

National Environmental Justice

Advisory Council

Meeting

July 21 - 23, 2009

Thursday, July 23, 2009

National Environmental Justice Advisory Council

July 23, 2009

NEJAC Members Present:

John Ridgway, Co-Chair
Elizabeth Yeampierre, Co-Chair
Don Aragon
Sue Briggum
Peter Captain, Sr.
Jolene Catron
Wynecta Fisher
William Harper
Jodena Henneke
Christian Holmes
Hilton Kelley
J. Langdon Marsh
Dr. Shankar Prasad
John A. Rosenthal
Patricia E. Salkin
Omega Wilson

NEJAC Members Absent:

Richard Moore, Chair
Chuck D. Barlow
M. Kathryn Brown
Gregory J. Melanson
Paul Mohai

EPA Members Present:

Victoria Robinson, Designated Federal Officer
Charles Lee, Director, OEJ
Ann Codrington
Emily Enderle
Cynthia Giles
Laura McKelvey
Charlotte Mooney
Surabhi Shah
Maria Parisi Vickers
Shanika Whitehurst
Laura Yoshii

National Environmental Justice Advisory Council

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Keynote: "---" denotes inaudible in the transcript
 "*" denotes word was phonetically spelled

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

(8:46 a.m.)

Welcome and Review of Previous Day***by John Ridgway, Co-Chair***

MR. RIDGWAY: I am John Ridgway with the Washington state Department of Ecology. I am so honored to be co-chairing here with Elizabeth. I will let her introduce herself.

We have a lot of things to cover today. I am just going to quickly review those so that we get a sense of what is coming up.

We realize some people are going to have to get going sooner than we may be able to adjourn, so in the most general, respectful way, I am going to ask council members to be fairly succinct in comments. In a couple of the topics, we are really not going to get into discussion. We are just going to have some overview. We are also going to have a couple of topics.

We are going to go around the table and ask for a quick input without discussion on a couple things so that we will have some good, collective advice to work with.

Anything you want to add just for an introduction here, either Elizabeth or Victoria?

MS. YEAMPIERRE: Buenos Dias. Good morning. My name is Elizabeth Yeampierre. I am executive director of

UPROSE in Brooklyn, president of the New York City Environmental Justice Alliance, and I would like to welcome you to the last day of NEJAC and introduce you to Victoria Robinson, who has some remarks.

MS. ROBINSON: Good morning, everybody. It is good to see you all. I am just going to go over a couple of issues for the members. Today we will have a working lunch. There will be an extended break today for you to be able to check out of your rooms. For those who are checking out, we will have a working lunch.

(Travel logistics)

MR. RIDGEWAY: So just a quick review of what we are going to cover today. We are going to get a quick report out on the Disproportionate School Siting topic. We will also cover the Definition of the Solid Waste Rule per the agenda.

We will hear a little bit about developing a new initiative on urban waters by EPA. We are going to look at a draft letter that you will have in front of you hopefully pretty quick here on what we discussed yesterday or heard about on the small water systems as well as some draft language that addresses the Recommendation No. 19 from the Goods and Movement Draft Report.

We do want to move that report out, so given we have got a time pressure to get that report out, time

pressure to get through a long agenda, and some people may have to leave early, we are going to encourage that to happen relatively quickly, not wanting to suppress input but again to be on point.

We will also get into emerging issues, and Victoria and Charles will help facilitate that. We will talk a little bit about how NEJAC is going to cue up for the next meeting. That is plenty right there.

So the first thing on the agenda is a couple of kind of late-breaking news items that I am going to let Charles let you know about, and also relate to what you are looking at on the screen.

Comments

By Charles Lee

MR. LEE: Thanks, John. Good morning, everyone. I have been pre-empted by the screen, and you can see that this is the EPA home page with Administrator Jackson speaking at the NEJAC highlighted. If you click on the, I think, ---, you get text of her speech.

So this is what everyone sees when they go to the EPA home page. Secondly, I wanted to mention that during the public comment period there were at least three acting regional administrators, Bill Rice, Region 7; Larry Starfield from Region 6 and Ira Latent from Region 1 who were here for the majority of the time.

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I think they were unnoticed but I think that is very significant. There were other very senior EPA officials that stayed for practically the whole session as well. Thirdly, with respect to the Mossville issue, Larry did e-mail me and say that a meeting has been set up in Mossville for next month already. So that is good news.

Then lastly, I understand that the administrator affirmed or signed EPA's new Indian policy yesterday.

MR. RIDGWAY: Thank you, Charles. And again, good morning to everybody. Thanks for joining us on the last day. This is a nice, robust attendance. I like it.

The first thing on cue here is a discussion around the Definition of Solid Waste Rule. We have Vernice Miller-Travis with us and Charlotte, I think. Hi. We will let you introduce yourselves -- and Maria.

I am going to turn it over to you, Vernice, if you would like to go ahead. Thanks.

Excuse me, we also have Emily here too. We will have you introduce yourself too.

MS. MILLER-TRAVIS: (away from mic) Emily from --

MS. ROBINSON: Vernice, you are going to have to -- the mic needs to be turned on.

MS. MILLER-TRAVIS: Maria is going to open the panel. She is going to do an introduction of the issue and then we will get into it.

Discussion on the Definition of Solid Waste Rule

by Maria Parisi Vickers

MS. VICKERS: Thank you Vernice, and good morning to everyone. My name is Maria Parisi Vickers, and I am the deputy director for the Office of Resource Conservation and Recovery, which was formerly known as the Office of Solid Waste.

Many of you may be familiar with that name. Many of you also may know that this office reports directly to Assistant Administrator Mathy Stanislaus, who addressed you on Monday on this very issue.

I am very pleased to be here today to address this counsel and open a dialogue which seeks your advice and input on what we consider an important process, that of conducting an environmental justice analysis of the Definition of Solid Waste Rule to determine whether it will result in disproportionate impacts on disadvantaged communities.

It is an important process because with your help, and as the AA Stanislaus said to you, we will be involving all interested stakeholders as well as those potentially impacted by the rule. Because this issue will be a difficult one, and we will need your help, we will need the help of the Environmental Justice Executive Steering Committee's workgroup on rule making, which Laura Yoshii

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described yesterday.

We will need the help of NEJAC's EJ screening approaches workgroup, which we heard about. We will need the help of communities and the help of experts inside and outside the EPA.

Before I introduce Charlotte Mooney, who is going to be more specific about what we are going to be doing, I want to say that in the past 2 days, about 10 members of my office's management and professional staff have been here to listen to this council as it conducts its business. Many of them, like me, have been with the agency long enough to have served under Tim Fields' leadership when he was assistant administrator for OSWER and to have been involved in the first phase of the environmental justice movement.

Many of us learned about EJ values from Tim, who mentored us both at the regional level and at headquarters to integrate EJ considerations in the programs we managed or implemented.

So it was personally gratifying for me to hear from him about the impressive body of work that NEJAC has produced in the past 15 years, giving all of us a perspective on what can be accomplished as we work together.

It has also been good for me and my colleagues to listen to your conversation and to hear about the scope and complexity of the issues you are tackling as advisers to the

EPA.

Today, however, we begin a process of adding another tough issue to your agenda, but we add it because we believe it will be time well spent both for this counsel and for our office.

So let me introduce my colleague Charlotte Mooney. She is the branch chief of the recycling and generator branch. Charlotte leads a very capable staff that has worked and continues to work on the Definition of Solid Waste Rule.

She will briefly describe where we have been with the Definition of Solid Waste Rule, describe what we learned at the June 30th public meeting, and most important, perhaps, begin a conversation about where we are going. Needless to say, we very much appreciate all the comments we received on the June 30th meeting. We are grateful for all of the participation and the diversity of the stakeholders who attended that meeting. Thank you.

MS. MOONEY: Vernice, did you want to go next?

MS. MILLER-TRAVIS: I think maybe.

MS. MOONEY: Go please.

Comments

by Vernice Miller-Travis

MS. MILLER-TRAVIS: Just to give you some context, our conversation has shifted dramatically around the

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Definition of Solid Waste Rule as a result of the comments made by Assistant Administrator Mathy Stanislaus before the NEJAC on Tuesday when he announced that a full and thorough environmental justice review of the Definition of Solid Waste Rule will be undertaken by the EPA.

Since Mathy announced that, it has taken away all the thunder from the remarks that I was going to make this morning. No sense in displaying righteous indignation when there is nothing to be righteously indignant about anymore.

But let me try to put the conversation in some context and say why it is important for the NEJAC. I asked Charles and Victoria and Kent and others in the Office of Environmental Justice if, as this issue was percolating and coming to a head, we could have a conversation and a panel discussion before the NEJAC about the Definition of Solid Waste Rule because it had so many intersections with what the NEJAC is, what the NEJAC has been about and how the NEJAC has served in its role as a federal advisory committee commission to the Environmental Protection Agency.

Many of you know that I served on the NEJAC for many years. I chaired the waste and facilities siting subcommittee of the NEJAC for many years.

Followed Charles as the chair of the subcommittee and served on the subcommittee when Charles was the chair of the subcommittee and go back in my relationship with the

NEJAC to its very beginnings in 1993 and have done a host of activities of which I am exceedingly proud of what our subcommittee of the NEJAC has put on the table, how we have helped to shape the conversation for the EPA particularly in the Office of Solid Waste and Emergency Response.

And how I think we have been able to expand the agency's thinking about how it goes about doing its business, particularly as it relates to hazardous waste and solid waste issues.

As the former chair of the subcommittee, obviously, I have very fond feelings about the hundreds, actually thousands, of volunteer hours that I and the other subcommittee members gave to the NEJAC. What brings this issue to a head is that history and that work with the Office of Solid Waste and Emergency Response.

So one of the many things that we have talked to the EPA about, particularly OSWER for many years, is that in the context of doing their work, particularly as it relates to rule making, that there are often environmental justice considerations that are not immediately known or understood by those who traditionally write the rules.

Part of our job through the NEJAC and through the waste and facilities siting subcommittee was to have a more in-depth set of conversations with OSWER staff to familiarize them with the issue, to contextualize the issue,

and to help them come to perhaps a different understanding about how they might undertake those rule makings, that policy making or enforcement actions.

So I was rather startled to learn from earth justice, formerly known as the Sierra Club Legal Defense Fund, that this Definition of Solid Waste Rule was being promulgated by EPA. The purpose of the rule was to rethink and recategorize many categories of hazardous waste out of the hazardous waste stream into the solid waste stream.

Substances that had traditionally and historically been regulated under RCRA would no longer be regulated under RCRA and would come under a much less vigorous degree of oversight investigation, inspection and reporting requirements.

We looked at where those sites would be. What we are talking about here are businesses and companies that recycle hazardous waste. As you know, the whole issue of recycling of hazardous waste has deep historical underpinnings in the evolution of the environmental justice movement itself.

The very first major, major undertaking, and many of you all have heard about it, the struggle in Warren County in North Carolina began around the issue of quote, unquote recycled hazardous waste. There were trucking companies and businesses that were hauling contaminated oil,

and they were depositing that oil on the side of the highway in Warren County, North Carolina, a county that was at the time about 96 percent African American in its population, overwhelmingly low income.

In order to respond to that issue of just sort of the willy-nilly depositing of this hazardous oil, recycled oil on the side of the highways, they create a hazardous waste landfill. They put that landfill in Warren County, North Carolina, we assume because they used to deposit the oil illegally on the side of the road, so therefore why not build a hazardous waste landfill in Warren County, North Carolina.

The struggle that resulted around that issue was the very issue that put on the table the whole national conversation about environmental justice.

If you want to know more about this issue and the history and the interrelationship around hazardous waste recycling and the environmental justice movement, Dr. Robert Bullard, a former charter member of the NEJAC who directs the Environmental Justice Resource Center at Clark Atlanta University, has published a wonderful piece entitled "Environmental Justice Leaders call on Obama Administration to Roll Back Bush Era Waste Rules," which appeared in op-ed news on July 5th, 2009.

It is a really, really wonderful piece. I wish I

had written it myself, but it really goes back and looks at every single case and struggle around the country that has had such enormous impacts, specifically about the issue of hazardous waste recycling.

I want to say a little bit more about the history of RCRA. If you remember or if you have studied the issue of the law around hazardous waste, you know that the promulgation of RCRA in the first place was put forward by EPA because they were having problems with these quote, unquote hazardous waste recyclers, particularly people who were supposedly recycling solvents, and people who were supposedly recycling batteries.

Instead of really doing a good job at recycling those substances, storing them properly, reducing the amount of hazardous waste that resulted from those operations, they were just willy-nilly doing some things that really were outside the law and that were creating major environmental and public health challenges for local communities and for the federal government.

So that was a part of the underpinning of why RCRA was promulgated in the first place. So I was stunned to learn from earth justice -- this is my colleague, Emily, who you will hear from about the demographic analysis we did on this.

To hear that this rule was being promulgated to

take certain classes of hazardous waste outside of the RCRA protective framework, and now make them solid waste, which would require a much less stringent level of oversight in terms of how those substances were treated, stored, processed and/or transported.

What was particularly startling about the issue, though, was that if we have done nothing else around this NEJAC table and through this NEJAC process, we have developed some really extraordinary working relationships between EPA staff, both line staff and management as well as political staff.

Now, there was a period of eight years in there that we really can't account for, you know what I am saying. We had a break. We didn't have a break with the line staff. We had a break with the political staff, and I think everybody in this room recognizes that elections have consequences, right? This right here today is one of the consequences of this election that we just went through last year.

Were this a year ago, we would be having a completely different conversation now, and my righteous indignation would be bouncing off the walls.

Because we have had the election that we have had, that we have had the choice of president that we have had, and that president has chosen Lisa Jackson, and Lisa Jackson

has chosen extraordinary people like Mathy Stanislaus, who was a longtime member of the Waste and Facilities Siting Subcommittee of the NEJAC, and a proud member of the Waste and Facilities Siting Subcommittee of the NEJAC. A lot of sensitivity was brought to this issue.

I want to give a lot of credit to Charlotte and to Maria. Charlotte was one of the hearing officers at a public hearing that EPA held on June 30th to talk about the rule and to hear from the public. There were 33 people who registered with the EPA to testify at the hearing. Of those 33 people, 21 were environmental justice advocates, environmental advocates and civil rights advocates.

When I went up to testify myself, I looked at Charlotte, and she had this look on her face like, I hear you. I can't say anything right now, but I hear you. The result of that is that all of the testimony that we gave, all of the case that we made, and the substantive case that we made is this, and this is why it is relevant to the NEJAC.

The executive order on environmental justice, Executive Order 12898, calls for an environmental justice review and analysis in the body of the executive order of rules and regulations promulgated by EPA and other federal agencies to assess whether the promulgation of those rules and regulations and statutes will have an adverse impact on

minority populations as defined in the executive order.

What we look at, what the DSW rule was potentially going to require and ask for, and the substantive changes it was going to make in the handling of hazardous waste, we felt --- justice and many of us in the environmental justice community felt that there had been no environmental justice analysis done, and the agency had sort of self-identified that there wouldn't be any disparate impact so therefore an environmental justice analysis was not required.

Well, that is not what the executive order says. Now, it does point to some very serious issues that I think the NEJAC needs to take up, which is the state of the executive order.

I think one of the reasons that we have not hewn as closely to the executive order as perhaps those of us in environmental justice constituency would like, is because, as we all know, one of the main challenges of the executive order is that it does not have the force of law.

So it says may. You know, the agency may, or agencies may undertake an environmental justice analysis. It doesn't say that that agency must undertake an environmental justice analysis. There are many places in the body of the executive order where the directive to the federal government, to the executive agency, is not clear.

So I think we need to go back as a constituency

and as the folks who sit around this table, we need to put the executive order on the table, we need to go through it line by line and work with the agency to figure out, and the White House, and the Council on Environmental Quality, to figure out how the executive order can be strengthened to get us to the place that we were trying to get to.

Just like the NEJAC, the executive order is 15 years old. We have had 15 years worth of experience. Some of it has been good. Some of it has been not so good.

If we are all going to look back to the executive order as sort of the overarching document that tells us what we can and cannot do, then we need to make sure that the executive order is really clear and gives clear language and clear direction to everyone who falls under its purview about what they should and should not do as it pertains to addressing and advancing environmental justice.

Again, no need for righteous indignation, but if you had heard me at the hearing on June 30th, Charlotte can tell you, I was exceedingly righteous that day. And the reason for it was because I felt like this, and I want to close and turn over to Emily on this note.

Those of us on the Waste and Facilities Siting subcommittee and on every subcommittee of the NEJAC gave thousands of hours of volunteer time to the Environmental Protection Agency. If they had had to pay me for the hours

I donated to the agency, they would still be in debt to me for all of the time that I gave to EPA in doing the job that we were tasked to do on the Waste and Facilities Siting Subcommittee.

Sue Briggum was a member of that subcommittee and a stalwart member of that subcommittee. Former, and now state senator Harold Mitchell from South Carolina ReGenesis was a member of the council and of the subcommittee. Mathy Stanislaus was a member of the subcommittee.

Some extraordinary people -- Veronica Eddy, former chair of the NEJAC, was a member of the subcommittee. We took our work very seriously.

In so doing, we met hundreds of staff members of the Office of Solid Waste and Emergency Response, and we developed relationships with them. I can say that for Maria and I, and for Charlotte and I, Kent Benjamin, Pat Carey and so many other people, I have known them for decades and have done work with them.

So it was really startling to learn that they were promulgating a rule that had such direct consequence and impact on environmental justice constituencies, but there had been no effort to have dialogue. So I want to say to the NEJAC that you have a new structure. You don't have subcommittees anymore but I think that there are many things that are falling through the loops in your current

structure.

Without having subcommittees, though you have workgroups, but without having subcommittees, you no longer have a set of relationships with program offices that dig deep and burrow down, and what the issues are that those program offices are undertaking, and how they intersect and impact environmental justice constituencies.

We used to be able to pick up the phone and call each other. We used to e-mail back and forth all the time. We were in direct conversation not only when there was a NEJAC meeting or a subcommittee meeting but in the intervening period between that time.

We were tasked to come back to the NEJAC at every meeting and demonstrate the progress, the forward motion we were making, on whatever the issues were that were before us.

I think that is one of the reasons that the DSW Rule fell through the cracks. But I do want to say this. I don't think that I have ever seen EPA turn on a dime the way they have turned on a dime around this Definition of Solid Waste Rule.

We spoke at a public hearing on June 30th, and the comments, the transcribed comments that EPA sent out to the public, to everyone who was a part of the issue, and everyone who went online, they sent out a statement on

Tuesday, I think it was Tuesday or was it Monday? It was Tuesday saying that, in response to the overwhelming cry for environmental justice that they heard from the people who testified on June 30th, that they were going to stop the clock on the rulemaking and undertake a serious and thorough environmental justice analysis.

So from June 30th to June whatever Tuesday was -- July 21st, was not even 3 weeks. And in those 3 weeks, the conversation that they had internally, the information that we gave them, gave them enough space to say that really we have overlooked a significant portion of the impact of this rule.

I want to ask Emily Enderle to present to you some of the data that I think really made our extraordinary case, which was the GIS maps that Emily developed in concert with Paul ---, a member of the subcommittee of the NEJAC who also came to testify on June 30th, and Dr. Robert Bullard.

I want Emily to walk you through the GIS maps.

Comments

by Emily Enderle

MS. ENDERLE: Absolutely. Thank you all for having me today.

I just wanted to go through a little bit of the data, why we were looking at this as an environmental justice issue in the first place.

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(Slide)

MS. ENDERLE: What we did was we commented on this rule in 2007. Earth Justice, Environment America and a number of other environmental organizations.

One of the pieces we explained as being one of the reasons to reconsider this rule was that we thought there were going to be disproportionately impacting communities of color and those communities with people living at or below the poverty line.

So the reason we were looking at this case again when the rule was actually finalized was because the EPA had identified 218 damage sites. These sites were in 39 states and in Puerto Rico. They were sites where hazardous waste recycling facilities had done considerable damage to environmental health and also the environment around.

What we noticed was that 4 percent of those occurred in RCRA permitted facilities, so over 90 percent of these were in unlicensed RCRA sites. So what we wanted to do is actually look at these 218 sites that had been identified by the EPA and see what the actual demographic information was.

So what we used in terms of methodology is we were looking at the poverty line, which is about \$20,000 a year for an average family of 3.14 people. The national average for families below the poverty line is about 9.2 percent.

And then for national average people of color it is 31 percent. So we decided to map these across the country. For this presentation and for several other presentations we have been looking specifically at California and Florida because those contain 27 percent of all the damaged case in the United States.

What you find actually, and I will just give you the quick breakdown now, is 8 of the 9 sites in California and Southern California specifically occur in communities where people living below the poverty line are overrepresented. For us, we consider that to be anything over 15 percent. So this is an extremely conservative value when considering 9.2 is the national average.

For race, we looked at this whole state of California, and 22 percent -- 22 of those sites or 88 percent were in communities where people of color were overrepresented.

For Florida, the income bracket we looked at was 23 out of 25 percent, so I think it is 85 percent of damaged cases --

MS. : (away from mic)

MS. ENDERLE: Yes. Sorry, I thought it would be a little bigger. I am trying to read it all now so everyone gets the full effect.

So 25 damage cases sites were located in

communities where folks that were living at or below the poverty line were overrepresented.

In the race category, 17 of 24 sites, so 70 percent were located in communities where people of color were over the national average. So I will actually just show you a few of the slides now, and I think the maps kind of speak to what I just identified.

(Slide)

So as you will see with Southern California here, 13 ½ percent of damage sites are in California, and this shows 8 of the 9 are actually in communities where they live at or below the poverty line, and the one site that I could not reassess is one that does not have information, so it actually well may be in an area like that.

So it could be 100 percent of the cases in Southern California are actually in areas where people are living at or below the poverty line in high rates.

(Slide)

This is the race slide. This shows, again, that a lot of these are in places where people of color are overrepresented. So all the things in color show where people of color are overrepresented.

(Slide)

Moving on to Florida, this shows again Florida has 11 ½ percent of the damage cases in the United States. This

is the poverty rubric.

(Slide)

One more. And Florida. All of this was compiled using U.S. census data and then EPA data, and this is how we overlaid it to kind of generate, I think, a lot of the data that kind of showed a number of the environmental justices representatives what our major concern was in this case. So thank you for the chance to show our maps and talk a little bit more about this issue.

MS. TRAVIS-MILLER: Thank you, Emily. The reason that Emily was in contact with Dr. Bullard and Dr. Mohai is because she wanted to use the methodology that they developed and used in Toxic Waste and Race at 20, which as most of you know, is some of the most current sort of GIS methodological analysis tools available to really map this data.

I think most of you know that Charles and I used to work together at the United Church of Christ Commission for Racial Justice in 1986 and 87 when Charles was the director of research there, and we produced the report Toxic Waste and Race in the United Race in 1987, the first report to really document this analysis.

I will just tell you that when we did that report back then, Charles had a Wang word processor, and we did not have GIS capabilities. I think only the Department of

Defense had GIS capability at that time.

In order to produce that map that is on the cover of the original Toxic Waste and Race, I hand-colored in a map that was as big as a 6-foot conference table of the United States county by county, and hand-colored in the data from EPA's databases that we were using, and then had a graphic artist reproduce the map that I had produced by hand.

I tell you that to say that we have come a might long way in those intervening 22 years of what we know, of how we look at the data, of how we can aggregate the data.

But what is troubling, and what we have learned from Toxic Waste and Race at 20, and what we learned from looking at this information is you would think with all of the dialogue, with all of the engagement at the state level, at the local level, at the federal level that we would see an improvement in the circumstances.

But in fact what we see is that more people of color, more people seem to be affected and live in close proximity to hazardous waste and solid waste. We have not seemed to diminish that process.

I would hope that the NEJAC would continue to put shoulder to grindstone the way that the Waste and Facilities Siting Subcommittee used to be tasked to do to really get at the bottom of these issues and to really look at how we

reduce the overall tonnage of hazardous waste that is produced in this country, and how we better care for what is produced and where it is stored, and we take communities of color and poor communities out of the bulls'-eye.

That is essentially what we have brought to the table about the DSW Rule, but I want to turn it over to Charlotte and just say thank you to the Office of Research Conservation and Recovery and to the assistant administrator for the Office of Solid Waste and Emergency Response for hearing us, for hearing us so rapidly, and for acting so quickly in something that could have enormous implications in the lives of EJ communities. Thank you, Charlotte.

Comments

by Charlotte Mooney

MS. MOONEY: Thank you, Vernice. I swore I wasn't going to do this, but if I sound if I sound defensive, ignore that.

We have been working on this rule for a very long time, and it is actually a pleasure for me to be able to come talk to you all today because it is actually very exciting stuff forward for us.

Like I said, we have been working on it for a very long time, so it is a little hard for personally to be going oh, goodness, we thought we were done and now we are not. But that is okay, because that is why we are here. I think

it is really important.

What has been fabulous for me being able to be here for the last three days is to listen to you all. I am starting to feel like I get a sense of who you all are, and getting to know you a bit, so now is your chance to get to know me.

I hope that will be a successful partnership because I expect it will be -- some of us anyway, will be working together over the next couple of months, maybe a year, to try to come up with an analysis that we all feel good about. That is really the goal. I will do my best not to sound defensive, because I really don't mean to be. There is a little nerve in there, but Vernice has made me feel much better.

I guess what I thought I would do is try to give you guys a little bit of history about the rule and some of the details, just so you have a sense as to what we are talking about. I can easily get way too geeky on this so I will try very hard not to do that.

MS. YEAMPIERRE: Excuse me, Charlotte. Before you do get geeky --

MS. MOONEY: You will stop me, I am sure.

MS. YEAMPIERRE: Could you share with us who you work with and a little bit about who you are?

MS. MOONEY: I am Charlotte Mooney, and I am the

branch chief for the recycling and generator branch in the Office of Resource Conservation and Recovery. The old Office of Solid Waste.

Basically, I am the branch chief who is charge of this project. We have, oh, I would say, it varies over the last couple of years, but maybe six, five people working on this role. Lots of other folks pitching in. Specific expertise, but a number of folks have been working on this rule for quite a long time.

I am the branch chief who gets put out front and center when we do meetings like this. I have been with EPA for 19 years, I think. I actually worked on this issue actually even before I came to EPA.

I worked in environmental consulting before coming to the agency, and this issue has been something that is difficult to explain to people because it is very complicated. So I am going to try and just give you the basics of it. I really do want this to be a conversation, and I want us to be able to talk about it at a level that is successful for us.

I am hopeful that what we can do by doing that is provide an example for rule making. I will be very honest with you, we have been working on this rule for a long time. We tried to do the best job that we could to look at EJ. I am well aware that you all, most of you -- those of you at

the public hearing anyway -- feel that we did an inadequate job.

I do want you to know that we did try, and it has been fascinating for us to learn that we did not probably do it as well as many folks would have liked. We are looking forward to learning how to do it better. I think that is going to be very helpful for the agency. We are very excited about the executive steering committee's workgroup on rule making. We are very excited because they have agreed to have us be a pilot project for that workgroup.

I think it is a really hard thing to do. The rule-making apparatus in the agency is outlandishly bureaucratic, and it is huge. The agency published hundreds and hundreds and hundreds of rules every year. Just from listening to your conversation over the last couple days, there are going to be a lot more coming down the pike.

The apparatus that makes those rules happen involves lots and lots and lots of people, and to sort of inject a good process and good knowledge and good techniques into that huge bureaucracy is a real challenge.

So we are actually very excited about being a guinea pig, just to see if we can help try, with this rule, to figure out what is the right way to do it and be an example for all those other folks who are going to be working so hard on a lot of the rules you guys do care

about.

I hope that we will be helpful in getting the agency to look at this issue in a better way.

Now, that is not at all what I was supposed to say. What I will do is give some background so you will understand the basics of the rule. I guess I will start right off with the name. The Definition of Solid Waste is not a very exciting title, and it doesn't really tell you what the rule is about. I think that is really part of why the disconnect happened.

My mother has been saying to me for a long time, you can't define solid waste? Come on, how hard is that? It doesn't sound very exciting. But what it really is, it is the term that comes out of the Resource Conservation and Recovery Act Statute, which is the statute that gives EPA the authority to have a hazardous waste management program.

The terminology in the statute is that the program has the authority -- we have the authority to regulate solid waste. So if something is not a solid waste, we don't have the authority to regulate it. If something is a solid waste, we do.

That key term is absolutely critical to whether something gets covered by our hazardous waste program or not. That is the nub of why this issue has been so difficult over the years. It is -- the definition in the

statute is not crystal clear, shall I say. So there has been years and years and years of discussion, and many court cases.

We have been in and out of court, in front of the D.C. Circuit, with this issue. We have got lots and lots of pages of direction from the court on what it means, and I would be dishonest if I didn't say that I think it is still very, very tough. It is not a crystal clear statutory term, and therefore it becomes very difficult and folks argue about it a lot.

We have been participants in that argument but hopefully playing somewhat of a role of an adjudicator, trying to make the various sides discuss it honestly and come up with good approaches.

We worked for a long time -- we did publish a rule in October. We published a final rule in October. What it does is basically make revisions to the regulations, the part of the regulations called the Definition of Solid Waste, which governs whether a hazardous waste is covered under RCRA or not, RCRA being sort of the term for the statute.

What is the history of this rule? There have been, like I said, a number of court cases. We actually have had, over the years, quite a few different bodies of multi-stakeholder groups and various different public

meetings. We had a task force that had a number of different meetings around the country. We had an advisory committee that was part of that task force.

We have been discussing it in forums for a long time, but I am not sure all the folks were actually involved who maybe should have been over that time period. We did eventually publish a proposal back in 2003, and that first proposal was met by public commentators with not a lot of support, to be totally honest.

So we decided at that point in time that perhaps that was not -- the approach we had taken was not the best. What we wanted to do was really try to look at how you know what we need to know about hazardous waste recycling in order to regulate it appropriately.

What we did was we went back and we did three studies. The data that Emily was showing you comes from one of our studies. We did three. One was a damage case study. One was sort of a best practices study, and one was a study of the economics of hazardous waste recycling.

What we were trying to do was to really understand better the issue so we could do a good job in writing what became our next proposal, which we published in 2007.

We used the studies -- basically we based the 2007 rule on those studies. How we used them was, the damage case study, we went out -- we basically said we need to

understand better what kind of damage has happened from recycling so we can write a rule that will keep those damages from happening.

We felt like we didn't know enough, and we thought the best way to find out, or the only way we could figure out to find out would be to go out and look at actual damages from recycling.

So we basically spent a whole lot of time on the Internet. We did tons of looking at hazardous waste, state hazardous waste databases, superfunds, state cleanup databases, anything we could find. Newspaper articles -- we sort of scoured everything we could find to get information about damages that have happened from recycling.

We initially came up with a list of, I think, maybe 600 or so potential facilities that might be hazardous waste recycling.

We went back and looked at those much more closely and winnowed it down to about 200, I think 218, something like that, that we felt actually were hazardous waste recycling and that had enough information in them that we could use them to try and evaluate what the damages -- what types of damages actually happen when people recycle hazardous waste.

We did this analysis looking at what are the different damages? The things that we found were, well,

people do recycle but sometimes they don't manage the residuals from that process well. People do recycle. Sometimes they go out of business and they go bankrupt and leave an issue there.

Sometimes they don't contain well the materials that they are managing. So what we tried to do with the new rule, the new proposal, was to directly write conditions to address those damages that we saw and the damage cases.

I hate the noise this is -- can you hear me okay?

MR. RIDGWAY: Just back off the mic a little bit.

MS. MOONEY: Thank you. So we used that damage case study to try to identify what types of damages happen and then to develop conditions to address those types of recycling. I am a little concerned. I want you guys to really understand at a more detailed level than you may really want to what we were trying to do because I feel badly when Emily puts those slides up there.

I want you to understand those damage cases largely are not within the scope of our rule. Most of them come, we discovered -- and our commentators pointed out to us as well -- most of them come from other exemptions that already exist in the hazardous waste regulations.

So many of them really are not facilities that would be within the scope of our rule. I think the analysis is going to be very difficult because, as with national rule

making often, we don't know what facilities will choose to take advantage of this rule. So how you predict what facilities to analyze is really going to be a difficult question.

I think that is an exciting question for us to try to figure out how to address that for national rule making because that is often the problem. You don't know which facilities to look at, so you can't really identify. You know, oh, it is this community that you need to analyze. So I am sure we are going to have to figure out other ways of identifying where these facilities may end up.

And we can do that. I am sure we can make assumptions and look at trends, that kind of thing, to try to do that. But I did just want to let you know that those particular damage cases are actually -- many of them are actually facilities that our outside of the scope of our rule, which is not to say they are not of concern.

They are, and I think actually that is a question that is important to us is what do we do with that information that we now have about those damage cases.

We think they were very useful in terms of telling us what types of things often happen at recycling facilities, but many of them are probably not going to be within the scope of our rule.

So now I have run totally over my slides. Let me

see what else I need to tell you.

We published the final rule in October, and it does include some exclusions, so what that says is something is not a solid waste and hence a hazardous waste under RCRA as long as those things are recycled in ways that meet the conditions that we wrote.

So I will use financial assurance as an example. We said a particular -- a material that is recycled is not a hazardous waste if it is recycled in such a way that the facility has financial assurance. The reason we did that is because we saw bankruptcy as an issue.

So we decided that if we had a condition that required them to have insurance to cover any cleanup if they were to go out of business, then that type of recycling really was more like manufacturing and not a waste management activity because you can see that they have the controls in place and the proper types of, in this case, financial assurance in place to make sure that recycling will be done properly.

That is just an example of the kinds of conditions that we included in the rule. We published it in October, and I guess January 29, the Sierra Club submitted an administrative petition to the agency requesting that we reconsider the rule, requesting that we withdraw the rule.

We took a look at that, and quickly started

receiving letters from a whole lot of other interested folks arguing that we should respond to the petition this way or that way. It quickly became obvious that a lot of people were interested.

So that is when we decided that in order to adequately respond to the petition, it would be wise to get some further input from folks. So that is when we decided to have the public meeting that we had a couple weeks ago. I am really glad we did. I think it was a hugely effective way, and just for your knowledge, we respond, read comment after comment after comment year after year.

The response to comments document for our rule, which we -- each comment that we receive we have to respond in writing, was 3,500 pages long. Every page of which I read and edited and rewrote.

We see lots of comments but I can't tell you how helpful it was and how effective it was and how heartening it was to actually be able to see and talk to the people who comment. Normally they come in by e-mail. So it was incredibly helpful, and I think that was a lesson that I will certainly take away from this.

Actually having an opportunity for people to -- I think many of them actually read the same written comments that they would have submitted anyway, but just having them there, being able to see them and talk to them a little bit,

was really a useful thing, something I hope we can do more frequently.

So after we started getting this flood of letters, we decided we would take a look at it. We had the public hearing and, as Vernice said, it was very clear that a lot of people had the same concern. So having Mathy here, who is very familiar with these issues, he quickly decided that we would be doing a real rigorous and thorough environmental justice analysis before we make a decision on the petition.

That is where we are now, and we are very excited to be part of the EJ steering committee's rule development workgroup. We think that is really fun. Sue, I was really thrilled to hear your offer to have the NEJAC group that has been working on screening. I don't know, I am not sure -- we will have to work out what the right procedures for that are and how we should go about doing that, but that is very exciting to me.

It is a challenge because we have been spending the last couple of weeks going, okay, how do we do this? You are going to help us, right? You are going to help us, right? And there are a lot of people in the agency who are working on different tools, techniques, who have a lot of good experience, but I can see just from the week or so we have been looking around that there is a lot of expertise outside of the agency.

It sounds like you have got a lot of those folks on your group. So I am very hopeful that we will be able to work with you. However we want to do that. We would be happy to come to your next meeting. Or Twitter, whatever. I will get my son to Twitter your son. How about that?

We really are looking forward to it, and I guess I am happy to take questions. Where are we timewise? Do you want to help me, John?

MR. RIDGWAY: Yes. We are scheduled to try to wrap this up within the next five to ten minutes, so we probably don't have a lot of time. I will ask the counsel members to be specific with clarifying questions as opposed to comments, please.

Questions and Answers

MS. MILLER-TRAVIS: I would just add quickly that it wasn't only environmental justice, environmental and civil rights folks who had serious and substantive critiques of the rule. Many state agencies also weighed in on this. In fact, every state from Maine to Delaware has come out in opposition of the rule.

The state of Maryland, where I live and do work, is waiting for OSWAMO to weigh in. OSWAMO is waiting for more information to come forward. They are neutral on the rule. The state of Washington, the state of Oregon, Utah have come out in opposition to the rule.

What we hope can happen at this point is that we bring some of these voices who have not been at the table together with the rule writers to come up with a much more robust process, and one that is really inclusive of a lot more voices and constituencies that will be impacted directly by the rule. I think that is where we are now, and it is a great place to be.

MR. RIDGWAY: Excuse me, I am going to add also I believe the state of Colorado and Oklahoma have also gone on record.

MS. MILLER-TRAVIS: Thank you, John. Thank you.

MR. RIDGWAY: Okay, I am just going to start with Chris at the end there, please.

MR. HOLMES: Hi, I am Christian Holmes. Back in 1990, I worked as the principal deputy of --- so for a year I did RCRA. It was a very hard time. We did a study for an entire year on implementing RCRA. You may have worked on that.

MS. : I am familiar with it.

MR. HOLMES: So we finished it all up and we looked all over the country at what all the problems were and implementing the rule, et cetera. We found out that the permit writers were starved. There just weren't enough there.

So my concern is that no matter what kind of rule

you put out, the question is whether you will have the permit writers essentially to be able to implement the rule effectively and issue the permits.

If you don't, you will just be tied up in knots all over again. The only other observation I had is just an empirical one. It would be interesting to take Emily's GIS and then overlay how you think that rule would effect some of the sites and see what you come out with. I know how hard this is for everybody. Thank you.

MR. RIDGWAY: Thank you. Hilton?

MR. KELLEY: Good morning. Hilton Kelley with the Community In-Power and Development Association located in Port Arthur, Texas, on the Gulf Coast. Good morning to you all.

I basically have a question. When a company opens a hazardous waste recycling plant, isn't there a process in which they have to identify exactly what they plan to recycle?

MS. MOONEY: Yes. The answer is yes, but I think what this rule is looking at is there is the traditional permitting process and regulatory coverage for hazardous waste treatment or disposal or recycling facilities.

What this rule was looking at was looking a particular universe of recycled materials. It is a pretty narrow universe actually. I am going to try to stay away

from the legal issues, but looking at those and recognizing that some of them may not actually be wastes, may not actually be covered under the regulatory program.

So they would be moving out of that traditional regulatory program into the conditional exclusion that we propose, or that we finalized now, that has different conditions written into it than the traditional requirements that are there for hazardous waste treatment disposal facilities. Does that make any sense?

MR. KELLEY: Yes.

MS. MOONEY: I will explain more later if you like.

MS. ENDERLE: One thing I think we didn't mention when we were kind of introducing this topic was that the possibility is there could be up to 5,600 companies that could actually take advantage of this loophole, and the amount of waste that is basically exempted is about 1.5 million tons of it.

So this is a pretty huge amount of waste, and a lot of companies that could take advantage.

MR. RIDGWAY: Shankar?

DR. PRASAD: First I want to thank you all for coming and being open about it. So obviously there is a split opinion on this aspect of it. It is easy to be a guinea pig, I know that. In the sense, you get the

leadership in establishing a parameter that is not in practice.

But at the same, the methodology of the process of which you go will also become the sacred cow for the rest of the agency to follow for a time to come. So it is more of a word of caution. While I respect what Emily presented, and other methods being there, it is very critical that you take some time, because there are many issues when you go down this GIS path.

--- has a way. --- has a way. --- has a way. EJ --- has his own way. And recently Michelle sent something from the committee which has a different process. All of them have plusses and minuses. To get through an open process so that you get the variation and the limitation of each methodology to make that assessment.

I adjure not to think that it is so easy to the next step and you will be able to do it in three months' time or something. Take your time and --- workgroup of the NEJAC so we have many issues related to that. Please take caution and time to how you proceed on that.

MS. MILLER-TRAVIS: I would just add, Shankar, that I also hope that we retain an understanding of what the fundamental question is about the application of RCRA as it stands, regardless of or separate and apart from any changes in the law or changes in application of the law or who is

covered.

But we still are having a fundamental struggle to make sure that all communities receive vigorous enforcement under RCRA as it is currently written. We are not there yet. We are not anywhere close to being there. This is a conversation the EJ community came to the table with in 1992 when we first started having these conversations with EPA when the first George H.W. Bush was president.

We brought this issue and the issue has not declined. We haven't seen any marked improvement in the applicability and the aggressiveness of the agency to make sure that RCRA is being vigorously enforced in all communities and that Superfund is being vigorously applied in all places.

So there is this fundamental question, right, to make sure all communities receive equal protection. That is the bedrock environmental justice conversation.

And then there is the conversation about making sure the tools that we have available to us now, all the tools that Shankar mentioned that are out there, that we don't get so caught up in making sure we have the finite, infinite methodology that we move away from the enforcement aspect of the law as it stands.

I just want to make sure that we continue to have that conversation because that is the bedrock environmental

justice conversation.

And I do hope and wish you every success in coming forward with a methodology that folks can use, and know that states are -- they are clamoring for EPA to put something out there that they can use to help them identify where these communities are and apply the delegated authority they have from EPA to aggressively address hazardous waste and solid waste issues.

But we are not there yet, and if I look at the data in Toxic Waste and Race at 20, we seem to be slipping back instead of moving forward. I want to make sure that stays in the conversation.

MR. RIDGWAY: Okay, before we move on. Thank you. This is for questions as opposed to comments or advice, just so we can get through the agenda here. So next, Omega?

MR. WILSON: My question has to do with whether or not the definition is broad enough to include some things that were part of the public hearing last night. Agribusiness and municipal waste, and I will get very close to the point or get to the point.

We have some things - whether or not your definition is inclusive enough to deal with interagency situations as it relates to agribusiness manure that is created from tons and tons of animal waste. Dead corpses of poultry by the thousands a day. Of hogs that are

putrifying.

Recycling lagoons of human waste and animal waste for energy purposes. Spreading human sludge, which is waste, and with all kinds of toxins in it, as sugar, honey, iced tea on your food, our food.

Does your definition include the comprehensive problem with that kind of waste, that traditionally people don't see as solid waste, but is very poisonous, very contaminating, and it doesn't stay in a landfill. Today it is in a lagoon. It rains tonight and tomorrow it is 200 miles away.

Is your definition comprehensive and common sensical enough to deal with the major agribusiness and human waste problem?

MS. MOONEY: The way the RCRA program -- the acronym there, sorry - is set up is basically there are two programs. There is the hazardous waste program and the nonhazardous waste program.

Those types of wastes probably in most cases would not meet the definition of hazardous waste. There are a long list of largely chemical-type, you know, manufacturing residues, that type of thing, that are listed as hazardous wastes, and then there are four characteristics.

And if any, any type of waste meets one those characteristics -- corrosivity, toxicity, ignitability,

reactivity -- then it automatically is considered a hazardous waste.

So that becomes a difficult question with, for example, sludge from treatment plants, because if there are contaminants going into that treatment plant, it is possible that there may be contaminants ending up in the sludge. But the only determining factor is whether it would fail that toxicity test or not.

So whether the levels of those constituents would be high enough to cause it to fail, one of those characteristics.

So that is the hazardous waste program, but there is also the nonhazardous waste program that is largely run by states under the same statute, that addresses all other wastes that don't meet that particular definition of hazardous waste. This rule is looking only at hazardous wastes.

MR. WILSON: From the environmental justice community point of view, I think there is enough research, published research, in any case that human waste, municipal waste, animal waste includes enough toxic materials, chemicals, hormones and other kinds of things that create a tremendous burden for low-income and minority communities, workers in these facilities.

I don't mean to sound like -- my observation of

what you just said is obfuscating, avoiding the issue. Somebody needs to put the pin in the mat and tell us because these facilities are everywhere. Hazardous waste sites on the map, I don't think, are sufficient.

I don't think it comes close to the issue. I think you are avoiding the issue of hazardous waste. I think the work you are doing is not comprehensive enough to deal with the issues we have to deal with every day. I think it is very shortsighted, and somebody, this group or somebody else, needs to deal with that so we don't obfuscate the issue of things we have to deal with every day.

This room is creating hazardous waste.

MR. RIDGWAY: Excuse me, I am sorry. We need to move on. I appreciate the issue here, but we are not here to give comment on the rule. We are to here to ask for clarification. They are going to have to spend a lot more time on this so --

MS. MOONEY: Can I just respond really quickly though? I think that is an important issue, what is identified as hazardous or not under the program. It is somewhat of a different issue than this particular rule, which is really aimed at recycling issues.

But that is a big issue. It really is.

MS. MILLER-TRAVIS: I think it changes because of the volume of waste that he is talking about. He is giving

you a snapshot of what the issue is, but the volume that they are dealing with in North Carolina and other places really changes the nature of the issue, and so I think he is right for putting it on the table, and I just think it needs to go on a list of things that you look at going forward.

MR. RIDGWAY: Thank you. Elizabeth, you had your card up? I am going around the table. Sue, please.

MS. BRIGGUM: Just a couple quick questions. I thought the discussion with Chris and Hilton might have been somewhat confusing. Do these facilities, these 5,600 facilities that Emily mentioned that will now be reclassified under the exemptions, do they have RCRA subtitle C permits or won't they?

MS. MOONEY: Can you help me, Emily, with which universe that is?

MS. ENDERLE: I would say Lisa would have to be able to talk to you about that a little bit more in depth. In terms of what we were looking at is we think that there would not necessarily have to be permitted, understanding how the rule was written. And that is what the concern was and kind of how it matches up with those 218 sites was because only 4 percent of those were permitted, whereas these sites would not be permitted.

MS. MOONEY: Okay, thank you, Tracey. Oh, let me answer it this way. Under the rule there would be some

facilities that currently are regulated as hazardous waste management facilities, that if the only materials they managed were to fit under the new rule, would no longer be considered hazardous waste management facilities.

That is a very small subset of that universe, which includes not just the recycling facilities but also any generator within the country, anybody who generates hazardous waste.

So it -- not that full number would be moving from hazardous waste facility to a nonhazardous waste facility.

MS. BRIGGUM: That is helpful. Talking about the permit doesn't work for some of this universe.

MS. MOONEY: Correct.

MS. BRIGGUM: The other question is just quickly to Bernice and Emily. One of the issues is, gee, does it really take forever to do the kind of GIS analysis so that this would really be a burden to the rule making or were you able to do that, you know, within a manageable workload so the EPA can get a sense that, oh, we could do this too -- this is something that is accessible and wouldn't really delay things inordinately.

MS. ENDERLE: I think it is manageable. I mean, one point that was brought up earlier by one of the members in the committee was that it is really about methodology, so it is selecting the appropriate methodology to be inclusive

of all the appropriate data.

So I think that is actually going to take the most amount of time. Once you set up the parameters for the actual GIS text, it is relatively easy. It is just developing the methodology, and we used one particular type, and with a number of different academic advisers in this case. Hopefully we can construct something in a manageable amount of time.

MS. MOONEY: There is also the question of what universe of facilities do you look at that we were just talking about. That is, I think, a difficult question. Not that it is going to take forever to figure it out, but yes.

MR. RIDGWAY: Thank you. Don?

MR. ARAGON: Yes, thank you. My name is Don Aragon. I am the executive director for the Wind River environmental program for the Shoshone and Arapaho Tribes in Wyoming.

My question is on your RCRA rules and regulations in the first go around, Indian tribes were basically left out. Their lands were not protected. Even today, if you are studying this, my question is what are you doing about protecting those tribal lands, because in a sense they have kind of become a haven for companies to go in and build incinerators and these hazardous waste sites because of the lack of protection of those lands under even the federal

rule.

Of course, the state laws don't apply to these, and most tribes don't have regulations to protect themselves. So this is something that I really want to bring to your attention. When you talk about developing hazardous wastes rules and regulations, and you say, well, we are working with the states, well, don't forget to work with the Indian tribes too.

Like in region 8, where I am from, we are the large land-based tribes. We have like Navaho and all of those. They have a substantial amount of real estate, and I think that that if the rules and regulations leave us out, then it kind of leaves a real big void in that whole area. Thank you.

MS. MILLER-TRAVIS: I would just add that when Emily was developing the maps, it was wonderful to talk to someone who is just beginning her career as an environmental advocate. As she was running these maps, she was bouncing off the walls by what she was seeing, and she would call me and she would say, well, wait a minute, there is only 3 percent of the population in this state of people of color, and they would be tribal communities out in the plains states.

She said but all of the sites are located where that population is. I said and now you are transported back

to the experience I had in 1986 and '87 working with Charles when we began to run that data for Toxic Waste and Race in the United States. It is just there.

I have had a lot of conversations with Sue -- and Sue, I want to thank you for being so open and so available to talk me through some of these things -- but Sue reminded me of many of the conversations we had around the Waste and Facilities Siting Subcommittee table that looked at -- the data is there. It is sort of staring you in the face.

You don't really have to do a lot of digging to do some of this analysis. Not the in-depth analysis we will ultimately have to do to make this rule stand up on its own. But when you look at the correlations of where these facilities are, where these communities are, it jumps off the page at you.

From there you begin to say, well, there may be something that we need to look further at. So what I am asking the NEJAC is how are we influencing the thinking of the agency to know that some of this, some of the problem is self evident. What you do about it is really complex, but the conditions and where these problems are, are really focused and really targeted.

I know that there are some people who get uncomfortable about what the data leads us to say, and this is what the data led us to say in Toxic Waste and Race one,

two and three, and this is what the data leads us to say now.

This is not a random set of occurrences. This is not random. How these associations are happening between where these facilities are and where these communities are, and we know it is not random because the data comes up so starkly and overwhelmingly, telling us about this association.

I would just say that there is a lot of information here. We need to get to it, we need to go through it, but we also need to be open to the Resource Conservation and Recovery Office. When they ask for our assistance, some of us are going to have to volunteer and step up and join them in this effort.

It is not enough to just critique and say now you go and fix it. Some of us are going to have to be around the table with them helping them think this through.

MR. RIDGWAY: Thank you. We are going to wind this down with a couple comments from Charles and then we will close it out.

MR. LEE: Thanks, John. And thank you all for this conversation. There are a lot of issues here, and I am not going to do justice to any of them because they are all really very complicated.

I do want to highlight a couple of things. The

first thing is that the Definition of Solid Waste Rule as part of the rule-making workgroup for the agency, that is a really good development. There are a lot of lessons to be learned here.

I think in the larger sense in approaching environmental justice issues and environmental justice analysis, we need to understand there are procedural issues and then there are substantive issues. There is a lot to be learned here in terms of procedural side of this. That actually is where there has been a lot of progress and a lot of milestones have been laid out over the last year or so.

That is a good thing. The real challenge for us, I think, has to do with, you know, what does a substantive analysis begin to look like? The one point -- there are a couple points that I think I want to leave with you.

The first is doing a disproportionate impact analysis with respect to environmental justice, we need to understand that has a focus on socioeconomic status, Minority, low-income and tribal communities. This an opportunity to really clarify that.

The second is that, you know, the idea and the work of looking at EJC and screening approaches is one way to go, but it is only one way to go. There are challenges there, and one of the challenges there that I mention the other day is most of that work has been done within the

agency, within the enforcement context, not within the other programs.

So kind of aligning that is really an important thing, so we are not having all kinds of different approaches toward, you know, that kind of screening. However, the other way to go is that --- the challenge of one universal definition, you know -- and I hate the word definition because it is really not a definition, like Definition of Solid Waste is not a definition -- can really lead to a lot of problems.

What does it take, what are we actually doing when we say we want to do an analysis, a disproportionate impact analysis. I think we have to step back and think that out. We have talked to you about looking at a set of factors around doing disproportionate impact analysis and, you know, looking at this from that perspective, I think is really important.

So one example would be, you know, with this whole issue of what does it take, is there one universal way of looking at an EJ, quote unquote, area of EJ concern for a particular analysis? You know, it is going to come up every time, and I would submit that if we are going to take environmental justice to another level, just like in every other field, there is not one universal way to do this.

So the agency, in terms of looking at where the

benefits of the ARRA funding, is not looking at environmental justice communities, whatever, however you want to define that, because the statute says economically disadvantaged communities. That is responsive to the statute.

Identifying environmental justice communities, however you want to look at that, is not necessarily responsive. So this is a big question that we have got to deal with.

The last one, I would say, is I really welcome your call, Vernice, to look at the executive order. It is very important to look at that to understand every single word that is in there. I find that a lot of people, you know, project things off of that that are not really there.

There is language in there -- we have gone through every line, and there are words or provisions in there that can be clarified. Not to go into specifics around that.

I think this is an issue that is going to come up over and over again in this discussion, in this meeting, and in other discussions, particularly when you start talking about a concern that the committee has, which has to do with interagency activities around environmental justice.

Lastly, you know, we have talked to you before, and we need to continue to talk to you about the fact that EPA has clarified its statutes. It has made the point that

its existing statutory authorities can be used to address environmental justice issues.

That addressing these issues is not merely dependent on the existence of an executive order. That is a hugely important thing for all of us to understand. There is a lot of work going on there now, and so we would like to talk to you more about that as well.

MR. RIDGWAY: Elizabeth?

MS. YEAMPIERRE: Hi, Elizabeth Yeampierre of UPROSE and New York City Environment's Justice Alliance. I would be remiss if we didn't close this conversation by expressing our deep appreciation for the level of the discussion and level of commitment of the presenters. I just want to, before I talk to each one of you, I just want to raise a few things that I think would be helpful in terms of enhancing the collaboration with grassroots organizations.

Charlotte, you had mentioned that -- you had said something about those of you who were not at the public hearing. I get really sensitive about things like that because we are underresourced and overcommitted, and I know that when I was given a letter to sign, that I returned the letter the following day.

But there is a process that those of us who do environmental justice have to follow, which is we have to

run these issues by our members. We can't speak on behalf of people unless they say it is okay. It takes a little bit of time.

I think that is the process that environmental justice follows throughout the entire United States. So giving us a heads up and giving us some time so we could discuss these things with each other so we could weigh in in a way that is meaningful to us is helpful because we can't always go.

You have got people on the NEJAC that are coming as far as Alaska, so it is not possible. I know that just this week there was a public hearing that I was not at that we had to send people to.

We juggle a number of issues, and we do it with very few resources, but we do want to weigh in and we want to make sure we collaborate.

Emily, a lot of our organizations have GIS mapping capabilities, and we are, in fact, mapping our communities and gathering data that helps in our advocacy. If there was a way that you could figure out how you can get access to that information so you don't have to reinvent the wheel and we could collaborate in a way that is more meaningful. That would be really useful.

I want to thank Maria because I have seen her now at every meeting that I have been to, and I think that Maria

is an example of the people in the EPA that fly below the radar and have a real, true commitment to serving the environment and protecting the public.

I think they are kind of the unsung heroes in our communities, that have been holding it down even under the most difficult, difficult circumstances, which the last years were.

Vernice, I leave Vernice for last because, you know, she is my --- and I have known Vernice for over 20 years, since I was a baby civil rights lawyer. Vernice, I know from the bottom of my heart how hard it is when people don't return calls, when you don't have the resources, when people don't recognize how important and urgent an issue is, that you have to hold it down, and you bring it every time.

You have been doing it -- I don't know how you maintain the level of energy, your zeal, your commitment, your passion and your love for our people comes out in every word and every syllable. I just want you to know how deeply appreciated you are because you did it during a time when it wasn't cool and it wasn't sexy and people just sort of said I can't do this anymore, we have no resources. It was a difficult time.

It is during those times, when no one knows, and nobody is listening, that it matters the most that you are looking out for us, so I wanted just to extend a heartfelt

thank you to you.

MR. RIDGWAY: With that, I also thank each of you, Charlotte for your candor and humility, and for all of you, your hard work on this. I am sure we will be getting into this more, and I wish you very good luck in the period of time, whenever that may be, coming your way.

Okay, we are going to transition now to -- and we are already a half hour off -- we are going to go right into the update on the School Air Toxics Monitoring Group. This is just a brief update. I don't think we are going to have much discussion on this.

MS. ROBINSON: I am going to go ahead while everybody is getting resettled just to kind of give a real quick introduction to the members.

To this new workgroup that was started a couple months ago, it is a NEJAC workgroup on school air toxics monitoring. They have been tasked to help the Office of Air Quality Planning Standards to provide input into the agencies new project on school air toxics monitoring.

Some of you may be familiar with the USA Today series of newspaper articles about school air toxics, and the administrator's commitment to looking into the issue. We are going to have a presentation from Vernice Miller, who serves as a co-chair along with Katie Brown, who is unable to be here today.

The co-chair of the workgroup, and we will also have -- is it Candace who is up here today? Laura, I am sorry. Laura McKelvey will be giving a joint presentation about what the workgroup has been doing over the last couple of months.

I am going to turn it over in just a quick moment. Vernice, are you almost ready? They should have material being distributed to you right now that gives you some background materials as well as some discussion questions that will be on there.

Are you starting first, Laura, or will it be Vernice? Okay, Vernice, take it away.

MS. MILLER-TRAVIS: This is the let's hear from Vernice morning at the NEJAC meeting.

MS. ROBINSON: Vernice, before you get started, we want to thank you very much for being able to squeeze us into your schedule. We know that you have a very, very busy schedule today and that you will have to head out of here on the fly literally to get to your next location. I wanted to thank you in advance for being to do this.

MS. MILLER-TRAVIS: You are welcome.

MR. RIDGWAY: That is ditto for me, too.

MS. MILLER-TRAVIS: I am going to have to excuse myself and call my husband and ask him to come and get me so I get to my next meeting in Annapolis but it is a joy to be

with you.

Update on the NEJAC School Air Toxics Monitoring Workgroup

by Vernice Miller-Travis

MS. MILLER-TRAVIS: Victoria knew that we would figure out some way to work this in because this entity is so very important to me personally and to the constituencies that you represent around this table.

We want you to know what we are up to. As Victoria said, this is a presentation from the workgroup for School Air Toxics Monitoring Initiative. This is a workgroup of the NEJAC, and this is the first time that we have had an opportunity to present to you what we are doing.

It is an effort that is being led by the Office of Air Quality Protections, Planning and Standards, which is based in Research Triangle Park. For those of you who don't know them, because they are based in Research Triangle Park, these are the folks who write the rules for everything air related and plus more.

So this is a very important group of folk, and it is really a wonderful thing to be doing some really close collaborative work with them.

Again, this is a workgroup of the NEJAC. One of the things we would like to come out from today is you having a clearer understanding of what we have been doing thus far, of where we are trying to go with this effort, but

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also what the NEJAC wants from this workgroup in terms of information, data sharing and direction that you need to give us about how we are going after this issue.

Do we want to sort of start rolling with our slides?

MR. RIDGWAY: Go for it.

MS. ROBINSON: Do we have the slides on them? Oh, we had them pulled up already? Why don't you go back to that.

MS. MILLER-TRAVIS: So Laura and I are going to do this presentation together, so we are going to go back and forth over the slides. You go first.

Comments

by Laura McKelvey

MS. MCKELVEY: While they are pulling it up, I know we are tight for time so I am just going to kind of go through some background on how this got started.

As Victoria mentioned, USA Today back in December published a study that they had been doing looking at the relationship and the relative risks around schools based on the --- model and the TRI data, and they ranked the schools based on that.

We are very appreciative of that effort because it really brought to the forefront the issue of looking at the potential exposure of children from air toxics.

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When the administrator was going through her confirmation hearings, she committed to, in a very short timeframe, turning around and getting some activities and monitors on the ground to see what we could find out, learn about the potential exposure to kids from these facilities.

Back in March, after a lot of dialogue, identified 62 schools in 22 states that we wanted to go ahead and do the monitoring around. How we identified those schools -- well the administrator told us first of all to look at schools that were near large facilities but also to look at schools in urban areas where exposures could come from traffic, from near roadways, from clusters of smaller facilities as well.

So look comprehensively at the whole range of exposures that are potentially out there. Then she also wanted us to be very careful of looking at environmental justice as a potential issue when we identified these schools.

We listed these 62 schools based on looking at what USA Today did, but we also wanted to get that urban, broader, comprehensive look at emissions. So we also looked at our national air toxics assessment that just recently came out and is now available to the public.

We overlaid industries, those urban traffic kind of sources, and then we also did an environmental justice

screen. You all have heard a lot of discussion about that because we are also struggling with that screening concept.

What we did is we took two different approaches. We took the census data and we looked at low income and race in relationship to the GIS analysis we were doing with our national air toxics assessment and the USA Today schools.

But we also played around with a tool we are developing called ---, which is a census track ranking system. It is in the early stages of development. It is sort of loosely related to EJC but took out some of the enforcement issues as Charles mentioned. So that is in development and hopefully we can talk to you guys about that in the future.

We also did a lot in identifying the schools we would put on the list, of back and forth with our regional offices in the states to do ground trooping on the emissions inventories. We actually found when we were looking at the USA Today study that some of the sources that were coming up as bad actors or big sources of concern were there because someone misreported their emissions.

They were off three or four decimal points. Or the source had shut down or the school had shut down. So we did a lot of that kind of ground trooping before we went through the final list. So we put out the list and in the process of doing that we wanted to coordinate with folks and

make sure that as we were rolling this out, we had input with other people.

We coordinated internally -- there should be some slides.

MS. ROBINSON: We have to apologize. There is a problem with their slides and some of the files being encrypted ---, so we are dealing with that right now.

MS. McKELVEY. That is okay. We will give these to you guys for later on. The unfortunate thing with that is we won't be able to walk you through the Web site, which we are really proud of because the workgroup --- so much on.

MS. ROBINSON: Yes, you will be able to -- that is the reason why the Web site is up. Let us know the URL and what needs to be done and you can walk us through the Web site.

MS. McKELVEY: Okay, that is the right one. So when we get there we will get to that.

Just real quickly, we coordinated internally with our Children's Health Office, Office of Enforcement, our Office of Transportation, of Air Quality, our Office of Pollution Prevention and Toxics.

We coordinated with ECOS, which is the environmental commissioners, and state and local agencies as well. We set up this workgroup as part of the way of making sure we were getting feedback from the communities and the

NEJAC.

Again, we worked with state and local agencies to make sure that not only were -- before we got monitors out there, we are trying to get people out there to talk to the communities, to talk to the parents, to talk to the folks at the schools so we are not just showing up with monitors and scaring people.

That has been the plan, and that is how we set up the workgroup, to make sure that we were involving input from communities as we were moving forward.

MS. MILLER-TRAVIS: So I am not sure who determined who you would ask to serve on the workgroup, but a number of us were asked. Katie Brown, Dr. Katie Brown, who serves as a member of the counsel, Katie is the co-chair of the working group.

Hilton is on the working group though he has only been on one phone call. So after today Hilton is going to be on more phone calls.

But it is what Elizabeth said, you know, if you know what Hilton and his community are facing, you know that they are up against it in Port Arthur, and he may not always be able to be on a phone call, but we just wanted to make sure that we had as diverse a representation of different kinds of constituencies as possible on the workgroup.

(Whereupon Tape 1 ends and Tape 2 begins)

MS. MILLER-TRAVIS: I am sure it has been said at the beginning of the meeting that Katie's father is terminally ill and in the hospital, and that is what Katie is dealing with, and that is why Katie is not able to be here today.

We send her our love, but she has really been weighing in on this workgroup, so we want you to know that up until sort of this personal issue, that she has had to deal with, that she has been a real significant part of this process.

I want to walk you through the charge to this workgroup, then say a little bit about that. The charge was developed in conjunction with the working group. We were presented with a charge, and then we thought that charge was not -- of course, because we are EJ people, we thought the charge was not comprehensive enough.

So we said, let's rework the charge, because God knows we have never met a process that we didn't think we could change or should change. So we did. With total receptivity from OAQPS staff, we came forward with this charge.

The purpose of the charge is to gain insight from the NEJAC working group on communication strategies, including the types of information communities will need, additional steps EPA should take to assure materials are

accessible specifically, what questions are environmental justice communities likely to have about the initiative, what steps should EPA take to ensure that the information it disseminates about this initiative is accessible to EJ community members, and what potential barriers could effect how EJ community members receive or access EPA's communication materials about this initiative.

The next piece is about what we have contributed, we the working group, have contributed to the process so far. I want to take a moment to say initially we weren't exactly sure what the agency needed from us. We sort of kept asking, kept asking, kept asking because I think this is the first time OAQPS has had a working group like this with the NEJAC in particular.

So we had to develop relationships. They had to get comfortable with our style, which is, of course, to never let them finish a sentence, and any such other wonderful things that we are known for. We really got to a place, I think, and we are at a place now where I think they understand we bring a tremendous amount to the table.

They can tap into us as much as they need to in terms of figuring out how to best make this initiative work and what are some of the issues that are going to bubble up from the public standpoint.

These are some of the things that we have sort of

inserted into the process thus far. We have worked hard and sort of really taken apart and put back together the community involvement plan, which is the plan that OAQPS developed to put this initiative out on the street and to help communities access it.

What is that plan going to look like? What are the steps? How are you going to make changes in it if you need to, if you find different variables on the ground in different communities? How can you be flexible to respond to those differences because there is not uniformity in all these communities that they are looking at.

Improvement of the Web site, and I really do hope that we are going to be able to click on it and walk you through it. It is, in my humble opinion, that I had nothing to do with developing, this is one of the most magnificent products that the Environmental Protection Agency has developed because it does something that communities often want.

So there is a problem. And the problem is that there are ambient air toxics that may be emitted in high quantities that are affecting the quality of life of children in these schools. So we want to look at that. So you tell people that, right, and then they say, well, what does that mean?

Well, you click on the Web site and it takes

you -- you can go on a map and you can go to each individual school where the monitors are. Then you can click further and look at --

MS. ROBINSON: Vernice, while you are describing it, why don't you let us show them. Just tell them -- we are not familiar with the site, so tell them what they need to click, like map of schools, maybe, and they can go there.

(Reviewing Web site - www.epa.gov/schoolair)

MS. MCKELVEY: Why don't you all start with map of schools and show them that. If you look on that -- just choose one of the green bubbles. Go over one of the bubbles, pull up the name of the school, just click on it, there you go, and what the pollutant that is being the driver, the pollutant of concern for that particular school.

That is your gateway. Now, if you go over to the list of schools over on the side and scroll down, you will see one of the schools that is highlighted in blue. These are the two schools that we have monitoring data. If you click on that, and this tells you all about what is going on at that school.

If you scroll down you can actually see the data. This will tell you all about the pollutants, what is being monitored, what the concentrations are, and if you keep reading down below, it kind of puts everything into context.

If you go to other pollutants, also monitored, you

can see we targeted certain pollutants for each school. It is going to be different for every school because the sources around it are different. But we also are monitoring more comprehensively.

We are looking at, we are showing on the first page the data just for the pollutant that is a driver. If you are interested you can go farther.

Then there is a discussion of pollutants. See, I can't see that.

MS. MILLER-TRAVIS: That is what I was asking Emily. I couldn't believe she could see that.

MS. : (away from mic) Monitored pollutants?

MS. McKELVEY: Yes, monitored pollutants. If you go there, just click on one of the -- acetaldehyde there on the top.

This is a description of the pollutants and what it means and what the potential impacts are. Now, as the EPA employee here, let me just tell you how critical this workgroup has been on this Web site. The language, in making it accessible to people, helping us structure it so people can navigate this Web site easily. It is common sense for the parents.

We made major structural changes to this and major language changes to help people be more accessible to it. I

want you all to know that this working group that is there for you has been very critical in helping us present this information in a way we hope is understandable and accessible to the public.

As we move forward, this is the initial data. These are just two schools that we have done so far. There is still a lot of work on how do you present the results. You know, what does this mean to people? Right now it is just the data. How do we digest this in a way that it gives you real information that is useable for the communities around these schools but isn't inflammatory, isn't misleading, isn't, you know, scary unnecessarily.

We see a very important need for the continuation of the workgroup, at least from the EPA perspective.

MS. MILLER-TRAVIS: So just in terms of this part of the Web site, when we first looked at it and walked through it with OAQPS staff, we thought it was really good, and for someone who is a complete geek about this stuff, as I am, I can't get enough data, right?

The average person does not want to wade through all this stuff, and you will get to a certain six-syllable word and that will be it. You are not going any further than that, and it is not going to be in the dictionary more than likely, right?

We wanted to make sure we were giving people the

data, we were not dumbing it down but we were also making it accessible so that people can know, okay, so this is what is present and this is what EPA is monitoring for. What does that mean to my child? There is different information about exposure for children and exposure for adults because children are experiencing this differently than adults are.

We tried to get it as finite as possible, as accessible as possible and as informative as possible so that if people really want to know what is going on, they can go to this Web site and they can really find out. We spent a lot of time working with OAQPS on that.

In addition, we have talked about and had some substantive discussions about the future directions of this. So one of the concerns we have is that so now we will get this data back and we will eventually share the data with the community, the impacted community and residents.

Well, there is what is going on inside the school, and there is what is going on outside the school. So it is not just the school and the schoolchildren that are being affected. It is the community at large.

We are not there yet. That is not the charge to the workgroup, but we are talking about how are we going to take this to the next level, because people are going to want to know.

You know. All of you who do work with

communities, you know that as soon as they put that data on the street, the next question in the very hearing where they put that data on the street is going to be so what does that mean for people outside the school who are breathing this stuff on a daily basis?

Well, we need to be prepared for that, and we don't want the agency to be blindsided by those questions. We want to be able to have something proactive to say to folks when they get to that. And again, we know, that people are going to go to that place.

We are developing EPA's capacity and understanding of EJ issues, particularly in OAQPS, and again, I can't underscore enough how important this group of folks are. We hardly ever see them because they are down in Research Triangle Park, almost of all them are in Research Triangle Park, and they are sitting there writing these rules.

They are making them applicable, they are talking to folks, but they very rarely have this kind of opportunity, so it has been meaningful for them, it has been meaningful for us. We are always trying to get to the rule writers, and here they are, in the flesh. So this has been a really great thing.

We have had input on the monitoring plan, how you capture that data, how you share that data with the public, how you get over -- there have been a few sticky wickets,

not on EPA's side but there are some school districts and/or some states that are not comfortable with this information being put out to public at the same time that it is being put out to the state agencies or the school districts.

We are having to work our way through that to raise folks' comfort level because the whole point is to get the information out to the public. That is the singular point of this undertaking.

In terms of our involvement in the work plan and the community involvement plan, we have helped to focus on communities as well as school personnel and parents. We have also talked about that. In New York this is a particularly big issue about school indoor air environments that -- there is a lot of focus on schoolchildren, which, of course, there should be.

There are people who work in those buildings, the maintenance staff, who are being exposed to those chemicals at an even higher rate as the children. When we are talking about creating a protective standard, it has got to be protective for everybody, for the staff, for the personnel, for the schoolchildren most especially, and for the workers.

So we have been talking about how we make sure that this data is applicable across all those sectors. We have emphasized creating opportunities for students and community members to be engaged with the effort. This is a

very important piece.

We are not there yet but we are talking about a lot of different models of how we can involve the schoolchildren in collecting the data, in analyzing the data. We have talked to one researcher who is at UNC Chapel Hill, and she is doing a project with measuring schoolchildren exposure to air toxins.

She is modeling that in some communities, and we have talked to her about what her process has been, how might we be able to adapt that to this process, because what I have learned in the work I have done with the --- Environmental Action in New York is that when you get the young people involved, it changes the whole entire direction of the effort.

It develops a depth of understanding of the schoolchildren. They can do some teaching to their parents and to their teachers about what is going on in their indoor environments, and it becomes something that people get really invested in, improving their own air quality and their own health. We would like to see that happen, if possible.

It is not going to be cheap, and there are not a lot of resources that have been identified for that, but we are looking at that.

We have commented on documents summarizing the

pollutants. Again, I walked you through that, just making sure that people can really access that very technical data. We have commented about the need for inclusion and more in-depth discussions and how the schools were identified.

This has probably been our biggest point of -- contention may be too strong a word, but we were not involved in a process of identifying which schools EPA determined to do the first-round screening for. We would like to be more involved in that process of identifying the schools.

I would say specifically from one of our members, Ms. Rita Harris, who works for Sierra Club in Tennessee, she knows that there are some specific schools that are really, you know, in the middle of some very bad places, but those are not the schools that are being looked at.

Hilton has raised this issue Port Arthur. There are some schools that are directly in harm's way in Port Arthur, but those are not the schools that are necessarily being looked at.

How can we, in the second round, perhaps get to some of these other schools that are in, that are really directly up on it, that are fence lined. You all know what I mean. A fence line in terms of the sources of the ambient pollution that we are trying to monitor for.

We have commented on how they present the

information in their initial meeting with schools and communities that this is the kind of issue that can immediately become a huge, huge, huge mess out in the public in terms of how you talk to folks.

You go out there and you tell people we are monitoring for these ambient air toxins and we don't know if you are going to be harmed or not and we will get back to you in a few weeks. That is one way, right? That is not the way this is going to be talked about because that would just open up a huge can of worms.

You know people are particularly sensitive about what is happening to their children. You know, much more so than they are about what is happening to them, but what is happening to their children.

So how you wade into that conversation, the sensitivities that you have, the way you walk people through that to raise their level of understanding but at the same time try not to create mass hysteria is a very difficult balancing act.

We have been working with folks about how they go and initially have these conversations with folks so that we don't just create -- okay, now you are telling I am being poisoned and my children are being poisoned, I am going to die, what is going to happen. That is one way to go. We are trying to make sure we don't go that way.

Then we have commented a lot on the Web page design. Ms. Laura?

MS. McKELVEY: Just to wrap up, we wanted to just give you an idea of where we are and what kind of monitoring they will be doing. First I want to emphasize that right now the focus is on ambient air, so it that outdoor air. A lot of discussion on indoor air is going on, but right now the focus of the study is that outdoor air component.

I wanted to point out that initially there were no tribal schools identified. We had a really hard time with tribal schools because, one, they are not necessarily showing up in Department of Education lists.

So we talked to BIE and some other folks, but then we had trouble doing the GIS kind of thing, and I am not going to go out to Indian country and say where are your schools? I think there is way too much history there that would be damaging.

What we did is we worked with our regional offices and the tribal environmental professionals that we have network with and identified two schools to start with based on -- one is on the Nez Perce reservation in Lapwai, Idaho. Because of a pulp paper mill nearby.

The other is on the southern reservation in Durango or outside of Durango, Colorado, Ignacio. And that is because the school is located right in the middle of an

oil and gas production field.

What we are doing is we are working with the National Tribal Air Association and workgroup in there to put together a plan to better identify the tribal schools to include in this monitoring. We will be coordinating through the Regional Tribal Operation committees.

I have talked to NCAI and I have talked to BIE to get the word out to get tribes that have a concern to self identify and then that workgroup has identified a prioritizing way of going through and figuring out where to put the monitors because we just don't have either the emissions information or the location, the GIS information for the tribal schools to be able to include them in future activities.

I wanted to point that out. What we are doing on the monitoring, the first round of monitoring is for 60 days, the initial monitoring. The 1 in 6 day sampling, and at least 10 sample periods.

We are trying to provide an opportunity for what we call 3 wild-card samples. If the monitoring organization at the state feels like the wind is going in the right direction to get the right, to make sure we get the right exposure level, the back trajectories are going in the right direction, they can monitor that day.

If they feel like the sources figured out

something is going on and maybe changing the behavior, they can go in and randomize it. So there is that.

It is 160 samples. Based on that, we will look at what the results are, determine do we need to continue monitoring. Do we need to do, you know, work with the Office of Enforcement to do compliance assistance or targeted enforcement? Based on what is there, are there activities that can be done, like if the problem is from idling school busses, do we do a voluntary program in the school to do an anti-idling program.

The resulting activities will depend on what goes on at the individual school. Based on those final results at the end of the period then we will decide what the next step is for the community.

At the end of the whole process, we will prepare a report, go back to the administrator and then talk about what the next step is for the program. Do we do the same thing next year? Are we continuing to focus on schools? Are we looking at a broader community approach? I think all of that will be factored in once we see what the final results are based on input from the NEJAC, state and local agencies and other stakeholders.

So we just don't know what the next round will be or where we are going in the future until we see the final results. Just real quickly, what we have done now -- we

showed you there are two schools that have actually completed their first round of 10 samples, the 60-day monitoring. Both of those were in Tennessee, Ashland City and then Lake View, which I think is in New Johnsonville.

They were, unfortunately, the guinea pigs. We had to kind of figure out how we were going to get the data flow right and all that kind of stuff, and we are in the process of analyzing their final set of data to see what is going to happen after that.

--- in California started at the end of June. We have eight schools that are going to be starting monitoring tomorrow, and then 14 more schools monitoring by the end of the month, and then the whole group will be starting at least by the end of August. So all 62 schools will be monitoring at that time.

We have had some feedback from folks. Some people are concerned that they didn't want the monitoring going on during the summertime when the kids weren't there. There are some schools that are going to wait to start monitoring until school is in. Some are starting now so they can get some samples in before school starts and some after.

So it is really kind of based on when they get their monitors and what is going to be best for that community.

I think that from my perspective, the important

thing is that we want to continue this process. It has been very helpful for us in making this effort, I hope, successful in reaching out to folks. I really think it is going to be important for us to have your input as we get the information in, but also to figure out what the next steps are and where we go in the future.

MS. MILLER-TRAVIS: So we wanted to just let you know who is on the workgroup. M. Katheryn Brown, who represents the NEJAC on the workgroup. Myself are the co-chairs. Darryl Alexander, who is the program director for health and safety for the American Federation of Teachers. Claire Barnett the executive director of the healthy schools network;

Rita Harris, the environmental justice program of the Sierra Club in Tennessee; Hilton Kelley, your NEJAC member. You know where Hilton is from. Elvin Lang, and Elvin was here earlier. I don't know if he is still here but Elvin was here at the NEJAC meeting. He is the environmental justice coordinator for the Alabama Department of Environmental Management.

Paul Mohai, who also serves as a member of the NEJAC. Dr. Nicky Sheats, the Center for Urban Environment at Thomas Edison State College; Alexandra Vel Valle, deputy director of UPROSE, representing Elizabeth Yeampierre on the workgroup.

So those are the workgroup members who are not EPA staff. These are the EPA staff. Victoria Robinson is our DFO, also your DFO. Richard Whalen, director of Air Quality Analysis Division at OAQPS; Laura McKelvey, Community and Tribal Programs Group coordinator; Candace Calloway, right behind us. Candace is the EJ coordinator for OAQPS.

Kelly Weimer in OAQPS communications; Allison Davis is communications at OAQPS; Dave Quinip, risk assessment and analysis; Cynthia Peurifoy, Cynthia is here with her camera from EPA Region 4. Paul Wagner from EPA Region 4 also, and others as needed.

So it is a fairly broad spectrum workgroup. We tried to pull in as many different constituencies and perspectives as we could. Who is going to be involved? Who is going to be affected?

In terms of communicating with us going forward, you can reach me at (301) 537-2115. You can reach Laura at (919) 541-5497. You can reach Candace at (919) 541-3189.

All of our information is, of course, on the Web site.

MS. MCKELVEY: I just want to put in a personal plug. I have a personal pet peeve of people who don't return phone calls. So if you call me, I will call you back. May not be able to answer your questions but I will call back, and I try to do it within that day. Sometimes it

doesn't happen and it is the next day.

Please feel free to call me if there is anything we can do to help and if you have any questions.

MS. MILLER-TRAVIS: I would like to share one thing that Candace shared with me a few weeks ago, and it was really meaningful and I think it is really important.

It relates to the previous conversation, which is that every constituency who is affected by the work of the rule writers, particularly around air issues, which is the OAQPS staff, everybody goes down there to visit them.

You know, the National Manufacturing Association, the American Truckers Association, OSWAMO. Everybody who has something before them goes down to visit them and tells them, so you are working on this rule, huh? Well, this is what we would like to see in the rule.

Everybody but the environmental justice constituency and people who work with the environmental justice constituency. Again, I am going to make the same plea that I made about the OCR office.

If we really want to be in this game, and I know that we do because we have talked about this for so long, that when you go to North Carolina, and you are passing through Research Triangle Park, and you are flying into Raleigh, please make an appointment to stop and see them to find out what they are doing, to talk about what your

concerns are.

They desperately want to hear from us. They can't necessarily get to all the places that we are, but they are all in the same place so we should be able to get to Raleigh to see them.

I just want to put that plea out there. I have been to see them twice. It is the most magnificent office you will ever see. There is no other building in EPA like their building in Research Triangle Park. If you want to get in the game, you got to get in the room. That is where I would leave the NEJAC folks. If you want to be in the game, you got to be in the room.

MR. RIDGWAY: Thank you very much. We have got a lot of people with interest on this, and again we are pressed for time. Before we get into questions or discussion I am going to first acknowledge Charles here for a moment -- no? Okay.

Here is one suggestion, to bring you back to this counsel so we can have some quality time in discussion. You just asked for that, you have noted you need that, with a conference call with this council relatively soon.

I am going to ask Victoria to try to set that up with you, with the council members so that we can really get into this a bit more.

I am going to ask for the council's permission to

maybe not get into questions on this at this time, understanding that we will have a chance to do so more. We have another issue that we have to deal with on the goods movement draft language, and I would like to try to get to that before Shankar leaves at 11:30 if I understand correctly.

That is putting some more pressure on us here. Can people accept scheduling this for a conference call --

MS. YEAMPIERRE: I really do want to ask one question.

MR. RIDGWAY: Elizabeth.

MS. YEAMPIERRE: Before you leave I really do just want to ask this one question.

First let me just say what a phenomenal job. As a mother, I find it overwhelmingly amazing. But I want to take you away a little bit, just quickly, from Raleigh, from Tennessee, and take you to California, Texas, to New York City, to the South Bronx to Brooklyn, and you know where I am going with this as a Latina.

This is a great tool. I mean, it is excellent I guess my question really is, is this something that is going to be multilingual because you have got huge -- over the last three days, that is a huge population that has been underrepresented at these meetings for the last few days.

I just want to make sure that, you know, that

people in San Antonio can read the Web site.

MS. MCKELVEY: There actually is a link, like the Frequently Asked Questions are translated into Spanish, so we have tried to make it bilingual and accessible both ways.

MS. YEAMPIERRE: Great, that is excellent. Thank you so much. I know Victoria has some follow-up step, and after that what are we going to do? Charles, I am sorry.

MS. ROBINSON: I just want to briefly make the council aware of a few next steps for the workgroup. First of all I want to thank the work-group members for their really, I think, valiant effort over the last few months pulling this together and working very, very hard.

The outcome that is going to be expected for this workgroup, because the workgroup doesn't speak for the NEJAC, is that they will be preparing a really brief document that will summarize what in essence are best practices.

The process is being used because this has been a fast-track initiative that is actually -- the workgroup is actually working with the agency as it is developing and implementing this initiative.

They are learning from this process, and it is identifying best practices. This letter that they are going to put together for the council that will be for the recommendations from the council to the administrator will

focus around the best practices that they have identified and some key next steps such as Laura identified, should it be a broader community approach for the next round or how do you address some other issues.

This is a great first start and I am looking forward to more of the same hopefully. The timeline will be developing as we work closely with Laura and her crew as to how their timing is working, and we will wrap the workgroup's timeline around that.

MR. RIDGWAY: Charles?

MR. LEE: I want to echo everyone's thanks to Laura and Vernice and to Candace and Victoria and others for the work done here and for the presentations.

I do also want to make sure we recognize EPA Region 4 for their work here, and the thing behind that is Region 4 is EPA's lead region for the air program. So that is how they got involved. As you could hear all the people working with the workgroup, all the people are from, many Region 4 people, so I want to make sure we recognize that.

The other thing is that OAQPS and I am going to leave it as an acronym, is the office that does the bulk of the work for developing air rules. Air rules are 85 percent of the rule making at EPA.

So we have done a lot of work with OAQPS over the last couple of years, including my traveling down there and

spending time with the OAQPS division directors and also Mustafa Ali and --- from OEJ staff has gone down and done EJ training for the OAQPS staff.

MS. MILLER-TRAVIS: I just wanted to add one thing in terms of the charge, and I should have said this at the beginning. The charge for this comes from the administrator of the Environmental Protection Agency, Lisa Jackson. The charge to Lisa Jackson came from Senator Barbara Boxer from California during Lisa Jackson's confirmation hearing, which I sat through all six hours.

Senator Boxer challenged then nominee Jackson about this issue resulting from the USA Today article and series. Administrator Jackson promised in her confirmation hearing that she would directly respond to that request so what you just heard us talk about is the administrator responding to a question that came to her in her confirmation hearing.

Again, I just want to end on this point. Elections have consequences. These are the consequences, and I am so very, very glad to be able to say we are moving forward on so many fronts. Thank you, NEJAC, and you need to tell us what you want from us and what you expect from us and how regularly you want to hear about what is going on with the workgroup because this is your workgroup.

MR. RIDGWAY: Thank you. I will respect that by

saying we will schedule a call with you as soon as we can. I don't know how quick that will be but I would prefer weeks to months. So Victoria will help set that up.

I would like to ask that we transition now to the New Urban Waters Initiative on the agenda. Although we have the schedule to go to 11:30 a.m., I am going to ask that if at all possible, and with respect to the time you have put in to preparing for this, that we cut it down to 30 minutes if we can. I would be most grateful.

(Multiple voices)

MR. RIDGWAY: Okay, let me interject. If you would be patient with me, and Shanika, if you could give us about 15 minutes more just as we get you set up here to try to address an issue that we are having to deal with in a matter of minutes. I am going to challenge this group to shift and go to this Goods Movement recommendation. I am sorry to bring you up here. We will get you just in a few minutes.

Goods Movement Recommendations No. 19 and No. 32

So what is getting passed out right now is recommended changes to the Goods Movement draft report from the workgroup to this council. You will have a chance to take a look at these. I am going to go ahead -- there are two items on here, recommendation No. 32 is at the top in terms of what the draft language has. On its right the

proposed language. And Recommendation No. 19.

I am going to actually take a look at Recommendation No. 19 here first. Volunteers Lang and John Rosenthal, and I did our best to incorporate what we heard yesterday, and what you have before you is on the left the original and on the right what is proposed.

If you will take just a couple moments to read this. We are not going to have time for a lot of discussion. While you read it, I will just comment that this is not trying to put words in anybody's mouth who put so many hundreds and thousands of hours collectively into this very good report.

This is just an attempt to move it on so we can accept this report in a manner that is acceptable, that we can live with without getting into a debate on the nuances of what is going on here.

We tried to use language that will be acceptable to this council, and I will leave it at that. If there are any questions on what is here I will do my best, and I will invite Lang and John, if he is here -- he is not right now -- to do our best to clarify anything. Jody?

MS. HENNEKE: I am on Recommendation No. 19?

MR. RIDGWAY: Correct.

MS. HENNEKE: The only question that I have is the state that I am here from, as do most of them, have best

available control technology. We have language highest technically feasible. How does that match up? Anybody know?

MR. RIDGWAY: Lang, you want to take a shot a that?

MR. MARSH: My understanding of this language is that it is intended to provide for flexible evolution of the applicable standards as they become scientifically and technically justified. So this would mean whatever, I assume, would be the case in Texas today but if they got better over time for a new facility later, in time --

MS. HENNEKE: That is the reason for the -- and it is truly within the definition of best available control technology. It is different than -- the highest technically feasible is not the same as best available control technology.

DR. PRASAD: I believe it, too, but this is a recommendation to go beyond if necessary. The whole purpose here is full mitigation. That is the intent of the workgroups on that --- in terms of the affirming position.

So here it could be beyond that. What I would argue for this would be to keep that first sentence as it was, and if not feasible then add that second sentence and end it after 3.1. That is how I would put it.

Still keep the word fully because we still need to

think about the full mitigation, and when not feasible, EPA should establish a process or a guidance to the highest maximum extent technologically feasible and acceptable to the community.

I would strongly urge the inclusion of what is acceptable to the community is as important in that context.

MR. RIDGWAY: I am also going to comment here, just so you can keep a focus on what is being addressed. In this proposed language, the only new language is in the top half. After the No. 3.1, the following text is the same as what was already there, so we are really just looking at the first three sentences in here.

Other comments or questions?

MS. BRIGGUM: I don't know much about air but just as a matter of common reading, I would think the fact that we used words other than BACT and things like that would actually inform the administrator of our goals to have very high standards without predetermining what that would mean.

I would think that then, you know, Texas could say we believe that is within BACT. Another could say, no, there is something else. We see a new opportunity.

By not using the technical language -- I thought actually this did a nice job of clarifying what the goal was.

MR. RIDGWAY: The other thing I will point that is

new here in this top language is the reference to what is acceptable to the impacted communities. If you look at the version on the left, it is referenced as -- impacts relative to the immediate neighborhood. In this regard, it is a little broader. Immediate not being defined, either.

DR. PRASAD: I mean immediate and some of those things, EPA will take this stuff and when they establish the guidelines, they will be the ones who will be determining that.

The workgroup did not go to that extent of defining for the resources issues, type of studies needed, type of analysis needed. Those kinds of things need to happen in order to define that a, in that context.

MS. HENNEKE: The way this is defined, you are actually talking about maximum achievable control technology, which is, as Shankar knows, a whole ratchet up from BACT.

MR. RIDGWAY: Thank you. So I am going to put the question around the table here. Is this something the council can live with? We will get on to the next recommendation in a moment. That is the question. I am not asking for a vote here. This is a consensus process.

I am going to move on to the other recommendation at the top, No. 32, and have you take a look at that for a moment.

DR. PRASAD: John, before you proceed, can we, as I said, can you ask, the second part, keeping as proposed language as fully mitigated localized impacts, and when not feasible EPA should establish. If not feasible, EPA should establish guidance to assure.

Is that something that the council can live with?

MR. RIDGWAY: That is something new that is not written down here, so it is hard to start wordsmithing at this point. I am going to start with what we have before us. If we can't accept that, we are going to have to go back to the table. Jody?

MS. HENNEKE: I have got to leave. I apologize, folks. I am okay with what is on the paper.

MR. RIDGWAY: Thank you. Okay. On Recommendation No. 32 -- Don?

MR. ARAGON: Just one point. Should we be more direct where it says EPA should provide technical or do we want to say EPA will provide more. Put them on a hook. In my opinion, using the word "should" here is kind of maybe we will, maybe we won't.

MS. ROBINSON: Don, I would like to respond to that. It is a kind of wordsmithing thing. When you make a recommendation, EPA should is in essence saying, you know, "must," kind of thing. "Will," we can't demand that they "will" do something. We recommend that they "should" do

something.

MR. RIDGWAY: Thank you for that clarification. Okay, Recommendation No. 32, on the proposed language -- I did not draft this. Sue, anything you want to say about this?

MS. BRIGGUM: No, just that I was trying to put it in plain English so there was more flexibility in terms of options and we weren't specifying a particular mechanism. But the goal, I think, is identical.

MS. YEAMPIERRE: I just want to add that I am very comfortable with the language that Shankar has recommended about when it is not feasible because I think, as Pat mentioned yesterday, we need to be able to provide language that applies the highest standard, the highest level of protection.

What EPA does may be different than what we are recommending, but I think that we need to push the envelope with our recommendations. I don't want to compromise language that diminishes our efforts to try to address environmental remediation.

So I would urge that we include the language that Shankar has recommended and put it all out there. The worst that can happen is that we get a response that says we can't do this. I think it is our responsibility to put the strongest language in there.

MR. RIDGWAY: Respecting that, Shankar, do you want to try to write such a sentence in the next moment or two that you can read to the group so we can get a very good idea of what is being proposed here?

MS. BRIGGUM: Just process wise, won't this create some potential concern though? Jody left saying she could live with the thing that was here. The fully was a word for her before. We are kind of taking advantage of her having to travel, and Chuck isn't here.

I just feel uncomfortable that people might feel that they really have lost their opportunity to participate.

MR. RIDGWAY: I agree, and it is going to start getting more complicated here. I also want to reiterate Patty's comment from yesterday that these are recommendations. We are not establishing rules or demands on EPA. These are just recommendations.

So I am also reluctant to start wordsmithing to any great degree on this. On the other hand, we are in session. If people have to leave, we still have a quorum and we have to work with who is here.

Shankar, is there anything in particular you want to propose right now that would help bring some clarity to this or address the point that you brought up?

DR. PRASAD: I would propose keep that proposed language first sentence. Add the words, if not feasible,

EPA should provide guidance. Or when not feasible, EPA should provide guidance to assure that new and expanded infrastructure and facility projects will ---. Keep the rest.

MS. ROBINSON: So you are saying start off with mitigate localized impacts from --

DR. PRASAD: Fully mitigate.

MS. ROBINSON: Fully mitigate localized impacts from expanding, existing freight facilities or siting new ones. If not feasible, EPA should establish policies and guidance to assure that new and --

DR. PRASAD: I would say just guidance.

MS. ROBINSON: Okay. Should establish guidance to assure that new and expanded infrastructure and/or facility projects will achieve their highest technically feasible air standards and be mitigated to the extent acceptable to impacted neighborhoods. Is that it?

DR. PRASAD: Highest technical and feasible levels, instead of standards, because standards are based on individual facilities, but here we are maybe looking at something beyond that?

MR. RIDGWAY: Okay, I am going to throw out one comment. The line at the top is a heading. It is not expected to address all the nuances. It was clear yesterday and in prior conversations that the term fully mitigate,

specifically fully, was a hot-button issue.

The language that is below that underline does provide a little more clarity about what we mean. We mean it is acceptable to the community. It is to the highest technically feasible that may go beyond the technical term of best available of technology. I don't want to focus on the heading here. It is on what is under the heading.

I am going to make the recommendation we stick with just saying mitigate. It goes on below to say what does that mean.

So to the recommendation that came in from Shankar here, I would suggest such a language of clarifying if not feasible, we put that in under the heading. Is that okay for you, Shankar?

DR. PRASAD: If full mitigation is not feasible.

MR. RIDGWAY: When full mitigation is not feasible. So that would be the start of a new sentence, after the heading line.

MS. ROBINSON: So I will go ahead and read it out loud. It is mitigate localized impacts from expanding, existing freight facilities or siting new ones. If full mitigation is not feasible, EPA should establish guidance to assure that new and expanded infrastructure and or facility products will achieve the highest technically feasible air levels and be mitigated to the extent acceptable to impacted

neighborhoods.

As part of the guidance, EPA should outline a process based on the principles and recommendations in Section 3.1 above.

MR. RIDGWAY: Do you have that in writing? Do you have that down?

MS. ROBINSON: Yes.

MR. RIDGWAY: Great. Wynecta?

MS. FISHER: Are we removing "policies"? When you read that you said "establish". It is written "establish policies and guidance," but when it was read it said "establish."

DR. PRASAD: Yes, I suggested that basically -- EPA is not typically --- the guidance that they give to be followed through so if somebody wants to go beyond or do something else at the state level or the local level, they have the freedom. But if it becomes a policy or rule making kind of a process then it becomes binding.

If somebody wants to go beyond that at the local level, that gives the freedom.

MR. RIDGWAY: I am going to ask what do we lose by keeping the word "policies" in there? EPA can set up policies if they want regarding this. That doesn't necessarily over -- surpass what states or other agencies have to do. So Shankar, is there a problem with leaving the

word "policies" in there?

DR. PRASAD: (Nodding of head)

MR. RIDGWAY: Okay, we have a proposed sentence. I am going to ask you to read it once more, Victoria, please.

MS. ROBINSON: Mitigate localized impacts from expanding, existing freight facilities or siting new ones. If full mitigation is not feasible, EPA should establish policies and guidance to assure new and expanded infrastructure and/or facility projects will achieve the highest, technically feasible air levels and be mitigated to the extent acceptable to impacted neighborhoods.

MR. RIDGWAY: Can we accept this in order to get this report, draft report, moved on? Would this change?

(Nodding of heads)

MR. RIDGWAY: I am seeing nodding heads. I am not hearing any opposition. I will take that as a consensus yes. Thank you very much for your assistance in getting this work through.

So that is a done deal on Recommendation No. 19. Recommendation No. 32?

(Showing a thumbs up)

MR. RIDGWAY: We have a thumbs up from one person. Head nods, anything there? I will take that as another consensus. I am impressed. Thank you very, very much. I

will now move on to our next agenda item. Shankar, thank you very much for your help with this, too. Formal recognition again: Thank you to the workgroup and everybody who supported that.

Okay, we are moving on here. I will reinvite our guests to talk about the New Urban Waters Initiative. Thank you so much for your patience, having us bounce you back and forth.

I ask you to start by introducing yourselves and then you can go with it from there.

Discussion of EPA's New Urban Waters Initiative

by Ann Codrington

MS. CODRINGTON: My name is Ann Codrington. I am chief of the prevention branch in the Office of Groundwater Drinking Water in the Office of Water.

MS. WHITEHURST: Good morning. My name is Shanika Whitehurst. I am one of Ann's staff members in the Office of Groundwater and Drinking Water in the prevention branch.

MR. RIDGWAY: Thank you. Go ahead.

MS. SHAH: I am Surabhi Shah from the Office of Water. We also have Urban Waters Workgroup members here: Kellie Kubene, Serita Hoyt, Chitra Kumor and perhaps others as well.

MS. CODRINGTON: How much time do we have?

MR. RIDGWAY: You have at least 30 minutes here so

go for it.

(Slide)

MS. CODRINGTON: Since we really are here to get your input, to talk to you and get your ideas, I am going to spend very little time talking. We don't have many slides, but we really want to take away from here some ideas that you might be able to give us on how to move forward in thinking through what we are calling an EPA Urban Waters Initiative.

I just want to start by saying that this indeed is a new initiative. It is in the very early stages, which is why we thought this was a great opportunity to come and talk to you about it.

We will be meeting with the administrator in August to talk about what we have heard from you and from others and from all of the EPA employees who are trying to come up with an idea for how to promote an Urban Waters Initiative and how to implement it.

The internal thinking has begun. We have also met with some stakeholders and had some initial conversations as to how we go about doing this. I am going to talk you through what we think the goal should be, what we have heard from those groups and what the concept is so far.

We are hoping to get from you a better idea by the end of this conversation of what the concept should be and

how we might be able to implement it. If you could move to the next slide.

(Slide)

MS. CODRINGTON: This gives you a sense of what the goal of this project is. The administrator basically charged EPA with developing an Urban Waters Initiative. I would venture to say left it up to the group to get more specific about how to implement that goal and what it should be .

Here you will see that what we think the goal is, what we would like the goal to be is to engage communities, particularly disadvantaged communities in revitalizing their urban waters and the surrounding land.

When I see that, we often think of different things, but a number of things that we mean in this Urban Waters goal relate to things like restoration, revitalization, fostering an increased connection and ownership of the waterways in urban communities. Looking at ways of making water the centerpiece of urban revival.

This will be a project that is an environmental justice project because it focuses particularly on disadvantaged communities. It is one that is focused on those communities. It is not meant to focus on everything and anything. It really is trying to be focused. If we could move to the next slide.

(Slide)

MS. CODRINGTON: In thinking through this, we have a set of proposed ideas for a vision, and we want to get your input on that. This is based in large part on our conversation with people in communities that we think this program will affect.

Here is what we think we want to see out of this Urban Waters Initiative. We think that people in communities should be able to value the waters that are there. That waters are treated as a centerpiece of urban revival. That includes looking at issues like public health, providing recreation, having those water be a place where people can go and relax when they want to.

The project should include an education component because it is very valuable in communities that are urban, and actually all around the country, to make sure that whatever you do, there is an education component.

We recognize there is a need to make sure that there is an economic component to whatever we do, and so there will some economic employment opportunities for residents in the communities that this project will impact.

Access: I think that an Urban Waters Project that is successful will happen in a way that will allow people to access the waters. Not just in terms of being able to go to it, but also being able to reap the benefits of the water,

if that is appropriate.

Empowerment: We think it is important for community members to be inspired in urban communities by the waters around which they live. We also think it is important for people to be aware of what might be the hazards that they ought to be focused on.

We think that people ought to be able to solve those issues for themselves by working within the community and accessing resources as necessary to build value around the water, to build resources within the watershed, to work on the land that surrounds the waterways.

And then partnership: We think that it is really important to make sure that an initiative has a partnership aspect because we recognize there is a role for the federal government, there is a role for state and local governments. There is a role for educational institutions in these communities. Businesses and nonprofits all working together to solve local water issues.

This isn't a final list as far as the vision is concerned. It can be changed. That is what we would like your help on, one of the things. Could you turn to the next slide?

(Slide)

MS. CODRINGTON: This is what we heard as we spoke to people in communities that would be affected by an Urban

Waters Initiative. What we heard was that people want safe access to public waterways. It could be beaches, it could be rivers, it could be lakes.

People want to be able to go to water. People want to be able to fish in water and not worry about whether or not the fish causes a public health impact. People want to be able to access and feel as though they have ownership of waterways.

The public health issues came out in these conversations that we had. We recognized that there are problems with appearance, with odor, with the health of the water and water quality in general. Those issues need to be addressed.

We also heard that there needs to be a way to use waterways to advance urban priorities. Those priorities include education, employment, safety, health, housing, transportation and the general quality of life.

Then there are some more overarching things we heard, that really cover a number of different areas. Being able to make informed choices. Having the information you need to make informed choices was one of the things we heard was important in this kind of initiative, as well as having the ability to influence local decisions, decisions like permitting, decisions like siting.

What we want to really be able to do is develop a

project, develop an initiative that meets and addresses these issues.

(Slide)

MS. CODRINGTON: On the next slide, we asked the people we spoke with what worked in their communities. A lot of the people we spoke with were in community organizations, in churches. Some of us spoke to people who gave grants to communities.

What we heard was that what has worked in the past is to make sure that you engage the residents. To make sure that especially for youth they are engaged either through jobs, either through volunteering, either through educational opportunities, whatever it might be.

Also making sure that there are existing partnerships and communities that can be tapped into in order to make this work. We also heard that it was important to make sure that if there are community-based organizations, that they also be a part of this because the presence of these strong, community-based organizations is key to making sure that things work.

We also heard that the most successful projects for redevelopment have an informed local government body, and those officials are active. There is effective education and communication that needs to take place, and there is an economic component as I said before.

We recognize and heard that there is a need to make sure that when you start a project like this, that there is early, visible action, there is early, visible success. So we want to make sure that takes place in this project as well.

(Slide)

So the next slide, and we only have one more, or two more after this, just gives you a sense of how we might be able to fit the pieces together based on what we heard.

The first circle on the left is really about the community itself. About ways of working within existing communities to provide the assistance that communities will need to work themselves to build an Urban Waters Initiative. So technical assistance. It could be through existing networks like Americorps. It could be making sure that there are resources available, such as grants. People from EPA, if necessary, and other organizations.

Making sure the success on the ground can happen through having the right resources.

On the right side of this three-circle chart is a communication piece. We all heard in our conversations that it is really important that people understand what the risks are from the water, what the benefits might be. Then there is a lot of information, a lot of knowledge already in communities that just needs to be shared.

Part of this communication aspect is making sure that there is that ability to share information, share across languages, different types of media. We recognize that not everybody speaks the same language. Not everybody has access to a computer.

Young people in communities may be doing things like Twittering and Facebook, and maybe that should be one way of communicating within communities information that communities generate themselves.

When I was a child growing up in Los Angeles, I remember campaigns about littering. You know, campaigns, about saving water. Perhaps something like that is necessary here as well. So looking at that as a possibility for making sure that we communicate the messages that need to be communicated is part of our thinking right now.

The last circle is in some ways the most personal for me, having grown up in a community that would likely be impacted by something like this. And now working at EPA, and I consider myself an environmentalist. I recognize that we often work in stovepipes.

Finding ways to work across and leverage existing programs. We are doing that now. We are working in the Office of Water not just within the office, in the various media areas, but we are working with the Office of Environmental Justice, We are working with the Brownfield's

Office. We are working with the Office of Policy, Economics and Innovation, where the smart growth programs and the green jobs programs are.

So all of these ideas are being moved across different programs, and we recognize they need to be moved even more. We need to be working with the Office of Enforcement to make sure that the regulations that are currently on the books are enforced in communities that are urban and that are particularly disadvantaged.

So there are a number of things we can do within EPA to strengthen our capability in this kind of initiative. So this is just an idea for an approach. It can be changed. We can add to it. We can modify it. I just wanted to share with you what our thinking has been so far.

(Slide)

MS. CODRINGTON: The next slide actually has questions that we were hoping to be able to ask so we could get some input. The idea is for you to be thinking about what works. What do you know? What have your experiences been out there in working in this kind of an initiative and setting something like this up? What would you like us to consider as we do it?

What would you like us to communicate back to the administrator as the importance of this or to make sure that we include in any initiative as it moves forward?

I think I will stop on this slide. The next slide really just includes contacts, and we can put that up later on, but this is where, if we could go back, that I would like to spend the rest of the time talking about.

MR. RIDGWAY: Thank you. Omega?

Questions and Answers

MR. WILSON: I would like to -- it is great to hear this. I would like to ask for clarification, and maybe you have it already. The Urban Water issue, sometimes the resource or the water used or the waterways are within the urban territory or in the boundaries of city limits if I might say.

Sometimes the water used for recreational purposes and drinking water purposes is outside. So could you clarify that and also clarify what are you defining as urban as far as size of metropolitan areas or categories or tiers based on the size of metropolitan areas?

MS. CODRINGTON: Coming from the Drinking Water Program, your first observation is exactly correct. Most major metropolitan areas get their water through surface water systems that come over land from very far away, and those areas may not be urban water.

Our hope is to be able to recognize that and be able to get through programs that currently exist and developing new programs, areas outside of urban areas, to

focus on the impacts that they have.

A lot of times people in urban areas don't realize where their water comes from. A lot of what we do at EPA is trying to do that. I think there is a huge role for that. It is an issue that we have yet to address well, and I think we are going to have to address in this context as well.

The second question or comment you made had to do with how we are defining urban. That is actually a good question, if I could, pass back to you all. How should we define urban? There are lots of definitions out there.

We recognize that there are limited resources and so we have to pick a definition. We have to define it in some way so we can allocate resources. We would be interested in hearing from you what you think the definition should be.

MR. RIDGWAY: I am just going to interject here. Giving this is evolving, I am assuming we are going to have other opportunities than today to get this input back to you, and this may be similar to the prior conversation where we might ask to have you come and spend more time with the counsel to give you recommendations and ask questions.

Not to shut people off here but I just want to be really clear, this is not fully realized yet or fleshed out. With that, I am going to -- Patricia?

MS. SALKIN: Thanks Ann and Shanika. This sounds

really exciting. I just have a few comments to add to the list of things that you might have already done, and some of these are things that were mentioned here I think Tuesday night during the public comment period by a bunch of folks. I am not sure if you were here or not.

I would just try to develop some strategies or protections to make sure that once these urban water areas are redeveloped and revitalized, that the disadvantaged communities that might be there now are not pushed out.

The success, again, sort of our gentrification discussion on Tuesday night, might have the unintended result of making the area now unaffordable. So when you -- I saw housing was in one of your slides. I think you have to really make sure that there is protected affordable housing, not just on the waterway but within a certain distance away from that so that the community that cleans it up is able to enjoy it in the long run.

We also have a theme this week of looking at what other agencies are doing and other programs. I assume you might have looked into NOAA, the National Oceanic and Atmospheric Administration. The Coastal Zone Management Program, because they provide grants for communities through the states, but federal money that goes through the states to these communities to develop the local waterfront revitalization plans.

There are a series of federal policies and then state policies. To make sure EJ principles are included as part of those policies that communities have to agree to if they are going to take the money. That the states then evaluate those plans to make sure they are consistent with the policies.

And also through FEMA, the Stafford Act, the Disaster Mitigation Act, again because of coastal areas. We all know the risks that involves. Where there are local disaster mitigation plans, the states get an increased benefit from FEMA in terms of disaster assistance later on. That is something that could be coordinated.

Where appropriate it might be worth it to take a look at the interest in the renewable energy field, developing these off-shore wind farms, and to see what kinds of partnerships and collaborations, where appropriate, might be established with these developers.

Right now it is absolutely unclear what federal agencies have what jurisdiction over the off-shore wind development. A lot of them have a little piece of it but nobody really wants to claim it. It is something that is unfolding now. It might provide an opportunity as your initiative unfolds as well.

MR. RIDGWAY: Thank you. Wynecta?

MS. FISHER: Thank you for coming today. I will

just take the questions that you asked and go down the list. I will be very brief. Wynecta Fisher, city of New Orleans.

This is really exciting. I want to tell you guys about -- the first one says what made these efforts successful? Groundwork USA, it is a collaboration with National Park Service and EPA, they have a lot of successful water. Yonkers, New York, there are some in Rhode Island. You can look on their Web site.

What is one outcome you would like to see from this initiative? Actually a couple things. One, every state has a science standard, and you can work with either a teacher or someone from the Department of Education and get this put into the curriculum so that it is taught.

That way, the waterways will be used by schools because it is part of their curriculum, and that will be part of the exercise.

Another outcome is that I would like for you to look at waterways as a green job. I know we will talk about this later, but right now green jobs is too heavy a focus on energy.

While one aspect of a green job is hydrokinetic energy where you are talking about alternative energy, look at the water as a job.

What are ways NEJAC can support this effort? We each have access to different groups that work with the

water and work with land and coastal issues, so we can connect you with those.

What we would like to communicate with the EPA administrator about urban water? In Louisiana, we have a problem with the hypoxia zone.

If you are going to have some interpretive -- the way I can see this really, really helping and connecting everyone is if you can have interpretive signs starting from the Midwest that shows how some of the practices they have out there impacts our waterways at the bottom of the Mississippi River. That really would be great. Thank you.

MR. RIDGWAY: Thank you. Jolene?

MS. CATRON: Hello, I am Jolene Catron with Wind River Alliance in Ethete, Wyoming.

I am really interested in this Urban Waters Initiative so I was glad to hear your presentation. One of the things I wanted to mention was the part of the place, finding out about place/space successes.

There are a lot of national watershed organizations, and I have been associated especially with River Network, River Keepers.

I know River Network has a really great network of organizations, community-based organizations that are doing excellent work. They are involving a lot of youth in their projects, young-people projects. They also have a lot of

urban kinds of projects that their groups are doing. That would be a good source to tap into.

As far as -- I guess this gets back to what is the definition of urban and how community-based, grassroots, tribal perspective, how does that fit in the picture. Urban does not -- the definition of urban as it is developed through this process does not leave out the grassroots, community-based, kinds of tribal perspective that should be part of this process too.

My organization, Wind River Alliance, is a watershed advocate organization, and we are about as rural as it gets. But I still think we deal with a lot of urban water issues. We have drinking-water issues.

We are a headwaters organization. We are at the headwaters, so there is a lot that we can do to network with other organizations, or with this initiative, who are downstream from us. I think that is part of the big message that I try to get out a lot of time is our impact on downstream users and how lucky we are to be at the headwaters of the Missouri River.

Those are just some of the things I wanted to share with you. Thank you.

MR. RIDGWAY: Elizabeth.

MS. YEAMPIERRE: I want to thank you for -- because I know that attention has to be paid to urban

communities. I am from New York City, and it doesn't get anymore urban than that.

The interesting thing about where we live is that in one city block we may have as many people as live in an entire rural community. So any environmental amenities you bring to an urban environment impact thousands and thousands of people at a time.

What you have put forth is really an environmental paradigm, so what I want to share with you is how you turn it into an EJ paradigm for us. In New York City, there are community-based planning initiatives on waterfront revitalization all over the entire city of New York. Most of them are being done in an intergenerational way.

In our organization, our young people have been involved in urban forestry, designing a greenway that is going to be built, but there are some challenges that I want to share with you because we have fought against turning out waterfront into an esplanade.

Esplanades are great for privileged communities that don't need to work. In New York City, there needs to be industrial, manufacturing retention, and we need to figure out how we transition those manufacturing jobs into the green economy, but we can't lose them.

Our community is a walk-to-work community. And if they have a choice between losing their job and having

access to the waterfront, they are going to pick the job.

What we have tried to do, which I think has been really helpful, is we have met with businesses to try to figure out how they can not only green up their work environment but create access to the waterfront from our community and support the greenway we are designing.

We have had tensions with mainstream environmental organizations that think that greenways are bike paths through our neighborhoods.

Greenways should not only give you access to the waterfront but be connected inland so that -- because what is happening in New York City specifically is that all of our successes -- the greenway, the waterfronts parks, the trees -- the successes that we have spent 20 -- well, 12 years for me -- working to try to bring environmental remediation to our communities is now being used by developers to displace our communities.

The people who are gentrifying our neighborhoods want these environmental amenities and are pushing the people that we have struggled to bring clean air to, and environment equality to, out.

They are coming in with their own cultural ideas about what the environment should look like, and people in our community are saying, well, if I am going to lose my home, then maybe I would rather live next to a power plant.

It really is an indictment that our people have to choose between pollution and affording to live within a space.

One of the barriers, one of the things that protects our community, is keeping this industrial base in place. Many of our communities don't want to see any development of housing because we can't control that. We know that any development of housing on the waterfront is going to be luxury housing. It is what it is.

If we lose manufacturing, those spaces are going to be turned into cool, artsy place, right, because the artists are the first ones who show up and gentrify our neighborhoods, and they are going to be turned into housing but not for our communities.

So we will the jobs, we will lose access to the waterfront because they will gate those opportunities, and we will also lose places to live, and we will lose quality of life.

In order to think about it within an environmental justice perspective, remember for us economic development is extremely important. We have been fighting, for example, for a pier, and fighting with folks and neighboring communities that talk about things like, we could have an Italian restaurant. Oh, yes, another Italian white restaurant on the waterfront. How cool. We really need

another one.

We were actually thinking about creating a multicultural pier where you could sell dim sum, tacos, you know, everything that reflects the flavor of the community so there is economic development and you bring people out to the waterfront.

There is a lot of community visioning, a lot of excitement. Our greenway ---, which is not necessarily a greenway - we had to tell folks greenways are not just for cycling -- people may want to play dominos on the greenways, because that is what Puerto Ricans specifically like to do.

They should come out of a culturally grounded experience. People may want them for passive recreation and they need the open space. You really need to partner with businesses. In our communities we have found that despite our initial fears and prejudices about businesses in our community, they are also concerned about being able to make it financially, and they are also concerned about their workers.

If we help them get the incentives they need so they can support these initiatives for the community, they actually are really good partners. My big concern is that when you talk about this, that you don't describe it as something that is just a playground. The waterfront is not just a playground. It has to have multiple uses,

particularly in urban areas.

Some of it is not pleasant. Some of it is not cute but it is essential for the economic sustainability of people in our communities.

MR. RIDGWAY: Okay, I see four cards up, and then we are going to wrap it up. Sue.

MS. BRIGGUM: Thanks a lot. Sue Briggum, waste management. I am going to key right off of Elizabeth because I am at the same place she is.

I think that you might have some great opportunities to get business not to leave and be replaced by waterfront residential development but to do a whole lot better by maybe hooking up with some groups that are working, for better or worse, on beautification as standards for businesses to follow.

One is the Wildlife Habitat Council. We actually have a facility in New York that we are working to get a certification on. They have firm standards so you use native vegetation. A great opportunity for community outreach and participation in that kind of vision.

The other would be the U.S. Building Council and LEED certification. That would really be an interesting standard. You could do a lot to dramatically upgrade both the pollution prevention and the aesthetics of waterfront businesses by getting involved in making that one of the

standards.

I am going to throw something out, which will really be controversial, but it is kind of worth at least kicking around, if you are really talking about big money. There are a number of Superfund sites at the moment that are on urban rivers. The so-called sediment sites.

Hugely controversial, unbelievably expensive. The vision of the moment is you will kind of clear the way, dredge everything up and take it out and then try to patch it up again later. You spend a vast amount of money. Cleaner water, but if you had a more holistic discussion of this, there might be within that model some opportunity.

One of the reasons why so-called polluters are so resistant is they say why are we bothering? We are going to do this and then everything else around the river is unchanged. You are still going to have all of this polluting runoff.

Maybe if you thought more broadly about this vision of the riverfront, you could do something that would be economically feasible, provide some green jobs and provide the financial resources to really expand, you know, the enhanced quality of the waterfront.

The people at EPA, in the Superfund program, I would talk to them to see whether they saw an opportunity there. And talk to the businesses that have these sites as

well to see if they thought that this was something that could be money well spent.

MR. RIDGWAY: Boy, we are giving you more than what you asked for here. It is good, I am glad to hear it. Lang, please.

MR. MARSH: Thanks. Lang Marsh, National Policy Consensus Center. This is a terrific initiative and I really applaud the EPA for starting it.

I totally also endorse the comments that have been made so far, and I just wanted to lay out a little bit further challenge to add to the ones you have already gotten.

The scientific community really tells us we have to do a lot to restore the planet and that it is a capacity to provide ecosystem services if we are going to survive into future millennia. So urban areas have to play a role in that. I just want to suggest that you consider some of the ideas that have been put forward about restoring urban areas to the point at which they produce basically the same services that were there when the indigenous communities were in charge of things.

That doesn't mean tearing everything up or making all the businesses go away, but it does mean thinking about how you can utilize the rainwater that falls on that particular neighborhood to the maximum degree possible so

that you are not having to put stress on outside water supplies.

Recycling water, that kind of thing. Also thinking about the groundwater underneath those areas. We have neglected those groundwaters, and in the long-term future we need to have them restored for the benefit of the people who live there.

I completely agree we don't want to feed the pressures for gentrification. We absolutely want to keep the businesses there, but there are some examples emerging of how you can use some of these other techniques to maintain the quality of life and provide additional opportunities and jobs. Thanks.

MR. RIDGWAY: Okay, I have got Hilton, Chris. I am going to give you just a brief moment and then we will wrap up with Charles.

MR. KELLEY: Yes, good afternoon. Hilton Kelley, Community In-power and Development Association located in Port Arthur, Texas, on the Gulf Coast.

I think this is a great initiative. I would just like to mention that, you know, this kind of initiative, I think, would work very well in communities like Port Arthur, Texas, where the population is like 57,725 people. It is an urban area but nothing on the scale of Los Angeles or Houston per se.

I wrote down a few things that I think that I think could really work. I think it is important to take an assessment of the number of waterways that could potentially be in an area that could be, well, that are probably at this time being underutilized.

A couple of areas in my community come to mind, and these are areas that have been basically abandoned and forgotten about. Once you get through the brush, you can see the edge of the water. People have used them as dump sites. I think this could be a great opportunity, as Lang said earlier, to create jobs.

If you target those areas and get young people involved in it, I think it would be a great opportunity for them to learn how to respect our natural resources. Any time you are working anyway along the waterways, you are going to discover things. I remember being 7 or 8 years old and my brother and I would go along this little creek. We would look in the waterways and see frogs, you see snakes, you see all kinds of insects. We were very exploratory, and we learned to appreciate finding those little nooks where there was water, and we would stay there all day long.

If we can work to some capacity to try to create a program to where kids get involved with cleaning up those areas, and make a log of areas that need to be utilized more because they are underutilized at this particular time.

Let's get those areas cleaned up, and once it is cleaned up, pull the community together to look at ways in which those areas can be used for the public good. I think it would be a very exciting project for the community, and with some resources behind it, I think we can pull more people into the green building and the green revitalization effort that is going on all over this country.

I think it is a great initiative, and I think it is something that is worthwhile. Doing an assessment and looking at ways we can reutilize this land would be great. I think it is a good project.

MR. RIDGWAY: Thank you. Chris?

MR. HOLMES: Hi, I am Christian Holmes. When I worked at EPA, we did some interesting work on the tributaries of the Anacostia in D.C.

One of the great lessons learned was that as you cleared out the brush around these areas, the drug dealers moved away, people came back down, so that now that they could see the waterways, they became a source of recreation. If they couldn't see it, it became something to be frightened of to an extent.

If you would like to know more about that, I would be glad to share the experience with you.

MR. RIDGWAY: Charles?

MR. LEE: Thank you, John. I just wanted to make

sure we really thank all those that made the presentation for coming here, and point out that in my mind --

(Whereupon, Tape 2 ends and Tape 3 begins)

MR. LEE: -- this is probably the first real example of something new that is coming out of Administrator Jackson. That is why you are seeing, in the process of developing -- and this no small initiative, this is a pretty big one -- the kind of input that the Office of Water is seeking.

They are coming to you, you know, as the vision is being formulated. So, you know, I think they would agree that you have given them a lot.

So that is the first point. The second point I want to kind of just emphasize, and really kind of emphasize this, Elizabeth's point about, you know, really kind of changing the paradigm here is very important. I do know that in the larger context around, larger discussions around redevelopment, smart growth and environmental justice and equitable development, that is not a discussion that is really fully engaged.

A lot of issues are still out there that are imbedded in initiatives like this. You spoke to one of them that had to do with your report around unintended consequences of brownfields redevelopment, issues like gentrification, and stuff like that, right?

I do know that when we first met, when the Office of Water asked OEJ to come and speak with them, one of the first things that we talked about was equitable development. In my mind, I think we have got a ways to go on that one. It does include a lot of different things.

We are also engaging with the Smart Growth office around environmental justice and equitable development. I think these things all have to be brought together.

The other thing I think that, and it is interrelated, the Department of Transportation, Housing Urban Development and EPA just entered into a partnership around sustainable communities.

That has a lot of smart growth kind of logic, and I know that --- so there, too, it is really important to make sure discussions around environmental justice and equitable development are imbedded in this.

The other connection here, which is an interest of yours as well, is this is all really connected to climate change. Particularly urban waters and climate adaptation, which is of real importance to environmental justice communities.

I just want to put all those out on the table. To get wrapped up in here both in terms of their work as well the kind of issues that you want to engage around.

MR. RIDGWAY: Okay, I am going to use my

prerogative here to add one extra little item coming from Washington State. I have grown up in urban waterways and around them my whole life. We have a lot of examples, and I will share those with you later.

Thank you so much. You obviously got a big thumbs up from everybody around the table. We all recognize the value of this to our work and the value to the EJ communities around the country, be they urban or rural. Obviously, they are connected.

Thank you so much. We will get back to you with some more on this. If we can schedule a conference call and support you, that is what we are here for. Thanks so much.

I am going to switch gears to logistics in the schedule. We are about to break, but before we do, here are a couple things to think about.

We have passed out a draft letter, and it says Draft No. 1. It is a one-page letter. This gets to the issue yesterday on drinking water systems and variances. So have a look at that so when you come back after lunch you are ready to engage, hopefully quickly because we won't have a lot of time on that.

(Whereupon, luncheon recess was taken.)

A F T E R N O O N S E S S I O N

(12:32 p.m.)

MR. RIDGWAY: We are going to switch into council business. Elizabeth is kind of cued up to orchestrate that for us as a co-chair, but I am just going to give you a quick list of the things we are going to try to tackle here in a relatively short amount of time. This is preceding emerging issues.

We are going to talk a little bit, we are going to get an update from Don Aragon. Another one -- we have taken care of the Goods Movement report. I want to say thanks to the council again for that. Elizabeth is going to give us an update as a liaison to the Children's Health Protection Advisory Committee Task Force on school siting guidelines.

And we are going to hear a little bit about the summary of the White House Council on Environmental Quality meeting that took place in May. Then we will transition from there into the emerging issues. I am going to pass this over to Elizabeth.

Council Business***Moderated by Elizabeth Yeampierre, Co-Chair***

MS. YEAMPIERRE: Welcome back, everyone. We are going to be discussing -- the first action is to discuss the proposed letter to the administrator, the small drinking water systems variances. I think that was distributed to

you before we broke for lunch. Did everyone have an opportunity to read it?

MR. RIDGWAY: Elizabeth, if you don't mind, I would like to introduce this just a little bit in terms of what you are looking at here.

Proposed Letter on Small Drinking Water Systems Variances

MR. RIDGWAY: This is obviously pretty brief. It is not full of a lot of flourishes that I would expect letters that go to the administrator might usually contain.

The task was short and I wanted to just cover the salient points. I think in terms of the reasons behind this recommendation of avoiding variances, that is the recommendation. Don't go down that path.

The third reason in this draft, it says it is consistent with past and current EPA Office of Water Policy on this matter. The reason they put that in there is because that is what we heard yesterday in the testimony, but really we don't know all the details around the past history on that, so I am going to suggest that be struck as one of the reasons.

I will just see if there are any questions. Once again, we are looking for a consensus on this so we can turn this around fairly soon. I am curious to hear any thoughts or anything critical you might want to add.

MS. YEAMPIERRE: Sue?

MS. BRIGGUM: This is just drafting but instead of saying "reasons for this advice include," because you might get confused and think that the variance is consistent with EJ principles. So maybe instead just say "reasons for this rejection of the variance concept include." And then it is real clear.

MR. RIDGWAY: Good. Thank you.

MS. YEAMPIERRE: John?

MR. ROSENTHALL: Our draft appears to be a little bit stronger than the one that came from the advisory group. The advisory group's recommendation, as I recall, was that if you -- to look at variances as a last resort if you go down that road, being that this is how you go down that road.

We are saying let's avoid them altogether. I am just curious to know if we really know enough about the issue to say let's avoid them altogether.

Or should we say -- I would feel more comfortable if we would say let's do variances as a last resort, but if we must do variances, then let's consult with the environmental justice communities to make sure that they accept these variances rather than us saying that variances should be out altogether. I don't believe we know enough about the situation to make that kind of determination.

MR. RIDGWAY: I will just comment that the

authority is already there in law as I understand. I don't think we really are in a position to say they cannot do it or we are moving that option. The word avoid to me implies what you are suggesting, John. I think it is fine to put in some language around that, you know, as a last resort engage with the communities that would be impacted by this variance. Is that what I am hearing and paraphrasing?

MR. ROSENTHALL: That is pretty close. That would be acceptable.

MS. YEAMPIERRE: I would be concerned that if we did that, that we would also have to put in a provision where the community would have sufficient information to understand what the implications of those variances can be for their health, so that is not just an economic-based decision but one based on this is the potential environmental health impact on us.

MS. ROBINSON: Where are we talking about putting that now?

MR. RIDGWAY: Well, that is a good question. I think we could add a paragraph between the last two. It might just be a sentence or two that said, again, in general allow a variance or -- I don't know what the right verb is here, John. What do you think?

MR. ROSENTHALL: I would put it in the very first sentence, where we say -- I would just change it from avoid

to accept as a last resort or as a last alternative.

MS. YEAMPIERRE: And only if the community has sufficient information and has engaged in a process to determine whether these variables are in the interest of their environmental health.

MR. ROSENTHALL: I would put something there to say to evaluate the risk, the health risk.

MR. RIDGWAY: To Victoria's question about where to put this, so we would add this as a last sentence to the first paragraph. Is that okay with you? Or are you talking about the title. The title, that line there is just a heading for this piece of paper. That would not be in the letter itself.

MR. ROSENTHALL: No, I mean the first sentence, where it says the "NEJAC Advisory Environmental Protection Agency to avoid," I would say to accept only as a last resort.

MR. RIDGWAY: Any other thoughts?

MR. KELLEY: Yes. Hilton Kelley, Community In-power and Development Association, Port Arthur, Texas.

I am just curious to know why would we ever want to accept that. I mean, I just need that to be explained a little bit more in detail if you could, Mr. Rosenthal.

MR. ROSENTHALL: Well, variances and exemptions exist right now. Most of the states offer them because a

number of the small water systems cannot come into compliance.

If they were to come into compliance, the cost would be overwhelming to the system. They would not be able to afford the -- the customers would not be able to afford water. That is the only reason you put a variance in there.

Now, the variance is there, and it should only be there to the limit that it protects human health or does not threaten human health. That is the bottom line. There is not a variance large enough or small enough, there is not a variance that is acceptable that is going to impair somebody's health.

The question becomes who makes that decision. From my perspective, that should be the community that wants the variance, provided they have sufficient information to make an informed and intelligent decision.

So the variances already exist. They exist in a number of states. If you don't allow the variance, you are going to shut down a number of water systems. The only way you will have a water system is that the water rate would be so high that the customers wouldn't be able to afford it.

I am saying rather than us make that decision, let's have the customers themselves make that decision. Decide if they want to accept the risk, decide what risk is acceptable to them, and decide what price they are willing

to pay for their water system.

MS. YEAMPIERRE: I think the problem, if I may, Hilton, is that when faced with the choice of their health or whether or not people can afford to pay for water, people will basically take the water because they are between a rock and a hard place.

I think that the challenge before you is how do we come up with a recommendation that assures that the health is protected and that if people are having a hard time paying, they are provided with the resources necessary so they are not faced with that decision.

Hilton, do you think that reflects your concern?

MR. KELLEY: You hit the nail on the head. That is exactly what I am saying, and I do believe that a person shouldn't be put in a position to where they have to choose should they pay the extra buck or take a chance on drinking some water that is just not healthy.

MR. ROSENTHALL: What I am telling you, Hilton, is you are right, they should not be put in that position but they are in that position. So what can we do as a body to help alleviate that issue through the EPA? What kind of recommendations can we make?

MS. YEAMPIERRE: Victoria?

MS. ROBINSON: I would like to just step back and clarify. As the presenters stated yesterday, the variance

is distinctly different from exemptions, which is what is currently in place right now.

Variations have not been allowed. It is provision that is currently in the Safe Drinking Water Act, but it has not been invoked. Exemptions, which allow small systems to be able to delay upgrades, and compliance, those programs are already in place.

But we are talking about variations, and that is --- standards for additional -- for a selected class of pollutants. They mentioned yesterday that some of those potentially could be chlorine and basically a chemical class primarily but they didn't limit it to that.

But those are standards for the maximum contaminant level for those particular contaminants.

What John is talking about, as a little bit of overlap on that, but there is a distinct program difference between the exemption program and the variations. So the question is really should EPA invoke that provision to allow states to issue -- or EPA to issue variations to the standards that exist currently for maximum contaminant levels.

MS. YEAMPIERRE: Lang?

MR. MARSH: Yes, thanks. I find myself believing that this is really -- I mean, I understand the practical necessities for doing something like this.

To me this is an unacceptable result because nobody should be put in a position of drinking water that is less safe, however you want to put it, than has been determined to be acceptable under the MCLs, maximum contaminant levels, which I am not even sure are adequate for protection of health. That is another whole discussion.

I think we have to do something that recognizes that there are situations under the current, you know, state of things --

MS. : Lang, they can't hear you back there. Can you talk into the mic?

MR. MARSH: I am sorry. We probably have to put some language in that recognizes the practical problem that John Rosenthall points out. At the same time, I would like to see some way where we don't, you know, drop the issue and come back and really focus on the ultimate problem of their being a differential kind of two-tier system.

I know that is in the law, and Congress has said there can be one, but I think it is, to me it is fundamentally unjust and you ought to not just leave it at dealing with a practical situation but somehow say to the administrator that we think there should be a review of the whole problem or something. I am not quite sure what to say.

I recognize there is more to be said about this

than simply advising on the variance issue.

MS. YEAMPIERRE: Sue?

MS. BRIGGUM: I thought that it wasn't just a variance, but they set the level for the variance which was up to three times the MCL. That seems odd to me because suppose you had a small town that didn't have much water, and there was a Superfund site in their midst.

Everybody would try to get hooked up to the water that was coming from the Superfund site because you have to be down to the MCL from that, and that just seems odd.

And I thought, you know, has there been a precedence for this before where there was like a specified standard that would be acceptable and therefore easy to just default rather than look desperately for every other alternative in order to get the resources for clean water.

It reminded me of the municipal landfill rule, where very small towns said they wouldn't be able to collect garbage and handle it appropriately, and there will be open dumping if they couldn't be exempt from these onerous requirements that everyone else had to comply with.

EPA, I think, in a different and wise choice, said we will have this opportunity at a size level, very small, but we will also have the assurance of environmental protection by saying you can only waive groundwater monitoring, and that is because it is in an arid area.

So it was the equivalent of a health-based standard that was coupled to the variance. So if that is helpful in terms of thinking of the way EPA has taken the variance situation before, where they recognize small size but they also had a protective standard that went with it.

MS. YEAMPIERRE: John?

MR. RIDGWAY: We still have John Rosenthal's suggestion, which I think we can work into what we are trying to accomplish here. To the issue that Lang brought up, that is really covered in the first reason. I think that is hopefully clear as to why we are stating avoid this where you can.

I would rather keep that word "avoid" in there rather than "accept only under," but I think we could put another sentence in there that says, you know, should EPA choose to consider a variance, that they do so only as a last resort and provided that impacted communities are fully engaged and informed of the potential impacts.

MS. YEAMPIERRE: Is everybody good with that?

(Response of yes)

MR. RIDGWAY: I have that written down, and Victoria, I will bring it right over.

MS. YEAMPIERRE: So moving on now to the update on the Children's Health Protection Advisory Committee.

Victoria is going to tell you a little bit about that before

I go on.

MS. ROBINSON: Before I do that, I just want to clarify. John, so we are completely -- all the comments and revisions to the draft letter that is before you, everybody is agreement on all the rest of the language. Is that correct?

MR. RIDGWAY: Do you want me to read that again?

MS. ROBINSON: No, not that specific language. Everybody is in agreement about the rest of the language of the letter.

MR. RIDGWAY: Good question.

MS. ROBINSON: Any comments on the rest of the letter before we move on?

(No response)

MS. ROBINSON: Okay, great. So John will give me the language and we will get that out to the members for the next step.

I wanted to just talk really briefly about this next section of council business. We should be able to incorporate this for future meetings.

Some of you may be aware that for the longest time we have had one member of our council always serve as a formal liaison to the tribal operations committee. Previously it was Joyce King. Now it is Don Aragon, who has been appointed to serve in that capacity.

He is a member of the tribal operations committee as well as a member of this body. We have also started looking at other ways to engage the NEJAC around issues that do not involve a full-blown work-group process. They often want input from the NEJAC but not necessarily a full-blown charge.

So liaisons are a way, one way to do that. We recently were just asked to provide a person who can sit on the Children's Health Protection Advisory Committee's task force on model school siting guidelines.

The role of a liaison, they represent themselves, but their job is also to represent the concerns and bring forth the concerns of the NEJAC about the issue as well as to bring back and report back about what has transpired in the other body, whether it is the talk or the task force on school siting guidelines.

What I have asked is Don and Elizabeth -- Elizabeth, has been appointed to serve as that liaison to the task force -- to give a five-minute update about what is going on with those different bodies. We might be able to have some time to get some questions from you for them to convey some comments back within her participation as a member of that task force or of that committee.

We are going to turn it over to Elizabeth first to

report back on the task force on school siting guidelines. They had a meeting this past Monday, their first face-to-face meeting, and they just convened it for the first time like two weeks ago.

Discussion on Children's Health Protection Advisory Committee

by Elizabeth Yeampierre, Co-Chair

MS. YEAMPIERRE: Thank you. The meeting was held on Monday and was the first meeting. The objective of the meeting was to review the purpose and vision of the EPA draft guidelines for siting school facilities, to discuss the charge and roles and responsibilities of the members.

To review the process to date of developing the guidelines. To discuss initial perspectives that the members of the task force might have, and I think there were more than 25 people there representing a variety of stakeholders, everything from charter schools, principals, to people who represent education advocacy groups.

To develop a plan for organizing the task group's work. We were asked a number of questions, and I think most of the time of the task force was around really sort of setting the foundation for the work in the future for the task force. Some of the questions were separate guidelines, recommendations for states, tribes and local education agency, communities logical and helpful.

Are the guidelines appropriate in scope and

substance? Do the guidelines, recommendations for communities, provide information in sufficient detail to help ensure meaningful and productive involvement of community members in the school siting or school renovation process.

Evaluating a particular candidate's site. How much and what type of guidance should EPA provide communities with respect to what constitutes nearby sources of potential contamination, and how do we evaluate the potential risk? A lot of time was spent on what that would look like, and a lot of indecision about what nearby actually means.

What does the task force recommend the agency say about sites that have been cleaned up under federal, state and tribal response programs? How does the task group suggest we improve educational agencies' capacity to ensure safe siting of a school on a site that requires active management of engineering and institutional controls.

Finally, should EPA define what constitutes demonstrable capacity to ensure active management of engineering controls and institutional controls? If so, how should that capacity be defined?

The task force discussed the challenges faced by siting. They divvied up between what it means in urban areas and how to avoid sprawl, you know, in terms of siting

because they talked about how in urban areas, there is always going to be some form of contamination because the historical uses of the spaces in those areas like we find in New York City.

They talked specifically about institutional and environmental controls and the need for effective oversight on a local, state and federal level. They also talked about the lack of capacity on a state and local level and made recommendations on how to address those.

They talked specifically, for example, about how do you make sure that maintenance staff that is responsible for this gets trained and gets up to speed to making sure that not only are they addressing the environmental problem but also reporting on a regular basis.

So it could be something like lead paint. The paint bubbles up, how do we know that happened, and all of a sudden lead has been exposed.

How do we evaluate risk and how do we generate guidelines that are user friendly and provide the community with a toolbox to assist in addressing school siting issues regardless of their jurisdiction.

At the end what was talked about, because Mathi actually made two presentations that were really helpful, was consensus around considering best practices, and that a best-practice model might not necessarily come out of a

school siting issue but may come out of other siting decisions that don't even involve schools but may be used as a template on how to address this issue.

So there was an agreement to create small workgroups and to tackle some short- and long-term planning. There was also concern about the fact that the deadline is something like October, and people didn't feel that was enough time to even really wrap their heads around the document.

So I think that the plan is to have a conference call next and to break up the responsibilities. Everyone is going back and really going back through the guidelines and coming back with some recommendations from their organizations. Thank you.

MS. ROBINSON: Is there anything that you need from the NEJAC in terms of your role as a liaison?

MS. YEAMPIERRE: Sure. You know, a lot of times when Victoria peppers me with a little question on the side, it has to do with the fact that a lot of these things are still new for me. I really appreciate your guidance because it helps me be more effective at doing this.

I think that -- someone from my office is working on looking at the guidelines very carefully and developing a policy analysis for us from an environmental justice perspective, which I will be happy to share with you. Any

feedback that you can give me or e-mail me about regarding your concerns, what you think the priority should be, so that I can bring them back to the task force, I would appreciate.

Do you have any questions now or any concerns that you want to raise now?

(No response)

MS. YEAMPIERRE: Okay, so we are good. Next on the agenda, we have got the summary -- oh, I am sorry, I didn't see you, Don. Go ahead.

Discussion on EPA Tribal Operations Committee

by Don Aragon

MR. ARAGON: Thank you very much. My name is Don Aragon. I am with the Wind River Environmental Program for the Shoshone and Arapaho tribes.

I also sit on the Tribal Operations Committee, which was formed back in, I believe, 1996. It has been in place now for going on 13 years.

The Tribal Operations Committee is an advisory group to the American Indian Environmental Office, which at this particular time has been in the Office of Water with the EPA, but I understand that yesterday the administrator, and this has been talked about for years, has moved the office, has moved the American Indian Environmental Office now from the Office of Water to the Office of International

Affairs.

The reason for that move is that a lot of the Indian tribes are sovereign nations, and it is probably more practical to deal with them as sovereign nations in the International Office of Affairs there.

The Indian tribes are sovereign nations because of the fact that a lot of them have treaties with the United States government, which guaranteed them trust responsibilities to take care of education, health and the well being of them, and also to protect their lands forever. Of course, we know that has not been the case.

There are currently about 530 some federally recognized tribes. That includes Indian tribes in the lower 48 as well as Alaskan natives. The federal government, in its trust responsibility to these federally recognized tribes, the agency, the EPA, is one of those to carry out its responsibilities for the federal government to make sure our lands our environmentally safe.

The Tribal Operations Committee has representatives from each of the EPA regions. There are 10 regions, and I think the only one that doesn't have a tribal representative is Region 3. Region 8, where I am from, has three representatives.

The TOC is ruled, regulated by an EPA charter, the same thing as the NEJAC is. We adhere to the federal tribal

policies and all those type things that rule and regulate these advisory boards.

The tribal operations people, such as myself, we are elected by the tribes in our area. I represent the states of Wyoming, Colorado and Utah. All the six tribes in that area, their tribal governments get together and they elect a representative to the Tribal Operations Committee.

Other tribes do the same thing, like in Montana, there are six reservations there. All six reservations there represent, well, they elect a representative to the TOC from the state of Montana. North and South Dakota has six to seven reservations there, and they also represent -- they elect a representative to the TOC also.

So Region 8 has 3 representatives on the tribal caucus. It is not that clear, but the way that the TOC votes is on issues that come before it. One vote for one state. I represent three states, so I get three votes. Most of the others get one vote. I did not design that. It came out that way.

The talk has been concerned about the fact that there has been little communication between the EPA agencies such as the NEJAC and water and all these. We have been trying to get a liaison position going for some time now.

I believe that Vernice, when she spoke this morning, hit the nail on the head that there has been a

number of years that there has been basically not much activity with the national environmental justice programs. Indian tribes are probably some of the largest, most disadvantaged groups in the United States and have really suffered a lot of environmental injustices.

For instance, on our reservation, we have a uranium mill tailing problem. We met on that last week, had some good hearings on it. You know, it became quite apparent that the tribes had nothing to do with it, and yet it was put on our lands.

It was decided by the Department of Energy and by the state of Wyoming that this would be the most logical place to put a uranium mill processing plant. Well, one of the problems there is that after they process the uranium, they took the mill tailings, piled them up out there and they left them for 25 years.

They process the --- out of there, and it only lasted I think 5 years, thank God, otherwise the mill tailings would have been just outrageous.

The mill tailings itself was around 900,000 cubic tons of materials that was left on our lands for almost 25 years before the Department of Energy was forced by the tribes to move it.

Through the threats of lawsuits and stuff it was eventually moved off our reservation but in the aftermath of

all that it left behind a radioactive plume which now has contaminated the groundwater in that area near Riverton.

One of the things that is happening now -- we are monitoring this and have been monitoring it and probably will continue to monitor it forever because of the life of the radioactive material that is in there. It is not something that is just going to go away tomorrow or whenever.

The Department of Energy has been semi-cooperative in working with the tribes and keeping this thing monitored. One of the things that we insist as an environmental justice --- to the people of that community is that the Department of Energy at least have one public meeting per year, which they have done, to inform the people on what is happening.

This is to keep the people informed as to what is happening with the radiation clean up and all those things. We really insist on making sure that the Department of Energy lives up to its responsibilities by informing the community and the public on what is happening in this area.

We also have other problems in this area. You know, we talked about the school air problem here. In that same area there is a sulfur, sulfuric --- plant. This sulfur plant really spews out some awful air.

We have an air monitoring site down there where we

pick up all the SOx and NOx. One of the surprising things that started to show up in our air monitoring site was H2S, and H2S will kill you very rapidly if you get a good breath of it.

We attribute the H2S from coming from the oil and gas fields that are around that area. H2S, of course, is hydrogen sulfate gas. It is heavier than air so it gets down very low to the ground. If it doesn't dissipate it moves to even lower spots, so we have people in that area down there.

We have been trying to work with the Devon oil company that has a natural gas operation plant up the hill there, because we do have a large Indian community, which is only a mile, mile and a half from that plant. We are doing our best to make sure that Indian community is protected from any kind oil and gas problems that may happen.

These are some of the environmental issues that I work with on my home reservation. But to get back to the liaison position that I am going to be working with, the intent there is that I take information from the NEJAC back to the tribal operations committee.

Likewise bring issues from the Tribal Operations Committee to the NEJAC, to your attention so that we fully understand the commonality of the high concerns of our peoples. I do want to thank the NEJAC for opening up and

having this position available so the two organizations can work together.

There are a lot of organizations out there that claim to represent Indian tribes and Indian country. It is the alphabet soup of them. Most of those, you know, they are good programs but when it comes down to representing the actual people, it is the ones who are really involved in the ground work, on-the-ground stuff on the front lines.

One of the other things I want to share with you is that yesterday the administrator reaffirmed the Indian policy. The EPA was one of the first -- well it is the first federal agency to develop an Indian policy. That Indian policy was how the agency was going to be working with Indian tribes.

Since then, other federal agencies have developed some form of an Indian policy, but yesterday the administrator reaffirmed that, and it was the 25th year, 25th anniversary of the EPA tribal policy. With that, I will be available for any questions.

MS. YEAMPIERRE: Thank you, Don. I think some of the concerns you raise, specifically about who represents you and who speaks for you is shared by a lot of environmental justice groups. I am feeling you on that one.

Given that, I want to defer to Jolene and to Peter in case you want to respond. I would like you to be the

first responders or if you have any concerns. Jolene?

MS. CATRON: My name is Jolene Catron, and I am executive director of Wind River Alliance. We are a nonprofit organization located in Ethete, Wyoming, on the Wind River Indian Reservation where Don is the director of the tribal environmental program there.

We are a watershed advocacy organization, so as such our membership represents -- our focus is to have our membership and our programs represent members of the watershed itself.

Now the Wind River watershed is very large. It is the largest Watershed in Wyoming and is about 4.9 million acres. We are at the headwaters of the Missouri River. Our focus is not just within the reservation itself, of which is encompassed by the watershed but also includes nontribal communities such as Riverton, Lander, Dubois, Jeffrey City. No, I am kidding.

As such, I have never, in the whole time I have worked as executive director or even been on the board of Wind River Alliance, represented the organization as a representative of the tribe. If anything, that is the first thing that I preface all my statements by saying I am not a representative of either tribe.

So it is really an interesting dynamic that you are seeing here on the NEJAC. I think this is the first

time this has ever happened, because we are a community-based organization, a tribal, semi-tribal, community-based organization. We also sit at the same table with a tribal agency.

So there are two perspectives that are happening here. This plays out in a lot of environmental justice issues nationally, is that how do we keep that community grassroots focus in the work that we do?

Don's program is a governmental program. It gets funding from EPA, and that is where their funding comes from. How do we ensure that the community, grassroots voice stays involved, and that community perspective is represented and respected in the work that happens out there?

Wind River Alliance, we are very lucky in that we were an awardee of the EPA CARE grant last year. And so our CARE community is in that St. Stephens area that Don talked about, where we have the uranium mill tailings site, the legacy waste from that.

We are just starting our community work in that area. I have gone to one of the DOE meetings that was held about a month ago or so, and it is an interesting dynamic to see what constitutes a check mark in the box of community meeting, and how accessible that information is, to tribal elders especially.

How involved are the youth in this process? How involved are community members in this process, and how well does that technical information that is provided by DOE is understood by the community and accessible to the community?

So these are some of the issues we are looking at through our CARE process. How do we make sure that the information, the technical environmental information that is gathered through all of these environmental program is accessible to our communities.

It is a real difficult project to be working on. Elizabeth, when you talk about the cultural sensitivities of listening sessions, I totally heard you. The relationships in any tribal community or any small community between families, the relationships between warring partners, the relationships between generations -- you have to really understand those kinds of dynamics to be able to be an effective coordinator of these kinds of dialogues.

That responsibility sits deep with me. I really have a lot of respect for that kind of dynamic, and how it can either hinder or move you along, whether you respect that dynamic.

I have moved very slowly in this CARE process. With the help of a core group of people that I am working with from that community, we are moving very deliberately to move this process along. So it has really been a learning

experience.

Hopefully between this experience of Don's work and the stellar work that the Wind River Environmental Quality Commission has been doing over the years and the community-based focus the Wind River Alliance brings to the picture, hopefully we will be able to bring that dynamic to the NEJAC and say, okay, sometimes there might not be really good communication between what the tribal environmental program is doing and what is happening within the community.

How do we improve that communication? How do we make sure that relationship continues to build upon itself? I think that is very important. We see that even now in that me, as a NEJAC member representing grassroots and community-based tribal organizations, does not necessarily communicate with the Tribal Operations Committee or the regional Tribal Operations Committee.

I tried to get to an RTOC and was specifically told no, you can't go past these doors. So how do we kind of bridge that so there is more open communication between what is happening on the tribal government side and the grassroots communities?

It is really my heartfelt thought that tribal sovereignty comes from the individual tribal member. We elect leaders to represent us, but really tribal sovereignty is at the heart of every single enrolled member. That is

the community grassroots level where tribal sovereignty resides.

I think the work that we do as a nonprofit, as community-based, grassroots organizations, is just as important as the tribal, environmental, governmental work that is happening also. Thank you.

MS. YEAMPIERRE: Thank you so much for that. I am going to take one more comment. Peter, I don't want to put you on the spot. Do you want to add something to the discussion?

MR. CAPTAIN: Thank you, Elizabeth. Peter Captain, Sr. I am the indigenous representative from Alaska.

It is a huge task, I must say because in Alaska, we have half of the tribes that are within the United States. We have 233 tribes up there. I am representing all of them, as widespread as 586,000 square miles. Like I say, it is a huge task.

In talking to Danny Google* a little bit ago, we were discussing how to bridge that gap to work with Don as a liaison but we still need some work to get both sides of the issue. We need to look at that further to put our issues on the table.

I will say that Alaska has been really -- you know, environmentally unjust. In World War II it was a

strategic place for launching a lot of things, so the military came in and dumped their waste and barrels and this and that all over the state. Trying to clean up all of that is kind of humongous.

I must say I have got to thank everyone from NEJAC, especially Victoria, you know, since this is my first term. I just got elected, and I want to thank each and every one of you, you know, for wholeheartedly listening.

As you all know, and Vernice hit the nail right on the head this morning, we are more, in a way, all volunteers. If we got paid, you know, for all the volunteer work we do, by God we might be millionaires.

I do this, and I am sure the rest of the group will agree, I have got 10 grandchildren. Two of the older ones are coming up on 18 and 17, and they are boys and soon to probably have great-grandchildren.

Well, you know, we have to leave a place for them that is clean and livable and this kind of thing. What we are doing right now is just the touch of the iceberg, if you would. We need desperately to leave a clean place for them to live. Otherwise, my elders said -- I forget who was presenting the other day -- talking about what was said in the Bible.

Well, my elders said the same thing. We keep going the way we are going, we are just going to ravage the

earth so bad that, you know, we won't have an earth. We have got to take the bull by the horns, if you would, and start cleaning up our mother earth.

MS. YEAMPIERRE: Thank you so much for sharing with us.

MR. KELLEY: That was Delmar Bennett that spoke yesterday.

MS. YEAMPIERRE: Don?

MR. ARAGON: Couple more comments. The creation of the Tribal Operations Committee was created by the EPA with the assistance of tribal leadership. They drafted the charter, and it has its own bylaws, the same as this organization does.

In the charter they are closed meetings because of the level of discussion that the agency wants to talk with the tribes about. There are some highly technical things as well as political and funding wise and so forth.

So it is the design of the agency to continue to keep these meetings as closed meetings. The same thing happens with our Regional Operations Committee meetings. They are created by the same mechanism. They have a charter as well as bylaws, and it is the agency's way of talking directly to the tribes.

It is like you going to confession with your priest or talking to your lawyer or psychiatrist, whichever

you may need. Those discussions are extremely confidential in how strategies are planned.

I understand that the agency probably deals the same thing with the states. Now there is a state organization called ECOS. It stands for Environmental Council of States. They meet with the EPA also, but I understand their meetings are open meetings. Anyone can attend them, and they do have some very good discussions there too.

A lot of the discussions that happen within the agency between the tribes and the organization, like I said, is highly technical information sometimes and it is not open just for the general public. We have our technical meetings where we don't even invite any of the laypeople to those because of the fact that you are talking serious technology stuff.

As far as the other political, I personally don't see any reason why the meetings couldn't be open but I am not the chairman. I don't control the TOC. That is just the nature of the way it was set up.

I know the TOC has asked, and is going to ask, the new administrator to review the charter of the TOC to see if there are some things can be changed. Like I said, it is 13 years now, and it is about time that we revisited that and bring it up to meeting modern times. Thank you.

MS. YEAMPIERRE: Thank you for adding that. I just want to respectfully add something. As a Puerto Rican, my family is of African and indigenous ancestry, and many years ago I had the opportunity to serve as director of legal services for the American Indian Law Alliance in New York. I represented the Mohawk and the Onondaga.

In New York City, there are people from 6,000 nations and tribes living in New York City. I share that because people have a very narrow way at looking nations and tribes and what their experiences have been in this country. So thank you for sharing that.

Any other comments or questions? Omega and then Peter.

MR. WILSON: Thank you. My background and experience too, my heritage is Native American on both sides of my family. The area where we live in includes that indigenous area ---.

One of the things I am asking for, and maybe it is already there and I don't have access to it, the clarification for some of the Native American communities that I have had a chance to talk to, of course we know we have federally recognized tribes in the state of North Carolina with tribal lands.

We have unrecognized tribes, federally recognized

tribes with tribal land, and of course we have Native American indigenous people who are part of the grassroots, who are recognized in population counts or school systems as Native Americans.

So maybe you have information that will help clarify, or fact sheets that will help clarify where those people go to. It goes back to what Jolene and I have talked about more than once and what you said earlier, so people aren't marginalized out. They are Native Americans but they are not a part of the African American population. They are Native Americans but they are not federally recognized, so they can't go to the Native American Tribal Council.

They are Native Americans but they don't have land, so maybe Don and Peter and Jolene could help clarify that so we could share that information beyond where we are today so they can address environmental justice issues where they are based on where they live and what their situation is.

MR. ARAGON: Let me try to assist you with that. I don't know if the answer is totally correct. Indian tribes throughout the United States and Alaskan natives, they have different statuses. It wasn't created by the tribes. It is a governmental recognition.

There are federally recognized tribes, which are the sovereign tribes of the United States that have treaties

with the United States government. Then there are tribes that are recognized by the state. Some of those tribes also have federal recognition, and I believe like in the state of Montana, it is called public law 93283 or something like that. Anyway, they call those tribes 280 tribes.

Now, 280 tribes are recognized by the state. They work in conjunction with state governments, and usually they are under state jurisdiction, whereas the sovereign tribes, like in Wyoming and, I believe, in Washington state, they are sovereign tribes and they rule themselves, regulate themselves, sue the state governments and everything else of that nature.

The state has no jurisdiction over them. There is another group of Indians that are called the landless tribes of the United States. I think Washington state -- and I speak of Washington state because I graduated from the University of Washington and I worked out there for 20 years with the tribes -- the landless tribes are not federally or state recognized.

This is a real complicated problem. Being that they are not federally or state recognized, the Bureau of Indian Affairs, which is in the Department of the Interior, does not provide any services for them, nor do they give them any kind of financial assistance in any way. That would include education or helping them with other things.

My heart bleeds for those people too. They are basically a group of people that are set adrift in a sense. They really can only rely up the state welfare programs or wherever they can go to get assistance.

There has been several of them -- of course, they have banded together and tried to get federal recognition and those types of things, but it is because of the Constitution of the United States and the governmental stuff, these individuals are probably the most unrepresented individuals in the United States because they are, in a sense in a no man's land.

They are really not represented by any organization. Some of them have formed different kinds of organizations that come forth, and this is why I mentioned to Elizabeth that there are a lot of organizations that come forth and claim to be representatives of Indian tribes and those type things. It has caused problems in the past.

They go before Congress or they go before other places and they do testimonial things and it has been an issue. As far as the landless tribes of the United States, I don't know what their status is other than they are just citizens of the United States.

But there is one other thing that you need to understand. The complexities of being an Indian has not been easy because of the fact that -- well, Indians were not

allowed to vote in the United States governmental things until 1954, I believe, was the first time that Indians could vote for the president of the United States.

Indian tribes were left out of the Civil Rights Act because they were not considered to be minority groups. They were considered to be communities. So when you ask about these individuals that are landless, if we are all left out, so are they.

The Civil Rights Act didn't cover Indians until, I don't know, they modified it in 1984 or something like that. They recognized Indians as minorities. A lot of these things were created by the federal governments and the legal stuff that has really complicated things.

Take a look at the ---, environmental justice ---, I don't believe the environmental justice program recognizes Indian tribes as being disadvantaged groups. I would have to go back and look at that, but if you take a look at the ---, it does not recognize Indian tribes as being disadvantaged groups.

In a sense, we are left out of the environmental justice stuff.

MS. YEAMPIERRE: Thank you so much for the update, and I am sorry that we have to move on because I know everyone is very interested. But we only have an hour left and we have a lot on the agenda.

We still have an update from Charles on the White House CEQ. We also have a long list of emerging issues. I am going to be leaving at 2:30 p.m. I have to run out. If we could just get -- Charles is going to be giving a summary of a meeting that we had with the White House Council on Environmental Quality.

Summary of White House Meeting on Environmental Quality
by Charles Lee

MR. LEE: Thanks, Elizabeth. You should try to chime in on this too. This is, I think, in early May, there was a meeting at the White House the Council on Environmental Quality jointly called around environmental justice.

It was really an outreach to the different stakeholders really to update stakeholders around -- who met with the White House or with the transition team around environmental justice issues to update them and take further input.

The person that spoke was Administrator Jackson. --- was slated but was not able to make it because of another meeting. Secretary Solis came and spoke as well as Nancy Sutley, who is the chair of CEQ.

Van Jones, who many of you know is now working for CEQ, as a green jobs person there, also was present. A number of groups, many who you know -- I am not going to

name them -- participated.

What came out of the meeting was that at a certain point as yet determined they want to have another meeting and they want to have input in terms of basically a document from the environmental justice groups as far as further enhancement of the initial recommendations they made during the transition process.

MS. YEAMPIERRE: This was an historical meeting. There has never been a meeting like this where it was facilitated by the environmental justice leadership.

The Environmental Justice Leadership Forum on Climate Change, with a lot of support and assistance from WE ACT, that made this thing happen, basically had people from all over the country who had an opportunity to meet with high-level people in government, and they were only meeting with us.

It had never happened before. We talked about everything from cap and trade and the problems that the environmental justice community has with cap and trade. We talked about co-pollutants, and how important it was to address the issue of co-pollutants because there is this focus now on reducing carbon and no attention is being paid to co-pollutants, which have really caused so many problems in EJ communities.

We talked about green jobs and our concern that

green jobs, and the view of some of us, is really the new anti-poverty program with a green patina on it and that unless it incorporates environmental justice principles, it is not really going to resonate in our communities in the way that it really should.

Our position on clean coal and the fact that there is no such thing, and there were a number of other things that I am sure I have left out. The analysis and the presentations that were done by the environmental justice leadership was just unbelievable. You would have all been proud.

To have the opportunity to engage one on one with --- Solis, Lisa Jackson, Nancy Sutley and all these people was really -- I remember telling Rob Bollard this is history. I just want us to have a moment and recognize that is exactly what is happening right now because we have never had that kind of access before.

It was very exciting. It is really the beginning of a relationship where we really want to make sure that we influence decision making and that environmental justice is at the forefront.

I don't know if any of you have any questions about that. If not, we are going to move on to emerging issues because time is of the essence. Jolene?

MS. CATRON: Just a quick question. I got notice

of the meeting like the Friday or Saturday before the meeting actually happened. I am just wondering if we could get more advance notice of any teleconference or anything like that. Thank you.

MS. YEAMPIERRE: That is fair. I will say that a lot of the organizing around this has been done with little or no resources. Literally people just working extremely hard without any funding, without any staff to allocate toward this.

E-mails went out all around the country, and people were asked to sign on even before we held the Climate Justice conference, which happens in the winter. So this process has been in place to try to get people to come together.

So when you see an e-mail that is coming, we would urge you to really respond right away because it literally is being done by people who have no staff or resources. And really spending a lot of time analyzing policy, making recommendations, trying to build community power at the same time while it is being done.

Charles, I think, is going to be directing the discussion on emerging issues because we have a really long list -- just to mention a few that we talked about was interagency coordination. We talked about climate justice. How do we think NEJAC can contribute to advancing

issues -- okay, I can't read my own notes.

We have questions about everything from interagency coordination to green chemistry. So I am going to have Charles take it away.

MR. LEE: Thanks, Elizabeth. There was one question that we wanted to really get input from, and that had to do with the next meeting. You know, we teed it up yesterday and we didn't really get a chance to discuss it and I don't really think we want to come to any kind of conclusion around this because there are a lot of different things to consider. But we do want to hear from everyone around this.

You should know that Laura McKelvey and Candace, who is still here from the OAQPS, that is the office that is sponsoring the air toxins workshop.

Perhaps we can just go around the room for you to share any thoughts you might have around, you know, the question of should we have the next meeting in conjunction with -- not at the same meeting but in coordination with OAQPS, the air toxins workshop, which will be held in New Orleans in the latter part of January 2010.

If we did that, should we then try to do three meetings within the calendar year 2010? Should we start with you, Omega?

MR. WILSON: I am working with the group who is

planning the air quality meeting. I think it would be convenient, cost efficient, especially for community groups who should definitely be involved, not have to do two major travel trips for something that is very --- being involved in.

I think it would be a great idea to have them at the same location and, of course, not the same conference but, you know, so the timetables work. I think also it would create an opportunity for more diverse level of participation, maybe a learning experience for NEJAC members as well as community groups who may be there. Of course our focus is on community.

The other part of it is hopefully Administrator Jackson will be able to be there. The situation with New Orleans, I am not going to speak for.

The history of what is happening, the current issue of what happened with New Orleans, hopefully that will create an opportunity to bring some national visibility in having us both at the same time will help create a great foundation for that to be maybe a transition point for so many of the issues we are raising now.

I think it may be an opportunity to officially identify Goods Movement and some of the other activities we are talking about if they are ready to be presented formally at that time.

MR. LEE: John?

MR. ROSENTHALL: It is a good idea.

DR. PRASAD: Once again I want to say that looking at the impetus that the current administration has, more than three meetings next year may not be so good an idea. My feeling is now that you have some reports and how they can respond, and to keep the pressure on the administration and the staff indirectly, to have it in a regular fashion.

But probably much more advisable to have that meeting this year than postponing it to the next year.

MR. MARSH: I have a similar concern. We have the administration's attention, as Elizabeth just pointed out. I think it may depend on what we come up with in terms of our work for the next period of time and how many workgroups we start and so forth.

I would hope if we do this, and I am not opposed to doing it in New Orleans, but I would hope that if we do that, there would be some opportunity, maybe through a conference call or something, to work on and maybe make some progress on some recommendations to the administration before the end of the year if -- depending on their timelines -- if that seems like an appropriate thing to do.

I think we have to rely on Charles and Elizabeth and John and Richard to advise us but I would hate to lose an opportunity to make some real progress on one of our

issues if it is delayed for too long.

MR. HOLMES: I think it is a great idea to go to New Orleans, but what about Mossville. Is that in the running?

MR. LEE: I don't know. There is no way to answer that right now.

MR. HOLMES: It is not impossible. It just seems to me we have these meetings in these lovely places, and people from Mossville truck themselves all the way up here. It might give us a better appreciation for what they are going through if we met where they were.

It might also be a great opportunity to meet with multiple stakeholders in Mossville, including industry down there.

MR. KELLEY: On that note, Hilton Kelley from Port Arthur, Texas, Mossville, Texas, is located about 50 miles from -- I am sorry, Mossville, Louisiana. Correction. Is just across nature's river from Port Arthur, Texas, so we embrace them as ours. They are closer to us than New Orleans.

That is a hotbed for industry, and I think that would allot for the opportunity for a lot of industry folks to come to that particular meeting and really get involved and hear some of the concerns those folks have.

The body of this prestigious council, I think,

would bring a lot of weight to the issue, and support for those folks. I mean, I am not opposed to New Orleans. I love New Orleans, drive there all the time. But to have it in Mossville or in Lake Charles, because there is a hotel there, there are couple hotels there but there are none in Mossville.

We would definitely have to stay in Lake Charles, Louisiana. Thank you.

MR. LEE: Bill?

MR. HARPER: I think having three meetings next year is a great idea.

We have heard a lot of comments from folks who have come to us now asking our advice, so I think, to Lang's point, if we were able some telecons, talk about a lot of the issues that some of these folks have brought to our attention, it gives us a little more time to be prepared for those things as well as gives us more time to think about how we want to take this forward.

With a new administration, I was telling Charles last night that NEJAC has become everybody's best friend because they are really coming to us now for ideas and thoughts. So I do think it gives us a little bit more time. But I agree with Lang. I think during that time if we could have some teleconferences it would be very helpful as well.

MS. FISHER: Wynecta Fisher. The idea of having a

meeting in New Orleans, I really appreciate that but the administrator will more than likely be at the Brownsfield conference, which will take place November 16th through 16th.

MR. LEE: We are talking about January.

MS. FISHER: I am just putting out there what someone said, maybe to bring attention. Having a meeting in Lake Charles would not be a bad idea because you do have a lot of industry there. You have a group of people that, you know, because they are not New Orleans, a lot of times the attention is not brought on them.

It would be a way to meet where they are and learn a little bit more. So I like the idea of Lake Charles, I think is what Hilton suggested.

MS. CATRON: Jolene Catron, Wind River Alliance. As a tribal grassroots representative, I would be amiss if I didn't say we need to have the meeting where there are Indian tribes located and tribal groups located.

I think we have been pretty heavily looked over as far as meeting locations go, and no tribal members have ever been to any of the NEJAC public meetings that I have been to -- well, there may be one or two that showed up but really, I think that grassroots, tribal members don't have the ability to go to all kinds of public meetings, and that is why we are not here saying look at our issues, because our issues are huge.

I would also put on the table a Region 8 meeting, which would include Wyoming, which, you know, we would gladly host, Wind River would gladly host if we had the conference facilities to do it. But Salt Lake City, Billings, Montana, recently hosted the National Tribal Environmental Managers Conference last year. So those are some areas to think about.

Also in Montana, there is the large, land-based Council of Tribes, which include a lot of tribes from Region 8. I would like to throw that out there too.

MR. LEE: Sue?

MS. BRIGGUM: I don't have a recommendation, just some considerations. It seems like we are torn between two goals. One is we want to be responsive to community groups that would like to speak to the NEJAC, and the access that provides to policymakers. That is really important, that the council is going one place.

And then the other place is we would like the opportunity to have the broadest possible impact on all of the program offices in terms of being a resource for them and helping to bring environmental justice thoroughly throughout all of the operations.

When I am in D.C., I can see all of these people who are coming from the agency, even those that don't speak very much, they will say in the hall, I got these great

ideas. It seems like a very energizing and enriching experience.

The only suggestion I have is that maybe this would be something that would be worth getting some thoughts from the internal EPA environmental justice working group because they will also have a good perception of how helpful it is to have really close interaction, and a lot of the EPA employees from every office would give us a piece of information for our consideration that might be useful.

MR. ARAGON: I have no objections to having the meeting in New Orleans. My only question is if you have three meetings next year, will the budget stand for it?

MR. LEE: Yes. What that means is that -- we are slated to do two meetings a year. So those would be two -- this calendar year for 2009 we will essentially have that second one the first week of January.

MR. ARAGON: Okay, thank you. I think when I was on the NEJAC before in 1998 through 2002, we used to have four meetings a year, I believe. Didn't we have one on a quarterly basis? We had two public comment nights in a row, where we stayed up until midnight two nights in a row. I remember that.

The other thing that I thought was really helpful when I was on the NEJAC before was when we used to take a field trip and actually go out and take a look some of these

depressed areas instead of just sitting here listening to the people.

We went to some terrible places, I will tell you that. We actually went out and looked at some communities that were being impacted by landfills, swamps and stuff of that nature. We waded in water up to our ankles one time out in -- those were very educational.

I think the one where we went to California when we looked at the dioxins and the impacts of those people who live off of subsistence fishing and stuff of that nature, that was really educational also.

I would like to see that brought back, if we have the time to take one afternoon to go and actually take a look at some of these areas that are really being impacted instead of just letting the people tell us about it.

MR. RIDGWAY: Yes to three meetings next year. We need more calls in between to get to this issue of making the best use of these meetings and preparing for them.

We need, and I heard this from Patty before she left, we need to get these dates, respecting the complexities, set as soon as possible. Even if we can get all three so we can build it into our collectively busy schedules, both for the calls and the face-to-face meetings.

I am totally in agreement with what has been said about getting out into some more rural area or in a place

where more people can get to us. I would like to ask that one of the meetings next year somehow engage us with this interagency working group so we can see some progress on that.

I agree on field trips, and I will leave it at that.

MR. LEE: Sorry, Elizabeth. The last word.

MS. YEAMPIERRE: I stepped out, so I didn't know what -- sorry about that. I always feel like I am playing double dutch, and like I am in, I am in.

I don't have a preference for any of these places, but I just want to say what I know about New Orleans. And what I know is that it is 211 miles from Mossville. It is a place where you can get African Americans, Native Americans, Latinos, Vietnamese. You will get a little bit of everything. You have tribal communities there.

It also brings back some attention to coastal communities and climate adaptation, which we really need to keep on the front burner because it is a real concern.

Also an area where we can talk about green jobs and what it is really meaning for the Gulf Coast and for people of color, predominantly African Americans, who are being -- not only lost their homes but lost their livelihoods and are not getting hired for these positions.

So that is the only thing I would ask you to think

about. I will go wherever I have to go, but I just want to say that is a place where you could actually bring a lot of the interests that have been expressed at this table. That is it. Thank you.

MR. LEE: Victoria, did you want to say something?

MS. ROBINSON: Subsequent call to discuss some of the logistical stuff. I do want to talk about the site tours and why we don't have them anymore.

Since this has been brought up in a public environment, I think I do need to address it in a public environment. So I will do that at another time, but I think it is important for you to understand why site tours were stopped, and what guides or controls that process for us being able to go out and do that as a body.

MR. LEE: I think the other thing is that there are a lot of issues involved in terms of making the best use of the opportunities now from the point of view of how to organize the committee to do so.

So in very short order we will have a business conference call that is devoted to that, so not to spend some time with that now.

I don't know how long you want to go for, because right now it is 2:00 p.m. 2:30 p.m.? So essentially we have about 20, 25 minutes. I know that there were three things we wanted to discuss. One was just to get your sense

of emerging issues. More in terms of a scoping exercise.

A lot came, you know, has been mentioned throughout the day, last three days, and so that is one question.

The second question was this whole issue of interagency activities around environmental justice. That has come up repeatedly. It was one that was kind of highlighted to be focused upon.

The third item's question was climate, climate change and climate justice. I thought what we should do was not do the first one yet. If we have time we will do that so stay focused.

Maybe we can go around the room and get one thought from each of you in terms of the question of how can the NEJAC most effectively, as a federal advisory committee, contribute to advancing the EJ goals with respect to interagency activities, coordination around environmental justice.

Keep in mind that this is a federal advisory committee. What you are doing here -- you are most effective when you are providing advice to the EPA in terms of what the EPA should be doing or could be doing around this specific issue.

So why don't we just go around -- should we start with you, John?

(Whereupon, tape 3 ends and tape 4 begins)

Discussion on Emerging Issues

MR. RIDGWAY: Emerging issues, interagency. I will pass.

MR. LEE: I am sorry. Interagency activities. I will do emerging issues at the end because I think it is best to use our time, being that we don't have a whole lot of it, to stay focused first. Then we can be more broad.

MS. YEAMPIERRE: I think we should probably send out a letter to a multiple number of agencies introducing ourselves, including the Department of Labor, Housing. Climate change is going to force us to function out of silos, and in order for these agencies to be engaged in climate change adaptation as they will have to be, including social services.

Social services is going to change as a result of climate change. So there really isn't any single federal agency that isn't going to have to deal with the implications of the change in climate.

I think it is important for the NEJAC to introduce itself to all of these different agencies and let them know that we are available to provide them with some guidance and advice on how they might incorporate issues of environmental justice.

MR. LEE: Omega?

MR. WILSON: I think the opportunity for members of interagency to actually talk to us, very much like the presentations today and yesterday, to tell us -- because we don't really know, at least I don't know, what kind of environmental justice programs they have already. Are they internal? Are they growing? Is there a formal relationship/partnership with EPA already?

That would help us get a better understanding about what we are looking at where we are in that growth and development process.

MR. LEE: John?

MR. ROSENTHALL: The president's executive order on environmental justice gives the EPA a broad range of authority to deal with the interagency working group and the other federal agencies.

Our charter is to give the EPA advice, and we can certainly give the EPA advice on how it should engage and can engage the other federal agencies. So we do have a license to work directly with the other federal agencies through EPA, directly with other agencies through EPA.

The executive order also gives EPA the authority to review the agencies' environmental justice plans and to do assessments, evaluations on environmental justice programs.

Some of the agencies have not upgraded their

environmental justice strategies since 1995. Just to look at the strategies and the implementation plans would be a good start for EPA. The level of representation on the environmental justice -- on the interagency working group -- is not as high as it could be.

We could also give them advice on the level of participation for the interagency working group. Your steering committee is -- the EJ steering committee at EPA -- is truly a steering committee with power. You have people on the committee who can make decisions and who can make determinations for themselves.

That is the type of authority that should be on the interagency working group, whereby people on that group can actually make decisions rather than go back and try to sell a program to somebody else.

EPA has been pretty good, very good I should say, at the integration of environmental justice across the board. In some of the other agencies, they have no idea what environmental justice is or even that they have an environmental justice program, which is kind of ridiculous.

Elizabeth, the agencies know that the IWG exists. I am sorry, the agencies know that NEJAC exists. They know that NEJAC exists but there has not been an opportunity for a joint NEJAC/interagency working group operation.

We can also look at more pilot programs. That is

another recommendation we can do. We can recommend the agencies to do pilot programs in places like Mossville and put those things to work. So there is a broad range of activities and recommendations we can give to EPA with respect to the IWG.

Someone had suggested we write a letter, and I think that is a great idea. We could put together a letter to the administrator with some recommendations for all that, the interagency working group.

MR. LEE: Thank you, John. Shankar?

DR. PRASAD: Yes, it is true. I second John on almost everything he has said.

One of the other ways to think about it is whether a letter from the administrator or somebody, Assistant Administrator Cynthia Giles, can be sent in writing all the other agencies at that level of people and have a brief session with them as to why we are expecting their cooperation as well as collaboration with --- .

And push this agenda to the next step, and how there is an interplay between what we want to do and how there is a need to work together on this common goal and how it is mandatory on their part also because of the executive order and showcase some of the things you have done.

It cannot be too long because we cannot get the high-level's participation if it is too long a day or

something like that. But a two-hour session or a two-and-a-half hour session of having a dialogue inviting them first and all of us trying to make a pitch for some of the things we have been talking about, that is something to consider.

MR. LANG: This is Lang. I agree that a session such as we had yesterday with the EPA steering committee, with that level of representation, and the dialogue that we could have over a couple-of-hours period would be ideal for me.

How you make that happen, given that there isn't that level of interaction among the people at that level in other agencies is a challenge. So a lot of preparation and careful thought would need to be given on how to do it, but I thought that was exactly the right model for what we ought to have for an interagency as well.

MR. HOLMES: I think I would approach it by taking five EJ problems in the water sector that can't be resolved without interagency cooperation. Then have these five problems presented to this group. By doing that, you, one, start to own what is going to become an issue that I think is going to rival if not exceed in this administration climate change, which will be water supply and quality.

Two, it gets us really engaged with the other agencies around something that is very specific.

MR. LEE: You are saying take five issues --

MR. HOLMES: Take five EJ issues that can't be resolved -- like uranium tailings, for example, without interagency cooperation.

MR. LEE: Pose solutions, recommendations?

MR. HOLMES: Well, have them -- basically have the agencies come that are dealing with this, like in a panel form, to discuss how they are collectively working. That might be the first time in a long time that you have an action-forcing event that would bring them around the table to then, you know, work with us.

But around water is the theme.

MR. HARPER: I guess I echo everything everybody is saying, but back to the point Omega made, the concern that I have, and I guess it is a good concern, from the feedback that we have gotten this week, with the number of interagency, or the number of agencies that are out there, and the fact that everybody is now realizing that they have an environmental justice perspective, the sheer number of impact is going to be huge.

How do we get all that together and start to prioritize whether they are pilot programs, whether they are requests for information or feedback? The number of requests and the number of inputs and outputs that we are

going to get from folks is going to be, I would think is going to be really huge.

Gathering all that up and making sure that we know which ones are the most important or that we are able to prioritize those, I think, is going to be critical.

MR. LEE: Wynecta?

MS. FISHER: Wynecta Fisher. I think that first thing we can do, and I agree with the things everyone said, is we have to make sure these federal agencies are actually allowing the community to participate in a meaningful way.

I think that a lot of times you don't get meaningful participation for a variety of reasons. It could be -- I know just on a city level, we put things -- we do public notice, we do a blast e-mail. But if you don't have access to e-mail or you don't read the paper, how many people really look at a public notice section.

So you have done the due diligence by putting it in the public notice section but who is really looking at it.

And then the second part to that would be is that if I do look at the public notice section and I want to make a comment, but I am not well versed on that subject matter, or as Jolene said, I don't understand that level of technical information that you provided me with, then how I am able to make a comment?

We can't just have the community come and say, I don't like it. They can say it, but then people are going to say, well, okay, what do you suggest?

So maybe getting them to understand, and we did this yesterday, getting them to understand not to use acronyms and other things I think would be helpful. But also I think it is up to us to show them what EJ looks like in their projects.

We actually worked with the Department of Transportation recently and, you know, they couldn't understand why -- like, we are trying to build a four-lane highway. Well, it is through an EJ community. But we are going to give you guys a bigger highway. You have got a lot of traffic. You are thinking, like, good intention, bad place.

Until you actually sit them down, they didn't realize that was an EJ issue.

MS. CATRON: Jolene Catron, Wind River Alliance. A comment that I heard earlier today I think is that we should really revisit the executive order itself and take a look at it and see how we give it more teeth or how we recommend that it has more teeth.

So when we are talking about interagency and the executive order, I think those two go hand in hand. We definitely need to be looking at that. The executive order,

I have it right here in front of me, talks about some of these things like develop interagency model projects on environmental justice that evidence cooperation among federal agencies.

How do we help that process along or how do we make sure that happens? So I think those two definitely go together. And I think when it comes to tribal EJ issues, everything on a reservation, a federally recognized tribal reservation, has to do with interagency.

You can't have just one project that is IHS only or EPA only. It involves ---, it involves IHS, it involves all different agencies.

The dysfunction or lack of communication or lack of getting agencies together happens on a daily minute-by-minute basis on reservations so tribes are really well versed in how that interagency noncommunication, how well that works on reservations. I will leave it at that.

MR. LEE: Sue?

MS. BRIGGUM: It is really nice to come toward the end. You can just build on what other people said. I really like the way this is going. The one thing I would add is sometimes, if you could get some star power that would get people wanting to be there, which then might build some esprit de corps among the interagency working groups.

If you could get -- there are people in the

government who are clearly committed to environmental justice, so if you could get the administrator and Hilda Solis, Nancy Sutley, maybe Carol Browner but who knows. And maybe the head of DOE or some unexpected group who is also interested and willing to come and have someone from the interagency working group for at least those departments and more, they might come in and do something like give a presentation on something they believe they have done that is in the spirit of the executive order that is a potential best practice in terms of environmental justice.

And then they might challenge us to see whether or not we could come up with something that would help improve that kind of approach as a template, rather than us seeming to be kind of patronizing to them, they would be challenging us to be helpful, which might get them more excited about coming here.

Then we could use that opportunity where we thought they did it wrong to suggest that. It might get some enthusiasm and positive dynamic for then moving forward.

MR. LEE: Don?

MR. ARAGON: Yes, thank you. I am like Sue, glad I am on the end. Everything I was thinking has already been said. I like the idea of these interagency presentations or even agency presentations because through collaboration we

learn what others are doing, and I thought, like the safe drinking water and even the solid waste presentations were great because, you know, when they presented to this body here, we have a chance to point out the environmental justice stuff.

They are not just developing a program in a vacuum where they don't know what the real impacts are going to be. I really feel that if we continue to work with these agencies and stuff like that, help them understand the impacts of what they are working on and doing, that it really impacts people.

No matter what those individuals are, it is people who are being impacted by the things that a lot of these think tanks are working on. I think that is one of the best things we can do here, is to bring them here. I like the idea of bringing the Department of Energy here to point out some of their activities and how they impact people. Thank you.

MR. LEE: Great. We will take all this in. We don't have a lot of time, so let's just go one more round, and this has to do with your ideas about how to, how you can best advance the goals of environmental justice with respect to climate change, mitigation. Adaptation, don't forget about.

Keep in mind that a lot of the green-development

issues are intertwined with climate policy. Should we look the other way or should we go this way?

MS. BRIGGUM: That is just crummy.

MR. ARAGON: Who's idea is this? Omega's idea. Well, I think that the impacts from climate change are really something that we need to take very seriously because of the fact that it really impacts those individuals who depend on subsistent lifestyles: hunting, fishing and gathering.

Like the Alaskan people up there where things are changing and even some species may be disappearing, I think these are things that we need to point out the impacts of those.

There is a series of shows that I watched, I believe it was CNN or something, Planet in Peril, I think there were some excellent things pointed out on there, how climate changes really are impacting people all around the world, not only here.

Also we need to understand the impact of climate change even on our urban communities. The heat, I mean, we need more electricity. Yet we have less water to generate that electricity, so brownouts and all of these type things really start impacting us.

The more we understand these issues and concerns, the better off we will be. For instance, in the brownout

situations, some of the people that are hurt the most are the disadvantaged because they can't afford the power and the air conditioning and stuff.

It becomes a health issue for them. Thank you.

MS. BRIGGUM: I would like to have us talk a bit about the environmental justice opportunities in the way the climate change debate is shaping up.

It used to be, I heard within the context of cap and trade, for example, the idea of trading out of environmental justice communities -- I haven't heard that phrase -- with the idea that you would use this as an opportunity to assure that environmental justice communities got even less pollution than they would otherwise under current regulatory systems.

I know that Vernice talked about that. It might be worth bringing that up again to see if that is still a viable issue. There are other things that might be helpful too in terms of, you know, the ways you allocate the financial resources that are brought to bear. The opportunities to have pollution reduction and enhance mitigation.

In particular, some specifics on green jobs, to make sure that we are giving advice about how those could be created and properly focused on members of the environmental justice communities.

MS. CATRON: Let's see. I am still trying to put this all together in my brain. Jolene Catron, Wind River Alliance.

About a couple months ago, Administrator Jackson came to Wyoming, and she toured a lot of the energy-producing areas in the state. The word on the ground was that a lot of the conservation groups in the area were trying to get her to come and meet with the grassroots organizations so that she could see some of the environmental justice issues that are happening in Wyoming because of energy production.

A lot of times we focus on green or climate-change initiatives as an energy focus, and we all know that it is a lot more than that. I think we have a really great opportunity to bring to light the vast expanse of what that really is.

I served on the working group for the climate change, green jobs task that we worked on a while back. It was really hard to work on that project because it was so vast. I think we really need to have the opportunity as the council here, as the NEJAC, to really kind of start to flesh out what that is we are talking about.

Really how that impacts communities nationally. It is unfortunate that Mr. Captain had to leave early because he could really share information with you about

what he has seen as far as climate change in his area in Region 10, and how EPA could really help his community and his area out.

I am hoping that he would be involved in any discussion that we have in the future.

MR. LEE: Yes, we will make sure to call him and get his input into this.

MS. FISHER: I have a couple of issues I would like to raise. One, of course, is sea level rise, and how that impacts all the coastal communities. It will definitely cause displacement as well as coastal land loss, impact fisheries and hunting and trapping, which actually are jobs.

I think it is up to us to look at maybe some collaborative efforts, and this is a soft pitch for maybe one of your other two meetings, to possibly have something maybe in Region 1. There has never been a meeting up there.

One thing that Region 1 has when I look at these states is they have a lot of intellectual capacity. We actually had some students intern with us from MIT, and they actually, as part of -- these engineering students -- as part of their masters, they actually developed products that could be used in third-world countries.

In fact, one of the guys drew a prototype, it was a bicycle that also purified water. He was trying to make a

prototype.

That could be a way, because if we really are going to address climate change, we have to change the supply chain, and we also have to look at developing products that are more cradle to cradle.

Those are some of the biggest contributors to climate issues, which is our waste. Then I think it is up to NEJAC to give EPA the advice that until the USGBC addresses social and environmental justice, we have to be the voice.

I met with an individual who is now -- I believe he is called either the board chair or the CEO, and I talked to him about it at a conference. And I said I noticed that LEED does not address environmental justice or social justice. And he said as soon as they do a couple more tweaks they are going to look at it, but he didn't think it would come up in the next two or three reiterations.

Why is that an issue? That is an issue because cities are adopting LEED as a building standard, so there are some unintended consequences. If there is a greater demand to be LEED certified and, you know, you get more points if you use vinyl windows, where is the vinyl manufactured?

I think we as a body can help them with that. And I respect that. That is not what they do. They are

architects. They are doing what they are supposed to do. We have to begin to collaborate. That potentially could be an option.

The final piece is I think we have got to look at green jobs because the focus is really on energy in the built environment, but if we do not stabilize our ecosystem -- and I know someone else is going to say this, and I think Omega said it yesterday -- then we are in trouble.

MR. RIDGWAY: GBC, Green Building Council?

MS. FISHER: Yes.

MR. RIDGWAY: Thank you.

MR. HARPER: Being from California and being the fact that California is sort of leading this charge, I want to sort of piggyback on what Sue and Wynecta said in terms of green jobs.

We hosted -- we have a thing out there called the CUDC, which is the California Utility Diversity Council, and it is sort of an offshoot of our public utilities commission. Because of the way we --- at diversity and green jobs, we thought it was really important to have a symposium on green jobs.

It brought together folks from business, folks from grass roots, large business and education to really look at what is going to be happening. We had an

environment where we had some of the executives from the utilities talking about where they see their companies going, what types of things were going to be happening.

We had a breakout session talking about how we manage our supply base and how we are trying to help our suppliers become more green, and how we are even starting to write those types of things into our RFPs.

We had a session on helping people who already have small businesses look at stepping outside the box and being greener and maybe changing their business plan.

I think at the end of the day, what we really found was that, like probably everyone else out here, there is no really good definition of what a green job is and what that impact is, and so what we stated to do is work with some of the grassroots organizations to come up with our own definitions.

At least from a perspective of most of the utilities that are doing business in California, we can have a pretty decent understanding of what that means so that as people are going out and trying to get these dollars or trying to decide what a good model is going to be for their business, they don't all of sudden invest money, start to do things one direction, and then all of a sudden somebody says oh, that is not really a green job.

So not only have they wasted money, but, you know,

probably their chances to continue their business is going to be null and void. I really think it is critically important that we come up with some kind of guidelines in terms of what green jobs are so there is a context that everybody can work to and we all think the same when we are thinking about it.

MR. LEE: Thanks, Bill. I know that Elizabeth may have to leave pretty soon, so why don't we have you go next.

MS. YEAMPIERRE: I really have to echo what Wynecta just said. It was like we were channeling each other. We are concerned about --- chemistry, we are concerned about life cycle, we are concerned about when people talk about green manufacturing, where those products are going to be placed.

We are also concerned that our communities will be again the reluctant host to a lot of those by-products that can continue to contaminate our community.

Even in the issue of green jobs, and I do feel kind of competitive whenever I hear California speak and talk about how they are leading the way. I feel like saying well, Schwarzenegger called Bloomberg up to get some ideas about how to do it better.

You know, because we have got an aggressive green buildings campaign in New York and we have got --- that 128 initiatives on how to reduce carbon. Even with all of

that -- it always gets like that, but I have got to admit the EJ people in California are off the hook.

Even with green jobs we have to be aware of the fact that the agenda is really nationally being driven by the Apollo Alliance and by unions. Oftentimes unions are the same unions that don't hire our people.

While the discussion was being tailored at a national level, that environmental justice leadership was not invited to that table to discuss how those jobs are going to roll out on a grassroots level in our communities.

The focus is on energy, and in our communities, green jobs have always existed. Everything from urban forestry to brown field remediation, and we have a much broader definition of what green jobs are.

Our young people have mobile air monitors where they are measuring NOx, Sox and carbon monoxide. We think that is a green job. We think we are preparing them to become engineers and the future scientists.

So green jobs can easily become only entry-level, blue-collar jobs that make traditional, workforce development people take advantage of the resources that are available without changing the paradigm or the way decisions are made on the ground, that really lift our community up the way that they should be.

So the environmental justice perspective is

extremely important because for the workforce development people, God bless their souls, have a very social service way of thinking, that doesn't really change the way people become independent and really take control of their community.

Finally, actually it is not finally because I have another thing I want to say, the issue of climate justice, it is really important that we engage in a community-based planning initiative for climate change adaptation.

I always say in New York City that if New York City has an emergency response plan that can evacuate 2 million people, and if they are in the Bronx what does that mean for Brooklyn, that communities really need to figure out what climate justice or what climate adaptation means.

How can they can address emergency response, how can they address looking at planning initiatives that they are involved in right now with a lens towards climate change? And really revisiting a lot of the planning they are doing.

Some communities, like in my community they have been working for 10 years on a waterfront park, and now all of a sudden they are being told that now that the funding has been allocated for the park, it may be underwater 20 years from now.

If infrastructure and the basic services that

provide us with light, energy, you know, sewage, all of that stuff is on the waterfront, what does that mean? What does it mean for homes that are there and liability and insurance?

These are conversations that can't be top down. You have to really engage the grassroots in grappling with the complexity, and where EPA can actually facilitate a process where they can bring the scientists, they can bring universities and other partners, to the community so we can engage in a conversation that is really key to our survival.

There are a bunch of other things but I have to leave and I don't want to hijack the rest of the time. But I do want to say that it has been an honor and a privilege to have an opportunity to co-chair today throughout this NEJAC. It is the first time that I have done this.

I feel really humbled to be in the midst of people that are so deeply committed, so brilliant and so willing to build consensus where it becomes messy and difficult -- you know, organizing is always messy -- so I just want to tell you how grateful I am and, you know, I just want to say thank you very much for the opportunity. I hope to see you at the next NEJAC. Gracias.

(Applause)

MR. LEE: We want to thank you for really stepping up to the plate and doing this. The meeting could not have

gone the way it did without your leadership. Hilton?

MR. KELLEY: Hilton Kelley, Community In-power and Development Association, Port Arthur, Texas, along the Gulf Coast.

As we all know, global warming is very real, and nowhere is it more prevalent than in areas like New Orleans and Port Arthur, Texas. The name Port Arthur, Texas, should tell you something. We are a port town. I remember a little two-lane road we used to take that was paved and what have you. We would go to the beach called McFadden Beach on the way to Galveston, Texas.

At this point in time that road has been eroded and it is no longer there. So we have to go halfway to Houston and kind of go around that whole area just to get to Galveston, Texas. I never thought anything like that would happen.

We have to do more to try to educate our industries on what they can do to help reduce the amount of greenhouse gasses that are being emitted from refineries and chemical plants. They emit it by the tons.

I believe on the Gulf Coast we help to produce at least 20 percent of our nation's gasoline. This is where the crude oil is transported to from overseas and is cooked, processed and shipped out around the nation to New York, Louisiana, you name it. California and Detroit and all

over.

The amount that is processed each day is humongous. The Motiva Oil Refinery is going to go from I think it is 265,000 barrels of oil per day that is processed to 625,000 barrels of oil per day. This project should be complete by 2011, they are looking at possibly 2012.

They are really cooking in that particular area. I think that the Environmental Protection Agency should do more to reach out to those industries and sort of make it a little bit more easy for them to get information on how they can play a key role in helping to reduce the amount of greenhouse gasses.

In small areas, small communities, a lot of these plant managers really are not abreast of it, and a lot of the shareholders that have money invested in those industries, they are looking at the bottom line.

We have to try to educate these folks on how -- what their industries are doing is going to not only impact people that live on the fence lines, but how it is also going to ultimately impact their lives as well. So that is key.

Also we should reach out more to some of the smaller communities and educate each and every person in those areas on what they can do as well to help reduce carbon emissions. Thank you.

MR. MARSH: Lang Marsh, National Policy Consensus Center. I am glad Elizabeth mentioned life cycle.

One of my proposals for NEJAC to consider is the application of life cycle science, life cycle assessment to some of the issues that we have been wrestling with as a way to look at unintended consequences, put discipline, scientific discipline in the process of deciding which are better alternatives in terms of facilities and other investments for the communities that they are located in, and the communities that are impacted by the origination of their materials and their ultimate disposal, many of which EJ communities as well.

I would like to put a small paper together that raises some of these issues so we can educate ourselves. I think it will help EJ communities address many of the difficult issues and provide a level of factually based objective, scientific material that can help them make arguments for and against facilities that create climate change problems or solutions.

DR. PRASAD: Shankar Prasad, Coalition for Clean Air. I endorse and like all the ideas put on the table, but in order to get the attention or to speak with any kind of a --- we have to have something in writing.

In order to make specific recommendations which would ---. I want to go back to what Sue said, which is how

we can improve the opportunity to include and monitor these considerations in the current debate. We have no way of writing such a long report to encompass all these issues, but can we find a way to capture these things as to the issues of the concern or the issues that need to be addressed in this debate, especially now knowing that, for example, --- and there is a --- for the green jobs.

There is a --- in the context of, for example, the adaptation issues. There is a --- for the international issues.

On the other hand, what there is no --- for the environmental disconsiderations in the context of either the cap and trade or the context of resource allocation to the benefit of these communities.

So Elizabeth left but I want to say something about California. The ---, in contrast says very specifically we have to identify the communities of interest. We have to make sure the conditions do not get worse. It also says these communities get benefited in the process. So those are fundamental things.

If we want to move this debate to the next step, what are the major, critical things that we want to see. And then this debate of where we want to go, how you do the public debate, what are the other agencies that need to be involved, whether it is weatherization, or is it the LEED,

that all follows through in a longer period of time.

But while this debate is forming and the --- is being written, I think we have to be much more concise and precise about what is the minimum that we want to be seeing in that debate, and to be expressed. --- OEJ to send this Climate Gap Report, which is a good point to start of what is known about climate justice in the literature which gives a good perspective of what is known.

Then see whether we can put together a very small handful of people who can write something and bring it to this body and then take it to the next step of NEJAC --- or something like that would be much more useful in the short term

In a longer time frame we can have that workgroup and look at various issues that have been --- around the table.

MS. ROBINSON: Thank you, Shankar. You should have that Climate Gap document. If it is not among your stuff right now, Gina can you check to see. It is the Climate Gap document. There it is. Thank you.

MR. ROSENTHALL: John Rosenthal, National Small Town Alliance. Two issues. The first one is getting the small towns, the rural communities, the tribal, low-income communities engaged in the process, first by explaining and making sure that those communities, those populations

understand the impacts and understand the adaptation measures and understand what power they have.

The second issue is getting them actively engaged in the discussions at all levels so they can make an impact to the decisions that are being actually made.

MR. LEE: John is going to get the prize for being succinct.

MR. WILSON: I will go back to something I said the other day, and I have said before. I think creating the opportunity to develop another level of bully pulpit from the governors' offices of the states. They see things based on what is happening at their local levels and, of course, what Alaska is looking at is not what Florida is looking at. What Florida is looking at is not what Texas is looking at.

The impacts of climate change don't necessarily play out the same way based on geographical location. So I think whatever we need to do to encourage that kind of relationship, to build inroads to governors' offices, to create bully pulpits at those 50 states based on what their concerns and interests are, impacts are, I think is something that needs to be done. That will carry us a long way.

MR. RIDGWAY: Okay, we are getting really close here, just to build a little suspense. I am going to pass. We have already heard a ton of great ideas. Is there

anything you want to do to wrap this session up? I am going to give closing comments and that won't take more than two or three minutes.

MR. LEE: I just want to give a sense of some of the things I heard, particularly in terms of this very recent -- the last round about climate change and climate justice.

There is really something that Shankar and others have said about the immediacy of some of these issues. I think one of the things I would like you to consider is that little workgroup. You should know that the Office of Environmental Justice has been working with the Office of Atmospheric Programs at EPA, and there are a number of issues that we are focusing on.

One of them is adaptation and opportunities for adaptation. We are thinking perhaps sometime in the next couple of months there would be a dialogue on that with EJ groups. So those are two things.

The other thing that is really something we need to consider putting on the table, and we can discuss this when we get together, is there is a real balance now in terms of competing interests in the beginning of this administration about whether or not -- a lot of reasons why it is good to meet in D.C. versus somewhere else. Just to put that on the table.

Everything you are saying, particularly in terms of these two big issues, speaks to some kind of interaction with people in D.C. You are never going to get them if you are not in D.C.

Having said that, thank you for your insight. I thought the last couple of rounds was really productive.

Closing Thoughts

by Mr. John Ridgway, Co-Chair

MR. RIDGWAY: Thanks, Charles. Okay, a couple minutes of some key points.

Related to what we just heard, from my perspective acting as a co-chair and seeing how this meeting's agenda got built, I am going to step back a layer and say I would like to see a good balance as to how this council sets its agenda in conjunction and coordination with EPA such that we are working together.

They are telling us what to talk about or not talk about, and we are not talking about things that don't help them much, where they don't have much capacity. I will just leave it at that.

I wanted to let everybody know that in relation to the public comments on Tuesday night and regarding issues in Mossville, Region 6, I was assured yesterday that there is a meeting scheduled next month, in August with Region 6 staff and the residents of Mossville. I just want to let

everybody know that is already on the book.

Second, I promised Marva King that I would remind everybody and encourage everybody to take a look at this CARE report. This is a great example of progress in environmental justice on the ground, in the communities. Please do take a look at it. Along with the other many, many documents, I am kind of putting a bias on this one.

Three, in terms of the presentation from Tim Fields, I am going to leave you with a reminder that as council members, take a look at the past NEJAC reports. Some are many years back but they are still relevant, and I doubt most people, even if they had read them the first time, are familiar with them.

The two that were encouraged by Tim were the Fish Consumption Report, that was around 1992. Sorry, 2002. And the Commutative Risk Reports. I am just going to leave that as an invitation to a couple of you. We will talk about this more on calls, but do take a look at those.

Next, I would like to ask that specifically, and I am glad to work with Victoria on this, that we get a list out to you all on what we just heard in this last session so we can see that list of issues and make it very easy to find what we just talked about as soon as practical. Not immediately.

Fifth, the enthusiasm at this meeting has been

amazing for so many reasons. I want to acknowledge that as much to the audience for your time and diligence and patience with us. We are already 45 minutes overdue, and to see this many people still around -- I want to thank you for your time and attention.

This obviously has been hard to manage from a scheduling standpoint, but council members, you have done great. Thank you so much for playing ball. Hang on just a second and I will get to you in a moment.

Finally, I want to express some gratitude and thank you to Victoria, to staff of the Office of Environmental Justice who have helped put this meeting together.

To the contractors, to the hotel staff who have served us up so well. This thing has gone extremely smooth for the complexities involved. We would not be able to accomplish as much without that behind-the-scenes support that we don't see up front.

Finally, it has just been an honor, like Elizabeth said, to be a part of helping this meeting progress. I have a lot to learn, and I learned a lot in the last couple of days. Thanks for your patience with me, and Omega, if you can keep it brief, we would love to hear from you.

MR. WILSON: It is brief. You did not mention the plans for the workgroup relative to the agribusinesses

related to the Smithfield group out of North Carolina.

MR. RIDGWAY: I am glad you brought that up. That is clearly another issue that we didn't hear around here, and that is EPA's role with CAFOs, and how this group can engage with that. So I want to add that to the list of emerging issues. It is not an emerging issue, it is an existing issue. Is that the point you are making?

MR. WILSON: You mentioned, and of course the people who left, who are not here anymore, they were expecting or are expecting implementations of a workgroup because that is what you said. I don't want to leave that just hanging in the wind.

MR. RIDGWAY: I did not say there was going to be a workgroup on CAFOs. To be clear, you are absolutely right. We do not want to set false expectations on this. The establishment of workgroups is something that EPA, as I understand, has to direct us to do.

They have to set it up, so to the extent that we will note that we are interested in their consideration of that, that is about as far as I can take it, and Victoria or Charles may have some comments on that but I did not promise or even imply that we think that is coming up.

MS. FISHER: John, yesterday -- Wynecta Fisher, City of New Orleans -- yesterday there were two things that I promised you guys before I left, that I would provide you

with a DVD of a listening session that we had in New Orleans in preparation. And that I wanted to thank ---, and Marva King actually came down to moderate, which was perfect. If you guys are going to have a listening session, getting her to moderate or getting someone outside of your area is great. And of course the Region 6 staff, Larry Starfield and senior managers Deborah Ponder, Shirley --- and Charlotte Reynolds.

Here is the DVD. Who should get it? Okay, to Victoria, please. Thank you very much for adding me. I really am honored, and I enjoyed meeting with everyone.

MS. ROBINSON: Two things. I want to quickly respond with the workgroup. Yes, we will add the thing about the issue about the CAFOs to the discussion.

The CAFOs were discussed by previous -- the recommendations about CAFOS had been discussed previously, I think, some time ago by several of the previous NEJAC subcommittees, so that is something we have to put on the table with all the other items to look at and find balance.

Logistically, just a reminder as we close out, if you are going to Fed Ex your materials back and you haven't got your box, it is over here. Please coordinate with OEJ staff over there to get your materials box so we can Fed Ex it to you so you don't have to carry it or check it.

(Travel logistics)

MS. ROBINSON: I also want to say it has been a pleasure. This has been a very productive meeting and a lot of things were discussed, and I think we have a pretty good idea of where we want to start moving things for the next year.

MR. LEE: Just a couple things. One thing we did not remember to highlight at the end is the action item about the formation of the workgroup to increase recommendations around enhancing community engagement. That is a really important thing for, I think, the process overall.

You know, I do think this has been great, and there are great ideas. I would urge everyone to kind of step back and think strategically. There are only a few of us, meaning around this table, and there are a huge number of tasks and opportunities. If we do one thing we can't do another.

I would urge everyone to go back, and as we prepare for that conference call in terms of the administration and how to organize ourselves, that we really do think strategically.

Having said that, I also want to thank everyone. I thank Elizabeth in absentia, and John for a great job and all of you for participating and everyone else on the staff for their hard work.

With that, I think we will see -- we are not sure when exactly we will all meet again, but it will be soon.

MR. RIDGWAY: Safe travels to you all. Thank you.

(Whereupon, the meeting adjourned at 2:55 p.m.)