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*National Environmental Justice Advisory Council*

June 11, 2008

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Omega Wilson

**EPA Members Present:**

Charles Lee, Designated Federal Officer

Victoria Robinson, NEJAC *National Program Manager*

*National Environmental Justice Advisory Council*

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M O R N I N G   S E S S I O N

(9:15 a.m.)

**Review of Previous Day****Comments*****by Charles Lee, Designated Federal Officer***

MR. MOORE: Good morning. I am not Steve Johnson and I am just a stand-in for the next 45 minutes. Well, we are going to get started today, and like I said yesterday, I thought we had a really great day. We are going to spend the first part of today, before the Administrator comes, just kind of recapping what happened yesterday.

Like I said, we had originally thought that Don Welsh, who is the Regional Administrator from Region 3, which is the host region for this meeting, was unable to come. And he sends his apologies.

So with that, I will turn it over to Richard.

**Comments*****by Richard Moore, Chairperson***

MR. MOORE: Well, what we wanted to do for the next few minutes is just to kind of recap of yesterday a little bit. And not a blow-by-blow, but a little bit of a recap.

If you remember, I think one of the major agenda items for us as a Council yesterday was getting a report back from Sue and Eileen, who are the Co-Chairs of the Nationally

Consistent EJ Screening Approaches. And Mustafa, who is the DFO for that workgroup, there are several of us on the Council that are sitting on that workgroup.

So I wanted to thank both Sue and Eileen again, and Mustafa, for -- people were complimenting last night of how good the chairs were. There is nothing wrong with compliments or any of that kind of stuff. So, I wanted to also on behalf of the Council thank both of you, Sue and Eileen, for doing such a terrific job, not only in summarizing the report back yesterday, but also in taking us through the last day and a half of the workgroup meeting.

I don't know Council members, we don't want to have a major blown out discussion about this, we did that yesterday a little bit. But I don't know if there was any comments that any of the Council members would like to make in regard to the EJ screening approaches. Don't feel pressed, but if there is any comments, the floor is open for discussion. Omega.

MR. WILSON: Certainly, I would like to thank the work that has been demonstrated by Sue, and Eileen too, and compliment them for using --- the whipping chair to keep us all straight, to get something done. But one of the things I wanted to just mention, the EJSEAT, of course, deals with scientific measurements and assessments of how we address environmental issues throughout the country.

And, of course, one of the things we were concerned

about at the local level is a lot of our databases aren't complete at the federal level, or the state level, for environmental justice communities because we measure things based on political boundaries, and census boundaries. And very often, environmental justice communities kind of fall off the map, you can't quite find them and you don't know where they are based on the documentation in the file.

And one of the things we are concerned about -- I am not saying this in answers, what I am saying now is more of a statement than anything else, I guess -- we are involved in creating some programs in our community, in --- North Carolina, it helps give credibility to ground truthing, and community-based, and community-owned research.

Because very often the documentation in EPA databases, and other databases, have the churches at the wrong place, and you don't have the cemetery that was there for 150 years, and don't recognize factories that have been environmental hazards for decades but now are closed. They just kind of disappear but the local residents know that they are there.

One of the things that -- of course, this is some things that we have discussed before, is encouraging respect for community-based and community-owned research that community people know the boundaries of the community. They know what is buried, they know that the housing development is

being built on the landfill when other people seem not to recognize because they have lived it and they have seen it for decades.

One of the things, of course, we are encouraging is a level of respect for that kind of data and that kind of information it doesn't come with a Ph.D., or P.E., or engineering degree, or scientific credibility that in that process we have to open the door wide enough to allow that kind of credibility, and that kind of collection of information to make that whole process work on the ground.

And it is difficult, very, very difficult to get university people and professional research people to allow that kind of information. But we know it is going to be necessary to actually address the kind of problems that environmental justice communities are faced with. We want to encourage that kind of relationship, and I have to compliment the committee, or the workgroup, for understanding that and opening the door for that.

We have got a lot of things to do in the future, but I just want to personally give a thank you to Eileen and Sue for helping that process become a part of the record, and realize it is something we will all have to work on. Thank you.

MR. MOORE: Thank you, Omega. Any other comments? Chuck, you look awful serious there this morning, brother.

MR. BARLOW: This is a really strange comment. And I am not on the workgroup, but it just made me think. It might be something that the workgroup is able to think about, but in looking at what type of community historical information, or community-based knowledge needs to be worked into the database. There are standards in the Federal Rules of Civil Procedure, especially, under the hearsay rules for what type of information, just like that, a court will accept.

And the Federal Rules make certain declarations that that type of information, even though not based maybe on first-hand knowledge will be accepted by courts as evidence if they are based on certain types of historic knowledge that most reasonable people would think, hey, that is good knowledge.

You know, it is based on -- I mean, I am thinking about other things like documents that are based on -- I can remember a law school example of a family bible, and you are trying to prove sort of what the chain of somebody's family was. And that something that is old, and historical, and been around a long time, and based on that type of first-hand knowledge, that courts would often look at it.

So I am just wondering, as you said that to me, the little bell that went off in my head was that there are a lot of times when even a court would accept certain types of information like that. And one example is it is set out in

the hearsay rules in the Federal Rules of Civil Procedure.

That is why I was looking so thoughtful because I was trying to decide whether that was even worth saying, but it is just an analogy that came into my brain.

MR. MOORE: Thank you, Chuck. Greg, I was kind of just wondering, from your perspective in terms of that discussion yesterday, what were some of the thoughts you had coming out of that.

MR. MELANSON: Well, I thought it was great and interesting dialogue. I really didn't have any concerns, I think, with any of the discussion points. I thought it was important to be able to have a platform to be able to measure. I think in terms of industry, and from a financing perspective, one of the perspectives that I guess I could offer at this point is the variability of the information sources makes it more challenging to kind of underwrite from a financing perspective.

I think that is the only thing that when you are looking at, again, being able to pull in private sector financing resources, if you have a standard that is uniform, that can benefit because it lowers the cost of delivering those financial resources. If you have a lot of variability and it takes some time to dissect the variability, it is certainly doable, but it may add to some of the transaction cost and limit some of the available financial resources.

So, just again, a thought. Shouldn't side-track any of the work that is going to go forward, but just in terms of your seeing some nexus of the information and using it for private sources. Something to keep in mind that the efficiency of the information, or the variability in the standard basis for the information adds to the efficiency of financing.

MR. MOORE: Great. That is real good comments, Greg. Sue, and I have got you there, I think it is very important, and we discussed this also in our working group meeting, that we really get the input from the regions. Because there is some experience out there that the working group and that the Council is going to really need to hear.

I was thinking that maybe, just depending, and I wanted to share it with Charles at some point, but maybe even in one of our meetings or something we could have like a little panel of regional people also. The regions come in and share with us some of their thoughts. Sometimes, at least for me, it runs a lot smoother. I like to read the paper, but I also like to have some dialogue in exchange.

If I could just mention, and we are going to go with Sue right quick, that if we could just remember to silence the cell phones we would appreciate it. Okay, Sue.

MS. BRIGGUM: Sure. Just a quick response to Chuck. Actually, that is a good idea, but we were thinking of a

considerably lesser standard. We didn't really think you had to meet the burden of proof under the legal system. But, in fact, the simple use of the Administrative Record, we were thinking, perhaps, about notice and comment.

But I wanted to just let the group know that we weren't thinking of having a threshold quite that high in terms of community ability to provide input and modify the results. We were thinking of something more like assuring there was notice and comment and opportunity to respond.

MR. MOORE: Great, thank you, Sue. Jode.

MS. HENNEKE: Actually, yesterday was Monday afternoon, and yesterday morning was a long day, back-to-back of discussions. I think, obviously, there is a lot of work left to come and one of the things that John and I were kind of as states folks sitting here whispering to each other going, wow, that is going to be an interesting database.

But this is a, from my perspective, an incredibly worthwhile effort. And I think it goes without saying, it is going to be even more challenging than the last couple of days as we move forward. It is an effort, again, from my perspective, that we have to go through in order to give some credibility to the environmental justice program. I think a -- and I don't want to use the word standard necessarily, but a screening approach that has some sort of consistency goes a very long ways toward defining credibility for a program.

MR. MOORE: Great. Thank you, Jode. I think one of the other things that we have been discussing in the workgroup, and I think it was mentioned here a couple of times yesterday, is the importance of the communications. Importance of the communications with the public. And I am saying with the public in its broadest, broadest context.

So, that communication is going to be real vital because even with EJSEAT, it is not the thing, it is not the only thing, it is one of them. As it gets refined, and so on.

But I think it is important, again, that it is not perceived, that any of those, quite frankly, from where Richard is at, at least, is the one that is going to decide whether, in fact, the community is an EJ community, or any other situation. We do very well, thank you, deciding for ourselves which of our communities are EJ communities, and that is where we are going to keep it at.

So, is there any other comments? Lang.

MR. MARSH: Thanks, Richard. I reiterate what I said yesterday, and I really applaud the work of the group in tackling a really tough set of issues and taking it to a different level of understanding. I thought the principles were well chosen.

There is just one little, I guess it is a policy issue, that I wanted to make sure was addressed. And I don't have an extremely strong position on this, but I think it is

important to put it on the table. And that is the question -- I think we got to the question of the type of data that might potentially be used, ranging from national data to very local, and including local government and state data.

I guess the question I didn't hear a clear answer on was on the use side, the extent to which data that might be confidential, EPA data could be used by state enforcement officials to pursue compliance efforts in their states if they so wished to do it for that purpose. And, I think, the answer that we heard in Baltimore was probably not. If I am remembering it rightly.

But I thought some of the discussion yesterday opened up the possibility that that might be something that could be reconsidered.

MR. MOORE: Thank you, Lang. Shankar.

MR. PRASAD: Earlier, one thing we came to know while working through the EJSEAT Working Group on the consistent approaches really is a major effort. And I concur with other statements made as a way of -- it is a major effort, but at the same time, there needs to be a little more communication, both in terms of from the --- receiving the information and distributing the information.

I think to some extent also, the whole issue comes around the accountability and the transparency part of it. So, to the extent that the agency and the staff can make that

known on that whole tool, some of the questions people are raising, some of the issues that are being addressed can probably be much more easily solved by being a little more transparent on that aspect.

MR. MOORE: Was there any other comments?

(No response)

MR. MOORE: Charles.

MR. LEE: I don't know if I can respond to all these. A lot of these are issues that are good to think about, so it is really important that you are articulating them and putting them on the table. I think, like I said yesterday and the day before, there is a commitment on EPA to take all this very meaningfully and that it will influence the way that developmental tools, like EJSEAT, and others are going to proceed.

My first comment is, of course, and I have said this over and over again, there is a larger vision behind what EJSEAT is and why we want to have some kind of consistency in terms of screening tools, national consistency. And, I think, Jode said it very eloquently, it is fundamental to having a national program. A credible national program has to have national measures.

That is not to say by any means that that is a goal easily reached. But, it is there and it is something that has a great amount of significance for us.

The second is that Richard mentioned about the importance of regions. And I just want to emphasize that there is a conversation going on between -- with all the regions around EJSEAT and how to test it, validate it, and to deploy it. And before we get to that, of course, there is presently, as you know, tests being done by a number of regions around validation and particular questions that have come up with respect to EJSEAT.

So, we will talk about what that kind of interface will be between the workers that proceeds. You do know that, of course, when the results are in, the findings will be made available and, actually, become the basis for the crafting of the charge to the NEJAC.

You know, this whole issue around the relationship between something like EJSEAT or other like tools, and the various stakeholders -- particularly, states, is a particularly important issue in here. And that is why we keep emphasizing that part of the larger charge that we want the NEJAC to speak to is what are the implications of a tool like this, or approaches like this, for different stakeholders.

And, of course, states have a special relationship in all this. There has to be some kind of discussion, and some kind of understanding about how to move forward.

And, lastly, I think that the issue of communications, transparency, accountability is fundamentally

what EJSEAT is all about. Because there are issues of transparency, communications, and accountability in the sense that you are talking about it as far as input into a process of development. And I think we are going to try to make sure that that is done to the extent that that is possible and feasible.

So, that is, I think, really important. Any recommendations you have for that is very important. For example, I think that are there things that EPA should do in terms of our practices, in terms of developmental tools like this, in terms of public input. I know that the tool that, or the approach that Jim Sadd, Manuel, and Rachel developed was done in the development of the indicators, or identifications of the indicators, was done with a series of focus groups to make sure that they are ground-truth.

On the larger sense, the idea of having a tool for approaches that have national measures is all about transparency and accountability. Because those are the kind of information that should go to influencing the way that EPA does prioritization and allocation of resources, and that is the ultimate larger vision behind an effort like this.

You know, what we say now at EPA is that we think that by addressing environmental justice helps EPA accomplish its mission better because it helps to identify and devote resources to those areas that need it the most. And,

certainly, we think that that means that EPA will be effectively be more effective in accomplishing its mission of protecting public health and the environment.

And this is a very important tool, or a very important strategy, or very important mechanism for getting to that point.

MR. MOORE: Okay, was there any other comments concerning that discussion? John.

MR. RIDGWAY: This is a question and it may be premature relative to the process, but I am wondering if, Charles, to your comments in communication and the transparency, if there is a small group of folks figuring out how to explain just what EJSEAT is? I can imagine that there will be a lot of questions about all the databases that go into it, and the elements that make up those databases, and how current it is. That is a huge task I understand, but I am just curious if that has started yet in the testing process.

Because I can imagine in some degree that that may be as much of a challenge as building the system as explaining it to new administrations, communities, academics, everybody.

MR. LEE: You know, that is a really good point, and this is actually something that we have been thinking about a lot. And I would say that there is a kind of communications and the explaining that needs to be done with respect to the specific technical and other types of aspects of the actual

tool itself; but, more importantly, there is the explaining and the communication that needs to be done in terms of the larger policy context.

So, there is, I think, a lot of explaining to do about what the uses of this, intended uses of something like this is, and it isn't. And I think there is a lot of confusion about that and, certainly, much of the apprehension rests upon a misunderstanding of what the uses of something like this are.

So, it is not a decision-making tool, it is a tool that provides information for a process. Because ultimately, I think, we need to do some better explanations about environmental decision-making is based upon statutory and regulatory obligations that EPA has. Not around whether or not something is inside or outside a particular threshold, that is a piece of information that is important, but it is not a determinative factor.

I think a lot of that has to go on. But, the bigger question is that we have not done good communications about the efforts of EPA, which have been ongoing for a good decade around integration of environmental justice at EPA. And very, very important things have happened, very important milestones have been met, and very few people know about it outside of EPA.

I remember when I went up to the Hill to do the

briefing for the staffers, we have every office headquarter and regional office at EPA makes biennial environmental justice action plans. Now, think about that, that is not a small thing.

And I don't think -- very few people know about that. They didn't know about that. They said to me, wow, that is really great, can you send us copies of this? And I told them that we would be glad to do that, but I will give you the website address. It has been there since 2002.

So, if you don't know what has been happening, why these are important, and how these fit into the larger kind of visions and goals that we are trying to accomplish, then you really can't talk about policy relevance of a tool or any other type of analytical approach.

We need to do more communications about that and, I think, at that -- as we get the word out around that better, then things like this, the dialogue around tools like EJSEAT and the challenges around that -- and then creativity in terms of meeting them will be more possible.

You know, the other side of this is that I think that EPA day-to-day -- an this is my observation, in the course of EPA doing its work on a day-to-day basis, it is having enormous impacts on environmental justice communities.

We have not yet been able to identify what that is, we haven't yet been able to capture that, we haven't been able

to communicate that. So, we are saying that that is an important thing for EPA to do.

You know, like I said yesterday, I think last year just in terms of enforcement offices' actions lead to something like \$10.6 billion in pounds reduced in terms of pollution. If you look at that nationally, that is a pretty significant thing. There has got to be huge environmental justice benefits involved in that. We are trying to capture that.

The question that comes up is why are we trying to do that? The reason we are trying to do that is so we can better focus that, we can better target that, so we can better have those impacts, those communities that need it the most. The most vulnerable communities, the most disproportionately impacted communities, however you want to call them.

So, these are very important things, I think, that are happening. EJSEAT and having national consistency in terms of analytical approaches, measurements approaches, is just one part of that larger picture that is being painted right now.

Hopefully, we will be making significant progress in the future on this. I think, lastly, I will just say that the one type of transparency that I would like to have, be able to do, is to be able to measure progress. Because, ultimately, what we need to be accountable for is what progress we are

making. And I would like to be able to say 10 years from now, because of "X, Y, and Z" certain things have happened. And because of this, certain things have not happened. And when we get to that point, then I think we will have a really mature program.

MR. MOORE: You know, one of the things that we did a couple years ago, and I think in sharing some of our communications with some of the regions, we have always really said -- and you know I always put an emphasis on the regions, and it is pretty obvious why. I mean, quite frankly, the regions are the folk that are much closer to us and we have a lot more interaction with the regions.

But also, with the state because it interests me that even with communications, and some of the things we have talked about with some of the states, I know in New Mexico that the New Mexico Environmental Department has done a terrific job over the last couple of years under the leadership of a Secretary of the Environment, and the Deputy Secretary, of really promoting and getting active participation from the communities, and from the other sectors within our communities.

But we were having the same discussion around information, that because even with the state, there is a gap there. I don't know what it really is, but there is a gap there. And it is interesting sometimes that we are the ones

that say to the state, but you need to be saying what you are doing more often, whether it is through webs -- but a lot of us don't communicate through the web, you know that, but very important. Through newsletters, but that is very important. That is another aspect.

But, at the same time, there is just terrific work that has been being done that is not being shared or discussed all over the State of New Mexico. I know John, and maybe others, Jode and the others that are here from states. I don't want to say this, I think the State of Texas is in the same situation. We will call it a situation that I am referring to in terms of New Mexico.

John, I don't know in terms of the state there. I mean, I know we have many challenges, I am not saying that we don't, but on the other side of that, I just don't think we promote the good things that we are doing sometimes. And not only promote it, but sit down and share it, and continue those discussions.

The other thing that we discussed yesterday, as you know, was this whole awards. Charles gave us an update on that. Tim was here, he is here again today. If anyone during the break, or whatever, Tim has been working with us in terms of that stakeholder panel. I thought that discussion went very, very well.

But, one of the things I do want to really flag,

that public comment that we did the two public comments last night. The green jobs and the green chemistry, and the greening of whatever, I think, is major, major discussion. And I think that today that Chuck -- Chuck is chairing that working group. Chuck, who else is on that group that you are chairing?

MR. BARLOW: Bill, and John, and Greg, who are here today, are also on it. Chris is on it, and I am missing somebody -- Jolene is on it.

MR. MOORE: Okay. And then we have a new member, I think, that joined. Jose Bravo from the Just Transition Alliance. Jose was unable to be here yesterday for that meeting. I know that communication took place. His daughter was receiving an award last night, and he needed to be there at the school with the little ones.

But, Jose, I think, will add a great kind of a perspective. The Just Transition Alliance, for the Council members that don't know, is an alliance that has been formed. It is already about eight or nine, maybe even ten years ago in the environmental justice community. It was the coming together of the labor and environmental justice organizations, and environmental justice leadership.

So, several of the networks, the Indigenous Environmental Network, the Asian-Pacific Environmental Network, the Southern Organizing Committee then, the Southwest

Network, and the Farm Worker Network for Environmental and Economic Justice came together with the leadership back then of OCAW, the Oil Chemical Atomic Worker's Union, later merged with the paper workers. And then since then, has merged with the steel workers.

That is the coming together of labor and community to discuss issues inside the workplace, and also discuss issues that are happening outside the workplace, and get some of those together. So, I think, that is going to be an additional perspective that really will be beneficial to the working group, and also to the Council as we proceed with that. Patty.

MS. SALKIN: Just a quick idea following up on your comment about the public comments last night, because I did think they were terrific. It strikes me that we might have an opportunity with some advance planning next year, so maybe this is more towards Victoria, to coordinate with John and the annual National Environmental Justice Conference. And to maybe, as part of that conference, at some appropriate point, have an opportunity for the public to speak to NEJAC.

Sort of have an open public comment period and invite the NEJAC members to -- a lot of us were there anyway, have been there the last two years, and it just seems that in conserving resources, John and his team make a concerted effort to get people from around the country. It is difficult

to travel, the cost of fuel and everything these days, if we have an audience there, it just seems we ought to take advantage of that opportunity. Because there is great ideas out there.

MR. LEE: Yes. That is, actually, a really great idea. This year what we did was to have the National EJ Coordinators meeting meet the same week as the State of EJ in America Conference. So, that is actually a really good thing. Maybe we will have everybody meet and make it a really big party.

MR. ROSENTHAL: Well, Richard, if I could just weigh in for a second. I appreciate your saying that, Patty. We would love for that to happen. We would love for the State of Environmental Justice Conference to really be a tool that EPA can use to get out the good word.

Because there are some things that we can say at that conference, Charles, that obviously you can't say. Some of the things about the good work that you guys do. Well, we can pat you on the back, but you, obviously, can't do that yourself. And we would love to do that.

I can also say that the Department of Energy is trying to work with their site-specific advisory board members so that their spring meeting will coincide with the State of Environmental Justice in America Conference.

This year, the meetings conflicted. They were out

in Arizona, or New Mexico, somewhere out west. And they set their meetings like two or three years in advance. So, hopefully, next year they will be here at the same time that we are here. And if NEJAC can overlap with that, I think that would be just simply fantastic.

MR. LEE: Right. The key thing about this is finding the date so that everybody can work around it. Because a lot of advance planning needs to go into all of this. So, as early as possible, that would be great.

MR. ROSENTHAL: Well, Victoria just told me May, so whatever date Victoria sets, that is the date we will go with.

MR. LEE: Victoria is the boss, you know. The other thing I just wanted to mention is that the, I guess, the board of the conference gave Grant recognition and said, in grateful recognition of your leadership, innovation, and inspiration for the EPA's Environmental Justice Program.

I am sure he and we all really appreciate that recognition. I mean, he certainly deserves it. One of the reasons why, I think, we are where we are is because of Grant's leadership.

MR. MOORE: Sue. Yes, ma'am. Jode.

MS. HENNEKE: Before we left it, I wanted to add to some of the comments you were making. Obviously, you and I are in the same region, and some of the things that we have done under the leadership of the Deputy Regional Administrator

in Region 6, and folks like Shirley Augerson, over the last several years, they have brought the EJ staff that works within the states within their region together anywhere from once every six months to once a year.

That has given us the opportunity to chat. And under the heading of communications, that chatting has turned into -- I think it is fair to say, Shirley, almost a support group for each other. Because often times, the same struggles that the community faces, we within the states responsible for those programs, are responding with like struggles.

It is helpful to be able to have that discussion between the staff in New Mexico and Texas. And I don't think you necessarily have to be adjacent states to each other to have a keen empathy with what you are having to work through, but it does help.

And as those individual programs have been in various stages of maturity, I think, we have been able to help each other at least have a bit of an appreciation for, okay, almost always there is a pitfall down that road, and this one could get ugly on you, and make sure that you run your political string here, and that sort of thing.

When I was with that particular program in Texas, it was very, very helpful to me for the region to do that with us. I assume that the other regions do the same, I don't know that. But I wanted to give Shirley a nod for -- she has taken

the lion's share for the responsibility of that. Because as in every situation, whether it is regions dealing with the states, states dealing with the locals, or whatever, we can be baby chickens that are difficult to gather up together on the occasion. And it can be painful just trying to get a meeting set with us at times. They have struggled through that with us.

But I would encourage the regulatory authorities, whatever level you are, to get together with your companion folk across with municipalities within the state, or states-to-states, or whatever. Because it is very, very helpful to listen to each other, both with successes and sometimes those things that didn't turn out as well as you wanted them to, you can learn from what the other folks did to either make it better, or to not quite go down that same pitfall filled trap the next time.

MR. MOORE: Thank you.

MR. LEE: Jode, thanks for that. And, actually, one of our goals, priorities, is to reach out and work with states, and have any ideas that you have around that would be greatly appreciated. There is a significant amount of activity, as you were just pointing out.

I mean, the last American Bar Association Survey found 42 states and the District of Columbia have some kind of activity around environmental justice. Either by way of

legislation, or policy, or some kind of program. And they are all at different stages, but there is with leadership from the -- Reggie Harris in Region 3, and Terry Wesley, Region 2, and Cynthia Peurifoy in Region 4. I mean, I think Region 3, Region 2, Region 4, Region 1 now, and Region 5, I think, are beginning to meet together on a regular basis. Together.

And we have been saying, well, sometime in the future there should be some kind of national gathering like that. But more importantly, is the development, like you say, of a working functional network where it is supportive of each other.

I believe there are huge amounts of opportunity there, and we are just beginning to scratch the surface of what that may mean.

MR. MOORE: I think probably the other interaction there, and I know I tend to a lot of times talk more about Region 6, 8, and 9. That is just primarily because that is where I live, and that is where I work. I know in our interaction as a NEJAC Council, that the other regions are also doing some terrific work.

The EJ Team, or the EJ staff in many of the regions, but I think we all do realize at the same time that we really need both moral and political authority on the part of the leadership of those regions to be able to say to the staff that we -- and I say it in my own language, but we need to

kind of unleash our creativity so that we can come out of the box a little bit.

Everything doesn't have to be so particularly tunnel visioned. And I think that is another leap and bound, as far as I am concerned, with some of the EPA regions and EPA staff here in Washington. Just being able to take a broader perspective of where many of those things are at.

And then the actual EJ staff itself, there is a lot to be learned in the listening session, Jode. And I know that those listening sessions that we had in Region 6 several years back were real crucial in terms of getting -- of opening up the communications, but really practicing a little bit what we preach.

Because the committee that put together and organized those sessions were made up of representations from the state, representations from grassroots groups, representation from business and industry, academic community, the religious community. At that point, the committee was very, very broad-based that helped to construct that.

I think under the leadership of Larry Starfield as the Deputy Administrator, I know that Mayor Green in Region 6 is the Administrator, but we tend to relate a lot in Region 6 and, actually, in Region 9 also. Laura has joined us and she will be on a panel, the Deputy Administrator for Region 9.

So there is a lot more interaction sometimes between

us and the deputies, just because of the different functions that are played there. But that is very, very important to not only getting the input, but going a little bit further than input, really attempting to try to do some things that maybe haven't been tried before.

So, we have really encouraged the State of New Mexico, we have with the State of Arizona, and some of the other states that we are working in, to really kind of open that up.

The other thing that is crucial for me that we used to do, and at some point, I would like to take it back up as a discussion in this NEJAC Council -- not in this session -- but one of the other things that has been real crucial to our work has been the EJ Training Programs. That really came out, and I shared a little bit of this with Charles, and some of the other staff. That has been very, very important for us.

And OEJ has been initiated several years back, but then supported it for many, many years. That really brought -- that was a two and a half day training program and a team, at least from the southwestern part of the United States. It was a collaborative team of EPA staff and community folk that worked on curriculum in terms of the trainings. The environmental justice trainings, and that kind of agreed -- came to a certain agreements around the curriculum.

The curriculum was tested in many of our communities

in the southwest. And that training took place in -- well, Shirley knows, we did that at least in Region 6 in Texas, in San Antonio, Texas. We also did it in -- we had one of those trainings in Albuquerque, New Mexico. That was for a training of the bureau chiefs, and so on, from the New Mexico Environmental Department.

Because sometimes, even within counties and cities, even when administrators send out memos, or whatever, human nature sometimes is some of that. That some of the people that come are those that are interns, and so on.

So, I wanted for us to take that up also at some point and have that discussion around EJ training.

MR. JOHNSON: So much for slipping in quietly.

(Laughter)

MR. MOORE: Well, we were just -- this is a quick summary of what we have been doing. One is just to say that it is great to have the Administrator and Grant, and the other staff here joining us this morning. We have had a very, very productive couple of days. Many of us have been here since Monday, and our working groups have started to meet on Monday. We officially convened -- I am not even really too sure what the day is any more.

(Laughter)

MR. MOORE: But it is great to have both of you here joining us this morning. And I am going to turn this

particular session over to Grant. I wanted to also congratulate Grant.

I was kind of whispering in his ear there as he came in, on the award that he received at the conference. He is very deserving of that award, and we all know what your commitment has been, Grant, and your dedication to environmental justice. And this Council appreciates that. So, Grant.

**Dialogue with the Administrator**

**Comments**

***by Granta Nakayama***

MR. NAKAYAMA: Thank you, Richard. And with respect to that award, it really was for all the EPA efforts, and all the EPA -- my colleagues, really, who make our environmental justice program work.

This morning, I am delighted and honored to introduce our next speaker, the Administrator, Stephen Johnson. And I wanted to relate a little bit of a personal note on the Administrator's commitment to environmental justice. As many of you know, he is the first career employee ever selected to head the agency. So he has been associated with EPA for almost three decades.

And, I think, that is very helpful because the Administrator personally understands a lot of the challenges

and the difficulties with ensuring that all communities have a safe and healthy environment. And that is something I have witnessed first-hand. Administrator Johnson's strong and consistent support of our EJ program.

Looking back over the last three years, we have made major strides at the agency in developing our EJ program. It is now more deeply ingrained in a lot of activities throughout the agency than it has been in years. It is really a program. Our EJ program is a program. It is not a slogan, it is not the slogan of the day, it is a program.

But that progress would not have been possible without Administrator Johnson's strong and consistent support. His strong leadership, supporting both our Office of Environmental Justice and, more generally, the Office of Enforcement and Compliance Assurance.

I just wanted to provide an example, I think it is particularly appropriate this morning, an example of his commitment. If you think back three years ago, I am not sure everybody in this room remembers, many of you do. There was serious, serious discussion about eliminating the NEJAC. I am talking quite serious.

And there were a lot of people who said, given the resources we have at our disposal, there were other and better uses for the resources than to continue to sustain the NEJAC. But the Administrator stepped up and he said, no, we are going

to recharter the NEJAC. We are going to recharter the NEJAC. It is important to what we do at the agency.

Now, in hindsight, that might seem like an obvious decision. Partially, it is because the members of the NEJAC, you have given us such valuable advice over the last three years, and also because there has been a flourishing, I think, a thriving of EJ programs. So there are a lot of issues that have come up where we are glad there is a NEJAC to provide us advice.

And, I think, we see now that EJ is a program really that is sort of -- it is one of those programs of the future, not of the past. EJ is a program of the future, not of the past.

I think it is attribute to both the agency and the members of NEJAC that we have this dialogue going on, we have activities going on within the agency that raise issues that are important to get your advice.

We have more programs now with states, local community groups, other federal agencies, more things going on than we have had in a long time. And that doesn't happen unless you have leadership from the top. Somebody who is committed, committed to environmental justice.

So, again, I want to thank the Administrator for coming today. He has, obviously, got a very, very busy schedule. So, without further ado, I present Administrator

Stephen Johnson.

(Applause)

*Comments*

*by Stephen L. Johnson*

MR. JOHNSON: Well, thanks very much Grant, I appreciate it. I appreciate the very kind introduction and I will compliment both Grant and Charles multiple times because they have, and continue to do great work.

But I wanted to first of all start by saying thank you to you, our advisory committee. As Grant has said, I am approaching three decades of service at EPA and throughout my career, I see the great work of advisory committees. Not only the great work but, indeed, from my experience, the necessity of having advisory committees advising the agency, advising me.

Now, that doesn't mean we always have to agree, but I think it is, certainly, valuable input to me as the decision-maker, or Grant as the decision-maker, and compliance and enforcement. So, I want to say thank you.

I know you all have busy schedules, and I appreciate your commitment to the advisory committee. I am also pleased that we have been working well together and your input has been extraordinarily timely on a number of issues. And, again, I just want to say thank you so much for the role that you have been playing.

Throughout my experience, much of which my career was spent in the world of chemicals which, clearly, presents a series of issues for the agency. But the issues of environmental justice as -- and I don't have to tell you -- really are complex; both from a science standpoint, and areas where we don't have as much information as we would like, to policy issues, to legal frameworks. Whether you are at the federal level, state level, or tribal level, or territory, the issues are complex.

And that when confronting these kinds of complex issues, I think, it is important that we do come together. You all provide a great forum to bring your expertise together, your experiences together, to advise us as we work through the complex issues.

One of the things that is very much on my mind, and that is delivering results to the American people. I don't care who you are, I don't care how old you are, I don't care what ethnicity you are, I don't care whether you are rich or poor, each American deserves to have air that is clean and breathable. Every American deserves to have water that is safe and secure. And that has a safe land on which to live.

So, that is a principle, that is a premise, for me that is an ethic. So whatever we do, that should be guiding the agency and, certainly, guides me in the decisions that I make. Your advise helps us to, what I believe helps us

achieve, if you will, a better world for all Americans.

As I reflect on my tenure as Administrator over the past three years now, there have been some monumental experiences, in some cases, tragedies. And Hurricane Katrina and Rita was one of those.

And as I know a number of you actually went and saw, as I went early on to visit the really ravaged area, words could not express. I mean, even though we saw things on TV, even though read a lot of news reports, it didn't do it justice until you were on the ground to see the total devastation and the impact. And the impact on a lot of people's lives.

I am very proud of the agency's response. It is the first time in the agency's history that we have been called upon to actually rescue people. So I am proud of our first-responders who were there who were, actually, rescuing people. It is something that was unusual for this agency. But, as in every situation, there is always lessons learned. And I am pleased that as an agency, we learned a number of things that we could do better.

So that, hopefully, we don't have another one of those kind of incidents in America, or anywhere around the world, but we have learned a great deal. I appreciate your all's input to help us in those learnings and to better position us as we work through incident command and steps that

need to be taken.

So I just want to say, again, that was something that was very much I was living and breathing 24-hours a day for many, many days, as were many others. Again, I appreciate your input because our incident command has now been modified to strengthen it, based upon your comments.

Of course, in a follow-up to your recommendations on cumulative risks and impacts, we established our CARE Program, or Community Action for Renewed Environment. Now we have funds and programs in 48 locations across the United States. It was because of your input that we, and a number of our key staff that said, you know, for the local communities, they don't really care about the stovepipe of chemicals, they don't really care about the stovepipe of the air program, or the water program, they are interested in the community and what can be done to help and assist the community; particularly, in those areas that are disadvantaged.

So, we set up the CARE Program, focusing on delivering results, and one of those other principles that we firmly believe in. We are making great progress. And, again, another area where because of your input, it helped us to move forward in our CARE Programs across the country. We are beginning to see results.

Actually, one of those results which is one where it seems so obvious -- it seems so obvious -- but it was not

happening, and that is as EPA was going into communities and helping to reduce toxics, reduce and address a variety of issues at the community level, guess what? Some of our federal partners, including CDC and ATSDR were doing the same. And helping on healthcare and health surveillance, and those kinds of issues.

It was because of an increased coordination between ourselves and CDC that we said, hmm, you have your van going into the community, we have our van going into the community, guess what, we can save some gasoline and energy, let's ride in the van together and let's collaborate and help the community. Not only from an EPA perspective, but also from a CDC and public health surveillance.

So, Julie Gerberding and I have signed a Memorandum of Understanding to strengthen that, and we are seeing that now as part of our CARE Program. It is very exciting. Again, something very obvious to do, but was not happening. So very pleased that we are doing that.

One of the things that I think you are all aware of was in 2005, I directed all of our managers and staff to really pay even closer attention to how we can integrate environmental justice considerations into our core planning and budgeting process.

And one of my experiences within the agency is that too often there can be activities that are more tangential to,

if you will, the core. And for those areas that we really believe that we really need to be paying attention to as part of our core mission, we need to integrate those.

I am very pleased that we have taken a number of steps and, of course, you have seen what our national priorities are. We have identified eight areas. We have now integrated those into our budget and planning process. So, it is not just talk, it is not a boutique program, this is part of, I believe, the agency's core mission. Have we achieved that fully? No, but we are making great progress. And I suspect over the coming months and years, we will continue to strengthen that with your help.

I am very pleased that our environmental justice priorities are reflected in our strategic plan, they are reflected in our national program guidance, and I am also very pleased that every regulation that has been tiered -- those are the really big regulations since 2007 -- there is an environmental justice preamble. So, everyone of those regs you will see, you will see a preamble that addresses and identifies how we are addressing environmental justice issues.

That is, I think, also some very, very good steps. And, of course, you are well aware that we are looking to, and trying to develop -- through Granta, Charles, and others -- rule aids to help our regulation writers, to better identify, and assess, and address environmental issues during the rule

development.

And, in fact, just this week -- I don't know if you passed it out but, Charles, I just sent another memo to our senior leadership really to help take the next step to boost our activities and our, again, integrating environmental justice into every part of, in fact, our core mission. Because in my belief, it is our core mission. Again, providing environmental and public health protection for all.

So, one of the areas that I know that you have, and others have suggested, and I am a firm believer in, and that is doing program reviews. How are you doing? Are you achieving what you say you are? So, beginning fiscal year 2009 -- which for us is October -- we are going to conduct a first round of reviews of our programs, policies, and activities, including permitting, including enforcement, including clean-up and rulemakings, to ensure that they are adequately addressing environmental justice concerns.

Again, we are making a part of the core, and as part of that core, we need to do program evaluations to make sure we are. I see program evaluations as good management, and ones that we learn from, and then can strengthen our programs. So, it is another, again, from my perspective, another step to strengthen.

As I was getting ready for our time together today, and then I saw all of the subcommittees and activities that

were going on, I think the bottom line is, Mr. Chair, that probably the best is to just thank each one of you personally for all of your activities. Because I know that there are some important pieces of work, which I am looking forward to getting, and it will, again, help the agency.

But, I wanted to say a special thanks to you, Richard, for your leadership. Advisory committees don't happen by accident, they take a lot of planning and effort; both by your participation, as well as your leadership as the chair. And Granta and Charles, again, for you and your team for the great work that you have done and continue to do.

So I want to say thanks, in closing, and to say I look forward to our continuing relationship. And the time that I have left -- and make no mistake, I am sprinting. Although, I don't run as fast as I used to, but that is an age thing. I am sprinting to the finish line. We have a lot of exciting and important work to do, and I look forward to our remaining time of working together.

And, again, I just want to say thank you so much for your great work, and I will be happy to take any questions.

MR. NAKAYAMA: I think the Administrator has time for a few minutes for questions. So, if anybody in the NEJAC would like to ask him any questions.

MR. MOORE: Grant, if I could, and we are going to open it up for questions. Thank you, Administrator, for

joining us this morning. One of the questions that I had, from your opinion, how well do you think the EPA has really been implementing the Executive Order on environmental justice? And if we could just get a response from you.

MR. JOHNSON: Well, I think, one, we are certainly implementing the Executive Order. I think we are making significant strides to do that. But, I also readily admit that it is not over, it is not finished, and that there are many areas to improve.

Let me just give you one example on the science side of things. We, as an agency, are doing the cutting-edge science policy work on issues such as cumulative risk. I mean, we are the ones that are really pioneering in that area. And as you get into issues associated with environmental justice, cumulative risk is one of those areas that comes right up against it. So, we have made great strides, but we are still learning a lot.

Another example is today, I don't know where our Press Secretary is, but Secretary Levitt and I are announcing a -- maybe I am doing it now.

(Laughter)

MR. JOHNSON: Well, you may be the first to know -- we are announcing an investment of an additional \$8 million in Libby, Montana to focus on doing some very sophisticated health research; particularly, focusing on amphibole asbestos.

Dr. Black, who is one of the two principle physicians in the clinic there has over the past couple of years, in the two visits that I have had there, has been really urging us to invest money so that we can better understand, while we know a lot about asbestos, there is areas of understanding more of the health sequencing, and consequences, and ability not only for the citizens of Libby, but taking that tragic situation and not only helping them, but also informing the rest.

So, Secretary Levitt and I are announcing today that we were able to come together with an additional \$8 million which will help support about five years of research -- not about, it will be five years of research -- to help take that next step to help. Particularly, focusing on the health outcome associated with amphibole asbestos.

So, there are those opportunities throughout a wide-range of media that we are working our way toward, but there is still a lot of unanswered questions that we need to work on.

MR. MOORE: Thank you. Jode.

MS. HENNEKE: Thank you. As a little bit of a way of background introduction, I grew up in an area that you all are intimately familiar with, better known as Tar Creek in northeast Oklahoma. So I have been familiar with the EPA for the preponderance of my lifetime.

I am also a scientist, I have been an environmental

regulator on the state level, both in Oklahoma and Texas, for my entire career. And I appreciate the work that you all do, which doesn't mean that I haven't fussed about you, and with you.

MR. JOHNSON: Fussing is okay.

(Laughter)

MS. HENNEKE: On many different occasions. I wanted to reflect just a moment, both for you with Grant and Charles -- and it was an intense moment -- there are several of us around the table that were part of it, Richard and others, that when Grant brought us together and, basically, said -- in some very eloquent words but, basically, said -- if you do not want to become irrelevant, you are going to have to help us become more nimble. And that was, principally, as a result and the reaction to help us become better in the aftermath of the Gulf Coast hurricanes.

And as my jobs have morphed over the last several years, I have watched EPA morph as well. And the other thing that I wanted to say is that the only thing -- and this is my personal personality, as well as a state regulator, as well as a member of this advisory committee -- the only thing that is more individually offensive to me than to not be asked, is to be asked and then not be listened to.

And you all have done -- again, from my perspective -- as you were taking off some of those accomplishments over

the last several years, I had both the good fortune and the misfortune -- thank you very much, Charles -- of being on everyone of those workgroups. Many of which were incredibly painful, and difficult, and hard work.

But I very much appreciate the fact that you all have taken to heart, as a body, as a group, the recommendations that we have made. And I very much agree with, no, you don't have to, and will never agree with everything that everybody says, but it is most meaningful to me as a representative of a large industrial state with a lot of issues, that you all have listened and have become much more nimble over the last several years.

I wanted to say that to you publically, and also to publically tell you that Grant and Charles have been instrumental in helping us keep the edges kind of squooshed together as we have swaggered through, and fought through, issues that everybody has very passionate, often times different opinions on. So, thank you for that.

MR. JOHNSON: Well, thank you very much for that. A lot of thank yous. Of course, as you are well aware, one of our recent experiences with Tar Creek was them having a tornado go right through the area that we were -- it is a Superfund site, and right through the area of Holmes that we were in the process of going through a buy-out and for relocation.

So, as another tragic situation, unfortunately, loss of life with the tornado that came through, but one of the things that struck a number of us, I think, simultaneously from Senator Inhofe, the Governor, myself, and, in particular, Richard Greene, our Regional Administrator for that area, was -- we now have an emergency response team there through FEMA, from Homeland Security.

We have, obviously, those houses that were destroyed are not going to be rebuilt because they are going to be relocated. Let's turn this tragic situation into an opportunity and let's see if we can accelerate the movement of people and relocation.

So, I got on the phone to Secretary Chertoff, Michael Chertoff, who was going down and touring. And I said, look, we have got a tragic situation, here is what is happening from an EPA and Superfund perspective, let's see what we can do to accelerate what we all know is the right thing to do and what our game plan is, given this tragic situation.

And to the governor's credit, to the senator's credit, to the state's credit, to everyone's credit, we got our heads together and have set ourselves on a path, had a little bit more money which always helps, to do that. So, I appreciate your comment and the nimbleness.

I am sure there will be other things we will

continue to learn, but even in the Tar Creek situation, we have another opportunity to be nimble and we are trying to seize that. So, thanks.

MR. MOORE: Thank you, Administrator. I think we have time, we want to keep you on schedule, for one more question. And if I could, Omega.

MR. WILSON: Thank you. We would like to, certainly, thank you again for being here and your kindness and your patience with all the stuff that you have to go through that we are not quite familiar with on your day-to-day activities.

I am from Mebane, North Carolina and that is about 25 miles west of Durham. One of the things that we have to deal with with a lot of the situations we work on is what we refer to as a right to basic amenities that falls under questions of having adequate, and safe drinking water, and surface water.

One of the things that we had a chance to work on with Charles, and Victoria, and Cynthia Peurifoy from Region 4, and Marva King, and some other EPA staff people is an issue where we have a failing septic system, 100 percent in some low-income and minority communities without access to municipal services when the communities were literally blocks away walking distance from the municipal sewage treatment plant.

And what we find is a cultural divide in the area where we are relative to national policy and statutes, relative to public health where situations have allowed to remain in place for decades without corrective action. Wherein, our case, after doing some studies, we found that the surface water was contaminated at 300 times the level allowed by EPA. Of human waste and fecal coliform in our communities. And it had been that way, it had become a way of life.

Really, the question is, how do we get to the point where we develop a relationship dealing with local culture that says that we are not ready to embrace civil rights laws, we are not ready to embrace environmental justice laws, or environmental guidelines in order to correct some of these problems at the state level, the county level, and the local government level and get all the folks around the table to make partners in a cordial way? Maybe not totally loving each other, but in a cordial way to try to address these problems that are systemic; not only in our community, but throughout the State of North Carolina, and throughout the south and other places in the country.

MR. JOHNSON: Well, several thoughts. One is as a nation, we have one of those major issues where I wish there was an easy answer. We have done some estimates of both our drinking water infrastructure, as well as our waste water treatment infrastructure. And the reality is that our

existing structures are getting old and are beginning to not work as well as they used to.

Our best estimates are for drinking water infrastructure capital outlay, not including operation and maintenance, are on the order of about \$300 billion. And for waste water systems, on the order of \$200 billion. So, for the nation, we have estimated in the range of a \$500 billion problem.

EPA's budget, total budget, salary, expenses, everything is \$7.1 billion. There is no way an EPA budget is going to address the current infrastructure needs. So, we are, as an agency, and certainly as Administrator, looking for any and all ways to try to bridge that gap of what our existing structure is. And then for those additional areas of need -- and, unfortunately, we have places throughout our country, whether it be our Alaska Native villages, whether it be in our island communities, or whether it be in the mainland, North Carolina or other communities, are there steps that we can take through technology, through other mechanisms to help address the problem.

It is a monumental task, and it is one where we, certainly, appreciate any advice, counsel, that you all have. We have another advisory committee, our local Government Advisory Committee, and one of the tasks and charges that I had given to them was given this infrastructure problem, do

they have some suggestions and things to do. And they have given at the local government level, a number of suggestions of steps that can be taken.

We are collectively trying to implement those. Again, it is no silver bullet, it is not going to fully address the issue. Second is that as part of our research and development program, we are investing a lot of money to try to come up with innovative technologies that can help bridge that gap. So, rather than, perhaps, replacing a wooden pipe, you could line the pipe.

And by the way, we have wooden pipes in the United States. So, not only do we have communities such as the one you are referring to that don't have any, we have also got some that are quite old as well.

It is an area of major concern for me for the nation, but I don't know -- I am not sure what are those specific things that we can do. So, if you all have some ideas of steps that we can take, again, we have a formal local Government Advisory Committee that has done some work in this area. This may be another kind of a mutual interest charge that we might want to pursue. Charles and Granta, I think that would be a great idea.

One last thing, just as a footnote to that, I was in Atlanta a number of months ago to dedicate a former Brownfields site, which was turned in from a Brownfields site

to a new housing that was green. My terms. And it was for low-income, disadvantaged individuals.

So, really, how exciting to see a Brownfields site, one, corrected; two, to provide affordable housing; and not only affordable housing, but green housing, was very, very exciting. It just so happened that there was sort of -- after the ribbon cutting ceremony and all the rest, we were literally sitting around the dining room table in this model home of the ones that were there -- and I had city council, the builder, and all the rest -- and I asked a question, I said, were there any problems that really got in the way of converting this from a Brownfields site to what we see today?

Well, after kind of some pausing as you can well -- or, does he carry a gun, does he carry a badge, then opened up and said, yes, there were. And there were. There were zoning, there were local issues that were part of regulation zoning laws, others that actually were significant hindrances.

So, armed with that when I came back to Washington -- and anyone who had been sitting around the table listening to this, I think, would have come to the same conclusion -- ah-ha, we have communities like this all across America. If -- and I am not picking on Atlanta, but if Atlanta is anywhere representative of any other part of our country, let's look at it and see what can be done.

So, actually, our local Government Advisory

Committee is looking at that issue as we speak. And I am looking forward to seeing what their recommendations to other communities, so that we can help get rid of some of the bureaucracy, make the system more nimble so that we can address those issues. Yes, another area that we should focus on.

MR. MOORE: Well, we would like to thank the Administrator for joining us this morning. Also, we would like to thank you for your support for environmental justice, the recent memo that you have released, and all the other support of the staff of the Environmental Protection Agency.

MR. JOHNSON: Thank you. Thank you.

MR. MOORE: So, on behalf of this committee, thank you very much.

MR. JOHNSON: Thank you very much.

(Applause)

MR. MOORE: Well, what we want to do is just a little shift in the agenda. Grant, it is great to have you with us again. Lynn has been with us for the last two years, I think. A couple of days.

What we are going to do is make a little shift in the agenda and we are going to take a 10 minute break. If we could just ask people, please, to be back on time so that we can continue to maintain the agenda. Thank you.

(Whereupon, a brief recess was taken)

**Dialogue with EPA Senior Managers**

***by Lynn Buhl, Moderator***

MS. BUHL: Good afternoon. I want to introduce the panel of senior EPA managers whom we have assembled to talk about things that are going on at EPA. First, for those of you who have the agenda, Catherine McCabe is not able to be here today so Grant Nakayama has agreed to assume her role in the panel discussion.

(Laughter)

MS. BUHL: So, I will, as you can see down at the far end from me is Jim Jones, who is the Deputy Assistant Administrator in the Office of Prevention, Pesticides, and Toxic Substances. Then we have Grant, who you all know. Laura Yoshii is the Deputy Regional Administrator in Region 9 in San Francisco. Russ Wright, immediately next to me, is the Deputy Regional Administrator in Atlanta, Region 4. And then on my right is Rob Brenner, who is the Director of the Office of Air and Radiation in our Air Program here at headquarters. All have some thoughts to share this morning.

I think you heard from the Administrator himself that, you know, the ball really is rolling and we have really got a lot of very positive things happening internally at EPA. I think I commented yesterday afternoon that the regions have

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probably even -- the earliest of the groups that took the bit and ran with it and have really done some innovative and creative things.

But, things are happening at headquarters too, and I am pleased that you will have an opportunity to hear directly from some of the major players.

We brought the panel together to discuss some concrete and specific ways we have evolved in some of the different programs, so we would like to have sort of a lively discussion. The format is going to be I am going to ask them a couple of questions, and ask each of them to respond individually. And then probably at the conclusion of the responses to the first question, we can open it up a little bit, and then we'll go on from there. There are three questions all together.

So, let me start. The first question is: "Since Administrator Johnson's November 2005 memo entitled, "Reaffirming EPA's Commitment to Environmental Justice," how has your program or region matured to address the challenging issue of environmental justice? Why don't we start at the far end. I will mix up the order you guys, but let's start with Jim Jones at the far end from me.

MR. JONES: Thanks, Lynn. Well, I think that the principal way that we have matured -- and I was glad to hear that we are in alignment with the Administrator, what he not

only said in 2005, but what he was saying this morning -- and that is making environmental justice part of our core programs.

The prior, I think you can characterize the way our program -- which is, basically, a chemical regulation program. We work to make sure pesticides and industrial chemicals are safe, and then we manage pollution prevention programs. We had a number of pretty small specific projects, and there were dozens of them, but they were very narrow, they are very narrowly focused. They really weren't about how we make sure that chemicals are safe.

What we are trying to do, and we are making some pretty significant progress around this, is how to capture the potential for disparate impacts in our chemical safety decisions, and in our Pesticides Program, in particular, where there is a lot of data available. We have now developed protocols that evaluate disparate impacts in our risk assessment process. So that it is very consciously thinking through the concepts around environmental justice in each and every risk assessment we do.

We have developed those protocols, we are now training the staff that does risk assessment. Once we have gone through that, we are going to do the same thing on -- ultimately, the objective of it is develop the same kind of protocol, decision logic, on the risk management side.

That, basically, brings sort of that entire operation, bring environmental justice into virtually everything that they do. It is a little more challenging on the industrial chemical side; although, we are going to tackle it because there isn't as much data. And to get to disparate impact, you need a fair amount of information about the populations that are exposed.

But facing that challenge, we are working in that side of our operation as well to figure out how when we make decisions about chemical safety, we are taking into consideration that everyone may not have -- everyone very likely doesn't have -- the same effect -- well, not the same effect, but the same exposure related to any individual chemicals.

So, in a nutshell, that is the most profound thing that we have done, and I think it is pretty profound. It is going from a bunch of small little individual projects that are meaningful and they do matter in the situation in which they are relevant to sort of taking the concepts of environmental justice and bringing it into, basically, what we do in our program, which is evaluate chemicals for safety.

MS. BUHL: Grant.

MR. NAKAYAMA: Yes, Lynn.

(Laughter)

MR. NAKAYAMA: I think OECA is in a special position

because we are the National Program Manager for environmental justice within the agency. So, it is our responsibility to ensure that all the programs really integrate environmental justice into their activities. And that includes -- you know, the big step in the last few years has been the inclusion in the National Program Manager guidance of environmental justice.

So, the work Jim is doing, or the work Rob will describe in our Air Office, or both Laura and Russ will describe in the regions, is really part of that overall effort to ensure that EJ is part of the everyday activities of the agency. That is really, I think, how we have moved forward on a lot of the progress we have made.

We also view ourselves at headquarters as being a storehouse of knowledge so that we can provide draft EJ review protocols, for instance. So when a program like Jim's is going to go back, as the Administrator mentioned, and do an EJ review of their program, you would want there to be, I think, some -- a template, a process, something to help the programs as they try to really grapple with a review for the first time from an EJ standpoint of their program. So it is important that we work in OECA to develop that. And Charles is working very hard.

The third thing I think that is important is our EJ Steering Committee has been rejuvenated. Lynn is working on

the EJ Steering Committee as one of the co-chairs to get that across the agency, a senior level management group focused on EJ issues. And that has brought a lot of coherence and cohesion to what we are doing so that we are now all, I think, speaking from the same page, focused on the same types of things.

And then lastly, we have these EJ action plans. And I think what Jim mentioned, the sort of isolated activities which had been sort of a practice in the past, we have a much better set of plans coming out of both the regions and the programs because we have a more coherent program. So it is more robust, it has actual very measurable goals that we are trying to achieve. So, I think, those are some of the things we are doing in OECA to move forward on environmental justice.

MS. BUHL: Great, thanks. Laura.

MS. YOSHII: From the regional perspective, I think the most significant thing that we probably have done, and I say this as the Chief Operating Officer for the Regional Operations, is integrate this into our regional planning so that all division operating plans that are received underscore the specifics of what they are going to be doing to advance environmental justice.

One of the things that I think has been most helpful is to be specific about the areas that are our priorities. So, things in our region like tribal, the border, the Pacific

Islands, the CARE Grant areas of Pacoima, certain areas where goods movement is important like Los Angeles, Long Beach. So we all have a shared sense of it, because as we have talked about before, one of the challenges in being successful and implementing environmental justice is to break down the silos, the programmatic silos.

So, the regions have an opportunity to really target these community-based, place-based opportunities and really work across the programs to make some improvements.

The other things is, I think, I am glad early in the discussion there was great emphasis on the importance that the regional role plays in encouraging partnerships with various entities. Certainly, our state regulatory partners, but also local governments. And we have been able, through our annual discussions with our state partners, to make sure environmental justice is a cross-cutting priority addressed with them.

So, again, in each of our states, we have a shared sense of where the opportunities are to make the greatest progress.

And then, I think, most importantly too is just accountability. Is how do we ensure that we are reviewing these on an ongoing basis so organizationally we have created an environmental justice team. It is placed, and there is accountability to the community ECO System division director

in our region, but all of the divisions then report as a council to the deputy regional administrator so there is a regional accountability for it.

MS. BUHL: Thank you. Russ.

MR. WRIGHT: As luck would have it, this is going to become somewhat redundant, being at the tail end, you always end up repeating what your other counterparts have already said. But, of key interest for Region 4, as part of our maturity, our Regional Administrator, Jimmy Palmer, recognized that Steve was serious about this whole issue of integrating environmental justice and to all of EPA's business.

And one of the things he did -- and he talks about food chain. He thinks that the lower part of the food chain, you don't matter, but the higher part of the food chain, you do matter. He decided to take and move environmental justice tribal, state, and local, and agriculture immediately in his front office reporting directly to him. To make sure that the region overall had some priority on environmental justice.

And someone has already mentioned an environmental justice action plan. One of the things that he has made a part of all of our performance, and that is through the year, and through our mid-years, and end-of-year discussions, he has a 10 or 15 minute discussion specifically on what are you doing to make sure environmental justice is a part of all of your air, water, waste program activities.

What are you doing in furthering our relationship with our states? And we found out early on in the process that one of the things that we must do in trying to live out, and live up to Steve's expectation, and that is try and get on the same page and start to, basically, do what I would characterize a unique, acute level of awareness.

And that is training, and talking about options and ways that we can work with our state partners, and to make sure that all of our major actions or decisions reflect our environmental justice expectations. I think as a result of the training, we have now touched well over 1,100 employees and stakeholders through our training programs. We have gone as far as to set up what we call, train the trainer.

And to make sure that as part of your permitting, as part of your grant, all of those activities take into consideration the whole EJ component of EPA's expectation and willingness to make sure that environmental justice is considered.

Another maturity, I think, that we have embarked upon, and he is expecting me to kind of leverage this activity, and that is to bring environmental justice, CARE, and agriculture closer together. Because we have recognized that there are similarities in looking at the CARE communities, looking at the environmental justice communities, looking at the agricultural communities.

As we start to better integrate the activities between these programs, we further ensure ourselves of making sure that the whole issue and our commitment to environmental justice comes to us across the board.

So that is just one of the aggressive initiatives that we have done in Region 4 to make sure that we take the commitment of environmental justice seriously and try to carry out the letter of the Administrator's expectation on environmental justice.

MS. BUHL: Thank you. Rob.

MR. BRENNER: Thanks, Lynn. What I would like to do is maybe combine the first and the second questions, and you won't have to call on me again in the next round. But, I think, there is an opportunity to both talk about how we have changed in the Office of Air and Radiation, but also how we learned from the Environmental Justice Advisory Committee, because I think there is some good lessons there -- if I can talk about the two together that will help us as we work together now on several important projects.

I have been visiting with the Environmental Justice Advisory Committee for many years now, since it started in the '90s. And the early discussions were very difficult ones. And they were especially difficult for me because the people who the committee represents are the people who I came to the agency with a goal of trying to help.

And it was apparent that there was not a feeling that we were being successful. On the one hand, I knew the studies demonstrating that the Clean Air Act and the way we have implemented it is preventing tens of thousands of deaths, hundreds of thousands of illnesses per year, and that curve is rising, more and more is happening. Yet, people weren't seeing it in their communities, especially, in communities that were disadvantaged in many ways.

The mark of a good advisory committee process is one where those disagreements, and those tensions become creative ones, which lead to better understanding of the issues and the problems, and lead to some better policies. And I feel that, certainly, what has happened here -- and it happens not just as a result of these formal sessions, but the informal things that go out in the hallways, and the workgroups that occur between meetings.

And if I was to just try to put into a nutshell what I learned, it was that we really did not have anywhere near as much of a community dimension to our air programs as we needed to have. We dealt with pollutants, we dealt with sectors, with industries, but with communities, there was very little that was going on. And that is what needed to change.

And one small step was a program dealing with air toxics in Cleveland and working with a community in northeast Cleveland. And working with them to let them choose what air

toxic issues they wanted to address. And, understanding what the community concerns were.

That was one of the basis for the development of the CARE Program, which the Administrator talked about, and which now Jim, and Charles, and I, and Laura, and many people across the agency have spent a lot of time trying to grow into the kind of program that the Administrator described. And we have very ambitious goals for that program in the future. But, it was dealing with toxics from a community perspective. And now not just air, but air, water, waste, and other pollutant concerns.

What it also lead to those understandings is that if you think about community issues with respect to air, it is the near roadway kinds of issues. It is the communities that are near roadways and are exposed to a whole mix of toxic issues. And many of them have to do with pollution from vehicles and, especially, from diesel vehicles.

So, we started small with the Diesel Retrofit Program, which has now grown much larger. We were fortunate enough this year to receive almost \$50 million from Congress for that program. We have leveraged it with some tremendous work going on in the states. And the Enforcement Office in many of their settlements has produced -- in total across all the settlements -- tens of millions of dollars for additional retrofit projects.

We have created a goal for ourselves of trying to clean up existing diesel sources, while at the same time, we do the rule-makings to make sure that new diesel vehicles, not to mention gasoline powered cars and trucks, are clean. And dramatic reductions are being made, and we are going to see huge differences in pollution from that sector over the next few years.

But even then in terms of linking it up with community work, what we have tried to do is link it up well with the Asthma Programs and make sure that the Asthma Programs provides communities with information they need, while at the same time we are trying to reduce the pollution, people need to understand what kind of steps they can take to protect them and their children from the pollution that can trigger asthma attacks, and asthma problems. We have worked with the health community to try to do that in community health departments.

So, it is that transition into a community basis for the work we do. And I am going to talk about it again when we talk about goods movement and climate in the next round of discussion.

MS. BUHL: Thank you, Rob. There is a second question, sort of a looking back retrospective question. Why don't we go through that and then I will ask if there are any questions. The second one, which Rob eluded to is, "What

changes have you made to your program or region as a result of the feedback you have received from NEJAC, or any other external groups, based on the issues that have arisen?" And this time, why don't we start with Grant.

MR. NAKAYAMA: It was a trick. Okay.

(Laughter)

MR. NAKAYAMA: I think the Administrator was very sincere when he said he really appreciated the NEJAC's input. And if you look over just the last few years, some of the input we have received has been very, very valuable. He talked about the hurricane. Obviously, that was a big event for the nation and, obviously, for the people involved, but also for the agency.

Because, I think, that was an example where NEJAC engaged quickly, as Jode said, gave us good advice on the emergency response function and how we needed to change that function if we were going to ensure that all communities received the assistance and are part of the recovery effort.

We took that to heart, and so we did change our process. We formally changed our incident response structure to recognize the EJ function and have a person thinking about that and performing that function. That was one of the fastest, I think, situations where -- the hurricane occurred, obviously, it was a devastating event. We learned, you folks provided us advice, and we had a new revised structure in

place very quickly. So that is an example, obviously, of a discreet change we made.

I think we are very supportive of SEPs. You folks gave us some good advice as far as why SEPs were, particularly, important, valuable, as Rob says. Many of our settlements are air settlements, some are also water, some that is related to toxic substances. And I think we have taken that to heart. We are believers in SEPs in the Office of Enforcement and Compliance Assurance.

That is important. That is important because if you look, the Administrator said out budget is a little over \$7 billion. But last year, if you look at the injunctive relief we had in our settlements, we had over \$10 billion in settlements. So if you can say, look, \$10 billion in settlements, there have to be some resources that I could apply to SEP.

So we are looking at that. That is something that has grown dramatically, the value of our settlements. The last four years have been the four highest years in the agency's history. We have \$30 billion over the last four years in injunctive relief in our enforcement activities. So, if we can marry that with SEPs, and that is something that, obviously, the NEJAC weighed in on, I think there is a lot of potential there for good things to happen.

Through the first six months of this year, 2008, we

are already over \$9 billion in SEPs for just the first six months. So we are, obviously, on a roll in the enforcement office. I think that was helpful advice because just knowing the NEJAC thought SEPs were important, it is good to hear from the outside, from people outside the agency that that is the right path we are on.

Finally, we could talk about a lot of the issues. One of the things we do now is we provide an answer to your -- you know, you folks make recommendations and we give a written answer and put it on the web. I think that is helpful because it drives us to think about exactly what is being recommended, what we can and can't do, and then write it down, articulate it.

So, there is, obviously, some other recommendations you have made. We have responded. I think that is proper and right in a transparent process, we need to tell you. Because a lot of things happen at a lot of levels as a result of your recommendations. And I don't think you folks, frankly, were getting that kind of feedback until we starting putting that process, that response process on the web.

So, again, thank you for your wonderful support and input. And I know there is other issues we are dealing with right now. We look forward to your advice on our Environmental Justice SMART Enforcement Assessment Tool, that sort of tries to characterize communities so we can determine

where there is an environmental justice community. That is very helpful to us and we are looking forward to that advice.

I am sure we will change, or adopt, or modify, or respond in some way to your recommendations in that arena. So, again, thank you.

MS. BUHL: Russ.

MR. WRIGHT: Thanks, Lynn. As most of you know, the Administrator's memo laid out about six national environmental justice priorities. And the response to that in Region 4, we have tried to set up programs and examples. And I will just touch on a couple of things we have done in response to the Administrator's memo.

For some time, we have struggled -- and I can remember many years ago going to south Florida, down to Mississippi and other areas, working with our Pesticides Program, and working with out farm and migrant workers. We have put together a Worker Protection Standard that requires inspectors to interview farm workers and pesticide handlers.

And in doing this, we have, basically, put together an 80-page manual that was put together by regional bilingual staff folk that now guides the whole interview process that the Hispanic farm workers are using as a, basically, interview the actual workers.

As part of that, we have also put together a flip-chart for field use as part of our WPS Espanole audio CD so

inspectors can learn relevant Spanish on their own time. What we have found, especially, in Belle Glade, and Miami, and several of the southern portions of Florida where the whole issue of Hispanic farm workers is prevalent, there is a tremendous opportunity for us to work with the Hispanic community and try and find ways for them to better communicate, not only with the inspectors, but among themselves and transition some of, what we would call the worker protection standards and opportunities to better protect themselves as workers.

And what we have done, and what we have found, that 85 percent of the pesticide inspectors in Region 4 -- and we discovered this through what we call breaking barriers as part of our training -- that this is something that they have welcomed and have found great use and working in the communities in Region 4. And, I think, this is something that we have learned and made changes to as one of our responses to the Administrator's expectations as part of his memo.

The other item I would like to highlight is the whole issue -- we have been very active in Region 4 in the southeast diesel collaborative area. And as you well know, this is an opportunity for us to reduce air emissions by promoting clean fuels, clean diesel engines, and the like. The whole issue of idling and what have you.

As you well know, a lot of these things take place

in low-income areas, EJ communities, and the like. And what we have found just in our region alone as part of the collaborative -- and we have had several meetings where we have focused the whole issue of what are we doing as we move through this whole diesel collaborative effort to make sure that EJ communities are a part of the progress that we are making.

We have numbers that -- and I didn't do the math on these numbers, my staff did -- that we have eliminated probably approximately 280 tons of particulate matter; 1,490 tons of carbon monoxide; 3,800 tons of nitrogen oxide; 509 tons of hydro carbons. And all of this, basically, is in effected EJ communities within our region.

In addition, we have 108 projects that we have funded since 2001 to 2008 where we have, basically, implemented clean diesel as a part of our clean diesel strategy, such as using bio-fuels, and bio-diesel, and retrofitting engines across the communities within our region.

And what is interesting about this is of the 108, 44 are areas within our school districts, three are within our tribal communities, thirteen of the 108 areas are within our farm communities, rail yards, ports, and others that are in or near low-income minority communities.

So, we have jumped out here to, basically, try and make sure, as I said before, that EJ is a very viable entity

in all of our program areas. And when looking at this effort on the diesel collaborative, we have eight projects involving engines where we have, basically, made a difference. And this is startling.

Out of all of the projects I mentioned, the 108, 21,554 engines have, basically, been worked or transitioned to lower emissions and fine particulates in these EJ communities. I think that is startling.

Further, we have an initiative with several of our school districts across EPA Region 4. And one of our initiatives is, basically, to work with our school districts who we have given some small grant monies to look at this whole issue of retrofits on school buses. And as a result -- and I won't necessarily go through all of the numbers -- but we have found that just in several school districts across Region 4 that we have, basically, reduced as a result of some of the small grants, and giving them opportunities to clean up some of these buses, and we are noticing 75 to 80 percent of the hydrocarbon reductions.

And what is interesting about that, as a result of these retrofits, we now have touched and created an environment that is cleaner for 3.2 million students. I think that is amazing.

We have other examples of things that we have done in the region that I think are worth mentioning. And the

other is we have what we call, and some of you probably know about this already, because this is a great undertaking, a regenesiis project in South Carolina. Where we had a very small token, what I call a real jump-start.

We gave this community, Arkwright community, and a Forest Park community, \$20,000.00 from EPA back in 1999. And as a result of that investment, they have turned that \$20,000.00 in 1999 to a successful \$166 million leveraging in eight years for that community.

I was over to visit that community a month or so ago, and it is really worth seeing. If you ever, basically, cross over Spartanburg, find the regenesiis community. And you can, basically, see a before and afterward that will just blow your mind. But what I think is amazing here with working together as -- and this was an environmental justice community -- but in working together and leveraging their resources and their efforts with the industry, local industry in that area, great things can, basically, be realized.

So this is an opportunity here that, I think, is worth putting on the bulletin board and really talking to Harold and others over there who were very successful in making this happen. This is just an example of some of the things that we have done.

MS. BUHL: Great. An impressing list. Thank you.  
Laura.

MS. YOSHII: Yes, I would like to really thank the NEJAC for one early emphasis that you provided in terms of direction, and that was the importance of outreaching. At the heart of environmental justice is being able to really hear from voices maybe we hadn't heard from in the past, which requires a great deal of proactive outreach.

So, one of the things that we have done in our region is really took that to heart and do have a very active outreach program to the various communities. And then beyond just the outreach to them, it is actually how do you develop the capacity to really do the problem-solving in those particular areas.

So, thanks to the support from various ASHP and OEJ grants, we have been able to use some of the EJ grant funding, as well as the CARE funding, to really build that local capacity. Also, giving access, technical assistance in terms of the information. And, again, making sure all of the different parties are at the table.

I feel one of our best examples I shared with you at the last NEJAC, the West Oakland efforts. And they have a lot of the ports issues related to that. But as we work with that community to see actual reductions occurring through various actions they had proposed, to actually then see the community leaders become the leaders in that community now. Margaret Gordon is now a commission on the Oakland Port Commission.

And, I think, over the long-term it is that kind of not just outreach, but the tools needed to have them be effective voices in influencing the outcomes that we want to see. So, I really thank you for that direction.

I heard loud and clear from earlier discussions about the importance of making sure this isn't only an EPA priority but, again, our state priorities. And, I think, the regional offices play a very critical role. I appreciated your examples of the regional office bringing the folks together.

In our case, we have annual leadership meetings with our state counterparts and we have environmental justice always as one of the cross-cutting things we talk about. So there is a good shared understanding of what the priorities are in that particular state.

I do think there is still opportunities to align the support within the agency. I just wanted to mention this as we look to the future, Region 9 is very excited and enthused about being the lead region for Office of Enforcement and Compliance Assistance, which will include being the lead region for environmental justice.

We feel that is a really important role. As many of you have eluded to, the regions play a really important role in implementing on the ground. And internally, as an organization, there is much work to be done in ensuring their

support for those on-the-ground efforts.

So, how do we operationalize ourselves in a more bottoms up approach, and have the budgeting, resources, all of the things that are really needed to continue to make traction and advancements in this align? We feel there is a great role to be played by the Environmental Justice Steering Committee and really look forward as the lead region to make sure that is an active council, and that we make progress through more core dated internal operation.

MS. BUHL: Thank you. Jim.

MR. JONES: Well, I am pretty new to the NEJAC. This is, actually, the second meeting I have been to. I was at the last meeting, and plan to return as often as invited. I have to admit that in my career previous to the job that I am in right now, I wasn't paying enough attention, and thanks to the efforts of Grant and Charles, about a year ago they pulled me in. And I started paying more attention to this area.

And I think, actually, have made some progress in that time. Although, talking to people who have been plugged in, I think that the cumulative issue and your early influence in the agency creating of the CARE Program is going to turn out to have had profound effects, not only in my organization, but in EPA at-large.

The stovepipe phenomenon is a very difficult one for

the Agency, and it isn't as if we are doing it for no reason. We are implementing these statutes, which when you are doing that you are sort of really focused on with that. But, that doesn't mean that a bi-product of that is this creation of stovepipes, which makes it difficult to work across programs.

And people talked about it forever, but until you have some context to work on it, which CARE has provided -- and, actually, due to some smart choices some other agency leaders have made, some of whom I think are sitting to my right -- the agency is moving the leadership of CARE management and headquarters around the various offices. And that is, I think, having a profound effect on helping us to understand each of us what our role is in helping to break down the stovepipes.

Because the CARE Program is fundamentally about operating in a non-stovepiped environment. It is providing support to a community around whatever the environmental issue is that they have. And my office right now has the headquarters lead around CARE, and many of the issues the communities are struggling with aren't related to what my program office offers, or has responsibilities around. But, it requires us to work collaboratively with our partners across the headquarters, all of the offices, and the region which the CARE Program is in to deliver the whole list of services that a community wants.

So, I think that your advice around cumulative, that lead to the CARE project, and your observations about stovepiping, I think, is giving us a vehicle as an agency, not only to deliver great things to communities in the CARE process, but also to help us learn how to not let those stovepipes get in the way. To break down the stovepipes.

I believe that is going to have a profound impact on how the agency ultimately figures out how it can succeed working across our statutory authorities and, thus, the stovepipes that they have created.

MS. BUHL: Great, thank you. Before I ask the panelists to sort of look into the future and identify what they see as major challenges, are there any questions about what you have heard so far? Omega, go ahead.

MR. WILSON: Yes, I have a question, and it is not a before the lunch question. And I will just ask your forgiveness and apologies. But I was participating in a meeting recently that had to do with committing for sludge spreading in Alamanche County. Municipal sludge spreading on grazing land for cattle and using a general term that they had in a document -- it was a public hearing document about using this fertilizer for food crops. Strawberries, melons, and even smoking tobacco. And, of course, the local folks refer to it as sugar honey ice tea.

And it is an issue that has come up again, and

again, and again, and again. A lot of the local residents were aware of what was going on, and some of the farmers, of course, were aware of what was going on. But, a lot of the residents had no idea that some farmer's farm lands were -- they knew about animal manure, but they weren't familiar with human manure being used as fertilizers in their own neighborhoods, and in their backyards, literally.

And one of the things that they positioned is allowable under USDA and EPA guidelines is a certain level of lead, a certain level of arsenic, a certain level of chromium, a certain level of other metals that are not biodegradable that stay in the soil to be contained in this sewage sludge, as well as bio-waste from hospitals that go through the sewage treatment systems and is disposed in various kind of ways.

You know, the pharmaceuticals that we all consume test levels of measurable birth control medications, high blood pressure medications, and all these other kind of things that is being spread on our food supplies.

I asked the Department of Environmental and Natural Resources who was facilitating this meeting, the state level agency for EPA at North Carolina, to provide some responses that I could share when I was coming to this meeting. And they didn't get a chance to do that for me today.

But I am just asking the question about the toxic waste issue, the Department of Agriculture issue, and how we

control that. And residents in that meeting talked about their wells being contaminated, some people have been afflicted with some undiagnosable ailments that mimic paralysis and cerebral palsy, and other kinds of things from being long-term exposure.

It is becoming a pretty, pretty serious situation and we have talked to people who have it happening in other places in the country. And we just found this as an opportunity, and I am kind of carrying the banner right in my neighborhood, my own municipality may have been doing the same thing, spreading the -- to put it on the table here and see how we can address it.

And maybe the panelists can give us some insight about finding a handle to this very, very hot pot so we can get it off the stove, or turn the eye down, or do something to reduce that level of contamination exposure. It looks like it is very much out of control.

MS. BUHL: Oh, tough issue, and we don't have anyone specifically from the Waste Program to address that. I don't know if either of the regional offices have had these controversy erupt.

MR. WRIGHT: Lynn, I will not answer your question.

(Laughter)

MR. WRIGHT: But I will tell you, I was listening to what you are saying. I have had over my career the

responsibility for spray irrigation, is what we called it years ago. But here is the difference. Some of the things that you mentioned there were not part of what I was involved in as part of spray irrigation.

The spray irrigation of waste water affluent, I think, is a good thing if it meets secondary and tertiary treatment prior to spraying. Because some of those things that you mentioned in the secondary affluent will, basically, be uptakes through plants and through soil filtration. And it can, basically, be used on crops, Coastal Bermuda grass, sycamore forests, those kind of things, as enhancements.

But now the pharmaceutical pieces that you mentioned, and some of the other drug pieces that you mentioned, I think, I will have the waste folk basically respond to that. But if you are talking about secondary affluent that includes sludges that have been treated prior to land spreading, or spray irrigation, there are opportunities for what I would call second life enhancements and can be used as a fertilizer. It has been demonstrated that it is environmentally safe.

Some of those other things you mentioned there, I am not in a position to answer that part of your question. I think there is a whole other program.

MS. BUHL: Jode, do you want to respond or offer some thoughts on that?

MR. HENNEKE: I have some direct experience in this as well. I am one of those that had to facilitate those lovely public meetings that you are talking about. I can speak from Texas' perspective, and that is the program is, as we would refer to it, is in the beneficial reuse of sludge. And not just spray irrigation, but beneficial reuse of sludge.

I am not aware of it being authorized in any shape, form, or fashion anywhere to reuse sludge on fruit and vegetable crops similar to strawberries. I am familiar with being able to use sludge associated with hay. And you can't even directly allow grazing animals on within so many days. I mean, it is a truly, as you referred to -- or, somebody referred to a little earlier -- a food chain issue.

But I do not believe that it is authorized anywhere that I am aware of. And we did a pretty extensive look for crops, especially, fruit crops. I would encourage you to talk both with your Department of Agriculture, as well as your environmental folks. And I would expect that that would be the answer that you would get.

But, I can also tell you in my state, we went through a couple of different circles as it related to the permitting stream for beneficial use of sludge. Once upon a time, it was individually site specifically permitted. Then, under quite a bit of pressure from, frankly, the Municipal League, they created a standard permit where you made "X"

requirements that the permit is authorized. Same as what we were talking about in our workgroup yesterday.

After that, there was -- and I use this phrase lightly -- a human cry after a bit, and we went back to site specific permits. That was with the appreciation and the experience gained over a couple of years for the necessity for allowing public participation within that individual permit. And that brought with it the opportunity for a contested case hearing which, in Texas, is much more significant -- it is like a notice and comment, which EPA does, followed by a very similar process to a proceedings in court.

But the beneficial use of sludge is an issue that is difficult to deal with, but at least in the state that I am here from, you could not use pathological waste in any shape, form, or fashion in a beneficial reuse situation. It was strictly waste water treatment sludge, and with that, it has to -- or composted animal manures that the state that I am from, much like yours, has large dairies, large feedlots -- and if those waste are composted and meet appropriate standards, then they can be used as sludge application. I am not sure if that helps, but that is the experience from where I am from.

MR. WILSON: I am sorry, I just want to quickly add. I don't know whether I mentioned tobacco or not, so for some of those people who have problems with smoking cessation,

tobacco was also included in the list. So, I don't want to see -- maybe we will see a trash can full of cigarettes and stuff after we leave, but tobacco was also prime on the list, and North Carolina was one of the leading tobacco states for 100 years.

MS. SALKIN: Thanks. This is really a question/comment for Laura, and the opportunity that it presents with the regions sort of being a lead region for environmental justice. You mentioned in terms of collaboration, and communication, and dialogue that you were doing a lot more with the states. I am hoping that through the states you can also get to the local governments.

And following up on the Administrator's comment this morning about zoning was music to my ears because I sort of feel that that is my pitch here on NEJAC is the intersection of environmental justice and local land use planning and zoning decision-making, and how critical that is.

And, particularly, in the State of California where there are statutes that require local governments to incorporate environmental justice principles into their local comprehensive plans, it is light years ahead of other states. And we need to take that leadership role and explain how it works and get the other states and local governments around the country to emulate that.

One small example, another area -- and it is all

over the country, but California has had the lead on this, has been the whole notion of communities engaging in negotiations with developers on the front-end of potential projects through the community benefits agreements.

There is a lot of great information that is out there, a lot of great examples, and I think that we can really help a lot of EJ communities be trained to facilitate those discussions to make sure that they are taking advantage of the opportunities. Things that government can't do. Unlike the SEPs that the government imposed kind of negotiation, for the settlement, the community benefit agreement, in most cases, the government could not require what the communities could get from the developers because it would be unconstitutional.

So, the communities, as not being a government agency, you don't have 5<sup>th</sup> Amendment problems, it is really a tremendous opportunity and I think that we need to get the word out more on that.

MS. YOSHII: Thank you for your comment and I totally agree with you. We do what we can in the EJ Steering Committee discussions to make sure we have that as a great emphasis. I know many of the regional projects, as I eluded to earlier, are now more community-based. And in those community-based efforts and collaborations, we have really tried to engage local governments, as well as the state government. And that has been enormously effective for the

very reasons you mentioned. They have some authorities beyond what the federal authorities can do.

So, we will definitely continue to push that, and also think through the ways we foster -- one of the opportunities that, I think, is a big one for us is how do we better communicate about the effectiveness of these efforts and, actually, hold them up as really very good models of effectiveness? Effective collaborations and partnerships.

I think if we could put a little bit more emphasis on that as we move forward, we will have kind of those "best practices" to really start continuing to build that capacity.

MS. SALKIN: I just think one of the challenges at the local government level, it is not just the mayor's or the supervisor's who might have staff that are there for longer stretches of time, like EPA staff, and state environmental agency staff. The people that are making these decisions are volunteer members of planning boards and zoning boards, whatever they are called in the different states. And, you know, the estimates are there is about a turnover of about a third of these people every year.

They are volunteers, they are not lawyers, they are not planners, they are not engineers. Some don't have a high school education, there is no criteria qualification for that. Just that they are from the community, which is appropriate, but for a lot of people around the country that sit on those

boards, they have never heard the phrase environmental justice, they are not familiar with environmental justice principles.

I think that if they had more exposure to it, I believe, that most people would embrace that and would change their thought process and incorporate it into the decisions that they are making. I just think that they are unaware.

MR. WRIGHT: What do you think we should be doing to make that more of an agenda item for the agency?

MS. SALKIN: Well, through training programs, through partnerships with the national organizations, like the American Planning Association, National League of Cities, National Association of Counties, U.S. Conference of Mayors, getting out not just to their national programs, but they have regional training programs, working through the state environmental agencies. The challenge there is that they are not typically the agencies that interface with the local governments on planning issues.

In some states, they are called local government offices, or Department of State, there are different state agencies. So, it is sort of getting your state counterparts to then do something interagency at the state level, to then get it down to the local level in those states.

There is a lot of creative things to try, but we started developing some training curriculum with the National

Academy for Public Administration that the Ford Foundation funded. A number of people around the table participated in some of those training sessions. We had one at Hastings Law School, we did one at the APA headquarters in Chicago. New Mexico invited us out to do one, and we did one in New York.

You know, if the advocates that were there were clearly on board, part of our reach was to get 100 people at each session and to have the bulk of them be members of planning boards and zoning boards. I can't tell you how many people appreciated the training and said they didn't know that this existed. And those were just four workshops.

MR. WRIGHT: Charles, did you get that?

(Laughter)

MS. BUHL: Okay, Sue and then John, and then we'll come back to Jode.

MS. BRIGGUM: Sure, and this may go to your next question, but I think that, perhaps, Jim Jones will be here more often in the future. Last night, a woman from New Orleans came by and said some pretty provocative things in terms of potential EJ issues with regard to the sort of thing that Omega mentioned in terms of increasing detection of pharmaceuticals in human waste, for example, is new detection levels find contaminants in unexpected ways.

She mentioned that with a lot of international trade often manifest in kind of discount stores that are carrying

inexpensive products that appear to have chemical components that may not have been part of your risk assessment process. As well as her sense that there are a lot of new kind of green products that may be asserting that they are more benign and natural but, perhaps, have not been through the regulatory safety net that we have been focusing on with our more traditional activities. So there may be a lot of work to do.

MS. BUHL: Grant or Jim, do you want to react to that?

MR. JONES: I think you have identified a number of issues that I can't say that we have -- we have them on our radar screen. We are very actively involved in import safety issues for the reasons that you have described. We are trying to get our arms around the pharmaceutical and, in particular, in water and through drinking water with our water colleagues.

But I think it sort of ultimately gets to -- I believe that the strategy that I described earlier, making sure that you are taking into consideration the factors around environmental justice and how you do your core work so that when we are thinking about import safety, we are thinking about it for everyone.

That when we are thinking about the potential for the risk of pharmaceuticals that are getting into the water supply, usually through the waste stream, that we are thinking about it in the context of environmental justice as well.

I think I have the census to the framework we will bring to it, but those are very important issues. Again, they are on the radar screen and that we are focused on them.

MS. BUHL: John.

MR. RIDGWAY: Thank you. I want to pick up on what Sue mentioned. This woman from New Orleans who works with the Mayor's office was -- she covered quite a gambit of concerns that, I think, are national, as well as of high concern to her in Louisiana. And one of those tangents was on green labeling, or lack of it, or lack of a definition of it. And to all of you, to the extent that you can put some resources into thinking about how to address this nationally, it is a huge issue. It is a big one in our state as well.

That is one thing I just want to encourage you, I am not asking the question specifically, but I just want to remind you that this is -- we went to a full survey of citizens throughout Washington State. And over 70 percent said they want to know more, they want some sort of reassurance that somebody in government is making some standard or way of identifying safer products.

And there is many different ways to do that, all which are complicated. And I understand commerce and all that is often far beyond the scope of EPA but, nonetheless, to the extent you can keep that issue alive and look for ways to help bring some national consensus on this so that the states don't

have to come up with their own individual efforts.

I think, however, if the Federal Government doesn't, like in other issues, the states are forced to go into setting some of these limits on our own. And that is going to be the default, I think. And, certainly, not all states.

The other thing I wanted to ask you about, specifically, it has been a number of years since I have seen any real focus on the EJ Listening Sessions. And I want to ask, where is that? They are good. I think we need to have more than one round, and I am wondering if there is any thoughts about frequency of these things to try to have one at least in each state. Or, at least in each region where we don't set the agenda, we just set up a good healthy venue to listen on EJ issues. And any thoughts on that, I would appreciate.

MR. NAKAYAMA: I think, John, your account of our EJ Listening Sessions is a good one. We recently had one, for example, in Region 2. And we hadn't had one there for four, five, or six years, or something. It was a long, long time.

It was a great session. I mean, clearly, we get a lot of value out of them. So I will work with Charles, and we will talk to you afterwards. I think we do have plans, and it shouldn't go years between sessions. We need to have those sessions.

MR. RIDGWAY: I think states have an equal

responsibility to support those, by the way. It is not -- I am looking for a collaborative effort to do that and encourage that.

MS. YOSHII: I just would like to add to that, that as we think about it, it is what are those most effective ways to engage. Especially, as we talked about here, the interest in engaging other parties to make sure they are doing that. And they hear it first-hand too. I want to make sure as we plan those, it brings in all of the different partners that we have talked about.

MR. LEE: Just a piece of information. I really appreciate your saying, John, about the states playing an important role in it. And the New York City one had about 25 staff from EPA, about 20 staff from New York State DEC, and then about half a dozen staff from New York City. So that was a real great partnership, and that is the way we have to go.

MS. BUHL: Jode, then Shankar, then Chris.

MS. HENNEKE: My comments go a little bit to what Charles and John were saying, but with a little bit of a twist as well. And I have heard several of us talk about the need for different types of training, as it relates to environmental justice, alternative dispute resolution, EJ sensitivity. We have had permitting training for EJ communities, that sort of thing.

I think that is very worthwhile, I know it is

expensive, I know that I believe that it is important. The other thing that I would encourage you with that as you consider doing some of that, both within the regions and, perhaps, even out of headquarters, is to please keep in mind -- this is one of my personal platforms and pet peeves, having done the public participation component for permitting for a number of years -- that the lion's share, as you all know, the lion's share of permitting activity is done by the states and by some locals.

And, consequently, the lion's share of most enforcement and compliance activity is done by your state and local partners as well. The requirements for the opportunities, and the requirements for public participation within that permitting activity, as well as enforcement, varies dramatically from state-to-state.

And as you consider doing your training efforts for those communities, please make sure that you keep those permitting authorities in your curriculum development. Because what my experience has been is that if EPA comes in and does the training, and the folks are geared up and ready to go, and they don't have the right information, it is just awful as you try to help those communities walk through the steps that are required of them to participate.

So, that is my platform on that issue is to please make it fit wherever you are going, is the first thing. And

then the next thing with the Listening Sessions, that same theme goes in play because where the work effort will principally be done to deal with any of those discussions that come in front of you, are going to be from those local and state partners. So that is my mini-sermonetta for the Board, and for you all anyway. There will be more later, I am sure.

MR. PRASAD: I want to congratulate and thank the leadership that Grant and all of you in the last three or four years. The progress you have made, it is really nice to see the change and the level of communication, as well as the level of commitment increase between the organizations.

I also appreciate your view about integrating it into the various programs. But, at the same time, I wanted to see -- as you see the Administration will be changing, there will be some changes. It is also important that the progress, or the way in which you have made this to institutionalize it so that it continues. So, while you are thinking a letter was issued, and so on, what --- that institutional change within its structure because you are now writing for the October budget.

So, incorporate those kind of changes so that this becomes a legacy that you leave and we all can be proud of. That is something that I strongly advocate.

And another fourth thing that you all did, and we are so happy to be working, I don't know why I offer myself to

work on these working groups, but cumulative impacts, it was a great stride, it is going on. And now with the goods movement, which you said, one thing that we have to worry, and a caution is that there is a movement about the diesel issue.

If we solve the diesel issue problem, almost like 70 percent of the air pollution problem will be gone, we do not want to discount the fact that it is a major issue that needs to be addressed. But, while our focus is going on the diesel part of it, we do not want to forget there is still a lot in terms of the stationary sources that needs to happen at a national level because all stationary sources are not being as clean as they could be across the country.

So, that part of it in terms of the toxics, because that is where the majority of our EJ concerns come in, the cluster of sources part of it. And just as this group, --- leaderships have shown in addressing this goods movement part and bringing the EJ, not before long, we will be seeing the CO2 climate change trading coming into play. Whether we like it or not, the climate change in the context of trading will happen. That will bring about the major issues related to the environmental justice.

So, think of that and try to think of how that issue can be addressed by engaging, however part, I am not saying create another EJ workgroup, or do -- something has to be done in that context as an item that you all think and be proud of

in this Administration. Thank you.

MR. HOLMES: To follow up on what Shankar was saying, the lady that briefed us yesterday was Wynecta Fisher, who is the Director of Environmental Affairs in the Office of Recovery and Development in Mayor Nagin's office in New Orleans. And it was really an educational experience. It was tremendous that she came up here.

She was asking questions about carbon trading and was talking about how difficult it is for people to really understand carbon trading. And it is difficult to understand a lot of it.

Her concern was, to follow-up with what Shankar was saying, or elaborate on it, was that in a mass-balance trading system, what happens to those communities where --- purchased a large amount of credits so they can continue to be able to emit for whatever reason in lieu of control technology. I know Rob has lived this issue in and out, and it is very complicated.

But, she was saying, in essence, we need to be educated and it is an EJ issue from an educational perspective and what can you do to help us really understand something as complex as a derivative. And how that really cascades down to a small community. So I saw that as a great opportunity for the EJ group, and for EPA, and I know that you are very aware of that, but I just wanted to pass it on to you.

MR. LEE: Hey, Lynn, may I just point out one thing? And I wanted to do so in light of what Shankar had just said about the whole idea of institutionalizing our efforts and leaving kind of a legacy. If you look at the Administrator's memo, there is one section in there that talks about the organizational infrastructure for doing environmental justice at EPA. And we really think it is really important. It articulates the organizational elements.

And I do want to say -- and I know Grant is going to disagree -- but I have told Grant, and Lynn knows that I have told Grant that, you know, this is really Grant's legacy. Or one of his legacies. Because it is because Grant took seriously his role as the National Program Manager for environmental justice that it actualized a system of doing business at EPA around environmental justice that is more than just the Office of Environmental Justice and its EJ coordinators. But that out of that, the EJ Executive Steering Committee became revitalized and became a functional unit, and any number of other things.

And, quite frankly, they said that Environmental Justice Advisory Council needs to be a part of that organizational infrastructure. And this is hugely important, going to the future. And it is a legacy. So I just want to make sure that we put a point on that.

MS. BUHL: Okay, I have done a lousy job of managing

the time here, we are running a little bit over. But I would like to give each panelist the opportunity, maybe a minute or two, to offer some thoughts about the future, what our challenges are, and then we'll wrap up. Rob.

MR. BRENNER: Thanks. I was going to mention two areas, and will very briefly. One is, of course, goods movement and you are going to be talking about that some more with people from the Office of Air and Radiation this afternoon. It is a good example of how we are dealing with a problem with a sector goods movement, and doing it with a focus on community impacts. And I think that is a good lesson for us in other areas too. And, certainly, the right way to be thinking about goods movement issues.

It is, certainly, going to be an area that we pay a lot of attention to in the Air Office over the next few years, and look forward to working with you on it.

I also want to just set the stage on climate issues by make a couple of brief observations. Because it is, of course, apparent to many of us, and I am sure to you too, that the agency is going to be devoting a lot of attention to climate issues in the future. And it is something that cuts across the work of all of our offices in the regions.

One is that climate is going to be a multi-pollutant type issue that every industry that you can think of, and many homes and businesses too, are going to have to deal with

energy and climate concerns. And at the time they are dealing with it, at the time they are trying to make the investments needed to deal with the much greater energy crisis that they are now facing, it is important that that happen in a way that addresses greenhouse gas issues, and the traditional air, water, and waste concerns.

One of the things across the offices we want to be doing is working with industries and with the residential sector, virtual sector, to make sure that these investments are made in a way that is smart.

The other observation I will make is there are a number of vulnerable areas, as we have, unfortunately, already seen that are going to be effected by climate. And one of the things we are going to need to do is improve the way we think about adaptation issues that, unfortunately, the die is cast to some extent in terms of there is going to be some degree of climate change occurring.

We may be able, and hope to mitigate some of that in the future, but there are going to be some adverse impacts associated with climate and it is important to help areas and communities adapt to those. There, certainly, is a very strong environmental justice component associated with that. And I think it is something that we probably want to consider working together on.

There are going to be some community programs that

we have already started up where we work with communities to try to develop the best practices with respect to things like land use, reducing vehicle miles traveled. The zoning issues we talked about earlier that will help in reducing greenhouse gas emissions over time. And that is something that, again, has a strong environmental justice component associated with it, as was mentioned already, and that is another area that we may want to be talking about in the future.

And, finally, one of the things we have learned is that the different programs that have been recommended, legislative changes on the Hill, have different kinds of distributional impacts. We have started doing some studies of what are some of the measures that have adverse distributional impacts, and which ones have beneficial ones.

Just as an example, investments in insulation in homes are very cost effective in reducing greenhouse gas emissions. In fact, in most cases, people recoup the cost of that investment very quickly, but many of lower-income folks can't afford it. And that is the sort of thing where investments, either by government agencies or through revenues received as part of climate change programs that involve taxes or fees on emissions, those are the kinds of investments that have very positive distributional impacts.

They help people do much better in terms of the energy performance of their home, and, therefore, reduce

greenhouse gases. And, they are cheap. So, that is another area that is important for us to start thinking about our climate. Taken as a whole, this is a suggestion that maybe there is some opportunities for the agency to work with this group on climate change after you work through the current set of issues on your agenda.

MS. BUHL: Thank you. Jim, anything -- parting words you would like to share?

MR. JONES: Yes. I think one of the things I have learned working in the CARE Program is the struggle that, I think, we are collectively going to have around solving EJ problems as it relates to transferability of solutions, and the reproducibility of results. Every situation I have seen, and I have been to about 10 of the communities so far, they may have common problems, but their solutions are often very unique.

So, lead-based paint, as an example, even though it was really, really hard for the agency to do it, and for the CPSE taking the lead out of paint, in terms of getting it done relatively simple, in theory -- and it was very hard to do -- so that may have gotten us 80 percent of the way there, but there is still lead-based paint in houses.

And getting that last 10 percent, which is often effecting -- there is a disparate impact in terms of income and race, getting that last 10 percent is really hard. And

the way one community may be able to figure out how to do it, may not be as effective in another.

So, the reproducibility, the transferability of the solutions, I think, is something that is going to -- EPA will struggle, partly because we are not that large of an organization. And, I think, we have just got to figure out better ways to partner, which I think our regions have recognized for a long time, is there are so many players in it, developing these partnerships, and will be probably key to that.

But that is one of the areas that, I think, is going to be a real challenge for us prospectively. Is already.

MS. BUHL: We'll skip to Laura.

MS. YOSHII: Yes, as we look to the opportunities for further progress, I feel the EJ Steering Committee is going to be a vitally important thing. It gets as Shankar's point about how do you institutionalize this. This is the career leaders across the agency that form that EJ Steering Committee.

And one of our challenges still is how do we align resources to address these better. I think that is one of the key charges to that group, as we move forward.

Another big one is communications. Is how do we improve our communication on what we are nationally achieving, but also at the local level? Not just the documents --

because as someone eluded to, we have the web sites, but who is looking at it -- but it is the active outreach, which takes time.

But like in our region, we do congressional visits, we do the elected outreach so that people see -- and we take them to those sites, and to those communities, so we can garner the long-term support that is going to be needed for the program. And, I think, that is just a huge opportunity for the steering committee to talk further about developing, not just the paper documents, but the process for really being engaged with leadership that is going to be important.

And I will just say that that is all the more important as we look to transition at the federal level. You know, do we have the information, and do we have the plan to engage the political leadership right away in getting out to the communities and getting support. Because I know as we went through the last transition, and even with our regional administrator, it was really helpful. And he has been fabulous, Wayne Nastri, our Regional Administrator for our EJ priorities, which are the tribal, Pacific Islands, and many of these communities to get them out early.

And seeing those, it was a no-brainer for him to be supportive of this. But we need to start thinking about that so that we could continue the progress.

MS. BUHL: Okay, Russ, and then Grant, we'll let you

have the final word.

MR. WRIGHT: As we look to the future in Region 4, and working with Charles and Cynthia back there in the back of the room, we are going to turn things up a notch in Region 4. But I will ditto what has been said about climate change being something that we will be mindful of and very sensitive to as we move forward.

I think Rob made a very good articulation there, and we will be looking at climate change and how it effects sensitive communities and regions. And, doing our part thereto.

But what I have started in working with Cynthia and several of her key counterparts there in the region, we want to take a look at EJ communities and minority farmers as an initiative that we will, basically, undertake as part of what I mentioned earlier, the collaboration between --- communities and our EJ communities, and our CARE communities. We are going to, basically, slant a nice little initiative there in addressing something that we have not done thoroughly in our region, and looking at our minority farmer's initiative.

As we continue to do what I think some good that was already being done, we are going to continue our efforts to support the revitalization of our neighborhoods and communities that are affected by Brownfields. As you all know, we were very fortunate this year to take a lion's share

of Brownfields initiatives and grants.

I spent several trips and opportunities to cities meeting with mayors, getting out a couple or \$400,000.00 here, \$600,000.00 there, on Brownfields grants to talk about the neat things that the cities will be doing with these small token grants to, hopefully, enhance those to the next level.

That puts us in a great opportunity, because most of the Brownfields grants that we received this year are initiatives in low-income, Brownfields EJ communities. So we will be working very closely with those and revitalizing those initiatives and growing those to what we have done with the Atlantic Steel site there in Atlanta on 17<sup>th</sup> Street, which is a great, I think, bi-product of the agency's effort. And we have created something that, for those of you that don't know, called Atlantic Station; which, I think, is a very unique outcome of a Brownfields effort. We will try and create many more Atlantic Stations in Region 4.

And, finally, addressing environmental justice issues on the ground and pulling what I would call like opportunities together, we will strongly engage the activities and opportunities of enhancing EJ care and agriculture. And bringing those together and collaborate strongly with our state and local partners, and our tribes, in making that effort a great story to tell as we move forward in the future in looking at the opportunities in the EJ community.

MR. NAKAYAMA: As I wrap this up, I am thinking our greatest challenge really in the future is something Shankar and several of you have mentioned. And that is getting staying power. Make sure this is a program, it is not a slogan.

So what we are struggling with, and one of the challenges is is having measurable results. Like any government program, if you don't have measurable results, you are not going to have a success. You are not going to have the success you need to track resources, dollars, people to implement your program.

And I have said it before, I will say it again. You can have a vision, and you can have a dream -- this is a saying, right -- you can have a vision and a dream in government, but if you don't have the resources, and you don't actually have a vision, you have a hallucination.

(Laughter)

MR. NAKAYAMA: And that is what we need, we need measurable results. It is hard to measure progress. It is really hard. You know, we have things like the Consumer Price Index that kind of measures how much goods cost people, but we don't have an EJ index. We don't have a simple way of measuring progress, so we are trying to develop that.

Our EJSEAT is a way to sort of give us a quantitative basis for measuring progress. There is other

steps that we can take. I know Russ gave you some of the statistics.

We are having a difficult time, but we are going to need to come up with some of those statistics and quantitative measures to get that staying power so we can have goals, we can have indexes, we can see how we are doing, and then, I think, have that staying power and the rightful claim to the resources of the agency and the Federal Government, in general, to implement some of these programs.

So that is what I see as a challenge. I think we are on a great start. And I want to thank all of you on the NEJAC and those members of the public who are attending today because of your interest. I think we are on a good path now. We are energized inside the agency, you are getting the attention of the very highest levels of the agency. We are engaged.

I want to thank both Russ and Laura, they are two of our strongest regions in EJ. And I also want to make sure that I recognize Jim and Robb, because they are also at headquarters some of the strongest, I think, proponents of what we are doing. So again, thank you all. We are making great progress, and the cup is more than half full. So, thank you.

(Applause)

MS. BUHL: I just wanted to thank the panel for

being with us. And Richard and Charles, I don't know if we need to adjust the schedule a little bit. We are running over. Thank you.

MR. MOORE: A little bit.

MR. LEE: Thank you.

MR. MOORE: I just also wanted to thank Lynn for moderating this excellent panel of five excellent human beings. And we appreciate that. And also appreciate your commitment.

Okay, we are going to break for lunch here pretty quick. If we could return back please at 1:30, I think that should give us enough time. And then you see that we have got some discussion on the goods movement, and then we also have a discussion on the EJ green business and sustainability. So, please, let's reconvene at 1:30. Thank you.

(Whereupon, at 12:30 p.m. a luncheon recess was taken)



A F T E R N O O N   S E S S I O N

(1:39 p.m.)

MR. MOORE: I want to go ahead and get started so we don't get too far behind in this afternoon's agenda. Lynn, thank you again for the facilitation and moderating. Moderation, thank you, was the lunch -- took the words out of my mouth.

We have got two items this afternoon that we'll be discussing and that will be the Goods Movement Draft Report and Proposed Recommendations, and then we have got the EJ Green Business and Sustainability Working Group that will be reporting back. So we want to keep as close as we can to that five, because we know it has been a long day, and so on, so we want to keep as close to the adjourning time as we can.

There has been some folks, I think, that have joined us here that haven't been introduced. Let me see how many of there is you that has not been introduced? Two, okay. So why don't we start off and if you could just do name, organization, institution, Social Security Number, and if you have any food stamps or WIC coupons.

(Laughter)

(Member introductions continued)

MS. JOHNSON: I want to add that Terry is the Co-Chair of the Goods Movement Workgroup, and Wayne is a member

also of that Goods Movement Workgroup, and very active. We appreciate all the work they have done and they are here to help present the summary of our recommendations.

MR. MOORE: Okay, we are ready to roll, Victoria, you guys are set up, right? You have got everything you need to get started right?

MS. JOHNSON: (Microphone not turned on)

MR. MOORE: No, a couple of things, but I am going to wait until after the first presentation. Just a couple of other things that I wanted to mention.

Okay, so is there any comments or anything about the session this morning? Very quickly, before we go into the reports and report backs? Any comments, observations?

(No response)

MR. MOORE: Everyone is all right?

(No response)

MR. MOORE: Okay. So now we are ready for the first report back. Victoria mentioned that Terry and Shankar will be giving this report back on the Goods Movement. Victoria is the DFO and she will also be participating in this report back.

**Discussion about Goods Movement Draft Report of Proposed Recommendations**

***by Victoria Robinson***

MS. JOHNSON: Thank you, Richard. Actually, because of the agenda, it could have only so much space. Various

members of the workgroup will be participating in the report back and discussion of the proposed preliminary recommendations.

The workgroup has been working very hard for about a year to examine this, to work and respond to this charge that EPA has given the NEJAC, and that is examining how to reduce, eliminate, improve air quality impacts in communities of low-income and communities of color that are effected by the goods movement infrastructure. The goods movement activities, such as rail, ports, airports, marine ports, trucking, inter-modal facilities.

As we have got into it, we realized it was a very, very broad issue. It kind of grew as we learned more and more about it. We thought, oh, well, we are going to do a nice job by just focusing on air, but that is a very, very -- it has been very, very big. So, as a result, we are a little bit behind on our original game plan of being able to present a full-blown draft report to the members.

Shankar, a little bit later, will be giving the time line about when we expect to have a full report to the members for your review in your deliberation, as well as -- but today we want to focus on the principles that are guiding the specific recommendation areas, as well as those key recommendations that they would like to get some feedback from the Council members on, as well -- make sure that they are

going in the right direction.

Have they missed some key areas, do you think they have over-stepped, or not stepped far enough in outlining what they think the agency can do to help improve and reduce air impaction with the goods and movement activities.

The charge is in your binders. I don't want to belabor it. I think most of the members have seen and read through this charge. Again, the focus is really limited to impacts from air pollution, and -- what are the other limitations, Shankar? That is pretty much the scope.

I mean, it is very encompassing and we have tried to recognize and reflect that there are international implications, as well as trans-border issues, as well as state, local, and federal activities. That this is just not an area that EPA alone can, and is, completely responsible for.

So that is what has made it tough in terms of how to address these things. Bottom line, the recommendations are looking at things that EPA can look and do directly, through its authorities, or can actually influence actively in its role in various capacities.

So I am going to turn it over to Shankar and Terry Goff to give the presentation -- to start the presentation off. But, I would also like to recognize the members of the workgroup who are here. We have several who could not make it

because of scheduling conflicts. So I will go around the table.

We have Omega Wilson, who is the member of the workgroup. In addition to, Shankar, Terry, and Wayne Grotheer, we also have Lang Marsh, we also have -- who am I missing? Greg Melanson, he will be joining us a little bit later. Did I miss anybody else?

(No response)

MS. ROBINSON: In addition to those who are not here, we have Andrea Hricko who provides a wonderful public health perspective out of L.A.; we have Margaret Gordon, who is on, actually, the Port of Oakland's Commissioner Board and also involved with the West Oakland Indicators Project; and we have Kirk Markwald from the Railroad Association; we have Aston Hines from the Port of Houston; and who else is there?

MR. : Cynthia Marvin.

MS. ROBINSON: And Cynthia Marvin, yes. Cynthia Marvin from the State of California Air Resources Board, who has been very active. Oh, yes, and Joyce King. Thank you. I am blanking out. Joyce King provided, although she has not been able to be as active as she would like, she has provided a tribal perspective that is very needed because of the trans-boundary issues that they are looking at.

Okay, so I will turn it over to Shankar, right?  
Terry.

**Comments**

***by Terry Goff***

MR. GOFF: Actually, what we will do is begin to do some background of the report before we get into the recommendations, talking initially about what is goods movement. Not everyone intuitively understands the concept of goods movement. It really does encompass all of the various commercial transportation modes that we see active in the economy.

Be that the over-the-road trucks, rail yards, marine transportation, air transportation, the distribution centers that are integral to the movement of goods, the facilities like rail yards, ports, that are also integral to the system. The highways and the entire infrastructure surrounding moving things from here to there.

(Slide)

If we could move ahead one slide, the technologies that are involved, and the facilities are familiar to all of us, I think, once we begin thinking about the space of goods movement. Whether we are talking about airports, or rail yards, or ports, highways, interchanges, locks and dams on rivers, there are just a whole range of public infrastructure and private infrastructure pieces that integrate together to facilitate goods movement.

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Why goods movements was such a challenge at this point has a lot to do with economic growth. If we go to the next slide.

(Slide)

This is just one possible surrogate for a variety of majors that could be put before us to show the growth of goods movement as it occurs within the economy. These statistics relate to projected growth of the port activity in four major regions of the country.

And the ports are very obvious goods movement sectors. They are large, the ships are large, there is a lot of rail traffic, a lot of truck traffic. They are the kind of facilities that people pretty quickly identify with the goods movement challenge.

There are other facilities that are equally identifiable, but maybe not recognized as quickly and easily. Being things like distribution centers. When we bring together a large number of warehouses and inter-modal type facilities to move goods around, there are a number of nodes in these systems that become particularly concerning to local communities.

(Slide)

If we look at the next slide, this slide overlays the major transportation corridors of the nation. The land transportation corridors, in particular, with the current non-

attainment counties. And there are a number of these kinds of maps that, I am sure, many of you have seen where you overlay non-attainment with population centers, you overlay non-attainment with areas of economic activity, you overlay non-attainment with geography.

But, what is important about this chart is that it demonstrates the very obvious correlation between transportation activities and our non-attainment areas.

Transportation is, certainly, not the only piece of the non-attainment puzzle, but it clearly, along with economic activity, population centers, all integrate to bring together a series of mobile sources that are regulated, if you will, as mobile sources and create the potential for single-source, stationary-source type realities where they mobile sources gather.

And as we go through the discussion, we will be talking about the fact that we have a bifurcated regulatory system that regulates stationary sources, as stationary facilities, and mobile sources -- they are both regulated, but in the goods movements space, you begin to get the margin of those two regulatory areas coming together.

So we will be talking a little bit about the reality of that impact and many of our recommendations go towards how do you mitigate this aggregation of mobile sources in one concentrated area. What are the kinds of things that can and

should be done.

Shankar.

*Comments*

*by Shankar Prasad*

(Slide)

MR. PRASAD: Then, as we moved on -- you have seen this slide -- what is it that we have got to be worrying about, while we are looking at this goods movement impacts and where the interplay comes into with the environmental justice.

So here is just an example, we are hoping to provide you with how this changes in different parts of the country. We could not get that kind of an analysis, but at least it just gives you a sample of how the population distribution shifts when we look at these kind of sources.

On the left, you will see the ethnic distribution around the ports, how it is shifting between the statewide and when you come closer to the ports.

So these are the kind of people who will get effected and, as you saw from the growth that is happening and the projected growth -- and what you saw the growth was only projected to 2010, but if one looks at what is expected to 2020, it is much more astronomical.

So, as we move forward, these are the kind of issues that these people will be facing. And, as Terry pointed out, this is the though both sources are regulated, how do we make

sure that these kind of problems do not continue, and these communities, which are likely to be more impacted and, to a great extent, we know are impacted, will be protected.

(Slide)

Why we are focusing on that. We know that there is disproportionately located than the goods movement facilities and the growth -- both in the context of facilities, as well as the urban growth, has made them come closer. And if you look at some of the rail yards and other things, you will see which used to be a two-lane, two-rail line, have become eight lines in some parts of California.

And what used to be a vacant space of almost 500 yards is fence line between the people where they were living. Now, it is their backyard. Those people are impacted by that kind of a growth, and some of the margin efforts that has happened clearly shows that -- well, in the report you will see how there is a major shift in the cumulative impacts related to the goods movement in these kind of areas.

Just to give you an example, you might recall some of the slides I had shown you last year. For example, in California, the cancer risk around some of these facilities could be as high as 500 to 2,000 in a million. And in a stationary source, within Los Angeles Basin, any stationary source, the current permitted limit is 25 in a million.

So, you can see how difficult and the magnitude of

this kind of a problem is, and how we go about in addressing this.

It was kind of a challenge for the workgroup, and we have been meeting almost every two weeks on conference calls, and quite often we have met much more often with the smaller subsets. We are not being able to reach to the point that we wanted to. Actually, we wanted to make sure that you had a draft report today.

(Slide)

We have almost completed a report, which is about 60 pages to 70 pages, but the group has not been able to review as a single piece. We have all put in our sections, and we have reviewed that, but we have not had a chance to go through that individually as a total piece. So this, basically, tells you what we are planning to do.

By mid-July, we plan to submit our draft report to you all and get some of the feedback -- additional feedback from you. And then by early August, we will incorporate the comments and make some of the changes that need to be done.

Currently, we are planning to have a late August NEJAC public meeting, a conference call kind of a meeting. And by hoping that by early September, if we can't meet in late August, early September, NEJAC will be able to approve. In September, we want to make sure that it is submitted to the EPA.

(Slide)

As you saw earlier, we subdivided a lot of things, the recommendations in specific areas that we are going to talk about. And here, basically, we have --- one important strategy that needs to focus is on regulatory strategies, as well, which is under the purview of different organizations. So it needs to happen.

And, as we talked earlier in the morning, land use planning becomes a primary focus. So, to the extent feasible, some guidance can be given, or some activities can be promoted at the land use level in those kind of specific regions or areas, it will be important. And still, there are some uncertainties, as you said, about the extent of risk and the type of effects that are seen in these kind of communities.

So there needs to be some effort and funding that needs to happen because there is always the show me the risk, where is the proof. That part of issue always comes up, so this was kind of a thing we are -- actually, Andrea Hricko brought this kind of an issue to the forefront and make that specific recommendation of the need to continue some of this health-related work.

Lang will be talking to you about the importance of collaborative governments, because this --- might be jurisdictional authority, and how do we bring about these various groups into that context. It is kind of a problem-

solving issue.

Omega was very helpful all the time in trying to bring us to the point of not isolating ourselves in our silos. What needs to happen to the people, what needs to be the outcome of our effort. So, thank you so much. Some of the meetings were really -- I shouldn't say contentious, but very --

MS. : Spirited.

MR. PRASAD: Spirited fashioned. But it has been a great effort from everybody who participated, and it has been -- I think, we will all be proud to have that kind of a work product as we move forward.

(Slide)

Here, Cynthia was the one who put together this part of the presentation. She took the lead. Cynthia Marvin is the person who lead the effort in California about the Goods Movement Action Plan in this state. So, she was kind enough to participate in our workgroup and took a lead in terms of forming these kind of set of principals.

And while we are focusing on collaborative elements and the other part, we also recognize there is a number of sources which come under the federal authority. So, it is important to make sure that whatever to the maximum extent feasible that authority is used in making a bigger, better foundation for the regulatory focus on that.

As we saw the expansion, it is also there is a need of an agency in terms of addressing this issue. Because expansions will continue and how do we bring about the mitigation becomes important.

Some of them I have already explained, but the last one bullet I want to say is that there is an error in that. No, this is correct -- the one in your handout has an error in that. What we want to make sure is that while enforcement is an important piece, enforcement alone of existing air quality rules and regulations cannot improve the air quality in communities effected by goods movement activities. So, that is the reason we want to think of, is there a new regulatory approach, or a new sign of things.

(Slide)

Here is the list of recommendations that has been put forward by her. That is why, basically, repeating some of the how do we translate those kind of principles into the set of recommendations, asking for some new policies and regulations. And also, there is a big problem with this in terms of -- do you want to expand on that, Terry, the Maritime part?

MR. GOFF: There are unique challenges in what are generally called the C3, the ocean-going marine vessel areas. Because those emissions are primarily controlled today through the International Maritime Organization, IMO. The challenges

associated with that is that that regulatory pace within IMO has been very slow.

U.S. EPA sitting on the U.S. Coast Guard delegation through IMO has been trying to drive an accelerated pace. There is currently a bill up on the Hill. For those who are not in federal agencies, I think it is H.R. 802, which allows implementation of the MARPOL Treaty, which would allow them -- provide EPA with the ability to deal with sulfur content in fuels in coastal areas.

So, in that ocean-going area, we just see a variety of needs associated with additional regulatory activity. There have been substantial regulatory activity in the other mobile source areas, but in the ocean-going area, that lags farthest behind.

MR. PRASAD: Thank you. Another thing we also noticed was that there are currently new technologies available that could probably be implemented as we move forward, but how we can construct the regulatory of, or modify the regulatory tool so that this kind of fleet modernization, or the retrofitting activities can be speeded up, both in the context of the regulatory cycle, as well as incentive mechanisms is something that we need to be thinking about. That will be a specific set of recommendations that will come forward too.

In addition to this kind of a regulatory approach,

another similar kind of a regulation that can also be recommended -- and you have seen some of the Los Angeles/Long Beach Port Plan, is the issue of how they do the land use piece. And some of them have now started saying that the speed at which ocean vessels can come into the port is also being looked at.

And some of those kind of technologies is where a ship comes in and just, basically, sits there running the ship, but instead, is there a way to make sure that their time that they can spend within the port is reduced. And those kind of things are also being sort of best practices. They are considered at the local level.

Now, let's instead of waiting until the end, I think we would rather think that it might be useful to have a dialogue after each of these pieces with the members.

MS. ROBINSON: Does anybody have any questions about regulatory and enforcement mechanisms? The principles guiding these recommendations and the key recommendations that they have outlined? Sue.

MS. BRIGGUM: I was just going to add, it sounds as if you have a really nice mix in your workgroup so that you have, basically, all of the impacted entities, as well as community input. So, I take it, when you go through and make these recommendations that the port authorities, the railroads, those representing the vehicular traffic, all have

had their chance to go through and say, yes, this is appropriate and could do it. So we can rely on a very solid foundation here.

MS. ROBINSON: I think that would explain why we have been delayed a bit, because we are still trying to reach that bit of consensus.

MR. PRASAD: Well, actually, in principle, we are kind of almost there, I think. Whereas, one of the things is is there a need to edit some of these recommendations. Are the words comfortable for every group to be where they have to be. That is what the challenge is as far as at this point of time.

MR. GOFF: I would echo that and point out that within the space of the principles and recommendations, while there has been robust discussion, there clearly is substantial consensus around what you are seeing here today.

And while there will continue to be some wordsmithing, and things of that nature, directionally these are very much consensus statements already; which is what gives us the confidence to be able to move now toward final editing of a document that is cohesive, that flows well, and isn't the product of eight different writers, but really brings together something that somebody could pick up and say, well, this really makes sense. And that a community could then take also -- in addition to the Agency, a community can

take and make use of.

MR. MOORE: Good. Thank you, Shankar and Terry. I just wanted to make a suggestion, if I can, to the Council. That if you look in terms of this document, it has got a section in there that has next steps. It is important for the Council to understand if we work backwards, that in September, we will submit the final report.

And as we kind of work up to that, you see that the early September, the consensus vote by the Council members, then August submit final report for review and deliberation. Early August, incorporate NEJAC comments, and next month, submit draft report to NEJAC members for review.

That is how our processes have been working for all the working groups. But, there are some recommendations that are made in here based on both of your comments, Terry and Shankar, that as you said, are probably pretty in stone, give or take a little wordsmithing, as you said, here and there, whatever.

My suggestion would be is that we review the recommendations just so that if the Council members at this time have any comments, that we are able to get those comments or questions. We get the comments and questions in there and then the Council is going to have to be very disciplined after this meeting is over, based on the time frame, that we get any additional comments into Victoria, but also through Terry and

Shankar. Victoria.

MS. ROBINSON: I also want to add that these recommendations by no means are all of them. These are the significant recommendations for which there are a little bit more detailed sub-recommendations that may fall under it, or a little bit better explanation of how to implement some of these recommendations.

So, the document that you will get will have a lot more to it, but we felt that it was important to make sure that we had your feedback and endorsement, if you will, of the approach that the workgroup has taken. That they are looking at putting down for the recommendations. There will be more, but this is the basis for it.

MR. MOORE: Okay. Then can we move forward and just go through some of the recommendations so that we can get discussion open and comment by the Council members? Where do you want to start at, Terry?

MR. GOFF: Sure. Let's move back one slide. These slides are organized to also help with that process. There are two slides for each set of recommendations. Each of the eight sets. So Shankar reviewed the principles underlying our regulatory thought process, and then the bullet points representing the key recommendations in regulatory and enforcement.

I will now take a look at land use principles, and

then the recommendations associated with land use. Then we will follow that pattern then throughout the remaining six or seven recommendations areas.

(Slide)

This particular recommendation area was assembled and lead by Andrea Hricko who, unfortunately, could not be here today. So, you definitely get a second-class presentation of the material.

But, the principles that underline this space really are three-fold. The first is the principle that land use, because of this bifurcated regulatory system we live under, land use becomes the point at which mobile sources and stationary sources begin to hit the margin of where you get multiple mobile sources aggregating and creating for a community what is, in effect, a stationary source.

Now, Victoria and Shankar mentioned we have had a couple of face-to-face meetings. One of the key face-to-face meetings was in Houston along the Ship Channel. Aston Hines, who is on the group, graciously provided us a tour of that area. We saw really a critical example of the land use issue along the Houston Ship Channel and those ports. There are many terminals that are located in the Port of Houston.

There is a brand new terminal we went to that has very modern technology for off-loading the ships, moving around the goods, providing a very much reduced environmental

footprint for that terminal. An appropriate gate area to allow the trucks to enter and exit the terminal in a very efficient way.

So, that was one visual that we saw. Then, heading back up, one of the older terminals is located at the end of a two-lane road. Along that two-lane road, instead of a nice organized place for the trucks to get into and out of the terminal and the freight and be separated from the community, the trucks are lined up in a residential area going to wait to get into gates or the terminal.

It is a classic visual picture of how land use planning and goods movement come together to affect communities. So, the first principle here is that principle. The fact that looking at land use as an air impacts issue, and the air impacts of land use is a critical thing to try and drive and encourage in the process.

A second principle that came out of the land use space was there has to be some guidance provided in the view of this workgroup, and as it brings it forth to the Council, some guidance we believe needs to be provided to communities in that space. That as you look at metropolitan planning organizations, land use is a very local thing. It is not a federal role, in general.

So, what is the role of EPA in that space? And one potential role is to help inform and educate local communities

of how you integrate land use and/or impacts. And look at those in an integrated sort of way.

We do think there is also an EPA role in state implementation plans, and other areas like that, to try and drive some of this thinking. This is not new.

In fact, this is -- I am sort of at the end of the EPA FACA, tri-FACA, here. I was at the Mobile Sources meeting and Clean Air Act Advisory Committee, and then this meeting. And in the Clean Air Act Advisory Committee, completely separate from discussion of goods movement, what should come up, but land use. And the fact that land use recommendations have been made several years ago within CAAAC and some desire to see additional action in that space.

So, it just strikes me that what Andrea has put together here is really one of the more critical EJ elements of this entire report. You have got to look at land use and air impacts, that is what makes goods movement, to a large extent, an EJ issue. That is what brings together the impacts. So, sermon that to the choir, probably unnecessary, but on to the specific recommendations of how that might be accomplished.

(Slide)

The first recommendation is for EPA to help develop some models for how you can mitigate. How you can mitigate the air impact associated with land use decisions related to

goods movement areas. So, providing an active set of recommendations from the Agency to help these local planners deal with the realities of mitigating the impact of the goods movement decisions from a land use standpoint.

To begin looking at land use, the land use air relationship in a more formalized way. To begin to articulate facts and data as a federal agency. To help local and state agencies quantify impacts on air quality, of land use decisions surrounding goods movement.

And then, two recommendations that really call on the fact that this is a multi-agency accountability within the Federal Government. The EPA, clearly, has a critical role here. The Department of Transportation, the Federal Highway Administration, a variety of other agencies under the DOT have a lot of intersecting accountabilities in this space.

They have long been there, they are areas that we continue to feel need to be focused upon in terms of relationships to drive effective Federal Government action in this space, and to drive that to the localities. So, within the land use space, where highways are sited, how the structures are built. When we get to technologies, we'll talk also not only about the mobile source technologies, but also the infrastructure technologies that can help mitigate air quality impacts on the effected communities.

So, for land use, those are principles and

recommendations. If there are any questions about those recommendations -- I think, Richard, made a very good point. Now is a good time, an excellent time, and certainly over the next month, the best time to help affect the workgroup's work so that what comes back to the NEJAC for consideration really reflects the guidance of the Council.

MR. MOORE: Thank you, Terry. Questions, comments. John.

MR. RIDGWAY: I am noticing the reference in this land use planning, the recommendation, the first bullet under the principles, you are talking about looking at expanding goods movement infrastructure areas, or concerns about these, in non-attainment areas. Then, you go on in the next bullet to talk about local reductions. You have that underlined up there.

I am thinking there is a difference between the two. Non-attainment areas are quite large, and these local impacts that you are looking to address could be -- how small in terms of local are you referring to?

MR. GOFF: Exactly. And that is a great point, I am glad you brought it up. Because there was considerable discussion in both the modeling and monitoring space of the fact that non-attainment areas and the NAC's process does not get to highly localized impacts, like we are talking about here.

So, there has been considerable discussion within the workgroup from the very beginning about the need, not only for good modeling -- and we took a look at the ISO platts from the Marine and Locomotive Rule as an example of if you dig into the docket of that rule, there are ISO platts done around goods movement facilities there which suggest localized impacts. Get into much finer granularity than the exiting NAC's process and the county-by-county non-attainment status gets.

So, a number of discussions through the document related to the need to not only do very localized modeling, but also very localized monitoring. One of the discussion points was that in the recent South Coast MATES III draft study that is currently out there, there was an interesting disconnect between the modeling data and the monitoring data.

The modeling data suggested there would be a very high emissions impact immediately around the ports. And then if you go to Huntington Park and Peco Rivera, which are inside L.A., if you will. The modeling data suggested that there would be a lower impact. The actual air quality monitoring done within MATES III showed a very much lower impact right immediately around the ports, and a much higher impact at Huntington Park and Peco Rivera.

Now, I don't want to draw conclusions on why that is, and I also don't want to minimize the fact that there were

also port impacts out in a place like Riverside through the carriage of the air there, but the point is, unless you really look at these things with a very fine granularity, it is difficult to deal with them because this is, again, aggregation of a lot of mobile sources in one area, and you would have to look at it at highly localized bases.

So, the workgroup does have that in its thinking and recommendation process. So, thanks for emphasizing that.

MR. MOORE: Russ, actually, if you all have any questions too, please. Laura.

MS. YOSHII: Not a question, but just offering this suggestion because it will be really helpful to us as we get your recommendations. To the extent you could differentiate where you see the role being played in some of these instances, it is very clear to me the regional role. But, it really helps us as an agency because as we think about these recommendations in the context of really implementing some of them, the clearer we are of where that implementation is most appropriate really can help us.

MR. MOORE: Okay. Questions or comments on this particular section?

(No response)

MR. MOORE: Okay, with that, I think we can move onto the next one. Go ahead, Shankar.

MR. PRASAD: The next section was also prepared by

Andrea so, similarly, we'll get a second-class presentation. Sorry about that.

(Slide)

One of the things that we noticed as pointed out earlier is what is the agency's mission? With EPA, it is production of public health; whereas, if you look at the FHWA and the others, they are different.

So, when they plan on a freeway ---, on so on, that does not mean that they don't care for --- health, but their primary focus is different. So, there is that piece where EPA can play an important educational role with their other sister agencies in terms of their expansion, or in terms of their plans, how to incorporate the goods movement impacts into their planning process.

So that is one of the things that became very evident for us, and also that kind of a similar educational piece is also needed at a community level probably, as Laura rightly pointed out, that could be facilitated through the regional offices where there is a primary concern. It is not going to be all through the state. These kind of problems will always be in some corridors, in specific communities, or in specific geographic locations.

So, those are probably much more identifiable --- regionwide where the major expansions are likely to have happened or planned, and the agency can act more -- take a

different action in those kind of areas.

(Slide)

Once again, as you know, one thing we did not say earlier was when we talk of goods movement impacts, the primary thing is primary emissions, or the emissions related to goods movement activities are primarily from the fossil fuel burning. So, it is very important to focus on diesel, both in the context of fuel and in terms of its emissions.

If you look at the impacts, one needs to look at what is the primary impact for the nearby sources will be the primary emissions; whereas, in a regional context, the secondary formation of particles, for example, where there might be an increased cancer risk and those kind of active risks for the nearby population, but for a population which is 30 miles away, it could be the particulate that is NO<sub>x</sub>-related, NO<sub>x</sub> and SO<sub>x</sub>, which get converted over the time. Secondary particles can become the major problem as well in the regional context.

So, one of the other things that we also recommend specifically is to do a --- of expansion facilities in the permitting context to ensure that they do a risk assessment, especially, in close proximity wise and look at the population profile as well in that context.

It is important to educate the elected officials and the other agencies --- because the land use and zoning become

primarily important as these facilities continue to expand.

So, I will be glad to take any specific questions.

MR. MOORE: Comments, questions? Chuck.

MR. BARLOW: Shankar and group, I am looking at the third bullet on this slide and I am wondering if the emissions inventory and the health risk assessment -- if this infrastructure development were required to obtain any sort of federal license or permit, it would have to go through a NEPA analysis, or environmental impact statement analysis. It seems like that analysis, if properly done, would require an emissions inventory and this type of health risk assessment.

I know that for many stationary sources, for any other types of sources that are getting any sort of federal approval, you are going to have to do that type of NEPA assessment.

So, I just wondered if you have considered that that might be a legal structure that is already in place that if enough attention is paid to it, it is something that already requires to me -- now, maybe it is not being done, and maybe that is because there is really not a federal license or permit that is required for most of these types.

If all of these are state permits and, obviously, for the local land use decisions, you are not looking at a federal environmental impact statement, some states have requirements. California, New York, some states have

requirements, but I am just wondering if we might have a mechanism for requiring what you are talking about.

MR. PRASAD: We will work with the EPA staff and find out those specifics and make sure that part is addressed. Thanks for bringing it to our attention.

Another thing that we also noticed was within California, for example, it was through a memorandum of understanding with the railroads that we could get some data in terms of doing a health-risk assessment for various rail yards.

That was not within our original inventory at this state, and we needed additional data but there was not way that we could require that. But, it was a cooperative agreement that lead us to get some characterization of those health risk assessments in about nine different major areas, major rail yards in the state.

MR. MOORE: John.

MR. RIDGWAY: To the third bullet, "Request that each port and rail yard develop," et cetera. Is that every rail yard in the country we are talking about, or only rail yards in non-attainment areas?

MR. PRASAD: We are, basically, focusing on the major expansions plan.

MR. RIDGWAY: Thank you.

MR. MOORE: Paul.

MR. MOHAI: Yes, I have a question, Shankar. In thinking about the health risk, I remember in the presentation that was given last September -- and I don't recall all the details, so please forgive me if I am talking about something that has already been covered or is not a major point.

But, there was some discussion about dredging and depositing dredge material which appeared to have certain levels of toxicity. And, obviously, the dredge materials were being deposited somewhere on land. I am wondering if your workgroup has also considered the issue of health risk around those sites?

MR. PRASAD: Thanks for bringing it up. No, we have not done, but we will certainly go back and look at that specific aspect of it.

MR. MOORE: Okay, any other comments or questions on this section? John.

MR. RIDGWAY: Just a follow-up on Paul's commentary. Dredge spoils, at least in our state, also are deposited out in the ocean, and there are impacts there as well. It is not just a land deposit issue.

MS. HENNEKE: And that is a Corp of Engineer issue.

MR. PRASAD: But the charge for us is only specifically the goods movement is for air emissions. So, we may --- acknowledge in a way of stating that there are other concerns associated, but we will not be able to make any kind

of a specific recommendation on the other aspect.

MR. MOORE: Paul.

(No response)

MR. MOORE: Okay, next. Kathryn.

MS. BROWN: Shankar, back to the principles. And it talked about the agencies involved and having different missions. Has the workgroup considered at all identifying other agencies within the Federal Government that might have a role to play, let's say within this section, as an example?

MR. PRASAD: You will see the list in there, right apart of it. I mean, not within the recommendation but in our actual report, you will get more higher listing. This was, basically, extracted as the single one. There will be sub-parts for each recommendation, so we will get that part.

MR. MOORE: Thank you. Next section.

### **Comments**

***by Omega Wilson***

MR. WILSON: Okay, I am ready to take off here.

(Slide)

This is a community participatory strategy and, first of all, we will deal with the principles involved in that. And excuse my reading some of this to you.

The first bullet point is, of course, effected communities should be fully engaged at the local, regional, and national level in the planning and decisions about the

impacts of the goods movement activities.

And, of course, this is part of what Administrator Johnson responded to this morning is that this kind of exchange, and this kind of communication, of course, is rich and extremely valuable. And we would like to create an opportunity for people at the regional level, and at the state level, where the environmental justice communities to be involved in this process.

And how we do that to get state governments in regional areas, and state governments, to participate is something that we need to do. Of course, that is a primary focus.

Community facilitation and collaborative problem-solving builds empowerment. It helps the level of the decision-making playing field. What we are seeing here is very often in participating in reviewing environmental issues and plans that have to do with environmental issues, it is the community coming to and hearing planning authorities and stage governments, basically, tell communities what they are going to do with little level of input.

Very often, that opportunity to communicate back is done with those state government authorities or industries involved being very well equipped with attorneys and engineers, and the playing field is not very level because very often community groups come with just themselves.

Without the data and without the support. So, facilitating those kind of meetings on their grounds, on their territory, in their communities, is key.

Equity in funding and parity in the management of collaborative problem-solving at the community and tribal level will ensure more robust and sustainable decision-making. Of course, there are more details that will come later, which Shankar and Terry has mentioned. I just wanted to make this particular outline, because people are raising questions about what in the world does that mean, equity in funding and parity.

One of the most striking things is our organization, Western Revitalization Association had an article published at Johns Hopkins University in The Progress in Community Health Journal just recently this past fall about some work we are doing with EPA in collaborative problem-solving model, and a community owned and managed research model that we did.

One of the questions that the editorial director for the publication -- our article was cited, and they did a very positive review of what EPA has done with the community partnership. And thought that was cutting-edge. But, one of the things they pointed out is that over \$25 billion -- I think, most of it through the NIH, National Institute of Health, was awarded to major colleges and universities to study health impacts and things like that. And, a lot of it

in low-income and minority communities, health problems in low-income and minority communities.

A lot of communities we deal with -- and I don't dare to say that the information indicated -- probably not even one percent of that went directly to the community. So, a lot of that billions of dollars of federal money is being used to study the problem, and re-study the problem, and re-study the problem without very much of that money coming down to the communities that are being studied.

This has to do with equity of funding, so encouraging those institutions, including colleges and universities, which very often will take a \$1 million grant and take 97 percent of it as overhead. And maybe three percent will get to the community that we are promoting fair equity. If you are going to study a community that 50 percent of that \$3 million, or \$15 million grant, comes directly to the community for managing its side of the part of the process of participation.

I dare to say, some of my colleagues who are on the university side were not happy with that recommendation. But we think it is necessary to change and level the playing field. So we build capacity on the community side for the long-term.

EPA can play a significant role in strengthening and validating the community voice and promoting a shift to

community-based approaches to problem-solving to ensure the full participation of impacted communities in early planning decision-making about the goods movement activity.

A lot of this has to do with -- somebody asked the question in the very first meeting I was in, well, how do we expect the community to catch up with all of this stuff. How do you expect the community to be involved in the facilitation and planning.

They don't have the scientific wherewithal, et cetera, et cetera, et cetera, to communicate and be involved at this level. And, of course, my response was, how many years are behind every person at this table as far as knowledge, and skill, and participation, even with degrees and a lot of the educational background to, hopefully, be able to be respected enough to be asked to sit at a table like this?

And communities have to have that same kind of support to be able to recognize environmental hazards in their communities and be able to become knowledgeable and even talk about them. Because very often, their knowledge, as I said this morning, is more comprehensive and more detailed than the databases that currently exist.

We have some people in our community that don't have to be Ph.Ds to know where the landfills are, and they don't have to have a database to tell you which year it caught fire, and how many years it burned before they were able to put it

out. All those kinds of things are things that we need to create respect for, and create a platform so people are able to share it. And there needs to be support to do that.

On the recommendations side -- are you going to stop me before? Okay, go ahead.

MS. BRIGGUM: I was just going to comment that that was one of the best explanations I have heard in a really long time for this point with regard to the distribution of money. Because sometimes, I think, people see the words and think it is just like that researchers will be paid, of course, for their time, et cetera, and then the community just gets a cash contribution, as opposed to explaining, what a second, no, they are spending time, they need time to spend going through the materials, paying the comparable compensation in terms of the rate of compensation and the level of time and preparation.

I think that that would really help convince people that, otherwise -- I have heard this recommendation made a number of times, and I don't see a lot of traction. But, when you said -- I thought that was a very good way of explaining what you are talking about.

MR. MOORE: Kathryn, on principles. I am sorry, Omega, we are just going to take -- some of the cards went up. Let's do the principles and then we'll move to recommendations. Thank you. Patty.

MS. SALKIN: I was going to say, on the equity and distribution of the funding, I think that that is an issue that goes to how the money is distributed from the Federal Government to the universities.

Because often times, you have to be an organized 501(c)(3) in the community in order to qualify to get the funding; unless, you are hiring somebody that is a consultant. And then, they want to see the qualifications.

So, I think, that it is a systemic issue coming from Washington, and coming from the states, in terms of who is eligible to receive the funding. And, I think, what I am hearing you suggest is that maybe those guidelines need to be revisited so that it can be more flexible.

MR. WILSON: Yes, I am saying exactly that. One of the things that we have noted in -- it will be in the sub-part of this -- is that we have Title VI guidelines about discrimination in disproportionate adverse impacts under EPA -- I mean under the Civil Rights Act that ties into the Environmental Justice Executive Order.

And one of the things we were kind of alarmed about, and I have had a chance to talk to a lot of our environmental justice communities since I have been involved with EPA's work here -- literally, from coast-to-coast and Toronto, Canada, to Victoria, Canada very recently -- and one of the things that community groups have said again, and again, and again that

they very often get involved in partnerships with colleges and universities to get a grant.

And I remember very distinctly one gentleman in Denver who had a chance to get a \$440-some-thousand grant. Everything turned upside down when the grant was awarded, it came through a university because of that process. You have got to have this process, you have got to have these people in place. And they wound up with \$40,000.00 of it.

The relationship changed completely because they became -- and there is no way, generally, to say this -- they became the peons in the process of being ordered around as to what they should do, and how many people they should get to the community meetings, and that kind of thing.

They became so frustrated with the dominant process that came from the university that they quit the project. They just backed away completely. And I worked on advisory boards in North Carolina where we had the exact thing happen, where major universities are asking my input, and other community groups' input, to how to facilitate and get community groups to the table so they can do research on them for \$1 million, \$2 million, \$3 million, \$8 million, over five or six years. And the best of the community representatives get out of it is a \$20.00 WalMart card and a hot dinner.

MS. BRIGGUM: Just to that, I mean, maybe the issue is that they are not going in together to get the grant. And

that they are not seeing the application, and they are not seeing where they are written in the budget. Because all that should be front-ended and there may not be participation, they are just providing a letter of support. Which seems meaningless because then they are shocked at what they get at the other end.

So maybe, again, in reviewing the grants, and changing the criteria, that it really needs to be a partnership from the beginning. That it is being awarded to two or more entities, it is not being awarded solely to one entity who is going to maybe sub some of it out to the community group.

MR. WILSON: Yes, I agree. That is what we are working on is trying to create some recommendations and policies from the top down, because we have communicated this issue, and discussed it with some of our university partners. And some of them, the professors and the people we are working with -- the University of North Carolina is one of them who has been very friendly and cooperative toward us on a whole lot of respects. It has to do with how the grants' office works, it has to do with what professors can do and cannot do administratively.

And we have had some university professors who pulled me in IRB meetings, against the rules, and got some administrative whippings for bringing people from the outside

into these meetings. And they were challenging the pattern to try to go on record. They were punished the way university people are punished for trying to break the ice in bringing community people into board meetings where community people don't go.

I had a chance to witness this kind of thing firsthand, but there are some brave people who are trying to break the ice, but we think we need some help from the top down to make their work so when applications are completed, or presented from the very beginning, that that kind of criteria is included. And we think Title VI is the key.

If somebody takes your money and it is 50 percent or more disproportional impact, then it is a legal situation. And we think it also should be a legal situation if grants are being appropriated from the Federal Government side, right. And universities have been allowed for decades to take 47, 57, 97 percent of the money off the top. I mean, it should be a legal situation under Title Vi, and that is the reason we raised it that way.

We don't feel any -- from our community perspective -- we don't feel any hesitation of saying it that way because it needs to be dealt with.

MR. MOORE: Omega, I am going to move us along on the recommendations. Just a quick comment before you go through them because we have got several other sections to go

through.

I think the other way to really look at that piece that you are talking about is that, for myself, this is the last advisory committee that I am on. I am no longer on advisory committees beyond the NEJAC Council. I am only on planning committees, so many of the partnerships that we have developed, very successful partnerships with universities and with other institutions, we make it clear that advice is you can give it and it can be accepted or not accepted.

So, with many of those partnerships, we no longer form advisory committees or do we recommend to our membership that we are on advisory committees. That we are only on planning committees.

And with that then, we review budgets, we review everything that goes along with that particular collaboration. We complete decision-makers in the process. So, help us move along, Omega, we are going to the next one after this one.

MR. WILSON: Thank you.

(Slide)

Recommendations. Encourage the development and use of community facilitated strategies to promote accurate evaluation of community boundaries, as well as environmental impacts, related health consequences, and prioritization of solutions.

Second bullet, ensure that sustainable resources are

available to encourage capacity building for community and travel-based organizations to help facilitate and manage strategies necessary to identify, assess, and promote corrective action. That goes back to what we just through talking about.

Incorporate into community involvement plans. Community involvement plans, some people are aware of, are very much related to what is happening in the Super Fund sites. CIPs with new and evolving policies, procedures, and tool kits based upon proven site-specific measurable outcomes for air pollution, improved health quality.

Implement the CIP templates at the regional level for mitigation agreements, contracts, and action. Just, basically, we know there are air quality issues, we know there are other kinds of environmental issues, so we think that the regional level at EPA can create templates to bring in communities as a starting point so everybody doesn't have to start from ground zero and deal with a lot of the regulatory issues at the very top. So people do not have to wrestle through technical things that they are not familiar with at the local level.

The last bullet is implement new policy and support community-owned and managed research data within impacted communities so it stays there. It becomes a chronological log, regardless of what agency you are working, federal,

state, local, university. That you will have a longitudinal database for what is happening in your community and you own the data for confidentiality purposes to protect the impacted residents.

And how all that effects the social structure of the community, the economic structure of the community, the cultural structure of the community, and the community health. We have had a chance to demonstrate the community-owned and managed research model. It is a step beyond the community participatory model.

We had a chance to formally present this in Victoria, Canada because our work was selected as one of the top four written articles at John's Hopkins University this past fall -- the article I mentioned before -- and we were asked to present it as a full group selected throughout the country to present what they refer to as a cutting-edge and an innovative approach to say that data should stay in a community, the priorities should not need to be carried around by research professors to be a lecture document to create income for people who are already fairly wealthy in their own right. But the data should be staying in the community to operatively be used for change rather than intellectual discourse. Thank you.

MR. MOORE: Thank you, Omega. Comments, questions on this section? Because I am going to push us a little bit,

okay. Any comments or questions? Kathryn.

MS. BROWN: No, I think this will be a side-bar comment.

MR. MOORE: Okay. Any other comments or questions?

(No response)

MR. MOORE: Okay. Just one last comment. There was a document that produced at the second People of Color Summit -- The Principles of Collaboration -- and there was a lot of work that was put together in developing that document. I would encourage those institutions, not just universities, but institutions, that building community groups, or whatever, to take a look at The Principles of Collaboration that was approved and adopted at the second People of Color Summit on environmental justice. So, let's go to the next one, please, collaborative governance.

### **Comments**

***by J. Langdon Marsh***

MR. MARSH: Okay, that is me, Lang Marsh. I want to say at the outset that Omega went over fairly briefly, but I really recommend that when the report comes out you take a careful look at what he has come up with on community facilitated strategies.

Because, I think, there is to me, and for other people I have shown it to, something really novel and exciting about the way that is described as a way to bring the

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community to the table with the amount of information and ability to discuss and negotiate, if necessary. It is a very well thought through piece.

The collaborative governance part is really meant to build on that community facilitated strategy, because as I understand it, at some point in the process, the community will determine what its next steps are going to be. Based on the information that has been developed that they own and manage, in many cases, that step will lead toward collaborative partnerships that can be undertaken right from that table.

In which case, what I am going to talk about probably isn't necessary. So there is some overlap and melding between that set of recommendations and the ones I am going to discuss.

But, where it is not possible for some reason to get all the right people to the table, or where there is clearly a government level decision-making, or decision-making by other parties that needs a different set of people at the table that the mechanisms of collaborative governments may be appropriate. And that is what I mean in the first principle under the right circumstances.

So, you first look to see what the community is able to bring off on its own, and then if the community decides that it wants to participate in something broader that

involves a convening of other people as well, in order to get to the decisions that need to be made on infrastructure, or land use, or regulatory activities, or technology, or any number of the things that we talk about in the rest of the recommendations, then what I am going to talk about would be appropriate.

And collaborative governance is, basically, a way of saying there ought to be -- and there are very many now models of decision-making that bring people to the table in a different way than the traditional top-down government decision-making.

That federal agencies, state agencies, local agencies, as well as business partners, and community partners, and advocacy organizations can come to the table on a, basically, equal basis to talk about, discuss, and reach consensus, if possible, on what needs to be done. And the government agencies then are in a position, using their authorities and resources, to implement that agreement.

So the purpose of this is to get agreement among all those stakeholders and parties that come to the table to make agreements, essentially, about goods movement related issues.

The next two bullets are really about ensuring that that effort to include people is robust, and inclusive, and transparent, and open, and participatory, et cetera, et cetera. All the principles of good collaboration.

And it may be necessary, as the report will point out, to ask somebody in the position of either authority or either, because of legal authority or of potentially just the authority of having the respect of all the parties involved, who may be in the best position to convene that group of community members and other stakeholders in order to make those decisions.

And sort of paralleling what the last recommendation that Omega talked about, what that group should do in addition to coming to a consensus agreement about things like land use policies, or infrastructure investments, or technology buy-outs, or whatever the decisions are, that in addition to looking to those particular decisions, they should look for other outcomes that reflect the kind of research and other data that is involved that demonstrates impact from the community.

So, there may be parties to these collaborations who can bring some things, some resources to the table that will address the full range of issues that are of concern to the community. And one of the beauties of a collaborative governance approach is that you get that leveraging, you get that kind of greater than traditional decision-making processes usually get outcomes that can benefit everybody involved.

So that is kind of what is behind the principles.

And the recommendation to EPA, the specific ones, are designed to try to encourage those kinds of things to happen, those kinds of collaborations to happen. Part of it is on the first recommendation has to do with the federal agency's participation in these collaborations.

They may not be the ones to initiate it, although, EPA has successfully been an initiator or convener of a number of successful collaborations, like the West Oakland situation that Laura described the last time. But, it is often the case that somebody else may be -- the governor of a state, or a mayor, or someone else may be the appropriate person to bring everybody together.

Once at the table though, the federal agencies have a potential role that is a little different from the one that they often play, which is to sit back and call balls and strikes. But, to actually sit down and participate and provide resources, technical assistance, knowledge, understanding, whatever, to achieve the outcomes that people want to get to.

A second recommendation is in order to get to, to demonstrate a somewhat new way of doing business -- not entirely new, but somewhat new -- is to ask EPA to either fund or co-fund some pilot demonstration projects in the areas that are identified as having significant goods movement issues impacting communities with EJ problems. And see if there is

some learning that can take place as a result of doing those pilots.

Then, the final point here is aimed at reaching broad community agreements. Some of them are very similar to a community benefit agreement on the development side. Some of them are similar to enforcement-related agreements that come about as a result of EPA or state enforcement. But the agreements should aim to be as robust as possible to address as many of the issues that have been raised as can be addressed by the people at the table.

So, in sum, our recommendation is simply to add an additional tool to the toolbox that communities have to deal with how to make decisions that are enforceable, or resource allocations that are useful, after they have decided what it is that they really need to have happen.

So, in addition to whatever it is, litigation, protests, lobbying, traditional decision-making processes through public hearings, and so forth, this is a little different mode that may be appropriate in many cases.

MR. MOORE: Thank you. Questions, comments? John and then Kathryn.

MR. RIDGWAY: Lang, specific to the second recommendation, co-fund, that means funding to multiple entities? Is that what you are talking about? Or funding to multiple efforts, or both?

MR. MARSH: Well, both -- what Omega talked about, and what I am talking about, are kind of the infrastructure of decision-making. And they are not traditionally things that government, in particular, are used to investing in. There are some great examples of it but it is not, you know, something that they do every day.

So, what this is meant to say is that EPA should seek other entities to help invest in these processes to both build capacity and to undertake a collaborative process. And some of these entities would be some of the businesses involved, local governments, foundations, what have you. The successful collaborations that I am familiar with usually have a mix of funding to make them go.

And often, it is just somewhere between \$10,000.00 and \$50,000.00 will do it, depending on the complexity and the number of meetings, and so forth and so on. It is not usually a huge amount of money in relation to the infrastructure investments that are being contemplated, but it is a hugely important investment. It is just a little easier to think about it as a co-funding.

MR. RIDGWAY: I will just follow-up then on that, that that is unusual, from my perspective. I don't see EPA looking for other funding sources. Usually, that is left up to the communities to do. And that is hard, so thank you.

MR. MOORE: Kathryn, and then Laura.

MS. BROWN: Lang, I think I missed something in the hand-off from Omega to you. And it sounded like a caveat, a fairly big caveat that you stated initially, which may be summed up in this phrase, in the right circumstances. So that is first bullet under principles. Could you repeat that for me please.

MR. MARSH: Yes, I think I was trying to respect the process that Omega has recommended, the community-facilitated strategy. Because in some cases, it is possible that just the effort, the robust effort that he described in order to get the community to the place where they have this sufficient knowledge, information, and capacity to participate, may be enough to attract all the right people to their table to make the decisions that are necessary.

All I am saying is that in some cases, that may not be possible. So, in those cases, they may ask a local leader if there is a level of trust and reciprocity there, to convene a group that includes the people that are hard to get to the table. And then, the process I described would build on what has already happened.

MR. MOORE: Laura.

MS. YOSHII: Lang, thank you for those recommendations. I definitely could see how they go hand-in-hand, they are not necessarily Omega's recommendation, mutually exclusive of the opportunities, given the particular

circumstance. I just wanted to elaborate that I think this is an important area to add to our collective capacity to deal with these issues.

Because, as the country looks for continued new ways to improve our governance, the realities at all levels of government are strained, constrained. So, we have to come up with new models that bring, that harness resources in a way that can be more effective. A lot of what you are talking about here, at least in my mind, is creating that kind of opportunity.

What I think would really help us, because it definitely is something above and beyond -- and a role that someone other than Federal Government needs to be playing, I would really welcome -- especially, I know that that there is many members of the NEJAC from the business community -- how from the business community perspective they could see being engaged, or supporting collaborative kinds of governance. And if that could be somehow incorporated in the report or recommendations, that would be helpful.

MR. MARSH: Before others on the panel comment, I would just like to say that these recommendations are built on the model that has been used in many circumstances that absolutely does involve businesses making commitments; not necessarily just funding it and walking away and hoping everything goes well but, actually, participating in helping

make things happen. Or, in agreeing to do business a somewhat different way, and so forth, are all can be incorporated into the agreements in ways that are perfectly satisfactory to them, as well as to the other participants.

MR. MOORE: Comments, questions? We have got three more sections to go through and just wanted to complete those sections before we take a break. So, our next three presenters, if we can just push us along a little bit. Okay.

### *Comments*

*by Wayne Grotheer*

MR. GROTHEER: So I will make this quick.

(Slide)

The first point is one that we have hit a couple times, which is that because of the number of organizations that are involved in goods movement, different private companies, public entities, public entities regulating, public entities doing the work, it is rare that you find a holistic assessment of what are the impacts from goods movement. Any particular geographic area.

Even the best examples of that, and I would say the ports of L.A. and Long Beach Clean Air Plan, the Northwest Ports Clean Air Plan, only look at goods movement associated with ports. And that is a small part of it, so because of that, that leads you into non-regulatory ways of achieving improvement and non-regulatory ways of reducing environmental

justice impacts. And that is really what these couple of slides are about.

One way of doing that is environmental management systems. It is kind of a standard management system approach of looking at the aspects of your organizations' work that effects the environment, depending on what those impacts are, coming up with a plan to reduce those, implementing that plan, and then circling back and checking how that plan is working and repeating that cycle.

What you can do is include, and I think this is rare also, but include environmental justice specifically as an aspect of the organizations' activities. And then, work that through the process. And EPA has, actually, done a lot of work here -- that I will come back to -- encouraging that in certain aspects of the goods movement sector.

That is not the only way to get you there. There are organizations, and I would say mine is one of them, the Port of Seattle, that it has adopted environmental management tools that directly reduce environmental justice impacts by what happens in neighborhoods. Rail companies, and trucking companies have worked with EPA on the SmartWay Partnership which is really oriented towards energy efficiency, but has a big emissions reduction impact.

Shippers have switched to clean trucks voluntarily, that has a big emissions reduction impact. So you can do a

lot of things that are beyond regulatory compliance without necessarily going into a full-blown environmental management system.

So, those are the basic principles. From there, I will switch to the next slide of what are the recommendations.

(Slide)

First, back in environmental management systems, EPA can promote those, can help other parts of the goods movement industry adopt that approach. Or, adopt similar tools. And I have listed just a few of those there. The ports are part of EPA's Industry Sector Program. There are a lot of organizations that are listed up there that are not part of EPA's Industry Sector Program that EPA could work with voluntarily to encourage the adoption of these kinds of tools.

EPA has come out with emissions inventory guidance for ports. That same approach could be taken to other parts of the goods movement sector as well. Providing technical assistance and funding to incorporate environmental justice into EMS or, perhaps, even more importantly, to do pilot projects in looking at coordinated review of Environmental Management Systems in a particular geographic area. Encouraging the development of those, and then looking at them together, because they really do all intersect and overlap.

And, finally, we have talked about a lot over the last few minutes, encouraging active public participation.

This is, particularly, a challenge, I think, with private businesses. Environmental Management Systems are, typically, something that they are developing themselves beyond environmental compliance; but, they are also seeking environmental public affairs, if you will, as a result of that.

So, I don't think it is as big a hurdle as it looks like, but sort of melding together the public and private parts of this is a challenge. And, I think, that is something that EPA could just encourage through some pilot efforts.

And with that, I'll stop.

MR. MOORE: Thank you, Wayne. Comments, questions?

MR. HARPER: Yes, I just wanted to piggy-back on what Laura said because, I think, more and more companies are coming up with Environmental Management Systems. So, for the private sector side, that really is a good way to link in with this piece because you are looking at people that are trying to get green procurement things going, you are talking to transportation companies on how those goods are being delivered to them.

So, by linking it through an Environmental Management System, it sort of is a good way to get total participation, and suggestions, and outside the box type of thinking. I think that is a really good idea.

MR. MOORE: Thank you. John and Kathryn.

MR. RIDGWAY: To the last bullet on the recommendations, encourage active public participation, it has not been something I have seen much where EMSs are developed in an open environment. And sometimes by law, the businesses or sectors negotiate that they remain pretty much confidential.

So, I want to emphasize this point. I think it is a very important one. I haven't seen it happen much, so go forth with that one, in particular. Thank you.

MR. MOORE: Sue.

MS. BRIGGUM: The challenge here is that an EMS is a framework rather than something that determines like performance. And if you are going to say that you have to have public participation in both the creation of all the modules and analyzing the results, you will get EMS systems that are very different than if you do internal ones.

Because a good internal one is intended to be as hard hitting as possible so that you find every mistake you ever make in order not to replicate it. And the point is to learn and be pro-active, but not to generate enforcement actions. So, realistically, I just think knowing a lot of people that use EMSs, this means that you won't get an EMS that is quite as effective in terms of function, but it will certainly never create any unfortunate stories.

MR. MOORE: Thank you, Sue. Okay, we are going to

move onto technology then.

**Comments**

***by Terry Goff***

MR. GOFF: In the technology space, what we have noted in the report is that we are at a particular point in time where there are a wide-range of technologies available that could have substantial and significant impact in the goods movement area. And the charts at the bottom just indicate the regulatory steps associated with the on-highway diesel products that are a key part of the goods movement sector. There are similar charts for non-road equipment, marine, locomotive under the new rule.

The NSPS Standards in the stationary space for some of the localized generation that occurs. Also, the chart that indicates we now have choices that we can make on the more fuel neutral basis between diesel and natural gas, which have always seem to have been in competition with each other at some point. That with the new regulated levels, we are getting to a level of environmental parity that gives us the ability to make choices.

And beyond those choices, we now have electrical choices, we have hybrid choices, we have alternative fuel choices, cleaner fuels. The point from a technological standpoint is, we really are at the point where we have available a set of technical tools that previously haven't

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existed to allow us to make a substantial impact in a very quick amount of time, and an impact that is measurable.

The agency itself has a variety of tools at its disposal to accelerate, we believe, the deployment of these technologies that have largely come about because of agency regulation. So, whether it is within the state implementation planning process, the way credits are granted for, accelerated deployment programs, or things of that nature, whether it is within the voluntary programs that EPA has, the National Clean Diesel Campaign, SmartWay, programs of that nature that can focus in this area and that now have at least some funding behind them; although, albeit, still a meager compared to what some individual states have done. At least there is funding to do some things now.

By the time this report is drafted, we would hope that the friends down New Jersey Avenue here on Capitol Hill would have provided the EPA with clear ability to use Supplemental Environmental Program funding, SEP Program funding, for clean air technologies as well; which kind of hit a bit of a stumbling point with the Diesel Emission Reduction Act a few years ago.

So, by the time this report is done, there should be at least three things out there for the agencies to use to accelerate the deployment of cleaner vehicles and equipment, to drive the deployment of alternative technologies. And, in

the third area, a little more distant from the typical EPA space, but really important in this area, do things that drive infrastructure and system improvements.

Because so much of the goods movement challenge is built around system efficiency. The problem of idling trucks on the street is less a problem of the truck than it is of the fact there is no thru-put. Nobody is making money by having the truck sit there and idle, and the truck is creating a localized source of concern to the community. So, there are a lot of infrastructure engineering things.

(Slide)

So moving to the recommendations, the recommendations really focus on when you look at the existing installed capacity in the goods movement space, doing things like the repair, the repower, the retrofit, the refueling, the replacement of some of these existing technologies that exist out there, those provide immediate quantifiable benefits.

There are also benefits by driving the deployment. Basically, the transformation of technology. Transforming the technological approaches to goods movement, looking at port electrification, looking at the coal to ironing sorts of scenarios, or things to reduce ship idling in ports.

There was recently a Clean Air Excellence Award granted to a hybrid tug project. There are a variety of things that could be done in technological transformation that

we think should be the focus of this area. And then, in this entire re-engineering of the infrastructure.

We mentioned back in the land use piece, and other places, the inter-relationship between EPA, and DOT, and the Highway Administration, but everything from open-road tolling, to low-rolling resistant pavements, to the design of facilities that allow more efficient thru-put and lower emissions as a result.

There are a range of infrastructure re-engineering opportunities that we believe the agency does have some impact on through the state implementation plants, through the voluntary programs, and potential in the future through the SEP funding approaches to cause some changes to occur that stretch beyond the traditional regulatory space; which is already well in play, but not going to create transformation at the pace the communities would like to see it.

MR. MOORE: Thank you, Terry. Questions, comments?

(No response)

MR. MOORE: Okay, we have got one more to go. We know you guys did a lot of work and that is to be appreciated for developing these recommendations. So we are going to the money, resources, and finances, principles and recommendations.

**Comments**

**by Gregory J. Melanson**

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MR. MELANSON: Richard, I will be covering that.

What we heard this morning from Administrator Johnson about the magnitude of the investment that would be needed in order to improve our water conveyance infrastructure. We heard last year from Mitch Greenberg of the SmartWay Program, a similar type of large magnitude number in terms of the dollars needed to be invested in the retrofit process.

So, clearly, I think, the premise and one of our key principles is that the resources available today are, clearly, not sufficient to address the problem. So, number one is we need to find some additional resources. And really, it is key to be able to implement the new technologies that Terry just discussed.

And that to Omega's discussion earlier, the process to look at new resources and how those are structured, and who is brought to the table should be an open collaborative process.

The tools for financing those should now be limited to the current strategies, but look to new strategies, or take some of the pilot strategies that we have seen be implemented on a spot basis and look to expand those significantly and make them more effective and scalable so that they can bring, again, that magnitude of resources to the table. So those would be our key principles.

(Slide)

Then, on to the specific recommendations, again, seeking those innovative financing sources from multiple agencies, we have certainly talked about a number of those other agencies today that have cross purposes. I would reference another one, and that would be in the Treasury Department, the CDFI Fund Program, the Community Development Financial Institutions Program, that supports the community-based organizations that are looking at revitalizing a lot of these same communities that would intersect with EJ communities; primarily, devoted to housing and other type of built environments.

I think there is a strong nexus between the work that they do. So, looking at those type of financing mechanisms that have been in place that have been successful that do leverage private-public partnerships, ---, we would like to encourage.

And then with those public-private partnerships and those creative financing tools, that we should not forget that part of that funding and those resources should be devoted to information outreach and training and technical assistance at all levels of the participants in this program.

Again, because we heard there has been such success in the SmartWay Transport Program that we would really encourage those efforts to be expanded and continued. Again, we heard today about some additional funding to that program.

So we would encourage additional funding and use that as a template for expanding into different areas.

Then, lastly, ensure the full-funding of the Diesel Emissions Reduction Act.

MR. MOORE: All right, thank you, Greg. Comments, questions? Shankar.

MR. PRASAD: I mean, just as an example to add along that is in California, the goods movements was considered as a primary thing anyway. The last year --- they have a public --- measure of \$26 billion for the infrastructure group, of which \$3 million -- \$1 billion dollars is --- we went to the Air Resources Board to focus on emission reduction.

And there is another \$2 billion allocated that is also for the issue addressing the issues related to the transportation corridors, and this design of those corridors, which take into consideration the air quality impacts.

So, some of the educational aspect of it, an outreach aspect of the needed commitment from the agencies who are planning to do the such kind of expansions becomes a key in type of making sure the magnitude of the resources required are available and are allocated, are to generate that kind of thing.

At the same time, I want to caution one thing that wearing my hat as -- an NGO hat of an advocate -- I want to be very careful about where and how we spend this money. It is

important to remember that these kind of a taxpayers' money generated at what they were financing has to happen for retrofitting, and where at the time of the vehicle instrument was prepared. But today, we want them to do more. So that needs an incentivizing and pay for it.

But in ---, the one somebody has to meet a requirement in 2010 to make them reach that in 2007, we can pay for that delta, but we cannot be paying for the compliance reasons. So, compliance that regulate refocus of what they are suppose to produce in a given year, according to the regulations, that needs to be kept in mind in allocation of resources.

I also want to acknowledge Larry Rupee(\*) here. Larry is from ICF Kaiser. He has been a constant part of our team in keeping us in line and taking notes, and making sure we are all in there and moving ahead. So, I really want to make sure that we thank him for that. And also, the able support provided by Victoria and the rest of the members of the group. Thank you.

MR. MOORE: The keeping in line must have been very difficult.

(Laughter)

MR. MOORE: Charles, closing. Just for a second Charles, Kathryn.

MS. BROWN: Two quick questions. One is, did you

discuss at all any emergency preparedness in areas like this? Does that come within your purview? And two, is do you envision prioritizing your recommendations?

MR. PRASAD: We did not discuss the emergency preparedness part of it. We will take it back and we will think about it, and what we can do. Can you expand a little on what you mean in the goods movement activity in terms of emergency?

MS. BROWN: Goods movements in terms of these ports are large reservoirs of all kinds of materials that may be combustible, and under the worst of circumstances.

MR. PRASAD: Thank you.

MR. GOFF: In the space of prioritization, we have not discussed prioritizing the recommendations at this point. They are to be viewed as an integrated package of recommendations by the agency. But taking on the question, I think we will as a group, and some elements of the group have talked about, is there a way to focus our key message -- focus our key message -- as it relates to EJ. Which is really one of the prime pieces of guidance we received out of our last meeting with the NEJAC as a whole to ensure that we articulate these things from an EJ perspective.

I think we may well see something come out of the group in that regard. But at this point the group, I believe, would say their recommendations are presented as a whole

complete package. And there has not been an effort to prioritize them.

MR. MOORE: Charles, brief closing. Sue. I am sorry Charles, I didn't see Sue's card over there.

MS. BRIGGUM: Sorry, but I agree with Kathryn that the idea of the potential risk is a good one. And at least in a footnote might you think about the opportunity that there is a great deal of money that is available from the Department of Homeland Security with regard to how we would fund this.

There have been issues with regard to prioritizing by risk, and I would think it would also be important to make the point that these are both risky places and places where there may be a disproportionate impact in terms of ability to respond as you have EJ communities where you don't have a lot of healthcare to begin with. This may be particularly critical to prepare resources, and that might also give you some money to do the sorts of things in terms of risk reduction you would like to do.

MR. PRASAD: Thank you.

MR. MOORE: Charles.

MR. LEE: Are you sure?

MR. MOORE: That would be the three strikes.

MR. LEE: Well, first of all, I want to thank Shankar, and Terry, and Wayne, and Greg, and Lang, and Omega -- did I miss anybody? No. For your work on this workgroup.

It is really an incredibly huge effort. I really want to thank Victoria for the work she has done in terms of supporting it, and Larry back there.

And, you know, when we went into this and thought about asking the NEJAC to provide some advice and recommendations on the goods movement issue we had, I think, some idea of the enormity of this. But, I think, Victoria would say we had no idea of the real enormity of this.

And really, as you can see, it is a truly big issue, truly meaningful issue. And I think your recommendations are going to be really very, very important and very, very helpful.

I have some suggestions, observations that may be helpful to you. The first is that to think about -- you had heard this morning some discussion about how we are integrating environmental justice within EPA. And some of the architecture of that. So, you know, Grant had talked about getting environmental justice within the National Planning Guidances.

And within one of them, having to do with the Office of Air, one of the measure items being put forward in terms of priority is the National Diesel Campaign and SmartWay. So trying to locate some of your recommendations within those types of priorities, I think, will have a lot of traction.

And in that respect, if you could think about then

how to develop measurable targets or goals within that would be extremely important. And that is another way to have your recommendations really resonate and have some kind of attraction.

Another place for that is there is that the agency has a port sector strategy. If you peruse that and see all the different parts of that, there is a lot of places where your recommendation areas really kind of fit in.

The second is in the area of land use. And land use kind of -- just talked about -- is one area, but I would see that land use permeates the entirety of all these recommendations. And one of the messages, if you want to talk about underlying messages, is the message around this report, would be that message around the importance of land use.

You know, one definition of environmental justice is the spacial distribution of environmental benefits and burdens. And that is a land use issue. And I would think that then you could think about a couple of things.

One is, where can some of these other recommendations that you are talking about fit in with land use. For example, the relationship between environmental management systems and land use. You know, how can land use be incorporated in such, and how can EPA help promote, at least from an educational point-of-view, efforts like that.

Another one would be recommendations about where

have there been success stories in addressing or mitigating land use related impacts. Recently, you know, next to the Port of L.A., there was a mitigation bank that was established by the community groups there, by the port, and by the city that established, I think, a \$6 million, or \$8 million fund where about \$800,000.00 was given to the community group to manage. And that is a real, I think, success story. It is something that I think should be kind of lifted up and, perhaps, your views about how that can be replicated.

Third one, and this is related to this whole idea of collaborative governance, is how to create alignment between the various parties like, federal, state, local governments, and so on and so forth. You know, our big challenge is in terms of integrating environmental justice and engaging in collaborative problem-solving is achieving alignment.

You know, having all the parties think about the same thing at the same time. And I think that is a pre-condition for successful collaboration.

So, I think if you are looking at the large picture like this, in terms of all the parties involved, then one of the real contributions you can make through this report is talking about ways that you can create conditions for collaboration, or the whole idea of alignment.

And lastly is the discussion last night that grew out of Wynecta's comments. And this morning, in terms of the

issue of climate change. Really, I think, you should kind of see it as a large picture item. I mean, for us, one of the big questions is how does an issue like climate change as a major emerging issue affect the entirety of the way we do business?

I mean, certainly, there are things that have to do with climate change, that have to do with differential impacts that are seen within the goods movement context, but also there are opportunities that allow you to have more traction in terms of your recommendations because of the way that climate change affects the lens by which people, or institutions, or agencies see these issues.

On the other hand, climate change can also kind of --- or kind of blind us to these things because it kind of becomes so big. And the real day-to-day impacts get lost. And this is an opportunity to help not just point that out, but help navigate the relationship of those two kind of contending forces which we are seeing, but will begin to escalate over the next couple of years.

So these are some thoughts that I want to offer to you.

MR. MOORE: Great. Thank you, Charles. Okay, we are going to break here. How much time do we need?

MS. JOHNSON: Well, we are pretty much on schedule, so if we take about 10 or 15 minutes, we will easily be out of

here by 5:00. I don't think the next presentation will go beyond an hour and a half. We can take a full 15 minutes.

MR. MOORE: Okay, so we are going to take a 15 minute break. Before we do that, I just wanted to thank Russ and Laura. We thank the panel for the panel presentation this morning, but for participating here also with us.

Laura, as you may know, as well in her introductions this morning is the Deputy Regional Administrator for Region 9 in San Francisco. I will say that Region 9 has done an incredible, incredible job throughout these years of really making sure that community and grassroots groups, and others, are really a part of the decisions that need to be made for looking at the future, and so on, of our lives.

So, I would like to thank Laura for her commitment to environmental justice, and her commitment to not only the region, but the work throughout this country.

Also, I would like to introduce Lilly Lee. Lilly, I think, joined us this morning. Lilly, and I know, Laura, there is a couple of other staff people here. You know, I was getting a little flash-back a little while ago when I looked back there and I saw Lilly here.

Because, you know, I remember there was three young women -- and I say young because anybody that is younger than me is young -- and I remember in this elevator because I was coming down this elevator this morning to come down here for

the meeting of the first People of Color Summit on environmental justice was held -- if my history is correct -- right here in this hotel.

So there is a lot of memories here. There was over 1,000 of us, and so on, that was here in that first People of Color Summit. But I was coming down, or going up the elevator and Lilly -- Lilly comes from an organization, an environmental justice organization at U.C. Berkeley that was called Nindakin. And they did work on the U.C. Berkeley Campus, and also did a lot of real back-up work for a lot of the groups in the Bay area, the grassroots EJ groups.

There was three young women, and Lilly was one of them. And I don't want to say I was kind of like looking up at me -- and I have to say look up because Lilly, and if you remember Pamela Chiang and Pam Tau Lee, Pam Tau Lee was the other one from the Labor Occupational Health Program at U.C. Berkeley -- and saying we are really going to go home and continue to strengthen our work in the Bay area in our participation as Asian-Pacific Islanders in the environmental justice movement.

They went back and did exactly that. They continue to strengthen their own organization, and they were all founding members of the Asian-Pacific Environmental Network. That is how solidarity is. So we commend you Lilly and Laura, and the rest of the staff from Region 9, and we look forward

to continuing to work together.

MR. LEE: Before he goes, right, now I have to tell you this story. I gave a presentation in San Francisco a couple weeks ago when I did my regional visit out there. And one of those was a slide with a number of pictures of people from the first People of Color Environmental Leadership Summit held right here. And one of the pictures was Richard Moore, of course.

And, of course, Richard had a recent haircut, and he was about no gray hair, and it was really quite interesting to see.

MS. ROBINSON: Neither was yours Charles.

MR. MOORE: Speaking of gray hair, Charles. There was no gray hair. We'll leave it there.

Okay, lastly right quick, we know all of us need that break. We need it bad. And, Victoria, if you could give us that little closing piece and then we are going to take the break.

MS. ROBINSON: Yes. There has been some inquiries from members of the audience about the presentations. We recently adopted a policy last year that we will post all the presentations on the internet through our NEJAC registration website.

So, we expect to have them posted, I think, probably by Monday all the presentations you have seen yesterday and

today that have been up on the LC projector. So they will be up there.

MR. MOORE: Thank you. Don't everybody rush out of your seats.

(Whereupon, a brief recess was taken)

MR. MOORE: Very quickly while the Council members are getting settled down. I don't know if -- this card was going around. I don't know if all the Council members have signed this card or not. This was a get well card for Quentin Pair. There is another card going around over there too.

Let me make a quick announcement, because we are going to go right in here. I meant to make this announcement this morning. I will do it very, very quickly so we can get started.

There is a new organization that is forming. It is called the Academy for Health Equity. It is made up of grassroots folk, academics, health professionals, and so on. They are having a founding conference of the Academy for Health Equity. It is being held on June 26<sup>th</sup> and 27<sup>th</sup> in Denver, Colorado.

I know for those that you didn't know anything about it with this short of notice it may not be possible to make, but I do have the leaflets and it has got the web page, and all of that kind of stuff. So, we will put those on the back table. I would really encourage you to go into that web, and

so on.

Now, we have been working -- I say we, not necessarily the NEJAC Council, that we, but Richard's other hat as the Southwest Network -- we had been contacted several months ago by some of the organizers of this organization, since it is a founding, their founding activity in Denver, to ask for our participation and for the assistance in terms of getting grassroots environmental justice groups. And, obviously, the connection between health equity and all of those combinations.

So, I don't want to take up a lot of time. Please get a copy of that leaflet and go into their web. That will give you all the rest of the information, the leaflet will too, in terms of their mission, and so on.

The other quick announcement is that there was a release that was put out -- and I know Charles may talk to us about this a little bit more tomorrow -- but by the Environmental Justice Forum on Climate Change. This was a statement that was released by many grassroots environmental justice groups, and other individuals that signed onto this statement.

I am not going to read the statement, I am going to try to get some copies of this and I will announce it again tomorrow and we will put this on the table for tomorrow.

Okay, I think we did that. An incredible job by the

goods movement. And it was long, and it needed to be, because as you have seen all those different recommendations and so on. The folk have been working very hard, both NEJAC members and non-Council members, in terms of developing that. And didn't really want to cut them off too much because it has been an incredible piece of work that they have been involved in.

So now we are going to go into the last session for the day. We have some that have joined us, this will be the report back coming from the EJ Green Business and Sustainability Workgroup.

Chuck, I am going to let you do the introductions and we will go right into your all's presentation.

**EJ, Green Business and Sustainability Workgroup Report-Out**

**Comments**

***by Chuck Barlow***

MR. BARLOW: Thank you very much, Richard. Good afternoon to everyone. This is a very preliminary and early report back. Sort of a status report from the Environmental Justice Green Business and Sustainability Workgroup.

I want to start off by saying that our scope and our charge is probably narrower than what you might think from just looking at the title. Because our charge is, as Victor will discuss in just a minute, really centers around helping,

or giving recommendations to NEJAC, and then to EPA, about how to conduct an effective and broad-based dialogue on this issue.

So, it is not so much a charge of coming up with substantive recommendations to EPA, as it is a charge to help us help EPA discuss this very, very broad issue in a proper manner. The comments that we heard last night during the public comment period, certainly, are some of the types of things with green labeling, and problems with green labeling, and vague descriptions. And everybody wants to be green now, but what does that mean, and who can I trust.

Things like that. Those are, certainly, some of the things that could, and probably should be involved in the dialogue.

I want to introduce who is on this subgroup. Victor McMahan is the DFO for the subgroup, and he will be speaking in just a moment. Gail Bingham and Debbie Lee are with RESOLVE, a group who has been tasked by OEJ to conduct some research for us and get a good assessment. Sort of a boots-on-the-grounds assessment of what is actually going on, what are people doing, what are people talking about, success stories, maybe failure stories, and things like that so we will know the state of play in the area.

The other NEJAC members are Elizabeth Yeampierre, who is at a similar conference at MIT right now, I believe,

and was not able to be here. Greg, Chris, Jolene Catron, from the Wind River Alliance in Wyoming, helping us to deal with tribal issues as they come up. And, actually, has made a lot of suggestions about how we probably need to do a very similar type of process only on tribal issues in this area.

John, Bill, and Jose Bravo, who is with the Just Transition Alliance, Chula Vista, California. And Jose is relatively new, we added him after we had had a couple of conference calls but he has jumped right in there and is helping us with process.

(Slide)

We started this process, I suppose, in late April or early May. Because Victor cracks a mean whip, sort of like Indiana Jones. We have already had five conference calls and one meeting. So, we feel like we are well on our way and really appreciate Victor's guidance and his persistence in getting us all around the table.

And I am going to ask him to talk just a little bit about why we are doing this, and what we are doing.

### **Comments**

***by Victor McMahan***

MR. MCMAHAN: Thank you, Chuck. This is my first time before the NEJAC, so I am both honored and privileged, and a little bit nervous. My first time in this building also, Richard, was with the first People of Color Summit. I

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was, actually, a volunteer with Donald Smith, at that time he was with Green Peace. So I was one of the young colored hair people walking around there at the time.

(Laughter)

MR. MCMAHAN: I had some color in my hair at the time. Anyway, what we asked the NEJAC to do was to help us to frame a dialogue with business and industry. What we wanted to do was to reach out to business and industry to understand how we can engage in more to look at this nexus between environmental justice green business and sustainability.

What we were seeing, as we look across the landscape, Charles and others, is that there is a growing body of work going on at community level, and among large businesses to address sustainability. And that, basically, is climate change. People, companies, large and small, are trying to reduce their environmental footprints. Also, we are finding small businesses being generated also to do this as well.

What we really wanted to do in this charge was to look at, basically, four objectives. One was how we gain acceptance that environmental justice is a key component of sustainability, pollution prevention, green investments, and the energy future for our nation energy efficiency?

The second was is how do we strengthen these strategic relationships with business leaders, community

groups, NGOs and others who are engaged in its activity already well underway?

The third thing we were looking at is how we can identify specific and practical ways that we can benefit low-income and minority communities in this activity, making sure that the benefits that will be generated, as well as the issues that need to be addressed, are addressed involving those communities?

And the fourth thing we wanted to look at was how can we, at EPA, explore ideas to make ourselves better as an agency to best support this activity? How can we bring together the various offices in the ORD, for example, the Office of Research and Development that is working on sustainability? How can we support some of those efforts? How can we get them more engaged in environmental justice?

So those are the four main objectives we had. And, of course, in your packet you will see the charge itself. There were some questions based on that about how to go about framing this dialogue, et cetera. And Gail, basically, in her group, RESOLVE did a series of interviews and in case study analysis that allowed us to get a better idea of what the landscape looks like.

And that is pretty much where we are right now. I don't think I crack that mean a whip though.

(Laughter)

MR. MCMAHAN: I know most of the people on this NEJAC because I am also involved in the Goods Movement Workgroup, so I think they know that I am fairly quiet.

MR. BARLOW: But effective. Gail, if you would, lead us through the work that RESOLVE has done for us in helping us understand the status of these issues as they are right now.

*Comments*

*by Gail Bingham*

MS. BINGHAM: All right. Well, just to first of all thank everyone here for the opportunity to talk with you about this, and echo one thing that Victor said, which is it is definitely an honor to be here. And I just really want to underscore how appreciative I am to everyone who has been involved in this. These are not all my ideas. I can't speak for anybody but myself, but truly there is a lot of leadership around this table, and in this room, and in the country on this issue. And I want to acknowledge that.

I particularly want to acknowledge my colleague, Debbie Lee, from RESOLVE who has been working with me on this. Victor, who you may not crack too much of a whip, but your insights have really helped shape my thinking. And also to the workgroup, we have had the opportunity to participate in the workgroup's calls.

So, what we were asked to do, our assignment was to

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assess the potential for dialogue on the environmental justice implications of green business and sustainability. There is a real sense that there is an opportunity here, and it is a question, what is the potential and what is the nexus between environmental justice, green business, and sustainability.

So, I see this as a real opportunity to think together about those implications and about those opportunities more specifically. There is, clearly, a momentum in the private sector for improving energy efficiency, finding market opportunities, and collaborating with others in the supply chain. It applies to big businesses and small businesses.

We started off thinking that this is a very large topic and what we are finding is that the horizon is potentially even bigger than we imagined. It is not just the private sector, and it is not just dialogue. One of the themes that I will come back to several times is that the people that we have talked to first, last, and throughout, are focused on results. So there are a variety of tools, dialogues, it is only just one of them.

But, to underscore that the private sector is truly an enormous engine for change in any society, particularly, in this one. And so there is a real opportunity here.

(Slide)

So, what have we done so far? As Victor said, we

have really done three things. We have conducted interviews, many more people to talk to. Every single person that we spoke with had just an enormous number of ideas and dozens of people to suggest that they would also benefit from talking to. So, we are just at the starting point.

Similarly, we gathered preliminary information on number of case examples. And Debbie, really, was the lead in that. Just a starting point, but a tremendous variety of stories. And, as I said, we participated on the NEJAC Workgroup calls. So, just to underscore, this truly is at a preliminary starting point.

(Slide)

So, the questions that we sought to answer, many of you may know that I am a mediator, I facilitate collaborative efforts full-time. Have for almost 30 years. This is the work that I do and that I love. And our questions about assessing the potential for dialogue really are the ones that you would expect and, I think, are similar to the charge to the NEJAC in giving advice to EPA.

What should the objectives be of a dialogue? And, specifically, what results or outcomes would motivate sustained energy and participation? Who needs to be involved, what are some of the assumptions in this kind of a topic? And I think that Chuck eluded -- your point about the conversation last night and this morning -- what do we mean by these topics

and how might that inform how we frame the questions?

Because how one forms -- the questions one asks can open up possibilities, or direct them in more and less useful ways. So, what kind of conversation do we as a society in all of our diversity want to have on this topic?

And then, as in architecture, I believe form follows function, depending on the objectives that we set and the circumstances. Then how we structure that dialogue can vary, depending on what we are trying to accomplish.

What are the barriers to success and what we want to achieve? And then, how can we support that success? So, that is the larger set of kinds of questions that one asks.

(Slide)

So what did we find out? Our findings are kind of in two general areas. The first, these general findings, are more about the issue and the state of play. And then later, I will come to some findings about the objectives for dialogue and maybe, basically, a broad beam that there is a lot of choices and a lot of possibilities for who and what and how.

(Slide)

The four general findings here -- and I will have a slide for each one -- is that there truly is a great deal of interest. People really do see an opportunity for new connections and benefits to be created by asking what the environmental justice implications are of increased attention

to green business and sustainability.

There is concerns, but one of the things that is striking to me is the orientation to the benefits side. And Charles mentioned in his closing remarks before the break environmental benefits and economic benefits. And that is going to be, I think, a real theme potentially here for us all to consider.

It is, clearly, an emerging issue, there is already -- we need to acknowledge already a tremendous amount of good work already done to build on, to support, to learn from, and to acknowledge. And I am going to talk about that. The newness of the issue also creates challenges though, so we will talk about that.

The third theme is this cross-cutting theme of co-benefits. As varied as this issue may be in different sectors, everyone talked about co-benefits. And then everyone also talked about the desire for practical results as a real bias for action, which I know is a theme of the NEJAC.

(Slide)

So, first, last, and throughout, as I said, the people we spoke to are interested in results. There are a variety of ways to frame what those results could be, and that could be part of the dialogue that the NEJAC has about this. But, one formulation is that one set of results is to increase the participation of low-income and minority communities in

the economic and environmental benefits associated with --- and the sustainability in the United States economy.

(Slide)

Specifically, if that general interest is in results, there are also specific interests that people raised with us. Let me step back and say that sort of from a private sector perspective, I heard a variety of things. From some company's point-of-view, sustainability is an inherent part of the company's brand. And there is a real alignment for those companies.

Some companies had a lot more experience and spent more time thinking about it. And it is a little more crystalized. For others that we spoke to, the individual that we spoke to sees the nexus, but they reported to us that in their companies the vocabulary of linkage and implication, the environmental justice implications of sustainability isn't as clear. But what is a part of the vocabulary of the company to build on is a focus on core customers.

So, whether that is WalMart's brand including selling energy efficient light bulbs at that cheap as possible price, and core customers benefitting from that, or from power company, electric utility's perspective providing power to everyone in their service area, low-income customers are very important to them.

And as they look at the implications of climate

change legislation, and putting a price on carbon, the CEOs -- I didn't talk to the CEOs of the companies, but the senior executives I did speak with, reported that their CEOs are very concerned about the affordability and the implications on utility bills for their low-income core customers.

These different points-of-view open up a variety of specific interests. And for some, whether they have been doing a significant amount of thinking about this or not, there is a desire to learn across sectors about how this issue is playing out in other parts of the economy, in communities, and public interest groups. So, there is this desire to learn from different points-of-view.

Clearly, there is the desire -- and probably these are in the wrong order -- but to achieve the results of improving the health, and wealth, and well-being of people who need good jobs in a clean environment.

The last two, the third and fourth points about different dimensions of people's more specific interest, feel to me like they come at -- they are complimentary ideas coming in two different directions. And it really comes for me from the very powerful lens that environmental justice is on how we see the world.

If we look at a situation through that lens of environmental justice, it is very clear to me that we have the opportunity to see new things that we might otherwise miss.

So, that is Gail's take on it. Specifically, what people said to me is -- some said, you know, I am not so sure if the so-called green businesses may be getting a buy on environmental justice.

If we think about the implications of green business and sustainability through that environmental justice lens, maybe there is an opportunity to raise the awareness of environmental justice within companies that are normally thought of as green. And haven't thought about environmental justice as much as the companies whose plants have been the source of emissions where there has been disparate impacts on neighboring communities of color that have been learning and facing environmental justice earlier than maybe these so-called green businesses. But how green are they? And also, what could they do better with respect to environmental justice?

Coming at it the other way, various people said to me, you know, looking at the world through an EJ perspective, we have got companies that are doing a lot, perhaps, in environmental justice side of things, but maybe could do more with respect to sustainability. So, the point could go either way and, obviously, these are fairly general and we need to think together more about them. We'll go to the next slide.

(Slide)

The second finding is that this truly is, as I said,

an emerging issue. It is very important to underscore that the momentum already exists ahead.

(Slide)

And the examples fall into a variety of categories. And I hesitated, I took a deep breath putting down some of these examples. The folks really deserve this acknowledgment, and there are many more people than could fit on a slide. So, please, underscore the others in each of these categories.

But, clearly, there are initiatives that we can learn from where folks in the community development, affordable housing area, are beginning to look for opportunities to provide access to the benefits of green construction to folks who live in affordable housing.

So, Bethel New Life is an example, Enterprise Community Partners, I want to acknowledge Bank of America. Greg's organization provided a large grant to them. There are other organizations Greg mentioned, Living Cities, to me, which is a whole consortium of funders, both banks and foundations.

There is boots-on-the-ground, as Charles said. There is also policy level implications with respect to housing tax credits and green dimensions to that that are moving forward. Enterprise Community Partners has done some work on that.

(Technical audio difficulties)

MR. : I told you this was an exciting issue.

MS. BINGHAM: Yes, really.

MR. MOORE: It sure kind of got everybody livened up a little bit.

MS. BINGHAM: Yes, exactly. It's a good thing. There was a great thunderstorm last night. I learned from my neighbor I lost my pear tree. So that is other kind of thunder here, and lightening.

I heard from Leslie Fields from the Sierra Club yesterday and, obviously, others whose names are up there, doing a tremendous amount of work in the area of green jobs. So I am not going to repeat that.

But, one of the things that I would like to underscore, in particular, is the wealth creation aspect of green enterprise. Small business, there is real environmental justice implications with the opportunities for new business. Pat Spears from Native Energy, spoke a lot about some of the work that they are doing.

There is a group of Latino women in the East Bay who formed a cooperative called Wages, initially started for more income by organizing their own business, they use all green products. So there is all kinds of interesting kind of examples that way.

Larger businesses and other kinds of organizations

are engaged in collaborative efforts. Bill might want to speak a little bit about what PG&E is doing, whether it is green jobs, or coal ironing, you know, new energy sources in ports, and there is all kinds of cross-cutting aspects there. Interface was an interesting company that we learned about.

A carpet company decided to go completely green, and not just carbon neutral, but to actually giving back to the environment. They had economic benefits where they weather the down turn in the carpet economy better than some of their competitors because they had saved money.

Then, there is also a variety of policy initiatives not on there, as an example, is Redefining Progress that issued the report in 2004 on disparate health impacts of climate change on African-Americans. Companies such as Caterpillar, were very humble about things that they are doing, but they are very aware of some of the goods movement. Terry was here talking about that and some of the environmental justice implications on that.

So, too much time on that site, probably, but I just really want to acknowledge all of the folks that have done work that we can all learn from and build on.

(Slide)

Because it is an emerging issue, there is lots of questions too, and it creates challenges. When an idea is new, the same thing and it will come from different vantage

points that people can use the same word, and in different things, people can use different words and mean the same things. And that is a reason for dialogue, but it also makes the framing of questions challenging and we need to all work together on that.

(Slide)

I just want to underscore -- and, again, I think it was Leslie who gave me sort of this picture of couldn't we draw a diagram where you just sort of look at the different places people are starting, and then coming together. And maybe that is the alignment that Charles was talking about, maybe it is something else.

But, there are those who start from an environmental justice background and are seeing the potential opportunities with sustainability, there are people who start from a community development background, and are doing the same thing. People starting from a sustainability background don't understand the environmental justice side of things and would benefit. Lots of dimensions to this because it is a new issue.

(Slide)

The thing I want to underscore most is this theme of co-benefits. And it ties to the finding also about the desire folks to have really concrete results. To be results oriented. As soon as you get concrete, given the variety of

experiences and backgrounds people come from and varieties of sectors of the economy, the topics of interest are different for different people as soon as you get pretty concrete.

But, in virtually every conversation and, certainly, every example it was clear that what was of value to people was the co-benefits. That this, as I said, the powerful lens that environmental justice is for looking at the world and seeing new opportunities. It is a real gift and I don't think people have thought about it that way quite often enough, in my view.

So, what people are seeing is this value of multiple benefits. And I will just give the one example of retrofitting urban multi-family housing stock. Greg's former colleague, Phyllis Caldwell, who is a personal friend of mine, used to be at Bank of America and is now the President of the National Women's Foundation, I spoke with her and she pointed out that one of the biggest opportunities for -- not the necessarily, but a huge opportunity for reducing the carbon footprint in this country is to look at retrofitting urban multi-family housing. And, making that housing stock more energy efficient will reduce carbon emissions in the country.

But, it will do much more than that. It will reduce the utility bills for low-income people if it is done right. It will be done with lead abatement, and ways to reduce the health effects associated with asthma triggers. So you get

health benefits if you do it right.

The jobs associated with retrofitting urban housing stock are jobs that can't be exported. They are good jobs, they are highly skilled jobs, and so there is just a tremendous opportunity for co-benefits there.

And in Brownfields, in clean diesel and energy efficiency, examples such as the green roofs, and the heat island in New York City, the green roofs on schools, there are just enormous educational benefits, as well as energy efficiency benefits, et cetera.

There are other themes that go along with co-benefits. The fact that these issues have the characteristics of needing all of us to work together to identify and accomplish them. They need to be proactive. The theme of accessibility, these are all things that we can all think and learn about more.

(Slide)

So, just a few closing comments on the objectives. Victor shared with you our starting point, and the reaction that I have gotten from the conversations I have had with folks are that those initial objectives are good. There are some specific comments that we have gotten that we could get into in detail, but with this desire for concrete results, and the diversity of topics that one, as I mentioned, would need to bring together, or to talk about to get concrete, the

impression that I have gotten is that these objectives are good, but not sufficient for engaging people in a sustained way.

So, what I have been thinking and want to share with you to see if it is beneficial and what you would do with it is that I also heard sort of people stepping back -- so there was comments on the objectives, there was this desire for concrete results, but many people stepped back and asked me, what is it that EPA is really trying to accomplish. Is EPA trying to raise awareness? Whatever the topic is. Or, is EPA trying to learn so that it leverages and strengthens its own action and policy? Or, does it want to motivate action by others?

And what is clear is that these are not mutually exclusive. They are all good things to do, and so, perhaps, as we think about this going forward, there may be ways to look at leveraging what is a good starting point, thinking about these sort of fundamental outcomes, that would leverage all of them? Can we be concrete and specific in a creative way and find ways to leverage all of these things? It is a question, there are quite a few answers, and I think that is really where the workgroup picked up and started thinking itself. And I will leave it to the discussion to let those ideas come out.

(Slide)

But, as you look through the next two slides, I am not going to go through them in detail, but from what people said to me, there are certainly implications for workshops, somebody suggested if one of the objectives is to learn cross-sector, maybe we need a big national conference.

Certainly, this idea that we need all to work together to realize these co-benefits, maybe there is some kind of -- there is an importance of bringing together federal agencies, state and tribal partners, others.

Jolene has pointed out many issues unique to tribes, as did Pat Spears, and others. Maybe there is special attention needed to issues unique to tribes in Alaska Native villages. You all are a very reflective forum, may want to pick up some of the thinking about what these concepts and assumptions are.

And, Elizabeth on the workgroup, one of our group calls was sharing some very exciting stories about the bottom-up collaborative kinds of work from the grassroots level. And one could imagine fostering and supporting dialogue. Dialogue isn't just a national thing, it is at the community level, and there have been huge opportunities there as well.

(Slide)

So, in summary, just going to the last slide, strong interest, definitely an emerging topic, clearly, very rich topic. The importance of taking a strategic approach to

leverage our efforts so that what we do with limited resources opens up the greatest possible impact. And just to reiterate that this, certainly, is just the beginning of thinking about this together. So, thank you.

MR. BARLOW: Let me speak for just a moment, and then I think we will be at a point where we can all just do some question and answer, or discussion.

MR. MCMAHAN: Can I just -- I forgot earlier to acknowledge a couple of people in the room who helped us. Leslie Fields from Sierra Club was with us yesterday at the workshop. Carton Ealy has been with us throughout some of the phone calls, as well as the workshop yesterday. Deirdre Sanders, who is with William Harper. And also Julie Goverman, I think -- that is not right, Julie -- is with our office, helped out yesterday as well. And Deohan Ferris, who is with another group, Sustainable Community Development, Inc. I think that is correct. Would have joined us but she was unavailable. Thank you.

MR. BARLOW: Let me tell you a little bit about what the plan is, what the workplan is from here. RESOLVE is in the midst of preparing an assessment report that goes into more detail, and more specifics, obviously, than we had time to do in these slides.

The assessment report will come to the workgroup, and the workgroup will -- that will be an iterative process,

the workgroup will comment back to RESOLVE. RESOLVE will end up with a final assessment report of what they have found out there around the nation through these case studies and interviews.

At that point, the charge and the workplan of the group is for us to develop a letter, a two to three page letter, that incorporates the findings of RESOLVE and other suggestions that the workgroup might want to make. And as I see it, I am not sure I am saying this exactly correctly, but what we will be drafting, basically, is a draft letter for NEJAC then to look at. And, to discuss and churn it into, eventually, a final letter of recommendations that would go from NEJAC to OEJ or to EPA.

There has got to be consensus in the workgroup before that comes to NEJAC. There has got to be consensus in NEJAC before that goes to EPA. And then, I think, that one idea that EPA has is that OEJ would then have something that they could share with other offices, possibly within EPA, to talk about this topic and to talk about starting the broader dialogue.

So, we will be trying to give form and some substance and some suggestion to this dialogue. Now, as we started this, I really got the feeling that we were trying to sew the wind and reap the whirlwind. Or, you know, grabbing at ghosts. Because this is a very, very large and amorphous

topic.

So, if you will go to the next slide, I came up with -- well, maybe I didn't. On the flash drive, there were two additional slides in that. Well, don't worry about it, I can just -- they are on the handout, I am sorry. Go to the back page of the handout, the very back page, we talk about this.

(Slide)

But we didn't want to lose -- you know, the workgroup just started thinking about things as we were doing this. And we thought about some recommendations that had a little bit more substance to them, and we just didn't want to lose them. This is very much a preliminary listing, it is not at all exclusive. It is more in the form of a strawman that we can then think about and punch holes in.

But here are some of the types of the recommendations that we had already thought a little bit about. And I just wanted to take a few minutes and explain these. Increase organization and coordination of existing EPA efforts in this area. As we have talked to people from EPA on our conference calls, we have gotten great information.

But, the information is coming from all over the place in EPA. And I mean EPA headquarters, where we really only have -- we have had some regional folks on the call, but we really haven't drilled down to the regions to find out what the regions are also doing.

So, we are getting information from -- okay, Dr. William Sanders at ORD has a certain program. Carlton is in the Office of Policy, Economics and Innovation. And the Smart Growth Program, David Lloyd and Joe Broff(\*) are with the Office of Brownfields and Land Revitalization. And you keep going and you keep going, and as long as you want to talk to EPA, you keep finding different programs that are approaching this topic.

Now, that is a great thing, but it seems to me like it would be wonderful to have one person who could sit down and tell you what EPA is doing on this topic. And I don't think there is any one such person, because there is good work being done in a lot of different locations within EPA.

So, we are not even talking about creating a new FTE, or a new office, or something like that. We are just talking about let's not clean up, but let's organize our own house first, let's know what EPA really is doing on the topic before we go out and start talking to others.

And then the second step is similar to the first. It would be to encourage EPA to reach out to other federal agencies, and there is not reason they couldn't do this with their state, and tribal, and local partners to coordinate to find out what the other agencies are doing. I am pretty sure that DOE is active in this field and there, certainly, could be others.

But, let's encourage EPA then to start coordinate those efforts that are already going on at the other -- you know, it would be embarrassing to take a tremendous amount of money and time to try to accomplish goal "X" and then find out that, well, DOE has already done goal "X". So, let's coordinate that, let's find those things out.

The third is to continue and facilitate this national dialogue that what we found is that the dialogue has really already begun. The train has left the station. It is a pretty big long train and it is moving pretty quickly. All right. So, what we want to do is try to provide guidance about where that train goes and who is on board. Okay, and that is the dialogue.

So, obviously, everybody around this table has worked with community organizations, with states, with NGOs, and we need to do all of the things that we know how to do to make sure that that dialogue has everybody at the table who needs to be at the table.

And the very first thing I ever learned about environmental justice was somebody telling me that one of the main things it means is get everybody at the table who needs to be at the table to talk about what ever decision it is you are trying to make.

We know how to do that, we can provide suggestions to EPA about how to do that. And I have got in here, I have

got, see the draft assessment report. I really should have taken that out. That was my own note. That is really a lot of what the resolve report, as it is finalized, will talk about. Good suggestions about EPA having dialogue.

The fourth is drive towards this maximization of co-benefits. Because, I think, just about everybody that Gail and Debbie have talked to have talked about, you know, this is an area where we can do good things. Somebody in my company talks about hitting the sweet spot. We can do things that are environmentally good, that are economically good, and that help EJ communities all at the same time.

And one very simple example is utility companies going into communities to help do energy efficiency work, it lowers their bills, it helps our customers, and it cuts emissions. You know, ways that you -- and there are a thousand other examples, it is just one that I know of.

(Slide)

So, encourage active research, perhaps, by EPA, ORD into programs that maximize these co-benefits. And then this was just sort of a wild hair that we had. Possibly funded by earmarked revenues from a carbon tax or a CAP-and-Trade Program.

Now, I say this because this is actually being -- no, wait a minute now, this is actually being proposed on the Hill. And I know it is because my CEO has been in several

governor's offices and on the Hill saying that.

As the Federal Government starts collecting some trillions of dollars in a carbon tax or a CAP-and-Trade Program, which is what is, I think, the last thing I heard was \$7 trillion a year under most of the Warner Leiberhan types of CAP-and-Trade Programs.

One thing that my CEO is worried about is how people are going to continue to pay their energy bills. People who already pay maybe a third of their income a month on their energy bills, how are they going to keep doing this when we are going to have a carbon tax, we are going to have a CAP-and-Trade Program and we are going to be buying allowances. Well, we need to recycle some of that. It doesn't need to go to the energy companies, it needs to go to those low-income customers. I mean, this is just one example.

Well, another way you could do that, obviously, is let's get some of that money going in the right place so it helps EJ communities in the way it should help EJ communities. And you sell it better if there are other co-benefits as well. Yes, we are helping EJ communities, but we are also helping non-attainment areas show reasonable progress toward coming back into attainment.

And low and behold somebody is making a little bit of money off of this deal. We are creating good jobs, sustainable jobs. So this is just one of those things where

it is sort of a win/win -- or, it can be a win/win/win situation.

And then the last one is facilitate education within business organizations. Now, this is -- and my folks gave me the approval to go ahead and put this on here, but this is a Barlow idea. And if anybody doesn't like it, it can be taken off. It is easy to strike through things now that we have word processors. But I think that we are missing a bit by not getting into the board rooms, and the CEO's offices of America and having just a real simple discussion about why this makes sense for companies.

Now, you have got some companies that they get it. Okay, they understand why environmental justice, why being green is a good thing in the long run. You know, again, something my CEO says is, here is the deal with climate change. We can pay for it now, or we can pay a whole heck of a lot more for it later. And that is why he is on board with going ahead and starting to pay for it now.

Well, environmental justice is one of those things that it is in that sweet spot that we have been talking about. So, I think one thing that we could do on the confluence of environmental justice and green business, and green jobs, is develop a tool box like we have done, like EPA has done for communities, helping communities take advantage of programs that are out there and helping them understand how to organize

and empower themselves.

Let's give that that corporate EH&S manager, okay? At huge corporation "ABC". Let's give him some help in knowing how he can go in and talk to his CEO that is probably four or five levels above him in the food chain -- we talked about this, Jimmy Palmer food chain -- that he can go in and he can talk to this CEO in CEO language, in board of director's language about why this makes sense. Why it makes sense for everybody. Our customers, our shareholders, and us.

So, these are just some ideas. There will be, I am sure, many more to come. We don't even have the final report yet, as I have said, from RESOLVE and the ideas about how to actually have the dialogue and a national conference, or a lot of meetings, or sectorized meetings, or carving out the tribal issues all together. Those are things that we have got a lot more thinking to do about.

But anyway, I appreciate your time and listening, and would be glad to discuss further.

MR. MOORE: Great. Thank you, Chuck. And we would like to thank, actually, all those that participated in the workgroup and are continue to participate. I have some comments and then we are going to open it up for discussion, Charles.

You know, one of the things I think this whole discussion around green jobs, and sustainability, and so on,

it always kind of interests me that sustainability from an environmental justice perspective several years back there was foundations and others that were going through processes, focus groups, different kind of things, to define sustainability. And the definition of sustainability really became much more of a top down process than a bottom up process.

And there has been many communities, probably even way before the environmental justice movement came into existing as the environmental justice movement, social justice movements, and so on, that really, I think, there is a lot to learn from those earlier discussions and dialogues in those communities around this question of sustainability. And, again, a lot of times we see the people that need to be at the table cut out of the process. And some of you have made reference to that.

I think an example, even in the City of Albuquerque, our mayor has been named the green mayor of the U.S. or something. And I won't name his name so I can say something nasty about him. But there was an initiative -- well, I will just say, since I won't leave it hanging there -- is that this same mayor that is claiming to be the green mayor and getting all these awards is the same mayor that promoted and pushed through the paving of a road to the Petroglyph National Monuments, which are thousands upon thousands of years --

those Petroglyphs are thousands and thousands of years old.

But, I will just give you another example of who doesn't get to the table sometimes when these discussions are happening. Plumbers, workers, let me just flag what I mean by that. There are several initiatives throughout the country, including in the State of New Mexico that the whole thing about energy efficient toilet stools. And I was having a discussion and have got several plumbers in the family, and we were having a beer one evening, a little (Speaking Spanish), we were having a barbeque.

So we were just discussing things in general and I said, well, hey, I have got to get a new stool put in my house. So we started talking about the energy efficient toilet stool. And they were telling me, you know, this energy efficient stool, you have got to flush it three to five times, so how energy efficient is the stool if you have got to flush it three to five times?

I mean, there is a whole lot of this kind of stuff. I am saying, all it would take sometimes is somebody having some imagination and thinking that it might be important to invite plumbers, and others, that have a lot history and a lot of things, a lot of sense, to the table to participate in some of these discussions.

The whole question of green jobs, we asked an elected official a time back who was running for office. And

he was talking about green jobs and one of our members asked him if he could define a green job. And he said, yes, of course, I can. Well, then what is the definition of a green job? And he said, well, the definition of a green job is getting somebody to work to make solar panels.

Now, first of all, the other piece that is connected to this -- I think it is real exciting and I am really glad that this working group has come together, is bills that are being promoted and policies that are being initiated with no real clear view of the impact on those that are going to carry the weight and responsibility of some of these bills and some of these policies from an energy efficient standpoint.

So, I say the green jobs because I am not anti-solar panels, but again, is that the definition of a green job is putting somebody out there to cut grass? I mean, they are very green grass, there is a whole lot of things. Green dollars, there is a whole lot of stuff.

So, in the environmental justice world, in our world, the environmental justice movement, we have been having several discussions around -- because many of our people are involved in dialogues and discussions around definitions. And sharing some of those definitions from a bottom up process in our communities with workers and others, and beyond just to really get some of those things going.

I am really excited about this working group, and

with you all, and have been talking about and what you have presented. And I think for one of the moments, it may afford us the opportunity to not make the same mistakes that many others are making.

One, in terms of the claiming to speak for the environmental justice movement when they don't have a right to speak for the environmental justice movement because nobody ever had an election and voted them and told them that they were going to be our speakers, or representatives.

So, we have the opportunity in this to so it right, do it the right way, you all come to the table with a lot of experience. We have got a lot of experience at this table, we have got a lot of experience out there, and a lot of experiences other places.

So I truly want to put my support behind the work that you are doing and comment you, even in this short period of time, for a job well-done. And that is to be very highly appreciated. So we can do something different, we can get the right people to the table, we can engage the process from the bottom up, so we can make suggestions and recommendations and move it forward.

Charles, I think you had your card up and then we are going to open it up for discussion.

MR. LEE: yes, I wanted to echo Richard's words and thank Chuck, and Gail, and Debbie, and Victor and all of the

rest of you who are on this workgroup.

I wanted to give a little bit of context in terms of how this discussion came about. And what were some of OEJ's thinking when we first approached Gail Bingham about the idea of doing an assessment of, perhaps, holding a dialogue with members of business and industry around this set of issues of green goods and sustainability.

The first driver for this was the realization that we need to reach out to business and industry. That, in fact, we had not been doing a very good job in terms of doing that. In fact, the main take-away from the report that was done back in 2003 on business and industry perspectives and practices, environmental justice, was a number of major businesses who did not want to have anything to do with the report.

Even though most of those their community groups mention as having good practices. So, we have a lot of work to do there, and we saw that, and we have been told that this whole movement in terms of green investment, and green business, and sustainability was an opportunity to engage in that dialogue.

That, perhaps, we needed to move the discussion away from what most business and industry see environmental justice as those people that complain at the fence line. That it is a much broader set of questions that have a lot of connection with existing corporation policy-base, and that, perhaps,

there is a way to pursue that dialogue. So that was exploratory. We didn't know how to go about doing that, but we definitely saw it as an opportunity.

The second is that as we have seen now, and we saw in September, and I think we will see more, the underlying driver for this is climate change. That, in fact, that is going to be a measure, a source of both ideas, activities, legislation, et cetera, et cetera, et cetera. And that we needed to figure out how to position ourselves for that and to do so in such a way as to be pro-active and positive and constructive.

Because what is already emerged in the terms of the shape of the discussion around climate change and environmental justice is a very polarized or polarizing kind of question, which is environmental justice and emissions, carbon emissions trading. And if that is what it evolves into, then we are not going to be able to get the kind of dialogue that I think can produce a lot of positive kind of results.

So, not to say that that in and of itself is another set of issues that we have to address, but -- and when we put this together, we kind of forecasted that this would be a major issue, but I don't think any of us a year or two years ago could have seen the way that this has mushroomed. And we are really pleased that we are in this position to be

positioned around this very important and, perhaps, fundamentally changing issue. Issue that changes the fundamentals of a lot of what we do.

And then thirdly, this is an opportunity -- even though it is focused on business industry to reach out to as a first group, that we knew that this was going to be something that was going to be geared around those activities that existed on the ground. Native businesses like native energy and many of the things that Gail and Victor are talking about, and that is very important to shape the table properly.

But, it is also very important to shape the conception of the issues properly, because there is a big debate right now, there is a lot of activity on defining sustainability. And this is going to be going into the future. You know, this is going to be something that is much bigger than we ever thought was going to be the case. And there is an article that I want to share with everyone called, "The Law of Sustainability." And what, basically, it comes down to is it talks about the law of environmental protection, and the law of sustainability, and what are the differences.

So, I think, this is what we are talking about when we are talking about this going to the future. So, from our perspective, it is much easier, it is much more strategic to be able to influence the development of something in the beginning than afterwards. My first article on environmental

justice was entitled, "Out of Sight, Out of Mind." In other words, you cannot change, you cannot do very much to affect a transportation process that takes 25 years to do on the 24<sup>th</sup> year.

You know, you have to do it in the beginning. And as these ideas are emerging as this dialogue is beginning to emerge as we -- is already starting and taking momentum, this is a real opportunity. This is a real opportunity to inject it, to have it in the way that, perhaps, Richard is talking about it should be happening, in terms of -- you know, if the definition of sustainability is environment, economics, and social issues or equity that it doesn't become discussion around the first two, but everybody agreeing that this should be covering the third one and never getting it until the end.

So, this is a challenge, I think, and it is an incredibly exciting opportunity, but it is also more importantly, a really important and significant opportunity for us to make a difference. So that is the genesis of this whole idea. I wanted to give all of you the context for that.

MR. MOORE: Thank you, Charles. We are going to open it up for comments and questions. Council members, just keep a little bit aware of the time, and this won't be the last time that we are going to be able to engage with this working group, and so on, or members of the working group. So, just please be aware of the time and we'll proceed. And

then when we finish that round, then I will turn it over quickly to Victoria and then we'll close out for this evening. So, I didn't get the which up cards first kind of thing, so let's just jump around a little bit. Paul, do you want to --

MR. MOHAI: (Microphone not turned on)

MR. MOORE: That is okay, let's just go. Everybody is going to get a chance.

MR. MOHAI: Okay, thank you for your generosity. Well, my question and comment is, and was, very similar to Richard's and Charles', and that was about the definitions of green business and sustainable business practices. And, I also agree that it is important to have clearly understood definitions of those terms.

But, I wonder if it also could be taken a step further, and that is to enumerate the specifics of what business can do that would fall under the category of green business practice, or sustainable business practice that not only makes the definition, takes it out of the abstract and makes it more concrete, but also might serve as a real guide to industries about what the various things they can do.

Because when I think of green business, or sustainable business practices, I don't think of any one thing. I think of a lot of different possibilities and different businesses, depending on what they produce and the kinds of context and opportunities that they find themselves

with may have different specific actions that they can take.

So, I guess my question -- and maybe this is the intention of the workgroup anyway, and that is will the workgroup not only provide clear definitions of these concepts, but also enumerate specific actions that are possible? Things that are concrete? And I think, again, to the extent the more concrete that they are, not only does that, I think, potentially give a guide to business and industry, but makes the whole issue much more understandable. Thank you.

MR. BARLOW: Paul, thank you. The way I read our charge, our response probably would be to say that these are things that need to be included in the dialogue. But, we have not been charged with -- you know, because you don't want to make those types of decisions, definitional decisions, I don't think. Or, at least, only make them in the broadest contextual sort of fashion before you actually begin to have the dialogue that we are.

So, I think that that is part of the goal at the end of the day, I don't think it is within the charge of this workgroup.

MR. LEE: Just by way of clarification. I mean, Gail began as part of her assessment to identify real activities, businesses, on the ground that may fit the kind of definitions you are talking about. I mean, I think, Chuck is

actually right. This is not going to be something that happens as a result of a small group sitting in a room, but as part of a larger dialogue.

And we are trying to, through Gail's work, find as much factual information that is relevant as possible to further that discussion.

MR. MOORE: All right, thank you, Paul. Sue.

MS. BRIGGUM: That is a really helpful clarification, Charles, because as I was listening, I thought you had done a very nice job of identifying people who would be good candidates to participate in the dialogue.

But, as I heard you talk about the examples, and I looked at the slides, having been on the EJ Awards Selection Panel, and having heard Ms. Fisher from New Orleans last night, I was really given pause. Because I have been doing this environmental reporting sustainability stuff for 15 years. If you tied me down, I could give you maybe 200,000 examples of something that you could say was an EJ benefit.

And they are all things like, reduce this, reduce that, no waste, reuse water. But, I don't know if this tells you anything in terms of what Richard mentioned, which is environmental justice starts with the community and the partnership with the community in the way you frame the issue.

So, it makes me really nervous about examples because there are just so many of them and it would be so hard

to feel that we stood behind them, having seen how hard it is just to select one company. I can't imagine trying to sift out 30.

But, I also had hoped that that dialogue would actually not be about companies or people, but more about concepts in which we had all like come to the table with ideas. For example, what is environment and social? Is this social justice? Are there items in terms of response to the environment in which there is an alignment with social justice? And how would you make sure that happened? Can you say you are a sustainable company if you aren't engaging in the communities in which you impact? Is that like part of a core element?

I was thinking that we take something like the Global Reporting Initiative that has its 79 factors and you would go through and you would say, but wait a second, this is how much money do you give to the ---? That makes no sense at all.

Instead, we have the benefit of decades of talking about environmental justice to bring to bear and then decide what the policy issues are. Is it a matter of participation? Is it a matter of tangible impact in terms of both economic and environmental benefit on the ground, in the communities in which you operate? Are there things that everybody who says they are sustainable should be saying that comes from the

themes that we already know from the environmental justice movement?

Because I don't hear anybody in GRI and talking about environmental justice. So, I thought, just in terms of general content, that would be maybe something really innovative. And the good thing about that is you wouldn't then get all this noise about, oh, "X" company, you said that they were a great example, but they are killing someplace else. Which, I think, will just divert us from our policy discussions.

So, that was what I was thinking.

MR. MOORE: All right, thank you, Sue. John.

MR. RIDGWAY: This topic probably charges my emotional button a little more than any other. I would propose to get to Chuck's reference to a sweet spot. Where is the niche for this group, for EPA, on the topic? Everybody is in on this. It is a worldwide issue.

I would propose the sweet spot is how do we be sure that environmental justice is engaged in this topic of sustainability? That simple. How do we keep it just to what Charles is saying. How do we make sure that when people say, well, what is social justice mean? At least EPA is there saying, you cannot be sustainable if you do not work with environmental justice as one of those core principles.

That is it. I think that is the niche. All these

other things can be good, but there is not reference to that in what I saw in your sheet there. And I now you are doing good work, but I think that is where there is a huge demand, is to remind all these businesses that think they are doing the right thing, or they want to do the right thing, that if you do not engage in environmental justice and all the principles around that, which is very well defined, I don't think we are doing our job. So, I encourage you to include that in your consideration and that may be enough. It is not an easy thing to do.

MR. MOORE: Kathryn. Everyone is going to get their turn. Thank you, John.

MS. BROWN: That was very well said. Very well said. I heard economics, I heard environment and social issues. I would also hope that you would reflect on the health implications of "going green." We have had energy crises before and we tightened up buildings, and there were health impacts associated with that.

So, I guess I hope you will think about how do we involve that health criterion in the discussion about what is green.

MR. MOORE: Thank you. I think maybe culture could be added to that list. And that was a good run. Omega.

MR. WILSON: My question, or my comment -- comment and question -- has to do with the drivers for community

involvement transparency. Not only their involvement, but their observation of how things are changing. And that includes how you get buy-ins that are measurable that can be seen at the household level, that becomes a measurement of cost, as well as savings.

Because a lot of people look at green as being a way to save, and you want to encourage that as a motivational trigger to encourage people to do it, whether it is energy, or whatever the case may be.

How we do this and document this at the household level, and at the community level, because there are ways that define communities, such as utility grids, gas districts, water districts, or water areas, or areas of water communities, recycling, the process of recycling, and reduction of impacts in landfills because two and a half -- the placement or existence of landfills is noted to be two and a half times higher in low-income communities, in EJ communities, than anywhere else. That is 250 percent, okay.

It is a modeling question of if we have utilities -- everybody gets a water bill, everybody gets a light bill. Just about everybody I guess I might said. So, it is something that you can see.

For instance, locally where I am the electric company allows you to join in this EEP Program where you can actually see what you save. And if you cut your bill to a

certain amount, it is averaged at the end of the year to the 12<sup>th</sup> month, you either owe something, or they will write you a check and they send it to you in the mail.

So, I mean, you actually see that check and they actually send it to you. Or, you can turn it over and it may be enough to knock off the next three months, or next two months. So it is very visible.

How we do that so people can see it in their own households, and get utilities and all these other people we were talking about, agencies we talked about, service areas, to document that and say this is what this community did, this is what the city did, this is what you saved this year. So, it is very transparent and the mobilization, or distribution process, is not EJ. It becomes the utility service, because they are always sticking something in there anyhow.

But this is the time of the season to buy your barbeque grill, this is the time of the season to install energy efficient windows, or whatever. That that becomes a buy-in, and that becomes a distribution thing for that local community, that household, that city. And the government can see it, I mean, everybody can see it without necessarily creating a new machinery. The mechanism is already there. The mail is already there. The structure is already there. Getting the buy in so people can actually see it in a dollars and cents basis.

Question and comment all wrapped into one.

MR. MOORE: Great, thank you. Thank you. Shankar.

MR. PRASAD: (Microphone not turned on)

MR. MOORE: Okay, Russ. Oh, I am sorry, I saw the paper up there but I should have snapped it, I am sorry, Russ.

MR. WRIGHT: You know, one of the things that, if I understand this approach of what we are trying to do -- and there is a good chance I don't -- but, you know, there is a green thing going on. Everybody is going green. And, I think, it is just a matter of -- and I will go back to a couple of things that Charles said - from an agency perspective, and I am talking about EPA, we are talking about greening everything.

I think we are probably overdoing the concept of greening, but when it comes to taking a look at what we can do from an EJ's perspective, I think all we need to do is, basically, integrate and get on with the fad that is going on right now. You know, the green thing, and the green momentum is, basically, on the rise.

I think what we need to make sure is that we don't miss the bus and get this thing integrated to our business, like we are doing everything else. For example, what we are doing in Region 4, we are working with our states, with our communities, and we are integrating this whole concept across the board. As I said this morning, we are taking the liberty

of making sure that environmental justice is a part of everything we are doing now.

And, I think the whole business of communicating and working with our communities to try and make sure that they understand the concept and the benefits of green, and how it, basically, embraces this whole business of climate change and energy -- I mean, there is a savings, there is a benefit, but it is a culture change that we have got to deal with and get people to be conscious of exactly what we are trying to do and to recognize the alternative benefits to themselves.

The key is, and something that Grant mentioned before he left, and that is how do we measure progress and results. That is going to be the key of making sure that the integration aspects of going green is working, is to be able to collectively measure somehow the benefits, the same thing that I talked about in terms of the missions, and those kinds of things as related to the bio-fuels initiatives.

So, I just think we need to, basically, look at this green effort the way we are looking at other aspects of the climate environment and just to make sure that our communities, our constituencies, are aware and smart enough in their investments.

For example, I mentioned something this morning about Regenesys. They are, basically, building some green houses that, I think, are a great start to infiltrate the

consciousness of going green. So, I just think we need to do a better job as we work with our communities to, basically, make them better understand the benefits of the green thing.

MR. MOORE: Thank you, Russ. Laura.

MS. YOSHII: This really does build on what Russ is saying, but as I was trying to think about how we move some of these things to -- I am really --- biased of implementation bias here -- but I do think there is an important opportunity to help others see the nexus between environmental justice, social justice, economic justice. And our success really in environmental justice really requires addressing all of those things.

To move forward in the most meaningful way, and even as I look at some of the findings, Gail, that you had that there is a desire for practical results and clarity of expectations; which is also what our Administrator and all of us have emphasized is what we are going to need to do in demonstrating any of our EJ investments and efforts.

So, one thing I would urge us to think about is what are some of those metrics, other than, obviously, we are going to have to capture the environmental benefits and public health benefits from our EJ efforts, but then how do we expand that to show jobs, other benefits that go beyond -- you know, the things that have been defined by the community?

Because then it also gets at another very important

thing, and that is you can't just generally define it. It should be community-specific based on the voices of those communities, defining what is important and what is a benefit. And how can we build that in sort of a template, or whatever, that governs defining kind of at the front end, what are those outcomes.

MR. MOORE: Okay, I think we have had a lot of input so far into this, and I know there is going to be a lot more opportunity for us to provide further input. I do agree, I think with the comment that we need to define our niche, because it is so broad.

And, I think, that somehow -- and you all are kind of picking that up in what you are doing in this process -- I just think fairly soon we need to really come to a solution around what is our area of concentration going to be in this.

I just wanted to lastly say that a lot of times from an environmental justice perspective, a lot of us are accused of being the non-solution people. You know, here comes the complainers and the naggers, and the whatever, and they are always complaining about everything but they don't ever come to the table with solutions.

I mean, I know that there is no one at this table that believes that, but there still is that element out there. I am saying that in this reference because when -- and I gave the real short version of the job question and the definition

of that. I just want to take it for five seconds and run.

My question was around the green job, defining what a green job is, or what a green business is. Is that on one side, we have been engaged -- and I say we now meaning the broader environmental justice community -- with some business, and so on. In Detroit, I know Danele and my discussions with Danele -- Danele Wilkins, --- for Environmental Justice, has taken up some projects and some engagement with some of the business community around moving some things forward.

Hazel Johnson, Cheryl Johnson, People for Community Recovery in Chicago, and James Carlton and some of the work -- and, I think, Dave received I can't remember if it was a care grant, or collaborative problem-solving I think was what it was maybe -- and they were engaged in some discussions. And they were engaged in some discussions, and it seems like that venture may come to some real value with the business around coming into the community on the south side of Chicago and providing -- one was the kind of chemicals that the company was using itself.

And then, working with the owner of that plant, MIT and some of the other university institutions that have been engaging with workers and community around some replacement chemicals. And that owner said, yes, I will do it. Bring your folk over here so we can try to figure it out. And the community always stayed at the table, consistently. It was a

great kind of endeavor still in the making.

And then there is many others you are all aware of. It was mentioned with Harold Mitchell around the green housing. So there is a lot going on out there, there really is and there is a lot of real success out there.

But, what I really meant was that in terms of the solar panel example of the job was that the question was, how do you define a green job? And the answer was, well, a green job is putting a younger person or someone else unemployed to work in the solar panel company. And I said, okay, well, how much money is that individual going to be making? And they said, here we go, the trouble makers again, asking too many questions. They said, well, we haven't figured it out. Well, they are going to get paid at least minimum wage.

Okay, well, all right. Well then what kind of health benefits are these workers going to have? Are they going to have health insurance and all the other kind of things that you may even have yourself, but are they going to get that? Well, I don't know because we may have to for whatever reason go to the contract employee.

Well you know, for us, we know what that means. It means the elimination of health insurance and a lot of the other benefits that go along with it. You hired two part-time people instead of hiring one full-time person and then you do the contract instead of whatever.

I said, okay, well then what kind of chemicals are used in the making of solar panels? Well, I don't know, I mean, there are some pretty nasty chemicals. I am just kind of wondering what kind of worker health and safety conditions are these sisters and brothers that are going to work in there for minimum wage, contract employees, what is the health and safety that is going to go along with the working conditions, and all this kind of thing.

And then I just have one more question, and I am going to really kind of leave you along. I wonder where that solar panel place is going to be located at, and what is going to be the protection because of the dangerousness of the chemicals, and the making, the formation of those solar panels? I just kind of wonder if it is going to be in my community? I mean, I have got the sewage plant, the dog food company, the petrol chemical facilities, the pig farm, the chicken farm, the slaughter house, the dog food company, and on and on.

And I am just kind of wondering if that facility is going to be located in my community. Because you said it was a zoning problem, and that is the only problem it was. It wasn't intentional that people were dumping all these things in my neighborhood, it was purely because it was a zoning problem. It just don't really matter whether it was 98 percent Mexican-American, or whatever it may be. I don't know

the economic realities.

All I am saying is I really support this, and I know that is what you said, and I appreciate your comments, Russ. And I really do support this endeavor, I just want us to get our niche together like you want, dive in there, open up the process, do the kind of things that we know best, and bring the right people to the table.

So, that is just where I am at. Chuck.

MR. BARLOW: One quick clarification. It is my understanding that it is not the job of this workgroup to define the niche, it is the job of this workgroup to form the questions to help make suggestions about what the questions are, who needs to be at the table, how the discussion needs to take place. But for me, for this workgroup to try to define the niche would be like writing the permit before the agency goes out and talks to the community.

So if that is what we need to be doing, then we need to rewrite the charge. Okay, and that is just a clarification. But that is what is in my brain, and if that is wrong, that is fair enough. My brain is often wrong.

MR. MOORE: Well, for myself, I really appreciate that clarification, Chuck. But, I do honestly believe that the defining of the question, the questions will lead us some place. But I thank you for your clarification and it puts another piece in my mind. Thank you.

MR. LEE: Let me just clarify something. When we asked Gail to go out and do an exploration, I mean, I think you should recognize one of her first findings was that there was a lot of different ways of looking at the question. And we did not say this is the question. We wanted to know what should be the question.

And, I don't think the answer to that is going to come right away, it is not going to come when they come in with their set of recommendations. Their recommendations are how to proceed. You know, what do we know at this point in how to proceed? And it is far more complex than -- it is very complex.

So this whole issue of what is the niche, that is not an easy -- I mean, sure, that is a nice question, but that is not an easy question to answer because if you are going to go -- different people have very many different individuals, different groups, have different definitions or understandings of what this thing called environmental justice actually is.

And that is true in all different sectors. So, what are we talking about when we start having a beginning starting point about how to talk about this. Certainly, a lot of people, particularly, in terms of the outreach of the business and industry sector will come back with what -- they are doing a lot of things of relevance to environmental justice, definitely, but they don't want to call it that for some

reason, or whatever.

I think, certainly, many of these issues that are being raised about the process questions, or participation questions, to how to have a dialogue questions, are really very important and in and of themselves transformative. But, we are not going to find the answer to this.

I mean, the way I see this unfolding, and that is why I said that last point, it is going to unfold around a set of events that is outside of our control. Things are going to start happening around climate change, sustainability, all these green investment. You know, last year right, Bank of America did \$20 billion set-aside for green investments. And there are a lot of other examples of things like this.

As those things unfold, we have to understand what is happening there, and then fit within that a strategy that meaningfully influences that development. That is where the opportunity is. So, it is isn't a totally open question as to how do you go about doing this, it is a totally open question of exactly how do we start defining what the question is, and things like that.

Now, there are certain things, I think, that are clear from this. One is that -- and I think the workgroup is really invaluable in terms of its contributions. One, there is a wide acceptance or acknowledgment acceptance, even wide kind of hunger, for one, you think about co-benefits. How you

can address more than one problem through a set of actions that is implicit in a discussion about sustainability, green investment, environmental justice.

And that speaks for the whole issue that you all talk about in different ways, which is that this is a multifaceted issue. It can't be a stovepipe approach. It can't be all that kind of stuff. So I think that is very important.

The other one is, literally, everyone says the only way we are going to make progress, the only way we are going to have traction, the only way we -- meaning the people that Gail talked about -- are really going to be interested if you show some practical value. That if you keep this in the general discussion, which on one level it needs to be, but on another level, you know, we can get only so far if you are going to do that.

So that is why that bias for action, that is why the whole idea of saying, okay, if EPA is going to have some -- if the businesses are saying, so EPA, what do you want us to do? That is what the businesses are saying. You know, sure, we want to talk to you but what do you want us to do? Why should we do this?

We have to identify those things in which EPA can bring to the table, which is identify it as the multitude of programs that already exist and done in the way that Laura and Russ is talking about really can be leveraged. Because, you

know, if we want to -- sure, everyone knows that in order to address a lot of these issues, you have got to go to the Department of Labor, Department of Transportation, Department of Health, and Department of Interior.

But the thing is, we all have the experience in this. We go to them and they say, so what, you are here, right. You are only going to be able to influence it if you have something you bring to the table. And that is why part of the assessment here is strategy on what are your strengths here, what can you bring to the table in order to influence that development of that process.

I think that this is a pretty difficult set of issues to get our hands around but, actually, it is quite simple because there is incredible traction here, there is incredible motion here.

I mean, what we have seen around this set of issues today, as opposed to six months ago, as opposed to three months ago, it is a world of difference. So, the finding that this is not just -- that this is an emerging issue, but it is an issue that the train has left the station is really true. And we need to grasp that because if we don't grasp that and get ahead of that, then the opportunity for really influencing in the ways that you all are talking about are going to be diminished.

So, as I see it, the first set of recommendations

that are beginning to crystalize from this workgroup are going to be very valuable. What we are doing from EPA, from OEJ's point-of-view is start to think, so what does that mean? What do we need to do to build on top of that going into the future. And your thoughts about that in terms of strategizing together is going to be really helpful.

MR. MOORE: All right, thank you, Charles. I think we are going to finish it up. Thank you for the terrific work that you are doing and we are looking forward to continuing communications and discussions, and so on. Thank you again. Thank you, Chuck, for sharing that working group.

Victoria is going to give us just a moment, an orientation on something, and we are going to close it down.

(Travel information briefing)

(Whereupon, at 5:40 p.m. the meeting was concluded to reconvene at 9:00 a.m.)

