John Ridgway,
Manager of Information Management and Communications Section,
Hazardous Waste and Toxics Reduction Program,
Washington State Department of Ecology***

MR. RIDGEWAY: Thank you. I am going to call on myself here for a moment. I have a question regarding slide 19 where I am not sure I understand where

you are talking about advancing technical scientific capabilities as an effort.

Maybe for the benefit of the council and the members of the audience, where do scientific capabilities and technical efforts really blend into this plan and then I have got a couple of comments after that.

MS. WISE: Well, just one that occurs to me as to this question of cumulative risk, I think that there are a lot of questions around that and that there is a lot of science that needs to be done.

So, part of effort is whatever those science questions are to advance that as we go and answer the questions as much as we can on the analysis part of this. So, you had a second question?

MR. RIDGWAY: This is more in the context of a recommendation and I think maybe for Victoria. That is that in the context of engaging communities and the public around these issues, I would suspect that sometimes people who are particularly interested in environmental justice and how it is being incorporated into EPA's work might find some of this work, both in terms of this and the permitting effort before that we heard earlier today, if it was also referenced on our EJ website.

So, to the extent that these documents are available or other things, you know, you are going to cover a different demographic rather than people going to the program's specific website. So, I am asking maybe for a duplication there to help get the word out.

Then on a similar theme, also again, the regions are just such a key here so that understanding who within each region can understand this using the regional EJ and other EPA resources to help engage folks because we see the national distribution

list.

The listserv of these things going on and for people who are actively tracking it, they will see it but many are not. So, those are my two comments.

MS. V. ROBINSON: I will go ahead and answer that, I think, John. I think we can certainly add these documents that are already in the public domain and onto the NEJAC website and maybe add it as the section on documents under consideration by the NEJAC ---.

MR. RIDGWAY: Great.

MS. YEAMPIERRE: So, we are going to take one more brief comment and then Rob, we are going to take a 10 minute break after they are done. Is that good with you?

MR. BRENNER: That is fine.

MS. YEAMPIERRE: Okay. Good. All right. So, we are just going to take one comment and then we are going to take a 10 minute break. Thanks. I am sorry. Vernice?

***Comments by Vernice Miller-Travis, Maryland State Commission on
Environmental Justice and Sustainable Communities***

MS. MILLER-TRAVIS: Thank you, Elizabeth. This question is about sort of the legacy of this work going forward. We have had -- and this is somewhat of a political question so feel free to pass it over if you choose, which might have to happen but I want to ask it anyway.

We have had experience before dealing with really sort of heavy duty structural and institutional issues at EPA trying to move the ball forward. This was not

an issue that fell with your purview at all but the Title VI guidance, Interim Guidance.

A tremendous amount of pushback came from others who did not feel that the agency should move forward in that way. The agency withdrew the guidance and it was never heard or seen from again. In those years that have lapsed in the interim, that level of protection that community sought from the agency did not happen.

So, what I want to know is given that this is such a quantum institution, in 2016, when this administration comes to a close, and we move into another administration, which may be a different political party, it may be the same -- how do we ensure that this practice, this policy, this guidance is part of the instructional fabric of EPA.

And that it goes forward long after Jim has retired, long after Elizabeth and Vernice and other people have, you know, moved on to retirement, which will be about when we are 80 -- how does that --

(Laughter)

MS. MILLER-TRAVIS: How does that -- how does this institutionalize itself and how does it become a part of the fabric of how the agency does its work regardless of who the president is, who the administrator is and who is sitting around the table at EPA.

MR. JONES: Thanks and that is a question that I have a lot of passion around. If we do not institutionalize it will all have been for naught. I think one of the keys is to have it done early enough in the administration -- that we have time to get it into the fabric.

My experience, having been in multiple different administrations is that

when you do analysis that is -- stands on its own. The analysis stands on its own, it is very hard to undo that whether you like it or not. The objective here is that we are going to be analyzing these issues by the time this administration ends that.

The analysis is going to stand on its own and it will be better able to weather if there is a group that is less interested in seeing it continue. So, really, a very much a part of this being as early as it in this administration is to give us the time to make it just a part of this is how we do our work here.

That is -- if you are doing a rule, this is what you are doing. If that is how - - if we are in that place when the administration turns over, I think there is a very good chance of surviving the test of time. If it does not, then it really is -- as you said, it really was not all it could be.

MS. WISE: I also think that that is behind the decision for us to move ahead with this interim process guide right away even though we did not have every answer to the how yet. So, again, learning by doing but also getting it into the fabric of the process that is within the agency.

MS. YEAMPIERRE: Thank you. I do not know about Vernice being 80 in 2016. I certainly won't be --

(Laughter)

MS. YEAMPIERRE: So, I will be around. I will be around. Well, thank you so much. We are going to take a 10 minute break and see you in a few.

(Whereupon, a brief recess was taken.)

MS. YEAMPIERRE: All right. We are going to get started. We need the NEJAC members back at the table. Do you have quorum? Do you have quorum? If

we have quorum, we will keep this moving.

MR. : Five, six, seven, eight ---. Yes, we have got it.

MS. YEAMPIERRE: All right. We have got quorum. So, Rob.

MR. : We have to have a DFO.

MS. YEAMPIERRE: Okay. Okay. We need a DFO. Where is our DFO.

We are getting started.

MS. : Yes. Okay. I am sorry.

MS. YEAMPIERRE: Welcome Rob. Rob Brenner with the Office of Air and Radiation.

Regulating Air Emissions of Power Plants

by Rob Brenner, EPA Office of Air and Radiation (OAR)

MR. BRENNER: Thanks, Elizabeth. I am here with Tamara Saltman, who works with me in the Air Policy office and has been involved in a number of power plant issues, mercury issues, community development issues and environmental justice so certainly was the right person to be here with me.

Unfortunately, because of some of those responsibilities she will probably be leaving partway through this discussion. We wanted to try to give you some background on where we are at this point, with respect to power plants and the Clean Air Act, because we are at a critical juncture.

Although I do not really want to make this about me, I cannot resist by starting -- well first, before I say this I also want to say that I do not believe you have copies of the slides so -- do you have copies?

MS. : Yes.

MR. BRENNER: Okay. Great. At least the ones I saw were not the ones that I am going to be using. So, at any rate, you have full permission from the speaker to turn your back on me and look at the screen after we get rolling. That is fine. I will give you some comments on some of the slides up there.

I started at EPA in the late '70's and at that point, there was a lot of discussion going on that I was involved in on what do we do about power plants, especially coal fired power plants. The kinds of questions, as you can imagine, happen in these regulatory arenas were well, are there really adverse health effects from these power plants?

Supposing you put controls on them? Supposing you put scrubbers on them? Will they really work? Will those plants retire soon anyway so control them if they are going to retire soon? Is it worth it to control them? Fortunately, the answers now are in.

I am going to talk about it during this presentation that yes, there are adverse health effects from coal fired power plants and they are very significant. I think it is widely accepted that scrubbers work. No, these plants are not likely to retire soon.

Many of them have been around for 40 or 50 years and more and they continue to exist and there are economic reasons why companies would want to keep them around and is it worth it? I will show you some of the evidence we have as to how worth it it is.

Now, as that evidence became -- started to roll in, I can say that we have made progress. About half those power plants do have controls on them, have scrubbers on them and that is largely a result of programs such as the Acid Rain

Program, which was part of the 1990 Clean Air Act amendment.

The work of the Enforcement Office, which has gone back and revisited the power plant sector to see how well they are complying with the Clean Air Act and found a number of instances where they have not and have reached agreements and required controls to be put on plants.

There is a Regional Haze Program that has helped and there are a number of states that have taken actions on their own, sometimes under the framework of the Clean Air Act, sometimes acting on their own. But nonetheless, we have made progress and we are about halfway there and that is only halfway.

There is a lot more left to do and these following slides will show you some of why that is the case. So, if we could get the next slide. Thanks.

(Slide)

MR. BRENNER: You will see that when we look at air pollution around the country, a large chunk of that pollution comes from power plants. Sulfur dioxide emissions, which eventually create fine particles in the atmosphere including causing problems in their right, are -- power plants are about two-thirds -- a little more than two-thirds of those emissions.

Nitrogen oxides, power plants are about a fifth of the emissions. Mercury, they are close to half of the mercury emissions and the direct emissions of particulate matter, they are almost 10 percent -- about 8 percent of those emissions. For one category of sources to emit that kind of pollution really is a big deal.

(Slide)

MR. BRENNER: In fact, the next slide shows that all around the country,

there are about 400 coal fired power plants and when we talk about a plant, you might have a couple of boilers at the same site. So, there are about 1,000 boilers and those 1,000 boilers together are at 400 sites around the country.

Almost all of that air pollution from power plants that I described in the last slide comes from coal fired power plants. So, the next slide that we will put up talks about ozone.

(Slide)

MR. BRENNER: This is part of -- why do we care about those pollutants? The nitrogen oxides, the sulfur dioxide emissions and ozone is something that is formed from nitrogen oxides and hydrocarbons, as most of you are well aware of, and can pose significant health problems for people.

Everything from asthma attacks to respiratory infections and even death. The people who we are most concerned about here are people with lung diseases, such as asthma, children, older adults and people who are most likely to be exposed to ozone -- people who work outdoors and children who play outside.

(Slide)

MR. BRENNER: With respect to particulate matter, on the next slide, those emissions I talk about contribute to the formation of particles. There are direct emissions or particles and fine particles that are probably the biggest health threat we deal with in the Air Program.

I would argue probably for the agency as a whole, it is the largest health threat we are dealing with. This is something where there are premature deaths on the order of hundreds of thousands of premature deaths per year from exposure to fine

particles.

10's of thousands come from coal fired power plants. Not only are there these premature deaths but there are cardiovascular effects -- heart disease and heart attack kinds of problems and respiratory effects.

(Slide)

MR. BRENNER: So, the next slide is something we have been working on lately trying to figure out ways to portray graphically what the adverse health effects are from ozone and fine particles. The effects, as you can see here, once I describe to you -- I know this is a little bit difficult to see but the effects are pretty dramatic.

Those small boxes there are counties. These are all the counties in the U.S. and for each county, the ones that are dark blue there, they have less than 80 deaths per year. It is not 0 but less than 80 deaths per year from exposure to fine particle and ozone. This is based on the 2005 data that we have.

You will see a number of light blue areas. Those light blue areas are where there are 80 to 295 deaths per year, is what our modeling shows, from exposure to air pollution from ozone and fine particles. The next color up, the greenish color, would begin to get to 300 to 800 deaths per year.

Then, as we get into move to move into the yellows and reds, you are talking levels that are over 1,000 deaths per year. You see that basically in the southern California region and a little bit in the northeast. By any measure -- I mean, many of you are familiar dealing with toxics rules, for example.

You see the number of deaths and illnesses there. We are concerned about those and spend a lot of time on our toxics program and will continue to spend a

lot of time on our toxics program. I do not want anybody to lose sight of how important these ozone and fine particle adverse health effects are.

They are very significant across the country and it is not just on the coasts, as people often think might be the case. As you can see, there are substantial concerns between the coasts too. So, that gives you a good sense of why the major contributor to these deaths and illnesses, coal fired power plants -- not just in the area right around the coal fired power plant itself, in the immediate vicinity, but downwind is important to us.

I will talk to you about what we are doing about that downwind transport in a moment.

(Slide)

MR. BRENNER: So, the next slide does talk about the fact that we are concerned about these coal fired power plants from a toxics perspective too. It is not just ozone and fine particles, as I have talked about, but toxics also. Mercury is the one that you hear the most about because it is a well-known neurotoxin but it is also because of other toxic emissions from power plants, metals and organics, including dioxin and the acid gases that they produce.

So, what we are doing in developing this rulemaking on toxics, and I will give you a schedule in a moment, is we are doing a very extensive data collection request from these sources to determine what the emissions from these facilities are.

We want to make sure when we do this rulemaking next year, we understand that we have the data as to what is being emitted and we understand what the best performing sources are accomplishing because the goal of this rulemaking is

going to be to bring all sources up to the level of the very well performing sources in this category.

These standards, when we do these toxics standards next year, they apply plant by plant. They are going to ensure that this toxic pollution is controlled in each facility.

It is not going to be something that can -- where there will be emissions trading involved because it is being done under the section of the Act, the toxic section that precludes the use of trading programs. That has to be accomplished facility by facility.

(Slide)

MR. BRENNER: The next slide describing some of these upcoming actions that I just mentioned, so you can see the full picture, is recently established ambient air quality standards for sulfur dioxide. That was completed earlier this year.

We are reconsidering the ozone standard which with the administration -- the previous administration did a modest tightening of the standard. We wanted to relook at that to see whether further reductions in ozone are needed. We will be finishing that rulemaking later this year.

The transport rule, which I am going to talk about, which reduces the long-range transport of pollution from power plants was recently proposed. You may have read about it the last couple of weeks in the paper, and I will talk some more about it soon, was proposed and will be completed next year.

The ambient air quality standards for fine particles, because although they were tight -- tightened in 1997 and modestly tightened again a couple of years ago, it is

now time to relook at that and we are going to be proposing new fine particle standards.

The Science Advisory Group that advises us on that is meeting, as we speak, to talk about their recommendations to us on fine particles and that is going to be proposed in November and final next year.

The MACT standard, the Maximum Achievable Control Technology for Toxics, and that is the mercury and other concerns that I just mentioned, is going to be proposed in March of next year and go final towards the end of the year and as part of that there will also be a set of new source performance standards associated with it.

So, that is for new facilities and modified facilities identifying what are the best emissions rates that should be achievable at those sources. So, that will apply to new sources and sources that are modified during their lifetime.

Then we will update the transport rule. As these new standards for ozone and fine particles kick in, it will be important to revisit the transport rule and make sure that we are dealing with pollution that is transported downwind.

(Slide)

MR. BRENNER: So, talking about that transport rule on the next slide, which was recently proposed, this an effort -- it is colloquially called the Clean Air Act's Good Neighbor Rule but it essentially tries to ensure that the pollution from states upwind is controlled so that downwind states have a shot at reaching these air quality standards.

Otherwise, they are sort of sunk before they start because the pollution coming into their state is great enough that they cannot meet the standards themselves.

So, we have -- the previous rule, which was called the Clean Air Interstate

Rule, which had been put in place by a previous administration, was thrown out by the courts because of some concerns there as to whether it adequately addressed the downwind problems that were -- that are posed by transported pollution.

So, we have redone that standard to try to meet the courts concerns. It is somewhat stronger than the previous standard was. Two rounds of reductions -- one in 2012 where we try to preserve those initial core requirements and then some further reductions in 2014.

We have set up a framework to ensure that as these new standards come into place, we have a framework for getting the additional transport reductions that I mentioned. We do not have to start all over again with the new transport rule but we can use the framework that is established in this transport rule for additional reductions when they are needed.

One of the issues with the courts was the trading aspect of it. So, we have greatly limited the scope of trading and put in some safeguards in the proposal. For example, no more than 10 percent of the pollution can be traded from a facility in any one year and the idea is to give facilities a little bit of flex.

If, for example, you have a very hot summer and there is a need for some additional electricity to be generated, we wanted them to have a little bit of latitude but we also wanted to put in some safeguards so that there cannot be very large increases in pollution.

We have also proposed two other options which would even limit trading further in the program. We are taking comment on it and this an excellent example of what Vernice was talking about earlier. These are the kinds of issues that we are

putting out there.

We are asking for comment on and we are going to try to do our best to make it possible for you to both understand what is in the rule and you and the groups you represent to be able to comment on these rulemakings. I will come back to that in minute but first, just to give you a sense of the transport rule and the impacts.

You can see the red bars show what emissions have been in the past and the yellow and green bars show how much we can bring them down just as a result of this rulemaking. That is even before I get to the other rulemaking's that are coming like those MACT standards which will achieve additional reductions.

The goal here, as I said, is we pretty much have been able to cut power plant pollution in half since the late '80's but it is time to do a lot more given the kind of health concerns that I described to you earlier.

(Slide)

MR. BRENNER: So, the next slide, in terms of how we go from proposal to final on this transport rule, is first of all to harken back to what you heard from back Jim and Louise in trying to incorporate environmental justice concerns into rulemakings. This rulemaking was pretty far along.

It was proposed even before this new guidance was issued. Nonetheless, we have tried to incorporate environmental justice concerns into the rulemaking. One other thing we wanted to do was avoid backsliding from the Care rule so we moved very quickly to try to lock in those reductions so that there is not backsliding while the new, more extensive reductions in 2014 are put into place.

We wanted to make sure this rule did not focus just on what some

tonnage reduction we want to get. Do we want to get from 8 million tons down to 6 million tons or some level like this? This is due to state by state air quality modeling and determine what is needed state by state to help states meet the standards.

That is the way these limits are being set on state by state total emissions. It is based on the science and the air quality modeling that is needed to help achieve public -- our public health rules. We also understand that there are economic considerations that go into an appropriate environmental justice strategy.

That there are a lot of people who are hard pressed to pay the costs of controls on power plants and we need to try to keep the rule as cost effective as possible to limit those price increases. We have done some work to try to ensure that.

One of the other things -- and this is a point that Jim made about how, as we do analysis on rulemakings, they will tell us things about rules that will make it apparent that it is valuable to do these environmental justice assessments.

To take a step back and think about these rulemakings in addition to the way we think about rules from a small business perspective, from a benefit/cost perspective. All the other things we do, we also need to be thinking about rules from environmental justice perspective.

For example, when we looked at this rulemaking, in the analysis, we saw that there was potential that emissions would increase in the state of Texas as a result of doing this rule compared to what they would have been.

The reason being, if you put additional controls on states just east of Texas, in Arkansas and Louisiana and elsewhere, to some extent people will say, well, we will generate our power from plants in Texas. You have the potential for some

increased emissions.

We are still looking at that issue but it is one we are taking comment on in the proposal as to whether perhaps there should be some additional requirements there to avoid adverse effects in communities in Texas. I do not know where that is going to come out.

We are taking comment on it but it is a good example of the kind of issue that should be raised and worked through in rulemakings. I think what is going to happen over time, as we use this new guidance, is there will be a whole list of these kinds of issues that arise and get worked through.

I think that is what is going to help people in the agency and in future administrations realize that is essential to take that kind of look at rulemakings before you complete them and make sure those sorts of issues have been addressed. The other part of folding environmental justice considerations into rulemakings is making sure there are meaningful opportunities to comment.

In addition to providing us with written comments, there will be three hearings in places around the country. We -- it is not locked in yet in terms of exactly where these hearings will be but we will announce it next well.

I am pretty sure that we will end up being in Chicago on August 19th, in Philadelphia on August 26th and in Atlanta on September 1st. We will have people from EPA there who have been involved in developing the rule, listening to comments, folding them into our consideration process before we go final. So, one other bit of comment on the next slide.

(Slide)

MR. BRENNER: Thanks. Is that the rule is going to be published at the beginning of August. The Federal Register is working on formatting that rule that is now up on the web. We will put it in the Federal Register. There will be a 60 day comment period, in addition to those public hearings that I just mentioned.

If any of you have problems figuring out how to engage on this, I will invite you to send notes to me or to Tamara and we will get you in touch the right people in the agency to make sure you can comment. Of course, we will get these slides around to all of you.

The slides will have the website there that you can also use to get engaged in this rulemaking. I understand I am not just asking you personally but also there are a number of groups you represent and other groups you work with. The stakes are large here in terms of public health and in terms of economic impacts, including rate payer bills.

I think it is important for you to get involved in a meaningful way and help us sort through this very difficult and important set of issues. So, that is it. I would be happy to take questions, listen to comments now or -- especially if there are ways you think we could help you get better engaged on this set of issues. I would welcome those comments too.

Comments by Elizabeth Yeampierre, NEJAC Chair,

Executive Director, UPROSE, Inc.

MS. YEAMPIERRE: Thank you, Rob. As you know, I always complain about the fact that there are so many power plants in the community that I am from. So, I am of the position that there should be a moratorium on building new power plants and

expanding old ones unless the old infrastructure is taken out.

I just have a few questions and I am going to go around the room to get questions from the members. We had heard earlier today that the Interim Guidance is being used. So, how much is this process being guided by that? That is my first question.

MR. BRENNER: --- rulemaking ---?

MS. YEAMPIERRE: Right. Mike.

MR. BRENNER: Thank you. As I was describing, this rulemaking was being developed at the same time the Interim Guidance was being developed. So, it is not formally under the Interim Guidance but the points I was making before about aspects of the rule that are related to environmental justice, it was in part because we try to do that sort of work and it was also in part because we have been involved.

For example, Tamara and I have both been involved in the rulemaking and in the development of the environmental justice guidance. So, there is a good deal of cross --- going on between the two efforts. When the rule goes final, we will be answering those questions that Jim put up there about has there been meaningful participation and what kind of changes have you made to the rule as a result of the process that you engaged in.

So, it is not formally a part of the guidance because of the timing but we will be meeting the types of requirements envisioned in the guidance.

MS. YEAMPIERRE: Also, you know, the environmental justice movement generally across the country does not support cap and trade programs in part because, at least from my perspective, it does not address the issue of citing. The facilities can

continue to be cited in our communities.

You mentioned that there would be a limit on 10 percent. You talked about other limits on trading. We are concerned -- and maybe you can explain it. Maybe I was not following it but we are in New York City and so we are next to other communities that are EJ communities.

So, we would be concerned about Philadelphia. We would be concerned about New Jersey and communities that are EJ communities in New Jersey. How does that actually work so that you can protect -- so that we do not become NIMBY and we can protect neighboring EJ communities?

MR. BRENNER: Right. The way this works is that each state receives a limit on the amount of pollution its power plants can emit. That limit is based on reducing transport downwind. So, we have set limits based on trying to address those kinds of concerns, both locally and downwind.

The -- one of the -- the preferred option that we put out in the proposal, but we took comment on other options, would allow some limited amount of trading. As I said, the most in any one year would be a 10 percent increase in emissions.

If something unusual happened like there -- the power plants were needed for reliability concerns because it was a very hot summer and you needed to run the power plants to avoid brownouts and blackouts which have their own set of health concerns.

We felt that we needed to do something to recognize that but we also took comment on other approaches where there would be -- where you would not have that ability to increase emissions by even the relatively small 10 percent -- that you would

have to just do your averaging within the state, for example.

So, you would not be able to purchase the ability to buy allowance, purchase allowances, from other states even for one year. It is just for one year overall, the limit is 3 percent rolling average to ensure that it is not every year somebody goes out and gets a 10 percent increase in emissions through purchases.

So, it is part of that process of trying to make sure we have a reliable power plant system, a cost effective strategy, but that we do not allow pollution spikes. So, we have three different ways of trying to accomplish that and that is where comments are important to us as we move towards the final decision on it.

MS. YEAMPIERRE: My final question is have you -- I do not know how you are working with other initiatives that EPA may have on sustainable communities or other initiatives. Are they looking at -- is anyone looking at the possibility of taking communities, EJ communities, off the grid and incentivizing alternate sources of energy?

To basically start transitioning them off the grid on the dependency on the traditional power plants? Is that a crazy question?

MR. BRENNER: No. It is not a --

(Laughter)

MR. BRENNER: It is not a crazy question. Well, here is -- there are several considerations there. One is, you know, if you take people off -- one of the things the grid does is it provides communities with backup power. So, you want to make sure that they are not literally off the grid because you want to make sure if you have a power outage in an area, you can bring in power from elsewhere.

But in terms of where does the power come from, is it going to come from power plants that have a lot of pollution or is it going to come from power plants that have a lot less pollution or even renewable sources with virtually zero pollution.

The way we are thinking about that is that we need to set health based standards for power plants. We need to set the standards for what does it mean to be a clean coal plant. What does it mean to be a clean gas or oil fired plant? Once we do that, then they can compete with those renewable sources.

It has to be a fair competition and if some of these plants are much dirtier than others and they are imposing these costs on public health, it is not really a fair competition because they are cheaper than they really should be because they are not controlling their pollution.

They have a competitive advantage over those renewable sources. So, I think the best way to describe what we are trying to do is set up something where the competition is fairer and then we will see out there a mix of renewable sources.

We will continue to see some oil and gas and coal plants but they will be clean and they won't be imposing the kind of adverse health effects that I showed you on that map.

MS. YEAMPIERRE: Thank you. I just really needed to hear about the renewable sources and how they may be incentivized because we have got 48 peakers that operate when the demand is highest and serve other communities but drop tons of emissions on our community.

So -- and we are right up against them. They are literally like a block -- like across the street from where people live. Chuck?

Comments by Charles Barlow, Assistant General Counsel, Environmental Entergy Corporation

MR. BARLOW: Thanks, Rob. Let me start out by saying that thank you. Really. Thank you very much. The Air folks at EPA have always been extremely professional. Whenever our company has had to go in and deal with you, which is, you know, sort of daily --

(Laughter)

MR. BARLOW: Very professional. Difficult discussions but good discussions, you know, and we really appreciate being able to have discussions. I got a little lost when you started talking about the Texas and because it sounds like an EJ issue, specifically could be an EJ, could you just go through that one more time?

MR. BRENNER: Tamara, do you want to ---?

MS. SALTMAN: Sure. As Rob was saying, what we were looking at when we designed this rule was do emissions from one state effect non-attainment areas or maintenance areas to somewhere that is just under non -- just barely attaining downwind.

Our data says that Texas currently was not doing that for fine particles. So then when we went through and we did our modeling, we applied the -- what we called the remedy. So we said, okay, if everyone does what they are supposed to do under this rule, what is going to happen?

We saw that our modeling projected that emissions in Texas were going to go up substantially. We said that was not the goal. They are not covered by this program and that is why their emissions were able to go up because they do not have a

limit under this program but that is clearly not the goal of what we are trying to do here.

So, we are taking comment on whether there is a way for us to prevent that from happening.

MR. BARLOW: Do you know where you are suspecting the power to be required or where you think it would go? In other words, do you think Texas would be producing power and sending it across state lines apparently? But Oklahoma is not in the program either.

Arkansas is not in the program except for summer ozone. Mississippi is not in the program except for summer ozone. So, I mean, is it just a Louisiana issue?

MS. SALTMAN: No. I think we do have that information. I do not have it at my fingertips but I think we can certainly talk about --

MR. BARLOW: Sure.

MS. SALTMAN: -- exactly what the modeling is saying and exactly what we are expecting there. Part of it is not necessarily an increase in power. It is a -- the market for coal is, of course, goes across state boundaries.

So, as lower sulfur coal gets more expensive because more people want it, the state that has fewer controls will say well -- or sources in that state will say well, why spend more to buy lower sulfur coal if I do not have to?

So, it might be an increase in a -- it is part -- mostly a combination of an increase of emissions and increase in generation.

MR. BARLOW: Thanks.

MR. BRENNER: I will return the compliment, Chuck, in say that Entergy is one of the companies that usually walks in with their own set of analysis that -- the

discussions are very much analytic and fact based and this is one where having your take on those set of emissions issues, you know.

Look at our data, come in, let us talk through it would be very helpful.

MS. YEAMPIERRE: Okay. Teri?

Comments by Teri Blanton, Fellow, Kentuckians for the Commonwealth

MS. BLANTON: Well, I happen to live in a state that gets about 97 percent of their energy from coal and I think it would be -- it is a real EJ issue when we talk about bringing to attainment, not that I do not want to happen, but I think that in the past we have seen that when we lower what comes out of the stacks -- and being from Appalachia, I think I take a real problem with clean coal.

There is no such thing as clean coal. So, you might make it a little cleaner coming out of the stacks but there is no such thing as clean coal. So, in the past we have seen that when we cleaned up what came out of the stacks that meant more went into the waste.

Right now we are looking at a rule of how are we going to designate coal combustion waste. So, are you working together with -- to figure out if we cleanup what comes out of the stacks what is going in the ponds because we know the more we take out of coming out of the stacks, it goes into the ponds.

Kentucky is ground zero for coal combustion waste. I think we probably have some of the most storage of coal combustion waste than any other state in the nation. So, I guess my big question is as we cleanup what comes out of the stacks, how are we going to deal with it when it is the ponds? Or how are we going to deal with it as waste?

That is a very big question. How do we deal with the environmental justice issue? I mean we always hear that Kentucky has the lowest electric rates. We do have the lowest electric rates but we have the largest electric bills because, you know, we have poor housing stock, you know.

Saving energy is not high on people's agendas because of the low rates. So, as we move to regulate the carbon and other emissions, how do we help those states that get 97 percent of their energy from coal?

MR. BRENNER: A couple of things. First of all, on the waste issue and coal ash, there are two other rulemakings working their way through the agency at the same time we are doing these air rules. One has to do with water, effluent guidelines from the plants, and the other has to do with coal ash and appropriate disposal of coal ash.

There is a good deal of cross agency effort between the programs to address those issues and try to make sure we are doing it in a way where the different programs will work together effectively. So, you will see what -- the proposal is already out on coal ash.

That one will be going final in the same kind of timeframe I showed you these other rules. We have already had a good deal of discussion, in terms of the comments coming in, about how these rules affect one another.

So, you will see coordination between those rulemakings and consideration of issues such mercury in the ash, which I think you were especially referring to mercury and other heavy metals in the ash. The rate issue that you raised, I did not have time to talk about it in my opening remarks but I really want to take a

minute to talk about that.

Last week, I spoke out in Sacramento to the Association of Utility Commissioners, the national group, because we wanted to point out to them that when we do our analysis of what it takes to meet these standards, if there is a good deal of energy efficiency investment that goes on, it becomes far cheaper to meet those standards because the problem is exactly what you mentioned.

In many areas where you have poor housing stock and they use a lot of electricity and then you increase the cost of producing coal fired electricity, you can have some significant price increases.

But if you have an energy efficiency program, if you basically provide the utilities with a rate of return for efficiency investments and you provide them the same or as much or better incentives to invest in energy efficiency as investing in new power plants, then you can meet these standards at much less cost.

You do not need to have as many coal fired power plants around. You can retire some of them because you no longer need them because you are not using as much electricity because you are more efficient. There is less demand for it. We found that you can greatly reduce the costs of meeting these controls if you combine it with an efficiency program.

We got a very positive response from the Regulated Utility Commissioners. They have committed to work with us over the next year or two to figure out the best ways in which we can work together to both be promoting energy efficiency programs along with cleaner power plants. So, I am very optimistic that we are going to be able to do that.

MS. BLANTON: So, these initiatives, do they also cover co-ops -- electrical co-ops?

MR. BRENNER: Yes.

MS. BLANTON: Rule electric co-ops?

MR. BRENNER: They do. Unless the power plant is very small, it is covered. So, the co-ops do tend to operate good sized power plants, good sized boilers and they are covered by this whole set of rulemakings I am describing to you.

MS. BLANTON: Thank you.

MS. YEAMPIERRE: Thank you. Jolene?

Comments by Jolene Catron, Executive Director, Wind River Alliance

MS. CATRON: Hello. Jolene Catron from Wind River Alliance. I was struck by your map that shows all of the coal fired power plants that produce most air emissions in your presentation. So, I would like to thank you for including that.

Then, I was kind of putting that up against the map that shows the mortality -- the ozone related mortality in the --- related morality rates and just to see, you know, if the dots kind of correspond to the higher rates and to see if there is any kind of correlation there that it made me think, okay, this data about the mortality data and Krewski and Bell and where that came from and where that data came from and if they are actually accessing IHS, Indian Health Service data.

This kind of representation, these dots on the map, and these large blocks are prime examples of how Indian country is left out of the equation because statistically speaking, we are not represented on here.

So, if you look back at the dots and you look at Navajo Nation, if you have

an idea of the approximate boundaries of Navajo Nation, the Four Corners, there is approximately two, three, four, five -- five or six coal fired power plants on the Navajo Nation itself.

So, when we are talking about health impacts to the Navajo Nation, I am wondering how they might have fallen through that data -- the mortality data might have fallen through the cracks in this kind of representation. So, what I would like to -- and this is something that we talk a lot about when we are talking about overarching screening tools, EJ screening tools, things like that, is how tribal nations are not represented statistically in a lot of this information.

So, I would encourage you to also include in your public meetings a trip out to Navajo Nation and not just talk to the tribal government themselves -- or even the pueblo governments in the area, Hopi, Zuni, Navajo's, but include a real strong public participation process in that.

There are a lot of non-profit organizations in that area that have been working to education their community and build capacity in their communities to understand this process, especially in the Four Corners area.

MR. BRENNER: Okay. Thank you for those comments. A couple of things. The data here, the work done by Krewski and Bell -- and there are literally hundreds of studies like this out there not applied this specific way but looking at the relationship between ozone and fine particles and respiratory disease and deaths and they are a lot of the basis for this standards we set.

There are some other direct health work putting people -- well, looking at impacts of exposure to adverse air quality but there is also these epidemiological

studies which have been reviewed by the National Academy of Sciences and have been reaffirmed as being accurate.

So, you see in the southwest, there are some significant concentrations of pollution. We do have other tools though, this was just one that I showed, where we have the ability to look at emissions from individual power plants. It is called our Ben Map set of tools.

It is basically a set of tools that look at the emissions from a major facility, like a power plant, and what the impacts are downwind. I think at one of the previous meetings of NEJAC, we described some work that had been done in Detroit using that tool.

So, we should talk later about ways in which we could help you and others look at that -- use that tool to look at some specific situation like the Navajo power plant. There is also going to be a great deal of discussion coming up on that set of power plants.

They are also in the midst of this Regional Haze Process that I described of deciding what is the best available retrofit technology for those plants. It especially involves what is appropriate for reducing nitrogen oxide emissions from those power plants.

So, they are going to be receiving a lot of attention, both as a part of the MACT process, the toxics process, and as part of the Regional Haze Process to sort through exactly the issues that you mentioned.

MS. YEAMPIERRE: Thank you. Jolene, your comments made me think that there are some other places missing too like Hawaii, Puerto Rico. I do not know

whether they have coal fire plants. I am assuming they have power plants and NOx, Sox and PM2.5 --

MR. BRENNER: They --

MS. YEAMPIERRE: -- in Alaska.

MR. BRENNER: Yes. They do not in Puerto Rico and Hawaii. I do not think they have coal fired power plants but they have oil fired plants and there have been concerns that a number of them use relatively high sulfur oil. So, although the emissions are not comparable to coal, they are very significant.

A number of them, unfortunately, have relatively short stacks so that communities end up getting more than their share of exposure than would be the case in other parts of the country where they tend to build the stacks higher too and so we -- those toxic standards that I mentioned that we will be issuing next year do address oil fired plants too.

So, they will be looking at those facilities and Alaska does have some coal fired power plants. They are included in these rulemakings.

MS. YEAMPIERRE: Vernice?

Comments by Vernice Miller-Travis, Maryland State Commission on

Environmental Justice and Sustainable Communities

MS. MILLER-TRAVIS: I just want to --- question I have. Thank you. To the map that Jolene -- well, the other map. Slide 6, fine particles and ozone related premature mortalities, there is one red -- there is one red community which represents -- or one red, you know, I do not know what that geographic spatial relationship is there but it represents 2,801 to 5,400 premature deaths in 2005. What area is that red box?

MR. BRENNER: That is going to be somewhere around Los Angeles. I am not sure exactly which county there but the south coast, which -- and those are -- that is not from coal fired power plants because there aren't coal fired power plants in California.

Those are -- there is a great deal of transportation related pollution and unfortunately, geographic and atmospheric conditions that are very conducive to the buildup of ozone --

MS. MILLER-TRAVIS: Ozone.

MR. BRENNER: -- and fine particle pollution but that is why the south coast has a very aggressive program to deal with pollution and this shows you why they are spending so much effort in the ports. We will talk about good improvement. They have been a real leader --

MS. MILLER-TRAVIS: Sure.

MR. BRENNER: -- in that area and in their other programs, they have been a leader for the country and part of the reason is they have a huge set of health concerns there.

MS. MILLER-TRAVIS: So, are those -- in that, is that like Huntington and Long Beach?

MR. BRENNER: I will go back and try to check that before tomorrow but that whole area, I mean, the red area is the worst but if you look through there, it is Los Angeles, it is Huntington, it is Long Beach, it is much of the southern California area and -- Nick, how is your geography these days? Can you identify that county?

Comments by Nicholas Targ, Environmental Justice Caucus,

American Bar Association

MR. TARG: Yes. It is basically -- that is essentially Los Angeles.

MR. BRENNER: Yes.

MR. TARG: It -- can I ask a follow-up question to this? I am sorry.

MS. : ---.

MS. GILES: I will think about it.

(Laughter)

MS. GILES: Go ahead.

MR. TARG: Rob, I -- my eyesight is not really very good and I am color blind so I actually missed that that is red altogether. So, I feel a little bit in the dark. The question that I have though with these -- with the numbers is this: are these scaled?

It says per million population or is this -- the question I have is are we looking at population densities or are we looking at something else?

MR. BRENNER: No. These are not scaled. So, these are partially as a result of population densities. As Vernice mentioned, the numbers in that particular area are 2,000 to 5,000 deaths a year, in part because they have high pollution and in part because it is Los Angeles where you have a lot of people.

Whether it is -- and just -- but let us put that into perspective and I know that you were just trying to understand the data. It is even more important where you have lots of people to try to do as much cleanup as you can because there is a lot of exposure and otherwise you have a lot of illnesses and unfortunately even deaths.

As I said, we will talk tomorrow about courts but there are huge concentrations of both particulates and ozone forming omissions coming from ---.

MS. GILES: Thank you. We have about 5 more people in the queue --

MR. BRENNER: Okay.

MS. GILES: -- and Nick is out of order and we have about 5 more minutes. So, I am sorry but we will get to that later on. I am just -- we also have the young people here and they are going to be leaving at 5:00 o'clock and we want to hear them present and I have got a -- I have got somebody telling me I have to keep it moving. So, Jody?

***Comments by Jodena Henneke, Program Manager,
The Shaw Environmental & Infrastructure Group***

MS. HENNEKE: Thank you. Some of the folks earlier had said that I have been quiet today and I guess that is my way of apologizing for everything I am getting ready to say. Rob and I have known each other since forever so, I -- and I am -- many of you, some of you may not, I am a second generation regulator.

I remember EPA -- the formation of EPA being discussed around the dinner table. I -- this is an issue over which I am conflicted. First of all, and Nick kind of sort of pointed it out, I do not think what I am getting ready to say -- I think this is a misleading map in relation to this proposed rulemaking.

I do not think -- I think the title is fine but when you put it in context in the middle of this discussion, not all of those deaths are related to particulates from power plants. It does not make light of the incidents of these numbers of premature mortalities but I think it should be in context with the rulemaking that you are proposing.

That is one thing. Then having done rulemaking forever and state

implementation plans forever and public meetings associated with power plants forever, I really truly do have a good bit of personal conflict on this.

I also -- going back to the issue that Elizabeth pointed out, when you are talking about -- and I know that the stack of height -- or the height of stacks makes a tremendous difference with power plants when you are talking about neighborhood and fence line communities and that sort of thing.

But when you are suggesting -- or not suggesting, potentially allowing trading within the boundaries of a state, there are some states that are much larger than others and I am not sure how the logic of allowing trading matches up with some of the logic that EPA is using in other arguments.

In fact, I think it is in direct conflict. So, that is one thing. Then the next thing -- and this is a specific question. That is I believe you said that part of the proposal is that it would allow for up to 10 percent flex with -- is that permitted facility or within the budget of the state?

MR. BRENNER: Well, ---.

MS. HENNEKE: No, that is one. I am really -- because that kind of goes to the heart of some of the part of my issues.

MR. BRENNER: Yes. I believe that is within the state as a whole.

MS. HENNEKE: Okay.

MR. BRENNER: So, it is for the state.

MS. HENNEKE: Okay. So, you could have -- basically, this would suggest that you could allow trading within that -- the boundaries of that state?

MR. BRENNER: Yes.

MS. HENNEKE: Is that correct?

MR. BRENNER: The reason for that, just to get at one of your questions is what the Act gives us the ability to do is to deal with the pollution from one state affecting another state.

MS. HENNEKE: Right.

MR. BRENNER: So, we have limited ability to say exactly where in the state the reductions have to come from using this part of the Act but we have other provisions, as I mentioned, other rulemakings coming that enable us to deal with individual facilities within the state.

So, this rule -- the transport rule is not the be all and end all of reducing power plant pollution. It is one piece. There are others that ensure that individual facilities do not have undue amounts of emissions.

MS. HENNEKE: This kind of goes to some of the -- my follow-up and then I will move on. My follow-up is, as it relates to Chuck's original question -- and part of it also relates back to having done a number of power plant public meetings.

There is a fundamental underpinning here of having an appropriate power capacity. That, you know -- we have seen different times within this country where the need for power is not able to be met within the grid of particular area. Being able to balance that capacity need with what appears to increase the difficulty of being able to improve your capacity to provide power is somewhat problematic, I think.

I think it is going to be challenging to be able to bring new power plants online, especially in areas of the country that have increasing population which means an increasing need for power. It is just one of those things that I think should be thought

through and not create those unintended consequences -- those legacy issues that we talk about.

MR. BRENNER: First on the map, the largest reason for those adverse health effects are fine particles and power plants are the largest contributor. So, I tried to describe this as this is total mortality and then -- from all sources and then we were trying to show the extent to which, in the other slides, power plants contribute to that like the pie charts.

MS. HENNEKE: I understand that but your highest rate of mortality just happens to point out how that can be confusing because there are no coal fired power plants in the Los Angeles area. So, I just -- I think you either need the asterisk the heck out of that map or explain it better because I do think it appears to be contradictory.

MR. BRENNER: Well and the other thing we can do is in the rulemaking, you will see we show area by area of the country. We do a regulatory impact analysis where the health benefits are being achieved from that -- from the rulemakings. So, we also have that data available.

In fact, given this discussion, we will make sure we send it around so you can look at it based on power plants. You heard me during this discussion talk a couple of times about the importance of reliability and keeping rates from increasing too much.

The fact that there are going to be needs for capacity to insure that people do have reliable sources of electricity. As I also said, --- energy efficiency programs can help with that too. It can relieve some of the pressures on the existing power plant system.

MS. YEAMPIERRE: We really do not have a lot of time. Obviously, we

have a really interested -- so I am going to ask everyone to be brief because the next session is extremely important and I want to give it the respect that it deserves by giving it the time that it deserves.

Stephanie? If we could be brief, I would really appreciate it.

Comments by Stephanie Hall, Senior Counsel,

Environmental Safety and Regulatory Affairs, Valero Energy Corporation

MS. HALL: Thank you, Madame Chair. I will definitely be brief as I realize we are short on time. Rob, one of the things that we have seen from time to time in certain towns and cities is a large percentage of the workforce employed by a particular industry.

I guess -- and we have also seen in that same vain times when industry has disappeared -- that that town or city has literally dried up. I guess I would like you to speak to, if you could, the -- any financial considerations or any consideration that was given to financial impact on site closures due to the changing regulations.

MR. BRENNER: There are several things that go along with respect to employment. Let me try to explain it in just sort of micro terms. What happens to help people understand it because on the one hand, there could be some plants that close as a result of this?

We discuss in the rulemaking which plants might decide to close rather than control but also, as I said, generally coal fired power plants are, even after you put controls on them, they are pretty competitive in terms of their costs.

So, we are not seeing a huge amount of closures as a result of this rule. There could be some -- there are also some very significant employment benefits from

the pollution control equipment that will be installed. When people go out and build scrubbers and electrostatic precipitators and fabric filters and selective catalytic reduction on units, those create a lot of jobs and operating those facilities creates jobs too.

So, when you look at the net employment impacts, we are not seeing any significant adverse net employment impact as a result of this energy efficiency programs to the extent their employed will also have positive job impacts.

You are right that it is also worth our looking from an individual community perspective, what kind of impacts there are but the -- once a plant is built, the operating workforce is not as large as what happens when you build it. So -- or when you build the pollution control equipment.

So that is why, on balance, we are not seeing huge adverse impacts but we should look at it from a community level and we will.

MS. YEAMPIERRE: Wynecta?

Comments by Wynecta Fisher, E2, Inc.

MS. FISHER: Hi. I am going to be really fast. I am not even going to introduce myself here. There are two things that you mentioned and one thing that you did not mention and I know that there is comment -- a comment period. So, I am thinking from a community perspective, local government perspective.

You said health based standards. You said toxic standards. Then there is risk assessment. Now, I know that EPA uses Reference Man as a standard to assess risk. Can you give me a 30 second description of Reference Man?

(Laughter)

MS. FISHER: 20 seconds.

MR. BRENNER: Yes.

(Laughter)

MR. BRENNER: That is not the way we are going to be doing risk for these rulemakings. For these rulemakings and looking at toxics, that is not a concept we use. I think the last time I saw that come up, it was in the concept of some of the radiation rulemakings but that will not be a part of how we do toxic risk.

When you see the work being done on mercury and on some of these heavy metals and so forth, you are going to see it based on impacts on both typical individuals and on sensitive subpopulations. There is not going to be any Reference Man kind of concept.

MS. FISHER: And I will make it really brief. Sorry. What is a typical individual description? Pregnant female? Reproductive age? Male?

MR. BRENNER: What am saying is we sort of have these population risk measures, which are an average of all kinds of people, including in the categories you described, and then we also dig down when we do these risk assessments to look at subpopulations like children, like pregnant women, like the elderly, like people whose health has been comprised too, I mentioned, with respect to ozone to make sure we understand effects on them too.

MS. YEAMPIERRE: I just want to let folks know that Rob is going to be here tomorrow. If you have any questions, you can follow-up with him tomorrow. I am going to take Kim and that will be our last question.

Comments by Kim Wasserman, Director,

Little Village Environmental Justice Organization

MS. WASSERMAN: Sorry. Thank you very much. So, I have one comment and one question. The first comment that I have is that -- like Elizabeth mentioned in the beginning, you know, coming from a community that has a coal power plant, I am always nervous about anything that regards averaging and treating as an option because we have the oldest coal fire power plant of the fleet in our community.

So there is no guarantee that ours is going to get reduced. There is no guarantee that we are not going to continue to get screwed. So, just on -- off the bat, not language that I am comfortable with but my question is where do current state agreements play into this proposal?

Like if a state has agreement on the books to cleanup Sox and NOx in the next 10 years, where does that play into what you are proposing here because I am reading that a state can choose to develop a state plan? So, my question is if they have already one on the books, does that fly or -- okay.

MR. BRENNER: Well, as long as it is at least as stringent as our program. If it is more stringent, there is a specific provision of the Clean Air Act that gives states the ability to be more stringent than our national rules, if they choose to be.

So, Illinois, I guess you are talking about, has a very good program that they have been implementing and as long as it is as stringent as or more stringent than EPA, that program can continue. If it is not as stringent, it needs to be brought up to the level of our program. So, that may cover the individual plan you mentioned.

If not, there is an example of one where that is the kind of comment we would like to receive -- information about that plant, why there are concerns about that

plant so that we can look at it and evaluate whether we need to think through how this rule can effect that plant and whether there are additional modifications to the rule that may be warranted.

MS. YEAMPIERRE: Thank you, Rob and thanks for your patience. We look forward to seeing you and stopping you in the hallway tomorrow.

(Laughter)

MR. BRENNER: I will be here.

Facilitating Intergenerational Engagement in Environmental Decision-Making

by Elizabeth Yeampierre, NEJAC Chair,

Executive Director, UPROSE, Inc.

MS. YEAMPIERRE: Thank you. So, I would like to call -- thank you. I would like to call the table -- do we have their names?

MS. : Okay. Didn't I hand it to you?

MS. YEAMPIERRE: Here we go. Kari Fulton, Michellay Cole -- and I may not be pronouncing the names correctly. I am sorry.

MS. : Illai.

MS. YEAMPIERRE: Illai Kenney. Also, I would like to take a moment to thank Rosanna Beltre*, Mustafa Ali*, Ken Bartwick* and everyone in the EPA staff that supported this idea that it is important to have young people at the table. We -- this came out of this idea that oftentimes we have these separate tracks.

We have a youth track and we have a regular track and so you have young people talking to young people and not talking to each other as if there was nothing that we can gain and learn from each other. So, I think that today is a really

exciting time because it is the beginning, I am hoping, of us really thinking about NEJAC.

Thinking about community in a way that is more meaningful and really reflects the composition of our community, particularly because we know that all the decisions that are being made today and being made, you know, throughout the country are going to impact a generation that had no hands in creating the situation that they have inherited.

So, I would like to welcome you on behalf of the NEJAC and we can begin with Kari.

Questions and Answers

Comments by Kari Fulton, National Youth Campaign Coordinator,

Environmental Justice and Climate Change Initiative

MS. FULTON: Thank you. First, we just want to thank the National Environmental Justice Advisory Council for giving us the opportunity to speak before you all today. We had the opportunity to be involved in the first ever Youth Workshop Training on Public Commenting hosted by the EPA Environmental Justice office.

So, it has been a very exciting opportunity to engage young people around these specific issues, especially young people from the District of Columbia metropolitan region, which I happen to be a resident of. My name is Kari Fulton. I am the National Youth Campaign Coordinator for the Environmental Justice and Climate Change Initiative.

So, we were very adamant in making sure that young people were able to get involved in this process from a variety of different perspectives. So, we had young

people who were involved who were college students. We had young people who were interns. We had young people who were not students at all but were very focused on the environmental concerns for their community.

We have two young leaders who are going to offer their comments on their perspectives on how the workshop went and other ways that the National Environmental Justice Advisory Council, as well as the Environmental Protection Agency overall can make sure that they are engaging and involving the future in the deciding and the designing of our futures and where we see our planet going.

The first is Michellay Cole. She is a student at Energy -- I am sorry, at the University of Maryland. She is also a Fellow with the Energy Action Coalition. The second is Illai Kenney. She is a student at Howard University and an intern with the District office of Public Works.

Comments by Michellay Cole, Student/Fellow

University of Maryland/Energy Action Coalition

MS. COLE: Thanks for the introduction. Thank you for the opportunity to speak before the Advisory Council. My name, again, is Michellay Cole and I am a rising sophomore at the University of Maryland and also a summer fellow at the Energy Action Coalition.

The future of the National Environmental Justice Action -- Environmental Justice Advisory Council depends on the continued interests and support from people interested in environmental justice issues. There will not be a great interest in environmental justice issues if people are not aware of how they are affected by environmental injustice.

The best way to inform people on these issues is to educate them. By incorporating youth into the National Environmental Justice Advisory Council, education on these important issues can begin at an earlier stage. Because it is the youth that will be inheriting the Earth, it is imperative that we have a dominant voice in matters directly affecting our lives.

It is not only crucial that we have a role in the environmental justice movement, but that we have the means to involve our peers as well so that they too can play a role in eliminating environment injustices. The environmental justice movement is an intergenerational movement that cannot be limited to those who regularly occupy this room.

By incorporating young people into the National Environmental Justice Advisory Council, this Council can be guaranteed dedication and commitment from youth that are ready and willing to make a difference. Thank you.

Comments by Illai Kenney, Student/Intern,

Howard University/District Office of Public Works

MS. KENNEY: Thanks again, Kari, for the introduction. Again, my name is Illai Kenney. I am a senior telecommunications management major at Howard University and working with the D.C. Department of Public Works on sustainability and recycling.

I definitely want thank all of you for the opportunity to speak this evening and express myself and express the opinion of a lot of the youth that we met with and a lot of the youth that I have known. I am here to represent us not as a presence just today but permanently because we believe that we provide a base of energy in active

participation.

We provide innovation. If you think about WordPress, Facebook, MySpace -- everything that you think of as social networking today was probably created by a young person. So, if you look at how we are moving forward, how we are marketing, how we are organizing as we get into the future, you are seeing more and more young involved.

So, this is a group that we cannot, in any way, alienate. So, for us, or for me specifically as a young person, I recognize that there are several things that are essential. One of those things is that we communicate. A lot of the problems that we have, not just with young people but a layman person, are that we do not necessarily speak the same language.

So, having materials that are getting out to us, via social networking, and getting out to us in a language that we speak and understand and can communicate back to you with is completely essential. It creates and crosses a barrier that is there right now and existing.

Another issue for young people, especially us here today, was that we need a workgroup. We need a centralized way where we can get together, we can think critically and process and produce. The number one problem we face as a nation today is that we do not think enough and then we do not produce enough.

If we expect young people to think and produce, we have to give ourselves the opportunity to do so. We feel like you can give us that opportunity. Instead of waiting for young people to develop when they are out of college and looking for a job, now we are going to educate them on EJ.

Put this -- put them in this position, we are going to do it when they are 12 or 13 years old. Now you are going to hear these terms that we are using. You are going to understand this language. You are going to understand the process.

You are going to understand the procedure. You have seen it before. It is not unfamiliar. Now you have a commitment to it and you completely understand it, you communicate with it and you exist in it. It becomes yours. You own it.

I think that ownership is key for young people and for all people in our community and that is what we are asking for with this workgroup. So, thank you very much for the opportunity.

MS. FULTON: As you all move forward with the NEJAC, we just encourage that we host more opportunities like this across the nation. As we mentioned before, all the youth that were involved in this particular workshop were from the D.C. metropolitan area.

There are so many young people across the nation who could benefit from the opportunity that we just had and we hope that you all host these and that you work with NEJAC members who have organizations to host it and to involve local issues in the development of these workshops. So, thank you very much.

MS. YEAMPIERRE: Thank you for joining us. We do have on our board, on our Advisory Council, Nia Robinson, from EJCC who is the youngest person in the history of the NEJAC and you are here because we think that your voice is absolutely essential to the conversation.

I would urge you, as someone who works for an organization that is intergenerational, that you reach out to grassroots young people at high schools to

places where you, by virtue of your education alone, are already in a position of privilege.

So, use that privilege and to use that education to reach a lot of our young people who might not even ever have access to a college education and engaging them in a movement so that it actually resonates on the ground and we would be -- personally, I think it is important for us to work with you very closely to provide you with whatever you need in order to make something like that happen.

I am sure that there are members of the Council who have questions and may want to make some comments. Hilton?

Comments by Hilton Kelley, Director,

Community In-power and Development Association

MR. KELLEY: Hilton Kelley, Community In-power and Development Association, Port Arthur, Texas. Yes. I commend you young people for coming forth and making your points known. I think it is imperative that we incorporate more young people into our decision making process.

I would also like to encourage you all to continue your education in the environmental justice world because many times experience also speaks volumes and also wisdom. We can learn from you all and I would like to think that you all can learn from your elders.

So, I think we all can come together and do a tradeoff here to where we can be more successful. So, it takes a village to raise a child and there was a time where the elders taught the young women and there was a time when the young men hung out with the fathers when they were doing carpentry and fishing.

So, we held our kids by the hand but you guys are young women and we still have a lot of education to do on your behalf and we can learn from you all, as well, so let us work together.

MS. YEAMPIERRE: Thank you. Nia?

Comments by Nia Robinson,

Environmental Justice and Climate Change Initiative

MS. N. ROBINSON: As the youngest NEJAC member in history, I just want to say how excited I am to sit here and I do not know Michellay personally but I have known Illai since she was very little and Kari still works for the organization that I direct. So, it is exciting to see.

I just wanted to say that I, as a NEJAC member, am offering my full support to making sure that we figure out the best ways, not just to have youth tracks but to make sure that there is full incorporation of youth in all conversations, not just as they impact youth because that is not all you have to talk about.

That is not all we have to talk about. We have a lot of experience and, you know, I may be young but I have been doing EJ for 12 years, you know, so let us not discount how old -- and Illai has been doing EJ work longer than I have.

So, let us not discount people's experience based on age. I want to make sure that we are bringing everybody to the table to be full participants in the conversation. Thank you very much.

MS. YEAMPIERRE: Jolene?

Comments by Jolene Catron, Executive Director,

Wind River Alliance

MS. CATRON: I would like to thank you for your participation today. I went in and listened to Elizabeth's presentation to you all during lunch. I was really charged up after that. I am really, really excited to see you sitting at the table here with us and really look forward to seeing this opportunity blossom.

I work tribal communities and like Elizabeth had mentioned earlier before, our communities include young people, old people and I always kid around in our communities that we do not really have a meeting until we have got babies crawling around.

So as soon as the babies show up, we can start the meeting. We -- I work a lot with young people in the work that I do and I am sorry for not introducing myself. My name is Jolene Catron and I am executive director of Wind River Alliance.

I am -- I represent indigenous communities and grassroots organizations on a national level here at the NEJAC but I work very closely with the northern Arapaho and eastern Shoshone people in Wyoming, although I am Navajo. So, I am kind of all over the place here.

I think -- I would like to see a couple of things. I would like to hear more about what your outcomes were for today's training. I think it was your -- the workshop that you participated in was about public speaking. Is that correct? Or presenting at a forum like this?

MS. FULTON: It was specifically on the public commenting period --

MS. CATRON: Okay.

MS. FULTON: -- and how that process works.

MS. CATRON: So, I think I would really like to see this build. I know one

of the questions that was asked of Elizabeth is how do we get access to the members of the NEJAC. That is a good question. How -- sometimes I ask that question of myself.

I think what I would like to request of you all is to establish a Facebook profile for this NEJAC -- for your experience here so we can start doing that networking process. That is kind of how it all starts is let us exchange business cards, let us, you know -- join me on Facebook.

You can find me on Facebook, Jolene Catron. I am on Facebook too. Let us start building this network because we have got to go from somewhere here. Let us not just say we want to do it. Let us do it. So, Facebook. Look me up -- Jolene Catron.

Then also, if you go to the NEJAC webpage, all of our profiles are on there. There is information about all of the members in -- the NEJAC members, our contact information, our emails. Get a hold of us. Let us know and -- because we do not have your contact information or else I would be contacting you too.

So, I would just like to see that build. We will be in Kansas City in the week --

MS. ROBINSON: The week of --

MS. CATRON: October?

MS. ROBINSON: The week of November 14th.

MS. CATRON: November?

MS. ROBINSON: That week.

MS. CATRON: We will be in Kansas City November 14th and so, yes, definitely. I would like to see that, you know, continue and move forward with that. I am already thinking all of these really great ideas about youth participation in that so, thank

you again.

MS. YEAMPIERRE: Thank you. Stephanie?

***Comments by Stephanie Hall, Senior Counsel,
Environmental Safety and Regulatory Affairs, Valero Energy Corporation***

MS. HALL: Thank you. As a mom of a four year old daughter, I am always excited to see young women who are articulate and can articulate their passion. It is just a real privilege to see you so involved in the process. I think it is instructive for us, as we look at the current administration, to know that the culture that is formed at the top of an organization is what flows through it.

Not only is that true in the governmental arena, but it is true in corporate America. We need people like you who are passionate about these issues also represented in corporate America because it is at the top where decisions are made and things get changed.

With that, I would just encourage you to continue pursuing excellence in your education, academically, and taking on those leadership opportunities that are presented to you. Thank you for being here.

MS. YEAMPIERRE: You know, we are excited but we are not surprised -- just so you know. Fr. Vien.

***Comments by Fr. Vien T. Nguyen, Pastor,
Mary Queen of Vietnam Community Development Corporation***

FR. NGUYEN: My name is Vien Nguyen from New Orleans. Listening to you, looking at you, I can but recalling the youth in my community that join in the fight and successfully shut down the landfill.

Then for our community of -- Vietnamese/American community was a very interesting experience in the sense that a lot of the -- a large majority of the elders do not speak English at all. So, these young people became the mouth their parents and grandparents and quite successfully so.

So, I think that this is wonderful if you could connect with our youth in New Orleans across the geographic differences, as well as the racial differences. I think this would be -- could be the beginning of something that would be tremendous in terms of the networking of the -- what it means to be Americans.

So, I offer you that. If you wish, I can certainly connect you to our young people in New Orleans.

MS. YEAMPIERRE: Patty?

Comments by Patricia Salkin, Associate Dean and Director, Governmental Law Center, Albany Law School

MS. SALKIN: Patty Salkin. I am on the faculty at Albany Law School and I hope that you might consider law school and I would be happy to be a resource for you and for others that are interested in using the law to advocate for environmental justice.

I would just like to mention from my experience that sustained leadership and sustained advocacy is what is really important for youth and to excite your colleagues and others that you have yet to meet because it is really easy to go in and make that, you know, first big presentation and feel like you did a good job and then you are off to something.

Stick with this issue because it is really important and because we really do need your help. As you think about your colleagues across the curriculum at your

universities, you know -- of course my bias is law but there is public health. There is social work. There are tons of different subject matters that are a crossover.

We need interdisciplinary solutions to help us to get to the answers to fix the problems and the challenges that lie ahead of us. So, please reach out across the curriculum, across the disciplines, and help us to find that common language to bring everybody together because that is what is going to really yield success in the end.

MS. YEAMPIERRE: It is true that a lot of the victories that we have had on the ground, we have had because our young people have been the core organizing force in our communities. So, we certainly recognize what you bring and how important it is for sustaining a movement.

We are going to -- the next NEJAC is going to be in Kansas City and one of the things that we would like, if you can after, is give us some recommendations on what you have learned, what could have been done differently, maybe better and, you know, just give us feedback. I am sorry?

MS. : We have an evaluation ---.

MS. YEAMPIERRE: There is an evaluation. That kind of feedback will really be useful because this is something that is changing as we go along and we will be adapting and it will be growing and morphing and you are going to help us with that process. So, unless anyone has -- anyone else has --

MR. : ---.

MS. YEAMPIERRE: I am sorry? Wynecta? I am sorry. I did not -- sorry.

Comments by Wynecta Fisher, E2, Inc.

MS. FISHER: Wynecta Fisher, formerly New Orleans's Mayor's Office of

Environmental Affairs. I am really -- gosh. I wish I would have been there for lunch and I apologize for not being there but I know one thing that is really important is that we do get the younger generation involved, not that I am that old, because I am not --

(Laughter)

MS. FISHER: -- but because, you know, when you have -- and I think someone said this last time, you know. When you have been fighting for 30 and 40 years, after awhile, you get a little tired so we are looking for some new energies but I wanted to piggyback on something that Stephanie said and that Patricia said.

You all have an opportunity to talk to your peers and I really believe that if we are going to solve environmental issues, we have to look at all disciplines and it is great to be an attorney and it is great to be a public health advocate.

But I think you also have to target those that are pursuing their business majors because the supply chain is where the rubber is meeting the road. We do live in a society that, you know, lives and breathes by the stock market, whether we all agree with it or not.

So, talking to some of your peers and just showing them how environmental justice applies to their major. Also, your peers that want to be urban planners, talk about environmental justice. I do not -- were they in here earlier?

MS. YEAMPIERRE: Yes. Some of them were here.

MS. FISHER: Okay.

MS. YEAMPIERRE: By the way, Illai has a minor in economics.

MS. FISHER: This is wonderful. Then I do not need to say anything else. So, just -- if you can talk to your peers.

MS. YEAMPIERRE: John?

***Comments by John Ridgway,
Manager of Information Management and Communications Section,
Hazardous Waste and Toxics Reduction Program,
Washington State Department of Ecology***

MR. RIDGWAY: Thank you very much for your very articulate, good presentations. I agree with everything that you have heard. I am going to add in a little bit more of the -- making the pitch. You have heard the private sector needs you, EPA needs you, NEJAC needs you and the universities.

I will put in the pitch -- local and state government, as well. Sometimes, from the pay scale standpoint, that may not look as advantageous as others but certainly, spread the word around. I mean local government is everywhere.

They have a lot of influence. As we discussed earlier today, in some cases they have more influence than the federal government or even state government. So, by all means, in your communities -- and spread this word around.

Just by the nature of your refreshing eyes, ears, experiences, you will get, I would suggest, equal or better attention by showing up and engaging and please continue to lead by example and draw others in. Thank you so much.

***Comments by Elizabeth Yeampierre, NEJAC Chair,
Executive Director, UPROSE, Inc.***

MS. YEAMPIERRE: If I can get the last word in -- I do not know if will but I am going to try.

(Laughter)

MS. YEAMPIERRE: I am going to say that our communities need you. I do not know anybody else who may be trying to recruit you but we need you. We need people who can do economic assessments. We need engineers. We need planners. We need geographers.

We need people who know how to measure air quality and provide us with true readings on what these things are? We need scientists. We need you in every field and Patty is correct that it is interdisciplinary. We always say that our communities do not live in silos.

We live and breathe and eat and do all those different things and all of those things are going to be really important. We welcome you and thank you so much for coming. I know that it is a little nerve wracking. You may think it is for you.

It is for all of us, by the way. It is always like this for all of us, although we play it off really. So, thank you so much. Peace.

(Applause)

***Comments by John Ridgway,
Manager of Information Management and Communications Section,
Hazardous Waste and Toxics Reduction Program,
Washington State Department of Ecology***

MR. RIDGWAY: I also want to recognize that Elizabeth made this clear in conversations that we have had queuing up for this meeting that this is a priority. I want to thank our chair for making this possible and for being a catalyst to bring the next generation and intergenerational, by all means, not just the young, into consideration here for us and for EPA.

MS. YEAMPIERRE: Thank you. So, now we get to break for dinner.

MS. : Right on time.

MS. YEAMPIERRE: We are right on time. We have to be here for -- at 6:30 for the public comment period, which is, you know, the most important part of the NEJAC's first day where we want to hear from the public.

That is where we get a lot of our priorities from listening to the public come and present before us. So, thank you. See you at 6:30.

(Whereupon a dinner recess was taken.)

EVENING SESSION

(6:37 p.m.)

Public Comment Period***by Elizabeth Yeampierre, NEJAC Chair,******Executive Director, UPROSE, Inc. and******by Victoria Robinson, Designated Federal Officer,******EPA Office of Environmental Justice (OEJ)***

MS. YEAMPIERRE: Take a seat, thank you, so we can get started. We are running a little late. We really want to respect the time of the community that is here to testify. We want to make sure that we do not start late because it is an expression of our respect for their time and their commitment. So, if we can get started that would be great.

MS. V. ROBINSON: We would like to welcome everybody for our public comment period for this session of the NEJAC. Just as a reminder to those who are giving comment, you have five minutes to provide your comment and then please wait to see if there are any members who would want to ask any clarifying questions.

Then, if there are not or when that does conclude, Elizabeth will go ahead and release you to go back to your seat and we will call the next person up. Just so that there is a reminder of how the process works for sign-up. It is first come, first serve.

But we also recognize the importance of trying to allow as many different organizations as possible to speak. So, basically the first person from an organization is -- will speak before we start going through the second round of individuals who might have signed up from the same organization.

So, if you both -- if you think you both signed up at the same time, do not worry. You are still on the list, you just -- you will be slotted a little bit later than your partner who you have come with. So, we will go ahead and proceed. I will turn it over to Elizabeth.

MS. YEAMPIERRE: So, with that said, calling Omega Wilson, Margaret Gordan and Carl Rollins. If you can come up to the table. Is Margaret here?

MS. V. ROBINSON: No. I do not think so. And then Carl?

MS. YEAMPIERRE: Carl Rollins? Okay. Welcome, Omega.

***Comments by Omega Wilson, West End Revitalization Association,
Mebane, North Carolina***

MR. WILSON: Thank you, Elizabeth. My clock has already started, huh?

(Laughter)

MR. WILSON: Okay. Lisa has a gavel. I know to pay attention. Right.

First of all, I would like to thank you for -- I do not know how I got to be first but I appreciate that. I would like to offer some thank you's for a lot of work that NEJAC has been doing and some progress has been made since I was retired and ate my wonderful cake that Victoria cooked.

(Laughter)

MS. V. ROBINSON: Victoria did not bake that. Victoria --- purchased.

(Laughter)

MR. WILSON: I am very pleased to see some new NEJAC members here. I am very pleased to see more community NEJAC people here and non-government people -- representatives here. Of course, I would like to --

(Laughter)

MS. YEAMPIERRE: Could we add a minute?

(Laughter)

MR. WILSON: This is my son's boss and a very good friend. I would, of course, like to thank, you know, for all the work -- I know that Charles has been working on a lot of these things for years and years and years and Victoria, as well and I am sure that Elizabeth and John are going to make sure that all this goes well.

We have heard a lot of tremendous presentations this morning relative to the 2014 priorities that are going to be offered before -- I am going to talk about the Goods Movement thing briefly but I wanted to make sure that -- this question came up in the audience and somebody was asking why don't I ask it.

I said, "Well, I cannot ask it because I am not a NEJAC member anymore." I did not want to jump up from the floor and interrupt everybody but I just wanted to make this point. Nicholas, how are you doing? The one specific thing had to do with 2014 having to be kind of a like a century away or at least a decade away politically because there are two major elections that are going to come before.

So, several people in the hallway were asking why didn't someone on the NEJAC raise the question about why some of these things could not be done now relative to the presentation that Lisa Garcia and Nancy Sutley made relative to 2014 agenda items.

Like -- a lot of us may not be here now for various reasons -- retirement, et cetera and who is going to drive these agenda items and that is something that I want to plant very deeply in the hearts and minds of NEJAC members of the previous NEJAC

person that may turn into dusty paper by the end, right?

That is one point. That is a strong point I just wanted to make about moving things forward because it might get lost in history and some of those issues should be raised and worked on now. The other part is I would like thank all the people who worked on the Goods Movement Policy report, which is going to be presented tomorrow.

I know a lot of work was done with the Goods Movement, the workgroup that I participated on with the people here and with Victoria doing an able job of the facilitator for that, the federal officer to that. I was very concerned about inclusion of the community facilitator strategy, the community voice, empowering the community voice.

I worked on it before I came to NEJAC and over the last three years with NEJAC and I was very glad to see that standing out. One of the things that I am concerned about and other community people that we met and work with in New Orleans -- and a lot of you were in New Orleans this January.

A lot of the community people who worked on our points that were printed and written and submitted to the administrator's office relative to making sure the community facilitator strategy was included, a couple of things. One is there is an obvious issue dealing with multimedia relative to Goods Movement that I am not sure is in the final report.

I do not know because I do not have a copy of it yet and I would like to get a full copy of it is that it is very apparent and obvious connection between marine and water, airplanes and air, right and diesel moving vehicles and land. So, I know the focus of the charge for that Goods Movement Report had to do with air.

One of the things that we put in there -- that I put in there is air problems and related water and soil, it is a commonsense observation made by community people repeatedly and they made it in New Orleans and we made it in writing. So, that not being addressed for some community people is going to be considered a failure or falling very short.

Especially at this day and time under this administration, under this group of very astute NEJAC people and EPA officials that you cannot not have that in there and recognize we got to deal with all those mediums, right? The other part has to do with the intra-agency part of it -- that we know we have divisions in EPA that deals with all of those.

Unless we can see in the Goods Movement part where they are working together then there may be -- really working together, so we see results on the ground that that may be classified as a failure also. The interagency part of it, I am glad to see the Department of Transportation -- somebody is scheduled to be here.

We have been doing a song and dance with the Department of Transportation for 11 years with a civil rights complaint under the United States Department of Justice and hopefully that will be some real live movement because with the Department of Justice working with our issue, we have been stonewalled every step of the way for over a decade with great efforts seeming to be just wait until we die and go away.

West End Revitalization Association, Mebane, North Carolina, 8 lane corridor, 27 miles destroying 2 African-American communities, Native American property, et cetera without compliance,

without enforcement, without inclusion as if there are no laws in the land.

So, I think the Department of Justice -- Department of Transportation for us, we are going to have to see some real work, not just presentations here, okay? So, those are three major pieces or four major pieces that we want to see in the Goods Movement Report with real meat and real teeth in it.

As one of the NEJAC members said earlier today, I am not sure who it was, that if those teeth are not in there, then a lot of community people from coast to coast are going to raise questions about how serious EPA is about addressing these issues. Thank you.

MS. YEAMPIERRE: Thank you. Does anyone have any clarifying questions for Omega? Okay.

***Comments by John Ridgway,
Manager of Information Management and Communications Section,
Hazardous Waste and Toxics Reduction Program,
Washington State Department of Ecology***

MR. RIDGEWAY: To make this comment of not seeing the full report, we have been given the executive summary, when will we have access to the full report ourselves?

MS. V. ROBINSON: The full report we just received and that will be emailed to you. It is 129 pages long and we will email that to you. I was going to do that on Monday but I can certainly email it to you today -- tonight or tomorrow morning so that you can have the full document.

It will be posted on the web when we -- when I return next week. So, we

are anticipating by the end of next week, it will be posted on the web for that, okay?

MS. YEAMPIERRE: Shankar?

Comments by Shankar Prasad, Executive Director,

Coalition for Clean Air

MR. PRASAD: --- and it is more a clarifying question, not too many of us among is the issue of -- for tomorrow, they are going to make a presentation to the NEJAC about their response and it almost -- it says that it is the final response.

Is there -- if that is the response, do they need to have a dialogue if it is already a done deal or is it still a draft response that would be finalized after we make -- because this is on the Goods Movement piece and the agenda says it is the final response of EPA to the NEJAC recommendations.

MS. V. ROBINSON: I believe it is final as opposed to preliminary. When they spoke to the Council in April, that was a preliminary response. So, this is actually their official response, if you will, to the report -- to the recommendations report.

So, yes. It is final but they want to present what the full findings are -- in outline with what is in the report. That is what the presentation is about.

MS. YEAMPIERRE: Lang?

Comments by J. Langdon Marsh, Fellow,

National Policy Consensus Center, Portland State University

MR. MARSH: Thank you. This is kind of a follow-up. It is really good to see Omega back here. I guess that way he never left. So, this is good. I wanted to say that I thought that the notion, as Omega and we all worked it out in the report on the Community Facilitated Strategy, was really a very brilliant stroke and a great

contribution to the -- I do not know.

The literature or at least the concept of how to deal with very difficult complex and resistant environmental justice issues -- just looking briefly at the outline of the EPA response, I am not sure I saw maybe enough recognition of the value of that contribution.

I understand that the recommendations have to be made within the context of what EPA can do today but I think -- and I am hoping that in the report itself, there is recognition of the value of that contribution so that dialogue can continue in terms of education training, capacity building and so on that will take place to assist communities to figure out how they can use the what I think are brilliant ideas behind that concept in their own work.

MS. YEAMPIERRE: Okay. Thank you, Omega. Is Margaret Gordan here?

(No response)

MS. YEAMPIERRE: Carl Rollins?

(No response)

MS. YEAMPIERRE: Jacqueline Patterson?

(No response)

MS. YEAMPIERRE: Moreno Tirson?

MS. : Tirson Moreno.

MS. YEAMPIERRE: Tirson Moreno. The name is listed --

MS. V. ROBINSON: In the reverse.

MS. YEAMPIERRE: -- in the reverse.

(No response)

MS. YEAMPIERRE: Wynetta Wright?

(No response)

MS. YEAMPIERRE: Okay. Michael Jacoby?

Comments by Michael Jacoby, Concerned Citizen,

Seven Valleys, Pennsylvania

MR. JACOBY: I would like to start by thanking the NEJAC for giving me an opportunity to bring my issue to your attention again. It is basically a follow-up from last year's presentation where I brought to your attention about a data verification problem I discovered many years ago.

Throughout my journey's this year, I have logged, as a private citizen -- and I am not representing any group to try to keep a non-conflict or collusion between any organizations. I have logged on my own 10,000 miles bringing attention to this issue that I discovered in the federal database pertaining to site locational information.

The people sitting behind me and the NEJAC committee are the people that need the information the most. What I discovered was a simple thing as the sites are not located in the proper towns. The error rate is inexcusable and I am just asking a question.

Simply was any of my information passed along to Lisa Jackson? Did anybody have any conference meetings about it? I have got virtually no email once I asked very serious questions.

To summarize, if the EPA is not going to address the issue at hand, which

is trying to get the corrections to the sites so they show up in the proper communities so communities can protect themselves, will the NEJAC support me in trying to teach the members of the NEJAC grassroots community how to find and correct this information?

We have to have a starting point somewhere. I am ready for comments.

MS. YEAMPIERRE: Sue?

***Comments by Sue Briggum, Vice President of Public Affairs,
Waste Management, Inc.***

MS. BRIGGUM: I think I have some good news for you. I have noticed within the past couple of rulemakings that within the Office of Solid Waste and Emergency Response, they have done an absolutely terrific job of understanding how to use Google maps in order to appropriately identify facilities.

So that, for example, in one of their most recent rulemakings, they actually had a footprint of the demographics of all of the facilities in the communities where they are located and it was clearly precise because they identified it by photograph.

I am really impressed, to be honest, that they figured out how to do that. You may not have noticed but the same office in their spill response proposals have said that one of the criteria is that you would place facilities on Google maps so that you would be able to access census data based on that mapping, as opposed to having to worry about addresses. So, I think --

MR. JACOBY: Yes.

MS. BRIGGUM: -- you know you will be thrilled to realize that in fact, I think they have really moved forward and are very much improving the database.

Comments by Michael Jacoby, Concerned Citizen,

Seven Valleys, Pennsylvania

MR. JACOBY: Some people within the group here know the other federal agencies I have been in contact with because when I, as a citizen, have to teach other federal agencies and are first responder's how to watch out for data problems within the EPA database, as far as locational information, is getting their attention.

My following is getting to be quite large with trying to get corrected. The issue is that particular agency can only address 35,000 sites that they know of. There are 2.4 million sites of interest in the database. So, that is just the tip in the iceberg if it came directly from the other federal agency, which I am sure some people in here know about.

A phone call should be flying by now -- which I met with their administrators. But yes, there is a larger problem. It is what everybody here needs. You need the information to be correct and when you look at the information, it cannot be trusted because you do not know if that one was verified with a date behind it.

You have to start to wonder. If you want to get community involvement to start any other programs I saw today, you have got to get the community involved by cleaning up the database, improving the quality of the data and then you will get the students involved.

They will know it is there. Then they will know what to address but that is the starting point of trying to get community involvement. The first step is going to be to

clean up the data.

MS. YEAMPIERRE: Thank you, Mr. Jacoby.

MR. JACOBY: Thank you.

MS. YEAMPIERRE: Jim Deming?

MR. : --- hear from the --

MS. YEAMPIERRE: I am sorry. Edith?

***Comments by Edith Pestana, Administrator,
Environmental Justice Program Officer of the Commissioner,
Connecticut Department of Environmental Protection***

MS. PESTANA: Mr. Jacoby?

MS. : I have a question.

MR. : No problem.

MS. PESTANA: I just wanted to ask you. The data that you are talking about, are you saying that the latitude and longitude are incorrect?

MR. JACOBY: What I found -- I found a multitude of errors. I found duplicate facility registry information, which is part of the FSR or facility ID. I found going to preferred lats and longs on TRI sites, some put me in the ocean, some put me in Asia.

Everything is messed up but the bottomed question is when you have a facility that has a street address as being 1 Main Street, those coordinates should be on that facility either at the building entrance, so first responders in the community know where they are or the center of mass if it is a large facility.

It should not be in another community because duplicate addresses -- I

found duplicate addresses that were placed elsewhere.

MS. PESTANA: What facilities are you referring?

MR. JACOBY: Some of them are TRI facilities. Some are sites of interest. Some sites are in RCRA but the problem is throughout and once I made corrections over the last few years testing the system -- systematically testing the system.

I found that when another data entry was made in the system, it negated an already confirmed location and then moved it to a third location unrelated. So, not only do you have an internal problem, you have got a data collection problem, you have got a verification problem but it all can be corrected and I am talking to the first responders.

Hopefully, they will step up because they know "the sites of interests". They are the ones that need that data to protect and everybody in the communities that you represent.

MS. PESTANA: Thank you.

MR. JACOBY: Okay.

MS. YEAMPIERRE: Jim Deming? Welcome.

Comments by Jim Deming,

United Church of Christ Justice and Witness Ministries, Cleveland, Ohio

MR. DEMING: Good evening to the chair and members of the Council. Thank you for allowing me to speak. I am -- my name is Jim Deming. I am the Minister for Environment Justice for the United Church of Christ.

Many of you know the United Church of Christ has a long history of

involvement with environmental racism, environmental justice and I bring you greetings from our congregations all across this country. As a pastor, I want to remind us of the people who prosper or suffer because of our actions -- what we do.

So, I want to talk to you tonight about a friend of mine named Lorelei Scarboro. She lives in a little community of Rock Creek, West Virginia in the same house that her husband built with his own two hands when they were married on land that was handed to their family by his father.

Her husband is a -- was a coal miner for 35 years but he is gone now because he died of black lung and he is buried in the family cemetery next to their house. Lorelei's property borders Coal River Mountain, one of the most beautiful mountains in the Coal River Valley of West Virginia and one of the few untouched mountains in the region with miles of pristine creeks and waterfalls.

The bad news is that the Coal River Mountain is slated for a mountain removal coal mine. If the coal company's plans go through, nearly 10 square miles of the mountain will be destroyed and 18 valley fields will devastate the Coal River watershed.

The good news is that the residents of Coal River Valley have joined together to propose a new idea for sustainable energy and it is a solution where everybody but the coal company wins. In 2006, a study of the wind potential on Coal River Mountain demonstrated that the mountain is an ideal location for developing utility scale wind power.

The proposed Coal River Wind Project would produce enough wind power to keep the lights on in 70,000 homes. It would pump \$20 million into the economy

during its construction and it would produce \$1.7 million in taxes every year from then on.

It would create hundreds of jobs and allow other uses of the land that would benefit local communities for generations to come. Lorelei Scarboro says, "We do not live where they mine coal, they mine coal where we live." Our concern today is our homes, our environment and the sustainability of our environment.

I tell you the story of Lorelei Scarboro because it contains three important themes or concerns for this Council. The first one is that people -- that people or corporations outside of our communities are making decisions that can fundamentally alter the air that we breathe, the water that we drink, our ability to make a living and our right to self-determination.

For mountaintop removal to the BP oil disaster -- no longer a spill, a disaster, powerful outside forces, whose only allegiance is to the bottom line or to their shareholders, are telling our citizens what kind of communities they shall live in. This is wrong and it is an injustice.

Second point, we need the power of the federal government and its agencies to stand beside our citizens against these outside forces that are too powerful for our smaller communities to fight. While some are crying for less government, we say that we need our government to step up and take both leadership and responsibility.

We need the EPA to set environmental safety and health standards prior to any licensing and enforce them during any potentially damaging activities and not just

fine corporations after they have fouled our communities. We want the EPA to be proactive, not just reactive.

Healthy streams and rivers and lakes and oceans and air should be the norm and not the exception. The third point that is very important to me is that our communities have the resourcefulness to determine their own solutions on a scale appropriate to their needs.

The Coal River Wind Project is a solution that comes from the resilience and the imagination of this small community in West Virginia. It is a solution that literally empowers them and empowers other people too. It is sustainable for the next generation.

It produces tangible benefits for this community and for other people and it respects the people who live there now. The United Church of Christ and all of our partners in the faith community are dedicated to environmental justice for all of our citizens, especially those who stand against powerful forces outside who only see them as a cipher on a cost/benefit analysis sheet.

We will stand by our small communities from Grand Bio to Rock Creek and we expect our government to do the same. We will hold our elected officials and our government agencies accountable. Proverbs 28:18 tells us that where there is no vision, the people perish. But in the same breathe, it also says, "Blessed is the one who keeps the law."

I implore you to capture the vision of these small communities, to help shape the law to protect them and to then enforce the law with the EPA's guidance. In so doing, our communities will be blessed and they will call you blessed. Thank you

very much.

MS. YEAMPIERRE: Thank you, Pastor Deming. Teri?

***Comments by Teri Blanton, Fellow,
Kentuckians for the Commonwealth***

MS. BLANTON: Thank you very much, Jim. I am Teri Blanton from Kentuckians for the Commonwealth. This is the first time I sit on this committee as an Appalachian. --- is also a friend of mine and we in Kentucky are working on the same issue of trying to put wind farms on the Black Mountain Range.

The community themselves comes together because they own the utility company and just like in Rock Creek, it is a struggle because as we know, most of our land is owned by out of state corporations --

MR. DEMING: That is right.

MS. BLANTON: -- but thank you for coming.

MR. DEMING: Sure. As a Tennessean, I count you as a neighbor --

MS. BLANTON: Yes.

MR. DEMING: -- and so thank you. Thank you very much.

MS. YEAMPIERRE: Vernice?

***Comments by Vernice Miller-Travis, Maryland State Commission on
Environmental Justice and Sustainable Communities***

MS. MILLER-TRAVIS: Reverend Deming, I have not met you before but I used to work for Charles at the Commission for Racial Justice in 1986 and '87 and I just want to say that that experience is what made me join the United Church of Christ. I

love my church. I love my denomination and I just want to thank you for continuing to keep your eye focused on what it is that we are called to do --

MR. DEMING: Thank you.

MS. MILLER-TRAVIS: -- so I just wanted to lift up my denomination.

MR. DEMING: Thank you. Thanks very much.

MS. YEAMPIERRE: Thank you very much --

MR. DEMING: Thank you.

MS. YEAMPIERRE: -- for your compelling testimony. Deborah Sullivan-Ramirez?

(No response)

MS. YEAMPIERRE: Mary Henderson, Jane Whitefoot and Stanley Caress.

Comments by Mary Henderson, Staff Attorney,

Land Loss Prevention Project, Durham, North Carolina

MS. HENDERSON: Good evening. My name is Mary Henderson and I am staff attorney at the Land Loss Prevention Project in Durham, North Carolina. I wanted to make just a couple of brief comments about topics that have come up among North Carolina communities and individuals that I have had the benefit of working with or meeting as an attorney at Land Loss and in some cases through the good people at the North Carolina Environmental Justice Network.

Certainly, we all hear more and more about the need to switch to renewable and sustainable forms of energy. Different states are taking different approaches to regulating and incentivizing utility companies and energy companies to

switch to what is often called green energy.

In fact, I think that came up a little bit earlier today, as well, when Mr. Brenner was speaking. In terms of North Carolina, the legislature in 2007 adopted what is called a Renewable Energy Portfolio Standard requiring North Carolina companies to meet some of their energy needs through renewable sources.

Something that I think is of interest for this Council is that among the sources that can be used is what is called "biomass" which can include agricultural waste, animal waste and landfill methane.

So, the concern from communities and individuals that might already have a confined animal feeding operation and a landfill in their neighborhood, in their community, is that using biomass in this way may serve to justify these undesirable land uses, such as the CAFO's and landfills.

Once the infrastructure exists to harvest energy in that way from those types of land uses that it might weaken the ability to basically get rid of things like hog lagoons and spray fields, which is something that North Carolina faces.

Specifically, for example, there is a proposal for a poultry litter incineration plant planned for Sampson County, North Carolina, which is next door to Duplin County and those counties have a huge number of hog operations that also happen to be lower income and primarily African-American counties in North Carolina.

So, the concern is that not only have communities faced industrial turkey and hog operations over time with the odors and health concerns and everything that goes along with that but that they may also have to deal with, under the heading of green energy, you know, the burning of animal waste in their communities.

In addition, that their efforts to, for example, have hog lagoons and spray fields phased out, those efforts might be weakened by the fact that instead, these land uses have fallen under the heading of green energy.

So, to the extent that the individual states are laboratories of democracy and to the extent that this type of renewable energy standard might be something that the federal government looks at at some point or regulates in some way, I just wanted to bring that up to the Council since it is something again that I have heard and that we have heard from communities and individuals in North Carolina. Thank you.

MS. YEAMPIERRE: Thank you. John?

***Comments by John Ridgway,
Manager of Information Management and Communications Section,
Hazardous Waste and Toxics Reduction Program,
Washington State Department of Ecology***

MR. RIDGWAY: What has been your experience with EPA's engagement on this particular topic in the case you bring up of the biomass with CAFO's or other similar facilities and/or the incinerators?

MS. HENDERSON: I am not sure what their involvement has been. It is a fairly new piece of legislation that requires, you know, a certain percentage of energy to be drawn from this array of renewable sources. The concern is that one of them that is laid out in the state statute is biomass.

It is defined specifically to include this and then there is a company that is right there, ready with their proposal to put in a, you know, this poultry litter incineration

plant. I think there are other companies that are gearing up with proposals and things.

I am not sure what the EPA action or inaction has been. I know last year DeFulla Barren Hall* and Devon Hall* spoke to the Council. I was looking at last year's public comments. I would think they would be people who would know the answer to that question since I know they have worked on collaborative problem solving with EPA in Duplin County.

MR. RIDGWAY: Thank you.

MS. HENDERSON: Sure.

MS. YEAMPIERRE: Thank you. Jane Whitefoot?

(No response)

MS. YEAMPIERRE: Stanley Caress? Floyd Mori?

MS. : --- here.

MS. YEAMPIERRE: They are here?

MS. : Yes. Stanley Caress ---.

MS. YEAMPIERRE: Okay and Melissa McGee-Collier.

Comments by Stanley Caress,

University of West Georgia, Carrollton, Georgia

MR. CARESS: I am Stanley Caress. I am a professor at the University of West Georgia, where I am the director of the environmental studies program. First of all, I want to thank the Council for this opportunity to speak.

The reason I am here is to strongly advocate additional regulatory action by the EPA in the area of regulating consumer products which give off elements of toxic substances, specifically things like air fresheners and things of that nature.

I know under the Toxic Substance Control Act, the EPA has regulatory act -- regulatory authority to use its discretionary power. It has been reluctant to do so in the last several years for a variety of reasons, cost/benefit analysis being one of them.

They often site that there is insufficient scientific data to justify increased regulatory activity. I am here today to point out that there is a growing body of medical evidence that suggests that children, and especially poor children, are particularly vulnerable to what are normally considered to be safe consumer products.

Things such as formaldehyde from new carpeting, air fresheners, things of that nature. So, I am here, as I said, to advocate greater attention to these scientific studies which using language in medical journals and also again, as I said, to increase their activity in the regulatory act -- regulatory theater.

MS. YEAMPIERRE: Thank you. Any comments or questions from the members?

(No response)

MR. CARESS: Okay. Thank you.

MS. YEAMPIERRE: Thank you. Welcome, Mr. Mori.

***Comments by Floyd Mori, National Director,
Japanese/American Citizens League, Washington, D.C.***

MR. MORI: Thank you. Chairman and members of the Council, my name is Floyd Mori and I appreciate the opportunity to speak with you briefly today. I am the National Director of the Japanese/American Citizens League. I am a trained economist and was a college professor for 10 years.

I was the mayor of a suburban growth city when the term EIR was just

born. I also served three terms in the California State legislature and over that period of public service, I began to understand a little bit about environmental injustice.

While this issue of environmental justice has been with us for some time, there are many within the Asian/American community who continue to experience the impact of a toxic environment and at the same time, are least to be given understanding on how to avoid or how to mitigate the life changing effects of bad environmental practice and faulty environmental policy.

Early immigrants from Asia, like my father, were relegated to dirty, difficult and dangerous jobs in a developing economy. His community lived on the other side of the tracks, if not right next to the tracks. Japantowns and Chinatowns were always in many cities, large and small.

Few of these sections of town remain because now they are sewage plants, garbage transfer stations or heavy industrial areas that service the right side of the tracks. The only escape was to become a farmer or a businessman. The cultural values of immigrants from Asia included reverence for nature, education and respect for hard work.

The Japanese/American farming communities made a desert, so to speak, bloom like a rose. They became the heart of the modern farming economy along the west coast. Their success brought scorn and discrimination from the mainstream farming organizations.

Then when Pearl Harbor was attacked, the hysteria led to their imprisonment in detention centers without any due process even though they were citizens many -- most were citizens of the country. Even when imprisoned in the most

desolate areas of the country, they again created productive farms that fed the military that imprisoned them.

They created art from discarded junk and furniture from thrown away lumber. You might go to the Renwick Gallery of the Smithsonian, which now has a display of some of the art that was created in these concentration camps. Now, I mention this because that same kind of recovery occurred after the disaster of Katrina.

If we look at some of the most severely impacted communities, it was the Vietnamese and southeast Asian communities of the Gulf Coast. Their homes and boats were destroyed. They did not wait for the government to come to their aid. They called upon the values of family, nature and hard work to rebuild their devastated communities.

With the BP oil spill disaster, it was hoped that the relief agencies had learned from the mistakes of Katrina and that the community would be administered to just as any other community in need. But from the beginning, I received messages that the community was again being ignored and passed over in the relief and job replacement efforts.

They also became depraved unscrupulous business people. Both BP and the government failed again and continued to misunderstand the critical needs of the fishing community. I went to the Gulf Coast two weeks ago and after listening to scores of fisherman, three months after the disaster there continues to be an insensitivity toward the unique culture of the Asian/American fishing community.

How many times did I hear from these Vietnamese boat owners and deck hands that all they want to do is work? That is all they know how to do. These people

who pulled themselves out of the devastation of Katrina to rebuild their homes and boats and neighborhoods with little help from government disaster funds, did it the old fashioned way -- with hard work and by being good neighbors.

In this manmade disaster, they have been helpless because recovery work depends upon manmade institutions. We all know that the basic problem is language, access and cultural sensitivity. As the weeks have passed into months, trust in BP and the government have zeroed out.

Frustration, confusion, fear, anger have produced -- have replaced any sense of hope. Now it is desperation. I spoke to Ms. Cirapon Hall* in -- I have a hard time pronouncing --

MR. : Bayou.

MR. MORI: -- Bayou La Batre, Alabama, who is a cancer survivor who had to sell two of her three boats to pay piling bills and to feed hungry family and deck hands. Tonight, she is fearful and she asked me to tell you that she is desperate for help.

The disaster is not her fault and she cannot understand why she cannot get work. Now, these people are hard workers and they love nature but they have few effective community based organizations to help them through this process.

They are a culture of pride but they need community people who they trust and know to help them wade through the maze of bureaucracy and regulations. They need community based organizations to do effective outreach programs with trusted community people rather than intake programs brought in by out of town folks.

We need to begin looking at long-term recovery projects that use their skills and embrace their values. This morning, I heard mention of EPA's emphasis on community based organizations. I applaud this because in this particular case, this is the biggest need that the people along the Gulf Coast have is effective community based programs that are trained -- that are trusted because the trust is gone for BP and most of the government agencies.

I thank you for this and I encourage you to continue to encourage community based organizations to work and to help build their capacity.

MS. YEAMPIERRE: Thank you, Mr. Mori. Does anyone want to make a comment or ask a question?

(No response)

MS. YEAMPIERRE: Okay. Thank you. Thank you for your testimony.

MR. MORI: Thank you.

MS. YEAMPIERRE: Melissa McGee-Collier? Welcome.

Comments by Melissa McGee-Collier, Director of Office of Community Engagement, Mississippi Department of Environmental Quality, Jackson, Mississippi

MR. MCGEE-COLLIER: Thank you. Good evening to everyone. My name is Melissa Collier. I serve as the Director of the Office of Community Engagement for the Mississippi Department of Environmental Quality. I do bring you greetings on behalf of our executive director, Trudy Fisher.

But also having said that, I need to state a disclaimer that these are my comments and not the comments of the Mississippi DEQ. Once a community has been

environmentally impacted, whether by landfills, chemical industries, creosote contamination, et cetera, there is a stigma placed on that community by financing institutions and developers.

Communities that have worked diligently with industry and government agencies still have trouble with economic development. They are not looked at favorably as locations for new businesses other than the types of business that already exist -- another landfill, another gas refinery, another whatever.

The perception of these communities may already be bad because of low income housing, minority population, crimes, et cetera but when you add chemical contamination, when you add harmful air quality, when you add unhealthy drinking water, you now have on your hands a community with little chance of economic growth.

Many of the problems in EJ communities are problems of the past. Environmental issues that occurred before the state agency even existed before federal laws were even written and for me, before I was even born, and yet now our jobs require that we rectify pre-existing environmental issues under the umbrella of environmental justice.

I believe it can be done, but I also believe that it is going to take a substantial amount of resources and time to make the perception of these communities whole. We may never be able to make the people whole but we can change the way their community is viewed.

Just like the perception of government is important, the perception of a community is important. We have had community meetings where we were not trusted, the agency. When I say "we", I am talking about DEQ in Mississippi. We were not

trusted.

So, during those meetings, instead of being able to educate and bring everybody up to an understanding of what is happening and how we can fix what is happening, we had an angry crowd on our hand who wanted compensation and who wanted to be made whole.

But just like the perception of the government is important, the perception of the community is just as important and in order to -- for development to take place that perception has to be a good perception. Environmental agencies are being asked for more than transparency.

I believe that transparency is not as hard as make it out to be but what about restoration? Not just restoration, what about revitalization? For effected communities, restoration of the air, restoration of the water, restoration of the land.

When I say "our", I am not just talking about minorities. I am talking about all impacted communities. In Mississippi, the minorities are not the only people who have communities that are considered environmental justice communities.

I feel that a large part of the restoration should be the responsibility of whom or whatever caused the problem, just like with the oil leak, and we need laws to make that happen. So, I was very glad today to hear the discussion about incorporating EJ into the permitting process.

I will be even more joyful when we can incorporate EJ into how we do compliance and enforcement. One of the things I want you all to know is that I just did not walk into the position of being Director of Office of Community Engagement.

I wrote air permits for five to six and then I left that position and began to

compliance and enforcement. So, where I am now is not just based on an education but is based on experience and even more important than that, it is based on where I came from -- my upbringing.

The second thing I want to talk about, before my time runs out, is meaningful public participation. I have in my -- in the handout that you all have, I have three -- what I consider public participation -- meaningful public participation to be.

The one that I am most concerned about is the public participations influence on regulatory agency's decisions. Is that really going to happen? My greatest concern is whether or not public participation actually will influence regulatory agencies and how, if at all, will that take place?

Also, in the handout, you will see that I have two desired outcomes. One is that NEJAC will advise EPA to formulate relationships with financial institutions such that the redevelopment of EJ communities can be more than just a green space but a viable area for economic develop.

Secondly, my desired outcome is that NEJAC will advise EPA on how to make sure that they influence public participation actually has -- on regulatory decisions is outlined clearly in the final Plan EJ 2014 or any other policies that should be released in the coming months.

Also, you see in my hand out that there are two recommendations and I let you all read that. I won't bore you anymore but one of the things I really want to point out is number two.

It would actually benefit the states more to have EPA layout clearly, in an outline or whatever policy they pass, how the states should make sure that public

meaningful involvement takes place when we involve the public. Thank you.

MS. YEAMPIERRE: Ms. Collier, thank you.

(Applause)

MS. YEAMPIERRE: All right. I just wanted to -- if you could stay there for a second.

MS. MCGEE-COLLIER: Okay.

MS. YEAMPIERRE: This testimony is an example of why public comment is so important because it really does add a different lens sometimes from the ways that we see things. You presented a picture of a community that is very different than what happens, for example, where I -- my neck of the woods.

My neck of the woods -- if you have got a community that is surrounded by environmental burdens, developers love scouting in communities like that and those are the pieces that are prime for gentrification. They look at that as investing something that is going to be low-cost and is going to turn around.

Oftentimes, our environmental remediation or cleanups result in us actually displacing the people in our community because we are trying to clean it up for the people who live there. So, it is a regional difference and it is an important difference for us to understand because -- and one that, you know, I have never heard before.

So, thank you for sharing that. I am sure there are other members who may have questions --

MS. MCGEE-COLLIER: Okay.

MS. YEAMPIERRE: -- so if you could just stay for a second. Fr. Vien?

Comments by Fr. Vien T. Nguyen, Pastor,

Mary Queen of Vietnam Community Development Corporation

FR. NGUYEN: For the Council, I think she spoke of something where it is very similar to our situation in Louisiana where we do not trust our DEQ. We do not trust them at all. That is why we, at times, call on the federal agencies to come down and put on the lights so the roaches would show themselves.

So, this is something that we have to keep in mind and also when we are talking about rebuilding or developing an area that has been contaminated in any way -- Wynecta would remember the Ag Street landfill in our area where due to Hurricane Betsy, all the debris were dumped.

Then houses were built on the African-American neighborhoods and then finally, it was discovered that it is -- well, it is a Superfund site. So, people have to be displaced and moved again. Actually, in a way it was told to the people that it is okay to live there, just do not let your children touch the soil -- the dirt. Well, what is that?

So, this is something that we are dealing with. So, I am wondering if, on -- from the government, another issue of restoring not only the image but confidence in the community in the sense of policy justice. What -- how much bolstering would it be if the government would somehow bring contracts, government contracts, to the area like what she is talking about.

An area that had been abused by contamination, if it is really cleaned up, and then the government now having done so, coming in and investing in some types of job creation there. I think that would be tremendous in the sense of restoring the people. Thank you.

MS. YEAMPIERRE: Hilton?

***Comments by Hilton Kelley, Director,
Community In-power and Development Association***

MR. KELLEY: Yes. Thank you. Hilton Kelly, Community In-power and Development Association, southeast Texas, on the Gulf Coast. First of all, to the speaker, I would like to commend you for taking on this huge, huge battle.

I totally understand your frustration because I live in a community with a similar story. I want to encourage you to continue to fight. Many times in communities where there are a large number of industries, particularly polluting industries, you will find dilapidated buildings.

You will find lack of employment. You will find high crime and what have you. I understand exactly what you are speaking of. Even though we live on the fence line of \$40 to \$50 billion a year companies, somehow those communities always fall short when it comes to being employed at those very industries.

So, with that being said, you are going to have to build your own community. Many times you will find that the HEB's or Safeway markets do not want to locate in those areas. What we have learned to do is sort of mobilize the people that are living there, because they have to be there, to take it upon themselves to start their own businesses.

We are in the process of pushing forward with those plans now. Some of the industries in the area -- particularly Valero has stepped up to the plate and they have listened to some of the community folks and they are starting to work with us but yet, you have to keep pushing to get your area cleaned up.

You have to go to your city council meetings and continue to push them to

get involved. So, do not give up. Keep the fight going. You are on the right track.

MS. MCGEE-COLLIER: Thank you.

MS. YEAMPIERRE: Vernice?

***Comments by Vernice Miller-Travis, Maryland State Commission on
Environmental Justice and Sustainable Communities***

MS. MILLER-TRAVIS: Thank you. Ms. Collier, I want to acknowledge what you are experiencing and seeing from the agency perspective and I have worked with communities in Mississippi for a very, very, very long time and I am sad to say that I do not see a tremendous amount of progress.

So, I hear and receive what you are saying very well but I want to pushback just a little to say that we are almost being overrun in many communities and maybe this is a regional difference, as Elizabeth pointed out, but we are being overrun in many places by the desire to acquire that contaminated land at a lower purchase price that then gets cleaned up, remediated and redeveloped.

It then becomes a whole new community. We find ourselves driving by, walking by, looking at places where we used to live -- that we are almost ancestral for many of us. So, I want to say that there are a couple things that are going on that -- obviously Region IV, otherwise known as the problem child region, and EPA as a whole are really trying to do and they need to be connected back to the Mississippi state agency.

There is vigorous effort by EPA to reclaim, redevelop and build on Superfund sites. A concept that I never thought was possible but it is happening all over the place. The brown fields issue is, you know, running amuck. It is the biggest

driver of development of land, bigger than the sale of green space, you know, farmland.

Now they want the contaminated land that has already been developed on because it has infrastructure, right? So, I want to try and figure out a way to connect what you are trying to do with your agency, the communities that you serve and these efforts that are going on where EPA has -- is putting millions and millions of dollars on the street to see these sites cleaned up.

If it is not happening in Mississippi and it is not happening in the places where you are working, then we have to figure out what that disconnect is and figure out how to help that happen so those resources can flow to the places that you are trying to serve.

MS. McGEE-COLLIER: Right. One of the things I do -- if it is okay to comment? We have applied for brown field grants. We do know about Superfund. We have taken advantage of some of those programs that are available to us from EPA. However, it is only a small bite out of the big apple. There is a lot that needs to be done.

One of the things I would like to see take place is that there is more collaborative effort between the state and the federal government. Just like the priest was saying -- tell me how to pronounce your last name?

FR. NGUYEN: Nguyen.

MS. McGEE-COLLIER: Okay. There is a distrust of our agency. It is the -- unfortunately, it is distrusted because of things that had happened in the past and not things that are currently going on.

MS. YEAMPIERRE: There is, in New York City, an organization called

New Partners for Community Revitalization. Through that organization, we created a relationship between bankers, developers and communities to push community driven development.

Now the city of New York is incentivizing projects that are community driven. You may want to go to that website and check it out, just so that you can look at what other regions are doing in trying to incentivize and address the concerns that you have raised. Chuck?

Comments by Charles Barlow, Assistant General Counsel, Environmental Entergy Corporation

MR. BARLOW: Hey, Melissa.

MS. MCGEE-COLLIER: Hey.

MR. BARLOW: How are you doing?

MS. MCGEE-COLLIER: I am doing good.

MR. BARLOW: I was Melissa's attorney for quite a few years. So, what you are telling me is that you had a perfectly good air permit writing job and --

(Laughter)

MR. BARLOW: -- that somebody convinced you to take on the environmental justice leadership in the State of Mississippi?

MS. MCGEE-COLLIER: Pretty much.

(Laughter)

MR. BARLOW: You -- I understand. Before we had somebody in your position, it was my job, unfortunately. It fell to the general counsel. It is a tough job but you are brave and you are bold. You have had good people before you -- Gloria

Tatum.

I will never forget the day that, you know, 10 years ago that a tall skinny white man named Charles Chisholm, who was the director of our agency and who we all really loved, looked around and said, "This agency needs to start looking more like Mississippi."

What he meant was the diversity of the workforce. I do not think you will find an agency with a stronger diversity push than the Mississippi Department of Environmental Quality. I know it has gotta heart -- you are in a hard position. I think a lot of the reason that there is mistrust is because you cannot solve everybody's problems.

We wish we could when we work for the government or when we sit around the NEJAC table but we cannot. That is one reason why you are distrusted. Vernice and Elizabeth, yes, it is different when you start -- one of the things that I think we have done pretty well over the years within EPA is expand the idea of environmental justice beyond the urban communities to the rural communities.

It is so different. Look, there is no reason for anybody to go buy that property -- and I know exactly where you are talking about in that community because there is enough green field just a few miles down the road, why wouldn't you just go buy -- now there might be a way to incentivize it but it is pretty difficult when, you know -- this is not an urban.

This is not a metropolitan, big metropolitan area, this is, you know -- so it is just a very, very different situation but you are -- you are bold and you make me proud and thank you for coming.

MS. McGEE-COLLIER: Thank you.

MR. : Can I -- can I --

MS. YEAMPIERRE: Wait. Wynecta -- and I will come back to you. Just hold that thought.

Comments by Wynecta Fisher, E2, Inc.

MS. FISHER: Melissa, Wynecta Fisher, formally City of New Orleans. Currently, I am a consultant. One, I want to -- I really feel you right now and I am going to use that slang because when you work for government, you know, it is -- to have to sit there and say, "Well, these are not the opinions of dah dah dah dah but these are my opinions", you know, because you are actually seeing what is going on.

So, there are two questions I really want to ask you and now, I actually have a third, so I am going to make it brief. One problem, I think, that we face when it comes to what we have to do is, you know -- the law allows institutional controls.

So, the feeling is if you cap it or that is a hot spot and you do not put something there, then it is okay. What has never set well with me, and I do know how you all address it, is that what happens, as Fr. Vien mentioned and as some others, you know, is 15 or 20 years from now, someone forgets about the institutional control.

Or although the institutional control is recorded on your deed, you just bought a new house. You do not -- you did not pay attention to it and now you decide that you want to grow a garden or something. So, one thing, I want to know how the Mississippi DEQ addresses institutional controls because sometimes that is what happens to impaired property or contamination.

The second thing, you -- I am going to build these two together.

Meaningful participation. The word meaningful is subjective. What is meaningful to one person might not be meaningful to the other and one issue that I used to have with our state DEQ is -- and you know, they got me on this all the time.

Well, who did you reach out to? They reach out to the same usual groups, same two or three groups, and it was a check mark that we did (indicating) meaningful participation. The question I would ask them is do those two groups, and Elizabeth said this earlier -- but do they represent everyone or are they just the loudest group.

That is not really meaningful participation. So, how do you suggest that EPA -- you mentioned -- you asked to outline it but can you give us some suggestions of how EPA should go about defining meaningful?

Comments by Melissa McGee-Collier, Director of Office of Community Engagement, Mississippi Department of Environmental Quality, Jackson, Mississippi

MS. MCGEE-COLLIER: I will take the last question first. I believe that there should be standards and not just a checklist. When you say I reached out to the community, it should not just be, like you said, the community that is the loudest or the one that you know has a phone number to the regional administrator for your region.

It should be everyone and it should be done in multiple ways. It should not just be in the newspaper because everybody does not buy news -- you know, buy a newspaper on a daily basis but we should use all the media. It should not be by email because everybody does not go check an email address.

It is a lot of people in the State of Mississippi that do not even have computers in their home, let alone an email address. We are tempted -- and we are

going to continue this project but one of the things we did is we started donating our old computers to the libraries in those rural areas.

Such that so -- in a manner so that when the citizens go to the library, there is an environmental center in their library set up by the agency with a donated computer and when they log on or when they open it up, it goes directly to a home page for environmental industries in that area.

So, they get to keep up with the data, if they choose to use it. I do not know -- I do not know what all needs to be done in order to ensure meaningful participation but I do know that once -- I believe EPA needs to establish it. They need to give us specific guidelines.

We have already attempted the checklist and that is exactly what it became, you know. There was a question. Have you did an analysis of environmental justice -- I am putting it in my own words. The permit writer would say, "Sure." You go back and ask the permit writer, "Well, what exactly did you do?" "Uh."

So, I do not know the answer. I do not know the answer. I mean, I am sorry that I do not. The other part of your question is -- your question was about institutional controls and we do exactly like you said. We cap them off or we put the pump there to make sure the pump keeps pumping out the creosote and we move on.

MS. YEAMPIERRE: John?

***Comments by John Ridgway,
Manager of Information Management and Communications Section,
Hazardous Waste and Toxics Reduction Program,
Washington State Department of Ecology***

MR. RIDGWAY: Thank you. Thank you for providing your comments in writing. They are very well prepared and succinct. To the first desired outcome, you say "NEJAC to formulate a relationship with financial institutions." It is worth noting that we are lacking, on this Council right now, that representation.

We have had it in the past and we need it and so I am going to just kind of reiterate your interest in that too from the Council perspective because that is one of the few things that we have some -- hopefully direct influence or a better influence when we have that representation. That is critical.

Also, to the second desired outcome. I do not know if you were here earlier today but we have just been hearing about this EJ 2014 report.

MS. MCGEE-COLLIER: Yes.

MR. RIDGWAY: We are all primed to take these kinds of recommendations in that context too, so thank you.

MS. MCGEE-COLLIER: You are welcome.

MS. YEAMPIERRE: Stephanie?

Comments by Stephanie Hall, Senior Counsel,

Environmental Safety and Regulatory Affairs, Valero Energy Corporation

MS. HALL: Thank you. Melissa, I just wanted to say that I really respect and appreciate your experience, particularly on the air permitting side and now your segway into the community outreach forum. I was focused on drilling down on your desired outcome number one.

On the -- particularly part about the EJ community being more than just a green space --

MS. McGEE-COLLIER: Yes.

MS. HALL: -- but a viable area for economic development. When I look at the term "economic development", I also think about local city government. As the spouse of someone who served on San Antonio's city council for four years and really advocated for his community, I know that if you have got the right city representative or district representative available to you, it can be an asset in terms of economic development and advocacy for that district.

I know not every district and every council representative is effective or the same in all areas. I am was just curious as to what resources you might have in that regard or if that is an avenue you have already explored?

***Comments by Melissa McGee-Collier, Director of Office of Community
Engagement, Mississippi Department of Environmental Quality, Jackson,
Mississippi***

MS. McGEE-COLLIER: We have better relationships in some cities with city council members than we do in others. The cities where we have good relationships with city council members, they understand the problems that we are working with.

They understand the zoning and the land use problems. They understand the cleanup and what we want to do after the cleanup. So, in those areas, it is very good. In other areas, the councilmen and councilwomen are more concerned about being re-elected the next year and they are more industry friendly.

MS. YEAMPIERRE: Jody?

***Comments by Jodena Henneke, Program Manager,
The Shaw Environmental & Infrastructure Group***

MS. HENNEKE: Hi Melissa. My name is Jody.

MS. McGEE-COLLIER: Hey.

MS. HENNEKE: First of all, I want to start out by telling you that I have been in exactly your position in one of your sister southern states. So, I have a great deal of empathy and appreciation from -- for where you are coming from.

What I am getting ready to say is -- well, there are two things. The first thing is Chuck and I have had this discussion before. I too -- having moved from a technical position into more of a public participation on permitting matters position and it is my heartfelt belief that it is -- that you can be much more effective having that technical background because you can speak both languages.

So, I admire you for having done that. I will also tell you God bless you. We can talk later. I have done that and it can be challenging at times.

MS. McGEE-COLLIER: Yes.

MS. HENNEKE: The other thing is much more of a housekeeping matter and it is not for you to tell me. It is just, you know, maybe more for Victoria and Charles later and that is that I thought I heard you start out your verbal comment with that -- that your views were those of you personally.

If that is indeed the case, you may want to change your contact information on your written comments, just as a housekeeping matter, so that you do not run afoul of anything there. The other part is that it may not be the best term of art but I really truly believe that what you are doing is missionary work within public service.

It is challenging and difficult because I know what it feels like to go into a community, trying to do your very best work effort to help them have that opportunity to participate and to not be trusted. That is disheartening and you just kind of have to hang in there.

Hilton can tell you. He and I were in one of those relationships where I was there as a representative of government and he was having to teach me and I was having to teach him. It is very hard work so hang in there. Thank you.

MS. McGEE-COLLIER: Thank you.

MS. YEAMPIERRE: Hilton.

***Comments by Hilton Kelley, Director,
Community In-power and Development Association***

MR. KELLEY: Yes, real brief. I just have a couple of questions. Number one, the issue in your community in question is concerning creosote, right? It is a creosote community? Where they produce creosote?

MS. McGEE-COLLIER: It is actually multiple --

MR. KELLEY: Is it --

MS. McGEE-COLLIER: It is not just one. There is one with creosote. There is one -- landfills. In the area with area with landfills. So, it is multiple.

MR. KELLEY: So, you have a number of --

MS. McGEE-COLLIER: Yes.

MR. KELLEY: -- environmental justice issues there.

MS. McGEE-COLLIER: Right.

MR. KELLEY: Okay. Number two, how many -- do you have a large

number of residents in that community?

MS. McGEE-COLLIER: In the community where the landfills are located, no. In the community where the creosote is located, yes.

MR. KELLEY: Okay. Was it a community -- was it a vibrant community at one time?

MS. McGEE-COLLIER: Which one? Both?

MR. KELLEY: Yes. Both of them.

MS. McGEE-COLLIER: The area with the landfills is more rural --

MR. KELLEY: Okay.

MS. McGEE-COLLIER: -- and it is not a whole lot of businesses around that area. The area with the creosote, yes. Very viable.

MR. KELLEY: So, are the people somewhat divided, you know, on certain issues when it comes to how to solve these issues?

MS. McGEE-COLLIER: Yes.

MR. KELLEY: Okay. Well, number five -- I have a suggestion. Number one, you guys are going to have to try to work together to find something to resonate around and it seems to me the environmental justice issues, be it the creosote or the landfill site -- that in itself is enough to bring people together to help them understand that if we are going to be in this boat together, we have got to learn to row this boat together.

We are going to have to work together to cleanup both of these issues. Once you knock down that barrier, then you are going to be able to see a way in which you can push forward to better that community and to repair the dilapidated situation.

But until the people come together themselves, it is difficult to go before your local council, your mayors and your Congress people to try to build up on revitalization because everyone is divided. I am not saying it cannot be done but I am saying you have a better chance when you pull everybody together.

So, a lot of your energy should be spent toward pulling the people together around their own particular issues and helping them to understand how you guys can beat this situation together instead of divided.

MS. MCGEE-COLLIER: Thank you.

MR. KELLEY: Recommendations.

MS. YEAMPIERRE: Thank you. Edith?

***Comments by Edith Pestana, Administrator,
Environmental Justice Program Officer of the Commissioner,
Connecticut Department of Environmental Protection***

MS. PESTANA: Hi.

MS. MCGEE-COLLIER: Hey.

MS. PESTANA: I just wanted to tell you that for 16 years, I have been the environmental justice administrator for the State of Connecticut so -- and from -- and I remember being where you were and not having anybody trust the agency. In fact, despise the agency and actually call the agency a racist.

So, you have to kind of start slow but I think that what I learned is that it takes at least two to three years to get a community to learn to trust you and start working with you. It is a long sort of process.

What I learned is that you take -- you do other -- if you cannot solve that

large problem for them, try to leverage other agencies and resources around their local to do smaller projects that better also their concerns so that they realize that you are working with them.

You start solving little things for them together where they -- for us it was cleaning, you know, illegal dumping which was completely rampant. We started meeting with them and we started cleaning up their streets and working with the municipality.

Smaller things like that around a landfill issue that we had -- and maybe dealing with the odors and just small things and taking some of -- and I want to ask you a question. Are you solo or do you have staff?

MS. McGEE-COLLIER: I have two people.

MS. PESTANA: Good.

(Laughter)

MS. PESTANA: That is good.

MS. McGEE-COLLIER: I could use about 30 more.

MS. PESTANA: I know but --

(Laughter)

MS. PESTANA: -- your state is much larger than mine so, yes, you could use more but I am wondering what kind of support do you have in your agency?

MS. McGEE-COLLIER: On the top level?

MS. PESTANA: Yes.

MS. McGEE-COLLIER: I think I have very good support. I think we are both feeling our way. I think we are both trying to decide how to actually integrate

environmental justice community engagement into our policies that already exist in our business processes.

So, I feel like I have very good support but it is difficult because it is nothing already laid out to follow. There is no groundwork, as far as the State of Mississippi is concerned, that you can just walk into and just follow the path.

So, it requires me to pull a little bit from one state and from South Carolina and North Carolina and put everything together to try to figure out what Mississippi should be doing.

MS. PESTANA: Maybe Mississippi is eligible for a CARE grant?

(Laughter)

MS. PESTANA: See him sitting up over there? Because that might be really useful for you to pull different entities together.

MS. McGEE-COLLIER: Yes.

MS. PESTANA: What I found was very useful for me to get started was to actually have money available to give different groups to sit -- I had to pay them to meet with the agency, you know. To give them something to come and sit down and talk and to solve problems and sort of identify their -- the environmental -- multiple environmental issues in their community.

MS. McGEE-COLLIER: Yes.

MS. PESTANA: So -- grants.

MS. McGEE-COLLIER: Basically --

MS. PESTANA: Grants. You know how to do it. Thank you.

MS. McGEE-COLLIER: Thank you.

MS. YEAMPIERRE: Melissa, basically what you are doing is the work of an organizer and, you know, we sometimes have to provide childcare, translation, food and meet when people are available but is this a community that goes to church?

MS. McGEE-COLLIER: All of Mississippi goes to church.

(Laughter)

MS. YEAMPIERRE: So, there --

MS. McGEE-COLLIER: The answer is yes.

MS. YEAMPIERRE: So, there is your hook because -- no, no, because if are under staffed and underfunded and under capacity, then you have to reach out to the churches to help you deliver the message for you, places that they trust ---

MS. McGEE-COLLIER: Yes.

MS. YEAMPIERRE: Places where they can convene where the message will be delivered to a number of people at once.

MS. McGEE-COLLIER: Yes.

MS. YEAMPIERRE: Find a group of people that will be your champions. That will be people that you develop a relationship with and will be multipliers in the work that you are trying to do and I knew that that was going to be the answer, by the way. I knew.

So, that may be one of the ways that you begin by basically going to church. I am not, you know -- because the church/state thing --

MS. McGEE-COLLIER: Right.

MS. YEAMPIERRE: I am not preaching but I am saying that that is an organizing strategy you might want to consider but thank you very much.

MS. McGEE-COLLIER: Thank you.

MS. YEAMPIERRE: Thank you. Okay.

MS. : ---.

MS. McGEE-COLLIER: Go ahead. Well, we end with you then.

Comments by Fr. Vien T. Nguyen, Pastor,

Mary Queen of Vietnam Community Development Corporation

FR. NGUYEN: Yes. Thank you.

MS. YEAMPIERRE: So, go to church.

FR. NGUYEN: Yes.

(Laughter)

FR. NGUYEN: I was not about to answer that question but it is just something that Wynecta asked earlier. I think it is really crucial because it is concerning meaningful engagement. It was something that we talk about earlier. I just wanted to reiterate this because it is something that -- since it is for the record -- from our experience and something that you said earlier, as well Wynecta.

I think for the minority communities, it is important for our EPA and DEQ to frontload issues with the people. I am saying that because the landfill that we fought in our community, we did not even find out about it in the newspaper.

We did not get the newspaper at that point. Someone called and informed us that that was in the newspaper that there was a landfill in our community to be opened, you see? Then our DEQ came and said, "Everything will be fine." No. No.

That is now how you -- you frontload the issue with the people so that people know before it happens and I think the other issue that you also raised,

Wynecta, is this -- that I did not even think about asking about that point.

When a project is about to be carried out or proposed after frontloading the issue, one of the things that agencies can be very helpful would be to inform the community of the risk factors because we do not know. We have no idea. So, I think that would be very helpful in terms of meaningful engagement.

MS. YEAMPIERRE: Thank you. Thank you. Maite Arce?

(No response)

MS. YEAMPIERRE: Okay. No. I am going to get back to the beginning of the list.

MS. V. ROBINSON: You have Assaf Katz.

MS. YEAMPIERRE: Assaf Katz? Assaf Katz? Did I say that right?

MR. KATZ: ---.

MS. YEAMPIERRE: Welcome.

Comments by Assaf Katz, Concerned Citizen, Israel

MR. KATZ: Is it working? Yes. My name is Assaf Katz. I am from Israel. First of all, I wanted to say that it is really exciting to see so many people so enthusiastic about environmental justice. It is -- I want to talk about -- talked about the Plan EJ 2014 this morning.

It took some comments and it sounded like an amazing plan and they talked about five major things about the rulemaking, permitting, enforcement and compliance, community based action and administration wide action.

If you -- the way I see it, you have four things which are very governmental legislative enforcement and one thing which is basically like community which is kind of

funny because we just had about 45 to talk about public participation and everybody was really enthusiastic but if you look what is the real plan, it is about ---.

When they talked about community in the morning, we talked about empowerment just a little bit. There was one word that I found that was missing. It was said one time. The word is education.

I feel that -- I think that if you want to have people who in 10 years who will be the people who come and speak or be in your place, you need some -- you need education. I had a feeling with -- I had a meeting with the education office in the EPA.

They have 15 people around the -- across all the United States, 5 here in the headquarters, 1 in each region. They have -- their whole budget is \$9 million. I think that -- and the -- what the answer I got is that it is like this because education happens through different medias in the EPA, like each media has -- does some kind of education.

I feel that if you want to really -- if you really care about it education, you will -- you will give it the time, the place, the budget. So, one thing is that education is empowering communities. It is the way to create the strong community.

It will not -- that will be the thing that will create instead of -- I do not remember the name of the woman that was before me and spoke so beautiful but it will make -- instead, she will -- instead of the fact that she will have two people working with her, she will have three or four.

That is worth much more than a lot of money because you have people working together and you do not get exhausted. If you do not have this background, that you come with the love of environment or the appreciation, nobody will do it until it

will become a really big serious problem.

Until pollution will be in your faucets and you will drink polluted water. One second. Also -- okay. That is -- that is pretty much what I wanted to say, just that like the language that is used -- that was mentioned here did not -- did not include the --- education.

Like it just -- if you just put it into the language that you talk about it simply becomes -- it becomes something and for me, it is like the basic thing that is missing because in 10 years, we will be in the same situation. You will talk about enforcement.

You will talk about rules, regulations and there will be a few people who will still be in the same place and everything will be the same until something very basic will change. This is how I feel about it. I do not know it works with the American system because I am Israeli and I have been here for a month but --

(Laughter)

MR. KATZ: -- this is how I feel.

MR. : ---.

MS. YEAMPIERRE: Okay. Thank you. Any comments or questions?

(No response)

MS. YEAMPIERRE: Okay. Thank you. Carl Rollins?

(No response)

MS. YEAMPIERRE: Jacqueline Patterson?

(No response)

MS. YEAMPIERRE: Tirson Moreno?

(No response)

MS. YEAMPIERRE: Wynetta Wright?

(No response)

MS. YEAMPIERRE: Where is everybody? Deborah Sullivan-Ramirez?

(No response)

MS. YEAMPIERRE: Jane Whitefoot?

(No response)

MS. V. ROBINSON: --- right there.

MS. YEAMPIERRE: Maite Arce?

(No response)

MS. YEAMPIERRE: Carlos Alcezar?

(No response)

MS. YEAMPIERRE: Allison Robin?

(No response)

MS. YEAMPIERRE: Okay. I think we are going to have an early night.

Comments by Victoria Robinson, Designated Federal Officer,

EPA Office of Environmental Justice (OEJ)

MS. V. ROBINSON: I just wanted to make sure the members are aware that in your binders, you will have actual copies of written statements submitted by individuals who have -- who are not here. I would like to go ahead and call out their names.

I know that Albertha Hasten has a brief statement that is in your binder. I apologize if I miss anybody. Laurie Shoeman from the EJCAC and Literacy for Environmental Justice in San Francisco. A comment about funding green infrastructure

upgrades in EJ communities.

Daniel Parshley from the Glen Environmental Coalition in Brunswick, Georgia has a comment. Stanley Caress. He already spoke. He has a written comment. We also have a comment that was just distributed today. Suzette, I am going to have you hand that out, from the Mississippi Coalition for Vietnamese/American Families and Fisherfolk.

That is a multipage written comment that was just handed out to us today. So, we would like you to take a look at it when you can, okay? I think that should cover our comments.

MR. RIDGWAY: I think we also have comments from Jane Whitefoot, as well.

MS. V. ROBINSON: Jane Whitefoot. Okay. Thank you.

MS. YEAMPIERRE: Father Vien?

FR. NGUYEN: Madame Chair, I am new here so I do not know exactly the protocol but is it possible for me to go back and ask a question of one of the people who was here?

MS. YEAMPIERRE: Please do.

Comments by Fr. Vien T. Nguyen, Pastor,

Mary Queen of Vietnam Community Development Corporation

FR. NGUYEN: Mr. Floyd Mori is still here. So, if I could ask this question. You had spoken about the need for community based organizations to work with the people in the Gulf Coast concerning the BP disaster. My mind was wandering at the time but now it has come back to me somewhat.

So, let me ask you this question. There was a question of community based organizations and should it arise from the community. I mean how? What can we -- what can we do to help or what can EPA do to help? So, help us with that.

***Comments by Floyd Mori, National Director,
Japanese/American Citizens League, Washington, D.C.***

MR. MORI: Yes, I think you are right. It has to be community but I think in the new -- newer immigrant communities, there needs to be some training. Maybe the training needs to come from without but it has to be the local trusted people that are involved in this process.

I think they need a lot of training. We have quite a few very small volunteer organizations that have not really engaged in the past and now they have a huge, huge issue to deal with and they are not really sure how to go about doing it, how to work with other groups.

I think it is very important that some training occur and I think there are organizations there that can assist in that training but all of this takes some kind of funding to do. I think this is part of the recess of developing environmental justice for people that have difficulty. Thank you.

MS. YEAMPIERRE: That is correct. Thank you. Have a good evening.
Jolene?

Comments by Jolene Catron, Executive Director, Wind River Alliance

MS. CATRON: I do not mean to keep us going on here but Mr. Mori, I wanted to let you know that we had a national teleconference call -- when was that call? Last month? About the Gulf oil disaster and that was one of the things that we did talk

about in the teleconference call.

It is also on the agenda tomorrow. We will be discussing that. I am not sure if you are going to be here tomorrow also but there is a list of recommendations that we have drafted as the Council. So, you will be able to see that also.

MR. MORI: Thank you. Thank you.

MS. YEAMPIERRE: Teri?

Comments by Teri Blanton, Fellow, Kentuckians for the Commonwealth

MS. BLANTON: I would just like to say that immigrant communities are not the only ones that do not trust the government or do not trust the outsiders because Appalachians --

MR. : Long time.

MS. BLANTON: -- have been there for a long time and they are an immigrant community -- been there for, you know, imported in to work in the coal mines and they do not trust outsiders either and sometimes I think that it really works against us. I mean I know it works against us, you know, to not trust outsiders coming telling us what to do.

So, you are not alone in that respect and it is really hard to built that respect, especially against agent -- or for agencies, you know. It is like we feel that agencies are there to protect human health and the environment but yet we are watching our land be exploded around us. So, you are not alone in that respect.

Community organizing is very difficult. It is -- it usually starts with someone in the community to help you build that trust.

MR. MORI: Yes. I think in this particular community, there are a lot of --

there is lots of desire. There is just a lack of knowledge. A lack of process. There are a lot of good people there that want to do good. It is a matter of getting them together and working with each other rather than sometimes working against each other.

MS. BLANTON: Yes.

MS. YEAMPIERRE: I would say that with the exception of indigenous people and African-Americans, everybody is an immigrant community in the United States.

(Laughter)

MS. V. ROBINSON: I would say so.

MS. YEAMPIERRE: So, we are going to -- Victoria is going to talk about the other end of the spectrum. You know, we often -- we have been spending a lot of time talking about youth and talking about environmental implications, health implications for children.

But a population that is also extremely vulnerable is our elderly population which is why we always talk about intergenerational approaches. She has got some material and some information she wants to share with you.

Comments by Victoria Robinson, Designated Federal Officer,

EPA Office of Environmental Justice (OEJ)

MS. V. ROBINSON: Thank you. During the break, right after -- before dinner, the senior advisor at EPA on the Aging Initiative, she is in the Office of Children's Health Protection and Environmental Education. She handed me a set of materials.

She wanted to make sure that the members received it and to make you

aware of this resource. We have a series of documents they have created about building healthy communities for active aging. There is an award program they have. They also have a guide on Smart Growth and Active Aging to think about -- in that process of those -- the aging population, particularly as this country ages.

What was interesting that she really wanted me to point out is that this is really for those who are NGO's and community based, that they have a series of fact sheets and they have them translated basically into 17 different languages.

Among those include Arabic, Armenian, Chinese -- simplified Chinese, French, Haitian, Creole, Hindi, Italian, Portuguese, Russian, Spanish, of course -- tag along, as well as -- I think Vietnamese. Yes and Vietnamese. So, that there is a resource guide.

If you want to order materials, they are available for free. So, I am going to go ahead and pass some information around so that your chair -- I can leave it in the morning if you want me to so you do not have to lug it to your room.

They want you to take advantage of this resource. They want to make sure that we look at the other end of the spectrum, in addition to the youth. Okay. Thank you.

MS. YEAMPIERRE: If there is not anything else, the meeting is adjourned. Good night. I look forward to seeing you on time tomorrow morning at 9:00 a.m. Thank you. (Whereupon the meeting was adjourned at 8:12 p.m.)