National Environmental Justice

Advisory Council

Meeting

July 21 - 23, 2009

Tuesday, July 21, 2009

National Environmental Justice Advisory Council

July 21, 2009

NEJAC Members Present:

John Ridgway, Co-Chair
Elizabeth Yeampierre, Co-Chair
Don Aragon
Chuck D. Barlow
Sue Briggum
Peter Captain, Sr.
Jolene M. Catron
Wynecta Fisher
William Harper
Jodena Hennecke
Christian R. Holmes
Hilton Kelley
J. Langdon Marsh
Shankar Prasad
John A. Rosenthall
Patricia E. Salkin
Omega Wilson

Committee Members Absent:

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

EPA Members Present:

Victoria Robinson, Designated Federal Officer
Charles Lee, Director, OEJ

National Environmental Justice Advisory Council

I N D E X

July 21, 2009

National Environmental Justice Advisory Council

I N D E X (Continued)

July 21, 2009

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

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

(9:08 a.m.)

Welcome and Opening Remarks

by Victoria Robinson, DFO

MS. ROBINSON: Good morning, everybody.

(Chorus of "good morning")

MS. ROBINSON: Oh, it's like being in school. The teacher says "Good morning" and everybody says "Good morning."

We would like to thank everybody for coming.

This -- we are very pleased that we have a near-record number of pre-registrants for this meeting, which is good, especially as we are celebrating our 15-year anniversary of the NEJAC. This is somewhere in our 26th, 27th -- 26th meeting of the NEJAC in 15 years. That is a lot of meetings, public meetings. That does not count through all the various roundtables and public dialogue sections that are -- that have been held also during that time.

So, because we are expecting near capacity, we ask that if there is an empty chair next to you, please don't use it for your belongings. Instead, please utilize the space underneath your chairs, particularly this afternoon when we have the Administrator come.

As usual, we do have a full agenda. We plan to stay to the times as close as possible, but we recognize that there is, as always, a need to be flexible.

We will have a short break at 10:30 and we then we will break for lunch at noon, if not before. We have an hour for lunch and we have coordinated with the hotel to be prepared to offer a fast service in the Veranda Restaurant. That is the restaurant just outside here, next to the Starbucks. And there is also a list of nearby fast-option restaurants at the Registration Desk, our NEJAC Registration Desk.

Restrooms are a little hidden away. They are located on this level to your left as you walk toward the registration area or on the lobby level to the right as you exit the elevators.

The -- we have a court reporter, so as with all NEJAC proceedings, as required by FACA guidelines, we have a court reporter here who is recording and making a verbatim transcript of the meeting proceedings. We also have a contractor taking notes and they are preparing a meeting summary. And this information will be made available on EPA's website.

For the members here at the table, we do have push-to-talk microphones. We need everyone to speak clearly into the mike so that our court reporter and note-takers can hear. Also, I think -- let me know if you -- those in the back cannot hear. If you are -- you should be able to hear. We have positioned microphones so that you should be able to hear

throughout the entire room. And to talk, you should be familiar, you know -- press, talk to speak, and press it again when you are done speaking.

And before I go on, we have four members who are absent today for a variety of reasons. Richard Moore is unable to be here, but he is on the phone. He will be speaking to you all in a few moments.

Paul Mohai is out of the country on travel. Greg Melanson couldn't break away from work. And Katie Brown has an illness in her family. And -- but I wanted to say, you know, this is -- I have been hanging around the NEJAC since 1995, and I can't believe it has been all these years, and I see a lot of old faces, a lot of new faces, and I am just really happy to see everybody here and looking forward to a very productive meeting.

So I am going to turn it over to Richard, who has a few comments to make, and then he will introduce our two individuals who will be serving as the Acting Co-Chairs in his stead for this meeting, Elizabeth Yeampierre and John Ridgway. So, it is up to you, Richard.

Comments (via telephone)

by Richard Moore, Chair

MR. MOORE: I would like to begin by saying good morning to everyone --

(Chorus of "good morning")

MR. MOORE: -- and expressing my apologies for not being able to attend this very, very important NEJAC meeting under a new Administration.

But before I proceed with my comments, I would like to commend the NEJAC Council members. As you all are aware, the Council has been working tremendously throughout this period of time, and a lot of the issues and discussions that the individual working groups, subcommittees and so on have been having is included in this morning's agenda.

I would also like to welcome, as I said, the NEJAC Council members. I would like to also welcome all of you that are present today and will be present over the next coming couple of days for this NEJAC Council meeting.

I would like to look at local agencies. As you all are clear throughout the 15th year, as Victoria has stated, that, oh, many a times throughout the NEJAC's history, local agencies' representatives have also been present and participated in discussions, panel discussions and so on, at NEJAC meetings.

State agencies, we have seen an incredible commitment on the part of many of the state environmental agencies to move environmental justice forward, working hand-in-hand in some cases with grassroots groups, with other stakeholders, in terms of lifting up and moving forward and coming to solutions to many of the problems that our

communities are challenged with.

Federal agencies -- again, good morning to all of you that are representing various Federal agencies in this meeting.

And then, also others that are there from community organizations, from other institutions -- not only environmental justice institutions but environmental organizations and institutions as well. And again, those that are present representing academic institutions, community institutions, and so on.

I would like to just share with -- some thoughts with you about some of the things that I would think that not only have I been thinking about in this period of time, but I think many of us, many of you at the table, and many of you that are participants in this meeting have been thinking about.

I think one of the issues that we need to be very, very careful of, and now we have a new Administration, so we see the possibilities of moving forward not only on issues that are important today but many of the crisis issues, the challenges, the heartaches, the struggles, the day-to-day activities that many of our communities are impacted by.

And so, then with that, we see many a times that local agencies, for example, are not working hand-in-hand within local government with their counterparts.

Environmental agencies within local, state and Federal governments, in many cases, are not working with health institutions. And health institutions, in many cases, are not working with housing institutions. And we could go on and on and on with this.

But what I am saying to you: Although the environmental justice movement, along with many of our representative organizations and networks, haven't had incredible, incredible, incredible successes throughout these last many, many years.

Our organizations were founded from a bottom-up principle -- at the first People of Color Summit, where very important decisions were made giving direction to our movement, to the environmental justice movement. And at that meeting, as many of you are aware, is where we redefined environmentalism -- "we" meaning grassroots representatives from organizations throughout this country and not only throughout the country but the other countries that were represented in Washington, DC at the first People of Color Summit.

But this is where, in actuality, we came together and we said that nothing would be the same anymore. And that as we look at the future and the destiny of our communities and those challenges that we have been impacted by, that today, as we announced in Washington, DC, and I think today

again as we announced in Washington, DC, that environmentalism has been redefined as we where we work, where we live, where we play, and those are very, very crucial elements within the direction and the decision making of our environmental justice movement. And then we added sisters and brothers and colleagues and so on. We added to that where we pray and where we go to school. And so that has been very, very important to us.

We cannot separate the conditions in many cases that workers inside these facilities, not only in the Southwest but throughout this country, are working in, unhealthy situations in the workplace, unhealthy situations in our communities, and then obviously the surroundings within our communities whether they be school, whether they be spiritual activities, whatever there may be, that we cannot separate those from the economic and the environmental injustices. And I have to say again, as we said at the first People of Color Summit, that environmental racism is still, sisters and brothers, alive and well in this country, and we have to break the bondage of institutionalized racism to make sure that the kind of issues that we are talking about are not only pulled together for a minute or two to try to come to solutions to our issues but very, very clearly that the institutions that have been in charge of the institutionalization of racism in this country have to be dismantled. And I think that we have, through the

possibilities through this Administration, to maybe -- to do some of that change.

I would also like, sisters and brothers, to welcome our new Administrator, who will be joining us today in this meeting.

And as I turn this over and move forward, and I say that although I have gotten older and we have gotten older, and the environmental justice movement has gotten older, that not no one has the -- just the answers for many of the communities, for many of the impacts that our communities are being impacted by. And I say this to you because we have seen in the past new Administrations and we have seen in some cases Administrations saying that "I understand your problems, and we have appointed people that understand your problems" and so on. And that still today we say that the inclusion of grassroots people at all levels of decision making that are impacting our lives, that we have to be cautious within this new period of time that grassroots voices, that grassroots decision making, that grassroots participation across the board is included in all of the decision making processes and so on that impact not only our communities but impact, as I said, the workplaces that surround many of our communities.

So it has not just has been to us that, as we said, that it is not in our backyard and put it in somebody else's backyard as we clean up communities and so on throughout this

country today. But it is about also what takes place not only in our communities but in this world.

So I challenge this Administration, and I challenge this NEJAC Council, and I challenge our new appointed entities to not only the U.S. Environmental Protection Agency, but to all the agencies and the arms of the U.S. Federal government, that we challenge you today to seize the opportunity with us, not separate than us, but the opportunity with us, to make solid change not only in our communities, to build and make our communities a better place for us to live, but for our cities to be a better place, for our states to be a better place, for this country to be a better place, and for this world to be a better place. And that is the challenge that we will be taking on partially within this agenda today.

There is no way that we can separate the health disparities, the health consequences, those health-related issues. In some cases, where we have taken steps forward but we still see, in some cases, cancer clusters and lupus clusters. We also see, still see, in many cases farmworkers in this country that are working in very, very unhealthy situations. We could go on and on with African-American communities and Latino communities, maybe even indigenous communities, maybe even Pacific islander communities, and other communities of color, and also other communities of working class and poor, low-income communities throughout this

country.

So I don't want to take up a lot of time to you today, but I want us to remember, sisters and brothers, if we can, those that have afforded us the opportunity for us to be sitting at the 15th year of the NEJAC Council. And as Victoria said, however many meetings and meetings and meetings and conference calls later, that is our sisters and brothers in our community that have given up their lives, some in some cases fighting environmental injustice to make justice a word that not only that is just said and pronounced, but justice a real word and a practice that takes place in our community and our communities throughout this country.

So, lastly, as I say to you, and I have had, as I said, the opportunity to do a lot of thinking throughout this period of time.

I have set back, and my friends and my colleagues and others that have meant a lot to me, to our organizations, to the telephone calls that I have received, from the emails that I have received, from emails not only from NEJAC Council members but from others throughout this country and throughout the world.

I say to you, as we discuss the emerging issues: Let us not forget where we came from. We know it is not just rhetoric to say that if we don't know where we came from, then in fact we don't know where we are going.

So -- and so today's agenda, then, then I ask, as that -- as we discuss EPA policies and activities, the impact of NEJAC recommendations, that let us not shelve many of those recommendations that were made throughout the NEJAC Council. And I know Tim will be reporting back on this and has had several discussions not only with NEJAC Council members but with others, from grassroots, academic communities, from the business community, or the stakeholders in this process, that those recommendations -- in many cases, either fortunately or unfortunately, whichever way we view to take a look at it -- that many of those recommendations that were not implemented by Administrations and by the U.S. Environmental Protection Agency, still stand as firm as they did then, and as I say, fortunately or unfortunately, still stand firm today, recommendations, documents that were produced, and so on.

Now I don't want to take up a lot of your time and -- but I have to say, sisters and brothers, I have to say to you: As we discuss emerging issues and as we really look at some of these -- some of the consequences and so on, that when we discuss climate change, that we need to remember that our movement, climate justice, climate injustice, climate racism, climate whatever it is called, that, yes, we need to make decisions around climate change but around climate justice.

But, very, very clearly, sisters and brothers, it is

important to us in grassroots communities that you understand that the solutions, the consequences of decisions that this Council makes and recommendations that this Council makes that is going to impact our communities, then grassroots groups should be involved in all levels, as I said, of decision making when we are discussing these issues, when we are discussing green jobs.

When we are discussing green jobs, we have to remember in fact that not only in some cases but for generations, for generations, many of our communities, and rural communities and in urban communities have come up with solutions. Let us not forget the history. Let us not forget the commitment. Let us not forget the lives that have been given up in order to us to fulfill these opportunities.

So when were discussing green jobs, let what about them, all the other pieces that go along with it? Where, in some cases, are these facilities going to be located at? Yes, sisters and brothers, we are about solutions. But we are not going to bear the brunt, we are not in our communities going to bear the brunt, again, of anything else that everybody did not want to nurture ---. That is not the way it is going to be.

And when we discuss green jobs, we need to be discussing green jobs from a proactive standpoint. And I will say to you, around the issue of green jobs, that very, very

clearly -- very, very clearly -- that we need a definition, and grassroots communities will help to develop that definition of what a green job is -- sustainability, economic development, and all the other pieces that go with that.

And then again, as we move forward and I begin to close out with you, green chemical policy. We have been accused in grassroots communities and EJ communities of not coming up with solutions. But we are not solution people. We are just complainers. We sit and we nag and we complain and we cry and we do all those kind of things. Green chemical policy is a solution to environmental justice. It is one avenue of a solution to environmental injustice to correct the environmental injustices. And I hope that we take up, when we look at emerging issues, that we take up that.

I say to you my last, sisters and brothers, in my comments, I say to you that in Native indigenous communities throughout the -- not only as I say the Southwest, but throughout this country -- uranium, as we begin to talk about uranium mining: What about our sisters and brothers on pueblos and reservations and those communities that are surrounding many of those areas, both urban and rural communities? What about the years upon years upon years upon years of sickness and illness because of mining uranium in and on and around many communities, both rural communities, indigenous communities, and so on throughout this country?

We need to clean up the mess we have already made before we go on making decisions about how much more mess we are going to make and we are going to get people in. So uranium mining, indigenous communities, along with many, many other issues are important to us.

I have to say to you that the U.S.-Mexico border, as all of you in the room know, that the Mexico-U.S. border and many places have been said by regional offices of the U.S. Environmental Protection Agency and other agencies that the Mexico-U.S. border does not have environmental justice issues. And if we don't have environmental justice issues, then what about the siting of those facilities both on the Mexico side of the border and on the U.S. side of the border that are poisoning our sisters and brothers and colonials up and down the Mexico-U.S. border? Let us not forget the Mexico-U.S. border issue, and the move towards to move forward around trade and so on.

So, I want to say to you that, yes, yes, many of the issues continue. And I commend and congratulate you, as I close out my comments, for the terrific commitment, for the absolute terrific commitment that many of you have made to environmental injustice, working to make our communities and our workplaces a just place for all of us to work and to live.

With that said -- and I could go on and on, and you know, even in my getting older a little bit, quite frankly, my

commitment, our commitment, to the building of this movement has been very crucial to this piece.

So I would like to take this opportunity to introduce our new Acting Chairs of the NEJAC, and I will say to you that I very clearly appreciate Elizabeth and John's both personal and professional commitment to environmental justice issues. As you all know, or may not know, that we have been working together over the last several months in preparation for this meeting. We have been conference calling at least once a week for the last several months to move this agenda and to move these issues forward. So I commend both John and Elizabeth for agreeing to act in this capacity as Co-Chairs for this meeting.

And sisters and brothers, I say from the bottom of my heart that now is the time, now is the time, where regions that have been not working together with each other in concert with community groups and community organizations, that now is the time, that now is the time that we have the opportunity to get new leadership in many of the regional offices throughout this country.

But with all of that said, and with all of that done, that at the end of the day for me, that if we don't learn the lessons, if we do not accept the lessons that were already learned, and we continue to make errors -- it is like my Mama told me. She said, "My son, if you make a mistake one

time, it was an honest mistake. My son, if you make the same mistake the twice time -- the second time, then in fact you never learned from the first time. And, my son, I tell you with the most sincerity and most heart and well-giving that I can give to you, you do it the third time, then in fact I am going to question whether anything about the first time meant anything or anything about the second time meant anything." .

So I say that we have the opportunity. But as we say in our communities: "If you can't see it, if you can't touch it, if you can't smell it, or if you can't taste it, then in fact, then what realities and what changes have taken place in our communities?"

So we know that the NEJAC Council is an advisory council to the U.S. Environmental Protection Agency. Yes, we very clearly understand. It is a FACA, it is a Federal advisory committee. We understand that.

But, sisters and brothers, in closing, I say to you that it is time for change. It has been time for change. But let us not go backwards. Let us go forwards. Backwards, never. Forward, ever. And, thank you, sisters and brothers, and I wish you the best from the bottom of my heart for a very successful meeting. Thank you very much.

(Applause)

MS. ROBINSON: Thank you, Richard. Elizabeth?

(Applause)

Comments

by Elizabeth Yeampierre, Co-Chair

MS. YEAMPIERRE: (Speaking Native language). I am humbled and honored to have an opportunity to co-chair this NEJAC for a number of reasons. But before I do that, I want to extend a heartfelt thank you to Richard Moore for his leadership, his sacrifice, his relentless commitment to building community power, and always calling the question on behalf of our people.

The movement has become more sophisticated. We are the sons and daughters of the civil rights movement, and as we have become older and as we have become more sophisticated, it has become a real sexy movement for a lot of people who feel that they want to speak on behalf of our people who are the contemporary missionaries that want to treat our people like passive recipients of service when a basic tenet of environmental justice is the fact that we speak for ourselves, that there is value in that, that the fact that leadership in our community has to look like our community if we are ever going to address issues of environmental remediation and build community power and ownership over decisions that have been made that have really destroyed our communities.

I believe that most of the people who are here are here because there is nothing more fundamental than the right to breathe, because without it, we can't fight against police

abuse, we can't fight for housing, for better education for our children that the constricted air passages of our children are so fundamental that it is that serious.

And Richard and many of the people in the environmental justice movement who have served to provide us with a foundation that is based on principles that were well thought out, that really reflect the thinking, the struggle, of people from all over the United States, really need to be thanked and need to be recognized as people who have really sacrificed much to make it possible for our children to do that. So I would like you to recognize his leadership and give him a round of applause.

(Applause)

MS. YEAMPIERRE: I mentioned that I am really honored and proud to be here.

I am from Brooklyn, New York, and I run an organization called UPROSE, which is Brooklyn's oldest Latino community-based organization, and I am President of the New York City Environmental Justice Alliance, which is a citywide coalition that has been addressing issues of environmental justice in New York City since 1991.

I think that it is absolutely correct that we are at a time that is very different than the times we have lived in in the past. Just a few weeks ago, environmental justice leaders from all over the country had the opportunity to meet

with Nancy Sutler, Hilda Solis, Van Jones. We had the opportunity to come and talk about the issues that are affecting our communities.

We have got Lisa Jackson as our Administrator, we have got Obama as our President. We have an access and an opportunity that we have never had before.

And since it has become so popular, we need to make sure that while we are doing this that we are building the capacity on the ground, that we do have the resources to make it possible for our people to step up and to continue to transform the landscape of our communities the way that they have done and the lives of our people.

We also are aware that for years now, many folks who didn't have the ability to serve our communities the way that they wanted to can do that now, that the shackles are off and that this is a new time. And so we know that if you were working for a city agency, state agencies, or Federal government and you were there because the civil rights struggle made it possible for you to be there, that your responsibility is to work in partnership with us and to make sure that we bring some relief to our communities and that we are able to move an agenda because that is the right thing to do because there is so much at stake.

We also know that climate justice is a real issue for a lot of our communities, particularly waterfront

communities that have potential storm surge. And so we urge that people work collectively, that those folks that really believe that it is their responsibility to speak for us understand that we can work in collaboration and in solidarity with each other in a way that is respectful and that lifts up all of our communities collectively.

I have often said that when people are talking about taking care of everyone that it is our responsibility to level the playing field and that we can.

In New York City just recently, there was a discussion about green jobs and they were talking about "all New York is this" and "all New York is that." And we said we need to prioritize communities of color.

We need to prioritize those communities that are most impacted first because we can't pretend that everything is the same for everyone. We need to start out with those communities that are most burdened and level the playing field before we start talking about "everyone" and talking about language which looks like it is all-inclusive but is really meant to diminish the efforts of the communities that are most impacted.

And we also need to question leadership, I think. There are a lot of self-appointed leaders, people who are leaders without a base who are not accountable to anybody. We are living now in celebrity culture where it is very seductive

to speak on behalf of a community.

If you run an organization, if you run a campaign, if you are working on putting together a coalition, the media loves you, you get a lot of attention, and you start believing your own press.

Unless you are still committed to building community power and developing indigenous leadership, unless you are accountable to people, you are not a leader in the community. And we need to sort of be aware of the fact that there are folks that are out there picking people from our communities to speak on behalf of all of us when in fact there are a lot of people in our communities who can speak for themselves.

So, I am very proud to be here today and, as I said, I am very humbled, given where I come from and the struggle that it has taken to be able to use whatever resources, skills or God-given talent that I have gotten -- you know, anything that God has blessed me with -- to be able to build community power in my community and to be in this base where you are here to share your struggles, your issues, your concerns, anything that we can do to make it possible to move the issues in your community along so that you can have the ability to say, "You know what? I gave up everything -- and now people in our community can breathe better."

I am honored to have the opportunity to help facilitate that. So ***mucha gracia***.

Comments

by John Ridgway

MR. RIDGWAY: Good morning, everybody. I am John Ridgway with the Washington State Department of Ecology, and it is an honor for me to be here as well.

It has been a real pleasure and an honor to work with the Chair, Richard, and Elizabeth, and Charles and Victoria and many others to get ready for this meeting.

There has been a lot of thought and preparation that has gone into a really thick agenda here, so I just want to reiterate what we have already heard from Richard. Richard, if you are out there, thanks so much for your encouragement to get us started and thanks for the trust and opportunity to help lead this meeting today.

I want to thank the staff who have also helped the contractors to help set up this meeting, and I am sure that it will make it much more productive as a result of their good service.

I think that is about it. We have a lot of other introductions to do here, so Council members, welcome. I look forward to working with you all and helping this meeting be productive for all the good reasons we have already heard. Thanks.

MS. ROBINSON: Now we are going to go around the table and have all the members introduce themselves -- name,

organization, where you are located -- and then we will move on to the next part of the agenda.

But before we go around the table, we do have one member who is here, but she is not here sitting at the table. I would like to point out that Jolene Catron is sitting in the back of the room, waving her hand, and she has in her arms the newest member of the struggle, her newborn -- one-month-old son, and she really felt it was important to be here, so she came out a month after having a baby and to come to the meeting. So she will be joining us at the table, but later on, but she wanted to have a little bit more quiet time back there.

So, we will go ahead and start around the table. We will have Don, who is one of our newest members of the NEJAC -- this is his first meeting -- Don Aragon.

(Committee members introduce themselves)

MS. YEAMPIERRE: Before we go on, I would like to introduce someone -- Charles Lee. We will give Charles an opportunity to address all of us.

Charles, as many of you know, is someone who has made history in the environmental justice movement, not only documenting our struggles but who has really played a major role in making sure that this body exists and that there is a liaison between our grassroots communities and the Federal government.

Charles is the -- is Director of the EPA Office of Environmental Justice.

And then I would like to remind the members that unfortunately we have to keep our comments brief because we have a really long agenda, so, Charles?

MR. LEE: You know what? Why don't we have everybody introduce themselves and then -- you know, I have a few short remarks then.

MS. YEAMPIERRE: Okay.

MR. LEE: Just let me say, you know, Mathy Stanislaus, who is the new Assistant Administrator for the Office of Solid Waste and Emergency Response, is here, and we -- he requested an opportunity to really dialogue with you, so we want to keep this period short so we have the opportunity to talk with him.

(Committee member continue introductions)

Comments

by Charles Lee

MR. LEE: Well, thank you. I am going to be real quick because, like I said, we want to give as much of our time as possible to Mathy, to dialogue with you.

So I do want to also welcome you to this, the 26th meeting of the NEJAC. And I think it is fair to say that we do so with a sense of great enthusiasm and a renewed sense of purpose.

The fact that Barack Obama is our first African-American President and Lisa Jackson is our first African-American EPA Administrator, you know, just is a part of the fact that, you know, there is really history being made. And Administrator Jackson has said over and over again that she wants to make environmental justice part of everything that we do here at EPA. And I think what you will see over the next three days are examples of that. And she does have a vision about how to take environmental justice to an entirely new level at EPA. And for those -- many of us here, I think it is fair to say that -- and especially for those of us whose work on environmental justice for most of our professional lives, this is indeed a once in a lifetime opportunity. And I don't think those are -- that is an overstatement.

So, a couple of things just to get us on track.

We -- I do want to ask that you -- some forbearance on your part in terms of there are going to be changes in the schedule. Part of what is going on, and I guess it is an example of the kind of reinvigoration of environmental justice, or reinvigoration of activities at EPA, is the fact that there are actually three major meetings going on. There is the National Environmental Justice Advisory Council. There is also going to be this afternoon, between about 1:00 and 3:30 this afternoon, the Environmental Justice Executive Steering Committee, which is the senior leadership body around

environmental justice at EPA will be meeting as well. Also, concurrent to this NEJAC meeting, the Tribal Operations Committee is meeting, and so a lot of the -- the Administrator and a lot of the Assistant Administrators and Deputy Assistant and Regional Administrators are going to be shuttling back and forth.

Also, I think today there is a celebration of the 100th anniversary of the Department of Justice's -- the founding of the Division of Environment and Natural Resources at DOJ. The Congressional Black Caucus is going to have this afternoon at 4:30 a Green Round Table. And there are many other events.

So, lots of things are happening here in Washington, DC.

The agenda that you see is -- and I am not going to go over it with you. I was going to, but I am not going to go over it with you, so we can do so along the way. The -- it is -- so we will do so along the way.

But it is an example of the kind of energy that exists and many of the specific issues that are -- that we want to bring to you to get your input are examples of many offices at EPA coming forward to want to engage with the NEJAC. And especially so, you are going to see tomorrow -- you are going to have a session tomorrow morning with the EJ Executive Steering Committee around its priority issues and

concerns that you may have.

And certainly, like Richard said, the Emerging Issues discussion is a very important one for us because on the one hand, there are a lot of things that are beginning to happen; on the other, I think it is fair to say that the overall agenda for environmental justice at EPA is still in formation, and so getting your input on that is going to be really important.

So I would stop there and to turn it over to Mathy Stanislaus. Like I said, we are really thrilled that he has just been appointed and confirmed as the new Assistant Administrator for the Office of Solid Waste and Emergency Response.

Mathy has been a friend to me and to many of you who are long-time and he is, among other things, a former member of the NEJAC. He is a former Co-Chair of the New York City Environmental Justice Alliance and a founder -- a founding member, or founding partner, for an organization that supports communities in doing Brownfields redevelopment, new partners for the community revitalization.

So, with that, I would turn it over to you, Mathy.

Welcome from Former NEJAC Member

by Mathy Stanislaus

MR. STANISLAUS: Thank you, Charles, and thanks, everyone, for inviting me. And, Charles, you forgot to

mention I believe I am the first --- that is the AA for OSWER. I have to go back and check that.

(Laughter)

MR. STANISLAUS: I am really sorry about that!

I am especially pleased to join you here today because it feels like I have come full circle and I have come back home again. I have spent the better part of my career working with communities that suffer from the clustering of contaminated sites, waste facilities, high levels of pollution, and yet are often invisible to the government offices and programs that are supposed to help them.

I have the greatest respect for the tireless work of community leaders around the country who fight for environmental justice.

I want to first thank the community leaders and environmental justice advocates for your tireless and committed work. Like you, I have long waited to make a difference so people can begin to see that pollution is being remediating, air is being cleaned, and neighborhoods are on track to become healthier.

The decades of decision that have collectively contributed to create the excessive pollution levels and unhealthy conditions in environmental justice communities will require all stakeholders to struggle together to find solutions.

A few years ago, I served on NEJAC's Waste and Facility Siting Subcommittee and chaired the Waste Transfer Station Working Group. My work with community leaders, environmental justice organizations such as the New York City Environmental Justice Alliance, and the NEJAC helped form the foundation that led me to be appointed as OSWER'S Assistant Administrator.

It is also bittersweet that I address you today in my new capacity on the day that we remember the great work of my friend Luke Cole.

Because of the road that I have traveled, I believe that I have a special responsibility in my new job to emphasize environmental justice. I want to assure you that I will be working in strong partnership with Assistant Administrator Cynthia Giles and all of the other officers of EPA to strengthen environmental justice in EPA programs.

But I need your help. In the months ahead, I will be looking to the NEJAC and community leaders around the country and our other representatives and stakeholders to lend a hand with the challenges that are sure to come.

Transparent government processes that are open and understandable to the people that will be affected by them are one of the hallmarks of good government. That is a principle I heartily endorse, not only because I believe it, but because President Obama and EPA Administrator Lisa Jackson demand it.

If I may quote from a memo sent out by Administrator Jackson this past April:

"In all its programs, EPA will provide the fullest possible public participation in decision making. This requires not only that EPA remain open and accessible to those representing all points of view but also that EPA offices responsible for decisions take affirmative steps to solicit the views of those who will be affected by these decisions. These include communities of color, Native Americans, people disproportionately impacted by pollution, small businesses, cities and towns working to meet their environmental responsibilities and others who have been historically underrepresented in EPA decision making. EPA will not accord privileged status to any special interest, nor will it accept any recommendation or proposal without careful, critical and independent examination."

These are powerful and unambiguous words, and I intend to follow them to the letter.

I also commit to uphold the core EJ principle that those who are impacted by environmental injustice and EPA decisions must have a leadership role at the decision making table. And the table, and the process of getting to the table, must be designed to insure authentic participation by community residents.

Given the broad range of OSWER'S responsibilities

are the looking for your input on a host of issues. Some of these I will raise now.

A number of stakeholders, including some of you here today, have expressed concern about a --- change published last fall known as the definition of solid waste, or DSW rule. Both in a petition submitted to the Agency on the rule and in public comments at a meeting we held last month, we heard stakeholder concerns that the Agency did not adequately address environmental justice in the rule making. I very much appreciate your concerns, and having worked with communities impacted by waste facilities, I understand them.

I am committing you -- I am committed to you today that we will be conducting an environmental justice analysis of the rule before deciding how to move forward. We will involve all interested stakeholders and particularly those who may be potentially impacted by the rule making.

As we conduct this analysis, we will also utilize the expertise of both EPA and external experts on how to do environmental justice analysis. In fact, I expect that as we work through this together, we will learn a great deal of how to do a quality analysis, and I hope that it can be a model for the future. Please provide recommendations how best to engage the NEJAC in this analysis.

A few other issues I would like to highlight.

First, EPA's 2009-2014 strategic plan. We are

required by law to redo our strategic plan every three years, and we are in the process of doing that right now.

Since our plan affects disadvantaged communities in so many ways, I look forward to hearing from you what we should say about it and your ideas in the plan whenever possible.

Second, school siting. As required by the Energy Independence and Security Act of 2007, EPA is part of a task force writing voluntary guidelines to provide tools to local communities with respect to the safe siting of schools. These guidelines are also intended to alleviate the historic disparities among schools in different socioeconomic and ethnic communities and to set forth mechanisms for community involvement whenever new schools are built or old ones renovated.

Third, automobile sector bankruptcy issues. In the coming months, I believe we are all going to have to address the clean-up and re-use issues related to the properties left behind by bankrupt automobile manufacturers, part suppliers, and dealers. Since these properties are often located in the heart of communities and sometimes in disadvantaged communities, they contribute to economic blight, environmental and public health problems. I need your advice on what EPA can do to improve local governments' capacity to clean up these properties, if needed, and get them back into

economically productive use.

And then there is one of the biggest issues of all: The clean-up of contaminated properties through the Superfund and RCRA programs. There are some that view Superfund as just a technical and legal process. In some cases, this has led to community involvement being marginalized.

While Superfund decisions involve scientific and legal considerations, these decisions must begin and end with the local community. I ask your advice on how EPA can do a better job communicating information, engaging communities, and involving them in decisions.

About a month ago, in one of my first official acts as Assistant Administrator, I handed out the Environmental Justice Award at the annual awards ceremony for our regional offices. This year's award went to the team from EPA's Region IV and the U.S. Corps of Engineers.

Let me tell you what they did. The team was asked to help a community facing every conceivable disadvantage associated with a Superfund site. Low-income and minority families, many of whom who had lost their jobs when a wood-treating company went bankrupt, a historic neighborhood, home to their families for generations because years ago it was one of the few areas in Pensacola where African-Americans could buy property. At the same time, an industrial neighborhood that had been polluted for decades. A Superfund site that had

been on the national priorities list for 15 years. And finally, the necessity of moving dozens of those families into different permanent housing in different neighborhoods. This was a recipe for very bad feelings.

Yet, the Region IV team helped the community carry out this relocation with a level of caring, sensitivity and attention to detail that won over the hearts of the people. They met with each resident individually in advance of relocation negotiations. They attended the neighborhood association's monthly meetings. They paid special attention to the special needs of the elderly, the disabled, and HUD subsidized tenants. They established ties with the city, county and state agencies and the local Chamber of Commerce. They provided site tours and information at the site. And they got results.

Overall, residents were relocated into better quality housing, and when all the dust settled, the relocated residents were so pleased that they hosted a farewell and thank-you barbecue for the team.

This was an extraordinary achievement and the award was richly deserved.

However, I expect that this kind of service to be given to every single community that experiences a clean-up under my leadership at OSWER. I expect the extraordinary to become ordinary. And with your help, that will happen.

Tomorrow, the Environmental Justice Steering Committee, comprised of the Agency's Deputy Assistant Administrators and Deputy Regional Administrators, will talk to you about their key priorities. These priorities touch all communities, especially those in disadvantaged, rural and tribal land. Your input on these priorities is vital to their success, and I encourage you to speak up loud and clear.

Unfortunately, I can't stay for your entire meeting because I am participating in two other community-based partnerships today and tomorrow. I want to first assure you that I will continue to provide access and transparency that you deserve to me.

During my absence, if you have any questions or want to get word to me regarding a pressing issue, please see Antoinette Powell-Dixon, Marsha Minter and Pat Carey. If you can all stand up, if you are in the room? Okay. And they will be here all day.

And again, I want to thank you for participating in this meeting and I would really like to take this opportunity to hear from you, anything that I have raised or anything I didn't raise.

So I turn it back, open to you,

MR. RIDGWAY: Thank you, Mathy, very much. I appreciate that.

(Applause)

Questions and Answers

MR. RIDGWAY: So we have an opportunity for a few moments to ask Mathy of any questions from the Council members. And just logistically, I want to remind folks to put your cards up on their sign to let us know if you are interested in a comment or a question and we will try to keep track of those cards as best we can between Elizabeth and me.

So, I am going to start over here with Wynecta, please.

MS. FISHER: Good morning, Mathy -- Matty?

MR. STANISLAUS: You pronounce it "Matty."

MS. FISHER: Okay, Mathy.

MR. STANISLAUS: The whole first name is (away from microphone)---

MS. FISHER: Oh! Thank you for coming. And actually I have been working with Pat on an issue, but I wanted to raise a concern that we have in the New Orleans area.

There is a company that is trying to put the very first plasma gasification facility in our city along a waterway near an environmental justice community -- or I should actually say in an environmental justice community.

The community and I have been searching for information on gasification and we haven't really been able to find anything. And so when you oppose something, you can't

just say "we think it is a bad idea." You have got to come with something else.

There are two gasification facilities. One is in Japan, one is in Germany. And the response that the community and I have been getting is, well, it works there, although we know our waste stream is different.

This company is going to accept waste initially from nine other parishes, and of course in order for it to operate and be profitable, it will then begin to accept waste from other parts of the country. So I will be contacting your office a lot to get some technical assistance.

MR. STANISLAUS: So --- is it a waste gasification facility?

MS. FISHER: Yes, sir.

MR. RIDGWAY: Omega?

MR. WILSON: My question has to do with solid waste areas that are not sited or not listed.

In the area where I am in North Carolina and throughout the South, there is a history of mills and plants that were built literally by slaves, and a lot of those facilities and buildings still stand. And there is a great effort to put housing in some of these facilities that actually should be torn down because of contamination in these facilities and the waste in and around these facilities in the ground and above ground.

The question has to do with: What is going to be done to identify these sites and facilities that are historic, that, you know, pre-date the Office of Environmental Justice or EPA or a lot of other Federal programs, to identify these sites and rectify these, clean up these sites where you have local governments and businesses and corporations who are actually seeking Federal monies to build housing on top of unmarked landfills and other kinds of facilities that should be bulldozed and specified as environmental hazard zones?

MR. STANISLAUS: I would like to know more about the specific situation. One of the things that, in respect to Federal government's financing of housing, we could, as part of the due diligence, pay special attention to certain areas that have these kinds of formerly used landfills, and maybe I will ask Pat or somebody to figure out whether we can identify this up front so that can be as part of the evaluation of process of where housing should go or shouldn't go. And I will ask Pat if they can follow up on that, okay?

MR. RIDGWAY: Shankar?

DR. PRASAD: Mathy, thank you for coming and giving your comments, and it is nice to see that you came to the table with some specifics about what you are planning to do in terms of some of the subject areas that you want to deal with. And you -- and I am glad to see that you are retaking that issue of the EJ analysis of these rules.

But EJ analysis, just on the -- as a part of something NEJAC -- NEJAC has a working group which is specifically looking how the EJ analysis that is being practiced or being talked about in OECA and EPA, which is called the EJSEAT. Is it good or not good at how it be improved so there is a specific work group?

So before committing yourself a specific set of analysis, I strongly urge your staff to concert with that work group and see how it can be improved, or is that the right approach, or are there some other approaches to proceed on that, since that seems to be in the -- your short-term agenda?

MR. STANISLAUS: Okay. Now, what is the name of that work group?

DR. PRASAD: EJSEAT working group.

MS. ROBINSON: Actually, it is the NEJAC's National Consistent EJ Screening Approaches work group. They are addressing EJCs, but also looking at it from the standpoint of nationally consistent EJ screening approaches.

MR. LEE: Thank you for raising that. And I just wanted to make sure that, you know, Mathy knows, and, you know, a lot of this is -- there are many things happening, so there is a lot of coordination that needs to be done, but, you know, as one of the questions, as we move forward in terms of the application of EJC or something like it, it is really important that there be discussions so that there is

consistency among all the different offices because it would not be good if, you know, OSWER or in the Office of Air and OECA and the Office of Water are all doing different things. So that is something we do need to follow up on.

MR. RIDGWAY: Chris, please.

MR. HOLMES: How do you do? Congratulations.

MR. STANISLAUS: Thank you.

MR. HOLMES: On your question about how EPA can do a better job in communicating with communities, I spent a lot of time working in the Houston ship channel area. And what struck me -- and I also spent a lot of time working in OSWER at EPA with Tim Fields and a number of my other friends -- and these community issues are so focused on liquid and solid wastes because they are tangible and you can see them, and a lot of work has been done in the past.

But it is the airborne pollutants that I think are of great concern also obviously to communities. But the challenge to communicate to them as to really what is in the air and what is in their system and these really troublesome issues like endocrine disruption and what does that mean, and then relating all of that back to air monitoring technology, to Title V permits, and opening up those permits so as to educate them as to what is in there is a huge and almost intractable challenge.

But I think it is a tremendous opportunity, and I

personally think I can do, based on my experience -- I would love to share it with you -- but beyond that, you have wonderfully competent people in the Agency who are all on top of this. It is just a question -- you are spread so thin in terms of all your demands.

But I do hope that as you move ahead that the air side of this issue gets more and more attention.

MR. STANISLAUS: Thank you.

MR. HOLMES: Okay.

MR. STANISLAUS: So I just want to be clear. I think what I heard, and correct me if I am wrong, that we should figure out how to do better risk communication, particularly of airborne pollutants.

MR. HOLMES: Absolutely.

MR. STANISLAUS: Right.

MR. HOLMES: But also just to belabor that for a second, it also gets back to some discussion earlier about clusters, and cancer clusters. You know, you look at those cluster maps and you get into all the debates about, well, you know, is it due to an aging population, diet, power plant, et cetera? But coming up a way -- in a way in which one can more factually examine those clusters is really important, and I think there is a lot of work ahead in that area.

MR. RIDGWAY: Hilton?

MR. KELLEY: Oh, yes. Hello, Mathy.

Congratulations, new appointment.

Yes, I just wanted to put on the table that, you know, there is a pressing issue when it comes to start-up and shut-down of refineries and chemical plants, not just in Port Arthur, and this is why I am putting it out there on the table, but around our country.

There is an issue when it comes to the amount of emissions that are being released and the types of chemicals that are not being counted when it comes to the tonnage that is being released each year from these type of facilities throughout our nation. And I think we should take a closer look at the calculations when it comes to start-up and shut-down and find ways in which we can calculate those emissions into the process.

And also, we need to take a closer look also at the ability of some companies to be able to solicit the importation of toxic wastes that have been banned for years out of our country and it is illegal to bring in. For instance, like PCBs. PCBs are not to be imported or transported into this country or across this country, but yet down in Southeast Texas there is an incinerator facility that has petitioned the Region VI EPA to be able to import PCB wastes from out of this country into Southeast Texas for incineration. And I think this is happening in other areas as well.

But I think we should take a closer look at that as well because there are other communities as well that are being looked at to have this type of waste burned or treated in their community when it has been banned. I don't think we should allow incinerator facilities or any other companies to be able to circumvent our Federal laws and dictate to our government exactly what is going to be done. So we need to really shore up that hole there. And thank you.

MR. RIDGWAY: Don, please.

MR. ARAGON: Thank you. Congratulations, Mathy. Hope and pray that you, you know, you can take the Solid Waste Office and really make it work on behalf of the Indian tribes and the reservations.

As you are aware, one of the problems that the tribes face with solid waste is the lack of clear rules and regulations in the RCRA where they were basically omitted, weren't even thought of. And this has caused a lot of problems for Indian tribes throughout the United States and in Alaska because of the fact that we can't get any funding to work with solid waste issues. And we have been meeting on the EPA since the early 1990s to do something about these rules and regulations, that we get these unfunded mandates that are extremely, in a sense, an environmental injustice, because it really penalizes Indian tribes to come up with the financial resources to take care of these issues and these problems of

solid waste. And what I -- why I call it an environmental injustice, because of the fact that the state has taken -- taxed individuals to come up with monies to support these kind of activities, whereas Indian tribes don't have that ability, and it has been a problem.

Indian tribes have all -- Indian reservations have also been looked at as the place where, if you want to build an incinerator or store nuclear waste or those type of things, are real targets, simply because of the fact that the lack of regulations also invites these kind of activities because they are -- they can escape the state DEQs, Department of Environmental Qualities, and their regulations, and come to the tribes, whereas there may not be any rules or regulations.

Over the past two or three years now, the Tribal Operations Committee has made solid waste probably its number two item that needs to be addressed in Indian country. The first item, of course, is safe drinking water. And a lot of tribes now have worked on the development of integrated solid waste management plans and also coming up with solid waste codes.

We have had to be very innovative in how we fund these things, and, you know, we have looked outside of the EPA agency and have gone to the Bureau of Indian Affairs, Indian Health Services, the USDA, and even the Department of Energy has assisted Indian tribes in developing these type of things.

But the lack of support from the EPA is really obvious.

I think that there are many things that you addressed that, you know, we need to be taking a look at, like we are also a haven for where people want to dump all of these old automobiles and stuff like that, tires, waste oil, you name it. It is a growing problem, and what I would like to see, Mathy, is if you could get on the agenda of the Tribal Operations Committee and listen to the tribes and see how you can work with them better.

MR. STANISLAUS: Okay.

MR. ARAGON: And I really appreciate your efforts. Thank you.

MR. STANISLAUS: Thank you. I am actually meeting with the Tribal Caucus this afternoon, so --

MR. RIDGWAY: Charles, and then -- Sue, go ahead, please.

MS. BRIGGUM: I just wanted to say, hearing your list, this is a really exciting time to be on the NEJAC. It is a real honor to have the opportunity.

It is quite wonderful to see you as the head of the Office of Solid Waste Emergency Response and see Tim Fields, whom we worked with when we were on the NEJAC doing the waste transfer report. And so there is obviously a lot of meaningful work to do and it is wonderful to have someone who will be working with us and giving us guidance who is so

incredibly knowledgeable in the subject area. So I think it is going to be a good time.

MR. RIDGWAY: Thank you. Mathy, did you want to --

MR. STANISLAUS: I don't know if there is anyone --

MR. RIDGWAY: Is there someone else --

MR. LEE: Oh, Jody.

MS. HENNEKE: I can't believe you would skip me, Charles.

As most of you all know, I have spent the preponderance of my career in environmental regulatory work and a good bit of that with environmental justice communities. Hilton and I go way back, and it is very nice to have somebody else from Texas here with me because I spent the last number of years going "but wait, it is a little different in Texas."

As most of you know who have been involved in any of this discussion regardless whether you are regulator or a grassroots community person or industry representative, siting of solid waste facilities if problematic at its very easiest, and it is not easy in any shape, form or fashion. So it is very exciting, as Sue said, to be part of this discussion.

As we move forward, in any kind of regulatory environment, those siting issues are at the very core of every discussion that we have, regardless of the media, and I am very privileged to be part of this discussion. And it is even

more helpful to have someone with whom you are having the discussion to have the background and experience that you do.

I know oftentimes the communities feel like they spend way too much of their time with the local and state regulators educating them and -- or us, I should say -- and we in the states feel like we spend way too much time having to educate those of you on the Federal level. So it is very exciting to have someone here with background. Thank you.

MR. STANISLAUS: Thank you. So I guess I will close with a concern about scale.

Now, in having served on the NEJAC before is -- and there has always been a lot of frustration of communities coming to the NEJAC meetings, raising issues, and there are so many communities around the country and the NEJAC itself and EPA itself has a limited ability to deal with individual community issues. So how can we kind of scale it up to programmatic solutions, to rule-making solutions, to tools? Because at the end of it, I think we want to take the communities that come to NEJAC and come to EPA and use that to inform agency-wide solutions. And that is one of the things I really want to focus on, is how can we build, take the lessons learned, of not only the communities that are going to the table today, but we have 20 years of experience here, and how can we take those 20 years to really figure out some scaled-up solutions? And that is one thing I want to think about. And

it could take the form of rule-making, larger programmatic solutions, or even kind of direct tools to help local communities to deal with these kind of problems.

So, with that, I will close. And thank you very much.

(Applause)

MR. LEE: I just wanted to add that it was really great, Mathy, that you talked about Pensacola, Escambia, you know, in terms of that being a real success story for EPA and for environmental justice. And, you know, I think this all goes -- there is a lot of this that goes back to -- if you remember Margaret Williams? Margaret Williams was from Pensacola and she was one of the people that was advocating for relocation and she was on the -- she was a member of the NEJAC. And the NEJAC had a Superfund relocation roundtable down there that I think was the catalyst for a lot of the events that, you know, led to what Mathy talked about. And Tim and -- Tim Field and Elliot Laws were involved then, and, you know, out of this came the Superfund relocation policy for EPA.

So there were a lot of things here. And, you know, I go through that to say also that part of what the Office of Environmental Justice wants to do is to transform our conversation about what it means to be successful with respect to environmental justice for EPA. And I think Escambia is an

example of that.

For us, the real measure of success for EPA needs to be environmental public health results in the EJ communities. And I think, you know, that is part of our vision going forward, and I think a lot of things that what we want to do is to -- you know, is to hold up that as a standard for EJ at EPA.

MR. RIDGWAY: Okay, we are going to transition a little bit. But I want to ask Jolene, way there in the back, if she has any questions to just raise her hand, and if not, we will let her be with her brand new boy.

MS. : (Away from microphone)

MR. RIDGWAY: Yes, and she may have stepped out.

Okay, I am going to wrap this session up. Mathy, thank you so much. I appreciate your time. Congratulations on your appointment. You have a very enthusiastic group here that is looking forward to working with you.

And I will leave with a comment/question that I think we are going to hear a number of times in the next couple days, which is: I want you to think about how to utilize this Council in every way possible. This group is ready to work with you and provide quality advice. And let us know. And we will do the same as well.

So again, good luck, congratulations, thanks for your time this morning, and thanks also for all the

encouragement that you bring.

Okay, what we are going to is take a short break, and I do mean short. And one of the things that I am going to try to do is keep us on track with the agenda as scheduled. So by that I mean about five minutes here, just long enough to stretch and hit a restroom if you need to, and then we are going to come back.

MS. YEAMPIERRE: Just one thing. At the break, people waiting for name badges can pick them up at the registration desk, and I think they can take ten.

MR. RIDGWAY: There you have it. We will go to 10 minutes, so we will start here at 20 minutes to 11:00. Thank you.

(Break from 10:29 a.m. to 10:45 a.m.)

OEJ Overview

by Charles Lee

MR. LEE: May we have the Council members back to the chair. I would sure appreciate it. Thank you.

I wanted to ask that Heather Case and Kent Benjamin and Mustafa Ali and Suzi Ruhl sit at the table. So I guess some of them are tied up.

Well, in any event, am I cued up for this presentation?

(Pause)

MR. LEE: Okay. Well, let me just start by saying

that I guess not everyone is here. Maybe they expect it to start later.

But I wanted to begin by introducing the senior staff for the Office of Environmental Justice, and I have asked them to be part of this conversation, so after I give my presentation, I wanted them to be part of the dialogue with you. And so the persons that I wanted to be here are our Deputy Director who -- Heather Case, who is not in the room right now, and then Kent Benjamin, who is the Associate Director for Program Development and Integration, and Mustafa Ali, who is the Acting Associate Director for Communications and Stakeholder Involvement, and of course, as he says, Innovation, and Suzi Ruhl, who is our senior attorney and policy advisor.

And I also wanted to have all the members of the staff of the Office of Environmental Justice stand up, and so everybody can recognize them, if you would do that.

MR. : I think they are all working.

MR. LEE: They are all working -- right.

And then I also wanted to make sure we -- I asked the environmental justice coordinators from the headquarter offices and the regions also stand up so they can be recognized as well. And they are all working, too, right? Great. Okay.

And so this is my presentation, and the presentation

is going to -- I am going to quickly go through this, because I want to make sure we have as much time for discussion as possible. It is going to cover the -- our EJ program vision and mission, our infrastructure and resources, and some -- and our key strategies.

I will start by saying that about a year and a half ago when I became the Director of the Office of Environmental Justice, we set forth to build a program at EPA that was agency-wide, that was results oriented, that was dynamic and robust and forward thinking. And part of that was to develop a vision for the program.

(Slide)

And that vision, as articulated here, has five elements, and those are to eliminate and prevent disproportionate environmental and public health burdens, to build long-term capacity for communities to protect their own environments, to foster access to environmental benefits to build healthy and sustainable communities to achieve targeted tangible or measurable results, and to make environmental justice part of everything that EPA does.

(Slide)

We know that this vision exists in many ways both at EPA and out in the communities. And the first example of that would be Spartanburg, South Carolina, the ReGenesis Environmental Justice Partnership which took an environmental

justice small grant of $20,000 in a community with Superfund and Brownfields sites and has now leveraged over $200,000,000 in public/private funds. And, of course, the environmental justice leader who was responsible for that is Harold Mitchell.

(Pause)

(Slide)

The next example of this vision in action -- and this is a remarkable set of slides. This comes from our air toxics enforcement. You know, Chris Holmes talked about the Houston ship channel, and this is outside of Houston, the Equistar Channelview facilities.

And you could see the blue on the left-hand side is of the -- where the cancer risk -- denotes cancer risk based upon air toxics monitoring. And the right side is after the enforcement. It is the amount of Butadiene emissions was reduced from 112 tons a year to 32 tons a year. And if you look on the upper right -- upper left-hand side of the screen, you see where the community is and you see how the area of risk no longer affects them.

And like I said before, what we are saying is that this should be the standard, or the measure of success, for EPA's efforts around environmental justice, and that is measurable environmental public health results in EJ or disproportionately burdened communities.

(Slide)

Therefore, the Office of Environmental Justice mission is to improve environmental public health in environmentally and economically distressed communities by integrating environmental justice in all the agencies' programs, policies and activities.

(Slide)

We do have an agency-wide infrastructure -- next slide -- and the parts of that you could see. And notably a part of that is the NEJAC, along with the Executive Steering Committee, the Administrator, the National Program Manager for Environmental Justice, who you will meet tomorrow, that is Cynthia Giles of the Executive Steering Committee, OEJ, and the headquarter regional office staff.

(Slide)

The members of the Steering Committee are on the next slide, and you can see that later.

(Slide)

The EJ Program Resources are: The Office of Environmental Justice has 17 FTEs, some of whom you met, and we now have a budget of $7,100,0000, $3,900,000 as part of our base, for FY '09, $3,200,000 in our Congressional add-on.

At EPA currently, approximately 30 FTEs are redirected or dedicated to environmental justice in terms of being part of the EJ coordinators or EJ teams. And fiscal

year 2010, because of the additional Congressional appropriations, OEJ will provide one additional FTE per region.

And then I think what we want to do in this slide is to show examples of many programs at EPA, like the CARE program that you know about, children's health, tribes, lead, Brownfields, and so on, that we work with that really have a mission similar to us, to ours, and therefore a lot of opportunities for collaboration and results. Next slide.

(Slide)

Our key strategies are to establish and build, implement, agency-wide infrastructure and the Executive Steering Committee priorities. Next -- why don't you go to the next slide? And that involves -- that is something that we will be talking to you about tomorrow, so I am not going to go into it. Next slide.

(Slide)

To build our collaborative problem solving ability, particularly in communities and to leverage the kind of new opportunities which now exist, particularly in terms of green development and not only from EPA but also on an inter-agency basis. Next slide.

(Slide)

And obviously, you know, the idea of involving the historically underrepresented in environmental decision

making, the NEJAC, there is now I think several, almost a half-dozen, EJ listening sessions that have taken place since the beginning of the year. We want to make sure to involve social networking strategies. And then, lastly, leadership development in terms of youth and work towards diversity.

One of the issues that we want to talk about later is the youth voices on the NEJAC. Next slide.

(Slide)

And then incorporating EJ in the rule-making process. I am not going to go into that in too much detail because we are going to be talking about it. Next slide.

(Slide)

And then promoting priority-setting, targeting and measurable results.

Mathy talked about the strategic plan for 2009 to 2014. And one of the things that we want to mention to you is the fact that the Office of Budget and Management has said that it may be a good idea that there be environmental justice targets, or environmental justice-related targets, in all five EPA strategic plan goals. And that is a big opportunity. It is a real challenge for us. But it is something that we want to work towards, and obviously part of those efforts to get there involve screening, each environmental justice screening, targeting and reporting, and further development of our tools for identifying EJ areas of concern like EJSEAT.

The thing to say about this would be that ultimately a measure of an organization's commitment to an issue is the kind of resources it is willing to devote to it.

(Slide)

And so, lastly, we will conclude by saying -- next slide -- that we believe that environmental justice, as part of the EPA's mission, helps EPA accomplish that mission more effectively by focusing attention and resources on the communities which need them the most.

And what the five strategies we have talked about briefly are ways to make this happen in a systematic basis.

Thank you.

(Applause)

Questions and Answers

MR. RIDGWAY: Council members, questions for Charles? Particularly for the new members, this is a great time to find out some of the nuances behind what Charles just generally covered. So any questions or comment? Wynecta? Please.

MS. FISHER: Charles, thank you very much for the presentation and in inviting your staff, and I look forward to working with everyone.

I -- you said that you were going to involve the youth. Have you guys thought about podcasting?

MR. LEE: I would like Mustafa to address that.

MR. ALI: Yes, we have definitely thought about podcasting where we are thinking about using wikis. We are thinking of all the new and innovative tools that are out there to engage communities.

But we also are quite aware of the fact that we have to also use some of the traditional methods to reach out to folks who may not necessarily be a part of some of the newer technologies that are out there. We are also very aware of the digital divide and making sure that we address those issues also.

MS. YEAMPIERRE: Wynecta, I would also like to add to that that we are actually exploring doing podcasting for selected sessions of this NEJAC meeting. We are looking at seeing what is involved and we had hoped to be able to maybe be able to podcast, be the first Federal advisory committee at EPA to actually have post-up podcast of selected sessions. So we are currently actually working on that for the NEJAC meeting itself.

MS. FISHER: And I forgot about Twitter.

MR. ALI: With Twitter also, and we are also looking at the opportunities around YouTube also.

MS. FISHER: Thank you.

MR. RIDGWAY: Next, I am going to recognize Omega, but before I do that, I do want the Council members to just remind the audience of who you are. Somebody came up to me in

the break and asked that we make it clear who is speaking. So if you can just give your name before you go ahead with your comments, I would sure appreciate it. Thanks. Omega?

MR. WILSON: Omega Wilson, West End Revitalization Association.

I am not a brand new Council member, but I just want to raise a question. Maybe it is going to be addressed later on this afternoon by the Administrator.

But the question has to do with, of course, we are EPA here. And a lot of the issues that we deal with have to do -- environmental issues, environmental justice issues have to do with other branches of the government. And as part of the plan, the things that you just mentioned, Charles, could you tell us a little bit more about bridging those gaps because a lot of environmental justice issues are not solved or resolved or addressed because we know that EPA can't do it by itself and we have other branches of government who play a major part in addressing environmental issues and the laws that are related to it or underpinning and they are not operative at the ground level because those other branches of the government are not necessarily at the table the way they should be? Can you talk about: What is going to be done to create a true inter-agency activity for environmental justice ?

MR. LEE: Well, let me just say that that is a great

question and that is a question we want to dialogue with you about in our emerging issues session. And that on the one hand I will say that it is not all fully fleshed out what that -- how -- what that means and how to go about doing that. And certainly, you know, asking the Administrator will be a great -- you know, great idea.

I will say that there are emerging a lot of efforts and opportunities to work with other Federal agencies, like, for example, you know, recently the Department of Transportation, Housing and Urban Development and EPA, the Secretaries of HUD and Secretaries Donovan and LaHood and Administrator Jackson announced a partnership for sustainable communities, and a lot of that addresses environmental justice issues.

There are -- there is a lot of outreach to other Federal agencies. And so there are, you know, different examples of this. But we do want to have a much more in-depth discussion around this.

MR. RIDGWAY: Chuck?

MR. BARLOW: Thanks. Chuck Barlow, Enterty Corporation.

I just wanted to mention, Charles, that, you know, we always look when we are doing environmental justice, or when I am doing environmental justice training, and I am usually talking to people who work in some sort of business

somewhere, and I do a lot of it internally, do some of it externally. And we are all -- it is sometimes hard to take environmental justice, which is -- there are a lot of branches to it, there are a lot of pieces of it, and we try to pull it together, and maybe somebody has given us 15, you know, or 20 minutes to make a presentation and say "This is what we are talking about, this is what we are concerned about."

But I just want to say that I think that the last slide that you had up which says "Environmental justice helps EPA accomplish its mission more effectively by focusing attention on resources and resources on communities which need them most" -- I have probably seen that statement somewhere before, but I think that is a fabulous statement.

I think that is a statement that people -- you know, when people like me can take to folks who don't work a lot in the EJ but I am trying to get them to think about it, I am trying to, you know, sort of pry their brains open and make this one of the things that they think about in new projects or siting a project or something like that, I think that is a cross-cutting statement.

I just wanted to commend you for it -- you or whoever wrote it. It is just a really, really good statement, and I think it would help people who -- like I said, people who don't deal with EJ a lot to realize -- wait a minute, this makes sense, this is something that can help us make good

decisions whether it be decisions for a community, decisions for an agency, or decisions for a company, because they have all really got to work together to make something like this prosper.

MR. LEE: You know -- thank you for that. The -- I think what that statement represents is -- and that is actually many, many, many years of, you know, of hard work, of trying to understand how to make environmental justice part -- have a strong nexus with an agency mission. There is a strong nexus with EJ and other Federal agencies' missions.

So, you know, at EPA we are saying that environmental justice is not a separate activity. It is something that should be part and parcel of what people do on an everyday basis. We can see how -- and we can promote more benefits from those kind of activities. Then, you know, I think we are on our glide path to truly integrating it. So that is one thing.

Now, I do want to say in response to Omega's last question, I did overlook a major kind of idea that we are -- a major project around working with other Federal agencies, and that is -- you are going to hear from the Executive Steering Committee about this Environmental Justice Showcase Community Pilots. And so, Kent, did you want to say something about that?

MR. BENJAMIN: I don't want to steal their thunder

tomorrow, but basically the Environmental Showcase Pilots will be building on what we have learned in all of our community-based efforts, and part of that is reaching out to other Federal partners where it is relevant in specific communities and accessing their resources and educating one another and in partnership with those governments, the community folks, et cetera.

MR. LEE: The other real exciting thing I hear about are the partnerships between EPA and Department of Labor. You know, particularly, as you know, the Department of Labor has -- is now seeking grants or applications the Green Jobs Act, which is $500,000,000, and so there are partnerships beginning around EPA and Department of Labor that is very exciting.

So these are just examples of things that can happen, but a fuller explication of all that and how to go about it in a way that is truly effective is a conversation we need to have.

MR. RIDGWAY: Hilton, please.

MR. KELLEY: Oh, yes, thank you. Once again, my name is Hilton Kelley with the Community In-power and Development Association located in Port Arthur, Texas, and I am the founder and Executive Director of that organization.

One of the things I would just like to reiterate, or just definitely make sure that it is on the agenda, is that I

think it is super important that the Environmental Protection Agency, regional and on the Federal level, look at the importance of working with the real grassroots organizations that are out there doing the work. And the reason why I say the "real grassroots organizations" is because many times, particularly in our community, some industries will come together and they will pull people together and they will create their own industrial advisory panel which somewhat is, I believe, have a very, I will say, bias opinion of what our communities look like and what the pollution levels may be.

So whenever you work with grassroots groups, be sure that you are dealing with people that actually live in that community, on that fence line.

And also, you know, working with your regional directors, we have just recently started to build a really good relationship with Region VI EPA. Shirley Augurson and I, we are in contact quite a bit, and Ms. Ponder, and we are really on the right track, I believe. I mean, some time it can be real difficult because I have protested the EPA and the regional level, gone to Dallas and held the signs and disrupted meetings, and I have come to Washington, did the same thing here.

But I am really happy that we are on this level now and that there is a more progressive feeling in the room, and I am really happy to have an opportunity to share some of my

ideas because if you guys worked closer with the grassroots organizations that are living in those communities with those industries in their back yard and really hear what they have to say, I believe we have more of a chance of bringing industry to the table and trying to find -- and possibly finding -- new ways in which we can co-exist together.

But many times what has happened in our communities is that we were just shut out. Nobody wanted to hear what the folks had to say on that fence line. And most of the time it was all about communications. Now that we are starting to communicate, I believe a lot of those problems can be eliminated.

So, we have got to eliminate the fear that, you know, something bad is going to happen if industry start to weigh too much or sway too much towards the grassroots organizations we are thinking. We need to learn that it is a win/win situation.

Whenever you have people living in certain areas having a better understanding of our industry work and industry having a better understanding of how community organizations live, and what we need, instead of just shunning us and pushing us to the corner, so we need to really work with the real grassroots groups and be sure to identify that and make sure that these folks are not on industrial advisory boards. Thank you.

MR. LEE: Well, that was really eloquent, Hilton. I don't know what else I could say in response. But does anybody want to say anything?

MS. YEAMPIERRE: I actually want to add something to that. I want to echo Hilton's remarks. And there is in the EJ program vision the statement that says "Build long-term capacity for communities to protect the environment."

And one of the things that is happening right now with the economic crisis is that you find that a lot of our organizations are losing their funding and we started out with little capacities to begin with.

There, I think, needs to be a commitment to building capacity since our organizations all have different kinds of resources. You know, you have got isolated, rural communities and coalitions. You have got urban organizations that have access to each other in a very different way because of how they are located. And we also know that institutions headed by people of color have always been historically disproportionately funded, so mainstream organizations actually get more funding to do our work than we do, to do the work in our communities.

So building collaborations, I think, is extremely important during this time of fiscal, you know, constraint, because those cooperations and those coalitions are going to help in advancing grassroots agendas.

But I think that EPA'S commitment to building capacity has got to be a priority, particularly during these times.

MR. RIDGWAY: Chris, please.

MR. HOLMES: After what you just said, I changed my observation. But just two things.

One, on the building capacity point and about what Hilton was talking also. And being able to understand what is going on inside of industry is really critical and it requires a lot of training. And I alluded earlier to understanding the power of the permits and the information that is in the permit and being able to train people as to what that means is pretty important.

The other thought I just wanted to convey is I was struck by Richard Moore's comment about the strikes and about how there is one mistake and then a second mistake and a third mistake and just keeps repeating itself. And that at this point in the session it may not be appropriate to get into this, but I am sure we would all be very interested in knowing over time from the strategic perspective: What are the two or three problems that just keep coming back and coming back and coming back and run the risk of really festering, and maybe even overwhelming your program in terms of your resources?

I mean, Richard was inching towards -- not inching, uranium mill tailings. But there -- and that is a big one.

But there are others, too, and I have been on a lot of committees and I always hate that feeling that you are dealing with so many things that there is always a tendency because you are so close to these problems to miss something that is really huge.

MR. LEE: Yes. I mean, I think one thing -- one of the -- one thing that I would like to see happen is a conversation with you and with the communities that really gets us to that, to get a better understanding of that. And I think -- I mean, uranium mill tailings are one thing. Water infrastructure is another. You know, we can -- you know, there is a long list.

But there is also one that Richard talked about, and as we move forward in terms of a lot of the energy and other kind of infrastructure development that we want to make sure that we avoid unintended consequences, you know, and so these are -- and this is where I think having input from you and from -- and having a better engagement with the impacted communities themselves will help us move in that direction a whole lot more.

And so this is where, too, things like the National Environmental Policy Act and making sure that environmental justice is really well integrated into that, it becomes really critical. And -- but not only that, because a lot of this is a -- it is a much bigger issue in terms of community impacts.

And so we know that we are getting, in terms of groups, particularly tribal indigenous groups that come visit us -- you know, these issues are being raised to us. And so, you know, having a fuller understanding of the breadth and depths of these will be really helpful. Any other comments around that?

MR. RIDGWAY: Yes, we have a few still queued up here. Lang? I'm sorry -- staff, excuse me.

MR. BENJAMIN: I just want to touch on part of what Elizabeth said. One of the things we say now is capacity building for what? And we always need to keep asking ourselves that question because a lot of people think they are doing capacity building and it is the capacity to listen to other people talk at them. And what we are trying to do is give people the tools and resources to be partners with or without us.

And so one of the things that we are developing is our EJ Assistance Network. We are going to have sort of an outside mechanism for people to get information -- and this goes to what Wynecta asked also, to access resources and tech -- you know, technical tools, methodology, information, just so they can work with us, with amongst each other, and -- or just, you know, go in other directions that we can't anticipate yet.

And the other thing is this is the shameless sound

of shilling for ourselves right now. A lot of stuff is going on in the Agency and in OEJ that people don't know about. So we are really going to try and do a much better job of sharing information, and not just sharing information because we want to brag, but sharing information because we have no idea of the people who can use the information we have done.

We have literally done over 1100 EJ small grants. There are a lot of lessons learned from there. We are going to put that information better available so people can get to it.

There are a lot of communities around the country using our resources and OSWER and other parts of the Agency. We are going to enhance how much information we put on our web page and other places so people can learn from each other, so you will be able to sort on what you are doing and find out who else has done it. So you will be able to look in your part of the country and see who you can partner with.

So we are doing that because it has to get out of our hands. We can't always be the middleman into accomplishing the successes that we know are our potential.

MR. RIDGWAY: Thank you. Lang?

MR. MARSH: Lang Marsh, National Policy Consensus Center up in Portland, Oregon.

And I was really excited and hopeful and encouraged by listening to you, Charles, and to Richard and Mathy about

the direction and increased attention being paid to EJ at the national level and the potential for much more to happen. I think that makes our job a lot more interesting and potentially productive.

And one of the things you said that also encouraged me was that the budget for OEJ has been increased, at least by the Congressional add-ons. Of course, I always like to see add-ons incorporated into the base of a good program, and so I hope that that will happen.

But I wonder if you could talk a little bit more about those add-ons, what they were and what they might become in the future in terms of ongoing programmatic capacity. And in particular, the one that intrigued me was the addition of more EJ coordinators at the regional level, and what -- how that will relate to increased capacity building both for community organizations and primes and also for the states.

MR. LEE: Heather, did you want to take that question?

MS. CASE: Thank you for that question. Let me start with the notion of a Congressional add-on.

MR. RIDGWAY: I am sorry, but I am going to interrupt. Can you just identify yourself?

MS. CASE: Oh, I am sorry. I am Heather Case. I am the Deputy Director and I am in charge of operations and budget and also some of the policy and analytical functions

within OEJ. Sorry about that, John.

MR. RIDGWAY: Thank you.

MS. CASE: Okay, so going back to your question, and there are a number in there, so let me start one by one.

Over the last 15 years, there have been fluctuations in OEJ's budget in part due to this Congressional add-on. In 2009, we received $3,200,000, and that was sort of the most we have received. In 2010, that is going to be folded into our base budget. So that is a great thing. That is very good news.

We are going to use some of that for those SPE* in the regions.

So as far as -- the thinking beyond that was in part based on feedback that we had received and Charles had received in numerous trips out to the regions in terms of their capacity and needs to address issues at a local level.

So over time, I mean, just to continue in terms of your questions, we are currently and actually this afternoon, Kent and Mustafa and Charles are going to be leading a discussion of the use of that $3,200,000 Congressional add-on, and I think we may be able to share some general categories of how that will be used.

And then over time we are going to be -- we are in the process of doing our 2010 budget and of course those 10 FTEs will fund -- partially be funded by the $3,200,000 that

goes into our base budget.

MR. LEE: The thing that you pointed out, Lang, and is really important for OEJ, is that in the past it was almost impossible to do real planning because of the fluctuating nature of that Congressional add-on which is essentially mostly used for our community assistance type of programs.

So now we have much better -- you know, we are in a better position to do long-term planning and, you know, and to make the commitment around having -- investing in personnel in the regions, which, as you know, is where the frontlines are.

MR. RIDGWAY: Shankar, please.

DR. PRASAD: Shankar Prasad from Coalition for Clean Air.

Charles, thanks for the nice presentation and I also want to join Chuck. Your conclusions line essentially is one of the places where it can make the difference, and that is the right focus for an agency wide to make that happen. And if you started your strategic plan in that context, that is the end game that you want to be, and start building up the steps backwards, probably you will end up with a good plan as to focus wise.

So I really appreciate it and congratulate you on that particular piece of the target, because, as you know, having been inside, being an agency, for many years, there are two things that make a difference for a program.

One is a clear, defined target of an objective. If you have a target, dedication of resources are an objective. Then there is a -- you can give a marching order to the staff how to go there.

If you do not have a target, you have to define a process. You have to define a process to define the target. At the same time, you need the resources, so what it is in terms of the fiscal as well as in terms of the personnel?

And in our budget plan it was nice to see that we have stressed earlier there needs to be some amount of decentralizing the EJ aspect because most of the EJ plan, EJ issues, are localized, so it is good that you are giving it to the regions that are going to be able to expand and focus on that aspect of it.

And I hope that same way when you are looking at the budget schemes, also you will be looking at how to allocate those to address the localized issues in the -- with the regions' help. And it comes to the point like where communities are needed which need them the most. So, again, being that, now you also mentioned in your priority list EJSEAT. That becomes the priority because you need to identify the communities in a consistent manner.

So it -- I am glad that will become, as you move forward over the next few months, that you will be able to take the advice of the screening tool and methods part of it

and look at where those funds are needed most.

A question for you is: Earlier, during the time you mentioned that you will be looking the outcome as a health variable in order to measure the success, something like words to that effect you mentioned. I want to be sure that you are not going down the path of trying to ascertain a health impact measurement and to be able to measure that variation by your action as a method to assess the success, because the health impact, whether you talk of a cancer, an asthma, or any of these numbers you mentioned, are all multi-factorial, whereas you can measure the difference in terms of the pollution burden. We will not be able to measure the difference by any kind of an improvement meant to see that there is a health impact has changed in a short duration of time.

So I want to be cautious about that aspect of how you want to measure that success piece. Though it is important as a monitoring device to maintain that kind of some way of looking at that over time to see how improvements have been made, but not to measure it, not to use that to individual rule making or an individual plan that you plan to put into this. Thank you.

MR. LEE: You know, that last point is really well taken, and we have been kind of struggling with this, and certainly we have been cautioned around, you know, the difficulties involved in health measures.

I mean, I think the main point for us right now is to move the conversation to that point of looking at results in that way. And I think obviously, and we have run into examples of this, there are going to be, you know, measures to which you can attribute like, you know, policy or program kind of changes which forecast the kinds of results that we are ultimately interested in.

I do think that stepping back a little bit, you should know that, you know, with respect to your statement about that last slide, is that, you know, over the next -- I don't know, it is going to take longer than I thought -- but probably five years or so, we are going to evolve a program theory for environmental justice. And a program theory, simply stated, is: What do you want to achieve, and how do you intend to achieve it? And obviously we are talking about a program theory for environmental justice for the Agency, and so we have to start where you said we need to start, you know, which is what you want to ultimately achieve, and then work your way backwards.

So that is a process we would like to talk to you about. And so -- and it is a -- you know, I once had the -- I had this notion about a year ago, six months ago, that we were going to come out with this right way, but it is a very complicated thing because our program theory is actually two -- you know, there are two steps to it.

One is, you know, what does it look like? You know, when EPA has integrated environmental justice incorporated into its decision making? And then, what do we do to influence, you know, that taking place? Or, you know, to effectuate that?

So it is a discussion we want to have with you and others over time.

MR. RIDGWAY: Thank you. Just for queuing up here, we have got Don, Jody, Hilton and Patty. So, Don, please?

MR. ARAGON: Thank you. Don Aragon, with the Wind River Environmental for the Shoshone and Arapaho Tribes.

I am pleased to hear that, you know, you are considering having EJ a part of the strategic plan.

I have worked with the TOC now for a long time, and, you know, the five goals have basically really not addressed the environmental justice problems. And I really think that if they are going to base this upon what some of the findings were in the Johannesburg report that they came out with as to how many people are not getting safe drinking water and all these kind of things, I think that it is really important to put in environmental justice into this.

Also, I really think that it is important that the environmental justice become a part of the NEPA process where we do environmental impact statements in our areas.

I -- on our reservation, we have done several of

these, and one of the things that I noticed was the really absence of environmental justice type stuff. We get these experts and companies that come in and do these EISs for the various reasons and some of the things I see, that they are very not very well versed in dealing with disadvantaged communities and people of color. It is really very frustrating at times to get these kind of things to be investigated.

Also, you know, one of the things that I would like to tell your people that are working with your communication problems to take another look at rural development -- I mean, rural communities. We don't have Twitter, we don't have Blackberrys, we don't have cell phones, all of these type of things.

When you get out in the rural part of the United States, high tech stuff is coming very slowly, and there are a lot of communities I think -- God, we have only had cell phones probably for two or three years. And just to get some kind of services like Internet and stuff, we had to do -- become very innovative and go with satellites and do all kinds of stuff because the big gene infrastructures that exist there just don't support it. The telephone lines were probably put in back in the '40s, '50s and so forth, and when you get into your rural communities, there are just not the funds there to help bring them into this high tech world.

I hope that things can be worked out there and continue to work in making sure that if you are developing these communication type things that you really keep in mind some of the rural communities just do not have this high tech stuff and it is not the fault of the communities or -- and a lot of the companies, we have talked with them. You know, they are concerned, too, but because of the membership that would support these type things just really isn't there also. So, thank you.

MR. LEE: I thank you. Three major points -- strategic plan, NEPA, and communications. So, Heather, do you want to talk to the strategic plan and Suzi, do you want to NEPA, and Mustafa, you want to talk to the communications?

MR. LEE: Briefly, please.

MS. CASE: Yes, will do. On the strategic plan, we are very much focused, as Charles mentioned, on taking steps to fully integrate environmental justice in the strategic plan.

I think the Agency has made progress in the last one in terms of at least reflecting the environmental priorities in the strategic planning each goal.

The important note here is I think the work that Shankar and his work group is doing. In order for us to have a quantitative basis for understanding where we are, where we need to go, and what we need to do to get there, we need a

methodology for identifying and assessing disadvantaged communities, the places and populations.

So there is a lot of work under way to begin to flesh that out, building on what we hear from the work group, and I think Mathy's comments today about integration in the strategic plan related to waste is a very good signal.

MS. RUHL: My name is Suzi Ruhl and I am the -- been here four months, the senior attorney position with OEJ, and I am delighted to say that the issue of NEPA has been front and center in terms of our interest in seeing how we can increase consideration of environmental justice issues within that process, and we have undertaken a number of activities to date going with the leadership that Reggie Harris out of Region III has laid.

There has been created a regional coordinator's working group just trying to come up with methods to understand what are some of the best practices, what should we be looking for, in terms of making sure that environmental justice is considered.

And then under the leadership with Arthur Totten, who is the liaison with OSA, we embarked on a dialogue with the Office of Federal Activities, again trying to see how we can work more collaboratively and are working on some very specific ideas to implement.

And in the third, we have been working with the ---

at Region IX on seeing how we can better develop communication measures so that communities that are involved in the NEPA process can be most effective in their participation.

And so it is a long-term process, and we are very much looking at specific activities to try to address this issue.

MR. ALI: Hi, Don. This is Mustafa Ali, also dealing with communications.

I guess the best way for me to respond is being raised in the environmental justice movement, I understand, and it has been ingrained me that any time we create any type of communication strategy, we would make sure that we speak with the communities because environmental justice begins and ends in the community, so they understand what are the best methods for us to relay information and to engage with them. So that is definitely a part of the process that we are putting in place. But thank you for reminding me of that.

MR. RIDGWAY: Okay. Jody, please.

MS. HENNEKE: I am Jody Henneke with the General Land Office in Texas.

I feel like I should start my comments quoting one of my favorite statesmen of all time, and that is Yogi Berra. A lot of this is deja vu all over again for me, listening to Richard talk about uranium mining and tailings. I grew up in northeast Oklahoma with deep shaft lead and zinc mines and we

called it chat* and some of those, quote, piles were more than 300 feet high, and I have lots of family photographs of playing baseball at the foot of some of those piles.

Many of you may have seen this summer where the -- and I use the term "city" very, very loosely, much more of a town -- of picture no longer exists through, I think it was the number two cited Superfund site in the country. So again, like Richard said, I hope that we have learned some of those lessons a little better than what we did back in the '30s and '40s when those mines were put in place as part of the war effort.

The other thing that I wanted to speak to just a bit, and I really don't -- I want this to be understood and so I am going to try to say it in a way to get my point across. As you work with your communications strategy, and by the way, I love the term "digital divide." I grew up in the country and I have had that fight on the state level for a long time because I live and work out of a city in Austin, Texas. It is one of the most electroniced-up places in the world. And many of us have a tendency to think what we have, everybody has, and that certainly does not hold true in Texas, much less many of -- all of the other states as well. I think I had children just so they could teach me how to use my remote control on my TV.

What I wanted to stress is as you do your work on

communications, do not leave out the states. Virtually all of the permitting authority in the state of Texas is done by the state, not by EPA. Hilton knows that in the refinery expansion that he worked on early on, those permits were issued by the state. Fortunately, we had a regulatory mechanism that allowed his voice to be heard, that allowed us, us, us the state, to be able to require that the industry come to the table. That does not hold true in many, if not most of, the other states.

Now, granted, Hilton had to learn how to take advantage of that process, and there were a lot of us that helped him through that because, as somebody else referred to earlier, you don't just get to say "because I don't wanna." You have to be very clear and in a state that I come from, you have to be what is known as an affected person. And when you are a fence line community, you are an affected person, but you have to be able to lay that out in ways that stand up in a regulatory process.

But, and the reason that I am making this point, is when you have all of your resources, and I don't begrudge any resources at all -- I worked over the years very closely with the regional offices -- but those regional offices don't always know the interworkings of the permitting process of the respective states.

Region VI has some of the most heavily

industrialized states in the country. Each of them have very, very different permitting processes. So those communities have to know how to access, where to go, how to get the attention of the permitting authority.

So I ask that you keep that in mind as you work through your communication strategy.

The other thing is -- and I have heard many times, well, you know, the states issue the permits. Keep in mind EPA has agreements with the states for delegated authority. So there are ways to make it happen.

But I believe very strongly that when you can get the parties, all of the right parties, when you can get the parties together at the table, you can usually, not always, but almost always, come up with creative solutions that does truly allow it to be a win/win situation.

MR. RIDGWAY: Thank you. Hilton, I am going to put you kind of at the end of the queue so others that haven't spoken yet have a chance here first. And I have also asked Charles to comment only if there is something critical to the question or comment that is brought up, respectfully.

(Laughter)

MR. RIDGWAY: Yes, he actually offered that. Let us be clear there. So, Patty, please.

MS. SALKIN: Thanks. Patty Salkin, the Government Law Center of Albany Law School.

I want to echo some of the earlier comments, that I am glad to see some emphasis on working with other Federal agencies going out beyond EPA, and of course all the work that Kent mentioned about working with communities.

However, I initially put my card up because I didn't really hear an answer to Lang's comment about the states and then Jody raised it as well. I think it is critically important that this be a part of the agenda and a part of the slides in the future for lots of reasons, not just permitting reasons but primarily because EPA can't do it alone. And, you know, you have got 50 potential partners that I think that we need across the country.

I also want to encourage you to take a look at how you could structure meaningful collaborations with lots of national NGOs. And, you know, I put them in different categories, groups like the five or six or seven different national municipal association kinds of organizations. There are national planning organizations. The state national organizations like the Council of State Governments, the National Governors Association, National Association of Attorneys General, the Council of State Governments. Again, to try to go and get the message and get partnerships and help from these groups who would then bring the message back to their constituents through their publications and through their annual training opportunities.

And then, lastly, you know, this town is rich with think tanks, groups like the Brookings Institute and others that do a lot of work on urban and rural development, environmental issues. I would like to see more publications and more workshops coming out of those groups that support the work and that, as Kent said, help to bring the message out of all of the wonderful things that OEJ has already accomplished. That is another audience for you. And then work that we can do together to enhance and build upon what has already been done.

MR. LEE: You know, I think the -- that slide around kind of moving our collaborative problem solving processes to a new level is kind of -- is meant to embody or embrace a lot of the things you are talking about, you and Jody, about working with states and other groups.

Maybe Kent can say a little bit about our work with states, particularly our recent grant program.

MR. BENJAMIN: Just briefly want to touch on -- last year we met with a number of you up in the Environmental Council of the States and we developed our state EJ cooperative agreement and we put the request for proposals out, and now we have five states that have been selected. We can't announce them yet because they haven't finished the award process. But they will be working closely not only with EPA's regional offices but in part they are each working in a

community within their states. And the objective of that also is to do things that can be emulated in other communities across the state and that can also be emulated in other states across the country.

So we can't do all that we would like to do. But we are starting -- we are testing out various ways that we can, you know, sort of teach each other and take these practices more widespread.

MR. LEE: With respect to the last point, Patricia, about the -- you know, about Washington, DC being a real fertile area for dialogue, you know, we have worked with John around, you know, the EJ in America Conference, and, you know, we are thinking about different other ways in which we can promote that dialogue, maybe even a monthly, you know, speaker series, just as a way to getting things started.

Howard University Law School recently hired an environmental -- law environmental justice professor, and, you know, that is another area that, you know, perhaps could be a place that some of this activity can be spurred.

MR. RIDGWAY: Bill, please.

MR. HARPER: Hi. Bill Harper, Pacific Gas and Electric.

And I just wanted to comment again on the communications. And, Kent, I really like what you had to say. I think, you know, in the past couple years that I have been

on NEJAC, we come here and we are all very passionate about environmental justice and it is -- you know, it is highlighted in what we do, and when we go home, we think about it and we all work, whether it is in business or grassroots communities or what have you.

But I think sometimes we tend to forget how widespread the environmental injustices are and how many people it really affects, and without having those types of communications where people can go and find, you know, benchmarks or other things that are happening that they can build on and not feel like they are alone or really see that there is a major movement out there. It is a big impact and it really helps people, you know, understand not only what is being done but I think when you look at the green economy and everything else, they understand that there is a lot more going on and it is out there and it gives them a little bit more hope than just having to be up against that brick wall every day.

MR. RIDGWAY: Peter, please.

MR. CAPTAIN: Thank you. Thank you, Charles, for that wonderful presentation. You know, after our meeting in Atlanta, I -- excuse me. I am Peter Captain Senior from the huge state of Alaska, the lone representative.

I posed that question to Victoria on how I -- you know, I could become a better representative, and how could I

get out my message to the people of Alaska? And like Don alluded to, you know, the high-speed Internet is very foreign between -- in Alaska, cell phones, very few. So, communications, you know, is very, very far and in between and not the best.

And, you know, not everybody can come here as the fortunate ones in the audience are, you know, that can comment on what we are trying to accomplish, you know. And it is very important that they hear our message. And I would just, you know, want to thank Charles and the rest of the people for trying to rectify this communications problem.

MR. RIDGWAY: Hilton, please.

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

Yes -- you know, I just want to make sure Mustafa and particularly --- communication is key, and also follow up and follow through. Super critical. Simply because I met with two industry star communities, and I won't name both of them, but yet we were able to get quite a bit done by communication. And we have educated them on what some of the needs are in the community.

But when industry has questions, you know, they really don't know who to go to with a lot of these questions or their concerns. And one of the things that we have to alleviate was their concern on how to get some things done

when they come to land remediation.

One industry in particular was interested in some ideas we had when it came to land remediation and that particular use, and what we found was they did not have enough information on how to go about getting assistance from EPA. They were interested in the project.

We have an idea to do a solar panel forum in the city of Port Arthur, and there are about 4 -- I think 4.2 acres of land which is owned by this one particular industry, and it has been fenced off for about the last 20 years. It was an old tank farm.

And what they wanted to know was: How could they go about working closely with EPA to get the funding they needed to help remediate this land, because they didn't have the land or the resources to get it done themselves, but yet they wanted to know, how could they partner with EPA to get it done? And Region VI EPA, the Brownfield division, have contacted this company and now they are in dialogue and we are actually scheduled to have a conference call sometime today on that particular issue. But it is starting to move forward.

But yet, information is critical, and I think that if EPA on a regional level or from a Federal level working with the regional departments start to contact many of these industries, then look at some of the problems that they are causing and some of the land that they may have for reuse and

educate them, put out bulletins on how to contact EPA, how they can work with EPA to be better stewards in the community and also to communicate better with the grassroots folks, I think that would help tremendously.

And also, there is a lot of fine money that usually goes to states and some of it comes back to the -- up to the Federal level. I think if we took some of that fine money which is imposed upon many of these industries and put that back into the system, this can help to employ more Federal employees to help police some of these industries and also some of that money can be used within the partnership organization between the regional level of EPA and the Federal level. Thank you.

MR. RIDGWAY: Thank you. Elizabeth, please.

MS. YEAMPIERRE: Elizabeth Yeampierre with UPROSE in Brooklyn and the New York City Environments Justice Alliance.

You know, in environmental justice, the process is just as important as the outcome. And so, hearing from the staff talk about a process that really speaks to the heart of environmental justice is really heartwarming and I really appreciate -- because it really resonates, and it is so rare to meet staff that actually gets it. So I am truly grateful that we have you guys on staff.

I do want to address the issue -- the comment raised about how we reach out to planning associations and

universities and folks like that.

You know, historically we have always had tensions with mainstream environmental organizations and institutions that really want to set the agendas for our communities and we have been most successful when we have been able to build collaborations that have been respectful and have been grounded on local leadership. And when these institutions attempt to supplant local leadership, you have a really awful situation. It often happens in New York City with different planning associations, transportation organizations that really want to tell our communities what is in their best interest.

So it is possible, though, to build collaborations that are different, and I think that those are resources that are necessary in terms of elevating the discussion and providing technical assistance on the ground. But it can't be done in a vacuum. Those organizations, those institutions have to be provided with an orientation about how you do it respectfully and they also can get funded at the expense of local technical experts in our communities.

You have got organizations that provide policy analysis, do technical support on the ground, and EJ organizations that often don't get the funding that may be a local university that wants to get involved in the issue gets access to.

So I would urge that in trying to reach out to groups that have neither traditionally been involved in these issues or have a history of working with communities in a respectful way that we really pay close attention to that.

In New York City, for example, when we tried to put together a community-based planning initiative on climate justice, we worked with a local university that really sort of came in in a very top down approach to try to tell people in our community how they should -- how should they wrap their heads around that issue. And so we had to start all over again because we really wanted the community to have ownership over it and to really talk about adaptation in a way that was meaningful for our community. So, it could waste time, it could waste resources, and it could really disengage people when that wasn't the intention.

So I just wanted to put that on the table, because it doesn't happen in a vacuum.

MR. RIDGWAY: Okay. Well, we are starting to run short on time. We do want to get a session in here to recognize Luke a little bit. But next I am going to ask John Rosenthall, please.

MR. ROSENTHALL: Thank you. John Rosenthall, National Small Town Alliance. I want to talk about two points that had been raised earlier.

One is communications and the digital divide. I

represent a number of small towns and rural communities, and I echo the concerns of those who don't have access to technology that the rest of us have.

But this government disposes of roughly a half-million computers every year. And there is no reason why those computers couldn't be distributed to the small towns and rural communities across the country.

A lot of those pieces of equipment are sold at auction. They are shipped overseas and some are just simply dumped. And this is an opportunity for EPA, which is a relatively small agency, to partner with some of the larger agency with the deep pockets to make sure that those resources go to the proper places.

The Departments of Commerce and Agriculture devote a tremendous amount of money every year to --- and outreach. And, ironically, a report was issued just yesterday that showed that most of that money goes to urban America rather than to rural America and small town America.

Part of the problem is that there is no real strong lobby for rural America in this town. And if there were, then perhaps the rules could be rewritten to support where the funds should actually go.

Now, I am not suggesting that EPA become a lobbyist for small town and rural America. But I am suggesting that EPA become a more vocal voice with the sister agencies to

share those resources into the places where EPA would like them to go.

The other point is what Hilton spoke about, the fines. And the supplemental environmental projects, and we have talked about that previously, and a lot of the agencies take the position that the funds must go back to the Treasury, and that is correct.

But there is no reason why -- and some of us take the position that even under existing regulations, some of those funds can be put back into the local communities where they could be used. And, unfortunately, that is not the case nowadays. And perhaps this is another avenue where EPA can use its influence amongst the larger agencies to help redirect some of those funds to the places that really need them.

MR. RIDGWAY: Wynecta, you put your card down.

MS. FISHER: I thought we were running out of time, and I can just ask them later.

MR. RIDGWAY: Okay, Don? Thank you.

MR. ARAGON: Thank you. Don Aragon with Wind River Environmental for the Shoshone and Arapaho tribes.

Just a couple of comments to add on to what John was saying there. There are ways that we can share with the Federal fining process. It is through supplemental environmental projects -- they call them "SEPs" -- where in lieu of a company paying a fine, they can do an environmental

project in a community. And these have been extremely beneficial to Indian tribes.

MR. RIDGWAY: And I just want to interject SEPs for those in the crowd is "Supplemental Environmental Projects" that are part of an enforcement activity.

MR. ARAGON: Thank you. And they have been extremely beneficial. Instead of sending the money back to the Treasurer, there is actually a project completed in the community.

One other point that I hear that EPA has more partnerships than just the states. They have Indian tribes. And a lot of the Indian tribes now are gaining primacy, and so this is where they are ruling and regulating their own destiny.

Also, the states do not have the authority to issue permits on Indian reservations. Those are Federal permits. Just for clarification points.

And so Indian tribes deal directly with the EPA or the Federal government, and most likely the Department of Justice when there are violations on our lands, and so, you know, just to expand on that partnership stuff that is -- thank you.

MR. RIDGWAY: Well, Charles and staff, you just aren't drinking out of a fire hose here of advice, and it is high quality and I recommend that you take the time necessary

to review these comments when you have a chance afterwards.

Okay, we are going to transition a little bit here. Thank you, Council, for all your comments, very germane and helpful, I believe.

Tribute to Luke Cole

MR. RIDGWAY: A couple months ago, one of the early members of this Council was killed in a traffic accident in Africa, Luke Cole, and it was fairly devastating news for most people who know him.

He has brought this Council and this country and countless communities a huge amount of support and advocacy and respect. And we want to take a few minutes here to recognize Luke.

I am going to just start by saying I first had the chance to see him in action many, many years ago when he came up to Region X, Seattle, to advise EPA and the states as to what he is doing from a legal standpoint regarding issues going on around the country.

So this is a moment to reflect a little bit briefly on what Luke has brought, and to encourage all of us to carry on with his legacy. And I would like to invite any Council members that have any comments regarding what Luke has represented and his spirit continues to represent for us to feel free to share any thoughts on that, and then we will take a break for lunch. So, any Council members at all? Sue?

MS. BRIGGUM: You wouldn't think that I would be the first person to talk about Luke and how much I admired and cared about him. We would mix it up sometimes over the course of NEJAC and the Title VI Advisory Committee. We came from very different perspectives.

But one of his wonderful traits was -- although he was the most fervent advocate for his ideals and his communities, he was also open to discussions. He would listen and he would convince you as well.

He also had a wonderful sense of humor. So he was really a nice person to spend time with. So I think you will find that we all admire his legacy enormously but we also really just miss him as a person. He was a wonderful guy.

MR. RIDGWAY: Thank you. Don?

MR. ARAGON: Yes, thank you. I knew Luke very well, and I really enjoyed his company. I share the fact that he shared a lot of his inner thinking about the environmental justice, about how it impacted people of color and especially Indian tribes. And he wrote some books, you know, that were really excellent -- and he even autographed a book for me. I can't tell you what he wrote in there, but it was very good.

I really enjoyed the guy. I am deeply moved to hear that he is no longer with us. You know, he was really an excellent person.

And when I -- I was on the NEJAC before. I think I

sat on the NEJAC from the year 2000 to 2003 or 2004, and in that time I got to know a lot of these individuals that you are bringing forth, and Luke was just one of my favorites.

And I went to Alaska with him, and Danny Gogal and some others, and we took a look at the environmental impacts of what happens to the people up there in the middle of the winter. And we went up on February 17th or something like that, just -- I mean, they picked the time when it was really difficult up there. And when we alit out there in Kotzebue, Alaska, it was -- the chill factor was around 70 below zero.

And I mean, Luke wanted to experience the -- what is it that you can do in 70 below, you know? Like you don't have running water, you don't have septics, you don't have the run down to the 7-Eleven store and all that type stuff.

And that is the kind of guy that I really admired, is the fact that he wanted to live it, not only just hear about it. Thank you.

MR. RIDGWAY: Thank you. Charles? Or Jody?

MS. HENNEKE: Thank you. One of the first NEJAC meetings that I attended back in the early to mid-'90s, I got to witness a somewhat of a tag team between Luke Cole and Richard Moore. And for those of you who think that Richard hasn't moderated a bit over the years, oh, my goodness!

(Laughter)

MS. HENNEKE: Watching those two was quite

fascinating, and I learned a lot just watching.

Luke never had any difficulty whatsoever in expressing his opinion. But the thing that I did appreciate about Luke, much as Sue said, is that he also felt that you should have the same opportunity to express your opinion.

I value that a very great deal about him and his passion was extraordinary.

MR. RIDGWAY: Thank you. Elizabeth?

MS. YEAMPIERRE: I actually found out about Luke's passing at an environmental justice leadership forum on climate change conference call, and was not prepared for the impact that it was going to have on me during that -- I had no idea that I could be so affected by someone that I didn't know that well.

But I can tell you that if you knew him or if you met him, within five minutes you were very clear about the fact that he was a completely different kind of person. He was really special. And that he understood the role of privilege within an environmental justice movement and the role that privilege could play.

And recently, UPROSE hosted a national gathering of environmental justice youth organizers, and it had happened right after Luke had passed. And in the middle of it, some of the young people started crying and they were from the Central Valley in California, and shared with us everything he had

done for their community and what he meant for their communities.

And so, you know, when you first met him, you thought, okay, this -- he is this big, tall lawyer who likes the outdoors, I am urban and Caribbean -- I am not feeling that. But you understood on a real cellular level what his presence on this earth really meant to people and what a change he had made in their lives.

MR. RIDGWAY: Thank you. Shankar?

DR. PRASAD: The passing of Luke is a great loss to this movement. That is the fact. He was one honest man. I met him, it was ten years back. A few times we agreed, few times we disagreed. But at the core, he believed, and also he was an excellent liar.

(Laughter)

DR. PRASAD: In essence, I want to raise that issue because in California he took a leadership when they passed the climate law, and --- was in the process of driving the -- making a scoping plan which gives a pathway to what they are going to do. And he brought in the issue of climate justice in that regard. We talked about it, what worked and what would not work.

But he was so keen as to be exploring various things -- advocacy work, organizing, and other issues. He was already thinking we are also in consultation with him and a

few other attorneys. Should there be a path that is not going to take the climate justice into account? What are the legal hooks that can be placed upon? Is there a way to address that?

So that is the kind of thinking he always had, not just the organizing and, as you said, Elizabeth said, it is really true that he made a big difference for many communities in the Central Valley.

We miss him a lot in this moment.

MR. RIDGWAY: Thank you. Don? No? Okay, Lang?

MR. MARSH: I served with Luke on the EJ -- on the Title VI of FACA a few years back, and that is where I got to know him. He was a very strong, forceful, energetic, passionate person, and I agree with Shankar that it is a great loss to this movement partly because, you know, he was a kind of unusual person. He was a white guy who was very passionate about what had been happening over many years to people of color. It is not -- it is a great model for folks who might have difficulty understanding that position.

He was a leader. He was very energized by what he saw as injustice. These are the kinds of people we need in our society, and I am sorry to see him go.

MR. RIDGWAY: Charles? Thank you, Lang.

Anyone else?

(No response)

MR. LEE: Well, I first met Luke in the late '80s when this young attorney came up to me and said he read ***Toxic Waste and Race*** and decided what kind of law he wanted to practice. And that is really a -- that is really meaningful.

And so obviously we became colleagues and compatriots and good friends, just like he was with a lot of other people. And Luke was really a great attorney, really innovative, and he brought a lot of the real kind of -- new kind of approaches towards using the law for advancing environmental justice came from Luke.

But I think the thing I remember, or I would take from Luke, is that he really didn't see the law as an end in itself. He -- at his core, he believed in community organizing and empowerment. And I think everything he did came from that, at the end that the communities will be empowered themselves, would have the capacity to carry on without an attorney.

So that would be my reflection.

MR. RIDGWAY: Thank you, everybody. I think Luke will continue to inspire us, and he set a very challenging example that I hope we can emulate.

I also want to, on behalf of this Council, give best wishes to his wife and family in dealing with this very, very hard transition. And so I will ask that maybe we can something sent to his family after this meeting adjourns.

So, thank you again, and we are going to now take a break for lunch, and we are going to be fairly prompt with trying to get started again right at 1:00.

And I will close out this session by again thanking Charles's staff. Thanks for coming and giving your information. And thank you to the audience for your time and efforts to get here and patiently listen. I am very glad that you are here and that we have a full room. And the meeting is going to continue with plenty of more to come. So thanks. We are going to take a break.

(Lunch logistics)

MR. LEE: Just one last thing. A number of us, myself included, are going to be leaving for several hours, so in that time, Mustafa is the one that is in charge.

(Lunch break from 12:10 p.m. to 1:08 p.m.)

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

(1:11 p.m.)

Welcome to the Afternoon Session

by Victoria Robinson, DFO

MS. ROBINSON: Let us get started. And while we are waiting for the members to return to the table, we will do a little bit of light housekeeping.

(Logistics)

We also want to welcome Jolene back from -- welcome to the table. She is able to now sit fully and participate at the table. Let us see -- do we have every -- pretty much almost everybody is here? Just missing -- like Omega. Okay.

Before we get started with the afternoon session, we are privileged to have with us today a new member of the senior management at EPA. I am going to have Mustafa introduce him.

MR. ALI: Thank you, Victoria. And thank everyone for coming back from lunch on time.

I want to introduce our new Assistant Administrator for the Office of Prevention, Pesticides and Toxic Substances. Steve Owens is the Assistant Administrator for the Office of Prevention, Pesticides and Toxic Substances and is responsible for managing the nation's regulatory and scientific programs on pesticides and industrial chemicals as well as overseeing many collaborative pollution prevention programs.

The office has an annual budget of over $250,000,000 and more than 1200 employees.

Prior to being confirmed by the U.S. Senate in July, 2009 as the Assistant Administrator for OPPTS, Steve served as the Director for the Arizona Department of Environmental Quality. Appointed by Governor Janet Napolitano in January, 2003, Steve was the longest serving Director in ADEQ history, providing executive leadership and setting overall Agency policy and priorities for the Department.

As ADEQ Director, Steve made protecting children from toxic exposures a top priority, and among many other initiatives, helped launch Arizona's Children's Environmental Health Project and established an Office of Children's Environmental Health at the Department.

Please help me to welcome Steve to joining us today.

(Applause)

Comments

by Steve Owens

MR. OWENS: Thank you, Mustafa. I was getting a little worried that nobody was going to read it. I had written a shorter bio for the web page.

But I appreciate the opportunity to be here. As you said, I am Steve Owens. This is my -- beginning of my second full week on the job. I just started last week, on the 13th. I was confirmed by the Senate on July 6th, started on July 13th

and I am here today. So I tell you that one -- so if I seem a little discombobulated, it is because I am, that I am still learning my way around EPA.

But I also take it that -- because I want you to know how important it was to me personally to get here today and be with you. I am unfortunately am going to have to duck out around 2:00. I had to fight and scratch and claw today to make sure that we kept this time on the schedule.

As I was saying to some folks a while ago, when you wind up in one of these positions, what you think you are going to do one day when you leave the office is different from what they tell you you are going to do the next day when you show up and actually hand you your schedule because things change so quickly overnight in terms of events. But this is one that we have been looking forward to, I certainly have been looking forward to, for quite a while.

I know you have had some other folks. I think Mathy was here earlier today, and I think Cynthia is going to be here a way on. Certainly, the Administrator is going to be here. I think that underscores the level of not only the interest in the issue of environmental justice for this Administration and especially Administrator Jackson, but on the level of commitment to the principles that all of you are here and articulate on this advisory Council, but the work that you are doing through this Council.

As the Director of the Arizona Department of Environmental Quality, we had a lot of activity on ---. I would like to say with some level of pride that it was under Governor Napolitano and then my directorship at ADEQ that we first officially said that the Executive Order on environmental justice actually did apply to what we did at the state level because of the Federal funding that we got.

Prior to Governor Napolitano coming on board and my becoming Director of ADEQ, there was always a debate that went on at the state level about whether you really had to follow the directives of that Executive Order or just look the other way, and we made clear that when we were doing decisions on permits and on site approvals and things like that that we had to an environmental justice analysis and make sure that disadvantaged and other affected communities' interests were taken into account in a very significant way.

So as the new, brand new, Assistant Administrator for Prevention, Pesticides and Toxic Substances, I am still -- that is a tongue twister. If you can say that, you know, six times really fast, you are in good shape, but we do a lot of work in that office that obviously affects communities. And Administrator Jackson and I have already talked a lot about what we do with toxic substances, what we do with pesticides, what we do with pollution prevention and other things that are within the jurisdiction of OPPTS, that we are cognizant of the

interests that are at stake here, that decisions we make reflect the concerns that need to be reflected and that are articulated by the President and by her.

And what I want to do here today is mostly listen to what you have to say and then try to sneak out as unobtrusively as possible so I don't disrupt the meeting.

But the one word of advice I will give you is they were just saying. I have been involved in these kinds of prophecies a long time. If you pay attention to nothing I say, pay attention to what they tell you about the reimbursement process because you want to make sure you get reimbursed for your travel and all that, that they do a good job on that, but it can sometimes get a little bit Byzantine.

So I want to thank you for the opportunity to be here with you and I look forward to listening to the conversation. And thank you, Mustafa, for introducing me.

MS. ROBINSON: Oh, thank you, Steve. We are going to go ahead and get started since we are running about maybe 15 minutes behind schedule, but we do have a little bit of flexibility in our schedule.

We are coming to one of my favorite parts, or rather looking forward to on this part of the agenda for more than six, eight months, and that is, last fall, as I was, you know, again reading the reports and putting the last minute technical review, I saw that dawned on me that this year,

2009, marks the 15th year of the NEJAC. And I recommended that OEJ, that we in OEJ actually take a look at just how the NEJAC's recommendations, the impact that it had on the Agency's actions and programs and activities and -- because that would be useful for not only me, who has kind of watched it, but really been watching it more from the outside, but also for members of the NEJAC, former and current and future, as well as folks within the Agency. And I thought the Agency to see what has transpired in the last 15 years. And so I am really excited about this process.

We wanted to make sure that everybody knew that in the back of your binders there is a CD that has a PDF file of every single report or recommendations that the NEJAC has prepared in its 15 years. And these are reports in their full text as well as executive summaries, that Tim, who I will introduce in the moment, will be referencing in his presentation.

So, take it -- it gives you the full text. You won't have to download them off the Internet. They all are on the NEJAC website, every single one of these documents.

As we go through this, as Tim goes through his presentation about the NEJAC's advice and its suggestions for NEJAC improvements in the future, I wanted to make sure that we also kind of make sure we look at the discussion in terms of examining: Just was does it mean? I would like to find

out from you: What do you think it means for the NEJAC to be effective? What are the factors for success? How would you define it? Is it the partnerships? Is it the relationships? What it is that you would think would -- leaves you to believe that the NEJAC itself is successful and effective?

And this is important information for me as a DFO because as an agency and as the Federal government, they are looking at ways to measure everything, the effectiveness of Federal advisory committees as well. And what -- in order to measure success, we need to know what do you -- how would you define success? And so I would like to hear from you what those factors are after we have our presentation, and Tim leads us through the discussion.

I keep on mentioning Tim. Tim has been a friend of the NEJAC going way back. Tim was the Assistant Administrator for OSMER -- correct, Tim?

And while he was a --- for OSWER, Charles was the chair of the NEJAC's Waste and Facility Siting Subcommittee. And they worked closely together in developing, developed a very close collaborative relationship in how the subcommittee was able to really work with OSWER in helping it to formulate and its Brownfields recommendation, the recommendations for Brownfields, in effecting EPA's Brownfields program, among other things, including waste transfer stations. And Tim now is no longer with the Agency, but he -- we have asked him to

head this retrospective, if you will, looking forward, looking back, of the NEJAC.

And I would like to turn it over to Tim and see what he has to say. I want to let you know: The report is inside your binder. It is in the second pocket, if you will, should be slipped inside. You will see a color copy of the report. It is in there.

PRESENTATION: Impacts of NEJAC Recommendations on EPA Policies and Activities

by Tim Fields

MR. FIELDS: Thank you very much, Victoria, and I thank you for having this idea to do this study about a year ago. And welcome, Steve, to the meeting and to EPA, and very pleased to be here with NEJAC. Thank you, Elizabeth, John, and all the members of the Executive Council for their support as well. I have interviewed several of you as we did this study over the last eight, nine months, and that we will be presenting today.

As Victoria said, it is a 15-year look-back as to the NEJAC activities, advice and recommendations NEJAC has provided and suggestions for the future.

(Slide)

So, the goals were to review the activities since 1994 when the NEJAC started, in May, 1994, and evaluate the performance of the Council, capture the major advice and

recommendations that have been made, and to develop recommendations on how NEJAC as an advisory organization can be even more effective in the future. Those were our goals.

(Slide)

Some of the major timeline activities -- and this is not meant to be comprehensive because the report itself, as you will see, has all of the reports, but some of the critical timelines that NEJAC is built around is the creation of the Office of Environmental Justice in 1992; the establishment of NEJAC itself September 30th, 1993; the Executive Order on Environmental Justice; the first NEJAC meeting occurring in 1994; Charles Lee's work with the Ways Committee to look at the -- how urban revitalization and Brownfields could be married with environmental justice and community involvement, which led to a series of recommendations in December, 1996.

(Slide)

We also, in the mid-'90s, we did work, as Mathy talked about, the work that led to an award for Region IV around the relocation for the first time around a Superfund site. A primarily minority community, an African-American community in Pensacola, Florida, got relocated because of the -- and I will be quite honest with you -- it was because the engagement and dialogue with NEJAC that helped to lead to that decision and the change in policy around Superfund relocation because of the engagement of the NEJAC during that time.

Also, in ’99, they had -- we had the first major engagement with our neighbors to the south, the U.S.-Mexico Border Environmental Justice meeting in California. That led to a lot of changes in international policy as well.

(Slide)

Next, in the early 2000s, we had the final NEJAC report on waste transfer stations that Mathy Stanislaus referred to, that he chaired on behalf of NEJAC. A change in the legal authorities that came out of the Office of General Counsel that was pushed by NEJAC’s effort around permitting of environmental facilities. And a major fish consumption report. Some efforts around travel. Governments and indigenous organizations also came out in 2004.

(Slide)

And then, lastly, we had several major efforts that occurred in the last two or three years that NEJAC produced that led to changes in agency policy. The report on “What is the Direction of Stakeholder Involvement?” that produced a report that led to a future direction for NEJAC in 2004.

The Hurricane Katrina report that came out in 2006 that led to changes in emergency management procedures by EPA. The establishment of the EJ Awards Program.

And that brings us to the day -- July, 2009, where we celebrate 15 years of NEJAC being in existence and a lot of accomplishments that I will talk about in a moment.

(Slide)

So, the background. You all know that NEJAC is primarily an advisory organization to provide advice to EPA on environmental justice issues that have resulted in major changes to EPA programs, policies, and activities.

(Slide)

However, for some stakeholders, including some who are at this meeting today, they also desire on occasion that NEJAC also take on two other roles, a role of advocacy on behalf of stakeholders who bring EJ issues to the Council, and you will hear about that during the Public Comment session. And also, they look to NEJAC to hold EPA accountable for actions that EPA takes on environmental justice. And I can tell you as a former EPA person that NEJAC has done all three of those -- provided advice, held EPA accountable, and served as an advocate on many occasions.

(Slide)

As Victoria said earlier, there have been 25 meetings; this is the 26th meeting of NEJAC. 11, now 12, have been here in the Washington Metropolitan area. There have been no regular NEJAC meetings to date at Regions I, II, VII and VIII, and I heard about that from people in those regions. There have been 9 special NEJAC meetings around enforcement roundtables, relocation roundtables, U.S.-Mexico, and then the 5 public dialogues around Brownfields revitalization, as I

called it, Charles Lee's search for the authentic signs of hope, that occurred as well.

(Slide)

And then you all know that there are 6 stakeholder groups that sit around NEJAC. But the real power of this is not the fact that we know that there are these 6 stakeholder groups that make up NEJAC. The real power is that there are these diverse groups and people who come together and they are able to establish friendships and to reach consensus around some very difficult issues. When I hear people, you know, from industry say I really, really learned a lot from this person from the community, or a person from academia saying I really learned a lot from this person from state government, that is where the real power comes -- diversity, working together, and bringing together a common set of advice and recommendations around critical environmental justice issues.

(Slide)

To date, there have been 17 special NEJAC reports. And the document that Victoria mentioned, on the cover and back of this report are all the 17 special reports that have been issued by NEJAC over the last 15 years. The most recent reports are on the front, and the early reports are on the back. There was a lot of debate. I heard from a lot of people as to which set of reports ought to go on the front and which ought to go on the back. But I leave that up to the

NEJAC.

(Slide)

But anyway, in response to those 17 set of reports and advice and recommendations, there have been 7 official EPA responses to date. But even though EPA has not always responded officially to those reports, in many ways EPA has provided responses in changes to programmatic policy, for example, and other changes to Agency programs that resulted from those reports. For example, the cumulative risks and impacts report did not get an official Agency response, but it spawned, for example, the CARE program, which has obviously been a very successful and major Agency initiative. So, EPA has responded to these recommendations in various ways.

(Slide)

The study methodology that took place over the last 8 months was as follows: We reviewed for about 3 months all those reports that Victoria gave us, that you have the CD for and that are on the EPA OEJ website. Took us about 3 months to go through all those reports of meeting -- 25 meetings and special reports and advice. It took another couple of months to interview 44 people, current and former NEJAC members and current and former EPA officials. That is the database, if you will, that led to this report that you have.

(Slide)

The literature review was completed, and we looked

at a lot of specific issue topics that were requested by EPA that NEJAC look at.

(Slide)

The interviews -- there were 20 current and former NEJAC members and 24 current and former EPA officials who were interviewed in developing this report.

(Slide)

And here is the list of -- and many of you know these folks and many -- some of these are folks who are sitting around the table, the 20 current and former NEJAC members that were interviewed, and some of them, like Mathy Stanislaus, is now an EPA official, that have contributed to the body of information that led to this report.

(Slide)

And then we have the current and former EPA officials -- 44 -- 24, I'm sorry -- and these are also people that you know quite well. I did not interview myself, by the way. I must point out that Joy Lee, who is with me, from MDB also contributed to the study and in a big way and so we all -- we did this effort together and we interviewed these people and the information we got was quite invaluable. So these are the questions that we looked at as we interviewed people: What has been your involvement? What are the most significant successes? What value has NEJAC provided over the last 15 years?

(Slide)

Next set of questions included things like, you know, how can NEJAC be improved? How would you measure the success of NEJAC? A tough question, as Victoria mentioned earlier. And how would you measure the success of NEJAC going forward? What would the world be like if NEJAC did not exist? Anyway -- so we heard a lot of -- we got a lot of good answers, as you can imagine.

(Slide)

So, the major advice, and I am not going to go through these obviously in detail -- they are all covered in some detail in the report you have, but as we thumbed through these next series of slides, you will see that over the last 15 years, NEJAC has contributed a lot to the environmental justice framework we know in this country, the mall plan for public participation published initially in 1994, updated in 2000, has been used in hundreds of meetings around this country as a way to really -- how -- as to how to really get engaged and do public participation in a real way in this country, one of the first products produced by NEJAC. The Brownfields effort that Charles Lee was involved in on Brownfields revitalization and urban culture changes to get the communities more involved and redevelopment of contaminated property in this country, the Superfund relocation policy.

(Slide)

The enforcement roundtables that were held in 1996 in San Antonio, Texas, and North Carolina in '97.

The waste transfer station guidance.

The roundtable on U.S.-Mexico border issues.

Environmental justice in the permitting process that led to the legal authorities memo that came out of EPA in late 2000.

The community-based health model forum that was held in Atlanta with ATSDR and CDC.

The Federal Facilities Report.

(Slide)

The great work that was done around tribal government and indigenous community involvement.

The work on integration of environmental justice in other Federal programs beyond EPA back in 2000 through 2002.

The NEJAC strategic plan that came out in 2001 that had a lot of great recommendations as well, and EPA responded to that.

(Slide)

There was a fish consumption report that came out of the Office -- that was done and made recommendations to the Office of Water about how to better deal with water quality, fish consumption policies, etc.

Pollution prevention report that came out of NEJAC

in 2003.

The great report I mentioned earlier on cumulative risks and impacts.

The environmental justice and how tribal environmental regulatory programs incorporated environmental justice considerations into their programs as well.

(Slide)

There was a report on the unintended results of Brownfields redevelopment that came out in 2006.

The Gulf Coast hurricanes report.

(Slide)

The next set of reports was the stakeholder involvement report that -- and all three of those last reports, by the way, EPA responded to in 2007, and that is a model that I think NEJAC needs to continue for the future, where -- when NEJAC provides a report, I think EPA needs -- owes it to NEJAC to provide an official response to NEJAC as to how it will address and deal with the recommendations that have come out of the NEJAC on a particular issue. That has not always been the case up until the last couple years.

The Environmental Justice Achievement Awards Program that is continuing in 2009.

I mentioned earlier that NEJAC has had major impacts on the CARE program, the diesel retrofit program as well.

EJ grants.

Job training initiatives.

The creation of the American Indian Environmental Office.

And many other EPA initiatives over the years that there is clear documentation, as you read these reports like I did, that NEJAC has played a major role.

(Slide)

So, what are the major findings?

First, that everybody I talked to and interviewed -- EPA, NEJAC officials current and former -- feel that NEJAC has provided an outside perspective from diverse stakeholders, those of you who sit around this table, that EPA managers and staff would not otherwise have access to except NEJAC being there. It brings together a diverse group of six or more stakeholder groups to deal with EJ issues in a constructive way. I think that is a real testament to NEJAC over the last 15 years, and it has played a significant role in educating and sensitizing EPA managers and staff, me included, and, Steve, you as well, as you get more engaged in these issues.

I thought at first back in 1994 that I knew how to deal with environmental justice. I called together a meeting on environmental justice in Atlanta, but I didn’t involve the stakeholders who I was meeting with before I got there, and they said, “Mr. Fields, you can throw away this agenda because we have not been at the table as you developed this agenda for

the meeting." So I learned real quick that I didn't really know how to deal with environmental justice until I was sensitized in a very blunt way by stakeholders like yourselves as to how to really get engaged on EJ issues.

(Slide)

We also found that without NEJAC over the last 15 years, everybody I talked to felt that EPA would not have dealt with many EJ -- the major EJ issues in an effective way. NEJAC played a significant role in making sure that EJ issues were addressed in a consensus, collaborative and fair and equitable way that would not have been done if NEJAC did not exist.

I identified also, as I pointed out, that EPA has not always done a good job of responding to the advice and recommendations that NEJAC has provided. EPA has taken steps in recent years to improve that, but that has been a problem that needs to be fixed.

(Slide)

There are kind of two views about NEJAC as you look back over the last 15 years, depending on who you talk to, when they were on the Council, when they were engaged at EPA.

There is one school of thought, and it is about half of the 40-plus people I talked to, who feel that the Council has improved as it began to focus on the broader EJ policy issues rather than local community issues, and it has provided

some very high quality reports and recommendations to EPA. I agree with that assessment as well.

I also agree with the second assessment as well. I heard from some people, because I knew where they were coming from, which was that they feel that the Council declined in recent years because there was a waning number of active community members participating. There was a lack of adequate numbers of meetings. As you recalled, from April 2004 until the fall of 2006, there was not a -- there were not any NEJAC meetings for like 2-1/2 years. So, there was some concern about that.

There was some debate during 2005-2006 about where NEJAC would -- whether NEJAC would continue or not, and that led to that sense by some that NEJAC was not what it was back in the '90s. And then through in various times, there has been a lesser degree of senior EPA management involvement with the NEJAC and engaged with the NEJAC on issues, and I am hopeful, as we heard from Mathy Stanislaus this morning, we have Steve Owens here now, I would really encourage the EPA managers to really get engaged with NEJAC.

I am glad to hear and see that tomorrow morning Cynthia Giles is going to be here and that the EJ Executive Steering Committee will be engaged with NEJAC tomorrow as well. I think that needs to continue. To have -- to make NEJAC as effective as it can be, EPA senior management needs

to be engaged with NEJAC on these very important issues.

(Slide)

In order to measure the success of NEJAC, we found that one barometer that a lot of people agreed with in terms of how you measure the success of NEJAC is the impact that NEJAC recommendations and advice have on EPA programs, policies and activities, and we can cite examples of those that we can all -- that I am sure that everybody can point to.

(Slide)

Another measure of success is the real impact that NEJAC has on the ground on real issues that are confronting people in communities. Charles Lee and Mathy Stanislaus mentioned this morning the Superfund relocation effort in Pensacola, Florida, as one example of that.

(Slide)

Another measure of success is the quality of the reports. I want to commend NEJAC, as I read back through these reports in addition to getting bleary-eyed for reading them over three months, I was really impressed with the quality of the reports and the advice and recommendations made by NEJAC over the years. You have produced an outstanding set of reports on a variety of topics, and even though some of those recommendations have not yet been responded to, that the reports themselves are still quite good and quite excellent and ought to be proud -- you ought to be proud of those.

NEJAC has also helped us, as Richard Moore and others mentioned in their remarks this morning, have helped to sensitize EPA to the needs of tribal government and indigenous communities. And two excellent reports have been produced by NEJAC on these topics, in 2000 and 2004.

(Slide)

And then, lastly, I want to turn to the recommendations that are in the report. These were recommendations based on the interviews, recommendations based on the body of the reports that I read, as to how we believe NEJAC can be even more effective as an advisory organization going forward in the future.

(Slide)

First, and these are not in priority order by the way, but first, I think, as was mentioned earlier, this is a great opportunity. You have a new Administration. And you are celebrating -- Victoria has brought us here to the 15th anniversary celebration. We have a great opportunity now, and we have the Administrator of EPA coming to meet with you and talk to you this afternoon, so I think it is a good opportunity now to look at, given the lessons learned, what can be done to revitalize NEJAC going forward? And so I think all of you can be a critical part of that as we look to the future.

One thing that is critical is senior EPA officials

and mid-level managers need to be actively involved and engaged with NEJAC. NEJAC cannot do it alone.

Representatives of the EJ Executive Steering Committee, other senior officials that are here in the audience and at this meeting need to attend these meetings and really have an engagement and dialogue with NEJAC on critical issues that you are engaged in, that you are work -- that you are developing recommendations on as a work group and as a full Council. I think that is critical.

(Slide)

Adequate resource support is also an issue that EPA will obviously have to be challenged with over the next few years.

Some of the -- some of what we are recommending obviously is going to require resource support. OEJ and the regions will need to support EPA NEJAC activities to do this. The general sense I got was that many stakeholders believe that the current NEJAC budget is not quite adequate, needs to be increased, in order to fully implement some of the recommendations we are making today.

There is a need for a better feedback mechanism between NEJAC and EPA regarding the advice and recommendations. I think the progress, as I mentioned earlier, between 2007 and 2009 is commendable and needs to be continued, but there needs to be some improvements in making

sure that when NEJAC provides advice that EPA is responding in a timely way. Next one.

(Slide)

As in the case in earlier years, there is a concern that, as NEJAC deals with issues like goods movement or climate change or other issues that you are addressing that are critically important, that there ought to be, in addition to the NEJAC, an ability to bring community members or community-based organizations to actually be a part of that discussion when you are talking about a subject that they are germane to, to actually have them come and present testimony on that issue as part of the dialogue, not part of the public comment period but actually be engaged with NEJAC as you are discussing those issues that you are going to be providing advice and recommendations to EPA about.

I talked about the need for EPA to be more timely. I am suggesting that EPA try to respond in less than one year -- when NEJAC provides a major report or set of recommendations to EPA, that the Agency respond in writing to those recommendations in at least with -- you can do it sooner or greater, but at least within a year of the time of getting that advice from the NEJAC.

(Slide)

We need to -- we talked earlier about the feedback mechanism.

Well, one critical feedback mechanism as well is even though EPA responded to the three reports I mentioned on -- in February, 2007, a criticism I heard from several NEJAC members, as well as EPA staff, was that EPA not only needs to respond to the NEJAC recommendations, but they need to advise NEJAC as to what they are doing over time as they take corrective action and implement the recommendations that they have agreed to that came out of that NEJAC advice. What activities have occurred since 2007 as EPA continues to respond to a set of recommendations from the NEJAC?

We also -- and Victoria mentioned this -- this meeting, the CD that has been provided, the reports that are on the OEJ website. In some cases we believe that EPA and NEJAC need to review prior major NEJAC reports and insure that adequate EPA responses have been provided to some of those reports. I can cite some examples where we believe that there probably needs to be a fuller response by -- on the part of EPA to some of the recommendations that have been made by NEJAC in the past.

(Slide)

Performance. And I know this is debatable, but just for -- to give you red meat to chew on, ways in which we believe that the performance of NEJAC should be measured in the future going forward, would be: What impact are you having on EPA programs, policies and activities? What

influence are you having to change how EPA addresses those EJ concerns as they change their policies, programs and activities?

Secondly, whether EPA -- whether NEJAC is focusing on the correct priority EJ issues. It doesn't do any good for NEJAC to focus on the wrong set of issues if there are higher priority issues that NEJAC ought to be addressing at a particular point in time.

Thirdly, whether NEJAC activities are making a difference in communities out there where we all come from. Is NEJAC changing lives for the better, achieving risk reduction in communities where people live?

And, lastly, the quality and the number of reports that are prepared by NEJAC on critical EJ issues that EPA and communities are confronting.

(Slide)

Another critical recommendation -- and, again, this one is a little touchy for the regions and for EPA as well. The NEJAC members that I talked to, current and former, as well as EPA, all agree that NEJAC ought to primarily focus on broad EJ policy issues. That is the focus that has evolved from the late '90s till now, the last decade.

But in return for that, they say that is -- they would agree with that as long as the local EJ issues that they believe also are important are being dealt with in some form.

The recommendation is that the EPA regions should conduct at least annually some form of EJ listening session, EJ forum, where they are hearing from stakeholders at the local level and getting input on issues that need to be addressed by those stakeholders and by government, whether it be EPA, states -- Jody, they are recommending that states be engaged in that dialogue for sure.

For example, just this past six months, and Cynthia Puerifoy from Region IV has been involved in this, EPA Region IV worked with the State of South Carolina and they did four EJ forums in the state of South Carolina on -- all across the state. That is just one example, but in return for NEJAC only focusing on those broader EJ policy issues, people feel that the regions need to conduct periodic EJ forums.

Next, NEJAC would like to get, we believe should get, periodic summaries of the major outcomes of those regional EJ forums. Mustafa and Victoria have suggested in discussions we have had that they -- those summaries could be put up on the OEJ website or list serve so that people could have access to those summaries of those periodic meetings.

One thing as a caveat, though: Although people believe that NEJAC should focus on those broader EJ policy issues, NEJAC, they believe, should focus on those region specific EJ issues which become nationally significant -- for example, the -- you know, we all are very familiar with the

issue of coal ash and how that has become a national issue in the last few months, and Lisa Jackson has, and Region IV as well, have all taken some real ownership of that issue going on. So, on occasion, it may be that the NEJAC and its leadership may decide to get involved in a local issue that becomes nationally significant.

(Slide)

We believe, and we encourage NEJAC to continue its policy of having meetings about twice a year. We know that cannot always occur, but as a goal, as a guide, we believe twice a year is about right.

We also believe that a couple of year public teleconference calls is good as well. A lot of people feel there ought to be something in between the NEJAC meetings, and those teleconference calls have apparently been very effective to keep that dialogue and public participation going.

We talked about the broader -- focus on broader, cross-cutting policy issues for the future as well.

(Slide)

NEJAC and EPA together should decide on its priorities and set an agenda for those significant EJ issues that you ought to be confronting, and they may or may not be the priority issues for the Administration, but that is something that EPA and NEJAC ought to work on together. I will talk later about how we believe you should do that.

NEJAC and EPA should continue to strive for high quality in its membership, diversity in its membership, and balance in the makeup and membership of the NEJAC. And as I look around the table, I think you have done a fairly good job of that. But, you know, that should continue obviously in the future.

(Slide)

The way to deal with this agenda issue has been recommended by many, several of the members of this Council who I talked to, is that they ought to recreate, reestablish a small agenda committee, five or six people who are part of the NEJAC, who would work together with the Chair of NEJAC and the leadership of OEJ, to define the ongoing and future agenda for NEJAC meetings. That should be a standing committee of the NEJAC that would work together to help define the future issues that NEJAC should focus on.

Another thing I heard a lot about -- some of you will become -- over the next year or so, you will become alumni of NEJAC, and you obviously bring a lot of valuable expertise and resource support to the table. So a recommendation I heard from several was that former NEJAC members, to the extent possible, you should try to keep them involved or as a resource in NEJAC activities. And that is -- I saw that EPA is doing that, saw that Vernice Miller-Travis, for example, is involved as a member of the work group

looking at the definition of solid waste and the schools issue around toxic siting. So I think that is one example of how you get former NEJAC members engaged and involved in NEJAC activities as a resource to you all.

(Slide)

This is obviously a resource issue as well. Another recommendation we make is that -- I swore to the regions who complained that they had never had a NEJAC meeting in their regions I would make this recommendation -- but there have been some regions, as I pointed out, where there has not ever been a NEJAC meeting. And I would just suggest to EPA over time that it work with NEJAC to look at hosting meetings in those -- particularly those four regions where NEJAC meetings have never been held in your 15-year history. That would, I think, be helpful to everybody involved.

NEJAC should engage with other Federal agencies as appropriate as a partner with EPA as you -- one of the -- part of the charter for NEJAC is that it help EPA to extend feasible and engaging with other Federal agencies in addressing critical EJ issues.

(Slide)

Lastly, every -- the one thing that was a unanimous recommendation from everybody was that NEJAC should continue in the future with a proviso that it make some recommended improvements along the lines of what we provided today. So,

that is the set of recommendations.

Lastly, in terms of working -- me and Victoria talked about this -- we are having this meeting today, July 21st. You are getting the presentations, you are getting a draft of the report. We were asking that the comments by NEJAC on the report come to us by the 17th of August, which is -- gives you about a little over 3 weeks to get your comments in. That is a Monday, by the way, August 17th. And that would give us time then to take those comments into consideration and produce a final report by the end of the fiscal year.

So, that is it. Thank you very much.

(Applause)

Questions and Answers

MS. ROBINSON: I wanted to thank Tim and his crew, Joy Lee particularly, for all their hard work, and really, I mean, to really, as he said, slug through the reports. I mean, those who have written them know what it is like to have put them together, let alone to have them all sit in front of you bound or printed out in front of you and having to read through them and to identify and see those trends and the recurring themes that have been through most of the reports.

We are going to go ahead and open it up to questions, and I think John was the first who had his -- John Ridgway, had his hand up first.

MR. RIDGWAY: Thank you. Tim, thanks, very, very

much.

I find these recommendations refreshing and it is good to get them out in the light of day and a lot to work with.

On behalf of planning with the Chair, Richard, and Elizabeth and Victoria, and I have talked to Tim about this, too -- this is directed as much to the Council as Tim. There is an assignment here for the Council in relation to what we have heard, what is in this report, for you to consider here, and that is that I would like to ask the Council members to volunteer to read just one of these reports. And we will figure this out a little bit later so that there is not duplication.

But a question for Tim earlier was, and maybe this is a question only for you to respond to, Tim, in a moment, is: Given there are 18 reports, we have got about 20 people on the Council, we thought there was a good opportunity here to tie the past with this current Council and where this Council wants to go, such that each member, during the time off before we meet again, will read one of these reports and do a little research. What has EPA done with the recommendations? Where did they send them? Has there been any follow-up, recognition, implementation? And then come back to the Council in the next time we meet or perhaps on one of these conference calls that is open for the public to hear,

in the course of maybe just 15 minutes, what were the key recommendations, so that we all can be reminded as to the advice that has been delivered in the past?

Also, what do we as a Council want to perhaps consider in relation to these recommendations? Do we need to nudge EPA to do a little bit more? Do we need to look at these recommendations, or any one of them, in a need for us to follow up as much as for EPA?

So the question for Tim was, you know, are there some key recommendations that need attention sooner than later because they haven't received attention in the past or we are just not sure what happened with them?

So as you look at these recommendations and all the reports that came out, I would like you to browse through this, pick out one maybe that you are interested in, and we will also hear from Tim as to any he thinks that may be of particular higher priority for our consideration, to help, again, tie the past with this current Council and where we want to go so that we can build this into the agenda for the Council as time comes.

So that is my question to Tim and my recommendation for the Council, to also engage us a bit more when we are not on a call, when we are not meeting, but in your own time find out in your own ways and we can work with staff to do a little research as to, you know, what program at EPA these reports

were given to to follow up on, if at all, and/or if there wasn't any follow-up, you know, how do we get that kind of review and attention to some of these things? Most of these issues have not gone away. Some are probably exacerbated since the reports came out. So I will leave that with Tim.

MR. FIELDS: I will respond quickly. I think that is a great recommendation, John, to have Council members do that. I think it will help educate Council members as to the high quality of recommendations that have been made by many NEJAC Councils in the past as well as current Councils. So I applaud the recommendation to get Council members familiar with this material.

I do want to say, though, as you -- as the Council members get a start on that, when they read the draft report that I prepared, you will see that in some cases it is pretty clear how EPA has responded and EPA did provide an official response and that that is documented in my report and you will -- it will be very clear to the Council members what EPA did do or did commit to do with that advice that came from the Council. In some cases, it is not very clear, and it will take some investigatory work on the part of the Council members to get more details. So I think it is a good idea.

A couple of the reports that I would -- you know, again, I am just throwing these out as illustrative of reports where I think, you know, more work could be done to find out

more about the activities of EPA after the advice and recommendations of the Council, would be the fish consumption report, the report on fish consumption and environmental justice. The Agency didn't really provide an official response to that report, but I know the Agency did a lot of considerations of the information in that report and the report has a lot of good recommendations. And I think EPA generally agrees with most of the recommendations in that report, and so I think that is one.

Another one would be the cumulative risks and impacts report. That report is quite good. One of the major recommendations was that it create a multimedia risk reduction set of pilot projects. That became the CARE program. So one of the 12 recommendations was very clearly addressed.

But there are other recommendations in that report that have not been addressed, and so I would recommend that the Council and many people in NEJAC and EPA agree to that, but I think those are two that I would, as a Council, look at very closely and proactively. I think both of them are excellent reports and I think there is some more work that needs to be done to follow through on the part of the Agency to respond back to NEJAC as to what more is going to be done with those -- that set of advice and recommendations.

MS. ROBINSON: I am going to go ahead and add --

MR. FIELDS: Thank you!

MS. ROBINSON: -- to that in terms of the EPA's response. The agency response to any Federal advisory committee, that has been an issue, I think, for members of Federal advisory committees government wide. Ever since I have been with EPA, that was one of the big, big issues.

They did about two years of surveys of current members and former members of advisory committees -- EPA, DOD, DOT -- and that was the number one issue that people have, members have, with -- we do all this work, we volunteer our time, we don't get a response back and/or an adequate response back.

As we -- as you work to develop a process for how you want to deal with some of these reports and developing a mechanism, as one of the recommendations were, but there were several of them that dealt with EPA's response to the recommendations.

This is actually going to serve as a -- could serve as a template of recommendations that you would give to agencies that they could use for -- to model for its other Federal advisory committees.

We had developed our current mechanism out of frustration that gave us the initial response from the Agency, but it does not have the follow-up component, and I think it is going to be very important that, as we go through this, that we really look at how members, how Federal advisory

committee members, want to get feedback, and what you consider feedback to be.

I know that very early on when we had subcommittees, there was a lot of informal feedback, a lot of informal follow-up, that occurred in subcommittee meetings, but never were in the full Council level. And so, how do you deal with that? And how do you make it so that it gives you the kind of level of satisfaction that as members do we want? And I think that is something we keep in the back of our minds as we go forward on this.

MS. YEAMPIERRE: Jody?

MS. HENNEKE: This is Jody Hennecke from the General Land Office in Texas. First of all, Tim, thank you very much. That was like trolling through my childhood, some of which was very painful, as I recall.

I have had a -- the good fortune to be involved in a number of those reports, and they were complicated, painfully fought through and discussed and scratched out, and everybody sitting around the room and in the audience and has being part of one of those is kind of going, like, oh, yeah, man, that was awful! But a tremendous amount of good work came out of it.

Victoria, I am not sure whether what I am getting ready to say is going to be contradictory to what you just suggested or not. I think as the NEJAC, or really any FACA

for that matter, I think it is our responsibility to provide those recommendations to EPA, and I think it is probably very worthwhile for us to provide some kind of framework for that response.

But I don't know that I am comfortable deciding how EPA responded. I think EPA should provide the NEJAC with that information. I think we can make a value judgment on, you know, both individually and collectively, whether it was good enough. But I don't think it is within our availability even really to decide what their individual response is, unless they have provided a report or something like that to us, and then I think we can make a value judgment on it.

MR. FIELDS: But you do agree they ought to respond?

MS. HENNEKE: Oh, absolutely --

MR. FIELDS: Okay.

MS. HENNEKE: -- absolutely. Absolutely. In fact, I -- having around the NEJAC before that shift and after that shift, it has made a fundamental, profound difference to me in my way of thinking in the effectiveness of the NEJAC.

MR. FIELDS: Good. Okay.

MS. YEAMPIERRE: Jolene, please?

MS. CATRON: Thank you. And, Tim, thanks so much for that report. I -- a lot of what is in here were questions that I had first coming in to the NEJAC, like the history -- how do I find out this information? Is it online? Can I --

how accessible do I make myself to other grassroots, other community-based organizations? And if I am that accessible, who helps pay for that? And so funding certainly is an issue.

But I think one of the things that has really kind of bothered me -- well, I don't know if "bothered" is the right word -- but that I have questions about is how accessible the NEJAC is to the groups that we represent? And how good of a perspective are we providing for the people that we represent and the groups and the organizations? And so that has always been my major concern.

I think that our public meetings -- you know, I have been to a couple, one in Atlanta and two here in DC, and as a grassroots, community-based person coming from the middle of Wyoming, the only way that these meetings are accessible to me is because I am on the NEJAC. I would never be able to attend these meetings in the capacity of a grassroots organizer or something like that.

So just the public comment availability to NEJAC in and of itself is highly inaccessible to a grassroots person like me. And so that has always been one of my major concerns. How do we open that up so that we are hearing what those issues are out to the broader public? And so that is a tough one.

Then the other question I have is: You mentioned there are four regions that have never had a NEJAC public

meeting hosted, and so I was just wondering what those regions were. You mentioned them earlier, but --

MR. FIELDS: Yes. Regions I, II, VII and VIII.

MS. CATRON: I, II, VII and VIII?

MR. FIELDS: Yes.

MS. CATRON: Okay.

MR. FIELDS: Which includes your region.

MS. CATRON: Right. I am in Region VIII.

MR. FIELDS: Your -- so it looks like I have a NEJAC meeting in Wyoming? Is that what you want ---

MS. CATRON: Certainly, yes!

MR. FIELDS: I am just kidding, like, yes.

MS. CATRON: We will all invite you all out to Wind River!

MR. FIELDS: But in response to your -- so I think NEJAC I am sure will work EPA over time, and I recognize that there is, as you said, resources and the budget and funding for all this is a critical issue that EPA will have to look at in terms of how it can respond to all of this.

But, you know, in terms of public participation, we are recommending, and several members of the NEJAC also suggested, that we ought to try to find a way in which we balance and try to get more public engagement into the NEJAC discussion that is going on on a particular topic that NEJAC might be engaged in. So I think that is something that EPA

will try to work on to the extent it can with resource availability to try to get more public involvement in the dialogue that NEJAC might be engaged in on a particular issue going forward in the future.

MS. ROBINSON: Jolene, actually our next conversation will actually be dealing specifically with the overall issue about how to enhance NEJAC's engagement with impacted communities, and that is the very reason we are having the conversation after this presentation.

MR. FIELDS: Good.

MS. YEAMPIERRE: I was about to say that. Wynecta?

MS. FISHER: Hi. My name is Wynecta Fisher, City of New Orleans, Director of Mayor's Office of Environmental Affairs. And Jody asked a part of one of my questions, Jolene, the other, so I am going to be pretty brief.

This is really great. I have a question about Slide Number 32 --

MR. FIELDS: Yes --

MS. FISHER: -- where it says "Senior EPA officials and mid-level managers need to be actively involved and engaged with NEJAC." And who defines "actively?" How is that being defined? And I am sorry -- I am really a matrix person.

MR. FIELDS: Well, you know -- well, it engages --

MS. FISHER: "Actively" means --

MR. FIELDS: "Actively" means different things to

different people. But I think to -- what is going on in this meeting is what I had in mind when I made the recommendation. That is, you know, having people, senior people, at this -- come to this meeting, be engaged with NEJAC, whether it be Mathy Stanislaus this morning, Steve Owens coming in, Cynthia Giles tomorrow morning, the EJ Executive Steering Committee on Environmental Justice coming to a NEJAC meeting and actually being engaged with NEJAC.

But, as Victoria said when she introduced me at the very beginning of this discussion, I hope that it turns into something even more substantive. That is, I hope that senior EPA officials -- and I can assure you that Mathy Stanislaus will do this. I know Mathy, I worked with him a long time. He will be engaged with NEJAC on issues of import to OSWER. I have no doubt about that. I hope that the other AAs do the same.

But I hope that engagement will mean that senior EPA officials, whether it be Office Director, Deputy Office Director, DAA, AA, DRA, whatever, that they will get engaged with particular work groups that are engaged in developing draft reports to NEJAC that could turn into advice and recommendations. Engagement means meeting with you, serving as a sounding board, having a dialogue with you.

That is the way that I operated, for example, with Charles Lee back in the '90s when Charles was Chair of the

Waste and Facilities Siting Subcommittee. I came to every NEJAC meeting. I participated in the work group sessions. I was there. And my staff were there because I was there.

So I hope that that is the kind of engagement I hope occurs over the next four years between senior officials of EPA and the NEJAC. That is what I mean by real engagement, not just showing up one time, but continuing the dialogue, particularly on issues that are germane to their responsibility.

MS. FISHER: Okay. And thank you for the answer. And what I would like to suggest is that after you have that dialogue, there has to be some kind of action item --

MR. FIELDS: Oh, yes, yes.

MS. FISHER: -- because we just don't want to meet to talk.

MR. FIELDS: No, no. I would just suggest you keep in mind that EPA cannot provide the advice. After that engagement, the NEJAC work group and the NEJAC Council has to provide the advice and recommendations. EPA then, the program officials that you might be dealing with, hopefully they would then respond in some way to the recommendations you are making. But the advice has to come from NEJAC.

MS. FISHER: Okay. And then I have one other one, Slide 36, Numbers 2 and 3.

MR. FIELDS: Yes --

MS. FISHER: And it is basically holding us accountable, which is something that you somewhat mentioned.

MR. FIELDS: What -- I am sorry. What is your question?

MS. FISHER: So my question is Number 2. It says "Whether NEJAC is focusing on the correct priority EJ issue." Who determines the priority? Who determines the issue to focus on?

MR. FIELDS: I am suggesting that in the future it be an agenda committee of the NEJAC, five or six members of this body, who will work together with EPA management, headquarters and regions, and themselves knowing what the key issues are that are out there in communities decide, and what are the key areas that NEJAC should focus on? So I am suggesting that the agenda committee would make recommendations to the full Council and those would be the priority issues that NEJAC should focus on.

MS. FISHER: And for Number 3, it says "whether NEJAC activities and advice recommendations can make a positive difference," how are we going to measure that?

MR. FIELDS: You have to measure it by individual communities and one example at a time.

I -- we mentioned earlier the impact it had on relocating 358 homeowners around the Escambia Superfund site in Pensacola, Florida. That became -- that occurred because

of the involvement of NEJAC.

Another example would be, you know, the impact it had on the Brownfields program. The Brownfields program began in 1994 as a developer driven program. Because of the engagement of NEJAC in 1995 and ’96, it was changed where the criteria incorporated environmental justice, became a major criterion by which a person could get a grant from EPA for Brownfields assistance. That began to help and to have an impact on hundreds of communities across America.

So that is what I am talking about, where you measure where NEJAC advice results in changes to EPA programs and policies that have a real impact in communities where we all live.

I would hope, for example, just to bring it close to you, I mean, I would hope that in the future, for example, that in terms of the aftermath of Hurricane Katrina that the NEJAC report that resulted from that and the recommendations they made, which include the creation of an environmental justice liaison in the emergency management center for future natural disasters, would have an impact and benefit the City of New Orleans in the future in terms of the support that EPA provides to your city. But that is where EPA is really having a real impact on the lives of people in communities.

MS. YEAMPIERRE: John?

MR. ROSENTHALL: Thank you. And thank you for

allowing me to participate on the Wynecta Fisher Show!

(Laughter)

MR. ROSENTHALL: I am John Rosenthall from the National Small Town Alliance. Tim, I have a couple of questions here.

MR. FIELDS: Sure.

MR. ROSENTHALL: First, you -- one of your recommendations, that NEJAC become more engaged with the other Federal agencies through its association with EPA, since NEJAC is a body that provides advice to EPA, do you have any thoughts on how that is done from a practical matter?

The second question -- the second question from me is a recommendation really, is that the -- I like the recommendation about the NEJAC alumni. And a good place to use the NEJAC alumni is with the other EPA FACAs that really have very little environmental justice representation on them right now.

MR. FIELDS: Okay. On your first issue, part of the objectives of NEJAC are to -- one of those five major objectives are to provide advice and recommendations about EPA's efforts to strengthen its partnership with other government agencies such as other Federal agencies and state, tribal or local governments regarding environmental justice issues. That is one of the objectives of NEJAC, is to help EPA do that.

So, back in 2000 and 2001, 2002, EPA called a meeting of the Interagency Working Group on Environmental Justice and they actually had them meet together with NEJAC, and NEJAC had an opportunity to hear from all those other agencies as to what they were doing to integrate environmental justice concerns into their programs, policies and activities.

So I would say, you are right: EPA relies on NEJAC for advice to the EPA Administrator, but there is nothing that precludes NEJAC from offering advice to EPA on how it can better partner with other Federal agencies to address environmental justice issues, because that is part of the NEJAC charter, so that is fair game.

Your second question was?

MR. ROSENTHALL: The second one was a comment that the NEJAC alumni could bring benefits to other FACAs.

MR. FIELDS: Other FACAs, yes. That is not a bad idea, and there have been some alumni of NEJAC who have gone on to some other FACAs, I know, like Wilma Subra, for example, who has served on some other FACA committees, and she has had experience with NEJAC as well. But, you are right. EPA could probably do more of that in the future.

MS. ROBINSON: I will go ahead and comment to that. And actually something that is going on now, there is a real active effort by the other offices to contact our office in looking for members to expand the diversity of their

membership. And we have been really pushing for ways for them to utilize other members we have been engaging.

Some of our former members have served on our own work groups, to co-chair those as well, and we are -- actually, I am going to be engaging the Office of Research and Development on this very issue about looking at ways to expand the diversity of its membership on the variety of FACA committees that ORD actually is -- that they are spearheading, which includes a science advisory board as one of them.

So that is a very good recommendation and we are starting to undertake it. It is a new process and people are still trying to feel their way around it, but we are hoping that we have got something that by the end of the year we can have something that we can really speak to and we will try to present about.

MR. ROSENTHALL: Good.

MS. YEAMPIERRE: Thank you. By the way, Tim, thank you so much for being so thoughtful and present in answering the questions.

MR. FIELDS: No problem.

MS. YEAMPIERRE: It really does make a difference. Shankar?

DR. PRASAD: Tim, thanks -- good report.

MR. FIELDS: Thank you.

DR. PRASAD: And we have had these conversations

before and they -- a couple of things. If you have such a long list of recommendations and they are all good and they all need to be followed through and so on, but in some fashion is there a limit to come up with a way of prioritizing them?

MR. FIELDS: Okay.

DR. PRASAD: Whether you want to take a first shot at it or we will be getting some suggestions to you with our comments, should NEJAC take ---

MR. FIELDS: I like that suggestion, you know, NEJAC providing some comments on that issue. In its comments to me by August 17th, if you would make some suggestions on your priorities, that would be good.

But your comment is well taken, and I will look at that issue as we look at working with EPA on the final report. But, you are right. There are 20-plus recommendations and a sense of priorities is a good idea. But I do welcome comments from the NEJAC on that topic as well.

DR. PRASAD: Yes.

MR. FIELDS: Okay, I am sorry. Go ahead.

DR. PRASAD: Sorry -- I must -- and coming back to that same issue of NEJAC should continue its practice of formally focusing on the broader cross-cutting EJ policy issues. I mean, if you look at the whole NEJAC, gave its own report, after it was on a lull for a couple of years, we came up with that some sort of a similar recommendation.

MR. FIELDS: Yes --

DR. PRASAD: But at the same time, we often also hear from the community representatives as well as community members who have come and testified here that for some fashion, in some fashion or the other, it should have a role in the local level. But we do not have that kind of a role, but that we -- there seems to be some kind of an expectation built upon by the community groups for the NEJAC to have that kind of a role or establish its own accountability.

So I am kind of -- in a fix in order is -- that is a slippery path.

MR. FIELDS: Yes, I had a difficult time with that issue as well, Shankar. I heard from a lot of current and former NEJAC and current and former EPA officials.

The compromise on this is as follows, and I would be interested in hearing what the community panel after this has -- feels about this. But I heard from people like Peggy Shepard and others that they finally concluded that the focus should be broader EJ policy issues. But in return -- but in order to support that recommendation, they want the EPA regions to be able to step up and have EJ listening sessions, EJ forums, in the regions where they have a chance to hear from and take actions on local EJ issues that may be occurring on those regions.

So people are comfortable in general with NEJAC

focusing on the broader, cross-cutting EJ policy issues if the regions do take the mantle to undertake the EJ forums to hear from local stakeholders about issues in the regions. They don't believe that that in general should be the role of NEJAC. NEJAC should only get engaged on major, nationally significant, local issues -- so, you know -- that is -- because obviously there is a resource question, NEJAC taking on the broad, cross-cutting policy issues is a lot, end to itself. So if the regions do take that role of really getting engaged with stakeholders on the local issues, that would take that need for NEJAC to focus on that away, right?

DR. PRASAD: And yes. Thank you.

The last question. My feeling of one year for a feedback is too long, though I have been in the government for so long, I understand. But my feeling is, in one way or the other, at the subsequent meeting or something like that, if they give -- that also gives them at least a six months' period, which is a reasonable time to have an internal dialogue and so on.

So my suggestion would be for you to sort of not give that one year but just put it at six months would be my suggestion.

MR. FIELDS: So your comment is that EPA ought to have six months to respond to --

DR. PRASAD: Or at the subsequent following meeting

of the FACA, that way at least.

MR. FIELDS: Right. I do want NEJAC to keep in mind that oftentimes NEJAC spends two or three years developing some of its advice and recommendations to EPA, so, you know, but --

DR. PRASAD: Yes, you are right. Thank you.

MS. YEAMPIERRE: Maybe that speaks to the issue of capacity again.

Well, ***campaneros***, we have about 10 minutes left, so I would suggest that you -- if you have any concerns or questions that you want to raise regarding enhancing engagement with communities, that you hold off for the discussion that follows. The next member is Hilton.

MR. KELLEY: Oh, yes. My name is Hilton Kelley with the Community In-power and Development Association located in Port Arthur, Texas. We are a grassroots organization, and I am the founder and director of CIDA, for short.

Yes, the question was raised earlier, in what does a successful NEJAC look like? And I think we first have to take a look at NEJAC, what does it mean, National Environmental Justice Advisory Council? And in order for us to be able to advise EPA on any particular issue, whether it be multiple issues or just one single issue, we first have to be educated and abreast of that issue.

Now, for instance, in Port Arthur we are dealing

with a lot of refinery and chemical plant issues. But in other communities, like in Mossville, Louisiana -- I see a good friend of mine sitting out there now who came all the way from Mossville, Louisiana, Delma Bennett, raise your hand. Delma Bennett and I share similar issues. He lives like 50 or 60 miles away from Port Arthur, and they are dealing with chemical plants and refineries as well. But there are other communities that are dealing with hog farms and various other issues.

But I think it is important that as a NEJAC member, I think we have to take it upon ourselves to visit those communities with the blessings, of course, of EPA, and sort of listen in on what is taking place in some of those communities, and we can act as a sounding board for other smaller community or rural areas in our community, I mean, within 100-, maybe 150-mile radius. I think we have to be an extension of the EPA so that we could bring those concerns back to the table.

When I put out the word that I had been selected to be on NEJAC, I got a lot of reports from various small groups asking if I would mention their issue here before the Environmental Protection Agency. And I am sitting here now with a report from Suzie Canales, also from Corpus Christi, wanting to let the world know what kind of emissions they are being exposed to and how much. And Delma Bennett and I just

had a conversation after the first session and, you know, he was very happy to see I was here, and he said, you know, it was good to have someone from our area there because he wants to get his agenda on the table as well. And I am taking it upon on myself and I am very happy to do so to try to have as many issues heard as possible.

But if we look at all the issues that are put on the table, many times we will find that there is a connection or there is definitely a -- I think a comparison in air, water or land issues. And once we can identify exactly whether or not Delma's issue is with air, some kind of gas release, or the hog farm have some kind of sulfuric odor or what have you, you look at it -- it all boils down to a gas issue, an air issue. And then there is a solid waste issue.

So I think once we compile our information and look at what issue did Mossville have, what issue did Corpus Christi have, what issue did the Houston ship channel have, what issue did Port Arthur have? And when I put it all together, what I see mainly is air and water. And I think that is one way we could condense a lot of these issues.

So I think it is a -- it would behoove all of us on this Council to take it upon ourselves and look at the other communities in our area and try to assess their problems and meet with them. But it comes down once again to resources.

Now, when I think about resources, our organization

of Community In-power Development Association gets funding from foundations like the Norman Foundation, the Seals Family Foundation, but it is to deal with our local issue. It is not to go outside our issues.

But I think we need to look at funding which can be utilized so that NEJAC members can go out into other communities and not only work with our personal issues in our community but to help smaller rural areas with their issues as well. Thank you.

MS. YEAMPIERRE: Lang?

MR. MARSH: Thanks. Lang Marsh, National Policy Consensus Center. And, Tim, I just echo what others have said. This is a really excellent report and very comprehensive and well thought through.

My comment is on the Slide 37 which is on the top of -- next to the last page of your slides --

MR. FIELDS: Yes --

MR. MARSH: -- relating to the environmental justice forums, and we will get into that more in the next phase, so I don't want to say too much here. But there are a couple of things that I wanted to underscore.

One is that I think that having those -- some kind of process at the regional level involving the states and tribes is really essential to the agenda-setting process and the priority-setting process that you have recommended be the

basis on which we judge, or are judged, as to our success, because without that kind of input, and Hilton has just given some good examples of why we need that, it is going to be hard for us to be able to say whether the priorities that we have chosen to work on, whether it is climate or goods movement or whatever, are really the things that are going to make a difference on the ground level, at the community level.

And so I just wanted to underscore to me this is a really important recommendation. I would expand it to not only having the states involved, but also the tribes.

MR. FIELDS: Thank you for that addition. That is an omission on my part. I should have had tribes in there as well. So, thank you.

MR. MARSH: But I think -- and I also wanted to inject that there are now in a number of states statewide environmental justice coordinating bodies of one kind or another, and they should be engaged in that process as well.

MR. FIELDS: Yes, right.

MR. MARSH: I would also just point out in support of Shankar's first or second recommendation, that the other FACA that I am on, the Environmental Financial Advisory Board, I think almost always gets its report back from EPA before the next meeting, which is six months, so I would go along with that. All right?

MS. YEAMPIERRE: Okay, Chris? Chris, do you have

your card up?

MR. HOLMES: I have got this one here.

MS. YEAMPIERRE: Okay.

MR. HOLMES: Thank you. I am Christian Holmes. I have worked with Tim for a long time.

I was really interested when Tim was talking about the three thrusts of this program over the years, namely, advocacy work, advisory work, and program driven work. And I would think that going ahead with this Administration that there is a very big strategic decision to make, which is: Are they going to do all three, or are you going to concentrate very heavily on one of those areas?

I think the other strategic decision is, is how community-specific are you, as opposed to how much do you go after more macro issues?

I know with interest how often the Pendleton victory has been raised in so many different Superfund relocations, so many different contexts. And as an observation, I would imagine that if you don't tackle the strategic question very, very soon and very head-on and don't make some decisions as to are we going to be very community-specific focused or are we going to be more on a macro focus, that our effectiveness will be to dilute, and it will also confuse the constituency, namely, the people in this room.

MR. FIELDS: I just want to offer a quick comment.

I know we are running out of time.

I think that discussion ought to go on with NEJAC and I think Hilton's comment, your comment, Chris -- I think NEJAC needs to decide to what extent it addresses the local issues that are bubbling up, whether it is Port Arthur or Mossville or other communities around the country. And if we have effective EJ listening sessions, forums, going on by the regions, that will mitigate that to some degree.

But, as a Council, the Council may decide that on a national level it wants to get engaged on occasion in some local issues, because overall they become nationally significant. That is an issue, and decision, that the Council has to make. But it is definitely worthy of discussion by the Council for you to decide on for the future direction of the Council.

MS. YEAMPIERRE: We are going to take 2 more comments and then we are going to break for 10 minutes. So the next one up is Pat.

MS. SALKIN: I promise to be brief, and little commentary, but, Tim and Victoria, this was great, and I think this is what the doctor ordered to help reinvigorate NEJAC a little bit. Four quick comments without explanatory commentary.

One thing that might be useful to be added into the report is to see if we could quantify the value of NEJAC by

looking at the amount of time cumulatively that all the members of NEJAC over the 15 years have put into NEJAC -- attendance at meetings, calls, the working groups and so forth. That is a tremendous amount of volunteer time that has a value attached to it that benefits communities, including the government and not the government.

I am wondering in the interviews that you conducted, and I don't know if time permits or what the thought process was going into it, but it might be valuable to interview some community advocates or community stakeholders to find out what they think the value of NEJAC has been, or what the maybe unrealized promises or expectations that folks outside of government and outside of the seat at NEJAC might have, because that also may provide some recommendations and ideas for the future.

MR. FIELDS: On that one, just quickly -- you are saying community members who have no involvement with NEJAC, right?

MS. SALKIN: Correct.

MR. FIELDS: Because some of the people who I did interview were community activists, but they were associated with NEJAC. And you are talking about people who have not --

MS. SALKIN: People who didn't have a seat at the table.

MR. FIELDS: Right, I got you -- okay.

MS. SALKIN: And I like the idea of going back and looking at the recommendations that were made. I think I just want to go back to something that -- an idea that I interpreted from what Richard said in the beginning. I just don't want to get stuck in the past. I know that there have been a lot of recommendations that were not acted upon and we could maybe find out why. I just want to make sure that our agenda is equally balanced with other fresh ideas that are going to come up on Thursday, hopefully, in our dialogue, and that in addition to that, that we save a place at the end of the report for not just follow-up but new ideas and new actions for the future that might help to set a little bit of an agenda.

My last comment is: Although are comments are due on August 17th, I am hoping that we might consider, in addition to written comments and maybe being summarized and shared with the group, that we have an opportunity in a conference call to engage in dialogue one more time as a group to react to everybody else's -- you know, everybody's ideas and recommendations before the final report is put together.

MR. FIELDS: That is a decision for Ms. Robinson there to -- on that one.

MS. ROBINSON: I think it can be doable. We could talk about the timeline, and I think we will look at scheduling a public -- to the conference call anyway sometime

in September, and I think that is probably very doable with your timeline.

MR. FIELDS: Okay. All right. Count it done!

MR. KELLEY: Excuse me. I just have a quick question I wanted to ask -- I would like to have a chance to speak.

Now, when we go out into the community and, you know, identify various issues, is there a direct conduit or a person that we can particularly call and leave the information with, or touch bases with, like, let us just say, on an emergency basis?

MS. ROBINSON: I will respond in terms of that. Whenever you are -- if you are out and about and you find out information, one that deals with an emergency, the first thing is, if it is an emergency, that needs to go straight to the regional offices. The regional EJ coordinator, that is what they are there for. The -- whether it is the waste folks, hazardous waste, or EJ coordinator, that is their job, to deal with the -- those issues.

You could certainly follow up and send -- you know, email to me. As DFO, I can certainly forward it over to the appropriate person to say, "Hey, were you aware of this? This is what happened. This is what I just was sent information about."

In terms of the broader scale, how do you forward

over information to the Agency from people who -- about issues you have heard about? That is something we should talk about as part of that engagement discussion, about how NEJAC engages the impacted communities, because it is really looking at it two levels. Whether it is engaging the NEJAC with impacted communities so that that engagement enhances the NEJAC's recommendations themselves versus really, does that really belong to -- you need to engage EPA around that issue. So -- right, yes. But it is an EPA thing versus a NEJAC, you know, kind of thing.

MS. YEAMPIERRE: Okay, we have -- you know, we have the Administrator's schedule to be here at 4:00, and the next discussion is going to be a -- well, in my view, a really exciting discussion which is about how we engage communities.

So, the last speaker is Don, and then we will break for 10 minutes.

MR. ARAGON: Well, here we go. Thank you. Don Aragon with the Wind River Environmental Program. And I just want to, Tim, just add on to what Patricia's questions were and do some follow-up on.

MR. FIELDS: Yes --

MR. ARAGON: When I was on the NEJAC before, we used to take a lot of public testimony out of those public hearings and then those various topics were assigned to the different subcommittees. Those subcommittees evaluated what was being

shared with the NEJAC there. And I believe we passed resolutions. And my concern is, whatever happened to those resolutions? Were they ever followed up on, and are they available somewhere so that there can be an audit on them to take a look at if there were a follow-up, or those type of things? Because, you know, even being on the NEJAC at that time, I never did hear any kind of finality to the -- some of the resolutions that we passed. Thank you.

MR. FIELDS: Well, I know for a fact, Don -- the quick answer to your question is no, not all the resolutions were followed up on. They are probably all available.

But I know for a fact, for example, the several that I was involved in when I was -- you know, back in the '90s and 2001. For example, there was a resolution that we had developed guidance on waste transfer station operating procedures. Sue Briggum and Mathy Stanislaus and a bunch of people worked on that guidance and we actually came out with guidance in 2001. There was a resolution that we look at changing the relocation policy for Superfund sites, and, yes, it did. It resulted in, several years later, a change, and the relocation of a community.

So, I know for a fact that EPA has, and it is in the record, that they did respond to several of the resolutions. There are other resolutions that I dare say I know that have not been responded to, and for a variety of reasons.

Sometimes, there was a resource issue and sometimes it probably was a priority issue. But there are -- the resolutions are a matter of record, and I know that there are several examples that EPA did respond to in a positive way, yes.

MS. YEAMPIERRE: I think John has a brief comment.

MR. RIDGWAY: To wrap up, a couple things for the Council here.

One is, again, a reminder to take a look at these reports, and I encourage you to take into account what Tim's draft says, and volunteer to review, and we will get into this maybe on Thursday as far as clarifying that.

The second is just administrative. In regard to how this Council sets priorities, I mean that is a big issue here that we have been talking about. And I just want to make a quick kind of a logistical comment that this Council has bylaws that need to be updated that get into the issue of, given we don't have subcommittees anymore in the charter, then what do we do?

To the issue of how this Council sets its priorities, the bylaws originally said that there would be an EJ steering committee to do that. That does not exist right now. So, in recognizing this with Victoria and Richard, that does need to be addressed, and I am hoping that we can get into that sooner than later so that we can help clarify how

this Council looks at issues, sets priorities, in coordination with EPA but not with one group or the other just saying this is what it has got to be. So we need to address that in the bylaws.

MS. ROBINSON: And that definitely is one of the areas that we will be working on this year. There are some revisions according to the Federal Advisory Committee Act that we have to revise what are now called "standard operating procedures" and that will be where we will be able to make those changes.

But I also wanted just to make a quick comment to kind of close up this one in preparation for the next one. A lot of the questions are raised about what is the NEJAC's role in how it has been perceived and what it is actually supposed to be and what it has been over time? And, really, the bottom line is that NEJAC, as a body, according to the Federal Advisory Committee Act, is that you are to provide independent advice and recommendations to the Agency. The -- it -- primarily, that is its role, is an advisory capacity.

It has been perceived, and actually has done, accountability through its advisory capacity as well as the service and advocate on some issues. And I caution all of us and encourage everybody as we go through our discussion about how we engage stakeholders better, how we address the issues and identify what the priorities are, that we -- that the

Council wants to address, think about this, that in your -- our role as an advisory committee and providing advice to the Agency, how can we better engage communities to allow us to get better advice? How can we better engage and identify issues that are going to make us more useful to the Agency in that capacity? That will help deal with identifying priority issues as well as engaging with communities. So that is my --

MS. YEAMPIERRE: So we are now half an hour off-schedule, so I would urge you to be here by 3:00 so that we can get this party started. Thank you.

(A break was taken from 2:50 p.m.to 3:22 p.m.)

MS. YEAMPIERRE: We want to, first, before we start this discussion, recognize the fact that there are some former NEJAC members and charter members, if you can just stand up so that everyone can see you. I thought we had a few. Okay. I thought there were a few more -- no?

MS. ROBINSON: Leslie? Is Leslie here?

MS. : (Away from microphone)

(Laughter)

MS. YEAMPIERRE: Leslie is multi-tasking in the back, like she always does!

MS. ROBINSON: That is Deeohn.

MS. YEAMPIERRE: Deeohn?

MS. ROBINSON: That is Deeohn Ferris.

MS. YEAMPIERRE: Okay.

MS. ROBINSON: Arthur Ray. Did I miss somebody? Richard Gragg. Eileen Gauna. That is five so far. Well, welcome. Love to see you again.

MS. YEAMPIERRE: And thank you for joining us.

Discussion on

Enhancing NEJAC Engagement with Impacted Communities

MS. YEAMPIERRE: So now we are going to get started with this discussion which, as I mentioned before, I was very excited about. You know, representing a grassroots, community-based organization, obviously this is where my heart is.

We are going to have this discussion within the context of what the NEJAC's role is and what our historical responsibilities are, so I just want to put that out there.

But there were a few issues that I think, some things that I heard during the last discussion, which I wanted to reflect back, because I thought that they were going to be important for this discussion. And, you know, for us to be effective and strategic, it is absolutely necessary that we engage grassroots communities in a meaningful way.

So, one of the things that we ask is: What are impacted communities? And there are some communities, for example, that one may not consider impacted, but are really impacted, for example, brothers and sisters who are incarcerated who may be responsible for taking e-waste apart.

Is that a community that the NEJAC should be reaching out to, or not reaching out to? How do we engage them in the environmental justice struggle?

Do listening sessions work? Is -- are they enough? Do they -- should they come together with an action plan, with an allocation of resources, a timeline? I know that in New York City we had a listening session where some of the members complained that they hadn't heard anything back, that they didn't know what were -- what the next steps were.

There was some discussion about, I think Tim Fields raised, setting priorities, and an agenda committee that would work with EPA staff to set priorities. What does the process look like to do something like that?

How do we make sure that, as I think Jolene mentioned, that we are accessible to the groups that we represent and that we are also accountable?

When is a local or regional issue nationally significant?

So, I think that this, and a number of other issues that were raised, are really important to the discussion, and so I am going to open it up now so that you can weigh in and give your input, your recommendations, and your wisdom about how you think NEJAC can enhance our engagement with communities.

MS. ROBINSON: But before she do that, I would like

to also -- sorry. This is a reminder: The Administrator is scheduled to be here between 4:00 and 4:15, and from a protocol standpoint, once she -- we will get about a 5-minute warning when she arrives and then we will --

MS. YEAMPIERRE: Right.

MS. ROBINSON: -- be able to -- have to stop the conversation when she arrives. But Elizabeth has a plan for continuing the conversation.

MS. YEAMPIERRE: Right. What I would suggest is that, at the moment that I have to stop the conversation, that you hold your ideas, your recommendations, and that we can talk about them later, on Thursday when we have a section on Emerging Issues, and that would be a good space for us to talk about some of the concerns that don't get addressed here, all right? So, let us begin.

Oh, cards -- I can't see.

MR. RIDGWAY: You can call on Wynecta.

MS. YEAMPIERRE: Okay.

MR. RIDGWAY: She has got one up, for starters.

MS. YEAMPIERRE: Start -- Wynecta? I didn't -- I can't see people's names.

MS. FISHER: I think Omega had his up first.

MS. YEAMPIERRE: Okay.

MS. FISHER: I don't want to be --

MS. YEAMPIERRE: Oh, okay -- Omega? Thank you.

MR. WILSON: Thank you, my sister from New Orleans.

(Laughter)

MR. WILSON: My question has something to do with the communities and the definition of communities, impacted communities. And it goes back to the question that was raised before about the regions, the regional responsibilities, and also state responsibilities, and also, relationships between, quote/unquote -- we have a division in our definition and our interpretation, and we continuously do this and fairly so, rightfully so: "Communities and tribal" -- "areas of tribal territories."

This is something I haven't discussed with -- you know, with Don or Peter or Jolene. But I have a question relative to money and resources, because a lot of the tribal territory concerns, water/sewer issues, are the same as other low-income and minority issues or African-American communities, say, for instance, in North Carolina.

Whether the concerns are Native American and low-income and minority but they are geographically based, they are territorially based within the states or within the region, and if we could look at something that says -- that creates -- based on what somebody said earlier, and of course I talked to Cynthia Peurifoy about this many times who is my regional person in Atlanta, is what we can do to bring together those resources under the regional umbrella? Because

I have had an opportunity to refer some of the Native American communities in my area to other Native American communities, and of course, it is not a hostile or indifference toward -- sort of attitude, but clearly some of the people who are Native American in the area where I live have a closer kinship to African-American or even Caucasian communities than they may have with Native American people who are on the other side of the country -- that we start looking at communities as communities where we live.

We live right beside each other. We live on top of each other. We go to school together. We work together. And people don't make the division between Native American until you have to do something that is Native American or African-American. On a day-to-day basis, we are just whoever we are. We grew up together, we go to the same schools, we went to the same schools. So that we should look at that community as community, rather than what the political structure or government structure may be, because some of the people that I talk to on the local level are more comfortable talking about it on a local level that is diverse in context but homogenous in the context of the geographical territory where we are.

I haven't heard that discussed, I haven't heard that raised before, and I think it is something we need to look at because it will save resources money-wise, funding-wise, if we have state looks at hearing sessions or speaking sessions or

problem-solving sessions that deal with these diverse communities, say, for instance, in North Carolina, and then those in the Region IV, rather than just looking at Native American territories or African-American territories nationally. Right?

I am putting it out as a question and as a recommendation at the same time, and of course I would like to hear from people who represent Native American and Native American territories who are part of the -- of this NEJAC.

MS. YEAMPIERRE: That is a very good point, Omega. I just want to add something to that, a friendly amendment. It is just that regional -- having regional interactions is extremely important, but there are sometimes differences that are particular, to a particular group, which is why sometimes special attention has to be made.

So, for example, in New York City where you have got communities of the African diaspora, there are differences between African-Americans and Caribbean people of African descent because of language, immigration, other kinds of issues. So there may be some differences there as well, but I just wanted to add that other.

But we have next -- unless there is someone who wants to respond directly to Omega, I am going to go to Wynecta. I hope I pronounced your name correctly this time.

MS. FISHER: Yes, ma'am.

MS. YEAMPIERRE: Thank you.

MS. FISHER: Wynecta Fisher, City of New Orleans. I actually have two questions -- well, now I am going to limit it to one. And when you are talking about engaging the community, since John said it, you know -- when you are talking about engaging the community, I think it is important that EPA provides the community with the tools to be engaged.

So, for example, if there is a -- and I have seen this done several times -- if there is a facility that is getting ready to be built or if there are policies that are getting ready to be developed, there is generally a public comment period, and that public comment period is generally a very small window, sometimes as short as 10 days, sometimes 25 days. And although the community might not want that particular site or be opposed to some of the regulations, they don't have enough facts to actually respond to the -- to actually provide -- to draft a response for that public comment period. So by the time they reach out to the regional offices, that window closes, especially if it is a 10-day period or a 25-day period.

So I think we have to begin to engage the community in a way that they can begin to respond to these public comments themselves, and somehow the local, or I should say the regional, offices have to be more aware of the differences in the state regulations.

MS. YEAMPIERRE: Thank you. Chuck?

MR. BARLOW: Thanks. I think this is a fairly easy question, but it is a question that leads into other questions as we are thinking about engagement with communities.

As a NEJAC, to what extent -- because I have seen this happen both ways over the years -- to what extent does EPA direct the NEJAC in what the NEJAC should be spending time on? And I am talking about national trends or national issues. To what extent does the Agency inform NEJAC, "Please spend time on these," say, and to what extent does NEJAC develop its own agenda?

I am just confused, and I am just asking the question because I really don't know which way it is supposed to work.

MS. ROBINSON: Actually, all of those ways. And I know it sounds like I am copping out. There are different ways of getting advice or recommendations. But as an agency, the whole purpose of convening a Federal advisory committee is to seek advice about its policies and programs and activities. And how they go about it, it varies for each Federal advisory committee within EPA as well as with the other Federal agencies. Some are peer review and they are very clear: "We need you to review these." "Give us your direct feedback on this."

Others, it is completely -- the agenda is completely

driven by the members. They have no real -- the agency is not asking for specific advice on any one particular thing, except for maybe when somebody comes and presents and asks for some input.

The NEJAC is more of a hybrid of the two where we worked with -- in the past with a Chair or the Chairs of the subcommittees when we had those, or the steering committee, and kind of jointly come up with some ideas about some emerging trends that we -- the Agency thinks they would need some advice about, but develop some very specific policy charged questions when a program office within EPA says, "Hey, we would like to have some specific advice about," for example, "the school air toxic monitoring initiative that is under -- that is going on, we need some input from the NEJAC about this process."

Other times, the NEJAC has said, you know, well, we would like to provide input on Shintech*, you know, about what is going on with that process.

So it has been both ways, and I think what we need to do is to really step back and see how you can continue with something like that but maybe developing a structure or a framework around that so it becomes a reliable process for people. I think that is what is missing, is that reliability of that, or people who have been -- who are new to the process, new to the Council, to know what to expect for

themselves.

MS. YEAMPIERRE: Thank you, Victoria. Don?

MR. ARAGON: Thank you. I am Don Aragon with the Wind River Environmental.

Enhancing NEJAC with impacts on communities and stuff like that, that is a very interesting line that you have there on your agenda. And one of the points that I want to make here is, you know, we assume that NEJAC is for the disadvantaged people that can't really protect themselves from Big Brother and big agencies moving in on them and so forth.

But in Wyoming, I have had two very affluent communities seek our help in supporting them with environmental issues. For instance, in Casper, Wyoming, when the oil company had a refinery there, they needed assistance in forcing the Agency, EPA, to clean that -- help clean that up and make it into a Superfund site. And we went down and supported the Casper community. They are not a very disadvantaged group. But yet, one of the things that I have seen was the fact that the Agency itself kind of turned a deaf ear on these communities.

Now, one of the other communities that is a very affluent community in our state is Jackson Hole, Wyoming. There are a lot of millionaires live there. Harrison Ford has a nice ranch up there and everything.

But what was happening in our area was just across

the state line over into Idaho, there is this nuclear waste incinerator. It is called INEEL. And they were proposing to build a bigger incinerator to burn more of the solid waste -- I mean not solid -- nuclear waste products and stuff of that nature. And that community took them on, and with the help of the tribes from Wyoming and also from Idaho, we were able to convince the Federal government that that wasn't a good idea. And then, of course, they wanted to ship the stuff through our territory down to New Mexico where they would be storing the stuff, and so it became a real issue.

What I am saying is that, you know, it is not only the disadvantaged communities that get hit with these problems and these programs like that. It is communities where I believe the agencies think that they are too small or there are just not enough people to raise enough Cain to stop these projects. And, you know, that is one of the things that I think that we should also keep into consideration when we are talking about people being impacted by some of these environmental conditions and stuff like that, and they are not necessarily the most healthiest thing of all. Who wants to have a nuclear incinerator in your backyard?

Well, I really sympathized with the City Council and the people up there, and yet, you know, one of the things that impressed me was that you guys are all millionaires, you guys can afford to do anything you think you want to, but here is

the Federal government just kind of forcing this thing upon a community. And so I think in a sense what I am saying is that the NEJAC and those -- or these kind of organizations, you know, need to stand up for all people to make sure that what we are doing is good environmental justice and justified. Thank you.

MS. YEAMPIERRE: Jolene?

MS. CATRON: I am just not having any luck with my name tag today. My name is Jolene Catron, and I am Executive Director of Wind River Alliance. We are located in Ethete, Wyoming, which is the home to the Northern Arapaho and Eastern Shoshone tribes. And there were a couple of things that I wanted to address, and wanted to go back to Omega's question about a community-wide perspective and kind of transcending political borders.

I deal a lot with that in the work that I do because we are a watershed advocate, and so we try to look at different political -- we try to transcend political boundaries and it is really hard work to do because the -- a lot of times, everything is based on the political boundary and funding allocations, staff allocations, everything is based on political boundaries. But pollution knows no boundary, so how do you transcend that? And it is very difficult work to do.

When you talk about tribes and political boundaries,

it becomes even more difficult because on the reservation where I work, there are two tribes located there and they are both Federally recognized tribes and they share the reservation. And so it is even more difficult in that respect, but that is just based on personal experience.

I fully recognize the importance of respecting tribal sovereignty and a tribe's right to establish what is right for them. But as a grassroots advocate, really the heart of tribal sovereignty comes from the individual tribal member, which isn't necessarily the elected council for each tribe but the community at heart. And that is where real tribal sovereignty comes from. And so that is why we really work hard to work within the community itself.

And I think that when it comes to EPA and that kind of perspective, EPA deals with Federally recognized tribes, and so their programs go to tribal programs that are of tribes that are Federally recognized. And I -- they are -- now, they are starting to work with Alaska Natives or Native Corporation. I am not quite sure that that relationship is with Alaska, Native tribes or corporations, or how that is being established now, but I am glad that we have Peter Captain here that is representing a part of that perspective.

But the integration of grassroots and tribal government is something that we need to figure out how to work around as far as -- especially when it comes to NEJAC

considerations, environmental justice considerations.

Even today, here in DC, there is a National Tribal Operations Committee meeting going on, NTOC, and that is populated by members of tribes that are Federally recognized. It is not populated by grassroots perspective, per se. And so I have always asked if I could attend an RTOC meeting or an NTOC meeting, and it is like, "No, you can't be here. You are not -- you know, you don't represent a tribe."

But, really, we do, in a way, because we represent communities, you know, and so it is a different perspective. And it is -- how do we go about bridging those political boundaries? What is at heart here for me is, how do we go about working across those political boundaries?

I think really what would be key here is how the region environmental justice -- the regional Environmental Justice office plays a critical role in this, I think, and -- as a convener, and not just as a convener of tribal government representation but as a convener of the region, the region itself.

Region VIII is huge. You know, the region itself, where I live, is Montana, North Dakota, South Dakota, Wyoming, Utah and Colorado. That is a huge chunk of the United States. And I think that the regional EJ office should be playing a critical role in convening the region when it comes to environmental justice.

So I would -- you know, if the regional office invited me to an NTOC or an RTOC meeting, I would gladly go, you know? Even if I had to take vacation time from my job to go, I would gladly make the effort to be there, because I think when we are looking at tribal issues, especially around pollution, we really need to be more inclusive instead of exclusive. And so that is what I wanted to share. Thank you.

MS. YEAMPIERRE: I just want to make a brief comment, that it has always been the history of people who have been oppressed and who have been marginalized to be inclusive. We have always been the ones most likely to open our hearts, our doors, and our communities to people that are different from us, and that is really well documented from the indigenous communities of the Americas to the African-American communities of the United States who, despite enduring all kinds of horrors, still opened up their hearts because their faith told them to.

But the environmental justice movement was created specifically to redress the fact that the most vulnerable communities were being burdened and that the lives of our families were at stake. And so because -- and so it is not that environmental justice is about everybody, it is not. It is about the most vulnerable communities, because it is those communities that cannot move if there is a burden in their community.

It is those communities that don't have a weekend home to go to, or there is a remediation in their backyard.

It is those communities that can't access the same level of medical care.

It is those communities that can't hire an independent engineer to review a contamination or emissions from a power plant in their community.

I want to remind this body that that is why this NEJAC was created, that it wasn't created to address the issues of everyone. It was to address the issues of the most burdened in our communities.

So I just wanted to share that because in New York City, people often say, "Well, we all breathe the same air." We all breathe the same air in New York City, but it is our communities that are reluctant hosts to the environmental burdens that serve the entire City of New York, the infrastructure and all of that. So I just want to share that.

On the list, I have Sue next? Thanks.

MS. BRIGGUM: Thank you. And, Elizabeth, you are doing Richard proud, and I have to tell you. I would like to pick up on a point that Jolene touched on, and go back to Tim's recommendation that the NEJAC continue to focus on policy issues, and I think that is going to be a terrific opportunity. We heard from Mathy some new opportunities for comment. So I think we are going to have a really full plate

on that.

And then, when it comes to our engagement with impacted communities, I think Jolene raised a very important issue, which is the regional coordinators. Tim's second point was that they would be holding listening sessions and getting excellent input with regard to kind of on-the-ground concerns that ought to be addressed by an advisory committee like ourselves.

Would it be possible to maybe complement the charges that we get from the program offices with some -- what you suggested, Victoria -- you said reliable input in terms of the EJ coordinators who would say, you know, we had listening sessions, we have gathered this information, and we offer these as priority issues that should be considered in terms of potential NEJAC reports? That might be one way to get that ground truthing that you are talking about, but also kind of respect the fact that we are just an advisory committee, we have no decision-making authority, we give advice. And we wouldn't raise expectations that we could do more than we actually can.

MS. ROBINSON: Sue, I think it is a very good suggestion because for those who, you know, worked on work groups, any number of them within the NEJAC, you know that we do look to EPA and staff as resources on a variety of issues, technical issues, and I think it is important that we also

look to the EJ coordinators to provide a technical capacity as well for the ground truthing.

I think we are doing that on the school air toxic monitoring work group with Cynthia Peurifoy. She has been very actively involved and supportive of that work group. And I think we have to make sure that we remember to include that as part of that set-up.

MS. YEAMPIERRE: Jody?

MS. HENNEKE: Thank you. Jody Hennecke, Deputy Commissioner with the Texas General Land Office. And I am going to try to make my remarks fairly succinct, and for some folks in the audience, like Larry Starfield and Sam Coleman, I really can cut it down right to the chase, I swear.

There are a couple of things that I do want to touch on, and one of those is agendas. And I don't want to be too terribly repeatedly redundant, and, yes, I know, I did that on purpose, and that is under the heading of "we are an advisory group." We should be, I think, working on those very, very difficult items which EPA believes they need advice on. It is under the heading of "this work is complicated, difficult, and nobody has luxury time."

So I would like to spend my time working on items that will be of use by EPA. That is one thing.

Then the other is I don't -- I really, really struggle, both in my role within the state as well as on this

FACA, trying to stay away as much as is possible from creating unrealistic expectations. And some of the -- most, at least in my opinion, productive work that this FACA has done has been more on the macro level, things like -- and it was truly one of the more painful moments of my life -- working through the insuring risk reduction in communities with multiple stressors with environmental justice and community risk and impacts. That was profound, meaningful work that could be applied to any environmental justice community in this country.

So I think it is, to quote my daughter when she was about two, "more better" --

(Laughter)

MS. HENNEKE: -- to do something that could be multiply applied rather than working on an individual site, which is not to make light of the difficulty, the pain, the complications of those residents within the proposed area of that site, not to diminish that at all. I just, from my perspective, think that it is much more meaningful to do it -- to work on much more of a macro level.

The other thing, and I have said this a little earlier, but I want to say it again, being redundant, and that is: I think it is most helpful for the regional offices -- my dream world for some of the regional offices, certainly in Region VI, is to have something that would be much more akin

to a current public participation listing opportunity for each of the states within their region because they are so different. I have worked a long time between Oklahoma and Texas and Louisiana, and the opportunities for an individual to participate in that permitting process is profoundly different and it is complicated at best within each region that has a large industry base to know what those requirements are across all media, much less for the region to know what they are across all media across all their states.

And with that, I will put my card down.

MS. YEAMPIERRE: Wynecta?

MS. FISHER: Yes. I will -- since I was able to speak before, did you want to get the individuals over there?

MS. YEAMPIERRE: --- next person.

MR. KELLEY: Oh, yes, I am Hilton Kelley with the Community In-power Development Association. We are a grassroots organization located on the Gulf Coast in Port Arthur, Texas, and we deal with refinery, chemical plant issues and revitalization.

I was just on the phone. We are trying to work on a land issue that is owned by industry. And the reason why I am bringing this up is because I think this can resonate throughout our nation when it comes to other communities as well. But whenever you are trying to do land remediation from industry and there has been a serious impact in the low-income

areas, it seemed like there is a long list of levels that you have to go through to sort of get down to the paperwork on how to get land transferred from that particular industry, even though the land has not been in use for years. But yet when it comes time to try to do something to revitalize that property, it seems like the only thing I think on the regional level they can do is give you money to assess the situation. And in communities like Port Arthur, Texas, where there is a disproportionate number of industries that have impacted our area and left lands that are now somewhat contaminated, I believe that there needs to be a mechanism put in place in which we can get the funding to actually start doing the work that it will take to recover that land.

For instance, we have ideas to do solar panel forms and what have you, and this also would help to create green jobs. And what we are being told is that, well, on the local level all you could do is get the assessment funding, but then you have to go to DOE to actually apply for the funding to actually do the work, and it is a long process.

So I think it would be to our best interest to look at ways in which we can shorten the process to help impacted communities to get on the ball with creating new jobs and getting dilapidated areas cleaned up. Thank you.

MS. YEAMPIERRE: John?

MR. RIDGWAY: I have this question for Victoria and

Charles in terms of how we engage in -- this is something that was never clear to me -- and that is, how do you advise the Council members individually to engage with either the groups that we generally represent by organizational structure and/or regionally?

I certainly have gotten many messages from people in my state and in my region recognizing when I am on the NEJAC to consider one issue or another, take a message along. But how do you see our individual roles in this topic relative to -- as distinct from the Council as a whole?

MR. LEE: Thanks, John. Before I give an answer or just kind of give some context, I just want to make sure that we are recognizing all the people that just stepped into the room, and there are a lot of them. And as we had a very successful EJ Executive Steering Committee meeting, and that of course consists of the Acting Regional Administrators, the Deputy Regional Administrators, the Deputy Assistant Administrators and many other people.

So I guess if I could ask each of you just to introduce -- those of you who are principals in terms of the -- our Executive Steering Committee, just to introduce yourselves? Michelle?

(Executive Steering Committee introductions)

MR. LEE: So -- and also, I just wanted to make sure we recognize the two persons that came into the room and sat

at the table, and you have got to treat them very nicely because they are my bosses.

(Laughter)

MR. LEE: One is the Deputy Assistant Administrator for the Office of Enforcement and Compliance Assurance, Catherine McCabe. Catherine, did you want to say something?

MS. McCABE: I would just like to say hello to all of my old and new friends on the NEJAC. It is so good to see you again. And we have a very special person to introduce to you today. Charles?

MR. LEE: And the other is the new Assistant Administrator for the Office of Enforcement and Compliance Assurance, Cynthia Giles. And, I don't know -- Cynthia, do you want to say anything today? You are going to talk with her tomorrow and she is going to spend about three hours with us in the morning.

MS. GILES: Thank you, Charles. I just wanted to say hello. I am really looking forward to working with the NEJAC and looking forward to having some time to talk with you tomorrow, so I won't take up more time on your agenda today.

MR. LEE: Great. Now I am going to respond to John's question, if you remember what that was --

(Laughter)

MR. LEE: -- and try to give some context. And, you know, it was great hearing all of you talk about ways in which

we can strengthen stakeholder engagement particularly with impacted communities. And the -- this kind of grew out of a number of observations and interactions and also some of the findings of Tim Fields, the report that you heard about, in terms of the 15th anniversary of the NEJAC. And if I am not misstating it, I think it is -- I -- you know, we need to be -- confront the fact that the interactions that EPA, through the NEJAC and the NEJAC as a Council with impacted communities could be strengthened.

There are reasons for that in terms of, you know, the way that the NEJAC has chosen over the last several years to pursue its business as far as policy recommendations which are quite positive. And I think that it is not something that you nor the people that participated in Tim's study wants to lose.

But at the same time, you know, the interactions, the engagement, particularly with impacted communities, could be strengthened. And so that is the context for this discussion, and it is something that we really want to commit to getting the proper answers for, because it is not a simple, straightforward thing -- there are a lot of different aspects to it. And we do want to make sure that, you know, the kind of recommendations that the NEJAC has been producing over the past several years and the impact that they have on EPA's actions is a real measure of what we are here to do.

So, this is an ongoing thing. And so I do want to introduce another person, and Deeohn, can you stand? Deeohn Ferris? There you go! You are standing already.

(Laughter)

MR. LEE: And all of you know Deeohn well, and so she is -- we are really pleased she has agreed to come on as a consultant to the Office of Environmental Justice to facilitate a work group that we want to establish within NEJAC to provide -- to really thoughtfully reach out to the different -- to different groups, particularly to the EJ groups, and come up with recommendations for EPA to implement through you regarding how to better -- how to increase, strengthen, our engagement with EJ communities. There are really a lot of great --

(Applause)

MR. LEE: I assume that everybody liked that?

(Laughter)

MR. LEE: And, you know, I think that there have been a lot of things learned at EPA over the past 15 years since the establishment of the Office of Environmental Justice. There have been a lot of things learned out in those -- in the communities regarding how to address these types of issues. And, you know, it is my hope that -- I mean, this work group is not just about how to communicate better, but it is how to take all that and kind of harness that in a way that

really we can kind of begin to institutionalize in terms of the work of this Council.

So, you know, that is the context for -- you know, the way to answer that may be a roundabout way of answering your question, John, which is that I am probably not answering right now, but I would rather that a group of you, members of the Council as well as others, you know, come up with the -- in a really thoughtful way, come up with the answer to that question.

MS. YEAMPIERRE: Congratulations, Cynthia. I was at the Senate hearing when you, Michelle and Mathy were getting questions and I felt at that time that it was another historical moment for environmental justice. So, congratulations, and welcome.

So, I think we are up to Lang. I think Lang still has his card up? Good.

MR. MARSH: And welcome, Cynthia, as well. I am delighted that the regional folks have joined the room because what I wanted to talk about was the recommendation that Tim Fields made in his very wise report on the 15th anniversary of NEJAC about the need for regional environmental justice forums or listening sessions at least annually to address more local and stakeholder issues and -- but also recognizing that the regions need flexibility as to how they address the stakeholder needs.

The reason that I thought that was exciting was twofold, because I think it helps us address the dual problems of what it is that NEJAC should pay attention to. And I agreed with Jody that we should do what EPA wants us to do, but it seems to me that the regional forums or some kind of engagement process is a great way to provide some opportunity to learn what the issues are out there that really ought to be addressed on a national level to provide comprehensive recommendations, you know, that are useful for a variety of different situations.

I think the second reason, from my observations from the state level, is that there are -- that the more opportunities there are for community groups engaged in environmental justice issues to meet with each other or listen to each other, learn from each other, build coalitions with each other for a variety of different purposes, the better. And I think the regions can play a really important role, together with the states and tribes, in convening those kinds of forums and having that kind of listening and, you know, issue generation opportunities.

So I just wanted to share that I was -- as I had shared with the NEJAC earlier, that I am very enthusiastic about Tim's recommendation and hope that you all look at it. Or that we all look at it.

MS. YEAMPIERRE: Chris, do you still have your card

up?

MR. HOLMES: (Away from microphone) ---

MR. RIDGWAY: We need your mike, please.

MR. HOLMES: Okay. I just want to go back to this kind of bifurcation sense that I have had about NEJAC for a while, and that is, it is not a question of policy and program emphasis. I think it is -- I think to a great extent it is a question of the expectations of the NEJAC constituency, and that is, to what extent are we kind of laser-focused on the problems of communities and the demands upon the Agency in meeting those communities, okay? And then, related to that, is, to what extent is the tool going to be heavily focused on the policy side, and you can achieve a lot through that, or to what extent is it going to be heavily focused more on the program side, the outreach side, and the advocacy side?

I just wanted to repeat my concern I expressed earlier today, which is I think we dilute ourselves unless we tackle very early on that delineation and seek advice from the Agency as to: Where do they want us?

I personally am more on the program side, in part because of the combination of talent that sits in this group, because there are people here who have really worked long and hard at the local level and they have achieved a lot and have got a lot to share and advise in that area.

MS. YEAMPIERRE: Most environmental justice

organizations work on outreach program and policy, and I think we have to address all of those things because they are all important on the local, on the very local, level. I mean, I can't speak for everyone, but I can say that given the number of people that I work with across the country that most, regardless of resources or lack thereof, work on all of those three things. A policy comes -- it should be coming from the ground. And program is a way that it manifests on a local level.

On the list I have Wynecta next?

MS. FISHER: Wynecta Fisher, City of New Orleans. I am Director of the Mayor's Office of Environmental Affairs.

I am going to request that NEJAC begin to engage some of the coastal communities because they have very unique problems that some of us in more rural or urban areas do not experience. In addition to air pollutants because a lot of their communities are located or surrounded by oil refineries and in some cases they actually -- the oil refineries will actually go into their community to drill for the well, so they are experiencing that exposure. But more importantly, though, they are losing land, and as we have more sea level rise, that is going to be a huge issue because where do you relocate these individuals, because their livelihood is made on the water? They are commercial fishermen. So I ask that we begin to look at that community.

MS. YEAMPIERRE: We have about five minutes left. And I agree. New York City, 40 communities are projected for a potential storm surge, and we don't have fisheries, but we have infrastructure and we have manufacturers on the waterfront.

I am going to pass on to Victoria, who is going to help us transition into the next session, which is you were expecting that the Administrator will be here any second.

MS. ROBINSON: First of all, I want to thank everybody for your comments, and I am looking -- really looking forward to the work of this work group.

We are going to be sending out an email to everybody about looking for volunteers who would be interested in serving on this work group, which will include a few members from the Council as well as individuals from outside of the NEJAC.

But as we go through, I wanted to kind of reiterate again my comment about as the work group moves forward and the Council moves forward in responding to the research of the work group, is that really taking a look at what is the primary role but to provide advice and recommendations? About what you provide advice and recommendations is the question.

And I am trying to get a sense of -- Chris, were you saying providing advice and recommendations about the outreach, or outreach as a process itself? Are we talking

about advice and recommendations about programmatic issues? That kind of stuff.

MR. HOLMES: I was trying to make a pragmatic observation, that it is very easy to get lost in policy, so much so that you lose sight of the people that you are serving.

MS. ROBINSON: That is correct. And that is the reason why the charter for the NEJAC is about providing advice and recommendations about programs, policies and activities, which encompasses all that. And I agree with you on that.

So, I guess now we are getting ready to turn it over? Why don't you go ahead and close down. She should be here any moment.

MS. YEAMPIERRE: Right. So we have -- what I am hoping is that if you have any concerns or questions that haven't been addressed now that we can discuss them on Thursday. We have set some time aside for discussion on Emerging Issues.

I do have to say that there is a lot that has been packed into Emerging Issues, everything from, you know, climate justice to green chemistry to letters that have been sent to us of concern by the environmental justice movement nationally. Just about everything you want to talk about is probably in Emerging Issues.

So -- and I hope that the time that we have

allocated is enough, but -- so we are going to ask that you be very clear about the recommendations that you want to make so that we are able to cover all of those things because they all seem really important, including green jobs -- it is also part of the discussion -- and whatever other issues you want to raise during that time period.

All right, she is coming down --

If you can stay seated, be quiet. Thank you. No, we don't have to be quiet.

MS. ROBINSON: Right. It is all good.

(Laughter)

MR. RIDGWAY: I do want to -- I want to make a recommendation, since the Regional Acting Administrators are here, that one recommendation I would make for our Council members in conjunction with what goes on in the regions, that as you schedule EJ listening sessions, if you would invite us to participate in the regions from which we come, that might be one extra way to help merge this coordination between what EPA is doing and what our role is and understanding the community needs.

MS. YEAMPIERRE: So I have the honor and the pleasure -- my mother won't believe this! --

(Laughter)

MS. YEAMPIERRE: -- to introduce Lisa Jackson. And, luckily I have things written, because I am really excited.

So I am going to begin.

As EPA's Administrator, Lisa P. Jackson leads a staff of approximately 18,000 professionals dedicated to protecting the public health and environment of all Americans. She was nominated to lead the Agency by President Barack Obama on December 15th, 2008, and confirmed by the Senate on January 23rd, 2009. She is the first sister to serve in that position. My editing!

(Laughter)

MS. : Where are you from?

MS. YEAMPIERRE: I am from Brooklyn.

Administrator Jackson lists among her priorities reducing greenhouse gas emissions, improving air quality, managing chemical risk, cleaning up hazardous waste, and protecting the United States water.

Before becoming EPA's Administrator, Administrator Jackson served as Chief of Staff to New Jersey Governor Corzine. Prior to that, she was appointed by Governor Corzine to be Commissioner of the state's Department of Environmental Protection in 2006.

While Commissioner, she was known for her advocacy for reducing greenhouse gases, aggressively addressing pollution, and having an open and honest dialogue with stakeholders in the public policy process. She was also noted for insuring that underserved communities receive fair

environmental protection under the law.

She is a summa cum laude graduate of Tulane University School of Chemical Engineering and earned a Master's degree in chemical engineering from Princeton University.

She was born in Pennsylvania and grew up a proud resident of New Orleans, Louisiana. She now resides in Washington, DC and East Windsor, New Jersey. She is married to Kenny Jackson and is the proud mother of two wonderful sons, Marcus and Brian.

The first time that I actually saw her, her first public appearance, was at the WE ACT Conference on Climate Justice in New York City, and it was a moment that resonated, I think, with the environmental justice community throughout the United States because it said this is someone who is really going to listen to us.

So I want to -- I want you to join me in welcoming Administrator Lisa P. Jackson.

(Applause)

Presentation

by Lisa P. Jackson, EPA Administrator

ADMINISTRATOR JACKSON: Well, thank you. Thanks to everyone at the -- on the Council, around the table, and thanks to all the spectators in the back. That is a lovely welcome. It was a great introduction and it feels really good

to have an introduction like that, "the first sister," I appreciate it!

(Laughter)

ADMINISTRATOR JACKSON: And I guess -- let me just start by saying we have so much to do. So as much as this feels good and I see people like Tim Fields sitting over there I haven't had a chance to connect with, either, all awesome opportunities to see faces around the table and at least give a nod. I really do want to have a serious -- or at least begin a serious discussion with you about environmental justice.

You know, first let me start by thanking the NEJAC for all of its work all of these years. Even when you may have felt strongly that you didn't have the support this issue deserved or needed, you continued to fight against the current, and I hope that you will feel over the next years that that time was well spent, that those fights were well fought, and that the proof is in the results that you see.

So, first and foremost, I am here to show my appreciation for your work, and obviously to extend a hand, at least rhetorically, so that we can rebuild where necessary the very important partnership that NEJAC represents for the Agency and for the American people.

Yes, environmental justice is close to my heart for lots of reasons. Unlike many of the folks in this room, I

didn't make my career in the environmental justice field, and so I always start by acknowledging that that is a particular calling of vital importance, and so I have honor and respect for it and for the work that you do.

I grew up in the Ninth Ward of New Orleans. Many of you have heard my personal story before. Always, the next question is, what happened to your family in the hurricane? My mom lost her home, as did so many people, but luckily she did not lose her life. And we, you know, all saw devastation that put the fact that folks were poor, and in this case, African-American, in the front burner of our consciousness when it came to issues of justice. And that did not -- was not limited to -- did not exclude environmental justice, because we all know that while there was a great environmental injustice in the form of the preparations for and fortifications that led to the tragedy of Hurricane Katrina and Hurricane Rita and along the Gulf Coast, not just in my own hometown, the environmental problems in that region and in other parts of the country predated the catastrophe that was the hurricane.

So whether we are dealing with lead in soil, toxic chemicals on land that is then being used, a repurpose, for housing or schools, whether we are talking about air toxics or criteria pollutants, the problems remain and are sometimes exacerbated by events, but -- as in the case of climate change

-- but not preceded by them.

New Orleans is like other places in the country where the burden of pollution and environmental degradation falls disproportionately on the poor, and oftentimes that means people of color. Sometimes, it is specifically on minority communities.

I am often touched because, as you heard, I am a mother, and it is even disproportionately within the communities on the children in those communities, and the robbing of those children of the opportunity to have a healthy environment in which to grow is to me one of the greater tragedies of the environmental justice phenomena, if you will.

I certainly saw that, growing up in New Orleans. I know the President saw it in his organizing on the South Side of Chicago. I -- maybe many of us saw it, as I did, in the papers just yesterday when ***The Washington Post*** had a story about how nearly 40 miles of wetlands along the coast of Louisiana disappear every year. As a result, saltwater intrusion is ruining the ecosystem. The marsh grasses are subject to being decimated -- that means erosion. And that means, once again, that the people hit hardest by this phenomena are people -- are the local tribes for whom the wetlands are a way of life.

The few jobs that are now available are increasingly in the oil and gas industry. The fishing and trapping and crabbing and catching of shrimp and shellfish that used to be

their sustenance and their livelihood are in jeopardy. And now, young people move away and all that is left is the tribe, trying to determine whether or not it is time to relocate en masse because their homeland is no longer able to provide for them.

So, we all know the issues before us. We all know that we cannot stand by and accept those disparities. We all know that that is why we come here. And I know, that as EPA Administrator, my job is broader than that. It is about protecting the health of all Americans and showing all Americans how the Agency works for them.

But we can't show all Americans without showing the poor and communities of color, and I can't do that without your help.

Now, I made it a point in my first-day memo to EPA employees that our efforts should focus, not just include, but focus, on helping the poor and underserved and those who are disproportionately impacted. I did that quite selfishly because I believe if we do that, we take care of everybody else. It is not an "us or them." It is not a pie that has to be split. But it is an acknowledgment, much like we say with children's health, that if you are protecting the health of children, you catch the adults. And so if you have a focus on trying to find the poor and the underserved and the disproportionately impacted, I think it adds real meaning to

our work.

It is the thinking behind some of the initiatives we have launched -- the school air toxics initiatives which members of this group and their organizations have been helpful to EPA on is an example of exactly that, the idea being that we believe there may be evidence to show that schools are not in healthy environments maybe as a result of historic siting issues or maybe just because times have changed.

What EPA can do, first and foremost, is get data to help communities share that data with communities and then interpret that data in a way, with your help, that allows those communities to become advocates for themselves and for, by the way, cleaner air, and for cleaner air that will benefit all Americans, not just their own community.

Earlier this year, EPA provided $800,000 in grants to fund environmental justice projects, and those are going to be located in 28 states around the country.

I have also spent a significant portion of my own time and asking my staff to hold time to message the EPA to communities that we don't normally reach.

So I just returned, as did other EPA staff members I was happy to see in there, from the 80th annual meeting of the League of United Latin-American Citizens, LULAC, where we discussed the unique challenges that community faces.

I gave a keynote address on one day and it just was so extraordinary to see Latinos who are united not in questioning whether or not this is an issue of concern to them but in finding the most efficient, effective, powerful ways to advocate for those issues.

Tomorrow, I am speaking to a tribal group.

My favorite thing so far as Administrator, bar none, is that when I visit regional offices -- I see many of our regional representatives here -- I specifically ask to meet with local community activists and groups and if at all possible, around environmental justice issues that are being faced in those areas. And to hear -- to, one, be able to bring the power of the EPA Administrator's office and notoriety to their issues is very gratifying personally -- it makes me happy. But that only goes so far. But to hear those issues and get their perspective really energizes me because it reminds me that this is not something I do for the community. All I do is hopefully give that community not just a "see you at the table" but a voice in our decision-making. And to carry that with me is a very powerful reminder.

So that is just the beginning. And I have to say that loud and clear because we have so much work ahead of us, as I started. My confirmation is a great symbolic thing. I like to say it permanently changed the face, literally, of environmentalism for many in this country. But I hope it also

sends a clear message, one that you all know well, that environmentalism does not come in any one shape or size or color, and it is a truth that you all live on a daily basis.

We already know that environmentalism is about protecting polar icecaps and beautiful wilderness areas, but we also make -- need to make sure that we connect it now more than ever with the things that occupy people's brain space and concerns on a daily basis -- raising their families, where they work, the safety of where they live, the opportunity to have recreational opportunities that are meaningful and safe. It means urban and suburban neighborhoods need to be clean and safe, and it means that schools need special attention.

I like to say we have to meet people where they are and talk to them in their language about environmental issues that they understand and that they will respond to.

We have to recognize, as you all do, that no one owns the environmental movement. It was not a stake that is claimed early so that now for we have to try to get it. The flag was planted, and hats off and kudos to those who did plant it. But if it is to survive, we must not only take the flag but we must make it a populist effort, and given the population in our country, that means a very broadly based effort that appeals to all demographics.

In these challenging times, as we work to revitalize environmental justice, the truth is that we need to appeal to

more than just ourselves.

Even you in this room who consider yourselves environmentalists need to remember that it is about making sure that it is kids who can't go out in the summer and parents who don't yet understand why, making sure they understand that is an environmental issue.

Or, like the tribe who only sees the outcome of having to relocate, and the injustice of that, understanding that that ties back to our work under the Clean Water Act at EPA, and that many states and tribes do as well.

Or, whether it is tourism and clean beaches, like in New Jersey where I spent so much time. We have to go to those communities, and I want you to know that I get that as well.

Now, I won't dwell on down sides, because a lot of times in the environmental justice movement, it feels like you are trying to roll that rock up that big steep mountain. There is a benefit to talking about these issues broadly right now, and that is because the President is actively engaged in trying to build a green economy around clean energy. And that means building jobs. That means manufacturing opportunities. That means literally jobs that are green in the place where the words "green" and "jobs" are absolutely the most necessary.

Communities of color are suffering disproportionately high unemployment levels, and there is an

opportunity to make real strides there on the clean energy front. So I spend, as do our staff, a lot of time trying to make those inroads as well.

I like to say if you get paid because your job is to make a cleaner environment, you are an environmentalist of the first order because your paycheck is coming, your job depends on the concept of the environment being important and being a forcing mechanism. And so that is part of what we must do as well.

We know the Recovery Act is putting billions of dollars on weatherization -- that is 80,000 Americans to work. We want to see that be a cross-section of our country. We want people to recognize the emissions cuts that come in the bargain, but we also want to make sure that communities that suffer higher unemployment understand the connection with the Recovery Act and with the environmental at the same time.

I also think environmental justice is a force multiplier. And what we talk about there is -- you know, health care is the topic of the day. I will give you a health care analogy.

You know, the people who get sick two and three times the average rate because of pollution in their neighborhoods are also the people who are most likely not to be covered with medical insurance. And so, all of a sudden now, medical costs go up because when people get sick, they go

to the hospital and they get service, but it drives up our cost and it is a drag on our economy.

In our schools, our children miss classes because of asthma, parents miss work as a result, and all of a sudden you have a force multiplier in terms of the impact on families, or, of course, as you all know, in a neighborhood where visible environmental degradation leads to redlining or other efforts by businesses not to locate there.

In closing, I would just like to say: Listen, we are going to have areas where we are not able to do all we want. But there is so much that we will do.

We will start at EPA with recommitting as much as we possibly can to the essential mission of, and the intent, of the Executive Order on environmental justice, working with the White House where we have some true partners there in the form of Nancy Sutley over at the Council on Environmental Quality; Carol Browner, who was a champion on many of these issues when she was Administrator as well. And, of course, in the person of the President, who gets and understands how important it is to make sure that every American feels that the environment/clean energy discussion is for them, not just for some.

I look forward to our work together. I will tell you that when we talk about returning EPA to a broad vision of environmental protection, I don't see us being able to

accomplish the "broad" part of that without a thriving and robust environmental justice program. And I think that if we can remember the activists, the folks on the front line who I meet with when I go out, and how passionate they are, and how much they understand and are our allies in this fight, I think we make progress even on the days when it does feel like we are rolling that rock up the hill.

So, thank you very much.

(Applause)

Questions and Answers

MS. YEAMPIERRE: We have five minutes. I just want to say quickly that in the short time that you have been Administrator, we have already felt the difference on the ground. And your appointments of Michelle DePass, Mathy Stanislaus and Cynthia Giles are also being felt as -- with tremendous joy from our communities.

But I don't want to hijack the mike, so I want to -- if there are any Council members who want to ask questions, this would be the time. Or make comments. Omega? North Carolina.

MR. WILSON: Yes. We are very, very glad to be here and very proud to see you speak in person, and this close up.

One of the things that we are struggling with -- I am a community respective member for NEJAC, and I have been working on three different work groups, including Goods

Movement, the National Screening Tool, as well as the State Grants Program that has already been released. And I struggle every time I come here.

I can't speak for all community groups, but the time and energy we take to do what we are doing. The brainpower, the conference calls, the writings in our office takes a tremendous amount of time and energy away from how we fund ourselves. And that funding stream is not back in place to help us stay alive.

We are the front line. We are the people who drive the issue. And the issues that we drive are the green jobs -- we have made the story nationally that you just talked about. But we are not recognized, and we are not funded. We are not a part of quote/unquote "the political agenda of climate change and green jobs." But we are the green jobs -- we are not named that.

What is being done to give us, as the grassroots organizations, the visibility and the funding that we need to stay alive? We have been there before there were EJ. We were there before there was an Office of Environmental Justice. What is being done to make sure that I can come back here six months from now and be a part of what we are doing and share the information that I have had a chance to participate with and learn, that I am still alive in this process, because right now, it is very dangerously thin? And I am being as

honest as I can.

ADMINISTRATOR JACKSON: Yes, thanks. I appreciate that, and I will go back and look at the EPA sources of funding.

I think your question was broader than that, right, Omega, in terms of across the government, the concern that you have been working on these issues and now that green jobs are sort of hot and they are all the rage, the funding for that filtering down? Or were you specifically talking about EPA money?

MR. WILSON: Well, I am not just talking about EPA money. I am talking about the interagency part of it.

Our efforts deal with just basic amenities -- people who still don't have water, don't have streets paved, just the raw, nasty stuff that came out of slavery that we still deal with. And they are not called green jobs, they are not called climate change. They are called basic amenities for life that were denied, and the people who struggle to bring them to this forefront, like I am doing now, are not funded. We are not in the funding stream. We are not New York. We are not Oakland. We are not Chicago.

So we always are pushed to the back of the line, even when we have this level of visibility. People don't care where Mebane is, or Alamance County is. They care where New York is. They care where New Orleans is. But they don't care

where we are.

ADMINISTRATOR JACKSON: I think one of the things that I am interested in exploring is really to use my office as a way to bring attention to the communities, what I call "the other rural America," because we are spending a lot of time, it is actually around the climate change discussion right now, talking about the Midwest, and the agricultural sector has very real concerns that this whole climate change thing is very bad for their industry. I spend a lot of time saying, "Well, climate change is bad for your industry, too." Now, you know, cap and trade, you think that is bad? How about climate change? But I think you make a good point.

There are a couple of bright, shining spots. There was real money in the Recovery Act for tribal nations work around clean water and sanitation issues. And I know we were all really happy to see an acknowledgment there that for a population of folks, small though it may be, similar to your concerns, that there was real money set aside for tribal SRF funding, and we will be working with the Indian Health Service to get that out the door.

I do think that there are legitimate concerns about how to make sure the money trickles to communities, whether it be state revolving fund money which was in the Recovery Act for water and wastewater -- as you know, those priorities are set by states. And so I think that there is work that we can

do to try to highlight the fact that we need to reset those priorities to make sure that we are not just dealing with the larger cities but that we are dealing with populations that may be smaller but have much huger gaps in health or sanitation issues.

I think that transportation funding -- I am actually optimistic about transportation because of the Secretary of Transportation's real commitment to livability as part of his agenda. And so, for the first time, there seems to be a potential light at the end of the tunnel to look at the next transportation bill from a radically different focus.

That being said, I think we have two challenges. I am only going to be able to do this one question because the answer is so long. The climate change discussion is a really important one. To date yet, many of us have not been able to penetrate the larger discussion with the specific issues about environmental justice communities and contamination that comes with a cap and trade system. And I think that we need to turn up the volume on that, all of us, including myself.

I also think that the green jobs issue, of which certainly the Department of Labor is involved and Van Jones in the White House is charged with shepherding, is something that has the potential to be a real winner, win/win, but which in its implementation is still young enough that critics are finding fault with it before we can get the success stories

out the door in an attempt to kill the whole idea. And so I think we have a lot of work to do on those fronts as well.

MS. YEAMPIERRE: Well, thank you so much. Thank you. It was purely a pleasure ---

ADMINISTRATOR JACKSON: Thank you, everyone.

(Applause)

MS. YEAMPIERRE: Omega throwing New York City under the bus!

(Laughter)

MR. WILSON: --- the bus!

MS. YEAMPIERRE: I hear you.

MR. WILSON: Thank you. We are trying to get a bus in Mebane.

(Laughter)

MS. YEAMPIERRE: I hear you! And we are fighting for transportation equity because you deserve those buses. I hear you. I got you back.

So -- well, that was exciting. So we will reconvene after dinner at 6:30. We have a full agenda with more than 8 written statements and about 11 people signed up to give public comment.

So, please try to be back on time so that we can adjourn at a reasonable time. So, peace.

MR. RIDGWAY: But don’t let them break yet!

MS. YEAMPIERRE: Oh, wait -- hold on a second.

MR. RIDGWAY: Council members, a couple more things.

MS. YEAMPIERRE: Okay.

MR. RIDGWAY: I want to encourage you to -- even maybe during your dinner break here, but review the documents that we are going to be discussing tomorrow.

You will get another reminder of this at the end of the evening, but we may be a little glazed by the time that wraps up. So, do have a look at the documents that are supported for tomorrow. Thank you.

(Dinner break at 4:41 p.m.)

Public Comment Period

MS. YEAMPIERRE: I just want to flag something before we get started. In the Goods Movement section, in your program, if you look in, in the booklet, on Page 21, if you look at Paragraph 19 and 20, there is some disagreement there, and we are looking for recommendations of language that might be able to -- that we might be able to use as input, but Shankar can speak to this a second. Shankar, could you just take a second to address it?

DR. PRASAD: Thanks, Elizabeth. Basically, this -- we are -- as a Co-Chair of that work group, I just want to bring to the attention of all the Council members that, of the 40 recommendations, there is 1, this particular recommendation, had a split opinion and we could not come to consensus on that. So both the affirming and dissenting views

and the reasoning has been expressed regarding that recommendation.

Since we will have some discussion on that, I asked all the members to kind of go through that aspect of it and come back with some specific suggestions or specific questions so that -- because we only have an hour, an hour or a little more discussion on that. So I just wanted to alert every member, requesting you to come prepared for that discussion. Thanks.

MS. YEAMPIERRE: So, we -- there are people who weren't able to make it, and they submitted testimony. We are going to be reading summaries of the statements that they submitted. The full statement is incorporated into the record, and some of those statements are actually included in your materials.

I want to have you look at the Public Comment section, which is at the back -- it says, "Public Comment Guidelines" -- and just say a few things about that.

Those people that are -- those organizations and individuals that are submitting testimony will be limited to no more than five minutes, and institutions I think go first, right? Is that correct?

MS. ROBINSON: By tradition is that it is first come, first --

MS. YEAMPIERRE: Oh, it is first come, first serve.

MS. ROBINSON: Right.

MS. YEAMPIERRE: I am new at this. But it is first come, first served.

I also want to mention to the members of the NEJAC Executive Council that they must limit their responses to comments -- to commenters, to requests for clarification and to reinforce issues raised during the Public Comment sessions, and that members are requested to limit their responses to no more than two minutes to allow commenters the maximum amount of time available. So we are asking that you limit your comments to two minutes so that the public has enough time.

We know, and those of us who do this kind of work know, that five minutes is really not a whole lot of time to address issues that are so vast and so deep in our communities. But what we would ask you to do is that if your testimony is much longer that you highlight the salient points and that you submit the documents so that we have them on record. So, do we have the list?

MS. ROBINSON: Oh. She didn't give you a list?

MS. YEAMPIERRE: No, I don't have it.

(Pause)

MS. YEAMPIERRE: So, as I mentioned, we are going to be reading the summaries of testimony that has been submitted.

So, the public commenter is David Clark, and the topic is "Lack of Federal Assistance to Address Hindrances to

Sustainability Associated with Small Community Drinking Water Systems." Mr. Clark provided the following written statement for the Public Record.

Comments

by David Clark

[Read by Elizabeth Yeampierre]

"Small, rural communities and the drinking water and wastewater systems associated with them are not 'like large communities and systems -- only smaller.' The lack of Federal assistance to address specific hindrances to sustainability associated with small community drinking water and wastewater systems is an environmental justice issue. EJ should be more integrated, less 'stove piped,' into drinking water and wastewater activities complete with a budget to back the new integration up." Thank you.

MR. RIDGWAY: I am going to read a summary from Stephen Crim. He is a Community Planner of the Gulf Coast Community Design Studio, and his topic is "Gulf Coast Wetland Protection and Restoration."

Comments

by Stephen Crim

[Summary read by John Ridgway]

MR. RIDGWAY: [Quote] "My name is Stephen Crim, and I work for the Gulf Coast Community Design Studio, a professional outreach program of Mississippi State University

set up after the devastation of Hurricane Katrina and operating in Biloxi, Mississippi.

"Through our work with local partners in underserved communities, we have come to see wetland preservation and restoration as a key component of environmental justice in the region. Wetland loss and degradation leaves the entire Mississippi Coast increasingly vulnerable to storm hazard and loss of environmental quality, but the premium cost of high, well-drained land means that poor and minority communities are often the most at risk when wetlands are compromised.

"We ask that the National Environmental Justice Advisory Council pay special attention to wetlands along the Gulf of Mexico as a national environmental justice issue because their health is affected by human activity across a wide swath of the nation, which in turn affects some of the most disadvantaged communities in the nation.

"In practical terms, we ask the NEJAC and the Office of Environmental Justice advocate for:

"One, changes to the State of Mississippi's implementation of the Hazard Mitigation Grant Program.

"Two, Enhanced protection of wetlands through the Clean Water Act, Section 404 permitting process.

"Three, Federally funded incentives for local governments to make local land use policy that promotes wetland conservation.

"And, four, improved wetland data collection."

That is a summary.

MS. YEAMPIERRE: So, we are going to mix it up so that we don't speak -- so that we are not reading out testimony for the next 20 minutes.

We are going to call up Dr. Robert Bullard and Mr. Stanley Caress. Are they in the room?

(Pause)

MS. YEAMPIERRE: Okay. And the next person would be Diane Swift. So you can both have a seat up front. And Mr. Caress, if you could start. Thank you.

Comments

by Stanley M. Caress

MR. CARESS: Yes, my name is Stanley M. Caress. I am a Professor at the University of West Georgia. I am also the Faculty Advisor for the Environmental Studies Program at that campus.

The issue which I want to bring to the attention of this committee is the amount of -- or number of individuals who are suffering some type of medical condition from being exposed to a variety of different toxins.

Research I have conducted over the past five years with Professor Anne Steinemann of the University of Washington, Seattle, has demonstrated over and over again -- we have conducted three different data surveys -- and we have

consistently found a large number of individuals who are suffering usually what is normally referred to as "occupational asthma," sometimes referred to as "multiple chemical sensitivities," and it is a direct result normally of some type of exposure to either chronic low-level exposure or a massive one-time exposure to some type of toxic chemical.

Our study shows that this is a much larger problem than has previously been acknowledged. There have been no prevalent studies of this prior to ours, which we have conducted three. The first was published in the ***American Journal of Public Health***, the second in the ***Environmental Health Perspectives***, and the third in ***Toxicology and Industrial Health***.

The point is that in the 1990s this was an issue which did attract some attention from the Federal government. In the last 7 or so years, it seems to have just more or less disappeared. There has been very little Federal involvement in the issue. And what we are encouraging, of course, is a renewed amount of Federal attention to this problem. And I brought printed materials of my most recent study that I could distribute to the committee.

So, basically all I am advocating is that this problem is much larger than previously acknowledged. It is, in many cases, debilitating. You have a large number of people who often are in a position where their lives are greatly disrupted by it, sometimes having to lose employment,

sometimes even having to move out of their homes, that sort of thing, often requiring intensive medical treatment.

So the one thing, the main point I am trying to make here, is that I do want, or advocate, additional attention to this problem, not just letting it sort of coast by.

I have plenty of time, but I guess that is about all I have to say. And I do have written copies. I don't -- I didn't know how to submit them -- I don't know -- okay, over to you? Okay.

MS. ROBINSON: Are these additional to what you already submitted?

MR. CARESS: These were not originally submitted.

MS. ROBINSON: Okay. What you will do -- if you have copies, hand them to our contractor over there in the red, or -- and she will distribute them to the members.

MR. CARESS: Okay.

MS. ROBINSON: And if we have any extras, we will place them on the hand-out table. If it there only one copy, then we will just make sure we get copies to the Council.

MR. CARESS: I brought 10 copies. This is the most recent study, which was published in the ***Toxicology and Industrial Health***. It is titled "Asthma and Chemical Hypersensitivity: Prevalence, Etiology, and Age of Onset."

So this just talks about how many people have this problem, and we are talking about perhaps maybe three percent

of the American population are suffering from some type of medical condition, result of toxic exposure, which is an enormous number of people.

MS. ROBINSON: Thank you.

MR. CARESS: Right. Thank you. Thank you very much.

MS. YEAMPIERRE: Omega?

MR. WILSON: I had a question relative to the health impacts. My wife is a special education teacher, and of course she wrestles all the time with this whole issue. What causes some of the issues that she has to deal with, been dealing with almost 30 years now and --

MR. CARESS: Well, there are very different ways that people can contract these type of illnesses.

What we have been mostly concerned about is a very shocking rise in childhood asthma, and we are wondering: Why is this happening? I know the CDC has raised this as a research question. And basically there is no easy answer.

But we worry about things such as formaldehyde from new carpeting and new building materials polluting new housing where you have young families with small children crawling around close to the floor, things along that line.

But basically it is a number of consumer goods which the EPA does realize give off some type of toxic exposures, but not to the extent that when you conduct a cost benefit

analysis that they can do any type of meaningful regulation.

MR. WILSON: Well, I was getting to that point, but more specifically, what this kind of exposure does to the learning curve.

MR. CARESS: Oh, I --

MR. WILSON: Do you have data on that kind of thing where the numbers are increasing? And what does it do to the life -- you know, the life term ability of these children? Or, you know, and of course we are talking about -- in some cases, we are talking about children, what it does to their ability to adjust and to learn. Does it become a problem for their growth and development?

MR. CARESS: Oh, yes, obviously it causes enormous problems for their development.

We suspect -- now, I don't have -- we did not have -- we don't have any hard evidence, but there is a strong suspicion that the rise in autism is a result from toxic exposures on children in normal living environments. As I said, fresh carpeting, new building materials off-gassing things such as benzene and formaldehyde. And clearly it is a major impediment to their ability to live normal lives and to develop normally, affecting their learning abilities, their abilities -- social interaction abilities. Things of that nature certainly would be affected by this.

MS. YEAMPIERRE: Chris?

MR. HOLMES: How do you share your findings with regulators like NIOSH, EPA or OSHA?

MR. CARESS: Well, the normal process is that we just go through peer review journals.

MR. HOLMES: Right.

MR. CARESS: It is just we conduct the research and then we submit it to peer review journals. It goes through the peer review process which makes sure -- you know, various people in the field look at it and make sure that we used proper methodology, that we did things the way that you are supposed to do when you conduct these type of studies. And then we publish it, and it becomes part of the literature.

Beyond that, it sort of goes -- disappears into that great nether land out there where we hope that regulators are becoming aware of this by examining the literature.

MR. HOLMES: Right. But you have no way of knowing that they are -- that they either are or not examining it, right?

MR. CARESS: Well, what we can see is actual activity on the part of the Federal government. There was quite a bit of -- an interagency work group was formed back in the 1990s. But as of 2002, it seemed to have an impasse and seems to have gone nowhere since then.

So, clearly there could -- from my discussion with people in Region IV at the EPA, which is down in Atlanta where

I live, they say, "Well, there is not much going on about this now. We don't -- we haven't been getting the direction to take action on it, to investigate it more." Certainly, there is increasing evidence, but at the same time they do not have the legislative authority to go beyond what they had already done. So this is what I am asking, is just more -- more attention to be paid to this type of problem.

MR. HOLMES: Yes. Well, the other way to look at it is to look at it from the supply chain, you know, so look at it going back into the chain, which I am sure you probably have done.

MR. CARESS: Yes.

MR. HOLMES: Congratulations on your work.

MR. CARESS: Well -- thank you.

MS. YEAMPIERRE: Thank you. Ms. Swift? John, I am sorry -- if you just bear with me. John, sorry.

MR. RIDGWAY: Just a quick clarification. Your research was looking at common -- I am asking this --

MR. CARESS: We were looking at ---

MR. RIDGWAY: Excuse me. Just a distinction between common household products as opposed to environmental releases from pollution or manufacture, is that correct?

MR. CARESS: The study that I presented here is just a -- primarily a prevalence study, just acknowledging how widespread the problem is.

There are other -- a lot of other studies in the literature that examine different pathways for the illness, ways that the people who are -- become the sufferers actually contract it. And -- but that goes beyond my research that I am presenting here.

This is just demonstrating that this is a large-scale problem, much larger than is normally recognized, and therefore it deserves additional consideration by the Federal government.

MR. RIDGWAY: Thank you.

MS. YEAMPIERRE: Great. Anyone else?

(No response)

MS. YEAMPIERRE: All right. Ms. Swift? Thank you.

Comments

by Diane Swift

MS. SWIFT: Thank you. I have one copy, and I wanted to start with a statement:

Regardless of nationality, as soon as a student completes the eighth grade, they have two million minutes to prepare for college and ultimately a career, and I say green, or environmental, career. And this is based on a study from the Bill and Melinda Gates Foundation. It is the basis for my nonprofit organization called CEED, Center for Equitable Education.

I have identified youth from underserved populations

and tribal populations in the Greater Kansas City region. Kansas City, Missouri, and Kansas City, Kansas is becoming -- we are in the middle of the country, and we are very strong. We will be strong in agro- and bio-defense.

The Homeland Security Department is planning to build, within the next two years, an agro- and bio-defense center. We also have solar energy and also wind energy. And I think that the youth ages 12 to 16 years old should be prepared for the upcoming careers, not only the green careers but also environmental careers.

So I am requesting increased funding for youth programs that support environmental justice in education. I am supporting improved access to funding opportunities for underserved youth, and then an establishment of internship programs to educate youth about green careers and environmental careers.

We are now living in what is known as the "new knowledge economy," where all of our decisions are based on new knowledge. And we are all -- and some of us are further ahead than others, and I have found that in working with youth in the underserved areas that we lag behind sometimes the majority.

I am asking for advocate funding to -- I am advocating for funding to insure equal access for underserved youth ages 12 to 16 years old as far as grants and funding is

concerned to support the establishment of a regional environmental justice council and also have youth involved in those councils so that they can start now learning about this process and not become an adult like myself and then begin to understand about environmental justice and education and to create a new funding model that promotes community-based partnerships and collaborations.

In the past, there are certain organizations, because of their size, that can hire the individuals to complete grants, and so those of us who are a smaller number and smaller in dollars don't really have the equal access to funding. And I think that if we have a model that promotes community collaboration and partnerships that there would be more equity as far as funding is concerned. And I thank you.

MS. YEAMPIERRE: Thank you. Jolene? There we go.

MS. CATRON: Thank you. I am just challenged today!

Ms. Swift, could you please give us your full name?

MS. SWIFT: Diane --

MS. CATRON: Diane?

MS. SWIFT: Diane Swift.

MS. CATRON: I would like to thank you for your public comment. In the -- where I work, with Wind River Alliance, I also advocate strongly for youth participation in the work that we are doing and always am looking for funding and ways to bring youth into the process of what we are doing

and the work that we are doing, and have found that that is really hard to come by a lot of times, especially as a nonprofit.

But I think that, especially when we are talking about environmental justice and environmental concerns, how important it is to be bringing youth to the table to be part of the dialogue instead of us creating the environment for them to start. They need to be at the table as much as we are, I guess is what I am saying, and so thank you for bringing that to our attention.

MS. SWIFT: Thank you. And we shouldn't wait until they are age 18 to help them make decisions about their careers.

MS. YEAMPIERRE: Absolutely correct. Hilton? Is it Hilton or --- it is your card, right, okay.

MR. KELLEY: Oh, yes -- hello, yes. I am Hilton Kelley with the Community In-power and Development Association located in Port Arthur, Texas, a member of NEJAC. And I would just like to thank you for bringing your issue forward.

Some of the advice that I would like to bestow upon you would be to get more involved with getting onto -- on the computer and looking for foundations that could possibly fund your particular project. They are out there, particularly when it comes to education and renewable energies.

For instance, you might want to check with the

Norman Foundation and also Seal Family Foundation. Those are two foundations that I know of personally that are very active in supporting environmental justice work.

So, just keep pressing forward, and also I believe the Federal government has quite a few programs that might be able to assist you in that area as well, so --

MS. SWIFT: Thank you.

MR. WILSON: -- keep pressing, and just Google it and you should come up with a whole lot of information.

MS. SWIFT: Thank you.

MR. KELLEY: You are welcome.

MS. YEAMPIERRE: John?

MR. RIDGWAY: Thank you for your testimony here. I am curious if you brought these same recommendations to the region of EPA for a similar type of a set-up for an environmental justice more regional opportunity for the youth to get involved with how that region is addressing EJ issues for disadvantaged youth, or underserved youth. Was this the first EPA spot for your --

MS. SWIFT: This is my first.

MR. RIDGWAY: Yes, your first.

MS. SWIFT: Yes.

MR. RIDGWAY: That would be a recommendation from me, and not to say that we are passing the buck here, but they should hear this as well for the region that you are in. You

are in Kansas City, is that right?

MS. SWIFT: Oh, no, Region VII is very cooperative. Monica Espinosa is very supportive --

MR. RIDGWAY: Oh, great.

MS. SWIFT: -- and we are just beginning as a nonprofit organization. But, yes, they are very --

MR. RIDGWAY: Good.

MS. SWIFT: -- and Althea Moses also.

MR. RIDGWAY: Okay. Thank you.

MS. YEAMPIERRE: Our organization is an intergenerational organization and our young people are on our staff and on our board.

We do think that there is a difference between the way foundations fund environmental justice and government does.

Foundations often are focusing on youth organizing around environmental justice and government grants usually fund youth development, which is a very different kind of empowerment model.

So you may want to keep that in mind in developing your program. But thank you so much.

MS. SWIFT: Thank you.

MS. YEAMPIERRE: Is Dr. Bullard here?

MS. : No.

MS. YEAMPIERRE: No? Okay. So, Beryl Thurman? And

Michael Jacoby? So, Beryl?

Comments

by Beryl Thurman

MS. THURMAN: Okay. Hi. My name is Beryl Thurman. I am with the North Shore Waterfront Conservancy of Staten Island. And our organization does handle the environmental justice issues for Staten Island. We are the only organization that does it on Staten Island.

The reason that I am here today is I would like to talk about a conversation I have been having recently with various agencies, because recently the EPA came to Port Richmond, which is one of the villages in Staten Island, and identified a site. Basically, they verified our suspicions that this site had heavy lead contamination due to past uses. And they also looked at another report that we did that talked about a Manhattan project site in the Port Richmond area.

In having a conversation with these agencies, what I was being told -- not with the EPA, but with the Department of Health, was -- is that: Aren't we concerned about these communities establishing a stigma because of a Superfund title being connected to these sites?

When I had asked about the possibility of our water that surrounds these environmental justice communities that are adjacent to it, I should say, the Kill Van Kull, and it is an impaired waterway -- it needs to be cleaned up desperately

because it has contamination issues -- we were once again said, well -- it was once again said to us: Aren't you concerned about the stigma of having a waterway and properties that are near these communities, and aren't you afraid that your property values would go down?

My response to them was: These are already the communities that have a reputation. They are already the communities that are labeled as being, you know, not desirable. These are the communities where, if you are going to put something bad on Staten Island, this is where you come to do it. And so we already have the reputation. So it would actually be to our benefit to have something labeled a Superfund, provided it gets cleaned up. We really don't care what you call it. All we want it is clean, so that it is safe for the people who live there.

The other thing was, is that I want to talk about the people who live in these communities where they make just enough money not to be considered low-income and not enough money to be considered true middle class, so they fall in that little area that you can have 3 people in the household who are all making $12,000 a year and it equals that $35,000, $36,000, median income that says that this is not a distressed community, even though they have a ton of environmental justice issues in this community.

That is what we are running into here on Staten

Island on these North Shore communities. They don't make enough money so that they can get any kind of government assistance and they don't make enough money to be able to do the things to their properties to, let us say, a lead abatement. They are literally living paycheck to paycheck. And when I talk to our elected officials, they seemingly don't understand that this is truly -- these are truly distressed communities in every sense of the word.

So I am here today to bring this to your attention. I am sure you have run across it before, you know, the communities where the person, the household, is two cents more than what allows them to get any kind of assistance. And I really do think that at this stage of the game, with so many people trying so hard just to get a leg up, it would be really great if you guys could help them out. Thank you.

MS. YEAMPIERRE: Thank you. I am sorry -- Chuck?

MR. BARLOW: Thank you. Just -- when I listen to you talking about the Superfund issue, they may have heard industry people say that to them. I mean, the people at the state or the people -- because sometimes if there is an industry that is involved with a site, sometimes the industry would rather -- "Look, just let me go clean it up and don't put it on Superfund."

You know, I completely understand what you are saying, that it does not, you know, seem to have relevance in

a situation like you are talking about when what you want is the site cleaned up.

But I just thought that it might be interesting to you to know that that might be where they have heard that before, and they are sort of twisting it around, you know, and saying it, you know. So, I don't know, but I agree with you.

Then -- but the other -- the question I had for you: When you mentioned that you are -- your group was the environmental justice group on Staten Island, how did you get there? Or, I guess what I am wondering is if there are other groups that you just -- you cooperate and there are other community groups, and the groups have decided that your group will be the spokesperson more or less? Or are you just the only people who are working on those issues ---

MS. THURMAN: We are the only ones who are working on the issue.

MR. BARLOW: Got you. Thank you.

MS. THURMAN: In terms of industry conversation, the only industry that I can think of that they would have talked to would be the real estate industry and the developers and the contractors, because one of the things that was said was, is, "Aren't you afraid of your property values going down?" And it made me laugh, I mean, because on Staten Island the houses that are away from the waterfront can sell anywhere from $500,000 to close to $1,000,0000, depending on where they

are. And if you are along the waterfront, depending on how well you have maintained your house, you can get anywhere -- and this may sound like a lot of money to people who don't live in New York -- but in New York it is like $125,000 for a house and maybe up to, if it is a 2-family house, $400,000.

It is amazing when you give off these numbers because I am originally from Ohio and so I know what it sounds like, but in New York, that is nothing. I mean, that is nothing when you are thinking about the size of the house and you are thinking about the yard space that you have with these properties.

The only thing I could think of when that person said that to me was for the people who live in these communities -- like I said, we don't really care what you call it -- but if you are looking to gentrify that community, then, yes, it would be a problem in trying to move the people out and get the people in that you want.

MR. BARLOW: And just to be clear, I wasn't really -- I agree with everything you said, but I wasn't really talking about that particular site.

I was just thinking that the people who responded to you in that way may have had other cases where industry was involved and they said, you know, don't put it on Superfund, just let me clean it up.

MS. THURMAN: Yes, I understand.

MR. BARLOW: You know, or something like that, so --- I agree.

MS. THURMAN: Well, the Mayor was kind of saying it, too, but, you know --

MS. YEAMPIERRE: You know, Beryl, you know gentrification has become a major environmental justice issue that all of us -- excesses of being used by developers as a way of displacing people after we have cleaned up properties and transformed our landscapes, and so it is not surprising that that language would be used in an effort to have another agenda. Yes, Shankar?

DR. PRASAD: Thank you very much for the testimony. You bring an important part that brings to the question of what we can do.

Right now, OECA and Office of Environmental Justice have said that they have to identify the communities of concern. And there are efforts now going on in different parts of the country and the state.

That stigma that you are talking about of redlining is now being -- almost some people call it as "greenlining," because that is where the resources had to go. That is where we need better jobs. That is where we need to take some action. That is where, if we care about environmental justice, that is where the action has to be.

MS. THURMAN: Right.

DR. PRASAD: So it is nice to see that ten years' back, there were all certainly this issue about you want the market that is zoned or not, but I am glad that many people like yourself and many other groups across the country have now thought about that and now come to the table saying that it doesn't matter what you call it, whether you want to call it as some people -- some of their investigators, have called it as "EJ Action Zone." EJAZ -- it is a nice sounding acronym.

So it is nice to see that it is an important step and to the --- of the OEJ, also taking in that direction and saying that like that slide that Charles presented earlier today about talking about that is where the resources will be put in and that is where the actions will be. Thank you.

MS. THURMAN: I hope that we actually do get those resources.

DR. PRASAD: Yes. That is true.

MS. THURMAN: I hope they do trickle down to that, to our communities.

DR. PRASAD: Yes, that is important and it is very -- but at the same time, I think one of the suggestions for the OEJ is that they have to consider the legal implications of that and whether there are any legal barriers to go in that direction and if so, how do we overcome that kind of a barrier as well?

MS. YEAMPIERRE: Thank you. Hilton?

MR. KELLEY: Thank you. Yes, Hilton Kelley with the Community In-power and Development Association. How are you doing?

MS. THURMAN: Good, thank you.

MR. KELLEY: I am just curious to know: Who asked the question about the property value, aren't you concerned with the stigma that might be placed on your community?

MS. THURMAN: Department of Health, New York State Department of Health. I was speaking with one of their representatives.

MR. KELLEY: And that is your state regulatory agency?

MS. THURMAN: Well, they are one of them, yes.

MR. KELLEY: Okay. Now, does the city -- does the local city government, like your mayor, your city council people, play a role in trying to get this area cleaned up? Have you approached them?

MS. THURMAN: Yes. And, first of all, we have to get them to recognize that Staten Island does have communities of color. That has not been something that they have talked about with -- let me rephrase that. They know we are there, okay? But they have never identified us as environmental justice communities. And I can tell you they know that we are there because whenever they are looking for funding, they can

pull out all the statistics that they need in order to get the funding. We don't always see all the money for the funding, but we know that they use these statistics.

MR. KELLEY: What I would recommend to you, using the Freedom of Information Act, to acquire those papers so that you can see exactly how that community is being used and then take that information and use it to your advantage. But under the Freedom of Information Act, you have a right to see exactly what the statistics are from those reports when they use your community as an underserved community to get Federal dollars.

MS. THURMAN: We have done that. We actually did that in order to get a grant with the Department of Environmental Conservation.

MR. KELLEY: Okay.

MS. THURMAN: It was medical reports that they had done involving the environmental justice communities along the waterfront.

MR. KELLEY: And so it did work?

MS. THURMAN: Oh, yes.

MR. KELLEY: Okay.

MS. THURMAN: For that particular use. But as -- when you are -- when I was talking with our Congressman's representative and I was explaining to him that, you know, we need to have I would say more advocacy on their part, I was

told that Staten Island's North Shore doesn't have the same number of issues as, let us say, the Bronx or Brooklyn does, so therefore, you know, we are not on the same scale.

I was kind of taken aback by that because it shouldn't matter, you know, whether or not you have as many environmental justice issues if you have them. But that is the kind of conversations that we are having. So every time I speak with any of our elected officials, I have to convince them of something that they technically already know.

MR. KELLEY: Well, so what you are seeking to do now is to get more funding to help clean up your area, or to get it identified as a --

MS. THURMAN: Distressed area.

MR. KELLEY: -- distressed area?

MS. THURMAN: Yes. I would like to have the North Shore identified -- the North Shore from St. George, from the ending of St. George all the way down to Arlington, which is 5.2 miles of waterfront, I would like to have that identified as a distressed area so that if -- so the funding that is available, and there will have to be like a slight change in the wording to allow these communities to receive various grants and funds that are available and there would have to be a push basically at the Federal level to make sure that the municipalities access some of this funding to use for these communities because right now there is no desire, there is no

push to do anything for these communities, and if it had not been for our organization fighting the way we have fought, tooth and nail, the EPA probably would not have -- would not be there to work on the Superfund site that it is working on. I mean, there was a great deal of agitation that we had to do just to get to that point, because it wasn't like we had anyone who was really being very supportive.

I think that in some instances, the support -- I wouldn't even say we actually got support, because when our Congressman finally did start talking about this, it was -- I mean, like by that time, the situation had been known for I would say two years, two or three years, with the Sedutto ice cream factory site. It was an ice cream factory site and before that, it was two lead companies, National Lead Industries and John J. Jewett and Sons White Lead Company.

We published a book in 2008 and gave it to everybody that we could think of. And then at that point, that is when our Congressman stepped up and started sending out letters and saying, you know, to the EPA, can you look at this?

MR. KELLEY: Well, I would definitely say that you have done your homework and also you are very fortunate to have gotten your Congressman involved. Many times, they won't even touch an issue and that is -- you know, in my community, we never could get Nick Lampson at that particular time even involved. But yet I commend you on that.

I would just like to tell you to keep pushing, don't give up. Get more of your community members involved with your fight, and just don't stop.

MS. THURMAN: Thank you.

MS. YEAMPIERRE: Beryl, I want to add something because I know that you come from Staten Island on that ferry in all kinds of weather, coming to Manhattan for meetings.

You know, several years ago when the New York Power Authority was fast-tracking power plants into our communities and we saw that they were placing some in Staten Island, we all looked at each other and said, "There must be some people of color living there." We just knew. And you have, on your own, really raised the level of consciousness and awareness about the issues that impact the people of color in Staten Island. For a long time, we didn't know that our people were out there because, like who went to Staten Island?

MS. THURMAN: Right, I know.

MS. YEAMPIERRE: But you really have, and you have been doing it in an under-resourced way, and I want to commend you for your hard work because you have done an amazing job. Thank you.

MS. THURMAN: Thank you.

MS. YEAMPIERRE: So, Lang and Bill, all right.

MR. MARSH: Okay, thanks. Lang Marsh, National Policy Consensus Center. And it was a pleasure meeting you

earlier, Beryl.

MS. THURMAN: Nice meeting you.

MR. MARSH: I applaud your efforts here.

It sounds to me like you obviously are getting some political resistance to the notion of having this area considered for distressed area status of some kind or other. So I guess my question is, are there any other reasons you can think of why there has been that resistance, particularly at the local level? And, secondly, whether there are any tools that would be helpful to you in making that case?

For example, tomorrow we are -- I hope you are here for that discussion. We will be talking about the EJC tool, and I don't know whether it would be helpful in your case or not, but it would be interesting to get your perspective on that. And are there any other kinds of things that you think NEJAC could recommend as a tool that would provide you the -- either the information or the arguments to make to the local officials that would be -- you know, push them over the --

MS. THURMAN: The edge?

MR. MARSH: -- the hill. Well, maybe not over the edge, but --

(Laughter)

MS. THURMAN: It is a matter of speaking!

MR. MARSH: -- over the kind of the mental block or whatever it is, or the political block, that makes it hard for

them to reach the right conclusion?

MS. THURMAN: I think in private conversations they all know it. They just don't want to publicly say it, because I really do feel that once they feel that if they say it out loud and that the public hears it that -- and it is not like everyone doesn't know what is -- you know, what these communities are, but there was never a title for it before now, you know? There was -- we didn't know that the situations that we were living under were environmental justice, or injustice, situations. And so just having that name now, you know, hit them in the face. It is just more than they can bear.

I -- for the first time, I went to the State of the Borough Address, and our Borough President skipped over that entire section of the North Shore. And the only thing he would mention was 2 businesses and how they were going to bring 200 jobs to the community and they were going to be union jobs to which none of our young people are skilled or union to even, you know, be eligible for those jobs.

That is how they have been dealing with it. And all the letters that we have written, the EJ booklet that we sent out, we never got a response from them directly. But they used our information to do a study. But they never acknowledged receiving it.

So, it is just like they -- if they continue to

ignore it, if they continue not to give credence to it, then it is not really real. And they have lived with this -- most of them have lived on Staten Island all their lives, and so they have seen this every single day, but they just don't want to own it. And I don't know what you could do to make them own up to it. I just don't know. I mean, it is almost like the 12 Steps of alcoholism, you know? You have to acknowledge it first. And they just don't want to acknowledge it.

MR. HARPER: Well, Beryl, I feel your pain. My mother grew up on Staten Island and I used to hang out in Port Richmond all the time. I spent all my summers there. And, you know, back in the '50s and '60s, I think, the interesting thing was it was a very mixed neighborhood. And I think as everybody moved out and the people of color stayed there, you know, it was like the problem has gone away, but it really didn't go away.

So one of my questions is, how long have you known that there has been a problem? Because I know even when I was young and playing over in the fields and there were a lot of factories and stuff, there was always a lot of, you know, bad things that you would find. But how long has it been since you guys have really been able to document the fact that there are lead issues or other environmental issues?

MS. THURMAN: When I first purchased my home in Port Richmond in 1997 and at that particular point in time, I was

Vice President of the Port Richmond Civic Association and then I became President of the Port Richmond Civic Association. And it was a matter of you see something, but you can't quite put your finger on what the problem is.

I would go to the community board, went to meetings and I would talk to them about the issues of the community and they would never do anything. And they just -- they kept adding more businesses, clustering more businesses into communities that were polluting businesses.

Regardless of what I would say to them, they just kept doing it. They kept giving the stamp of approval so that the BSA would -- you know, would go ahead and give someone their variance to put this auto body shop with 13 other auto body shops in, you know, half a block walking distance of each other, cramming all the social services that had to deal with substance abuse and all these other homelessness situations into the community.

Finally it was -- it got to the point where I was just like, okay, this is not -- just talking to them is not going to be enough. I have to actually go and do some history and do some researching.

So what we did was -- is in 2005 through -- in 2006 we got a grant with DEC, and the grant with DEC allowed me to do the research to locate 21 sites where I went through and did the history of their past uses, and then said, "These

sites have the possibility of having these contaminants on there." And that was in 2006. In 2008, we completed the booklet and got it published and sent it out. And then at that point, they really did have to say, "Okay, we have a problem here." But they would never publicly say, "We have a problem."

SIBUT it was able to stop them long enough so that at this point we can say to them, "You can't put anything else in this neighborhood that is like that. You just can't. You are going to kill us." And they still did it. They put in an Access-a-Ride depot, bus depot. We had two depots already, and they put in an Access-a-Ride bus depot, you know? But it didn't fall under SICRA*. It was ---

MS. YEAMPIERRE: Thank you.

MS. THURMAN: You are welcome.

MS. YEAMPIERRE: And so, Michael Jacoby? Thank you.

Comments

by Michael Jacoby

MR. JACOBY: My name is Michael Jacoby. If I talk too fast or speak too loud, please tell me. This is the first time I had to give a public presentation, or a presentation sitting down. This time, it is in front of a podium, or being recorded worldwide.

I am addressing an issue that is old school for many

in here. You might have heard my name throughout the years. What I am about to tell you Capitol Hill also knows about, so does the White House. I have supplied them with information through the past Administration and this Administration to bring about a point that I discovered that with your wisdom, you might be able to see the logic that I am going to be pointing out, and I may be able to help you in solving some of your problems.

First of all, I would like to go on record saying that I did stop Lisa Jackson, Administrator Jackson, in the hallway and literally shook her hand and thank her for signing the TRI Burden Reduction Rule. Now, for many in here who are not familiar with the TRI Burden Reduction Rule, that is the key to solving the particular issue that I am bringing to your attention.

First of all, I would like to put something in perspective. How many people in here own a home?

(Show of hands)

MR. JACOBY: The majority -- okay? You had to do real estate disclosure. The real estate agent had to take a look at the area and tell you if there was hazardous materials. Keep that perspective there.

How many people have children that may have asthma, breathing problems, or special needs? How many people also ever used the EPA database to search for information? Now I

would like a show of hands.

(Show of hands)

MR. JACOBY: Did you ever use EnviroMapper? I did. When I looked at EnviroMapper, I found facilities that were 10 to 20 miles off location. I found facilities on the other side of town. I found facilities -- a college moved partway across the state.

I asked Congress in one of my presentations that I gave them on CD because they won't let me sit down to talk to them like I am doing tonight -- I said, "Explain this, where was your oversight?" Which comes from the Energy and Commerce Commission.

I have expertise in modical levels. I am addressing this at a different level that is even higher and above the National Environmental Justice Society here, or Council. And, believe it or not, it comes back to basics.

As an agency or advisory council, you cannot get the community support unless we can get the original database cleaned up and you can supply exact, accurate information to the public. The public will not have any faith in what the EPA is saying.

I am proposing -- it is in a detailed presentation, a lot of bloviating, but it has details in there with a process used to show you quick results in how to eliminate the problem. This not only involves cluster study problems, which

was brought out by others.

One of the issues that was brought to my attention by others who reviewed my presentations already -- they said, "Please don't let this get turned into a political issue. This is a public health, safety, environmental issue." This goes to a database, and what is missing from this whole equation is a basic simple element.

I have not been able to find anybody in authority -- I am questioning the Department of Justice and I am supposed to make contact with your Investigator General -- where is the Federal statute, policy or directive, anything, that says that the EPA is verifying their information before it is released to the public by first responders or other agencies, which would be Department of Health? If you know that system, you know how it is used. Where is that verification in policy?

And if you cannot find it, who has responsibility at the EPA level of verifying that the data is correct before it is broadcast to the public?

I give these presentations, I give training for first responders -- yes, teaching them how to protect themselves, because when you look at the data and the sites show up in the wrong town, they have a problem if they ever got to -- if they have to call for out-of-area assistance, because in my world, when I grew up, we had Selectric typewriters. Today, everybody has a laptop. First thing you

do is go to your facility and registry information. If that site is in your neighboring town and those first responders are waiting for back-up response and they see the lights way over on the horizon, there is a wake-up call, and it happens within seconds.

I believe I can set up a program, show you results, before you can draw another meeting together.

I am out of time. I am open to comment. I would like you to ask as many questions as possible.

MS. YEAMPIERRE: Thank you. Any -- Omega?

MR. WILSON: I appreciate your comments, very much so. This is something, as a community-based organization, we have raised questions about for several years, before I became a member of NEJAC, about ground truthing doesn't parallel database.

MR. JACOBY: Yes.

MR. WILSON: Part of the work that I have done with the Goods Movement work group that will be presented tomorrow has raised serious questions with a lot of rough edges from people who thought I was offending them about databases that underestimate death and suffering -- DOODs -- and how we eliminate those DOODs.

A lot of those DOODs are based on data that is not in the databases. Does your information address those ground truthing things that the old folks, the folks who live in the

community, know about but aren't in anybody's database? Does your approach intend to address the data that is not classified as data as yet?

MR. JACOBY: Sir, what you are about ready to learn in the next few minutes may surprise you. Not only have I taken this issue on at the national level, I am also addressing the deficiency that I saw at the international level.

In my state, I have given comment, and we have instituted a program, what you are exactly talking about. It is called the ICRIM program, how to take those of special needs, handicaps, those that don't know about a certain situation, how to evacuate them in times of crisis.

Yes, it does expand out. But before you do anything, before you even think of what I -- or a solution to a problem that I am just asking you for advice if you do know of one, if not, I can show you one.

The only person that can verify whether a site is accurate and correct is the municipality who has the plot plan through tax surveys, who did the inspections, and is under code by labor and industry. They are the only one qualified to know whether the geographical locational information, being the latitude and longitude coordinates, whether they are exact. You can't have a computer operator sitting 3,000 miles away looking at a picture of a facility, not realizing that

that facility is in the wrong location. And that is what is happening. It is a nice picture, but it doesn't tell you the facts.

MR. WILSON: Okay, I get what you are saying --

MR. JACOBY: Great.

MR. WILSON: -- but I am raising another question.

MR. JACOBY: Okay.

MR. WILSON: I am talking about the mills, the underground storage tanks, all the other environmental hazards that even the city, the county doesn't admit exist in low-income minority communities. I am talking about the sites that aren't in a database, and local governments or state governments do not want to admit to.

MR. JACOBY: Sir, I have the knowledge and background to build a database. Is that necessary? I think it is, because what you have, you have a database with environmental information. Your new appointee, Stephen Owens, brought up a question which is at my heart. I hold in my pocket a license, chemical license, going back to the 1980s when we discussed this on organic phosphates, which is pesticides. How many people in this room know whether or not their state has a hypersensitivity registry?

(Show of hand -- John)

MR. JACOBY: That goes back to bulk storage. That goes back to chemicals that may be stored underground. That

goes back to major warehousing, water pollutions.

Yes, I believe a database can be broad scope. But the problem is, right now the Department of Agriculture is exempt from any of the EPA data. How many people in this room knew that?

(Show of hand -- John)

MR. JACOBY: Thank you, John. That is a big problem. When you find a major facility sitting next to a school or a rest home that I know what the vulnerability zone is -- it is not rocket science to know how to do CIPRA or any type of assessment. Even a seventh grade student who is already able to solve a math problem that Congress, or Capitol Hill, can't solve, what type of problem you have.

Yes, I believe we should expand from the environmental justice agriculture, especially the in the bulk storage of closed containers, which everybody knows -- Homeland Security has paid attention. They are doing what is called CFATs, which is the inspections. But under the CFATs Federal regulations, Section 505 -- I don't have it right in front of me, it is in my briefcase -- I even questioned Secretary Chertoff's staff, came back from Mr. Steffan before he left the administrative position.

There is a section in there where they can't even question or advise a CFATs facility of what security device to implement. Well, think about that. We are spending millions

of dollars for Homeland Security to go around and look at security -- whether you have the gates locked and everything -- but they can't even tell him to put on a darn alarm or can't even, and believe it or not, check the reading. It is supposed to be that secret, that it is underneath the carpet, that the local community will not even know it is going on.

They are going to be setting up some DOH sites -- that is the last reading I heard -- that according to the agreement with CFATs, they are not even going to let the local municipality know.

Now, I have a problem with that because if we are trying to bring community awareness, get it safe so you can sell your programs of having environmental justice and cap and trade will work once we get the site finally established, you have got to make sure the data is correct, you have got to make sure everybody is working from the same page.

But if the Department of Health doesn't share their information, which is hypersensitivity lists, they don't share their information with, right now, EPA or labor and industry to make sure the sites are correct, and even Homeland Security does their inspections but they are not going to tell you when they are coming to town or are even going to tell you what happens. That is falling under another domain. That is going to fall under -- how many Emergency Preparedness personnel do

we have here? Anybody with that -- hello?

(Show of hand -- John)

MR. JACOBY: I don't have to go any further. John knows.

The system is broken into segments, that one hand -- the right hand isn't telling the other. I would love to build you a database running all those equations.

I even had a major supplier for our part of the state say, "Mikey, we are going out to do underground storage tanks." I said, "Do you want me involved to come up with the lats and longs to work with you?" "Well, can you build a database?"

Well, I can -- but is it necessary at this point?

If we can't get the Federal EPA database to cull out the correct location of what the information they are broadcasting or have available to the public, we don't have to go any further. You can't sell a program without having your baseline data verified. And that is what I am asking the Environmental Justice Council to take a look at. If you can find it, this squeaky wheel will be quiet. But if not, I will show you how to get results because I am a mover and shaker. I hate politics, but I can show you how to get it.

Part of my explanation is in a detailed PowerPoint presentation that some of your members have that gets into some bloviating but it does tell you the baseline information

of how to solve your problem and get your programs out there to the public, get public recognition so that your environmental programs can be sold as a useful tool for the community to expand environmental concerns.

MS. YEAMPIERRE: Thank you.

MR. JACOBY: Did I talk too much again? John?

MR. RIDGWAY: So, briefly --

MR. JACOBY: Yes.

MR. RIDGWAY: -- clarifying here, you are talking about the EPA database?

MR. JACOBY: Yes.

MR. RIDGWAY: And as I read your testimony that you submitted early, I believe you are discussing a number of different, distinct databases. Is that correct?

MR. JACOBY: That is correct. TRI reporting. You also have a multi-system and --

MR. RIDGWAY: Okay, you answered my question.

MR. JACOBY: Yes -- yes.

MR. RIDGWAY: I just want to be sure everybody understands there is not just one database here. We are talking about multiple databases.

MR. JACOBY: Correct.

MR. RIDGWAY: Thanks.

MS. YEAMPIERRE: Okay. All right -- oh, Chris.

MR. HOLMES: So does your concern extend to the

major permit databases, namely the Title V operating permits?

MR. JACOBY: The EHSs, which is -- the Title Vs -- one thing I discovered while I did my approach, when you speak in EPA terminology, nobody in Capitol Hill or nobody at the local level --

MR. HOLMES: Right.

MR. JACOBY: -- understands that. You use the terminology SARA Title II or Title III, everybody knows. So if you classed our -- just restructuring the way you approached the problem and start using terminology that is known, SARA, or anybody that had the CFATs classification, which is now Federal law, you will solve half of your problems.

MR. HOLMES: To go back again, I mean --

MR. JACOBY: Yes --

MR. HOLMES: -- I am talking about the operating permit. So Air Operating Permit. I am just curious. Do you find that data to be faulty or weak or --

MR. JACOBY: I primarily focused in on one area -- locational, geographical location, lats and longs. That is the data. I have even proved it to some personnel here. We went down, looked at a new website. Before I -- from the time I drove here last night till today, the database has changed. But, the basic premise -- we checked the lats and longs that were reported from one site, it put me in Asia, in China.

Now, wait a minute!

How many people know how to use the VZIS database? It is part of your EPA OEM. It is part of the training I do for the first responders. Please look at it. If the same baseline database which is called Facility Registry Information is being shared in other databases, it is corrupt. You can't trust it.

For New York, I see heads bobbin'. I love it. If you go down the street and you identify the wrong facility as you are going down the street as being a site with hazardous substances, what is it going to do for that poor individual that says, "Hey, somebody -- the EPA just classified my facility here as a hazardous substance site. I can't get -- my insurance went up, I can't do this, I can't do that."

Wait a minute! It is a simple problem. Nobody verified the data. And why? It is like getting a driver's license. If you -- if there is no requirement on that driver's license to say, "Hey, do you wear glasses?" Until you get that requirement, nobody is going to start double-checking this data. But on like a driver's license, yes, you do have to tell them, "Yes. You have --"

MS. YEAMPIERRE: Mr. Jacoby, thank you.

MR. JACOBY: Thank you.

MS. YEAMPIERRE: It is just out of -- in interests of time and to be fair to the other commentators, I --

MR. JACOBY: Understood.

MS. YEAMPIERRE: -- will be happy to read the comments that you submitted. And thank you, Beryl.

So now we are going to move on to -- because we have some written comments that were submitted, and as I mentioned earlier, we are going to be reading those summaries. So, John, if you could --

Comments

by Amber Lambert

[Read by John Ridgway]

MR. RIDGWAY: This comment comes from Amber Lambert with the Louisiana Bucket Brigade.

"On Tuesday, July 7, the Dow Chemical Plant released chemicals into the air of St. Charles Parish, sending 7 people to the hospital to be treated for respiratory issues and other illnesses. Later that evening, the Louisiana Department of Environmental Quality issued a statement assuring the community that the air was clean and should not have caused any poor health effects. They said, quote, 'Just because you smell it, doesn't mean it is a threat to your health.' Unquote.

(Laughter)

MR. RIDGWAY: "A similar problem occurred recently at Murphy Oil, where surrounding community members claimed that they could stay outside long enough to decorate" -- I

think they meant to say they could NOT stay outside long enough to decorate their homes for Christmas because of the odor.

"It is time for industries to make precautionary principles so that the public's health is not in jeopardy."

And then a question at the end: "Who is responsible for protecting people's health? If it is Department of Environmental Quality, DHH doesn't."

That is it.

MS. YEAMPIERRE: Thank you. The public commentator -- commenter is Nathalie Walker, and she is Co-Director and attorney for Advocates for Environmental Human Rights, and the topic is "Cumulative Effects of Industrial Pollution for Multiple Facilities in Mossville, Louisiana."

Comments

by Nathalie Walker

[Read by Elizabeth Yeampierre]

MS. YEAMPIERRE: "The United States has enacted an enormous body of environmental laws and has made significant contributions to the development of international human rights law. However, it has failed to incorporate human rights into its system of environmental protection. It is blind to the devastating impacts suffered by communities, in particular communities of color, where regulated industry dump massive quantities of toxic pollution.

"Reforming the system is critical for communities who are being destroyed by toxic industrial pollution in violation of fundamental human rights. Mossville, Louisiana, is a case in point.

"Mossville is surrounded by 14 industrial facilities that include oil refineries, vinyl manufacturers, and a coal fire power plant within 1/2 mile of residents. 9 of these facilities admit to spewing over 2 million pounds of toxic chemicals into the air each year.

"The U.S. Agency for Toxic Substances and Disease Registry reported in 1999 that Mossville residents have 3 times more dioxin in their bodies than the general U.S. population. It is also in their house, dust, attic, yard crops and fish.

"It is our hope that the National Environmental Justice Advisory Council can begin to play a role in addressing this matter."

MS. YEAMPIERRE: Okay. We are going to call up Dothula Baron-Hall and Howard Wang, Dr. Howard Wang.

Welcome, Ms. Baron-Hall. Okay.

Comments

by Dothula Baron-Hall

MS. BARON-HALL: My name is Dothula Baron-Hall and I am with the Rural Empowerment Association for Community Help (REACH) in Warsaw, North Carolina. We are located in eastern

North Carolina. We are about one hour from the Atlantic Ocean.

Our concern is industrial animal operations. Duplin County is a small county, only about 52,000 people, but there are over 2 million hogs and 1,000,000 turkeys. And so that creates an expansive problem for the people in -- that live in this community, and that is not just limited to that 1 county. That county has the largest number of hogs, but there are other surrounding counties that are in dire shape as well.

One of the things I want to focus on, though, is EPA's response to the problem -- or maybe I should say, what has been historically perceived as EPA's relationship with the industry. And that is not just EPA. That is the North Carolina Department of Environmental Health and Natural Resources as well.

One of the things I want to begin with saying is I have been so impressed today with all that I have heard from you and from Richard Moore and with other people who have spoken and just encouraged. It is so encouraging to know that, you know, people who can do something about the problem are willing to help, because we have not seen very much of that in North Carolina or in the counties that we are involved in.

But the concern is about, has been about, EPA's support, and historically, too, and, you know, we all know

this -- you know, I have heard so many jokes about EPA, and people have said, "Oh, it is the Corporate Protection Agency. It is the agency that really protects --" and that is what we have seen a lot of.

So we -- our agency has collaborative problem solving cooperative agreement, and so we have worked really hard to work on the problem with our stakeholders, including Smithfield Foods, which locally is Murphy-Brown, and Murphy-Brown was the local corporation that ran that industry until Smithfield bought them out.

So it has been a really big issue because we haven't really gotten help from the industry and the industry has really perceived EPA as their ally, and it is really insulting to the people in the community where people are suffering on a daily basis from the odors, from the effects from the air and the water. And this small, rural, poor community, actually, people have just the disproportionate amount of illnesses.

We worked with, and are working with, researchers who are from several different universities who are really working hard to try to find out, okay, what exactly is causing the problem and what can be done about it? And they, too, I believe, sometimes feel frustrated because they don't feel like they have support from those people who could make a difference.

So, all -- what I am basically asking is that EPA

show that they have a legitimate, sincere concern for the problem. We want to make sure that people who are working for EPA also are sensitive and understanding and supportive of the problems and of the issues.

We have -- as I said before, we have had the industry go to EPA representatives and complain about us as though we are the perpetrators of the problem! And we have had folks who actually work with EPA look at us and say, "Okay, what are you all doing? What are you doing to really harm these industries?" And it is an insult because the people in the communities are -- they basically are perceived as being powerless. We know that is not true, and so we are really working hard to help the community to see that, you know, we are very powerful, that we do have a voice, and we are just asking you to support us in that role.

MS. YEAMPIERRE: Thank you very much. Any comments or questions? Hilton?

MR. KELLEY: Oh, yes. Hilton Kelley with the Community In-power and Development Association. How are you doing?

Have you brought forth any information to your local officials concerning this problem and have you tried to work with your local officials? I always like to start there.

MS. BARON-HALL: Oh, yes. We have made our presentations to our County Commissioners. We are in a

community like I am sure many communities you are aware of where the industry brings in a lot of money to the community and they are very powerful in the community. And as I said before, we are a poor community of people. When they have spoken up in the past, they have been smacked down, intimidated, threatened.

So now that we have a cohesive force, we have done -- we have been to the county, we have been to the state, and we continue to do that. We are not going to stop doing that. But so far, we have not gotten through.

There are a few people we talked to, but they won't speak up in public, your local level, you know, elected officials, because they are concerned about their businesses as well. And they tell us, they say, "Just keep talking, keep it out in the forefront." And we do.

But an interesting point is, on the state level, we have two, our state senator and our state representative, both are owners of, or contract growers at least, with Smithfield. And so they own -- they own farms.

MR. KELLEY: Has anybody within your organization brought forth any solution to the problem that you all are having to deal with? Does anybody have a definitive answer as to what could be done possibly within your group or within your local or state government?

MS. BARON-HALL: Well, one of the things that we are

doing -- well, there was a ban on -- okay, I am not going to go into detail about some of the ramifications because I believe Damon* Hall is going to talk a little bit more about that.

But, you know, there was a ban that was passed or -- yes, it was supposedly passed, to ban lagoons and sprayfields, and, you know, lagoons are, you know, these ponds that hold hog waste, you know, the liquid and the solid. And so that hog waste is sprayed out into fields and when it is supposed to be used as fertilizer. And -- but it is sprayed on the fields, and so hydrogen sulfide is emitted from the waste, and that has been proven that it can be fatal, and we know some cases in our community where it has been fatal.

So, you know, that ban didn't really work because there were a lot of -- it was politics as usual, and people, you know, legislators continue to bring that up. And so we really would like to see the lagoons and the sprayfields banned. We would like a date for them to be done away with. There is technology that -- I mean, we don't want to put people out of business, we don't want to put people out of work, but there is technology that would work. It is expensive, but we believe Smithfield can afford it.

MR. KELLEY: Now, has hydrogen sulfide -- I mean, the odors, of course, that are being emitted by this waste and I am sure body parts, is that like the biggest problem, is the

odors, the stench coming from these areas?

MS. BARON-HALL: That is a huge problem. There is also contamination of the water, the groundwater and the well water. So people have had to -- they have been told not to use their wells. You know, they have shallow wells, they have been told not to use them. And so that costs, and we are talking about people who are relatively poor who are living off of a check, you know, that they get from the Federal government from month to month. It costs a lot to convert to city water or municipal water. So that just presents more and more problems. Not the odor, but also the water.

The water -- you know, if you think about it, water and air flow. So we are an hour from the ocean, so it is flowing into the streams, the streams are flowing into the rivers, the rivers are flowing into the oceans. And we have even talked to researchers who said they found some -- they had some findings that showed that water in New England was contaminated from the waste, the hog waste, in North Carolina, that was coming out of North Carolina, because -- so it is an expansive problem, doesn't just affect us.

MR. KELLEY: All right, thank you.

MS. YEAMPIERRE: Ma'am, you are a community scientist. You are an example of how people in our communities know everything they need to know about what is affecting them.

I think -- Wynecta, next?

MS. FISHER: Wynecta Fisher, City of New Orleans, and actually you answered one question about the water. I was wondering, was it contaminated?

I am a little -- it is a -- you are struggling with something I think that a lot of people struggle with because that company is probably operating within the law of the state. And that is a challenge, because if the state law says that it is okay to operate and they are paying their taxes, then the general attitude has been to deal with it, and so then you will kill your state legislator. But in this case, you are saying that they are a part of the problem.

I would say that if you can find other people in your surrounding community to maybe find someone who can advocate on your behalf to change that state legislation and also get some zoning laws, sometimes that can help. But the zoning laws are harder to push through because it is generally a board of commissioners which tend to be representatives from some of the same facilities.

So, good luck -- but I was really concerned about your water and you are saying that it is contaminated.

MS. BARON-HALL: Yes. And we do continue to approach our state legislators and working with other -- like the RiverKeepers and the Water Keepers, and other environmental health groups, the North Carolina Environmental

Justice Network.

So we all are constantly working together, cooperating, to try to make a difference. And that won't stop. It hasn't been very effective so far, though.

MS. FISHER: And there are some -- and someone from EPA can probably help you better than I can, but there are some EPA grants to deal with watershed issues, because I know that we have some in the state of Louisiana.

MS. BARON-HALL: Yes, great.

MS. YEAMPIERRE: Thank you. Sue?

MS. BRIGGUM: I wonder if there might be an opportunity here because you have mentioned Smithfield a number of times and I don't see her here, but there is someone from Smithfield who has come to a number of the NEJACs. She works on sustainability.

I wonder if there might be an opportunity for something like a work group on this issue, some -- you know, it is a challenging issue because there is probably no more potent political group than farmers. For good reason, you know -- they give us all of our food!

On the other hand, there might be an opportunity if you and she were sitting together, and some other experts, to come up with best practices that might kind of cut through all this stuff that you are talking about in terms of jurisdiction, but to come up with something practical, kind of

like what we did with waste transfer stations where we came up with best practice guidances that would avoid the creation of H20 that could be exposed to the community, that would get it out of the situation where it could contaminate groundwater.

It is something that I would suggest, you know, to EPA. You think about the possibility that there might be a way for a work group to really structure a conversation with you and others that might come up with something that would result in change in practices.

MS. BARON-HALL: Yes. That is exactly what we want to do. And I will just say out of support for Smithfield, we did just recently have a conversation with one of their representatives about the watersheds and how we might begin to collaborate a little bit more. Yes, up until now, the most that they have done has been to provide a flytrap for one of the people in the communities that -- who complained about flies.

MS. HENNEKE: This is one of those things that I have -- I am Jody Henneke with General Land Office in Texas, and I spent a long time in Texas working for the Texas Commission on Environmental Quality. And there is a tremendous amount of work that has been done associated with CAFOs.

You might want to talk with the Environmental Justice folks from Region VI because the State of Oklahoma is

-- in the panhandle of Oklahoma and the panhandle of Texas, there are a lot of CAFOs, including hog operations. Texas has a nuisance odor statute which goes a long ways to helping the regulatory agency deal with some of the issues that you are talking about. But there has been a lot of work done on best management practices. The State of Iowa has done a lot of work, Oklahoma and Texas have.

You happen to, in North Carolina, have a little bit of an additional burden both geographically and with your climate there, your high humidity, and North Carolina has had issues in the past with tropical storms being hung over the Atlantic coast and causing flooding issues there where a lot of those hog operations are, and I am pretty familiar with your issues and it is not easy at all.

I also grew up on a farm, so I am a little sensitive to the farmer comment and prefer to talk of it more in the corporate agriculture kind of terms because your basic -- what I grew up thinking of as a farmer is not the size of operation that has, you know, a quarter of a million hogs. It is a very, very different industry when you are dealing with the large hog operations, the poultry issues, the dairy issues, and there on the East Coast you have a history of that industry as well as the difficulties associated with your weather and your soil characteristics.

And, Hilton, what happens a lot of times, what I

have seen, is when you have those kinds of spills, you can wind up with high nitrates in the groundwater, and many of your local residents there have shallow wells and that -- it is more than just an odor issue, and I am not making light of the odor issues at all.

But I would suggest that you talk with some of your counterparts especially in Texas and Oklahoma because they have -- while they don't have -- they are a drier climate, but they have a history of dealing with corporate agriculture.

I myself got to do a public meeting associated with a hog genetics facility that went into the panhandle of Texas, and it is not easy for any community. But there are water issues, there are runoff issues, there are water source issues, there are water quantity issues, there are odor issues, and there is ultimately waste disposal issues.

So I would encourage you to talk with some of the people from -- especially from Iowa and Texas and Oklahoma.

MS. BARON-HALL: Great. Thank you.

MS. YEAMPIERRE: Chris?

MR. HOLMES: Here we go. I am Christian Holmes and I think Jody's advice is tremendous, as is Sue's, both of them having very good points.

What is interesting about your problem, you are in the Neuse River Basin, I suspect?

MS. BARON-HALL: Neuse, yes.

MR. HOLMES: Neuse, that is where you are.

MS. BARON-HALL: Yes.

MR. HOLMES: Sounded like it. So to your point -- you have a huge alliance because there are people that go all the way down to the ocean, plus a number of the major universities. I know Duke has been up in that area very actively.

MS. BARON-HALL: Right.

MR. HOLMES: And I was curious about two things. One, have you ever been kind of exposed to by the regulators with any kind of booklet or guidance that basically lays out all the different kind of instruments that you have to use -- and tools in negotiating with people like Smithfield, or approaching them?

MS. BARON-HALL: When you say "tools," can you be more specific?

MR. HOLMES: Well, you know, explaining to you, for example, what are the various things that a company has to do to be able to comply with laws? What are the various public meetings they have to have, and under what circumstances? Those sorts of things.

MS. BARON-HALL: No, that has never been explained to me. Some of the other people may be aware.

MR. HOLMES: Yes. See, that has always been my pet little peeve, is that there are all sorts of sources of

information that you have access to, okay? It is a question of how to share it with you and how you are educated.

There are things like the risk management program rule which is little known but extremely effective under certain circumstances to be able to get people's attention.

So I think that the people at EPA, both in Region IV and at the state EPA, would be very helpful to you in putting that together.

MS. BARON-HALL: Thank you.

MR. HOLMES: Just as a suggestion.

MS. BARON-HALL: We do have -- we are developing, I should say --

MR. HOLMES: Yes --

MS. BARON-HALL: -- a pretty good relationship with the State Environmental Office --

MR. HOLMES: I am sure you are, yes.

MS. BARON-HALL: -- and so, yes, I am sure they would be glad to provide that with us.

MR. HOLMES: It tells a great story when you start to lace the permits together. Thank you.

MS. BARON-HALL: Thank you.

MS. YEAMPIERRE: Omega?

MR. WILSON: I just want to ask a question. Maybe I can hold mine. Is Mr. Hall going to -- is he going to be part of the presentation or --

MS. BARON-HALL: Devon Hall.

MS. : Devon Hall is scheduled two people from now.

MR. WILSON: Okay, all right. I can hold my question for Mr. Hall, then.

MS. YEAMPIERRE: Thank you. Hilton?

MR. KELLEY: I just had a quick question. Excuse my naiveté when it comes to hog farms. I don't know a whole lot about hog farms. I have never seen one. But I have heard a lot about them in the work that I do with other groups that I have worked with.

But my question is, from what I am understanding, what I am hearing, there is an issue with the cesspools and where a lot of the waste goes. I was just wondering, is there any way, like a storage tank of some sort, to be used to somewhat house a lot of this waste before the runoff starts to happen and we can create a way to recover the hydrogen sulfide and it could be burned off because it gives off -- it is a gas that can be burned?

I think that would cut down on some of the costs, because in Texas we have these huge, huge storage tanks for oil refineries. I mean, these things dot our landscape for miles, and I am pretty sure in a farm situation you have a lot of land, and I am thinking that maybe two or three of these -- if many of you know what I am speaking of -- these tanks could

be utilized. Maybe the waste could be put there, somehow discarded but yet as the wastes start to go down, the gases can be burned off and -- over time. Just for an idea.

MS. BARON-HALL: Yes, there has been research that has been done to show that they could be. There are a lot of more positive ways of handling the waste. And actually, Devon is the same. He knows more about the scientific part of this thing, so he can some more -- some of those questions more accurately than I.

MS. YEAMPIERRE: John?

MR. RIDGWAY: Dothula, thank you very much for your testimony here.

I have a couple quick comments as much for the Council as for you, and I am not an expert on this, but it is my understanding, and this can be a question to EPA, I think this issue is confounded, it is -- by the fact that these issues are around the Safe Drinking Water Act which to my understanding EPA doesn't address as directly as perhaps a Department of Health. It is -- there are multiple institutions here and regulatory agencies that are involved, if I understand it, and this gets to the issue of interagency work by EPA and the Interagency Environmental Justice Advisory Committee, and may be something that they can help look at this around because I don't know that EPA has as much oversight on this as some people might believe.

The other just quick clarification here for people in the audience who don't understand what CAFOs are, and this is often referred to as that acronym for I think it is Concentrated Animal Feeding Operations, just to be clear everybody knows what that is about. Thank you.

MS. BARON-HALL: Thank you.

MS. YEAMPIERRE: Thank you. Thank you, Ms. Hall. Dr. Wang?

MR. : Jody has ---

MS. YEAMPIERRE: I am sorry --

DR. WANG: Good evening.

MS. YEAMPIERRE: -- whose card? Jody, I didn't see you.

MS. HENNEKE: Excuse me. This is Jody Henneke again.

I was going to suggest before your comments are over -- actually, John, EPA really does have a big stick in this one, and it varies, on the state level, from state to state whose regulatory authority it is housed in mostly. In some states, it is within their Department of Agriculture. With some states, it is within their environmental agency.

You also have food production involved, which has gotten of late very big into the Homeland Security world.

So there is a tremendous variety of regulatory authorities involved, but in North Carolina I believe it is

principally within the environmental agency.

One of the things, Chris, that is most difficult about this particular subject matter is it very much depends on what the opportunity for the publics to participate in that individual state. In some states, they use a standard permit, or a general permit, for CAFOs until you get to really, really big numbers. In some states, it is an individual site specific permit.

So what I would encourage you to do is to find out with your EPA region who issues the permit on the state level or within the state of North Carolina, and really focus on that agency to find out where your avenue to participate is. And learn that one because time frames and -- it is something that Hilton and Chris were referring to a while ago. Those deadlines are set by rule and by statute, so it is -- you need to learn that and become really, really familiar. Find yourself an advocate who can sit down with you and walk you through that, that is required within your local area.

MS. YEAMPIERRE: Okay, thank you. Thank you very much. Dr. Wang?

Comments

by Dr. Howard Wang

DR. WANG: Thank you. My name is Dr. Howard Wang. I am the Associate VP for Student Affairs at Cal State, Fullerton, and that is my full-time job. And in my spare

time, I am involved in a lot of community organizations. Not the least is the Fish Contamination and Education Collaborative related to Palos Verdes Superfund in Region IX. In fact, I was just here in DC about a month ago to receive the Community Excellence in Involvement -- Community Involvement Award representing the Community Resource Council which I am a member of.

But tonight I will be speaking on behalf of the Citizens Against Stadium, an issue that is a little bit different than the issues presented tonight, and also speaking on behalf of the Citizens for Communities Preservation, Incorporated, or CCP, Inc.

The Citizens Against Stadium, or CAS, is opposed to the project proposed by Majestic Realty and the City of Industry to build a 75,000-seat and 50,000-car parking lot, about 3 million square feet NFL stadium/entertainment complex in the east end of Southern California San Gabriel Valley, in a location where there are rolling hills serving as cow pastures sandwiched between two bedroom communities, mostly Walnut and Diamond Bar, plus a number of surrounding communities.

Numerous state agencies and municipal jurisdictions have already commented -- made the comment showing concerns about this project. But the developer continued to suggest that there is economic growth for the region, contrary to

academic and economist studies refuting such an association.

In fact, the project will burden all the neighboring cities with significant traffic impacts, noise, air and light pollution, and other negative impacts that would jeopardize the health, safety and the welfare of the residents in the surrounding communities.

Most significantly, the final Environmental Impact Report, or EIR, as approved by the City of Industry, was improperly prepared based on tiering off of the EIR of a 2004 conceptual plan of a business center that was never built.

A 2008 revised plan, they insert the stadium and entertainment complex in the original plan, is a drastic change from the 2004 plan, and the developer should have been required to produce a subsequent, or a brand new, EIR, not a supplemental EIR, according to the California Environmental Quality Act, or CEQA.

So, there were two lawsuits brought by the citizens' group, or CCCP, Inc., and also by the City of Walnut, citing numerous CEQA violations, including violations of the planning laws, the Public Records Act, the State Fish and Game Code and Health and Safety Code.

A motion to dismiss our lawsuit, the citizens' lawsuit, was filed by the lead agency and heard on July 7th where the judge's preliminary ruling was in favor of the citizens' lawsuit. But the case, because of the objection

from the lead agency, the ruling is still pending.

The City of Walnut, however, intends to negotiate and settle for monetary return or in kind compensations. On numerous occasions, the City Hall council members hindered the citizens' right to speak to the contrary at City Council meetings because the council or the council members felt that the citizens' lawsuit is a hindrance to their negotiation.

So I have also submitted a CD, a disk, detailing all the lawsuits, and so if you want to have information, I have already submitted to the contractor.

Citizens opposed to the stadium complex believe there are several injustices that have been bestowed upon them, aside from the negative environmental impacts.

It is grossly unjust for the developer to "fast track" the EIR process by capitalizing on a dysfunctional city government such as City of Industry where a handful of residents -- there are only 8,000 residents, with 60-something voters. The voter on the last bond measure that would enhance the infrastructure in the support of the stadium, only one voter "no."

It is unconscionable for the developer to not fully disclose the fact that the EIR was tiered against the 2004 EIR and not a full EIR.

It is unethical for key local and state officials and politicians to receive campaign contributions from the

developer and yet they do not recuse themselves when it comes to making decisions related to the project. And the close personal relationship between the developer and the Mayor of the City of Industry needs to be investigated.

Finally, it is discriminatory for the proposed project site to be so located so close to the populations of Hispanic and Asian-American residents, many of whom are first-generation immigrants, elderly, and non-English speakers. While key documents such as EIR and notices of public hearings were all written in English, some promotional flyers conveniently were printed in both Chinese and English, depicting the economic benefits which have not been supported by economists' studies.

So based on all these, we feel that the injustice has been done, and we would like to see Federal -- on the Federal level can intervene. This is not a -- this is a private project, so I understand that, but maybe I can suggest a few, like file an amicus brief with the presiding judge for the Walnut citizens' lawsuit. Or encourage the California Environmental Protection Agency to fully review this case and publicize the negative impacts to the public to the whole state because a lot of people don't know about this and most of those who know the project think it is a done deal.

Finally, encourage the California State Attorney General to look into investigate the City of Industry's

process and its relationship with the developer and also look into the City of Walnut Council, our own City Council, about violating the First Amendment right of free speech over citizens by the city attorney.

So I thank you for listening. If you have any questions --

MR. RIDGWAY: Thank you. Omega?

MR. WILSON: Dr. Wang, my question has to do -- Omega Wilson, West End Revitalization Association, Mebane, North Carolina. My question has to do with whether or not you had a chance to enumerate, based on public health statute, i.e., safe drinking water, Clean Water Act, toxic waste, solid waste, et cetera, those particular things that affect or impact a community, not only what may be there now, but what may be caused as a result of this massive building project.

DR. WANG: Yes, we have challenged the lead agency about the fact that the supplemental environmental impact report did not say anything about water and the air quality. In fact, the AQMD, the California Air Quality Management District, did receive a copy, a preliminary copy, a supplemental copy, of the EIR report and for some reason, their report, their response, was suppressed until I challenged them in front of the board and then they reissue a comment showing all the negative air quality impact during the construction and operation of the stadium.

For the California Public Health Agency, conveniently they did not receive an EIR at all. So the letter to the City of Industry indicated that they have not received the report and therefore they cannot comment on it.

So we challenged these through our lawsuit that the -- that is one of the reasons why we challenged the supplemental EIR was not adequate because they did not address that, they did not send it to all the key agencies for review. They somehow conveniently missed the California State Public Health Department.

MR. WILSON: Quickly, is that something that is going to be addressed officially? Have they stated they are going to address these inequities in a report?

DR. WANG: We don't know. We don't know where the judge is leaning. So far, if the presiding judge for the case to dismiss -- the motion to dismiss our lawsuit -- is the same presiding judge, I presume he is, it is possible that he might rule in our favor that this whole EIR that they approved be thrown out of court and they have to prepare a brand new EIR. And then, obviously the Public Health would have to be included and AQMD has to be included.

We don't know yet. It is day to day. The developer -- I keep using the word "they" -- they are very confident that the stadium will go in by the end of the year. And that is why the urgency -- that is why the reason I am here and my

community group sent me over here, because a lawsuit is one thing, but you never know where the judge goes, leans toward, and because, you know, the developer is a billionaire. He has lots of money and resources. We don't. We go by fund-raising and so on. But the fact that they send me over here is based on fund-raising to send me here for the trip.

So we don't know which way they are going to lean to us and we need some outside intervention from both community-based organizations, national-based organizations, and also Federal intervention at least to encourage the state's Environmental Protection Agency. I don't know where they have been. They were never mentioned in the impact, the EIR. I don't see their comment on it. So they should really -- if based on our internal experts looking at the EIR who -- which -- who have decided there are a lot of violations of CEQA, then the California Environmental Protection Agency should have said something, and they haven't.

MR. RIDGWAY: Patty?

MS. SALKIN: Patty Salkin, Government Law Center at Albany Law School. Thanks for your comments.

Unfortunately, this keeps happening all over the country with stadium development. And I wanted to suggest a few things.

You said that the state environmental office hasn't been involved, so the state EJ coordinator hasn't been

contacted, either, as far as you know?

DR. WANG: Not that I know of. Because of my involvement with this Fish Collaborative and through the lead of that project, I was able to contact a lawyer in Region IX, and his only suggestion was to want to spend some money and contact an environmental lawyer in the community. But they cost a lot of money and we were fortunate that we have found this lawyer who is willing to work pretty much pro bono because we only pay $5,000 and maybe a little bit more later, but he is very confident, you know. We don't know yet that he might be able to get the developer to redo an environmental new one, new EIR.

MS. SALKIN: Well, let me suggest a few things on the lawsuit front.

There are a couple of law schools in California that have environmental justice litigation clinics, and that might provide some additional resources to your pro bono attorney.

Also, another hat that I wear is I chair the amicus curiae committee for the American Planning Association.

DR. WANG: Oh --

MS. SALKIN: We typically do not get involved in trial level cases. We would wait until it got to the State Supreme Court.

However, that is the national American Planning Association. California has a couple -- three chapters of the

American Planning Association, and so you might want to contact the chapter in your area. I don't know what it is designated, but I know a bunch of folks that are involved, and I think that this is something that they might be interested in, particularly because a number of the planners for the larger cities in Northern California are members of the American Institute of Certified Planners, which means that they have to agree to abide by a code of ethics, and their code of ethics is replete with social equity statements. And so that is another hook from the planner's perspective.

On the ethics issue, I suggest that you ask your attorney to look into the Fair Campaign Practices Act in California on -- you know, exactly the statement that you made here with receiving the campaign contributions. I have seen a lot of decisions from the state that rule in the community's favor on that issue, not the environmental issue. So, you know, a two-pronged approach.

Then, lastly, although it may not be the ultimate outcome that you want, if it looks strategically to you as though the stadium is likely to be built regardless of the community opposition, as it happens, you know, routinely, unfortunately, there are a number of organizations, particularly in Southern California, that have been involved in negotiating community benefit agreements with coalitions from the various communities that wind up hosting

involuntarily these kinds of stadium projects and it is another way to get some of the environmental concerns that you have addressed rather than them being ignored.

Of course, the tradeoff is that the developer often agrees to do lots of remediation, other things, in exchange for either your quiet acquiescence or your support, and so you have got to balance it on whether or not it is worth it, and different communities feel differently about it.

DR. WANG: Thank you for those suggestions. It is just -- if I may quickly respond.

We did contact the Golden Gate Law School and talked to the environmental attorney, but her communications are piling up. She says she really doesn't have the time, didn't have time to do it, so -- so, but anyway, we found an attorney who might be just as effective.

We are dealing with the ethics issue with looking at a couple of organizations to deal with that.

Then the last one is the City of Diamond Bar has never filed a lawsuit. They already settled. But the term of the settlement is $20,000,000, one-time cash, with maybe $700,000 per month based on ticket sales.

$20,000,000 is hard enough to mitigate the traffic for one intersection. There are about 30 intersections going to in and out of the football stadium, it is that huge. So they -- I don't know where they came from. I mean, they just

are greedy, I guess. They just accepted $20,000,000.

City of Walnut is following their model and with failure because the developer has already informed the City of Walnut saying that they terminated negotiation. We didn't even know they were negotiating until this developer made the announcement, so it really -- it didn't surprise us because we anticipated that was going to happen. So that is where we also had a recall initiative to recall some of the council members. And we were correct -- they were negotiating.

MS. SALKIN: After the public comment period closes, I would just like to give you some names of some attorneys in Northern California that I think you should contact.

DR. WANG: Appreciate it.

MR. RIDGWAY: Hilton, please.

MR. KELLEY: Oh, yes. My question -- I am Hilton Kelley, Community In-power and Development Association, Port Arthur, Texas. How are you doing, Mr. Wang?

DR. WANG: Thank you.

MR. KELLEY: My question is -- I think it has been answered. There was a public comment period? Was there a notice posted in a newspaper or a magazine?

DR. WANG: By the lead agency?

MR. KELLEY: Yes.

DR. WANG: Correct. Up to a point, where they posted all the public hearings and the public meetings, City

Hall Council meetings, until they have a ready to vote for the project and the final EIR.

The problem is that before they voted on the final EIR, they made some modifications and they did not bother to publish that on the agenda item, as part of the public hearing agenda item, so the City of Diamond Bar has filed a citizens' lawsuit also, which I didn't include in my talk, that they have violated the Brown Act and that also gets --

MR. KELLEY: And that is some leverage?

DR. WANG: That is -- yes, that is their leverage. We don't know where that is going to go.

I think there is a conference between the lawyer and the judge and set a date for trial.

MR. KELLEY: And also, my last question: Have you guys organized and started a petition? And if so, what does that look like?

DR. WANG: The petition started. The project was known to the citizens by September, and we collected 35,000 signatures. In fact, those signatures were copied and scanned and it is on our CD, if you are interested in looking at it.

All the pleadings for the lawsuit as well as dismiss the lawsuit, there is a counter-argument to dismiss the lawsuit, they are all on that CD, including the supplemental EIR, the final EIR, it is all in the CD. So if you are interested in looking at that, you can ask for a copy of it.

I submitted a copy of that.

Yes, we have collected signatures. In fact, most of the -- there are 35,000 signatures collected. The unfortunate thing is that those who signed the petition are willing to stick their neck out to say, you know, they are against it, but there are a lot more. Because it is a predominant Asian/Hispanic community, most of them don't want to get involved -- not that they like the stadium; it is they don't want their name to be associated with it for fear of retribution and so on and so forth. So we have yet -- you know, we were unable to collect a lot more signatures.

Walnut is a very small bedroom community. It is not a poor area but even the houses that are $600,000, $700,000, up to $1,000,000, but there are 4 or 5 people living in there. At least 2 of them are grandparents, elderly, and they are not English speakers. And, you know, the actual voters, the household voters, maybe it is 18,000. And then, so you can figure out by percentage that a lot of them don't want to get involved, so to speak -- that is part of the Asian culture.

That is why we kind of hone in on that. Say, wait a minute: There are a lot of Hispanics and Asians. Why dump it over here? Why not in San Marino where the developer lives? Of course not -- there are no minorities living there. You know, he is going to -- you know, he would never hear the end of it.

But on this end of the Valley, most Asians are just very quiet and they don't want to rock the boat, and they won't cause problems.

That is our challenge, is try to get them involved to -- you know, there are only a few of us here. Out of the 35,000 signatures, there is a core group of 10, 15 decided to file a lawsuit, stick their neck out for the community, and that is the situation, so --

MR. KELLEY: Yes, that could be pretty tough, especially when many of your potential petitioners are being picked off one by one, and that is a tactic that is used for various situations, from industry to developers. So -- I don't know. That is the tough one.

But I would suggest that you try to work with your community to get them back on board and help them to understand the impact that the traffic and the construction will have on your pristine community.

DR. WANG: Yes, we are. We are going to do a lot more press release and advertising in the newspaper in multiple languages so that they can understand the impact.

MR. RIDGWAY: Patty, you know your card is up?

Dr. Wang, thank you very much for your time and for your efforts to travel out here. Thank you.

DR. WANG: Thank you.

MR. RIDGWAY: Okay, next up we have Richard Gregg?

MS. : Gragg.

MR. RIDGWAY: Gragg, excuse me, and Christine Bennett, please, if either of you are here.

Comments

by Richard Gragg, Ph.D.

DR. GRAGG: Good evening. My name is Richard Gragg. I am -- serve as Associate Professor and Associate Director of the Environmental Sciences Institute at Florida A&M University, and I also have the opportunity to direct the Florida Center for Environmental Equity and Justice, and through that activity, I represent the State of Florida on the All-State EJ Work Group. And I am also a former member of NEJAC.

What I wanted to present this evening is in the context of community engagement and really at the macro level, as was mentioned earlier, and especially in light of the Administrator's recommitment to Executive Order 12898.

My comments have to do with recommending to EPA through NEJAC, in the effort to accomplish the Agency's mission in environmental justice. I would like to speak about three entities that I am a part of which I think could play a major role in facilitating the initiatives that I have read about, I am aware about, and that EPA is trying to reengage, especially community engagement.

As I stated earlier, I am a member of the

All-States Environmental Justice Work Group, which was begun in 1999 in Region III by the now EJ Coordinator for Region III, Reggie Harris, and Arthur Ray, who was the Maryland -- for Maryland, MDE, and he is also a former NEJAC member.

Now that work group is comprised of regional reps, EJ coordinators from Region I through V and also the affiliated state reps. And what we try to do, and have been doing since I have been a member of the group, is really to build a capacity, do education outreach, and try to help each other figure out best practices in doing environmental justice and work for the states that we represent, along with the assistance of the regional coordinators.

As I mentioned earlier, I am also professor at a university with happens to be a HBCU and also a land grant university, and we also house an Environmental Justice Center which is funded by the State of Florida, and there are a couple of -- at least three or four other environmental justice centers at universities around the country.

I am also a member of the Council of Environmental Deans and Directors, which is a university membership entity of schools and colleges that house environmental studies or environmental science programs across the country. And I think these entities are important because I think they -- we can -- we are -- but I think we need a more coordinated effort from EPA to assist EPA in their EJ efforts in terms of

emerging issues, public participation, collaboration with regional offices in providing technical assistance to communities.

As it was mentioned earlier, all of these three entities can, and do, play a role and can play even a greater role in getting data, sharing data, and interpreting data that has to do with environmental justice.

For example, the Council of Environmental Deans and Directors, we are dealing with an emerging issue of climate change. And what -- how we are dealing with that, we are working with NASA and we are trying to work with NSF to develop a climate curriculum at the universities. And, of course, one of those topics under the climate curriculum is environmental justice. As we know, these communities will have again a disproportionate impact on the outcome of climate change.

The other thing we are working on and said, this Council of Environmental Deans and Directors is to understand and begin to integrate environmental science and public health curriculums at the undergraduate level. And we are going to use environmental justice as a model to integrate and look at those two issues and try to encourage faculty across the country to start talking about this subject as a whole, and specifically environmental justice.

And so as a member of the university community, we

train students in this area and related areas that can help resolve environmental justice issues. We also train children from these communities, these impacted communities, and as I said earlier, we in some cases provide technical assistance and so forth.

MR. RIDGWAY: Excuse me.

DR. GRAGG: Yes --

MR. RIDGWAY: I was just asked to have you summarize, due to time, if you can --

DR. GRAGG: Pardon?

MR. RIDGWAY: I need to ask you to summarize, if you could. We are running short on time.

DR. GRAGG: Okay.

MR. RIDGWAY: And we would be glad to take all the written testimony that you may want to share.

DR. GRAGG: Okay. All right, thank you.

Well, in summary, then, I would like to recommend that EPA work to develop a coordinated effort, or cooperative agreement, between the entities that I mentioned and others to actually assist EPA in facilitating this environmental justice effort. Just as an example, EPA has hired APEX to do a great job of putting together this conference and facilitating the conference, and I think universities and other entities like the Council of Environmental Deans and Directors in this collaboration between state reps and the regional coordinators

can do the same for environmental justice. Thank you.

MR. RIDGWAY: Thank you very much. I appreciate that. Questions from the Council? Anybody?

(No response)

MR. RIDGWAY: Thanks. And I do want to encourage written testimony as well.

DR. GRAGG: Okay.

MR. RIDGWAY: Okay, thank you very much. I appreciate it, Richard. Next, Christine.

Comments

by Christine Bennett

MS. BENNETT: Good evening. The first thing I want to say to you, that my name is Christine Bennett, and I am a member of the Mossville Community. The Mossville Environmental Action Now is our organization. And I want to speak to you about our health consequences endured by the people who are living in the community surrounded by toxin industries.

And I want to first say to you is that: I will say it -- try not to cry. I don't know how you do that. And I am very disturbed, I am angry, I am hurt because while we are trying to find solutions, the people in Mossville are steady dying. We had a brother, a sister and then the daughter, then the son, and now a sister right here in my neighborhood just this past two months now.

I have a niece that is 15 years old, has been diagnosed with cancer. They wanted to take off half of her face in order to reach the tumor from the breathing in our community.

We have majority of our -- in my neighborhood, so far now, I have had two kids right now with asthma. The doctors don't know why the kids are suffering so bad.

I know why. The 14 toxic plants that are -- have been settled right here in this African-American community, families in before -- we were there before the plants were.

Mossville is unincorporated community that is now surrounded by these 14 industrial facilities that have made our air unhealthy to breathe, our water unsafe for fishing, swimming and boating.

Not only that -- we were told that our water system that ConocoPhillips, Condea Vista, two of the plants that I am talking of now -- if you have this book here, we are turning to Page -- moving quickly -- to Page 4, and it says here if you look, if everyone has the book, on Page 4, where you see U.S. population, that is you, and the Mossville residents, that is me -- that is the dioxin that has been proven by our statements. And I even spoke with someone from the EPA office that told me they had never seen this report before, never even looked at it, first time they ever seen it.

So I am amazed at it, but yet we have the highest

level of dioxin in the population right now. And it says here on one of the pages that given -- we never know if any of all of the 14 plants will have an accident. We must live in a constant state of emergency preparedness.

We are said here from the ATSDR test, we learned that the blood of the test community members contained an elevated level of dioxin. In fact, the residents in my community have been found to have an average dioxin level in our blood that are three times higher than the national average.

We said -- when my niece went down, I won't even attempt to try to say this cancer that she has, but it is some kind of Mesamoll chadros* sarcoma and it says they only had 35 cases of it, and it is a very, very rare one. And it is right here, sits right under the nasal passage, and they are -- right now, she is in treatments at the hospital, at the cancer hospital in Houston. And we are suffering.

I am here today to say: Relocation, relocation. They have already started -- they have relocated part of my community because of the water contamination that was done. We are on that same water system.

We can take a shower, but we can't take a bath.

We can use the water, but only for washing, but not white clothes.

We can tell us every day what we can do with our

water, but now it is getting so bad we, people in the Mossville area, are not even able to purchase water that much anymore because it is getting so very expensive for us that some of the people are drinking the water now because they can't afford to keep buying bottled water.

We are saying to the plants in our area, we are tired of the smiling faces because the smiling faces are lies.

We are tired of EPA, ATSDR, DEQ lying to us.

We have an area right now by the Conoco plant where they are sitting there promising to clean up this little bayou that they have been promising, but it is still sitting there and no one hasn't cleaned it up yet.

Our drinking water is terrible, as I said earlier.

We want relocation.

We want right now to understand that our people are dying. Our children want to live. We want to live.

And all we are asking you today is give us a chance. The dioxin is killing us.

And if you read further into the report, you will find more about the dioxin level and the other 13 -- we got 4 dioxin plants. We sit right in the middle of the 14. It is 4 of them that is putting out the dioxin.

So we ask you to please let us live. Let our children live.

Thank you.

MR. RIDGWAY: Thank you. Hilton, please.

MR. KELLEY: Oh, yes. How are you doing, Ms. Bennett?

MS. BENNETT: Fine.

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

I would just like to say that I am very familiar with Mossville. I have been there on several occasions, as you know. We were together on the Toxic Tour, me and your husband, Mr. Delma Bennett. And I was appalled when I came to your community and seen some of the things that you guys had to deal with. It is very much like West Port Arthur, but just so your community is a little bit tighter knit and closer, a little bit more rural.

I would just like to know, is industry working with you guys on the relocation or are you facing a lot of opposition when you talk with some of the plant managers in their particular area?

MS. BENNETT: Well, the plant managers we just met. Well, today we were supposed to meet with the CEO, Mr. Marver*, but he declined on it. He did not show up. He just cancelled the meeting.

But we seen that every time we try to call for a meeting, they want us at the plant. We want them in the community. We want them to feel what we have got to feel

every day. But yet, they want to schedule the meetings at their facilities. They won't come to our community.

MR. KELLEY: So out of the 14 plants that you are surrounded by, only 1 plant manager even sent word that he was not willing to talk with you guys?

MS. BENNETT: It is only one so far. That is all we have had.

MR. KELLEY: Okay. Thank you.

MS. BENNETT: Thank you.

MR. RIDGWAY: Omega, please?

MR. WILSON: Very glad to hear you here.

MS. BENNETT: Thank you.

MR. WILSON: Very glad to see you. Very disappointed in the cooperation you are getting from all these Federal agencies.

I am looking at Page 12. I am not trying to direct your presentation, but --

MS. BENNETT: That is okay.

MR. WILSON: -- I am looking into Page 12 at the simple diagram you have at the top that looks at it from a multimedia point of view, to air, water -- I assume you don't say "soil" there, but if you are dealing with water on the ground, and of course you have got soil involved in the fish.

MS. BENNETT: On 14.

MR. WILSON: Page 12 --

MS. BENNETT: Yes.

MR. WILSON: Right.

MS. BENNETT: I was saying 14 would say the soil.

MR. WILSON: Right -- yes, okay, yes. And the consumption of all of this contamination that goes through the food chain and everything to the residents. Are you getting the cooperation that you need from an interagency point of view? Because all of these -- each part of this diagram technically deals with a different branch of the government as far as EPA, soil management, agriculture, et cetera, et cetera, et cetera. Are you having to drag those different agencies together yourself, or are you getting cooperation from an interagency approach from those Federal organizations that are responsible for monitoring and managing these environmental pollution problems?

MS. BENNETT: We have to drag. We have to do this ourselves. We haven't had many to -- well, really, I am not -- I don't know of any have really ever came out to try and help us. There is no one.

We have this report here done by Wilma Subra. And she is one of the scientists that has been helping us the greatest right now. And three great, fine women, and they are the people that has been doing the most help with us, and that is Michele Robertson and Monique Hardy* and Michele -- I mean, Nathalie Walker. They are the people that has been helping

us.

MR. WILSON: From the national level, you were earlier talking about EPA and other Federal agencies not being honest with you.

MS. BENNETT: Right.

MR. WILSON: Have you gotten any audience at all? I mean, besides this one for an advisory point of view, who are saying that we are going to address this and call the agencies that are responsible together in the same room at the same table so you can address the issues that you are talking about in a cooperative way to solve the problem?

MS. BENNETT: Like in the community?

MR. WILSON: Right. In the community.

MS. BENNETT: No. They -- like I said, this report here, an EPA man told me this is the first time he ever saw the report. Never knew it was even out. And this has been out for over four or five years now. And he said this was his first time ever seeing it. And I had many to tell me that just this past couple of weeks. First time they ever seen the report.

Now, the man for the CEO told me that he was amazed behind it. And that is all they are saying. But while everybody is amazed and behind it, people are steady dying. Children coming down with cancer, fighting to breathe. And no one knows what is causing it? Yes, they know, but will they

help? No, they won't. It is a small African-American community. They just need to either die out or move out.

MR. RIDGWAY: Wynecta, please?

MS. FISHER: Wynecta Fisher, City of New Orleans. And Christine, thank you for coming and --

MS. BENNETT: Thank you.

MS. FISHER: -- actually I want to thank you for also coming to the listening session that we had.

Actually I have a statement, then a question, because I was amazed that when you mentioned the level of dioxin in your blood that I don't remember where the gentleman was from, but he said that we all had dioxin in our blood, and I thought that was a kind of inappropriate response to you.

But my question is about relocation. And you had stated that some of the community had been relocated. How was that determined, who was relocated and who wasn't relocated? Can you tell me? And who relocated both individuals?

MS. BENNETT: Well, Condea Vista made -- you know, realized that they had contaminated the water and that the people in that community had to move out immediately. So they began to pull the community together with meetings and find out how much, you know, it would cost to move all of them, and there were some that are still there, you know, because Condea Vista did not pay them what their property was worth, you know?

Majority of them left, but there are still some there, but that is how it got started. They had meetings, they came together, many meetings, and moved them out, and that same water system is the water system that we are on.

MS. FISHER: And they didn't offer relocation in your community at all?

MS. BENNETT: No, we are just getting ready to start begging and pleading for this kind of help.

MS. FISHER: And do you have any idea how long it took for them to be relocated from -- maybe an estimate, from the time they requested it to the time they actually --

MS. BENNETT: Seriously, to tell you that, when they first found -- when Condea Vista realized that they had contaminated the water, it didn't take long before they had them -- anybody who wanted to move, they -- they knew what they had done. But they said the plume, or whatever that was, that it didn't go in our direction. But yet, we are on the same water system.

MS. FISHER: Okay, thank you.

MS. BENNETT: Thank you.

MR. RIDGWAY: Christine, I have one question. And have you talked with the EPA regional EJ coordinator on this issue? Has that person, I believe it is Region IV, acknowledged this at all or -- I am sorry, Region VI --? Any comment on that?

MS. BENNETT: We have had a lot of them from EPA, have talked with us, but so far as coming down to the Mossville community, meeting with the community, no. But we have had statements, we have had phone calls, we have had emails. But yet -- come! Come clean up what, you know, the plants are messing. And just come and be in the area.

I invite all you guys to come out to Mossville. I mean, it is no way in. It is no way in without you getting affected, because we are surrounded. That is probably why they won't come. They are afraid, too. But we don't have no place to run. We live there.

They will talk to us outside of the community, but they won't even come near the Mossville area. They are trying, they are talking about it, but I am sure everybody is scared to come there. But what about us, those who can't move right now?

MR. RIDGWAY: Well, I would like to ask Charles and maybe Victoria to help follow up on this and see if we can get somebody to actually go and visit from Region VI and contact you, thanks to your testimony here, and for other reasons.

MS. BENNETT: And that is just who I want them to contact, is me, Christine Bennett, so I will know, because I am fighting for my life right now. I am having low -- right now, these spots that are on me is what doctors don't know what is causing it, but they say it is a low white cell blood

count and they don't know why my blood counts are going down.

But I just want to live to be able to tell the story.

MR. RIDGWAY: Thank you.

MS. BENNETT: Thank you.

MR. RIDGWAY: And thank you for your time and effort to get here and speak with --

MR. : You have a question over here, John.

MS. YEAMPIERRE: Lang.

MR. RIDGWAY: Thank you. I am sorry. Lang?

MR. MARSH: Yes, hi. Lang Marsh from the National Policy Consensus Center.

I was in -- really appreciate your testimony. It is very heartfelt and very disturbing.

I was involved in the initial -- one of the first toxic waste site clean-ups, at Love Canal in New York, a long time ago. And that involved, eventually, a significant relocation of people from their houses.

My recollection is that it was the State Health Department that provided the evidence and a lot of the impetus for, you know, the decision to go ahead and move people out. And so I guess my question is, has the -- have the state health folks been involved in your community and provided any assistance and -- or information that would lead to a decision

on the -- you know, the pros and cons of relocation?

MS. BENNETT: Right now, what we are going through, and to address that question, is this. They want to say that the report that was taken by us of the scientists that we got doesn't match their report. Okay, if that is true, come to our community and do it for us and let us see your report. We haven't seen their report, but we are willing to let them see ours. And no one is helping us. Because what is happening now is while we are waiting for answers, people are dying.

No one has helped us yet. They are talking now, a lot of them are talking, but while they are talking, like I said, we are dying. Thank you.

MR. RIDGWAY: Thank you again. I appreciate your time, and I wish you luck as well. I will see what we can do to get some EPA people to contact you directly.

MS. BENNETT: Please.

MR. RIDGWAY: Thank you.

MS. BENNETT: Don't forget. Come and visit Mossville.

MR. RIDGWAY: Thank you for the invitation.

MS. BENNETT: Thank you.

MR. RIDGWAY: Okay, next on the list -- I believe these people are not here, but I want to double-check -- Michael Roberts?

MS. : Michele.

MR. RIDGWAY: I am sorry, excuse me -- Michele. And Wilma Subra.

MS. : Subra.

MR. RIDGWAY: Subra, that is what I thought.

MS. : Right, Subra.

MR. RIDGWAY: She is not here, okay. And --

MS. : Sacoby --

MR. RIDGWAY: Sacoby, thank you. Is Sacoby here tonight?

MS. : He is going to be running late.

MS. ROBINSON: Sacoby is going to be running late. He asked to be pushed to the back.

MR. RIDGWAY: Okay.

MS. ROBINSON: He had another commitment. He is going to try to swing back here.

MR. RIDGWAY: Then, Devon Hall, please. So, the two of you, if you both come up. Thanks. And, Michele, please, I will have you start.

Comments

by Michele Roberts

MS. ROBERTS: Thank you so much for having me speak. My name is Michele Roberts. I am Campaign and Policy Coordinator with Advocates for Environmental Human Rights. Advocates for Environmental Human Rights is dedicated to upholding everyone's human right to live in a healthy

environment.

You heard a couple of excerpts from my -- one of my Co-Directors, Nathalie Walker. One of the things that Advocates for Environmental Human Rights -- we, as you can tell, and heard from the testimony of Christine Bennett, Christine and the Mossville community are just one of the many communities that our organization serves.

We are headquartered in New Orleans, Louisiana, and recently felt compelled two years ago to open a Campaign and Policy Office, to which I run, in Washington, DC, namely because of the fact that we have been successful on the systemic case-by-case basis, but it is clearly obvious, and even more so as we listen to the many testimonies that you have heard tonight, that we need an overarching, systemic change to our, what we call -- what I would like to call "environmental regulatory system." It is not a protection system, unfortunately. And so, therefore, we need an overarching change in order to get it to the system that we are saying on paper that it is.

It is not fair and not right that communities of color and the poor must be subjected to coming to plead before a body such as yours and others that they need to be relocated. These are their homes, these are the places that they live and play and worship and go to school.

The community of Mossville, like many others, was

founded at -- on the heels of slavery, so now we have generations of people who had to withstand Jim Crow and the awful degradational stain of racial segregation and the likes, and now be confronted with having to live in that same mindset or analogy, if you will, only in communities where they are -- by law now, we went from laws that it said you can't live in certain communities to now we have laws that say it is the right to pollute certain communities.

Our Clean Water Act and our Clean Air Act literally allow for the spewing of these massive tons of toxins, if you will, in communities. It allows -- we have policies and regulatory bodies that allow for these cumulative impacts to occur, to have all of these various toxic bodies, if you will, what you hear from our friends, the hog farm, and all of these things.

So we appeal to you to look at our human rights standards to which we as a country have already signed onto, given the fact that we are part of the Organization of American States. We see this happening in Europe. We are asking that we hopefully marry the NEJAC internationals body with the NEJAC domestic body because we need to have a precautionary system in place.

We are going to hell in a hand-basket with these toxins that we are allowing to spew into the environment. And now, as we take on the whole notion of climate change and what

it is we need to have, a more fair and just climate, then we really need to be mindful of the laws, because of the fact that as we sit here today, we -- our U.S. Congress is now debating on how we allow for these industries to do further harm to these communities. This cap and trade and all of these other things allow for further harm.

So what you see today before you in this body of having all of these people testify, it will just multiply in major numbers if we continue to go down this destructive path that we are on. We are very bright people, we are very well-intended people, and we are very conscionable people.

We appeal to you, the NEJAC, now that we have a new structure here, a structure that is willing to listen, a structure that is willing to feel, and a structure that is willing to work, we appeal to you to let us work together to revamp this system -- 30 years of an environmental regulatory process that has seen to it Mossville is actually a child of this 30-year process. So it is obvious that the process is broken. We need radical overhaul. And we appeal to you, the NEJAC process, to help us make that work.

Thank you so very much.

MR. RIDGWAY: Thank you. Questions from Council? Hilton?

MR. KELLEY: Oh, yes. How are you doing, Michele? Hilton Kelley, with the Community In-power Development

Association located in Port Arthur, Texas, on the Gulf Coast.

I am very much familiar with the situation in Mossville and all along the Naches River and leading right into the Gulf of Mexico, and it is high time that something be done about the situation in Mossville, Louisiana, and we are -- our organization really is kind of dedicated to doing what we can to help people in a situation when it comes to refineries and chemical plants. And I would just like to encourage you all to hang in there, keep the fight going for relocation and a fair market price for your houses, because I know that sometimes they try and offer you something that is really, really low for your property and it is not fair.

But relocation, I think, at this particular time, is the answer, but yet, just keep pushing.

MS. ROBERTS: Thank you very much. And you are right -- relocation is the answer.

But what I am saying today, Mr. Kelley, is that people should not have to be faced with the fact of relocating from their home.

The CEO of ConocoPhillips, Jim Mulva, does not have to be faced with the fact of relocating from his home. He goes home to breathe clean air.

The owners of Smithfield, they don’t have to be faced with the fact of relocating from their home because now the stench is so bad around where they live.

The folks who live in Holland Drive community of Federalsburg, Maryland, should not have to be confronted with relocating from their home because they live on an area where they cleared wetlands and just placed houses on top.

The folks in Bayview-Hunters Point should not have to be relegated to relocating from their home because of the fact that the Navy seemed so fit to want to excavate dirt and say that it is naturally occurring asbestos as opposed to aggregating in the particulates that are on the Superfund site that, oh, by the way, no one wants to talk about, and there are six schools within a half-mile radius.

We have got to stop this round robin conversation of saying what people can just live with while the process -- "You don't understand. The process takes a little while." Well, my question is to you: Would you want to live in that? And how long do we have to live like this?

So I know that I am heated right now, but it just -- I am just grieving over the fact that we have got to sit here and listen to all of these heart-wrenching stories, all the while saying "it takes a process." How long does someone have to die in a long -- I had an aunt that died of urethral cancer. I want you to know -- of urethral cancer. Should people have to live like that?

MR. KELLEY: No, I don't think that they should.

Coming out of Port Arthur, Texas, I fought for ten

years, and I am still fighting -- we fought for relocation simply because we could not get the plants to reduce the amount of emissions that they are releasing and expansion projects are steady taking place right under our nose, but -- and I still continue to fight, so I totally understand what you are saying.

We should not have to leave the communities that we were born in, the schools that we recognize, the familiar places, simply because industry wants to intrude upon our property. Yes, I totally agree with you on that.

But yet, if we want to try to get some kind of reprieve for the people that are becoming ill, I guess we would have to just keep pushing harder to try to get these industries to reduce the emission and to do business a little differently.

MS. ROBERTS: I would like to push harder to change the regulatory process, period. And changing the regulatory process, period, it addresses the reduction of the emissions because from the framework that I am speaking on, by incorporating the precautionary principle, we won't even be having this conversation, Mr. Kelley. And the children in your neighborhood wouldn't have asthma. Motiva would not be expanding at the rate that they are expanding in your community. And the cap and trade chemical that we are talking about with climate change would not allow Motiva to do tar

sand extraction, which you will be at the table next, talking about.

So this is what I am saying: Our process is such that we allow these -- unfortunately, that we allow these egregious acts to happen.

As Mr. Marsh said about Love Canal, and I worked with Lois Gibbs, and I thank you very much for that -- Mossville right now, if we had -- we didn't learn, obviously, from Love Canal because Dr. William Legator said that Mossville is in a worse situation than Love Canal.

So my point is, Love Canal happened 30 years ago. It is obvious that we are not learning the lesson. Therefore, it is like Tracy Chapman sings in her song, "The world is broke/It needs fixin'/We need to start all over."

We need a radical overhaul, and we need to incorporate the human rights framework into this, and it is not hard to do.

MR. RIDGWAY: Wynecta, please.

MS. FISHER: Wynecta Fisher, City of New Orleans, Director of Mayor's Office of Environmental Affairs.

You are saying what I touched upon a little bit earlier, what I mentioned, a little bit, a part of it, to Mustafa Ali, that the gentleman, Dr. Wang, mentioned, and the problem is in the regulation. And it is twofold, because if what you -- if what someone is doing is legal, it is difficult

to stop it.

So the only way to stop or make the change is to do what you are saying: Change the law. And this would actually -- I want this to hopefully be something that we can discuss in one of our Emerging Issues, because this is -- it is an emerging issue.

If not, then we are going to be 30 years from now -- well, I probably won't be here 30 years from now, but 30 years from now, we will be talking about the same thing.

So, somehow or the other, I think that would be a great legacy that this NEJAC Council can leave behind, is that we began the dialogue to actually begin to change these regulations, because the thing that a company will say is that "I am" -- "well, I have the permit, it is in accordance with state law," and then you can't touch them.

So, that is an issue.

Then, Dr. Wang -- and I am sorry I had to run out, but that is another issue -- and that is when people use private funds, they don't have to go through some of those Federal processes like an Environmental Impact Statement which does protect a community. And a lot of people are beginning to use private funding so they don't have to do that Environmental Impact Statement.

So, those are some things that I think we should talk about on Thursday.

And thank you very much for coming here.

MS. ROBERTS: Thank you so much.

MR. RIDGWAY: Thank you very much for your time and testimony tonight. I appreciate it. And we will get that on the agenda for consideration Thursday.

Okay, anybody else? Omega?

MR. WILSON: Yes, Michele, I am very glad to hear you speak. You speak to the point and you speak so well about the issue.

The issue of relocation comes up in so many environmental concerns, from transportation corridors and other kinds of things, some of which we will talk about tomorrow. But it raises another issue, and I am going to ask it because I don't think you have not thought of it, so you will have a chance to respond.

By relocating communities, what do -- how do you respond to the whole question that it gives license to expansion of environmental impacts that are far beyond the immediate communities that are relocated, that it creates hot spots that even EPA and all the Federal agencies cannot control by giving that license to say, "Just move the people away and let us keep doing what we are doing, let us keep polluting?"

I don't want to put words in your mouth because I think you speak very eloquently, but can you comment to this

whole question of "just move the people out, move the poor affected people out, and let us keep polluting till the core of the earth is melted?"

MS. ROBERTS: Sure. You know, the example today that Christine just spoke about with respect to ConocoPhillips, we have done some shareholder activism. We have organized, we worked with the community in support of the Mossville community, and we accompanied Mossville to the shareholders meeting 2008.

Jim Mulva, ConocoPhillips, he said, you know, he would come out to the community. Didn't come. 2009, said he would come out -- didn't come. And the folks went and just pushed up on him at the shareholders meeting, said, "You have got to come -- people are dying."

So he was supposed to come today at 1:00. He sent an email -- and, oh, by the way, he told them, "You cannot bring all of your core membership." Meanwhile, he had told them initially that they would be able to, he being the plant manager at Lake Charles. And they also told them they could not bring their advisors, being our organization, Advocates for Environmental Human Rights, and the Subra Company. Meanwhile, they have their team of lawyers and scientists and everything else, right?

But the thing is -- he didn't show up, the plant -- I mean, the CEO. And the CEO didn't show up because there

were other folks calling on the behalf of the community, I am quite sure.

But I say all that to say, they know, these folks know, that they can wait people out. And they know that at the end of the day, there could possibly be a deal that is struck, like in the Bel Air case. They did not pay the people what they should have been paid to move. And what do we call fair?

And so, therefore, you can allow the people -- just wait them out, the people move, and then you further contaminate the land because you figure at this point, I can now do what I want to do.

But then, what happens is, like in the case of Smithfield, you wind up with a water body from North Carolina now polluting all the way up into New England. Or, you wind up, like with our friends in -- up in Alaska, our Native American friends up in Alaska, who are now seeing dioxin in the caribou -- excuse me, DDT, rather, I am sorry, DDT, which is a component of dioxin. But they are seeing DDT in the caribou in Alaska where they have never used it before.

So you allow people to continue to degrade and degrade and degrade the environment and the earth, and it just goes on and moves, continues to move. So while you are moving the community, the pollution still moves, too. And then it gets to a point that we have no space left. And now we get to

talking about this whole climate change. And in the meantime, we are talking about climate change, but yet we are allowing for mountaintop removal, we are allowing for tar sands extraction, and the tar sand extraction is actually shifting our -- under the earth, if you will. So we are creating more ways to have even more disastrous storms and all of these other things.

So, how far do we go? And that is my question. How far do we go? And that is what communities are asking.

How many times must I be moved? There are some communities that have been moved in the Gulf Coast that have moved from one community, thinking they are moving to a safe haven of another community, only to move to that community and now the pollution is there.

MR. WILSON: Thank you, Michele.

MR. RIDGWAY: Michele, thank you very much for your time and your comments and advice for us. Thank you.

Okay, I think we have Devon Hall, please.

Comments

by Devon Hall

MR. HALL: I am Devon Hall. I am the Project Manager for the Rural Empowerment Association for Community Help located in Warsaw, North Carolina, or Duplin County.

I will pretty much be just echoing what Dothula Baron-Hall -- on her comments.

Duplin County is home to approximately 53,000 people and 2,200,000 million hogs being raised annually. There are 10,000,000 hogs total in the state annually.

I guess some sitting here may think, you know, that is the smell of bacon. But for the residents of Duplin County, it is the smell of hog waste that is stored in cesspools, called lagoons, that pollutes air, ground and surface water.

When I attended the North Carolina Environmental Justice Network's summit in October, 2005, the EPA was viewed as the CPA at that time to many at that -- at the summit because it appeared to take sides with the corporation or protect the giant swine industry by allowing them to spray hog waste in communities, sometimes on homes and fields and ditches that many times run into creeks and streams.

For us, this plight is real because we live with it daily. If the EPA's environmental justice project officer that is assigned to our region or the EPA-funded projects were able to spend more time in our communities, then he or she might better understand the concerns that face the community after hearing real day-to-day stories, or testimony from the people that are being dumped on.

I believe that EPA could be a better tool to assist affected communities in the way of being heard by local and state environmental lawmakers or policymakers.

Again, I am just echoing what Dothula has stated earlier. But on last Thursday, July 16th, we were able to coordinate with another nonprofit environmentalist group called Riverkeepers, and we were able to conduct a tour in which we were able to bring some new stakeholders to the table. And in this tour, we were able to give them an aeroflight, and then upon arriving on the ground, we were able to give them a ground tour as well.

It is real, what we are faced with in Duplin County, and sometimes it -- we realize that you sitting around the table here, you know, you at all, you say, how can this be? How can hog waste be sprayed upon people's homes? And how can hog waste runoffs into the creeks and streams and ditches and pollute, you know, our surface and groundwater?

We would like for the EPA to look at this in a different manner. Thank you.

MR. RIDGWAY: Thank you. Council members, any questions? Omega?

MR. WILSON: I am going back to tomorrow again. Tomorrow we are talking about Goods Movement and Diesel Emissions as far as -- and of course the work group that I have been working with with the Goods Movement for the last couple of years deals with the impact of goods movement and the focus has to do with air quality and what it does to low-income and minority communities, environmental justice

communities, in various parts of the country.

In this particular case, I would like for you to explain for us -- and, of course, I am from North Carolina, I know Mr. and Mrs. Hall. I will say clearly they are friends of mine. You know, we fight the same battle in the same state territorial lines. But I am very glad they are here telling their own story because I have been telling part of it, you know, for the last two and a half years as a part of my work with NEJAC.

But one of the things I want you to help us understand is that, in this case, the goods that are being moved are hogs, right? And that the air quality contamination which you deal with is diesel emission mixed with the waste that comes from the chemical -- the hog waste contamination, all that combined.

Are you getting any results from EPA, Department of Agriculture, Department of Interior, all those other agencies that deal with that kind of environmental contamination? Are you getting any positive result for addressing these issues? Because in this particular case, you are speaking about this hog industry problem in Duplin County is the biggest, one of the biggest in the world. So right now you are speaking for a world industry, not just Duplin County. You are not speaking for North Carolina. You are not speaking for the United States.

MR. HALL: That is right.

MR. WILSON: You are speaking for the world, because this is a world industry you are talking about.

Can you help us understand that air quality impact along with the goods movement part and how it is or is not being addressed by Federal agencies?

MR. HALL: In trying to answer that, in, I guess, April, May, of 2006, a young man came to our office and he worked as a truck driver for a rendering plant. And one night actually --

MR. WILSON: Explain what rendering quick -- what rendering means.

MR. HALL: A rendering plant is a plant where they dispose of, or process, the dead hogs.

Again, this young man on this -- on the job, wearing the equipment, or proper boots, that the -- his job required, one night stepped from his truck into a puddle of water that -- he thought. But little did he know that it was contaminated with what the doctors told him was live bacteria.

I have a picture that was taken at the emergency room the next day when he did arrive. And in this picture, a portion of his foot, the bottom portion of his foot, was already eaten away, and two of his toes.

This took place in January of ’06. In December of ’06, he was --- My concern here today is, why is it that an

industry, knowing that this man is doing his job the way that they asked him to perform it, and once he is injured not of his own fault, that he again had to try to secure an attorney just to get workman's comp? And I think the -- on the Death Certificate, you know, it states that -- "heart failure."

Well, I know that this young man had a son that had just entered college, so he is unable to provide for his family. I myself would blame the industry for that, saying that instead of the Death Certificate saying "heart failure," but in a sense the industry killed this young man.

The transporting of these goods? The industry owns the trucks, they own the hogs, they own the feed, but the contract growers in many cases are left to dispose of the waste.

MR. WILSON: Thank you.

MR. RIDGWAY: Chuck, and then Elizabeth.

MR. BARLOW: Just for the benefit of the Council, if -- as we think further about these issues, these issues are issues that there is a lot of data about, a lot of studies, a lot of blue ribbon panels, a lot of rule-making at the EPA level and on different state levels. Not trying at all to say that it was done well, it was done good, it was -- you agree or you don't agree.

I am just saying it is one of those issues that to sort of get up to speed on what has been done in the past, or

looked at, or not looked at, in the past. This is one of those issues where you do read a stack of stuff, you know, instead of starting from scratch, just say -- so there is a lot of information out there from a -- you know, a large variety of different sources.

So, if we do -- I am just saying if we do -- you know, if there is something this Council decides to get into, there is a lot of stuff out there to look at and then figure out, okay, what is, you know, well done, not well done, what are the gaps, what are -- you know, whatever ---

MR. RIDGWAY: Elizabeth?

MS. YEAMPIERRE: Now, as you talk about this problem and as I heard Michele and Dothula and Christine, I put myself in your place as you are talking about and I feel emotionally overwhelmed by the size of it and by the injustice of it all. And I can’t honestly say that I could tell you what the NEJAC should do.

I could tell you as an activist that, you know, as you are talking about this, I think that you should call for a national boycott of pork and products that have pork on them and raise the level of the discussion. And maybe that sounds crazy, but, honestly, the only way to get people to come correct is by affecting them in their pockets when the issue is that big and when you have either little resources or, you know, a small amount of people who can help you with this.

So, I mean, I always think about things as an organizer and I think about things as an activist, and I just think that, how else do you get them to come correct? Because there is a lot of national attention that has been played. I mean, we have seen shows on PBS and Channel 13 about these businesses. There is a lot of documentation. It is not like the Federal government doesn't know that this is happening.

So, the question is, what is your ask? What is it that you want us to do? And if you want them to change their practices, if you want them to operate their business in a way that is more humane both to the workers and the people who live in that community, then you are going to have to affect them where they live, and that is basically in their pockets.

MR. HALL: Boycotting may work, but if the EPA will allow the industry to downplay swine flu by calling it H1N1, then what are we left with? I mean, what's to do next?

MR. RIDGWAY: Hilton, please.

MR. KELLEY: Yes. I basically just have a comment, actually, and, you know, what Michele said earlier really, really resonated with me and struck a nerve, simply because she is right, you know? How many people, how many communities do we move?

As we continue to move folks off their God-given land, been there for generations after generation, and yet when industry encroaches, you know, we -- and they need the

space, and they are going to dump this toxic waste, so we pack up one community.

I know at Port Neches-Groves, right next to Port Arthur, a whole community was moved that had been there for years, I believe before the industries were even there. And now we have hog farms that are getting closer and closer to people's homes and communities, and the stench is so bad it is killing folks. Do we move them as well? When do we stop?

Just like Michele said earlier, it is time to deal with policy, it is time to deal with regulation change, and it is time to deal with the laws that govern these industries and look at ways in which we can push these guys to do business better or to not locate in certain areas. I think that is our only option here because, before you know it, we are all going to be living in the middle of the country, in the Midwest, scared to go anywhere else!

So, it is time that we stop, take a look at what is happening, and look at ways in which we can get industries to do business a little differently, or much, much more different than what they are doing now.

MR. RIDGWAY: Thank you. Chuck?

MR. BARLOW: Mr. Hall, I had a question that -- several years ago, in a different lifetime when I had to deal with this issue a lot, one of the thoughts was that over about a 10-year period, the contract growers would have at least,

you know, made their money back that they invested in it and that maybe these things would sort of cycle off, you know? Maybe that they would be in a position where it would become politically realistic, you know, to begin to close down these facilities or to significantly change the facilities because people would have had time to make their investment back. I just wondered if you had seen any of that, if any of that had actually happened, or if things now are pretty much the same as they were 10, 15 years ago?

MR. HALL: Things are pretty much the same. When we, and I say REACH, along with other environmentalist groups, petitioned the General Assembly to pass a bill to eliminate the uses of lagoons and sprayfields, you know, in the way that they are being used now, there was a bill passed, Senate Bill 1465, with an attachment, Senate Bill 3, to allow the same industry that is polluting to put a tarp over lagoons that would capture methane. You still have a lagoon. You still have the particulate matters that are being emitted from these confinement buildings.

So, every time that we attempt to try to get some type of rulings or regulations put in place to eliminate the problem because there has been some superior technology developed, then industry will come back and say, "Well, we can make more money if we capture methane and sell it to the power company." So, there we are, stuck again.

Once -- if -- once the industry, and of course it has -- once an industry like this takes hold in a community, then it is ever so hard to get them to move because -- at one point, we began to look at contributions that the pork council was giving to the legislators for campaign funds, and I think the report stated that almost all the legislators campaigning receives somewhere between the amount of $2,000 to $3,000 a year.

So what is going to happen? Whenever there is a concern or issue involving the pork industry and wanting some laws or some rule-making change to help the affected communities, we need help from the EPA.

MR. RIDGWAY: Thank you. Jody, and then Wynecta.

MS. HENNEKE: Jody Hennecke with the Texas General Land Office.

Back in the beginning of a lot of the what is known in that world as "integrated agriculture," it -- the poultry industry was the first species that integrated it and that was back in the '50s, and principally in northwestern Arkansas. And that was then followed by the swine industry.

I go through all of that with some of Chuck's questions, and that is the contractor growers have the shortest margin of anybody in that entire production chain, so it is -- while once upon a time, at least in the poultry industry, it was thought that a 10-year cycle would allow the

grower to get their investment back, it really hasn't been exactly that way. And the industry, both on the -- but the reason that it was integrated the way that it was from the company owning the -- everything from the feed to the breeding stock is because of the short generation interval of both chickens and hogs.

The beef industry, and I am sorry you guys get to learn this other side of my life -- I have a background in agriculture -- but the beef industry from birth to market, the time interval is such that it doesn't pay the industry to integrate.

But it is -- the control, environmental regulatory control, has never been successful working at just the grower side of it because the money is not on the grower side, it is on the company side. At least that is what my experience has been.

MR. RIDGWAY: Wynecta?

MS. FISHER: Wynecta Fisher, City of New Orleans, Mayor's Office of Environmental Affairs. I just have two questions.

The first one is the -- does this -- I think this is a little -- it is EPA and also Department of Agriculture, are they -- have you worked with them, or what is their -- do they have any input, or are they just turning a blind eye to it, or --?

MR. HALL: I think -- in March, I think, 2007, whenever we hosted a conference, more or less a roundtable, discussion-type conference, and we had EPA representatives there, we invited state and local government officials there, and it was hard getting the state representation there. DENR, after calling and emailing and -- we put approximately 2 months of work in planning this event, just to, you know, have a lot of no-shows.

MS. FISHER: Okay. And my second piece is more of a comment, and I hear it a lot where I currently -- where I live, and I just heard it twice in here, and it bothers me. I am only speaking for me at this time, okay, and I guess I always am. But I don't understand -- I mean, I understand that, you know, a company is in the business of making a profit. What I don't understand is why there is always talk about the investment that they are making, and no one ever looks at the reduction in the quality of the -- in reduction of quality of life of the people that live in that community.

You know, it is always -- and -- is we heard it three or four times tonight. He has mentioned it, people in Mossville mentioned it, even Dr. Wang said that there was a flyer for the meetings, wasn't in another language, but what was in another language is the economic advantages of doing this. And at some point, someone has to kind of raise a flag asking the question, why is that allowed? And of course you

can't -- someone has freedom of speech. But it seems like there is something that we can do possibly in a regulatory way that would limit how they market, just like there is a truth in advertising, limit how they market what they are trying to relocate, what they are trying to put in your community.

I mean, why don't you be honest with a person? I would rather someone say to me, you know, "I want to put this in your community. It is going to probably cause A, B, C, D health effect, and you are going to potentially earn X-amount of dollars," and then let me weigh that decision. But, see, you are not being told that. And so I think that is something that we should think about and possibly discuss.

MR. HALL: At this point, the industry is so big that your state and local government, they don't want to touch it. They are afraid of it.

MR. RIDGWAY: Elizabeth?

MS. YEAMPIERRE: Yes. There is a human cost, and there is an economic analysis associated with a human cost.

You know, we often talk about when a child misses school and their parents have to leave work, what does that cost in terms of insurance, what does that cost in terms of their employment, what does it mean in terms of the future opportunities for that child whose education has been interrupted? And how do we measure that in terms of dollars, since often that is what people understand? What does that

cost the state, the municipality, the city, so that you can actually assess what the damage of a company like that is and put a dollar -- and I know it almost seems inappropriate -- a dollar amount on the human cost? Because that has so much value. So I mean, it -- we have talked about doing something like that.

MS. FISHER: I would like to see us do something like that, maybe provide -- that is a tool in a toolbox that a community can use, if it is --

MR. RIDGWAY: Devon, I apologize for mispronouncing your name earlier. Thank you very much for your time tonight, and I have a commitment here to be sure that this is also added to the list of upcoming issues for this Council and --

MR. HALL: Thank you for having me.

MR. RIDGWAY: -- we will get into that Thursday. Thank you very much for your time.

Okay, I think we have a couple more of -- before we wrap things up. The first would be Delma Bennett and the other would be -- there may be more, too -- Stephanie Tyree.

MS. YEAMPIERRE: Stephanie Tyree and Delma Bennett.

MR. RIDGWAY: Yes, Delma Bennett. And then did we ever hear from --

MS. YEAMPIERRE: No.

MR. RIDGWAY: -- the person who was late?

MS. YEAMPIERRE: No, they never ---

MR. RIDGWAY: Okay. So if you both would come up, thank you.

Delma, I will have you start first, please.

Comments

by Delma Bennett

MR. BENNETT: Good evening. Thank you for the opportunity to speak before you this evening. My name is Delma Bennett and I am a member -- I am a part of the board of the Environmental Action Now (MEAN). That is in Mossville.

My wife Christine Bennett spoke earlier. She has lived in Mossville all of her life. We have been married for 36 years -- it will be 37 this year. We have two sons, two daughters, two grandsons.

I would like to invite each and every one of you guys to Mossville. You don't have to spend the night, just want you to pass through. You could stay on the highway and you can almost get the same result.

There are areas in Mossville that we have to pass through the plant to get to the other cities, and at a certain time every day, if you pass -- you could call yourself breathing good air and all of a sudden, you pass this area and it is just like your whole body is just shocked. And, you know, every year you have an opportunity to bring your

children on vacations and places. I would like you to spend a little vacation in Mossville with us for a little while.

Now, we have had studies that protested the study that we had, and, you know, they can't find anything most of the time. But the thing is that in every household, almost, in Mossville, someone is sick. We have water that we buy and when you go to the water company and you tell them about the water, they tell you that they don't promise you pure water, they promise you suitable water.

Plus, the thing is that I have learned in my little time in this movement that there is a reason why God allowed certain things to happen. And I was looking at the scale that you guys have in front of you, and you have it balanced, and I was wondering why you had it balanced -- the one that is on your name tag? And then I looked at the one that was on the pen that you guys gave, and they have people on both sides of it, you know, and I was wondering why they have people on both sides instead of having money on one side and people on the other side, because I have learned, and I truly appreciate you guys because of the fact that you guys were selected to give advice and most of you guys have been giving advice according to the problems that you have heard about.

But I know once you leave from us with the advice that you give us that you have to give advice to somebody else, too, because somebody appointed you to be here. And I

don't know who represents who or what position they represent, but the battle that we are taking place with now is based on two things. We know that there is a problem.

And I learned, just from an incident that happened, that in the beginning, God created the heaven and the earth, and He separated the water from the land. Do you know what he done with that water He separated from the land? He pushed it to the North Pole and He pushed it to the South Pole, and He froze it. Six thousand years later, we come to destroy it. Now we have global warming, and the water is coming back on us. But you can believe one thing, that He is not going to destroy this earth with water.

Then another thing that I learned also, that in ***Revelations***, the 11th chapter and the 18th verse, He said that He will destroy those that destroy this earth.

This is how serious it is.

See, you sit here today and I -- like I said, I really appreciate you guys because I heard you guys give good advice -- but the main advice that we need to go forth is when you leave here and go to the one that appointed you to put this summary together and let them know the seriousness of what is happening in this world.

And I thank you very much for allowing me just to be able to say this. Thank you. Any -- if there are any questions, I will be glad to --

MR. RIDGWAY: Devon, I am going to start by answering the who appointed us, and that was the EPA. Sorry, Delma, I am sorry. But we are appointed by the EPA. That is who we are advising. There is no question about that. And we will take this testimony and provide advice to EPA. And if you are curious about who we represent, that is in the book, too, in terms of the different organizations we come from and the general category of organizations. If you have questions about that, you can let me know and I will talk with you afterwards.

MR. BENNETT: Okay.

MR. RIDGWAY: Okay, Peter, please.

MR. CAPTAIN: Thank you. And thank you. You know, I said before that our elders have said this time and time again, have professed this time and time again, and all this fell on deaf ears, and nobody wanted to listen, nobody wanted to believe. And all they believed in was what they can get out of -- you know, what we sacrifice. Greed, that is the bottom line. And I very, very, you know, wholeheartedly sympathize with you, you know, and your plight, because we have the same thing up in Alaska, also.

MR. RIDGWAY: Elizabeth?

MS. YEAMPIERRE: I am sorry. I think we are a little tired. But, Mr. Bennett, I think it is important for you to know that oftentimes we (microphone off) Off again? I

am sorry -- that we often testify in front of a lot of agencies, and those agencies don't always have people who actually understand the struggle that you are sharing with us.

But in the NEJAC, there actually are representatives from communities that have been struggling against environmental racism for years. And so we take everything that you are saying and everything that everyone has said here today very seriously because it is as if you were talking about our very neighborhoods.

We have different issues in our communities, depending on where we come from. You know, I come from an urban area that is densely populated, and, you know, there are people talking about rural environments, where they are talking about the number of people impacted by all of these environmental burdens. When I think about my area, I think about the fact that in one neighborhood alone there are 125,000 people surrounded by environmental burdens.

So, they are all important and they are all very serious, and your stories and your struggle really means a lot to us. And so I just want you to know that, because it is not like you are going to walk away and we are going to forget about it tomorrow. It is a -- these are -- this is testimony that is transformative and really shapes the way we see how policy should move forward and it really moves us to try to push to make sure that none of our communities, none of our

people, are living in these terrible circumstances.

So I don't want you to walk away thinking, well, you know, I went, or I went out there, I sacrificed, we spent money to go to DC, we did all this, we gave up all of this time, and these people are just going to do business as usual. This particular body is really committed to making sure that it is not business as usual.

MR. BENNETT: Yes, ma'am. That is why I said that I really appreciate you guys as a group because when certain people spoke, if you had some advice for them, I noticed that you would give them that advice, you know, but -- and this is what the group is all about.

But like I was talking to Mr. John, what Mr. John said, see, when we leave here, there are two advices that have to be given. We were given our advice here, then we have to give advice to the money source -- I mean, there is no way you can pass it up. It has to go to the money source. They know that the problem is there.

It is not until enough people die to balance the scale, the scale that I was asking what it represent, when enough people die, then that balances the scale, then I can do something for this community. But they can't -- it can't be a small amount dying, it has to be a large amount.

But hat has been so -- not -- what has been good is that everybody can realize that these icecaps that God set on

each side is melting, you know? And then, if you can't see that, then, you know, we are really in trouble.

MR. RIDGWAY: Jody?

MS. HENNEKE: Thank you, Mr. Bennett. I appreciate you being here with us.

One of the things that, kind of going along with what Elizabeth was saying, that I do -- [microphone noise] I am not beeping, I swear I am not -- that I want you to hear from us. There are a number of us around the table that are currently regulators or have been, Lang, Chris, I know John. Chuck has been, in former lifetimes as well, and it is not just that we give advice as a body to EPA. It is meaningful to listen to these discussions from people from across the country and take those back into our own regulatory environment.

I remember the first discussion that I had with a person that worked for me when I was in Houston, which is the fourth largest city in the country, and we were talking about how each of us had grown up and where it was an absolute foreign concept for her to know that I grew up without streetlights, because I grew up in the country. She had no concept. And it was -- it actually was of concern to her about "why weren't you fearful, being in that kind of environment?" And I -- you know, I was having to explain, you know, I grew up in the country, two and a half miles off of a

two-lane blacktop on a dead-end road that ended in a river.

I mean, you know, it is meaningful to hear different people's stories in this environment that we can then take back into our own.

So I would encourage you to know that, that it is not just that we give advice, but it helps us to hear other people's stories as well. So, thank you very much for being here.

MR. BENNETT: Yes, ma'am.

MR. RIDGWAY: Hilton, please.

MR. KELLEY: Hello, Delma --- Hilton Kelley, Community In-power Development Association in Port Arthur, Texas.

As you know, I came from a community, or I have lived in a community very much like Mossville, Louisiana, and we have traveled together for about 7 days, I believe, on a bus, going out to communities like ours up and down the Gulf Coast 2 years -- well, 2006. We traveled to Africa together, stayed out there 14 days, and identified what communities look like without the Environmental Protection Agency or some type of regulatory agency, and it is not good.

One of the reasons why I elected to serve as a NEJAC member once I was selected and the opportunity was afforded to me is because I am at present living in that same community, still fighting. I have witnessed at least 15 people that I

know personally die from stomach cancer, 3 brain cancers, right in Port Arthur, Texas, and I really want to make change. And I am hopeful that by me being a grassroots organization organizer, a person that is still living in the impacted community not far from the fence line, is that I am able to bring something to this body that will help to bring about a lasting change. And this is my first appointment today, actually, as a NEJAC member, this is our first official meeting. And I know the story, and I feel Mossville's pain, I feel Port Arthur's pain, I feel the pain for the hog farm communities and what have you, and I just want this body to realize that I am still living the madness myself.

We have to take this seriously because people are dying. I can think of Reverend Scott -- brain cancer, Reverend Cummo* -- brain cancer. A 15-year-old girl had some weird cancer they couldn't even really identify that ate her body away. I have got about 5, 6 newspapers at my office right now with young people on the front page suffering from various cancers. It is always front page news.

The issue is serious, it is real, and I think I yelled so loud to where somebody recognized the fact that maybe I would be a possible, really good advocate sitting on NEJAC for the grassroots organizations. I am going to do everything I can to uphold that and to have our voices heard and our issues heard.

So, we are going to push forward, and there is not a whole lot anybody can really say, but it is time to get to work and it is time for some policy changing and it is time for some visitors to really see and understand what some of these communities are going through for those of us who have never been in one of these communities. Thank you.

MR. RIDGWAY: Omega?

MR. WILSON: I just want to quickly add this part. We have talked a lot about policy change, and I think, you know, Jody is with a great deal of experience in what she does every day, talked about how it has to work, how policy has to be there. And of course Hilton has done that, too.

I know in a lot of cases we have policy, and I am pretty sure that -- you know, that Delma, Mr. and Mrs. Bennett, can talk about policy that may be already in place, but the enforcement part is the part that I am concerned about. And of course we hear this -- we heard it from virtually everybody that has spoken tonight -- Michele and Devon and Dothula and the Bennetts and so many other people who have spoken, and Dr. Wang did.

The policy issue relative to water quality, air quality, quality of life -- you know, the quality of life is one of those catch phrases that they use in Environmental Impact Statements. But the enforcement part is the part that I am concerned about, because we have a lot of overriding

policy but it is like having the stop sign that says, or the stoplight or the stop sign and the traffic light, but there is nothing enforces people running through it, or nothing people ignoring when it says 35 miles an hour and you are comfortable doing 65 and 70 and they are comfortable running over people and killing them and getting away with it, so to speak. That is my analogy.

I mean, I just want you to quickly talk about, or briefly talk about, your knowledge of policy being in place but you just can't get enforcement from anywhere.

MR. BENNETT: I don't really want to wait in my community for no policies to be changed. I want to get out of it, really.

But the thing is this, that with the policy change, what I have seen, that when releases happen in our community, you know, if I have made a million dollars today and a release happen, and then the lawyers come -- because in our community, whenever there is a release, the lawyers come and they will sue a community along with EPA, fining the plant, you know, for the release. And to them to give up that money that they have to give the community from the release, it doesn't even bother them because tomorrow they can go back and do the same thing that they have been doing. Take a look at this, just take a look at this.

Now, we said the cigarette is harmful, right? Okay,

then all of a sudden, years later, we come and say that secondhand smoke is worse than the smoking the cigarette itself! Okay. But we live under a plant that release dioxin every day -- not some day, every day -- because they are given a certain amount that they could release every day. Now, with 14 different plants in that area all releasing a certain amount of chemicals, what happens when these chemicals meet up in the air? What do they form then? I mean, isn't it something to think about?

So, you know, even with the policy changes, the only thing that is going to work, if we can come up with the ideas. And I think we are trying in this nation to come up with things that we could use that is not going to pollute, you know, with like electrical -- electric cords and different stuff like this. And if we could get to that point, then I don't think we really have to worry about a whole lot of stuff.

But as long as you can make money over that stuff you get out of the ground, they are not changing anything. It is too much money involved in it. And then, you know, they have the nerve to say after that happened, you are just as much at fault because of the fact that you use it. You have to get on the airplane, you have to get in the cars, so it is just your fault, too.

Now, I can get rid of the pig problem, you know, but

we can't get rid of the pig problem because a lot of us that fight against the pollution in the air and stuff, we will smoke the cigarette just like it ain't nothing. We put it in our body just like it ain't nothing. So how are we going to help somebody when we won't even help ourselves?

In ***Leviticus***, 11th chapter, God tells us not to eat the meat of the pig. But we can't wake up in the morning unless we get some bacon and ham and all this stuff. And God Himself told us not to eat it!

So, you know, with the policy changes, all I want to do is get out of that community and help the people that are sick. And do you believe this? There are some people that, if you say we are going to relocate, there are some people that are not going to want to move.

So like I said, I think you guys are doing a wonderful job because you guys are advising us and I appreciate it. And I can go back and tell my community the wonderful people that I met that are sincere. But some people are still going to look at it and look at that dollar.

God said: You can't serve two masters. You are going to have love one or hate the others. He said you can't serve God and mammon. You know what "mammon" is? Money. God talk about it.

Sorry, sir.

MR. RIDGWAY: That is okay. Making sure we are

staying awake here. I appreciate that.

(Laughter)

MR. BENNETT: That is the old drill sergeant in me.

(Laughter)

MR. RIDGWAY: It is working! Okay, we have another speaker queued up here.

Before we get into that, I just want to also advise the Council that about six weeks ago, two months ago, PBS did a two-hour special "Frontline" called "Poisoned Waters," and they got into this issue in that production quite a bit on the feed operations issue, and I do want to encourage you to maybe check with your local affiliate and try to get a copy of that. It would help the Council to see that as well, not that the testimony tonight doesn't provide a lot of clarity and background on that, but that is another resource for us.

Okay, we are going to have a reading of some names, and, Stephanie, and then we will get to you. Thank you for your patience.

MS. YEAMPIERRE: Okay, I know that it is late. Stephanie, just bear with us. But we have about 18 people who submitted testimony who aren't here today.

We are not going to read their summaries because it is just too late and I think we are all really tired, but I do have to read their names, and their testimony will be submitted into the record. All right, so:

Thomas "Tubby" Allen.

Patricia Whitney from -- let us see --

Oh, Julie Nguyen -- is the other side, too, use both pages? --

MS. ROBINSON: Yes ---

MS. YEAMPIERRE: -- Nguyen, from New Orleans East.

Patricia Whitney from Terrebone/Lafourche Parishes. I am sorry -- I have some bilingual limitations.

Randy Caruso, Louisiana Bucket Brigade.

Joseph Sherman, Chair of Carrollton/Hollygrove CDC.

Beverly Wright, Executive Director of Deep South Center for Environmental Justice.

Chris Costello from Marigny/Bywater.

Cathy Charbonnet from New Orleans East.

Ron Nabonne from New Orleans East.

John Referl.

Lois Dejean, Gertown Revival Initiative.

Christine Bennett -- oh, she was here, oh, she is good.

Karen Wimpleberg from Alliance for Affordable Energy.

Nara Crowley, VP, Save Lake Peignur.

Julie Rosensweig, Save Lake Peignur.

Sharon Gauthe, BISCO.

Darryl Wiley, Sierra Club.

And Albertha Hastens, LEJCOC.

Then there was testimony submitted by Beyond Pesticides by Jay Feldman, the Executive Director.

So, thank you for your patience in reading those.

So, Stephanie?

Comments

by Stephanie Tyree

MS. TYREE: Okay. Thanks, Elizabeth. My name is Stephanie Tyree. I work with We ACT For Environmental Justice in New York City, New York, and I want to thank NEJAC for allowing me to speak. I am well aware that I am the last person at the end of the long day of three I think long days, so I will keep that in mind in my comments.

So I -- as I said, I work for We ACT, but I am actually here today on behalf of my home. I am a native of West Virginia and I come here today to speak on behalf of West Virginia and on behalf of my fellow West Virginians. I just have a couple of remarks.

I would like to plead to NEJAC today on behalf of my home about the public health, economic and environmental destruction created by the practice of mountaintop removal mining. I would like to assume that everyone on NEJAC knows what mountaintop removal mining is, but my mother taught me not to assume anything, so I will tell you briefly.

Mountaintop removal mining is a type of mining that

has been going on only for about 35 years, and it is a mining process where they literally blow the tops off mountains to get to coal that is sort of in the top levels of the mountains.

It is a practice of mining that is incredibly destructive environmentally and has had huge economic impacts on regions where it is happening. It is happening in West Virginia, Tennessee, Virginia and Kentucky. And it also is having incredible public health impacts on these communities.

From the cradle to the grave, coal is killing communities across the country, but Appalachia is the national sacrifice zone of our energy addiction. Mountaintop removal is irreversibly destroying the Appalachian mountain range and it is causing cultural genocide of the Appalachian people, who are forced to move out of their communities or are dying from the public health impacts of mountaintop removal.

It has impacts in terms of air quality from the blasting. It has impacts in terms of the poisoning of the water that is happening from the mining practices of valley fills and from coal sludge, which is where they clean the coal before shipping it out.

It also has impacts on the communities located near the mines who are being devastated by floods. These communities are having 100-year-floods on a 10-year basis, and I have seen communities where people have been flooded 2 or 3

times in a year, and these are devastating floods, and they were never flooded before when they have lived in this community for three generations.

NEJAC must move to address the environmental injustices that are happening in Appalachia. The EPA has failed Appalachia for the past -- I don't know how old EPA is, but however long it has been in existence, it has failed Appalachia.

Maybe it is a new day for some with President Obama and Administrator Lisa Jackson, but that new day is not shining on Appalachia yet. The EPA is toying with the Appalachian community by purporting to toughen its stance on mountaintop removal mining while in reality holding hands with the coal industry just as it has always done.

EPA has come forward saying it is going to toughen its stance on mountaintop removal mining and then as soon as the Governor of West Virginia or a coal industry executive gets on their private jet and flies to DC, they issue a press release saying they are going to pull back. This is not okay.

Appalachia can no longer remain invisible to the Federal government and to the national environmental justice movement. Appalachia is an environmental justice community. NEJAC needs to reach out to the Appalachian community. Appalachia is EJ. I will keep saying this until people get it. I don't mind repeating myself.

So, I would like to recommend three things, and I can talk more about the impacts and that kind of stuff if you guys are interested, but I like to give recommendations, so --

So, my first recommendation is that NEJAC needs to engage in a regional listening session in West Virginia to hear the community concerns on mountaintop removal mining and to begin working on solutions and establishing strong, long-term relationships with Appalachian communities.

I recommend West Virginia because that is the one state -- it is the only state -- that is entirely in Appalachia. Other states that are being impacted by mountaintop removal mining have portions that are being impacted and other portions that aren't.

My second recommendation is that NEJAC needs to push EPA to be accountable to the environmental injustices that the Agency is allowing through the continued permitting of existing and of new mountaintop removal operations and through the coal sludge and coal ash impoundments that are poisoning communities.

Coal ash impoundments -- this is sort of like on everyone's mind now, but coal ash impoundments are happening throughout the country, they are not just happening in Appalachia. So that is something that is a national issue. And we can talk more about what this accountability would specifically look like if you are interested.

My third, and final, recommendation is that NEJAC should put an Appalachian Environmental Justice representative on the advisory Council to insure that the impacts on and concerns of these communities are prioritized at the national level and are incorporated into a national environmental justice movement and the work that this body is doing with Federal agencies.

Thank you again for giving me this opportunity to speak.

MR. RIDGWAY: Charles?

MR. LEE: Hi, Stephanie. Thanks for the comments.

I do want to say that about a couple months ago a number of mountaintop mining groups came in with us at EPA, with the Office of Environmental Justice, and one of the things they asked was to put a person from Appalachia on the NEJAC. So that is going to happen. It is going to happen when the new class of members comes on board at the end of the year.

MS. TYREE: Great. That is great. Thank you.

MR. RIDGWAY: Omega?

MR. WILSON: Very glad to see you here. Very glad to hear you talking about things that crosses our state, too, in North Carolina, because the Appalachian mountain range is a very important environmental historic -- pre-historic -- landmark for that state area.

A question I have is whether or not you have had a chance to look at the bigger picture, and I am not diminishing what you are talking about because we know in North Carolina the mountain range has a lot to do with weather patterns, as far as hurricanes, storms, snowfall, other kinds of runoff that contribute to water purification, and major storm patterns can be changed as to where it rains and where it does not rain in certain parts of North Carolina. I assume the same might be true in -- you know, in Virginia or West Virginia, what we are talking about, because we are neighbors.

Have you had a chance, or anybody had a chance, to take a look at what that is doing not only in the immediate area but beyond the immediate area as far as weather patterns that are taking place as a result of removing the mountain range you cannot replace?

MS. TYREE: Yes, thank you. Yes, I want to recognize, first of all, that North Carolina is doing an amazing job in terms of lifting up this issue and funneling a lot of people into West Virginia and southwestern Virginia. We -- I know they are getting like a lot of youth coming from your state, so that is fantastic.

But in terms of the bigger picture, one of the hats, the other hats, that I wear, I guess, is coordinating the Environmental Justice Leadership Forum on Climate Change, which is a national coalition of environmental justice

organizations working to impact Federal climate policy and insure that communities of color and low-income communities are represented in the formation of that policy. So I tend to think on that big picture stance.

I can't say what -- whether they have looked at those types of things in terms of weather patterns, but I do know that there has been a lot of research and discussion about the impacts, the sort of bigger impacts, when you are talking about burying the headwaters of streams and rivers, which is what is happening through mountaintop removal mining.

It is a process where, when they cut off the tops of the mountains, there is all this extra land left over after they get the coal out, and they push that off the sides into valleys, and they bury the streams and the headwaters that start in those valleys and trickle down and form the creeks and rivers that we depend on for our water and also that, you know, go into the groundwater table.

That is not only burying those headwaters, but it is also degrading them because when you sort of blow up that material, all of the heavy metals come out of it, and so there is a major impact that is happening in that way on the water system, and I can't say what the sort of bigger impact of that is, but I think it would be useful to have someone besides me up here talking about that because I know that there are people looking at that.

I also know that there has been research and conversation about the impact in terms of climate change that mountaintop removal is having because you are destroying one of the most diverse regions in the world. And Appalachia is a region that sort of contains an incredible amount of biodiversity and it is an area that we would look to if there was some sort of cataclysmic climate event where there needed to be like repopulation of the world with plants and insects and animals and that kind of thing.

But the area is being decimated, and so you are really losing that resource, and it is a sort of short-term thinking that, you know, industry engages in and that, you know, to be honest, I think our society isn't engaged in until very recently that has allowed this destruction of this incredibly diverse region to happen.

So that is one of the things that I know people are pushing for.

MR. WILSON: Quickly, I just want to add, just bring it down from the air quality or the weather patterns to the ground.

Of course, we know making the metals, heavy metals, come to the surface can impact the life -- not only the quality of life but the life not only of human beings but the animals, the small animals, the ones that live in the water, the ones that drink from the water, deer and other kinds of

animals, bear, whatever. Could you talk about that if you know something about that, or has that been a part of the agenda as yet?

MS. TYREE: Yes. I can talk about the impact of water quality on people. I am sure that there is impact on animals, too, but there are people who are dying right now, so that has sort of been the focus of a lot of groups down there.

Basically what is happening -- as I said, the process of mining degrades the water table, but also, more urgently, the process of cleaning the coal before it gets shipped to power plants is having significant degrading effects on water quality in the area, and it is actually really disheartening, I guess I would say, for me to hear about the impacts that are happening in Mossville because that is a similar kind of impacts that you are seeing in Appalachian communities, and it is scary to see that these things are happening in communities all across the country in very similar ways.

What I mean by that is that when coal is cleaned, it is cleaned with these chemicals. It is cleaned with over 100 chemicals.

People don’t know what those chemicals are because the industry won’t release them because they are called “trade secrets.” And these chemicals clean off heavy metals from the coal before it is shipped out and can be burned.

When it is cleaned, it creates this wet sludge that is then stored in above-ground impoundments or it is injected underground into abandoned mine shafts.

When -- especially when it is injected underground, the heavy metals sort of fall to the bottom and then they go into the groundwater. Almost all of the communities in southern West Virginia, which is where much of this mining is happening, are not hooked up to municipal waterlines, they depend on well water for their water, and they have what is called "blackwater events" where their water literally runs black, or it runs orange, or it smells like turpentine or something.

They are having huge public health impacts in these tiny communities from these blackwater events where you are having brain cancer clusters, you are having entire communities where no one has a gall bladder anymore because all their gall bladders have been removed, kidney problems, gastrointestinal problems, and you are having children's teeth rotting and falling out from using the water. So five-year-olds are getting dentures.

So what is happening in a lot of these communities is really the start of community organizing to get, you know, the scientific basis to determine that it is these metals that are causing -- the metals in the water that are causing the impacts on the communities, and, more importantly, getting

emergency water to these communities because it is -- you know, the water that they need to cook with, eat with, wash theirselves with -- I mean, it is even an issue just of having the water vapors in the house are having impacts on their health.

So in terms of the water and those impacts, it is actually a public health crisis right now, and it is something that, you know, I think needs to have as much attention being paid to it as the coal ash is having -- be paid to it.

The coal ash was a horrific disaster, but this is a disaster, too, that is impacting communities that are by and large invisible and communities that don't have the resources to come to national meetings. And I am really happy that mountaintop removal organizations are able to meet with agencies in DC and that they are getting reception to that.

I know that, you know, they have been getting good reception, but just like, you know, they were saying about Mossville, people need to come to the Appalachian communities, too, and see what is going on there.

MR. RIDGWAY: Elizabeth?

MS. YEAMPIERRE: Stephanie, I am glad you shared with us what the process of cleaning coal is.

Every time we turn on the television, there is a clean coal ad, and I think that a lot of people are under the impression that there is such a thing. And so what you are

saying is that there is no such thing as clean coal, right?

MS. TYREE: Yes. I will just add to that that the clean coal is about this process of carbon sequestration technology. But Elizabeth is right, that there is no such thing as clean coal.

In terms of industry, clean coal -- there is actually around the whole climate bill conversation, the coal industry is now sort of backing off its statements that carbon sequestration technology is feasible. So I think that even they are recognizing in their own way that there is no clean coal.

MR. RIDGWAY: Stephanie, thank you very much.

Before we wrap up, I am going to thank again all the speakers for your time and effort and patience to advise us tonight.

This is, as we heard earlier, a two-way process. We are here to be advised as much as we are to advise EPA, and that cannot happen without these kinds of public hearings. And obviously it is hard to listen to these tales, but certainly I think it is harder to live in these communities throughout one's life and through all the issues we have heard about. So, I have a great amount of respect for all these reasons for the speakers that have come tonight.

I want to thank the Council members as well for your attention, your time, and willingness to take these issues up

as we have the opportunity in the days, months and years ahead, because these are not simple, obviously.

Elizabeth, did you want to add anything else, or Victoria, before we close down?

MS. YEAMPIERRE: I just want to thank everyone for being so patient, for listening so carefully, and with all of our senses.

I mean, I think that it is really difficult for people to say -- I was really, really impressed by the fact that there were other people who stayed to hear what other people had to say even though it wasn't affecting their community, and I think that speaks to the strength of environmental justice that we think that this is about all of our communities and that the struggle of one community is also the struggle of our own community. I mean, we see those -- all of these struggles -- as being related to each other.

So, thank you so much, and I look forward to seeing you refreshed and ready again tomorrow morning.

MR. WILSON: Can we give all the presenters a super big hand? I think --

(Applause)

MR. RIDGWAY: John?

MR. ROSENTHALL: Do we have a way of getting back to the presenters to let them know that their testimony was heard or what happened to their recommendations? Do we have a

process for that?

MS. ROBINSON: No, we do not have a process for following up with commenters.

The comments serve a dual purpose of helping to help the members become -- you to make better informed recommendations, but they also serve as a mechanism, a pass-through to the Agency for those that we pass it along to. We used to do that years ago and it became a very cumbersome process. That is something to explore.

MR. ROSENTHALL: Can we put that down on our Emerging Issues tomorrow? Because if people give up their time and effort to come here, I think at a minimum we owe them something -- to say we did this, or we did not do that, which are recommendations.

MS. YEAMPIERRE: John I completely agree. I mean, it is really difficult for people to come and talk about their problems and to walk away with nothing other than the fact that we are going to explore this.

But also, in addition to looking at that, we should also think about how we can identify the resources that would be necessary to help them move their agendas locally. So in addition to trying to figure out what we can do, we need to make sure that we create a roster of resources that they might be able to access.

MR. RIDGWAY: Thank you all. Sleep well, travel

home safely, and to the Council: We will see you bright and shiny-eyed tomorrow at 8:30. Oh, we have been given an extra 15 minutes, 8:45.

Thank you.

(Whereupon, the meeting adjourned at 10:27 p.m. to reconvene on Wednesday, July 22, 2009)