

National Environmental Justice Advisory Council

September 18, 2007

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Charles Lee, Designated Federal Officer

Kathleen Callahan
Laura Yoshii
William Wisniewski

KEYNOTE: "----" Indicates inaudible in transcript.

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

(9:10 a.m.)

Welcome and Introduction

by Charles Lee

MR. LEE: Well, good morning. I am Charles Lee, and I am the Acting Director for the Office of Environmental Justice and the Designated Federal Officer for the National Environmental Justice Advisory Council, the NEJAC.

Pursuant to the Federal Advisory Committee Act, it is my responsibility as the DFO to convene this meeting.

I wanted to say, at the outset, a few words of welcome. I want to thank you all of you for volunteering your time and your knowledge and wisdom and energy to be a member of the NEJAC and for participating in this meeting.

We think this is a very important meeting, and it does, I think -- there is going to be a lot of things about this meeting which are perhaps different or new than in the past, so we are really excited about it.

The meeting will provide a lot of information about the EJ integration efforts that is taking place at EPA.

There is going to be discussion around the goods moving issue and ports, which is an issue of growing national importance, and we are going to provide some updates to EPA's implementation of some of the key NEJAC recommendations from the past.

Granta Nakayama, who, as you know, is the Assistant Administrator for Enforcement and Compliance Assurance, is going to be here tomorrow, and it is his plan to spend a majority of the day here with you.

We have, including Bill Wisniewski and Kathy and Laura Yoshii, and five other Deputy Assistant Administrators and Deputy Regional Administrators, so that makes a total of eight being here at this meeting.

The Deputy Assistant Administrators and Regional Administrators, and Grant said they wanted to spend some time not just meeting with you but perhaps breaking bread. So there is a plan for tomorrow, a lunch with members of the NEJAC and them.

So, with that, I just wanted to stop at this point and turn this meeting to Richard Moore, who, as you know, is a real, I guess I always I say, an elder statesman for Environmental Justice. I want to turn it over for him to run the meeting.

Richard?

Welcome and Comments

by Richard Moore

MR. MOORE: Good morning, Charles. Good morning, everyone.

I would like to begin my brief comments this morning as we start to kind of roll out this morning's agenda by welcoming everyone. Counsel members, good morning. I hope that all of you had a safe and good journey from here from home, and so on, the families are doing well.

I just wanted to briefly just to say that the importance and the significance of the meeting that we are about to take on here over the next coming couple of days.

You know, I do not remember the exact date, but I think, Charles, it has been maybe a month ago, something's telling me, give or take, that we had a teleconference, an EJAC meeting, Advisory Committee meeting, over the telephone. I think there were some 40-some people, if I am correct, that either observed or participated in that meeting.

It is the first one that we tried teleconference, and, from our opinion, I think that it worked very well, minus a few glitches, but we do that whether it is teleconference or whether it is face-to-face meetings, or

whatever, but I think that we had a significant amount of energy that took place on many of the agenda items and report backs that we will be discussing here, at this meeting in Baltimore, over the next coming couple of days.

It is always an honor to be here with my sisters and brothers, in Baltimore. Just incredible community that has a long history in the Environmental Justice movement.

And we are looking also forward as the Counsel, and as you, in terms of Public Comment this evening and the many things, interactions that we will have, with many of the Environmental Justice organizers and activists over these next coming couple of days.

There is a couple of things that I should say very quickly that we reported back on in that teleconference.

One: That, myself, not in the capacity as the NEJAC chair, but in my capacity as Director of the Southwest Network for Environmental and Economic Justice, had the opportunity, we are housed out of Albuquerque, New Mexico, had the opportunity to spend a couple of days with Larry Starfield, with the Deputy Regional Administrator, and the senior staff of the EJ Team, and other workers in enforcement, and so on, in Region 5 in Dallas, Texas.

It was a very, very productive meeting, and I

know as the time goes by we will be reporting back on some of those discussions and some of the agreements that were made in terms of actual work that will take place on the ground, not only in the State of Texas but in the other states, in Louisiana, Arkansas, Oklahoma, Texas, and New Mexico, that Region 6 interacts with many of our colleagues within those states.

So an exceptional meeting, exceptional greeting, to be quite frank, and we are looking forward to the continuation of the work within that region.

Also, as Charles mentioned, we will be having a panel of deputy administrators and others.

And we had the opportunity several weeks ago to be in Region 9. We announced it on the teleconference that there was an Environmental Justice Air Quality meeting that was taking place within Region 9. It wasn't a Region 9 conference, it was a National Conference on Air Quality.

And just for those of you know, and I know that some of the counsel members that are here this morning, I think four or five of us had the opportunity to be in Region.

Laura, we appreciate the hospitality that was extended to us from the staff. Not just the EJ Team and others there, but the staff of the region just in making

those couple of days discussing air quality and partnerships and collaborations and challenges, and strengths, and successes, and all of that kind of thing, that made it possibly.

Hospitality is something, as you are all very aware of, just the travel, and then the meeting place, and the checking in, and all of those things that kind of make for a very, very productive meeting.

Again, please, if you would congratulate and take our message back to the staff that it was an exceptional opportunity to be in the region, and that everyone did a fantastic job.

There were many groups that participated in that particular conference, giving presentations, open dialogue, open meetings, and so on. So, again, just an exceptional piece of work.

We know we have a lot of challenges. Let's be serious. That is what we are here about. We know that we have a lot of challenges in our job and the work of many organizations, and others, and business communities, that sit on this Council, and they have been interactive in a very productive way in discussing Environmental Justice issues and solutions, has made a major contribution to that.

And, lastly, as we move forward, I would like to just mention again to the counsel members and to those of you that have joined us this morning, that there will be a meeting in November in the beautiful State of California, in Northern California, in San Francisco. That is a meeting that will be conducted with the Health and Human Services, with the Deputy Administrators, both Deputy Administrators. I am not sure of the long. You all know that I am a regular grassroots person. I don't know all the titles and get them all right, and all that kind of thing.

But with the leadership of the HHS and the Environmental Protection Agency and the regions, and so on, discussing environmental health disparities, and so on, we are going to be spending two days in a meeting in the Bay Area, both with the EPA staff and with the leadership and then also with HHS.

So with those brief comments, I would like to move it back to Charles to do, to introduce those that have come to welcome us.

In my most sincere way, I welcome you all here. We think that you will think, and as the days go by here, that the same spirit that we come here to Baltimore is the spirit that we will leave in a couple of days, discussing

issues and moving the issues forward.

So, Charles, thank you very much. Good morning, everyone, and we are looking forward to a very successful couple of days.

MR. LEE: Thanks, Richard.

I am just going to introduce, actually, not the next three but the next four persons to make a welcome.

The first is Angelo Bianka. Bianka, who is the Deputy Director for the Air and Radiation Management Administration with the Maryland Department of Environment.

He is filling in for Shari Wilson, the Secretary MDE, who was called away on business.

The second is William Wiesniewski, who is the Deputy Regional Administrator for EPA's Region 3. Region 3 covers the Mid-Atlantic states, including Maryland and, therefore, is the host region for this NEJAC meeting.

And, Bill, we want to thank you and Region 3 for all the support that you have been giving us in making this is a successful meeting.

Next is Kathleen Callahan. Kathy is the Deputy Regional Administrator for Region 2. Region 2 is the lead region for Environmental Justice and, as such, Kathy Serves as a co-chair of the Agency's Environmental Justice Executive

Steering Committee.

And last is Laura Yoshii, who is the Deputy Regional Administrator for Region 9. We had actually not expected Laura until tomorrow, but we are really glad you are here, Laura.

And so I will let each of you in the order I introduced you to make your welcoming remarks.

Bill. Oh, I'm sorry. Angelo. Sorry.

MR. BIANKA: That's okay.

Comments

by Angelo Bianka

Deputy Director for ARMA

DR. BIANKA: Good morning. On behalf of Secretary Wilson, I have the pleasure of welcoming you Baltimore. I understand it is the third time Baltimore has hosted this event. Either we are so special or we just give very good deals on hotels. I am not quite sure which.

I encourage all of you to enjoy the amenities while you are here. We have obviously fine dining establishments, interesting cultural events and an Inner Harbor area that is just nice to see and stroll around.

I would invite you to see an Orioles game, but they are playing so poorly lately, it just would not be a

good thing, and, besides that, they are in New York City.

Regarding EJ, I just want to provide a few thoughts from a regulator's perspective. I grew up in the Department of Environment in the Air Program and the Water Program in the compliance element of it and the permitting element of it.

Over the past 30 years I have seen several EJ claims made. Some may have had merit, some surely did not, but none were easy to address for, as we all know, Environmental Justice is a very difficult issue to wrap your hands around.

Because of this, EJ is a significant challenge for regulators and also non-regulators, and I applaud the counsel for taking on the EJ challenge.

There have been attempts across the country, including here in Maryland, to address EJ in a regulatory framework. But, to my knowledge, no state has been able to develop such a framework that gets us where we need to be, which is preventing instances of Environmental Justice from occurring in the first place.

We continually find ourselves reacting to instances after they occur, which is always a difficult position to work from.

Unfortunately, we have little choice for up-front efforts usually get bogged down over legalities involving definitions and authorities.

Momentum is then lost, and we find ourselves changing direction, chipping away at the issues, bit by bit, often around the edges. Some progress is made, but much, much more remains to be done. And it is that much, much more piece we all struggle with for that is where the going gets toughest, but it is also where the largest gains can be made. And, again, I applaud the counsel for taking on the issue of EJ with all of its attendant complexities.

From a personal perspective, I have a high interest in EJ, and those who know me in the audience will bear that out. And I truly wish I had all the answers, for it is often frustrating to sit and watch when communities turn to environmental agencies for help, they are told that there is little we can do within the existing regulatory structure.

We try to help in some small way, perhaps increased enforcement activity or compliance assistance or increased outreach on permitting actions. We are conducting community air monitoring activities, we are providing funds where available and when available, to retrofit diesel trucks

and buses. But, again, we nibble around the edges, and offer a far from complete fix.

We often point to zoning as a true culprit, but zoning agencies face the same issues that environmental agencies face when attempting to address EJ issues, limited authority and difficulty in defining EJ. This is so uplifting, isn't it?

(Laughter)

Well, given the difficulty we do face, what can we realistically do beyond our current limited efforts? The approach I favor -- again, this is a personal view -- is one of education where we teach regulators and planners to recognize potential EJ situations and encourage permittees and developers to make decisions about citing pollution sources that favor steering their location away from EJ communities when the options to do so exist.

And where we educate industry, both planned and existing, as to the need to initiate voluntary pollution reductions in EJ communities to take them beyond compliance, and where we educate community leaders about sources in their areas and the impacts these sources may have on their health and their welfare.

I have no doubt that the work of this Council

will influence how states in the federal government continue to address the Environmental Justice issues in the near future, and I look forward to seeing the fruits of your labor.

And, with that, I thank you for your efforts and turn it over to Bill.

Comments

by Bill Wisniewski

DRA, Region 3

MR. WISNIEWSKI: I, too, would like to welcome you to Baltimore and to Region 3. We know that city and facilities offer an atmosphere which will promote a healthy exchange to enhance EPA Environmental Justice Program, and the Environmental Justice Program in general.

I want to thank you for joining in this meeting and for your commitment to environmental justice.

I would like to speak for a moment about the agenda. I think that you have a particularly ambitious and very appropriate agenda.

Starting with the ports or good movements activities, and I would like to lend, really, a very personal note to this.

My grandparents were first generation here, and

we lived in Philadelphia, and we lived in a port environment and, as such, that was driven by the economies, by the fact that that is where the jobs were along the ports.

And in experiencing life in that environment, I saw some things that really helped build my character and discipline and point me in the direction of environmental improvement.

For example, in that environment, I saw boyhood friends who would play along the railroad tracks, and, in some cases, lost boyhood friends because their field of dreams was not a green baseball field, but it was a rolling stack of railroad cars.

I also saw a father-in-law who worked as a longshoreman and died at an early age due to asbestosis in the surroundings that he worked in.

I had a mother-in-law, who worked as a manufacturer of burlap bags which were used in conveying the materials on the ports. She died of emphysema at an early age.

Now there certainly has been improvements in those areas, but I think as you look around and you go into these areas there are still children, there are still individuals, who are living in these surroundings.

We still have the issue of asthma, we have the issue of other diseases related to this kind of environment.

So I think it is really important for us in these areas to not just look at such things as how many diesel conversions we have, but really to look at it as a way in which we are changing the lives of people, we are enhancing the lives of people through our Environmental Justice efforts.

Secondly, on your agenda is the topic of Environmental Justice Sheets Program. And Region 3 has actively participated in the development of the EJSEAT, and enthusiastically supports the efforts for continued development and refinement of the tool.

I think "refinement" is a key word there, especially because I think we need to look at EJSEAT as just another tool, and I think that we need to be careful that the perfect not get in the way of the good and that we look at it as one more thing in our arsenal.

Among the things in those arsenals, I would say I would ask you to look at the slogan, boots on the ground and eyes in the neighborhood. There is no substitute for getting out there in the community and seeing first-hand the conditions observing the people and listening to the people.

My third observation has to do with the topic of program integration. My background is not as a scientist, it is as a manager. One of the important things that I think that as a manager and a leader, is that you need to assess the culture. You need to assess the environment that you are working in, and what values your people have.

I think that the people in EPA are good people and want to do the right thing, and we do establish with them, and it becomes almost instinctively when facing the problem that you need to look at the legal aspects, you need to look at ethical aspects, and, as we have grown we ask them to automatically look at such things as pollution prevention aspects and, more recently, green aspects of the problem.

I think we now need to make it an almost automatic response that all of our employees, all of those interested in Environmental Justice need to look at Environmental Justice as an automatic overlay to the problem. It is something that should become firsthand and should become an integral part of their thinking and an integral part of their culture.

So I want to thank you very much for being here, and I want to thank you for allowing me these remarks, and I extend my best wishes for a good conference.

Comments

by Kathleen Callahan

DRA, Region 2

MS. CALLAHAN: Good morning, everyone, and a special good morning and greeting to the members of the National Environmental Justice Advisory Council and the colleagues from EPA. It is a pleasure to be here.

I want to thank the members of the Council both as an EPA employee and as a citizen, as yourselves, for the devotion to spend the time and energy and have the commitment to being part of this Advisory Council. It is extremely important for EPA to be able to share in the wisdom that you bring to us.

Even though we may confront some very difficult things, even though you may tell us things that are oftentimes hard to hear and hard to think about how to deal with, we need to hear them and we want to hear them.

So in my capacity as the lead region and the co-chair for a couple years of the Agency's Environmental Justice Executive Steering Committee, I feel fortunate to have the role to be able to be here with you and deal with the challenging agenda that you have before you for the next few days, which encompasses both the issues that have been

before us in a very explicit way for some time and continuing to try to make progress on those, but, also, to really begin acknowledging and working together on some of the much more broad-based issues, such as sustainability and climate change and trying to deal with those on the large level of national perspectives, and then bringing that down to the local levels of how we deal with sustainability and environmental justice within our communities.

So thank you for allowing me to be here and share your wisdom today, and I hope that we have a very good meeting, and that it is the continuation of the very fruitful effort.

Comments

by Laura Yoshii

DRA, Region 9

MS. Yoshii: Good morning. I would like to take this opportunity, since I have not had a chance since engaging with the NEJAC to join you for your last meeting but to really extend the appreciation to the NEJAC for the role that you play for the Agency in giving us your advice and counsel. I am pleased that my schedule allowed me to participate in actually both days meeting.

You have important agendas today that are

critical to our region with the topic of ports, of course. We have California, Arizona, Nevada, Hawaii, and the Outer Pacific Islands, as well as 146 federally-recognized tribes. As such, Environmental Justice is a critical and integral part in how we carry out our mission.

So the advice of this counsel and our being able to hear first-hand what some of your perspectives are are really invaluable to us.

Also, as the Deputy Regional Administrator, Administrators who will be participating in the organization, and what that transfers to, really, is that integration role of ensuring that in all of our operations environmental justice is the integral part and also the hat working with our partners in headquarters, the leadership role for the agency, and insuring that the priorities are clear, we hold ourselves accountable to the priorities that we have set, and that we align our resources to what those priorities are, and together working and being clear on what those are really does help us.

So I again welcome the opportunity and thank you for your service and this chance to hear first hand some of your thoughts and ideas that we can integrate into our programs.

MR. MOORE: Well, we would like to thank all of you that have joined us and made those comments. As I begin to turn it over to Charles, we wanted to do some introductions of Council members.

Quickly before we do that, I want to again acknowledge the fact the appreciation to Region 3 for this meeting being held here and having the leadership of the Region present with us.

Also, Council members, just an acknowledgment early in the process that Linda Smith, a long-time staff person at the Office of Environmental Justice. For us that have known Linda and worked with OEJ throughout the last many years, I think it has been 53 years, if I am right, that we have been, but Linda has been there from the beginning with a lot of other real dedicated staff within OEJ, and so Linda has retired.

I think there was an activity that was held last week, Charles. I think maybe last Thursday in Washington, acknowledging Linda's contribution not only to OEJ but the U.S. Environmental Protection Agency, and the Administrator was present at that activity, and the long history that Linda has of commitment to a grassroots group, and business academics, and others in our community.

So, again, for the record, we would like to acknowledge Linda's work and commitment to Environmental Justice.

So with that said, we will do the introductions of the Council members. Greg, you may want to start us with that corner there, and we will just go around the room.

(Counsel Member Introductions were made.)

MR. MOORE: I think maybe with those introductions, again, welcome, counsel members.

Could we have an update, Charles or Victoria, just on those that are not able to join us today on the Council?

(Pause)

MR. LEE: I think John Rosenthall and Chris Holmes are on their way, and Patricia Salkin had a family emergency. Otherwise, we would have everyone here, which is quite remarkable for an advisory committee meeting.

MR. MOORE: Okay. With those, I think introductions, we are prepared. I think that for those of you who have joined us, I am just going to ask one more little quick couple-minute introductions, Charles, for those that are working in our behalf here. Could you please introduce yourselves, those sitting at the table?

(Support Staff Introductions)

MR. MOORE: With that said, Charles, I think we are ready to proceed at the meeting.

Charles is going to give us a summary overview of Environmental Justice Programs at OEJ and the EPA.

Overview of EPA's Environmental Justice Program

by Charles Lee

MR. LEE: Thank you. I will just do it from here.

So, actually, this is the first meeting of the NEJAC since Granta Nakayama named me the Acting Director of the Office of Environmental Justice, and that took place April 1st, 2007.

So I thought it would be important and incumbent upon me to provide you a report of the status of the program.

My sense, and our sense, of where it came from is present challenges and current priorities, and where we think it is going. I think the larger picture that we will share with you is really important for you to have.

It is really important for you to have because I think one of the real important things to note about this meeting, I guess, in terms of some kind of milestone would be that EPA is asking the NEJAC to provide input on some of the

core issues of integration of Environmental Justice into its programs, and that really is a departure from the past.

(Slide)

So this presentation is going to consist of basically three major parts.

One is some of the -- a historical perspective on many of the lessons we learned over the past 15 years, and the continuing challenges and future directions of the program.

The second is EPA's Environmental Justice program's current priorities; and,

A few words about what all this means for the NEJAC and EPA's relationship to the NEJAC, which you will hear me say, I believe, is really entering into a new phase.

So it is really, I think, a point that cannot be over-emphasized that EPA has made a longstanding and continuous and comprehensive commitment to Environmental Justice. It has made an agency-wide commitment to Environmental Justice.

In talking about this commitment and the kinds of, I guess accomplishments that has taken place over the past 15 years, it would be really important, and I would be remiss if I didn't point out that what you are going to hear

about the efforts of many, many people, including, among others, the first two directors of Environmental Justice, Clarice Gaylord and Barry Hill.

It also rests upon many of the OEJ staff and the staff or the programs in the various headquarter and regional offices.

It rests upon the leadership that has been provided by their senior leadership, including past and present administrators and assistant and deputy administrators.

It rests upon many of the partners among communities and state and local government tribes, business and industry, academia, and others, and, of course, members of the NEJAC, past and present.

Like Richard, I want to recognize Linda Smith who is our recently retired deputy director, retired not after 53 years, 42 years, of service to EPA. She was a charter members of EPA so she worked in a predecessor agency for EPA.

She is a charter member of the Office of Environmental Justice for 15 years.

Actually, we had an event to honor her, and I just want to say for the record there was a lot of, I guess, mirth and really humor in that event, but, for me as a

director, losing your deputy after 153 days is no laughing matter.

And, lastly, I think it is really important to point out that a lot of this rests upon the extraordinary support and leadership provided by our assistant administrator, Granta Nakayama.

And I think this is going to come up over and over again, that many of the important milestones and accomplishments during the past two years, like EJC and EJ Program Reviews, have come about as a result of his energetic leadership.

(Slide)

So what I wanted to do, just as a backdrop for this meeting is to provide as much as I can, an understanding of some of the lessons that we have learned in terms of the historical development of EPA's Environmental Justice Program.

We kind of crystallize eight lessons, but that is going to be shown on this slide and the next slide.

Actually, we crystallized this in preparation for the Senate Environment and Public Works Committee Hearing on Environmental Justice, which took place on July 25th.

Parenthetically, that hearing is actually a First

Congressional Hearing devoted to Environmental Justice. So in thinking about the Environmental Justice over the past 15 years we realized and knew that Environmental Justice, as has been said before, is a very complicated issue, is not something that we have had to grapple with in terms of how to address. So, in that process, we have learned a lot of lessons, and these are the eight lessons, I think, that we have kind of come up with.

It is important to note that these are just lessons that EPA learned, but that EPA has learned these lessons and actually had to implement based upon those lessons. So these lessons also represent milestones in terms of the development of the Environmental Justice Program, the EPA, and for other agencies, perhaps even guideposts for them as they address the Integration Environmental Justice in their agencies.

So the first is the need to build a community and state-hold a capacity, and I would say that that is represented by the fact that since 1993 EPA has given \$31 million in Environmental Justice grants to over 1,100 communities. That is an ongoing effort.

But when we came up with that figure, you know, that really is a very substantial commitment and a lot of

very important work was done in terms of the development of capacity. You know, we can go into later on very many success stories and differences that have been made in those communities.

The second is to insure community meaningful involvement. Of course, an example of that, among others, is the National Environmental Justice Advisory Council and all the recommendations that you have made, some of which have resulted in pretty significant changes at EPA.

The third is the need to clarify legal authorities. That, I think, is represented by -- you know, I guess, just in terms of hysterical context, in 1995, the NEJAC made a recommendation to EPA that EPA look at whether or not it had discretion under its existing authorities to address issues of environmental justice.

EPA responded in 2000 with a memo from the Office of General Counsel that said, yes, indeed, there was authority in terms of the permitting context.

In 2001 Former Administrator, Christie Todd-Whitman, issued her recruitment memo to Environmental Justice and directed EPA to use existing statutory authorities to address issues of Environmental Justice.

Next is the defined disproportionate and adverse

effects, and that has resulted in the spore indicator framework on looking at environment, health, economic, and social issues that form the basis for the Environmental Justice tool kit from which we do EJ assessments.

(Slide)

Then there is the need -- the recognition that to achieve Environmental Justice it requires all groups and to foster collaboration with all groups. This has led to our efforts to build that kind through partnerships and the Environmental Justice collaborative problem-solving grant program and led to us doing training for community groups and tribes around the use of environmental laws and alternative dispute resolution and a lot of other efforts in terms of building partnerships among all different stakeholder groups.

The next is the need to incorporate -- in order to truly incorporate Environmental Justice, to address Environmental Justice, we have to incorporate into the core agency -- the agency's core planning and budget processes.

In November 2005, Administrator Johnson issued a memo that identified eight national Environmental Justice priorities and called upon all the agency offices and regions to incorporate commitments into -- formed by Environmental Justice into the Agency's 2006 to 2007 strategic plan, then

this need to develop a consistent approach to identify areas of Environmental Justice concern.

That, of course, is going to be talked about here extensively here in this meeting. That is the Environmental Justice Strategic Enforcement Assessment tool, EJC, that Bill mentioned before.

And, lastly, we realize that during program reviews or doing program evaluations is a very important way to better our work around Environmental Justice and to enhance our programs.

The EPA's Inspector General noted this in its 2006 report, and we are well under way in terms of an extensive effort to do Environmental Justice program reviews.

So these are the eight. We kind of summed this up, 15 years in these eight lessons. Like I said, these have really become milestones for the EPA's Environmental Justice program.

(Slide)

August is pointing to the need to address a continuing challenge for us. Not just us in terms of Environmental Justice, but the Agency and government-wide to demonstrate significant measured environmental Public Health results.

This is not a simple issue, but I think what you will see, as we talked about this, is that these lessons or milestones, many of them are laying the groundwork for the ability to begin to demonstrate significant immeasurable Environmental Justice results.

I told Granta once that, you know, one of the things that we have to measure ourselves by is how much progress we are making in addressing Environmental Justice.

There is a lot of disproportionate effects, but what we are to be measured by is how much progress we are making in terms of reducing the disproportionate effects and improving environmental and public health in those areas.

So I guess as we move into the future that is an area that we want to spend more and more time and devote more and more attention to.

(Slide)

So how we are moving into the future is reflected in these priorities. These are the ones that I put forward to the Environmental Justice Executive Steering Committee when I first assumed the position of Acting Director of OEJ.

Just in terms of a little bit of background, Environmental Justice Executive Steering Committee, which Kathy is one of the co-chairs of, the other being Lynn Buhl

who is the deputy assistant administrator for the Office of Enforcement, which she is the lead off for Environmental Justice, the office in which OEJ is housed, they are the two co-chairs of the EJ Executive Steering Committee, and they are the leadership body consisting of deputy assistant administrators and deputy regional administrators for all the offices and regions at EPA.

So our first priority was to invigorate this, to really make it the kind of leadership group that we need to advance Environmental Justice, address the complex policy and operational issues, and I think it is safe to say that we are beginning to see the fruits of that, not the least of which is the fact that eight of the deputy regional and assistant administrators are going to be here at this meeting.

I think it is also important to say that a number of them really wanted to send a message to the NEJAC that they wanted to see the NEJAC being used more meaningfully in terms of the Environmental Justice challenges.

The second is to communicate success stories and lessons learned. Throughout my association with EPA, both before I came to work for EPA and during the time I have been here, I noticed that there are just an incredible number of success stories and ways in which EPA has made a difference

in people's lives.

But we need to do better in terms of communicating that. I do not say that just to say, you know, that is to pat ourselves on the back, but because if we are able to communicate that well and we are able to extract the lessons from that, that is how we replicate that good work, and that can be more effective around the country.

One of the kind of challenges of working in the federal government is that you cannot be everywhere at the same time. In fact, you can only be in a few places. So therefore, being able to replicate lessons learned throughout all communities is a really important challenge.

Third is to utilize the NEJAC more meaningfully. Of course, I just spoke to that a little bit. I think this meeting, particularly the emphasis on getting your input or beginning to get your input around some of these issues, the core programmatic integration of Environmental Justice is just one direction in terms of one example in that direction in terms of utilizing the NEJAC more meaningfully.

The next is to award and implement our current series of Environmental Justice grants. In 2007, EPA awarded \$2 million in Environmental Justice grants, \$1 million in the Environmental Justice small grants, and another million in

the Environmental Justice collaborative problem-solving grants.

Next is to develop the Environmental Justice Strategic Enforcement Assessment tool, EJSEAT. That is the Office of Enforcement's tool. Just another tool, but one that seeks to begin to develop a consistent approach towards identifying areas of potential Environmental Justice concern.

Initiate EJ program reviews, another item on today's agenda, this meeting's agenda. That, as I mentioned before, comes out of a recommendation from the inspector general's represent in 2006.

The next is to restructure and align the Environmental Justice action plans, more so with the Agency's planning and budget processes.

A little bit of background on this: All the EPA offices and regions began to develop EJ action plans which are perspective planning documents with their commitments around Environmental Justice.

It is noteworthy that every office in region EPA does do Environmental Justice action plans, and they are on the web for all to see.

In our development of this, our better understanding how to make this more effective. We need to

make this much more clearly aligned with the ongoing planning processes already in place, right for strategic planning, right for the national program guidance, and other things.

So not to go in too much detail, but this actually figures to be a very important part of our work.

Then, lastly, we have identified some partnerships that are very strategic, both internal and external, that we want to build stronger ties with.

One of those is the CARE program, the Community Action for Renewed Environment program, which is another set of community-based grants, now going to 29 communities around the country and another round coming up. Another one being the Children's Health office, the Children's Health program, which has a very, I think, strong nexus with Environmental Justice.

Another is the Brownfields Program, which, as we move to looking at a lot of the underlying issues that give rise to issues of Environmental Justice and being proactive is an area where we can address both economic and environmental issues at the same time.

And, of course, externally one of the areas that we need to focus on in terms of partnership and strategic partnerships is our work with states.

At this point, the 50-state survey from the American Bar Association has identified, I think, nearly 40 -- 39 or 40 states having some kind of Environmental Justice activity, either in the form of legislation policy or an advisory committee, or a program.

So it is very -- there is a really good opportunity, we think, to build stronger ties between EPA and the states who are beginning to address Environmental Justice in a significant way.

(Slide)

So what this means for the NEJAC and for this meeting is that I think as we go about our mission, as we go about EPA's mission and integrating Environmental Justice into that, the NEJAC is truly a very important part and vital to EPA's able to make a significant and meaningful difference in people's lives.

I think it is fair to say, and the things I have said kind of demonstrate that, that EPA sees the NEJAC as a valuable partner in its decision-making process.

And, lastly, we want to step up these efforts to seek advice from the NEJAC in identifying and addressing EJ challenges.

So my concluding remarks will be that, like I

said, I think it really is true, and we think that this meeting marks the beginning of a new phase in EPA's continuing relationship with the NEJAC.

(Slide)

Lastly, in conclusion, I think this slide represents the fact that Environmental Justice -- to achieve Environmental Justice requires all groups.

To accomplish our agenda and to make sure these priorities are implemented successfully, we are going to need everyone's help, and so I really want to make an overture to all of you on the NEJAC and all the groups that you represent that we are extending an invitation for you to work with you, that I asked you -- I think sent an e-mail out to, I don't know, about half of the world, when I became the acting director with a question, how can we make our program on Environmental Justice at EPA better, and I really mean that.

So this is just another time where I want to reiterate the fact that we really do want to seek your input in terms of accomplishing, like everyone said here, a very challenging agenda. Thank you.

MR. MOORE: Thank you, Charles. I just received a couple of notes of a kind of reminder. I know that those that did some of the introductions in the Welcome this

morning, Laura will be on the panel tomorrow, I think, with the other deputy administrators, and maybe some of you that made comments this morning will not be with us for this period of time.

So I just wanted to, first, if we could open it up, Charles, I just wanted to just open it up to counsel members. I know there were some very important comments that were made in introductions to see if there is any comments or questions that you had of those that did introductions in welcome this morning.

And then, Charles, take a few minutes just to open it up again in terms of your comments, and so on, if we could do that.

Council members, are there any comments, questions that you would like to present? Shankar?

Questions and Answers

MR. PRASAD: I want to thank all three of you to have brought out some very, very important points. And, also, I want to acknowledge that EPA has more now compared to what it used to be, and there seems to be a bigger kind of commitment and integration that is happening between the regions, are trying to move this agenda forward.

But, at the same time while this is happening,

one of the key things that strikes us working, and I have been working with the state for over 20 years, and I also worked at the local level for five years, the issue seems to be more and more we look into the EJ.

It is not just the EPA and has lost light of the -- Charles clearly illustrates it needs commitment and an education across outside the boundaries of EPA.

Within the boundaries of EPA, I think we need to think of how do you decentralize in order to prioritize? It seems to be some of the people I have talked to within the regions across the country seem to think it is too highly-centrally controlled, but as more of the issue seems to be of a regional issue, so how do you bring about that some of the decentralizing, but at the same time keeping of the priorities transferred?

And the other piece we know is the resources. When we talk of Goods Movement, it is really nice to see a capacity building of \$35 million grants, and so on, but when we talk of this emission reductions required from the resources and ports and things, it is not 50 million, 100 million kind of a number, it is more like grants and hundreds of millions of dollars, and even a billion dollars, for a given type of an activity at a cite.

So in order to mobilize that kind of the resources in order to bring about a change, or in order to bring about that difference not just to any community but to make sure that the air quality guidelines of the standards are kept up with, we need to be thinking a little beyond the box and bring into the play agencies outside of the EPA.

For example, if it is Department of Transportation, which we know that next year Congress will be looking at multi-multi billion dollar allocation on the infrastructure projects.

They will be looking at Federal Highway Administration.

And those kind of things, how do you bring them to the table in order to make a change, and how do we educate those agencies, and to make them appreciate and understand so that that kind of a change can be brought about is something that your top brass may want to consider in your own internal maintenance, and so on. Thank you.

MR. MOORE: Thank you, Shankar.

MS. Yoshii: Richard, I would like to share a thought with Shankar on that. One of the things that creates that kind of opportunities within some of the regions, and I could speak to this one as one that was fairly successful in

Region 9 was at the federal level there is an entity in the regions called the Federal Regional Councils, and they are different across the different regions.

But we worked with the Federal Regional Council in East Calalto, which is a relatively low income community in the Bay Area to try to take this more holistic approach, because what we started seeing is there is an intersection, obviously, with the environmental issues, economic issues, and all of the players at the table were able to bring their resources to try to make improvements at the community.

I think important lessons, though, out of that, were a couple of things.

One: It would have to be locally led. The sustainability of the effort over time really required the local leadership, so engagement of the local counsel.

The other thing is elected official support. So we had Congresswoman Eshue supporting it, because you got at another really important point, Shankar, and that is the resources.

The reality is to take that one collaborative approach requires an investment in resources from the respective agencies that go outside what they usually get funded for, frankly. You know, it is not just issuing the

permit, it is that it is a regional role of collaboration and that skill and getting it reflected and relying to the budget that that role of collaborations that the regions play and the outreach comes with the cost, and it has to be resourced if we are going to move in some of those directions.

But it is definitely possible, and I think you do see in those models a couple of really big benefits. And the biggest one for me is setting up a long-term sustainability to be able to operate and have built that local capacity for community engagement over the long term.

MR. MOORE: Thank you, Laura. Any others?
Kathy?

MS. CALLAHAN: One thing I would just add to Laura's remarks, which I think just even her saying that is sort of a jogging to me in terms of some things that we are relying on in Region 2, that the Federal Regional Counsel may be a wonderful partner to engage some of those other agencies.

But, also, one of the, you know, I think positive things about EPA's structure is that we have both the focus on sort of creating core principals of constituency, which is really important and valuable, but also the flexibility to adjust to the communities within our regions. And it is not

always easy.

I mean, the resource constraints and all of that, but, because of the way the Agency is constructed, I think we have the ability to do that and probably just need to continue to take advantage of that as we go forward.

So I hear your remarks, and I really think they are valuable. Thank you.

MR. MOORE: Is there any other? Jolene?

MS. CATRON: Yes. My question is for Kathy. Can you please explain to me how the EJ Steering Committee fits within the overall Office of Environmental Justice?

MS. CALLAHAN: I will try, and, Charles, jump in.

We established the Environmental Justice Steering Committee quite some time ago as basically sort of the Deputy Assistant Administrators across all of the headquarters, national programs, and the Deputy Regional Administrators from all the EPA regions, and the Office of Environmental Justice, as our leadership and facilitator, to come together periodically to look at what the Agency's programs were, what our priorities were, and how we could use those to really address Environmental Justice issues, also how we could assess what we are doing in the Environmental Justice arena, and how we might do it better, how we could share success

stories between programs, and sort of how we could build out our program to the future.

I think what Granta Nakayama and Charles have done in recent days is try to really bring us together on a more frequent basis so that we can really have, I think, a deeper and more constant discussion about these kind of connections.

So it is really to bring us back regularly rather than once a year and sort of having a more abstract discussion and really just get us engaged with each other.

And so we are really kind of creating advice and counsel to the Office of Environmental Justice and to Granta Nakayama as the Assistant Administrator on how we might work together to really advance Environmental Justice in a dramatic way throughout all of our programs.

Charles, did I get it?

MR. LEE: I couldn't have done it better myself.

The only other thing just to add to what Kathy said is that the Deputy Assistant Administrators and the Deputy Regional Administrators are the senior operational official for each of those major offices.

So it is a really important vehicle, from the very top, in terms of direction and integration of

Environmental Justice at each of EPA's offices.

I mean, I think that, just to step back a little bit, trying to integrate Environmental Justice or anything within an agency as large and as complicated as EPA is no small thing. So this group plays a very important role in terms of providing policy, leadership, and direction, as well as in terms of work in their own offices.

MR. MOORE: Any other comments in regards to that? Do you have one more? Sue?

MS. BRIGGUM: I was struck by the commonality of them in terms of the significance of EPA's renewed interest in Environmental Justice, although important to remember that there are hundreds of people at EPA who have been working very hard on Environmental Justice for the past at least 15 years, and that has to be appreciated, the hard work and the continuity as well as the comment with regard to resources which takes me to the point you made, Charles, in the beginning of your discussion where you mentioned, and I know that the Senate Committee Staff said that this was the first hearing on Environmental Justice. I am a real old timer, it actually is not.

As a matter of fact, in the early '90s, there was an Environmental Justice bill that was sponsored by then

Senator Al Gore and the author, Congressman John Lewis, a real hero in the Environmental Justice movement, and it reminds me that to get resources, it is important to get it from the authorizing committee, so I think it is also a very positive sign that people are looking at this, and it is a great opportunity for those at EPA as you look at your budget to think about the resources that would be helpful.

MR. MOORE: Thank you for those comments.

Counsel members, as we proceed, please, if we could just follow that order by putting the cards up and then taking them down when we speak because you know I can't see with my glasses and I cannot see without my glasses, so if you could just give me a hand, and I will get you as we come around. I thank you.

MR. RIDGWAY: Thank you. Representing the state and local government, a general comment to all of you at EPA and your Steering Committee, is to the extent you can encourage the states to engage in detail within the performance partnership agreements how collaborative partnerships can happen.

We have such a statement with our state in EPA. That could help. So the extent you can encourage the Steering Committee to look at that, these agreements, I

think, are negotiated all the time across different states. That is one way, I think, to publically show where that partnership can be enhanced and to the extent some details, advice, to the states, and soliciting advice from the states to their respective regions might help posture that ongoing partnership in a stronger way in the future.

I also want to acknowledge in my observation over the last 12 or so years that EPA now is showing more engagement in EJ than I have seen, and I appreciate it. I know it has not come easily and I encourage you to ask the states, solicit the states to support you, acknowledge what you are doing, engage with the respect of leadership of the states that you are working with as well.

They may have legislation, executive orders, or advisory committees, but there is always room for improvement there to entice the states along, and I look forward to supporting that effort as well.

MR. MOORE: Thank you. Donele?

MS. WILKINS: To that end, there are two things. Charles, you mentioned in your report that the regions have been working on action plans to talk about ways to achieve Environmental Justice over their regions.

I wanted to know how involved are the states, and

other stakeholders, in helping to develop those action plans, and also get your assessment of the willingness on the state's parts to engage in these kind of conversations with the federal government.

MR. MOORE: Do you want to go? Please.

MR. LEE: Yes. Thanks, Donele, for that, and, John, thank you for your comment. You know that my comment in terms of the importance we see of trying to develop strategies and, you know, the means to better work with the states.

I mean, I just want to share with you, we are trying to think about performance partnership agreements. We are trying to think about -- let me backtrack a little bit.

Historically, in terms of your question, Donele, I mean, if you look at the EJ action plans, they are all, I think, works in progress, and certainly some of them reflect greater partnerships than others in terms of the key stakeholders and partners like states and others, and certainly we look to find ways in terms of improving that.

We are certainly trying to find ways in which the commitments are done in such a way as to be much more robust and holistic and can actually lead to measurable, tangible results in partnership with states and others.

So, therefore, a question comes up. You know, as we look forward into the future in terms of the development of those EJ action plans in a way that is much more aligned in terms of the agency's core planning processes, you know, do performance partnership agreements play a part.

Certainly I think you will hear also that, as we envision the conduct of Environmental Justice program reviews, a lot of the materials or the items which would be evaluated will be from the EJ action plans.

So certainly making those in such a way that is to be sufficiently conducive to robust review is another challenge here.

So we think that going forward a much greater dialogue with our key partners' communities and our business industry and states are going to be very important.

So, you know, there is an interesting -- and this is not to single it out, but it just caught my eye once. In Boston, there is the thing called the Boston Lead Collaborative, which seeks to eliminate elevated blood levels by 2008 -- 2010, something like that.

And that is actually a partnership. I mean, that is an EPA commitment and is EPA's strategic plan, but it is a partnership done with community groups, with the city, with

the state, and others, and I am sure there are a lot of things like that out there in terms of the work that EPA's does.

So, you know, we are trying to pursue those kinds of lines of thinking, and your ideas about that would be great.

MR. MOORE: I just want to, as we kind of go with the make up, just make a commitment, because we merged together the questions of great, let's proceed with that same kind of trend on the part of the counsel members. And, Angelo, Bill, or Kathy, if you have any comments or questions in terms of Charles' remarks, feel free to jump right in there, too. Omega?

MR. WILSON: I am a new member of NEJAC as of early this year, and representing a small environmental justice group in Mebane, North Carolina, there are about 8,000 people. Alamance County is 100-some thousand people.

We appreciate the support that we received as a recipient of not just a small grant from Region 4, and also recently completing a problem-solving grant, which Charles talked about earlier from the OEJ out of Washington, D.C., to address, you know, and identify environmental hazards in our community.

One of the things that we find and one of the things that we think is important for this process to do is to translate a lot of EPA language and a lot of NEJAC jargon or language to community voices of the impacted residents. And, of course, we know, in order to move things forward at this level has involved a tremendous amount of conference calls and face-to-face meetings, and PowerPoint presentations, and that kind of thing, and white paper, sometimes blue paper.

But, in any case, from the community point of view, to make things move, translating a lot of this work to the community level, so community grassroots organizations, can use it and move it. I think that is the part, from a community organization, that I am concerned about and that the pieces are always put in place to advance that, develop that, and move it along so that policies and activities at this level work at the local grassroots level for the people who are actually impacted by what Environmental Justice Advisory Council and the office of OEJ is actually working on.

I don't want that to be overlooked. I don't think that to be a small part of what we are doing because, in fact, as I understand it, that is why we are all here in

the first place.

MR. MOORE: Thank you. Thank you, Omega. I just had, as we kind of move forward, and I see a couple of other just quick couple comments if I could.

One I think in terms of we are seeing, I don't want to say it is a trend, but I hope it doesn't really become a trend, one, with the Goods Movement, and I know the good movement, as we continue these panel discussions, and so on, putting a real face -- and I think Omega was touching on that a bit -- putting a real face to the issues that we are talking about, because I remember, I think, our other meeting, face-to-face meeting, you know, when we get into the questions of resources and then statistics, and then we are doing all of this, there tends to be a tendency to forget, either intentionally or unintentionally, the real people and the real issues that we are talking about that many of our communities that are surrounding those ports, and live close to the highways, and live close to the railroad tracks, and live close to the airports, and all of those kind of things, tending to not forget who and what we are talking about within the incredible health disparities that go along with that.

I think one of the other points and the good

comments is native indigenous, both tribes and Pueblos and reservations, that very, very clearly, again, are all of that, whether it is the air, or whether it is the ports, whatever it may be, that many of our facts in reservations on Pueblos, and those that live in -- indigenous and native people that live in the inner city areas in many of our communities are also very clearly as we move forward and people of color and native and indigenous issues, and working class issues across the board.

I think one of the other very significant things, and I said, really, as a trend, we get into from the further discussions that Charles reported back on, was the tendency to begin to see that particular communities are being designated as non-environmental justice communities.

We have seen that most recently in the State of California. Quite frankly, even representatives from the cities and states. I also sit on another community in Albuquerque and an issue in the northern part, a very small rural community, and in northern part of New Mexico, population ranching community, primarily Chicano working class. Very hard working community, that come mostly from ranchers that ranch, work for ranches, and so on, surrounding that village where there was a question, really, on the part

of a state permit. And I am just flagging this, knowing where we are at, that this was not an Environmental Justice community.

We say sometimes in our own terms that don't ask for -- be careful what you ask for because you might get it. And then on the other side of that what you ask for might be used against you further down the line, and we are seeing some of that happening, not just on the part of city, county, and states, but also on the part of federal government.

I think on some of the positive things that Charles and comments that were made reported back to, even when we interact with the deputy administrators, and so on, particularly around the Environmental Justice Steering Committee, that we see, as was stated, a bit of revitalization, energy moving forward, revitalization, interaction, all of those kind of things that we would hope then that would move to solutions and dealing with the problems and putting things in place to help those problems not to continue to exist in the future, and so on.

But, as I say with the Environmental Justice Executive Steering Committee, and I had a discussion with Larry Starfield when I was in Region 6, that I think there needs to be more interaction with the Executive Committee. I

think the Executive Committee would agree with that, and he also flagged that we need to see much more communications and openness, and we are seeing that in terms of the re-energizing, but just being able to see that in terms of the NEJAC Council, and so on.

We are starting it here, and we are going to be doing it in other possibilities and venues, or whatever. That is really kind of helping to see that happen.

So I just wanted to make a couple of those comments as we kind of move forward here. I've seen two cards, I think, standing, and we will start over here.

Laura, I am going to catch you there. Please.

MR. MARSH: Well, I really wanted to applaud EPA for taking this direction and establishing the priorities that you have in revitalizing the Steering Committee, and so on.

And I just wanted to comment on a couple of things. One is think you emphasized to your first lesson learned was on capacity building, and so I wanted to really reaffirm that and, you know, reflect that that is really where the people are, is where, you know, a lot of the action has to take place.

So, you know, I think it is great, the capacity-

building grants that have been made, but they need to be increased.

I do not think it is necessarily just from EPA. I think you emphasized partnerships, and it seems to me that there are all kinds of other federal agencies, that states, private organizations, foundations, businesses, and so on, who can participate in that if EPA takes the lead in asking or, you know, putting out the first dollar, and it may be possible to build that further.

In that connection, I think that one of the -- you know, our capacity-building in itself is tremendously important.

There is also the great difficulty for many organizations actually to participate in processes that make decisions. You know, once they have gotten their capacity together, there is a huge time commitment, and I don't know, this has been a difficulty for the environmental movement for the last, you know, 35, 40 years as to how to get local groups to be able to participate.

So I think that part of the partnering with other organizations that could fund it, needs to address that issue as well.

In talking about partnerships, also, I think --

and I probably speak for Paul and myself -- that I think the university community can provide resources more than we have so far, and I think it is partly a question of asking.

Part of it is in research and evaluation and the kinds of academic things that we do well.

But, also, I think it is that often universities can provide a neutral form where various processes can be assisted by folks from -- with university training that are able to talk with all sides or support, you know, all sides, in coming to agreement around things like Goods Movement and other specify issues.

So I would just like to sort of put the onus on us a little bit but also, you know, put it out to EPA to keep thinking about ways the university community can be more engaged and helpful.

MR. MOORE: Thank you, Lang.

MS. KING: Thank you. I also sit on the National Tribal Operations Committee for Region 2, and one of the things that I think that we need to be aware of is that Indian nations have treaty rights, and there is a fiduciary responsibility from the federal government to ensure that those treaty rights are still respected.

And Justice John Marshall, he said that Indian

nations are domestic sovereign nations.

But also, with that in mind, that we are supposed to deal with nations on a nation-to-nation level, and when we talk about anything in EJ, when there is a committee that will be affecting Indian territory, then, for sure, I think there has to be a better representation from indigenous nations and get them involved with all the committees that deal because they have responsibility within their own land, and that land is protected under a federal trust responsibility by the federal government.

So just bear that in mind, and thank you for letting me submit that.

MR. MOORE: Yes?

MS. Yoshii: Yes. I just wanted to build on a comment that Omega made earlier. Charles had highlighted the fact that telling our story a little bit better is going to be a priority, and one of the things that you suggested that we should consider at a future Steering Committee meeting is how do we use that to give voice to the communities, so get input from those success stories and what we put out.

I know we have been able to do that for the work with our tribes and get the input for our tribes in writing their stories. I would have to say that it is much more

compelling and inspirational to read than some of the bureaucratic reports that we put together.

So I would just build on that and ask us to think about as we are moving forward to tell the story, how do we get the input from the communities that could tell the story, I think, the best.

MR. MOORE: Jody.

MS. HENNEKE: You know I couldn't last forever, Richard. One of the things that I would like to build on, as a number of speakers have talked about, is that developing partnerships and building partnerships with the states, particularly those, which is most of them but not quite all of them, that have permitting authority and enforcement authority.

One of my soapboxes for quite a while in dealing with EPA and environmental grassroots organization is in that educational effort in helping communities come up to speed on how to participate in those processes.

If we are not very careful, I don't want to use the word "disingenuous," but I do want to say not completely informative or accurate because the permitting processes are so different from locale to locale.

For example, in Texas, we have a contested case

opportunity which very few states in the federal government do not have, and if you don't have the information on how to work through that process, you are not going to be successful.

That is one thing that I think is very, very difficult without that partnership. I mean, Richard, you know, in Region 6 every state has a different process, and in order to effectively participate, you have taken what that process is, and it is not within EPA's wherewithal to teach that process, it is the permitting authority, and, at least in Region 6, those all reside with the state.

So I would just encourage EPA to be mindful as they do those educational pieces. I mean, I have sat through some in Region 6 that were just cracker jack, but they were wrong for the state that I represent, which is a huge industrial-based state.

So just a vital soapbox for the morning.

MR. MOORE: Thank you, Jody. Chuck.

MR. BARLOW: Not many years ago I worked for a state agency and worked for that agency with the help of folks like Cynthia Peurifoy from Region 4, worked on EJ issues on behalf of the state and have now moved into a corporate setting for a big corporation.

As I listened, Laura, especially to you, and then to Omega, two things really hit me, and that is that we have the same -- well, that the tension inside agencies of resources and of placing resources in the right place to do the right thing at the right time, is the same tension that is mirrored by the tension that I am now learning about in a big corporation.

You know, I may have a CEO who has a wonderful environmental conscience and a wonderful conscience for his customers, and who wants to things in a certain way, but then I also deal several layers down the org chart with a project manager who has been told get it done, on budget, on time. Build that transmission line. Build that, whatever it is, the bridge, you know, the widget, whatever it is.

So inside the corporation we deal with these struggles of trying to translate in very much the same way. Trying to translate that wonderful vision that somebody at the top may have to the budget process that the project manager is actually going through and trying to, you know, keep his job because he's got to build it on time and on budget.

And then we have to try to decide things like, well, if we can think outside the box, if we can do something

that is better than what is required by law, then where do place that burden as a corporation.

Do we place it on the shareholders, the way must corporations are funded? Do we place it on the customers? But then, if we place it on the customers, aren't many of those the customers who can't afford to pay the extra 10 cents per megawatt or 5 cents per megawatt, are the same customers that we are trying to help through our Environmental Justice sensitivities. So that doesn't make a lot of sense.

You put it on the shareholders, you know, maybe your shares go down, and then that comes back to the customers and the cost of credit, and things like that.

It is a really interesting tension, but it is what struck me here today because sometimes I sit here and sort of wonder why I am here, and I am very glad to be here, and I am thinking, what can I do and how can I help, you know, the whole time. And I think all of us sort of do that. I did the same thing when I was with the state.

But what struck me was that the tensions are so much the same. You know, that you've always got tensions about how do we get the right resources to the right place, to do the things that conscious dictates that we do.

So I am glad I am here, you know, and the collaboration between big business, big industry, and the government and the grassroots people has just got to continue because even though we are all in different contexts, we all are facing very similar tensions.

MR. MOORE: Thank you, Chuck. Bill.

MR. WISNIEWSKI: Thank you. This is in the nature of a "me too" comment, and sort of the theme that's been going around the table about partnering, and it is to give you a little bit of a perspective from the EPA side.

Whether it is at the national level or in the regional office, we tend to look at building programs, first, internally, and we are very, very much concerned, those of us who are chief operating officers, about building the program in our water divisions, in our air divisions, in our various pragmatic areas, and working to make sure that horizontally the message goes out and the tools are there, and that it goes down through the organization.

You combine that with the fact that resources are constrained, and there are so many targets of opportunity, and these targets of opportunity have us creating this tension between trying to create and grow the program internally, and then trying to grow the program horizontally

and down through the states, through non-profits, through other organizations who have interest in this.

In short, I am not bemoaning it. I am simply saying that, as a management issue, it is a very difficult issue because you cannot be in all of those places at one time.

I remember early on, and Reggie Harris, who is here, we tried to start a program from a bottoms-up approach, and we had projects in South Philadelphia, southwest Philadelphia, Chester, and so forth, but we were missing the broader approach.

Now, with limited resources, you try the broader approach, organizational-wide approach, and it is a difficult balance and a difficult achievement, and I think the key is that you have to recognize the issue and you have to balance the issue, and you have to choose your targets of opportunity very carefully, and be mindful of the fact, at our level, that we are not alone.

I know that may seem strange to those of you who are not within EPA, but we tend to think, oh, we're up here, and we're in charge of the project. We're in charge of the program, and we have got to do it that way. In fact, sometimes I think it causes us to be a little bit

short-minded in terms of thinking of the network out there, and that we are all in this together.

MR. MOORE: Any other comments? Shankar?

MR. PRASAD: I want to call your attention, sort of, the conversation, and anybody, too. What has happened in 10 years, or the last 15 years, in this EJ momentum?

Well, I will acknowledge that EJ is a major issue. There is an increased awareness at all levels, either at the public level, or at the legislature level, politics level, whatever level, whatever level there is an awareness.

Now the issue has become how do we act on it. And acting is at different levels, as you said, both in an internal framework, external framework, and across the frameworks.

So, in essence, it boils down to the question of do we prioritize, how do we prioritize these tasks? Will we be addressing on a regional basis what other things that we can prioritize at the regional level or at the local level.

If Goods Movement is a priority item, one needs to put that Goods Movement as a priority item for "X" number of years.

On the other hand, if it is not a Goods Movement item and it is some other item, I think that has to happen.

That is a tough choice as a manager for you to make because the demands are at all levels. So that is something we all have to come up to grips even as an NEJAC, as when we think of making recommendations what sort of recommendations we give that the region can pursue and where the head office of the bigger picture can pursue in this context.

MR. MOORE: Counsel members, any other? Kathy?

MS. CALLAHAN: I would like to respond a little bit to that because I think it is really one of the critical things that we face. We can't do everything at the same time, but I think some of the things we have heard today are all going to be useful in that priority setting process, both in terms of listening to communities, in terms of what their priorities are, which might be different than the way we perceive them, as I guess a very general statement.

But also in terms of using other aspects of the network that we are a part of, as you very rightly put it, Bill, whether it is the academic communities, corporations who, you know, sort of can offer different kinds of entrees in educations, states that we can coordinate, and then sometimes what any single agency can't do, maybe someone else can, and help, you know, make progress towards other

priorities, and, ultimately, we can do more as -- you know, be greater than EPA, and the advisory councils talking to EPA, by leveraging our relationships broadly. So thank you.

MR. MOORE: Any other comments or questions?

Elizabeth?

MS. YEAMPIERRE: We have been talking about having similar tensions and identifying priorities and how do we move forward. I think one of the concerns we have from living in a densely-populated community is what constitutes urgency, and how do we create the mechanism to be able to address situations where there is so much at stake, where it is just communities prioritizing but it is a matter of life-and-death situations in our communities.

How do we create the process that makes it possible for there not to be so much process that we don't move as quickly as we should to remediate an environmental problem that is causing, you know, life-threatening situations in our communities.

And I don't know that this body or EPA has something in place to be able to do that in a way that is meaningful to communities of color, that are in those situations.

So I just, you know, was wondering what your

thoughts might be on that.

MR. MOORE: Comments? Laura?

MS. Yoshii: I will offer a comment on that. One of the mechanisms that we have in place at the regional office is providing contact, a single point of contact.

We, in Region 9, had created a core Environmental Justice office to ensure that kind of direct access.

The other thing is, in instances where there is really an eminent threat or urgent threat, that EPA has jurisdiction for, that contact would go to those parts of the organization that could help. And in those kinds of situations, it is often the Superfund Emergency Response program, if, you know, an immediate kind of removal is necessary.

In that effort, we also trying to coordinate with the state and tribes as appropriate, depending on what the issue is. But I do think that is important to have a single point of contact so that a community doesn't have to navigate through the whole organization to figure out where the right point is. So that is what we have tried to set up to assist in that.

MR. MOORE: Thank you. I think if we don't have any other comments, I did have a few.

I just wanted to just kind of respond to some of the comments that were made. I think earlier, particularly in the life and before the history of the Environmental Justice movement, for many of us that have been active throughout these last many, many years, the whole question of health disparities and the overlap between the correlation of the kind of impacts that our communities are receiving, both from multiple sources, and then the health disparities, and in many cases the cancer clusters, and lupus clusters, and the other kind of asthma and the other kind of illness that is taking place, not only in our communities, but amongst, in some cases, many of the workers that work in those industries is very important, and I think throughout the last many years we have, and I know the debate will continue in our world, at least from my opinion. We have moved forward in particular areas, and we have some ways to go.

I think it is very important, and we have stated, and this has been discussed in the NEJAC Councils in the past, to not negate, or to negate the question of race in class. As we are dealing with Environmental Justice issues, we know in many of the earlier debates, even in our first meetings, and so on, with Environmental Protection Agency and other county, city, and state, and other federal agencies,

that, very clearly, that many of our communities, not unintentionally but very intentionally, and, unfortunately, history speaks for itself, has been targeted for many of the kind of facilities that are locating in our communities, and, yes, we can and we will continue to talk about permitting and zoning, and the different issues.

But, as I say, very unfortunately, and many of the reports speak for themselves, that our communities, communities of color and other low income communities, have been intentionally targeted by many to cite facilities there, including my neighborhood in Albuquerque, New Mexico, and many of our other communities that are present here in terms of community groups from the NEJAC Council and thousands upon thousands of other communities throughout this country.

The question of capacity building is very, very important to the participation of grassroots groups, and we know we will hear testimony, and we will continue to hear that in terms of really having true participation, active participation on the part of grassroots people, and grassroots representatives, that the capacity of those organizations is only what is going to allow and permit that to happen.

Some of that is resource-related, and then those

other relations that go along with that. So the Office of Environmental Justice is to be congratulated for this EJ small grants program, for beyond the CARE grants, the collaborative problem solving, back with OEJ.

But it just ain't enough, okay? I mean, you know, I just appreciate the millions of dollars that was reported back that has been put into that, but it just is not enough.

And we are seeing in many of the regions, for example, and we interact in the Southwest, my organization, we interact from Region 6, 8, and 9, which would be Dallas, Denver, and San Francisco, and in San Francisco in Region 9 would be Nevada, Arizona, and California. And Region 6 for us, then, would be New Mexico and Texas. Then Region 8 would be the State of Colorado.

But, at the same to my mind, the Mexico/US border and the tremendous, tremendous pressures that is putting, that our communities are bearing up and down the Mexico/US borders, and I would say less knowledgeable in terms of Canadian/US border. But particularly from where I come from, we know the stresses and the strains that is taking place, both in the Country of Mexico and on the US side.

So that capacity, in connection to the resources

and all those kind of things we are talking about are vital but it highly encourages and highly continue to encourage US EPA and the other federal agencies to continue to interact not just with grassroots communities but with industry, and business, and with academics and the states, and the others that are represented here and beyond.

We have seen some very good partnerships, quite frankly, and many of those partnerships that have been successful.

I mentioned earlier the Air Quality Environmental Justice conference that took place in San Francisco several weeks ago, and it just was tremendous, I've got to tell you. To hear the kind of partnerships that were developed, but we weren't only just talking about partnerships, we were talking about the challenges of many of those partners, the partnership of coming together with business and industry, and with counties, cities, and states, and with other federal entities, and so on. But there has been some tremendous victories.

I think the interagency piece -- and I will say it because we did a lot of run there right quick -- that, from my opinion, this is purely my own opinion, but from where I sit, I think we have seen an inactivity or a decline,

and this is no disrespect to those that have been a part of that, and I know the lead agency, being on the part of the EPA and the challenges, and so on, and the challenges of the moment in history that we are sitting in as we are here today, but, quite frankly, many of our cases, in terms of communities, and so on, where we have had to be the ones to push or do whatever to bring agencies together.

I mentioned even, in fact, that is not to say that there is no work and no communication taking place between agencies, but, as I mentioned earlier this morning, even with Health and Human Services, even with the Office of Minority Health, and so on, from many of the health pieces, and beyond that I either said, or whatever, then it should be just a natural that health agencies on the part of the federal government and the EPA and other agencies -- Department of Justice and others -- should be coming together because where did the Interagency Working Group come from in the first place if it wasn't actually a recommendation that was made under.

And I try to collect history, and my thoughts of history, but if it wasn't a recommendation that was made, a series of recommendations that were made, one was the NEJAC itself, the National Environmental Justice Advisory

Committee, the other was the Interagency Working Group on Environmental Justice, and then several other recommendations that were made pre the signing of the Executive Order on Environmental Justice under the Clinton Administration.

So those are all crucial to us, and, yes, sometimes, and people say, well, you know, you've got to be patient, but I just got to tell you something about being patient. You know, patience got its beginning, and it's got its end. And sometimes you just up and get plain pissed off.

So, I mean, I'm just being straight with you, is that a lot of the issues that our communities are being impacted by it. And excuse my language, I don't mean to be disrespectful, but on the other side of that coin a lot of the serious, serious, serious issues that we are talking about we will have some patience, but we want some solutions to go along with that patience. And just like you all, we have to touch and feel things. I mean, we can have meetings and conference calls, and we've got thousands upon the thousands.

If I tried to figure out how many conference calls I've been on in the last 30 or 40 years, I would amaze myself and probably have to take a year or two off just to

get caught up from exhaustion or whatever.

But, you know, quite frankly, for us, you know, I say this, that, for us, we are here and we believe you are here as counsel members and others, because we think we can truly do this thing together.

And, yes, there are obstacles, and there are challenges and there are all those kind of things that go along with that, but as I said, you know, to the employees of the Environmental Protection Agency and beyond, we think that there are many of you that came to work for the agency, to live up to the mission of the Environmental Protection Agency.

And we ain't a special interest group, we don't want to be considered one, and our issues are not special interest, we are just the general part, as we said, of everything else that takes place in this country.

So I wanted to thank those that have joined us this morning on behalf of the Council. I am looking forward, actually, to our continued communications, Bill and Kathy, and Angelo. The states are important to us. You see state representatives sitting here on this particular Council. Obviously that means a lot to us.

So we thank you for the work that you all have

done. We are looking forward to continue not only our communications but figuring out how we can move forward to solutions to some of these problems. So, again, thank you. Charles?

MR. LEE: Yes. I just wanted to just make sure that we responded in some way, shape, or form to a lot of the comments that were made.

The first is that, Joyce, in terms of your comment about the tribal and special position of tribes, one of the things that we have tried to do here with the NEJAC and the Tribal Operations Committee is to have an official liaison, and I think you are that person. So, you know, we need to talk with you about how to enhance that relationship.

The second is, you know, I really want to echo Laura's comment about our efforts around doing these success stories and residents learn, having them to communities, particularly being part of that is really important. And we are looking for different opportunities. Like, for example, next year's conference at Howard University that John is organizing about state of Environmental Justice in America to be, you know, a possible venue for that.

There was a very successful one last year, and, you know, we were all caught off guard because over 500

people came, and certainly there is a lot of momentum behind this issue.

Thirdly, I think the Agency is trying to wrestle with this issue of consistency. And, you know, it comes up over and over again in terms of am I or am I not in an Environmental Justice community, or am I designated this, or whatever, and in the other forms.

But I think, and we started to think about this, and we wanted to get your thoughts about this over time, is that, in order to really address this issue of consistency, we are talking about coherency for the program.

And what that means is that we would need to have a coherent and unifying program theory for Environmental Justice. So, you know, this may be just something we are throwing out there, but there is a serious discussion of that within the Environmental Justice office and among the EJ coordinators about what that may mean. So, as that develops, we certainly would think that having it put in, the public input is going to be really important.

Fourthly, this issue that Bill raised about prioritizing having priorities and making choices, and certainly I think doing that, you know, that is a hard to thing to deal with, particularly with -- I mean, the reality

is here, there is also the reality of many communities that may need some kind of attention, and so that is a hard balance that has been set.

But I think that -- and this is actually my last point, which I will make -- I mean I think what I have learned, what I have come to appreciate is the incredible sensitivity and real dedication and commitment to the issues that are represented by Environmental Justice among the Deputy Assistant Administrators and Deputy Regional Administrators.

So more dialogues like this are going to be really important, and that is why I think this meeting is so important.

And then, you know, obviously, we all realize, and we need to find ways to make this, to translate this into a real efforts, real initiatives, and real program, is that addressing the needs, the Environmental Justice needs, are of disproportionately affected communities are not going to be done by EPA alone, and certainly, you know, we need to think about it, and your thoughts, about how to build those partnerships and get that message out there is really important.

Certainly, I just want to conclude by thanking

Laura, and Bill, and Kathy for participating here and, you know, ongoing, that is really very, very important.

I also want to say, re-emphasize my point that I made at the end of my comments before, which is that we really are seeking your help in this. We really are seeking your ideas. We really are seeking avenues that you can bring to our attention that we can pursue in order to mobilize more resources.

That, I think -- I mean, we really -- you know, we have come up with this word "leverage" around, you know, how to address the issues of Environmental Justice, and that requires, you know, to be, put it very bluntly, everyone here. And that is a function of how creative each and everyone of us are.

So I just want to conclude by saying that we cannot emphasize that. Thank you.

MR. MOORE: All right. I think we are moving right along on the agenda. We have had one counsel member that just joined us after introductions.

John, would you introduce yourself, please?

MR. Rosenthal: Good morning. I am John Rosenthal, and I serve as the President of the National Small Town Alliance.

MR. MOORE: Welcome, John. Okay. I think --
what time do we have? We have --

MS. JOHNSON: It is 11:15.

MR. MOORE: Is that New Mexico time or Baltimore
time?

(Laughter)

MR. MOORE: Okay. I think we are ready for a
15-minute break. We would like to convene back within those
15 minutes, and then begin the next agenda, which will be a
report back from a panel. We will take it from there. Thank
you all, again, for joining us. Looking forward to
continuing to work together, and we are going to take a
15-minute break.

(Whereupon, a recess was taken.)

MR. MOORE: Are we ready to get started. We are
going to move regular along. If you need to continue those
discussions, would you mind, please, stepping in the hallway.

Now we are going to want to again ask those, that
we know it's great, some people are seeing each other for a
little while in between things, haven't seen each other for a
while, all those kind of things. But, in accordance to this
agenda, we are going to move along.

Before we introduce the Chair of this particular

panel that we are about to present, I think, counsel members, are we ready to proceed?

John, again, we wanted to welcome you to the meeting. It's good to have you on board. As was mentioned earlier, I think we have one more Council member that is going to be joining us here either today or tomorrow.

All right. If my agenda is correct, I think that Omega will be helping us to facilitate this particular panel on EPA and Partners Goods Movement efforts. The moderator will be, as I said, Omega. We will do this a little bit later in another one of the groups. Terry Goff, from Caterpillar, Inc., was to be the moderator of this particular panel but is unable to be here for personal family reasons.

Also, the other chair of the Goods Movement Working Group, who will be introducing the whole committee later on is Shankar, and Shankar and Terry have been co-facilitating the chair-ship of the Goods Movement Working Group.

So, if we are ready to proceed, Omega, I think we are ready to roll with your being the moderator of this panel.

I would like to ask, and I know you will too, Omega, that our panel members keep to the time. We are

moving along very, very well. But, also, we want to make sure that the committee members have an opportunity to ask questions and make comments, and so on. Omega.

MR. WILSON: Thank you. Thank you, Richard. I appreciate it. Again, I am not Terry, but we are working toward the same effort, and we wish him well, the he could not be here today.

Panel: EPA and Partners Goods Movement

Omega Wilson, Moderator

MR. OMEGA: Again, this is the Environmental Justice -- (microphone problem).

MR. MOORE: When you are not using your microphone, if you could just press it off, that would be helpful. Thank you.

MR. OMEGA: Okay. Thank you.

This is the EPA and Partners Goods Movement panel efforts. Just to give you a brief outline of purpose, this particular panel is designed to build members' baseline or background understanding of EPA's efforts related to Goods Movement, particularly as it relates to ports and diesel collaboratives.

Of course, we know that there are other parts of this and other layers to this, but we want to focus in on

that broader part of the understanding today.

Now we have panel presentations, and I will quickly introduce them. But, of course, again to reiterate what Richard mentioned, that the presentations are about 10 minutes, and then after each presentation -- after all the presentations I will focus with a few questions, and then, of course, we will open up questions to the Advisory Council members.

The first presenter -- and, of course, if I miss something in the introduction and you want to add something after I finish introducing you -- I don't mean to shorten your resumes or anything, but if I miss something, please feel free to clarify when you do your presentation.

Lori Stewart is Deputy Director for the Transportation and Regional Programs, with EPA, Office of Transportation and Air Quality. She will speak about the efforts of the Agency as EPA, around cleaned diesel programs as it relates to the Goods Movement. So that is the focus point there.

Kathleen Bailey is with EPA's Port Section Liaison, and she will talk about the Agency's efforts related to addressing ports and their environmental impacts. Of course, the ports and environmental impacts to Environmental

Justice communities.

Jeff Scott is the Director of Communities and Eco-Systems Divisions for EPA's Region 9. He will provide information regarding the ports and Goods Movements, particularly as it relates to the Southern California area.

Brian Beveridge comes from the community point-of-view, and he is Co-Director of West Oakland Environmental Indigenous Project. His presentation will focus on how port activities affect communities and obviously how communities are responding to the Goods Movement activities.

Again, presenters, work with us on your time, and after the presentations we will come back to members for questions or comments. We are starting with Lori. Thank you.

Presentation

by Lori Stewart, EPA Office of Transportation

MS. STEWART: Good morning, everyone. I appreciate the opportunity to be here to discuss our National Plan Diesel Campaign and Smartly Transport Programs and how they contribute to addressing the issues -- the Goods

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Movement issues at ports and all along the supply chain.

The environmental issues associated with Goods Movement is a very high priority to this agency. Evidence of that, just two weeks ago today the regional administrators all gathered in New York for a Regional Leadership Forum. The forum was for the second year in a row, focused on ports issues, and this was sponsored by Allen Steinburg and Kathleen Callahan of Region 2, last year sponsored by Brie Nastrie (*) and Laura Yoshii, of Region 9.

The leadership meeting a couple weeks ago began with a press event at Port Elizabeth, at the New York/New Jersey port, where we announced our plans to introduce a hydraulic hybrid yard hostler or truck in early 2009. There are 400 of these trucks at the New York Port. Once this technology is deployed, it will result in a 50 to 60 percent fuel efficiency improvement, as well as 90 percent NOx and PM reductions.

We also had a land and boat tour of the New York Port, which really provided the visual evidence of the proximity of the intense port's activity to the Environmental Justice communities.

Most importantly, the RAs revisited the Agency's priorities in the area of ports and Goods Movement and

reaffirmed those priorities. They do plan to go back and go back to each of the regional offices and come back to us with commitments, come back to the agency-wide port's team with commitments in each of the regional offices to follow through on some of the initiatives, and I think you will hear more about that from Kathleen Bailey.

Regarding the Transportation Program, most of the discussion by the regional administrators and my division is focused on non-regulatory approaches. However, in the National Clean Diesel Campaign, it is important for everyone to be aware of the significant mission standards that have been completed for diesel engines, and they are currently under way. They will go a long way to reduce the future emissions throughout the Goods Movement chain.

OTEC has take a system's approach to these standards, reducing the sulfur and fuel which provides some environmental benefit in itself, but primarily helps to facility the new emissions control technology, such as diesel particulate filters on heavy-duty trucks.

The on-highway diesel reg was completed years ago, several years ago, and the on-highway skill is now done to 15ppm sulfur, which has facilitated engine technologies, the missions control technologies that do reduce PM now as of

the 2007 model year at 90 percent, and, as of 2010, will reduce NOx by 90 percent. So this will cover the long-haul truck and any other trucks operating in the Goods Movement and the supply chain.

The same system's approach was applied to non-road engines, lowering the sulfur to 500ppm next year, which it is currently several thousand parts per million in some cases, and 16ppm in 2010. This will facilitate standards in the non-road sector construction equipment, cargo-handling equipment, ports, and so on, from the years 2008 through 2014, also 90 NOx and PM reductions.

We are currently finalizing another rule making in the transportation office for locomotive and marine engines, which will result in similar NOx and PM reductions, again, on the rail portion of the supply chain and the marine, tug boats, barges, and so forth.

However, the locomotive and marine rule making will not cover ocean-going vessels, and this is a major issue in Goods Movement chain, particularly, obviously, in ports.

In 2030, ocean-going vessels are projected to contribute 50 percent of the diesel emissions reductions of both NOx and PM. Part of that is because of the success of all these other regulations for the other diesels, and they

will be that much cleaner.

We are currently working with the International Maritime Organization to negotiate new standards internationally for the ocean-going vessels.

We have an interagency proposal, with concurrence, plus all the major federal agencies that has been presented to the IMO. We hope to reach a decision. There are a lot of steps between now and then, but we hope to have the IMO reach a decision on these standards by the Fall of 2008.

But even with this extensive set of diesel regulations, we estimate that there are over 11 million diesel engines out on the road today that will not be impacted by the new standards, and that is really what our non-regulatory programs under the National Clean Diesel Campaign and the Smart Way Transport Program are working to address.

I will just briefly highlight those, the areas in these programs that are most-focused on Goods Movement. Many of these 11 million engines are associated with Goods Movement, whether it's cargo handling equipment, the monitor equipment at ports, the trucks coming in and out of the port, the long-haul trucks, rail, and others that I have mentioned

before, like barges and tug boats.

The Smart Way Transport program is established to achieve fuel efficiency improvements really for greenhouse reductions across the freight sector. And, just briefly, they do that by creating a demand for more fuel efficiency, carriers on the part of shippers, and just establishing partners.

We have 600 partners in industry that have made commitments for fuel efficiency improvements. They do this through reduction, fuel efficient tires, air dynamic improvements, and so forth.

But the Smart Way program has also now branched out to take the lead in the freight sector for NOx and PM reductions as well, and some of our key priorities in this area are to establish emissions in inventories. We have already done a first cut across the ED top ports, and we are going to get that data out to the ports in the next couple of months to review and provide feedback on before we make that public. That will help set targets and identify the most cost-effective reductions at ports.

We are also developing a supply team model. It will be capable of measuring the company's full supply chain emissions from truck, rail, air, marine, and so forth. It

will allow the shippers to make comparisons the most environmentally efficient way to move their goods.

What we consider the most important area for this Council is our effort on the Smart Way Innovative Financing programs. Mitch Greenberg, you may recall, has presented our concepts for Smart Way Innovative Financing programs to your group in the past, and we are working closely with the Goods Movement Work Group to help develop these programs.

The idea is to provide incentives for individual truck owners to purchase not only tool efficiency improvement, which they get a payback on, but also the emissions control improvements.

One example is that we are currently working at the Port of Virginia in Norfolk, and they plan to announce in early October, just a couple of weeks from now, the availability of the Smart Way Plus Loan program to purchase drainage trucks that are operating in the Norfolk area.

We will be working through lenders to provide lower cost loans for the cleaner trucks. The drainage trucks will be retrofitted with a partial flow PM filter that will achieve a 50 percent in PM emissions reduction.

The bottom line is the idea is to have a trucker walk into a used truck dealership, and the truck that is

retrofitted with the cleaner technology is actually less expensive to them through a lower interest rate, even though the price is higher than the truck that is not retrofitted, so it becomes a no-brainer to buy the cleaner truck.

We actually have two used truck dealers that are ready to implement this in the Norfolk area.

This is the area where we believe, as I said before, your Council and the Goods Movement Work Group can be most helpful. We been to consult with the Work Group to help us design and establish these innovative financing programs and to help meet the needs of the individual truckers in these communities and helped to get the word out once the launch of these innovative financing programs to get the truckers to take advantage of them.

One last note, we also hope to have substantial funding this year under the Energy Policy Act, Diesel Emissions Reduction Act. We were delayed by at least a year when we had the continuing resolution last year that the House and Senate both have marks of \$50 million for the grants and loans under the Diesel Emissions Reduction provisions. We will see what happens in conference, but that would apply to both grants as well as some of these Smart Way Innovative Financing programs.

In conclusion, we look forward to continuing to work with you as we improve our overall Goods Movement efforts but, in particular, to get these Innovative Financing programs out on the street. Thanks.

MR. WILSON: Thank you. Thank you very much.

In keeping with the time, Kathleen Bailey is going to be our next presenter.

MS. BAILEY: I do have a slide presentation. Nothing fancy, just to kind of keep things moving. I have a lot to say, and I know I am standing between you and lunch.

Presentation

by Kathleen Bailey, EPA Office

MS. BAILEY: I do have a slide presentation.

(Slide)

MS. BAILEY: The purpose of my presentation is to provide a brief history of EPA's work with ports. It is not brief because we don't have much to say, we really do have a lot to say. We have been working in earnest for four years now with particularly the Public Port Authorities.

I want to kind of frame the culture change, this movement that I see toward environmental stewardship and sustainability, and it is a movement at not just the ports but industry in general and, frankly, EPA, as we figure out

how to get better environmental results. We are having to think about this as well.

And then I want to highlight Environmental Management Systems and how they are helping ports.

How many of you are familiar with that concept of Environmental Management Systems and what they are, how they work?

(Show of Hands.)

Okay. Very good.

Because we found that the ports that have EMSes are early adopters of new technology, like the Port of New York and New Jersey. They are committed to continuous improvement. They are willing to try new things and measure results.

And I want to provide you an overview of EPA's sector strategy for ports, that Lori mentioned.

(Slide)

Our work with the American Association of Port Authorities, this is the group that represents ports all over the Western Hemisphere, actually, but their top 86-member -- the largest 86 ports in the United States, the deep water ports, and a deep water port is anything over 12 feet, actually. These ports belong to the American

Association of Port Authorities.

In '98, the Office of Water, that is, OW -- if I have any other acronyms, anybody can do the acronym, please. Office of Water worked with the American Association of Port Authorities to produce an Environmental Management Handbook for Ports, which is still used by many of the ports.

It provides an overview of their compliance obligations as well as a lot of information about best practices, and the Office of Water did this because their focus, their work with the ports is in dredging of -- maintenance dredging of navigation channels and harbors, as well as dredging for new projects, as well as storm water management.

But this was just kind of one project they did and kind of left it at that, and it was, indeed, a useful one.

And then, in '03, my office, the Office of Policy, Economics and Innovation, developed a Sector Strategies Partnership. We have a written Partnership Agreement to work collaboratively to improve the environmental performance of the members of AAPA.

This is one of about a dozen industries that my office works with. I have some brochures if anybody is

interested on the general nature of how we work holistically, cross media with a variety of industries to improve their environmental performance. The way that we do that is to encourage them to develop environmental management systems.

We also look at what are the business drivers and barriers that are in the way of helping them improve their environmental performance, and then we work with the industry to figure out how to actually measure improvements in their performance as well.

So when I first asked AAPA where they were having problems that they wanted to work on together, they said, well, we know we have air quality issues that we need to start working on, and we are really -- there have been a few ports who have taken a stab at doing emission inventories, but we really don't understand a lot about air emissions.

So that led to the development of four issue papers, and one was on how to measure emissions. Another one was on general conformity, the whole process used to get permission primarily for dredging operations. I won't go down that road. That could be a whole separate presentation.

Also, ports wanted more information on how they could get involved with state implementation for air quality. Those are SIPs. And they also wanted information about how

they could involved in transportation infrastructure planning. So we did an issue paper on that.

One of the follow-on deliverables was a document, right here, called "Current Methodologies and Best Practices in Preparing Port Emission Inventories." It is not official guidance, but it helped look at what was happening out there, both in the United States and in Europe on how inventories were being done, and what was working, and what was not.

So that has helped jump start many of the ports in developing their emission inventories, and certainly the methodology has come a long way in the last four years, and so this document is due to be updated and officially -- eventually turned into official guidance from Lori's office, the Office of Transportation and Air Quality.

In addition to that, we launched an EMS Assistance Project with the American Association of Port Authorities. It is a project through which, in the first project, there were nine ports and two federal facilities who worked together over 18 months to develop their environmental management systems.

It was actually run by GETF. The Global Environment Technology Foundation, was the technical information provider. That went so well that we documented

how it went, and made this available to share with other ports, and launched a second round of the EMS Assistance Project, which will rack up in the next few months.

Again, we will have documentation of what ports have done, and how they have done it, and what they have learned, and I will get a bit more into that in a few minutes.

And then our Sector Strategies Performance Report, all the sectors we work with, whether it is iron and steel, or cement manufacturing, our program actually started working mostly with manufacturing sectors, and then have moved to other kinds of industry sectors, such as ports, and colleges, and universities in the last few years.

But we do what we can to advance the measuring and monitoring process. So this is an example of the port's chapter from our '06 Sector Strategies Performance Report, where we documented the work of the American Association of Port Authorities to improve their performance. AAPA actually did a survey of their members, Environmental Practices, which was used for '08 -- used for the '06 report, and they have just recently completed another survey of Environmental Practices that will go into the report that we are currently writing.

One thing that I thought was quite striking is that in the last report air quality issues rated number 14 on the list of ports' environmental concerns. Their latest rating rated number four. So that tells you something about the awareness of environmental issues in general and certainly air quality issues.

Top of the list still remains dredging and storm water. The things that require permits are obviously a big deal for the ports.

And then two, going on three, years ago when OTAQ wanted to start collaborative to address these 11 million diesel engines that are in the legacy fleet, and they wanted to start working with port-related transportation, it was real convenient that OPEI already had a working relationship with the American Association of Port Authorities, because we were quite expeditiously able to set up training sessions in different regions of the country through the different regional collaboratives, and many of the Port Authorities have been very active in reducing diesel emissions, adopting lower sulfur fuel.

OTAQ has provided, what, about a dozen grants? At least a dozen grants for testing new technologies.

Near the end, I will say a little bit more about

what we are doing to work with international ports as well.

(Slide)

Let's step back to the big picture here for just a second.

What does "sustainability" mean? I didn't keep track of how many times I heard that word this morning, but it was a few. And you do hear it more often in conversations. I think the Brundtland Commission back in '97, I have not heard a better definition since then, really, "The ability to meet today's Global Economic Environmental and Social needs without compromising the opportunity for future generations to meet their needs."

Who remembers what year Columbus sailed the ocean blue?

MR. : 1492.

MS. BAILEY: 1492. Ahh, you are smarter than a fifth grader! Very good.

(Laughter)

Yes. That was -- so it's been about 500 years that we have been utilizing our harbors and channels in this country and, obviously, in other countries on the planet it has been a lot longer than that. And they were Native Americans using them very gently prior to the arrival of the

Europeans. But could we have ever thought 500 years ago that our Coastal communities would look the way they do now?

Don't think so.

And what about 500 years from now? Do we have any clue how to think that far ahead?

(Slide)

Well, EPA has been grappling with our mission to protect human health in the environment, and what is our role in sustainability? So EPA's vision for environmental stewardship is where all parts of society take active responsibility to improve environmental quality and achieve sustainable results.

Now it is a core value, certainly for me and a lot of people, in working with businesses we have found that, to the degree we can create business value at the same time we protect the environment, we are going to get faster results.

Some of you may have heard that Wal-Mart has launched a plan to work with 60,000 suppliers to reduce packaging on 160,000 of their products.

In a pilot on 300 toys, they saved over 3,000 tons of corrugated material, over 1,300 barrels of oil, over 5,000 trees, 727 shipment containers that did not have

to be sent because of the excess packaging, and 3.5 million in transportation costs, just in one year. So it made good business sense for Wal-Mart to do that.

So, to the degree that we can link improving environmental performance and also creating business values, such as in our Smart Way Transport program, the truckers are getting improved fuel efficiency. That really makes things happen.

(Slide)

The American Association of Port Authorities several months ago developed a sustainability task force, because they are really trying to get their brains around what this means for the Trade Association and their members. They will be voting on a whole two pages of principles and resolution at their annual meeting at the end of this month, and I think it is a milestone event for this industry.

The first line in it is that "Sustainability involves simultaneous pursuit of economic prosperity, environmental quality, and social responsibility."

(Slide)

So what are progressive ports doing to become better environmental stewards? Developing environmental management systems for existing facilities, for new

facilities, and many of them are doing it through the Port's EMS Assistance Project.

The Trade Association has just announced that they are planning to have a third round of the EMS Assistance Project. Not that all ports will ever sign up for this, but we are taking our lessons learned and best practices and rolling it into an EMS primer that will be available for port authorities by the end of this year.

We are seeing the more progressive ports measure and report on continuous improvement in their environmental performance.

More of them are doing reports to their communities, some as an inclusion in their financial annual reports, some as a separate document.

And ports are clearly paying more attention to community concerns.

(Slide)

I don't really think I have time to go through what is in EMS, so if you could just click through the next couple, please.

(Slide)

Why are ports viewing it in their best interest to do this? Because it improves their environmental

awareness, and we are making links between organizational efficiency and environmental protection.

For example, the new gate systems that are having to do in at a lot of the ports because of new security requirements, these new gate systems are highly automated. In addition to improving security and operational efficiency because the trucks can get in and out faster without sitting there idling, they are also for that reason improving air quality as well.

Another example is the chassis pulls. The chassis are what the trucks haul behind them that the containers sit on. It used to be that each terminal operator had their own set of chassis, so if you were a dredge truck driver, and you were hauling for two different terminal operators, you had to go drop one chassis off, and then go pick another chassis up before you could pick up another container.

Lots of wasted time and resources, and it is, frankly, part of what made it difficult for dredge truck drivers to make a decent living, because they are only making money when they are bringing loads in and out of the ports.

So chassis pulls really improve the operational efficiency and, because there is less running around, it also

improves air quality.

(Slide)

This is just some examples of benefits that ports have received from their EMS. The last slide is going to list some resources, and I would be happy to share where you can on-line find more information about any of these.

(Slide)

So with any industry, whether it is iron, steel, or ports, we find that trade associations, as well as individual companies within those industries, go through an organizational evolution. Every industry has leaders, and every industry has laggards, and every industry has a big group in the middle that can be brought along over time.

So, whereas the goal used to be just getting to compliance, and that is still a big, important deal, but that is no longer the goal. That is like the baseline requirement, because there are plenty of other opportunities to prevent pollution.

And EPA has only been thinking about really the prevention ethics since 1990 when the Pollution Prevention Act got passed, and we started focusing in that direction.

And EMS really helps the functional integration for any business, for their operations, as well as their

long-term planning, which can then lead to more sustainable operations.

But this notion has to then get carried into communities and regions who need to have common visions about what a sustainable community looks like before they can then work together toward that common goal.

MR. WILSON: Excuse me, are you wrapping up now?

MS. BAILEY: My co-worker gave a few minutes of his time.

MR. WILSON: All right.

MS. BAILEY: Thank you.

(Slide)

Here are just some examples of other green port practices. We will skip these.

(Slide)

So why is it important for ports to engage stakeholders? They are learning increasingly, and they are license to operate and grow really depends on it. They are increasingly getting that it is in their business best interest to do so.

(Slide)

I don't really need to go through this list. You already know this list. I wanted to make it a little bit

more comprehensive than air quality just to keep in mind that as you are working on air quality issues not to forget or further exacerbate some of the other problems that go on as well.

(Slide)

We are finding that communities -- we are hearing from you that communities want to be involved in the decisions that affect them.

One of the things I think you can help us with in looking at this continuum or spectrum of public involvement from information in sharing, to consulting, engaging, collaborating, and fully empowering, what is the right way to engage communities on any particular subject.

(Slide)

This strategy that Lori referred to, I am very proud that our senior politicals from all over the agency, including our deputy administrator, spent two days talking together recently about ports and developed a strategy that they are committed to, and there will be some things in that strategy that will get done in the next year-and-a-half, during this political administration, and other things that will get started that will go beyond that.

The strategy does use the framework of our

current administrators' action plan, that should be. I am missing a word.

It will be made public later this year. I think it is really important that we work with community as you are developing strategies. I am part of the core team that will be rolling out the strategy, because it would be really silly for us to just wait 18 months to hear from you, because I think a lot of what you care about, as what is already in this strategy and will need to be refined as time goes on.

(Slide)

Here are milestones, in my view, on what has happened in the last year at the San Pedro Clean Air Action Plan, for the Ports of LA and Long Beach. Some might say it was a reaction to a very poor air quality situation, and I certainly wouldn't argue with that, but was also very progressive in what is included in the plan. It is really the most comprehensive plan on the planet to date.

Another milestone is the Northwest Ports Clean Air Strategy. I really applaud the ports in the Northwest. Seattle, Tacoma, Everett, and their Health Department, and the Puget Sound Air Agency, and others, who have worked together to develop a strategy.

First of all, to do a very thorough emissions

inventory, and then develop a strategy that they have all agreed on.

And then the South Carolina State Port Authority Mitigation picking for their new container terminal on the Navy base, this is a milestone in that South Carolina Port Authority, I think it is fair to say, thought that their permit approval would be a slam dunk, and about four years later they are very proud of the mitigation package that they have put together, and in a multi-stakeholder process that took place, that they never thought that it would take that long, and that is a real signal to other ports who want to grow, that they need to grow clean and quantify how they are going to do that.

(Slide)

That's a list of resources. Thank you.

MR. WILSON: Thank you very much. I appreciate it. In keeping with time, we want to make sure the other two presenters stay within our time frame because we certainly want input from Council members.

Jeff Scott is going to be the next presenter.

Presentation

by Jeff Scott, EPA Region 9

MR. SCOTT: Hi, my name is Jeff Scott, for those

who I have not met. It is really a pleasure to be here today.

(Slide)

Today I would like to give you a quick overview of some EJ impacts in Region 9, give you a sense of the complicated barrage of players that impact ports and Goods Movement, highlight a couple of EPA efforts, although in the sake of time I might limit that a little more, and certainly invite all of your input to help us do even more.

I have to admit I am relatively new to the issues of Goods Movement and ports, but, in some ways, that is good that I am just doing the overview.

There are other people here, luckily, that know a lot more than I do, and so I will turn to them for detailed questions at the right time.

But being the new guy, I will say this: That what I am seeing is that things are kind of both straightforward and complex. In Region 9, it is clear that we have a significant environmental problem associated with Goods Movement and ports.

It is clear that the communities around the ports and the transportation corridors are, indeed, the EJ communities, and I will cover that for a minute, too.

It is also clear that the people that live in those areas are being exposed to significant risks, higher risks than people are being exposed to in other areas of the country.

The complexity part, I think, is in terms of the number of players, differing authorities, the financial interest involved, and the myriad of those. And, frankly, finding a way to develop a comprehensive solution to these problems.

(Slide)

For those of you who don't know EPA Region 9, other than being the best region, is the one in the Southwest, and it includes -- I am just going to talk today about the Continental U.S., but it also includes Hawaii, Guam, the Pacific Islands. I understand that they need my personal attention more than I have given them, but that's another meeting.

We have our main office in San Francisco, as well as a couple of smaller field offices in Southern California.

I should also mention that, in Region 9, we have 146 tribal groups that we spend a lot of time working on that have a whole different set of issues quite often.

(Slide)

When you look at our ports, we have quite a few, and particularly I would like to point out that the people in California, although they realize some of the benefits of the business of Ports and Goods Movement, over 50 percent of all the goods coming through the California ports are going to other states, and so that the people that live right next to these places are not necessarily the ones that are benefitting from all this trade.

(Slide)

As was mentioned earlier, the South Coast has significant ports. The San Pedro Bay Ports; the Ports of Los Angeles and Long Beach together are called the San Pedro Bay Ports, are the largest containerized ports in the nation. And import more than 40 percent of this country's goods; 40 percent through these.

(Slide)

This puzzling little picture here is basically background for what the people need to understand in terms of Southern California. I would say, first, people do not always realize that there is fairly unique geography in Southern California.

Southern California is surrounded by 10,000 foot mountains. That is what creates the basin. That creates the

lack of air movement that allows pollution to pile up.

In addition, if you think about the size of the population there, the cars, the ports, et cetera, it really is a lot of people in a place with a lot of air pollution, and a lot of it it is very hard to deal with.

This chart shows the number of days of exceedences for PM2.5, and also known as fine particulate matter.

It turns out that it has been calculated that 75 percent of the risk from fine particulate matter in the country is in California, and 50 percent is in the South Coast Basin alone.

A recent California Air Resources Board study of diesel pollution from the port terminals in LA and Long Beach concluded that the cancer risks were 1 in a million. Not 10 in a million, not 100 in a million, but 500 in a million. These are very substantial risk numbers and call for everyone's attention.

(Slide)

When you look at where the emissions come from -- the port sources are highlighted in this pie chart -- the ports, alone, contribute 10 percent of the total NOx emissions in the South Coast Air Basin.

Of course, as we look at the ever-growing number

of shipments coming to the country and the expansion, those sources are going to gain importance over time.

(Slide)

If we drove down a little deeper and we look at what are all the potential sources of air toxics, you will see that there are ports, rail yards, distribution centers, and then, of course, there is a lot industry that developed, lots of it long ago, associated with being close to these transport centers.

There are 9.5 million people living just in the County of Los Angeles. That is more people than the population of 42 states of this country, and they are all right there, breathing that air.

The Port of Los Angeles has a median income of \$30,000, and is 92 percent minority. So, clearly, we have air pollution, we have environmental issues, and we have EJ communities right here.

(Slide)

The Port of Oakland is the fourth largest container port in the United States, and it is projected to triple its throughput by 2020.

The planned expansion is estimated to increase the daily average of diesel truck trips from 9,000 to 20,000

by 2010, just three years from now.

Directly adjacent to the port is West Oakland, a low income community of 25,000 people, which is over 90 percent people of color.

In West Oakland, children are seven times more likely to be hospitalized for asthma than the average child in the state.

Brian Beveridge will be talking a little bit more in detail about Oakland in a minute.

(Slide)

Now isn't that a beauty? It is clear that the ports present significant challenge. Now this slide is not to give you a headache, you may have that already. But it is just to show you kind of a symbol of the dizzying array of players. We have different industries, rail, trucking, shipping ports. We have different levels of government, and they all have very different roles.

Now California has been very active in developing a state-wide Goods Movement Action Plan with multiple stakeholders, and it explicitly calls out for EJ as a concern to be addressed.

The State of California, also, along with the ports, have identified millions of dollars to address the

externalities of Ports and Goods Movement.

Soon, also, I should mention, that there will be an agreement finalized for the Southern California National Freight Gateway, and it is going to try to involve a large number of federal, state, and local groups, as well as the ports, to try to coordinate some of this activity in looking at these important issues.

(Slide)

This is a nice slide. It is a sense of all the players involved in Oakland and dealing with that port.

The main message here is is you really have to involve a lot of people to come up with comprehensive solutions to these problems.

At both ports, we are working with a number of collaborations to support the state and air districts leadership.

We are also reducing the missions through a grants program to encourage voluntary technology upgrades, called the West Coast Diesel Collaborative.

Some of these programs have included the voices of the effect of the communities, but I would be the first to say that we can do even more on that front, and we need to do even more to involve those communities.

(Slide)

The West Oakland Toxic Reduction Collaborative is a group that was established a number of years ago. It has a formal structure to share power equally with West Oakland leaders, and these leaders have done a great job of taking this model to other agencies and creating other partnerships.

Because of the strength of that collaborative, they have been successful in receiving a Collaborative Problem-Solving grant and a Community Action for Renewed Environment, or CARE grant, from the EPA.

In terms of our contributions, I think, importantly, we have been able to help get other people to join the collaborative and support it with staff technical assistance.

I think, by being involved with this collaborative over a number of years, we have been able to learn a lot of important things, but I would be the first to say we have a long way to go.

(Slide)

I think that's a great segue to turn this over to our next speaker, Brian Beveridge, who is the co-lead of this collaborative in Oakland. Hopefully that was on time.

MR. WILSON: Yes. Great. Watching the clock.

We are very glad to have Brian here, of course, to give us a community perspective -- the impact from the community's perspective. Thanks a lot. Appreciate it.

Presentation

by Brian Beveridge

West Oakland Environmental Indicators Project

MR. BEVERIDGE: Thank you. I appreciate the opportunity to be here. I think I am actually filling in for Margaret Gordon, but I think she is at another conference today in Southern California. I think she is back in Oakland, hoping that the City Council will put her on the Port Commission this evening, which has been one of our goals for some years to get a community voice, where I believe the first time in history there would be a community voice on the Port Commission in Oakland.

Let's see. Where should I start.

(Slide)

I think you have this in front of you. It just happens that it turns out that's my street, so it will give you a sense pictorially of the relationship. My house is by that big green tree on the left. The dumpster is not there any more, but it is down about that end of the street.

At the end of the street there is a park that we

got through, I'll say, a collaboration. It was more of a conflict with co-trends when they wanted to move the freeway there.

And right on the other side of that pink sound wall is six lanes of asphalt.

Beyond the rail yard, about 100 yards wide, and beyond that a terminal for container ships, and in the far distance you can see one of those ships there.

So it gives you a sense of the proximity of the port to the neighborhood. That freeway curves around from the south up to the west side of the community, and the port follows the freeway all the way around, along with the rail yards.

(Slide)

It was suggested that I point out that it is not just black folks in West Oakland. There is probably about 40 percent African-Americans, 25 or 30 percent Latinos, growing population of Asians, and probably 8 or 10 growing population now of mostly young, single or couples in Caucasians. It is a quickly gentifying community.

(Slide)

Just a few slides here from our indicators. We have 17 indicators that we developed with community

leadership. There were community priorities set that then we ask our research partners to answer the questions for us.

So these particular ones show, I believe, it's voting. Oh, that's housing. Basically, 60 to 70 percent of the people in the community cannot afford median housing costs, whether to purchase or rent.

(Slide)

That one shows you the port, and West Oakland, the area is generally in the right-hand picture, in the upper right section there between all the freeways. We have freeways on three sides of the community -- four sides, actually.

(Slide)

Some children health data. You can see the dark lines on the left of each of those graphs, is West Oakland compared with regional and state numbers.

(Slide)

This one, I think, is some more air data. I will just go through these quickly. They are all available on line, all the data.

(Slide)

This is basically West Oakland and the Port of Oakland, the denser section of the buffer zones there is the

industrialized residential area of West Oakland.

The area to the lower section and left side of the picture is the port itself, and the old Oakland Army base.

(Slide)

Some of more of that area. As you saw in that last one, there are few areas in the neighborhood where you can be outside of one the toxic site buffer zones. These are primarily soil toxic sites. In the lower section, we have a superfund site, is one of those sections. Not too far from my house.

(Slide)

Where did all this lead us? I think after many, many years, decades of basically traditional asking for help, using various types of community action, you may know that Oakland has a tradition of political action, and West Oakland has been a birthplace of that.

So there are people there -- I won't say "we," because I have only been there since 1999, but folks used a lot of techniques, litigation, confrontation, community action to attempt to solve these problems.

But particularly with the port and the industrialization of the neighborhood, there was very little

traction because there was very little influence over those institutions.

The port is highly followed by state law protecting it from influence by local politics, and that also protects it from influence by the local community.

So in 2002, in a partnership with the Pacific Institute, an environmental studies group, a large cross-section of community members, I think ultimately there were probably 150 people participated, came together with the researchers, and rather than the researchers coming and saying, this is what we figured out your problems are, they came and said, what do you think your problems are?

And it changed the nature of that dialogue by allowing the community to list its priorities, and then taking the community through an exercise of figuring out how to prioritize those priorities, allowing the community to understand the limitations of research, the limitations of data, and letting them continue to prioritize and prioritize until they wound up with these 17 indicators that would give them a snapshot of their own community.

The researchers then went away and got the data and brought it back, and helped to reduce it to sort of user-friendly information. That was the basis of our original

report, Knowledge for Change.

We did a follow up in 2004. Unfortunately, not much had changed. Some things had gotten worse, in fact. The housing crisis had gotten worse.

In 2003, we released a report called "Clearing the Air" that focused on diesel population in the community and included 13 action recommendations that were generated by the community itself. As the community looked at its own neighborhoods, its own streets, it said, what would we do if we had the authority to change these things.

And it was not only simple things. In 2003, the community said, we have heard of this thing called cold ironing. We think that the port ought to be using it. You know, it is not up to us to figure out how to get it done, but it looked like a good idea to turn off those ships.

The community talked about truck routes. We talked about cleaning up trucks and how that could be done.

We were concerned with the workers who owned the trucks, so we talked about programs to subsidize the clean up of those vehicles.

Four years later, we are still talking about what those programs would look like.

Building on that information, the EPA actually

came to us, Region 9 came and said, we would like to try out this concept of collaboration with the community. We weren't sure exactly why, but there's probably a variety of reasons. Maybe smaller government was one of them. I am not sure.

(Slide)

It was a definite approach from what had benefitted folks in Southern California. I think that there are a variety of not only reasons for -- it was not only a huge settlement and a strong mayor, Southern California has greater pressures, I believe, since -- you know, we have 15 or 20 or 25 what they call "Spare the Air Days" in the Bay Area. I think they have like "Spare the Air Year" in Los Angeles.

So there was a great deal more pressure to move forward from all fronts, and I think that was probably costing money down there.

We wanted to try something different in West Oakland, and the concept of a partnership with EPA sounded interesting to a lot of us. It wasn't a slam dunk. We had to convince some folks in the community that we weren't simply selling out to a big agency. The EPA, at the time, did not have a really great reputation in West Oakland because of some things that had happened around the Superfund

site there.

So it took some time for folks. What we figured would be a couple-of-month process turned into about a year process to develop a formal partnering agreement.

(Slide)

What happened was we looked at all the ways we probably didn't trust each other. And it was not just the community not trusting the EPA, the EPA representative certainly had feelings of uncertainty about committing to a partnership with the community they had had with whom they had had a somewhat fractious relationship.

Everybody was looking for a guarantee that somebody won't sue somebody and, you know, if we cooperate and work together, how is this going to work.

So step-by-step we found ways that we would make everyone feel comfortable. We started with a formalized document. It was not an ad hoc committee that met. We actually said, well, if we are going to be partners, we need a partnership agreement.

We made sure it was community-driven by having a community co-chair at the head of the table helping. So that person's voice is always in the agenda-setting process.

We made sure, for comfort sake, that there was

neutral and knowledgeable facilitation, which means somewhat outside of both sides of the -- someone that was chosen by common consent would facilitate the dialogue.

We had clear rules of engagement. We outlined what you could say in the room and what you could say outside of the room. Essentially, everyone is free to act. If you wanted to go out in the hall and issue papers, you could do that. But you couldn't do it in the room.

We developed the Steering Committee which helps to coordinate the action of the overall collaborative. It is a very important part of the process because it helps to choreograph the dialogue between the big meetings because the real work, as we know, does not happen in the big meetings.

We have eight action teams now, and it is a wide open process. We don't say, well, those folks probably do not agree with this so let's not have them at the table. We actually think the people who do not agree need to be at the table because those are the perspectives we need to learn about each other's constraints.

If we don't understand each other's needs and constraints and if we assume those guys just want to make money, and we just want to have good health so let's not talk together, there is no way that we can possibly come to

creative solutions.

(Slide)

Some of the partners -- I think you saw this slide a minute ago -- it is a broad spectrum of people who would not normally be in the room together.

(Slide)

We have had great support from the EPA, and I assume that is because people see there is something going on there. We are not always sure what is going on there, but it is a very dynamic dialogue that is taking place in these eight different work groups, covering trucks and off-road diesel, and alternative fuels, and indoor air quality, and health impact assessments.

(Slide)

EPA's role. Yes, it has been all these things. In many cases, it has been very beneficial to the community. Even though EPA does not always have direct jurisdiction or authority, it is very powerful to have someone like Richard Grow come along to a meeting with some other agency or the port and just sit in the back and take notes. Right?

It is sort of like having your big school yard friend to hang out with. They don't actually have to do anything except be present in the room to remind other people

that this is a serious situation.

Friends, technical support, and leadership. I think they are critical, and I have been asked on occasion what can EPA do when we don't have authority. Or, in general, what can EPA do.

And I think that funding is always great. These processes cannot be done without funding. You know, the collaborative process requires funding, whether it's direct funding or it's funding through staff support and other types of assistance.

But I think technical support is critical to this process because the empowering part -- we talk about empowering communities. Communities are empowered when you have greater knowledge, when they are informed enough to participate.

Just participation, just having a seat at the table isn't enough. These are intensely complex issues we are dealing with. It is not, you know, trying to get a stop sign on your street anymore.

So the tremendous need for data. Sometimes the data is already out there. It would be nice if people simply said, here is the data you probably need. There is a tremendous need for an understanding of the regulatory

process.

It is great when someone says, sort of, okay, you might want to ask them this question. Here is how their agency works compared with our agency. You might not expect these things of them, but you might expect these things of them.

This is tremendously powerful for communities to understand. Otherwise, we are just sort of in the wilderness, right?

Technology people speak a certain kind of language, and they have a certain kind of process.

Community members do not specifically always understand the scientific methodology. They do not understand why the dialogue needs to go in certain directions.

It is incredibly important for people to understand these processes and methods so that they can talk the long of the regulator, they can talk the language of the scientist. And, in that way, what we have to say is taken in a whole different form.

(Slide)

Components of port progress that we think are important, are not always evident, and they are not always

happening.

We need strong local commitment. We need strong Port Commission. Port commission has to be more in a kind of rubber stamp for support staff, which is why we have struggled to get representation on the Commission.

Staff, itself, has to be involved. And, in that regard, and I think I heard it mentioned earlier, institutional cultures can be very difficult to deal with. Every institution, all the staff that works within their institutions.

And the management of the institution needs to understand that the internal culture has to recognize and have a depth around things like Environmental Justice. What that means has to run throughout the culture.

The goals of change have to run throughout the culture and has to start at the top and work its way down.

(Slide)

Regarding directly our work with Goods Movement, in 2006, this report, "Paying with our Health," was published. The name was specifically chosen to remind us all that communities -- fence line communities around ports, rail yards, and distribution centers -- are actually subsidizing the cost of goods traveling into and through this country

with their health and their quality of life.

The question was raised earlier regarding where the cost has to land. Does it get paid by investors and shareholders, or does it get paid by added costs of goods and services. I think a megawatt of energy was the unit of value in the comment.

I think that we have to recognize that, right now, some people are paying for it with their lives. And if it's a difference between, you know, a few cents on a pair of Nikkies or a dollar on a DVD player, I think most of us would be willing to pay it.

What we have to do is make sure that those costs get put back into the system, and that that is where they reside. They are internalized by the process of acquiring goods from wherever we acquire them, that they are internalized by the process of moving those goods through our communities.

MR. WILSON: Are you wrapping up?

MR. BEVERIDGE: I think I could wrap up there.
Thanks a lot.

MR. WILSON: All right. Thank you very much.

(Applause.)

MR. WILSON: We would like to thank our four

presenters for all the valuable information. Of course, we want to have an opportunity to entertain some questions from the members of the Council and all those client questions for joggers that I have that involved the cost of all of this on the local level, the diversity of strategies for geographic areas and different kinds of ports.

I am not going to ask those questions because I know encroached in the questions that our members will ask, they will certainly be comprehensive and cover that in the time that we have left.

I don't see any cards up yet, clearly. Right. Okay. We will start back here. Okay.

Questions and Answers

MR. RIDGWAY: Thank you. Those are all very well put presentations.

I have a couple questions. I think they are pretty brief. I think maybe, Lori, for you, it is my understanding working in Hazardous Waste Management that some of the fuels that are blended for ocean-going vessels include hazardous waste. And, to the point that was made in Region 9, where all this transportation to Hawaii, South Pacific, is, I am assuming, based out of U.S. shipping operations. I understand, internationally, it is a different ball.

But what is being addressed on the fuel quality side, not just on the particles and sulfur to help in that regard?

MS. STEWART: Under the -- particularly under the IMO discussions, the International Maritime Organization, the U.S. proposal includes a proposal to lower the sulfur in ships within a certain distance from the port, depending on what port you are talking about, to 1,000 parts per million.

The ocean-ongoing vessels now use like bunker fuel. They can use up to 27,000 part per million in sulfur right now, so it is very high. So, right now, I think they are targeting getting the sulfur levels down close to shore and still using the higher sulfur fuel out in the open waters.

MR. RIDGWAY: It is my understanding that there are other hazardous waste products that are blended in with the fuel to add BTU value so it burns better. Things like tartelene (*), or anything like that. Is that, to your knowledge, an issue that you are addressing now?

MS. STEWART: I am sorry. I am just not familiar with that. I know it is, you know, fairly dirty. The bunker fuel is kind of the dirtiest of the fuels.

And, actually, you know, the use of those fuels

in the ocean-going vessels, I guess, is one way to utilize this, in their byproducts and the refinery process, and so forth, but I am not familiar with -- or I have never heard of any adding of hazardous waste into the fuel.

MR. RIDGWAY: Okay. Thank you.

MR. WILSON: Thanks a lot. We have some more questions. We want to move on to the next person. Elizabeth, to expedite things, we can get your questions in. Elizabeth, Donele, and Katherine. Thank you.

MS. YEAMPIERRE: Okay. Lori, hi. My organization covers Red Hook and Sunset Park, in Brooklyn, and those are huge waterfront communities with over 200,000 people living there, one-third under the age of 19. Sunset Park, alone, has about 1,200 manufacturers.

One of the things that we have learned in trying to retrofit vehicles along the waterfront is that a lot of the businesses are small businesses, and that the vehicles are so old that they cannot get retrofitted, that they would have to have a complete repowering, and that is not something that some of these small businesses can afford.

Because it is one of New York's largest walk-to-work communities,, we work really closely in supporting the manufacturing base, and we want to make sure that those jobs

are not at loss, but we want to try to incentivize them so that they can become greener.

So I guess what I would like taken is just two things. One: What resources are available for those small businesses often run by people of color and new immigrants that may not know what resources are available.

And, second, because a lot of these sources are mobile sources, what is the localized impact? And, in your inventory, do you have the data on the actual localized impact? Because a lot of these huge diesel trucks leave the neighborhood, and so, if you retrofit them, the benefit is not going to be local. So those are the two questions.

MS. STEWART: Okay. On the first question, that sounds like a perfect target of opportunity for our innovative financing approaches. We currently have a program in place with the Small Business Administration. We have a Memorandum of Understanding with SBA, and they are providing loans to individual truckers to buy fuel efficiency improvements, which basically pay back themselves. They actually have a monthly savings in their payment because of the fuel they are saving, and this is for the long-haul trucks.

But what we are trying to do is expand these

innovative financing approaches for air pollution controls, in addition to the fuel efficiency, and that is where we are looking at low-interest programs.

So I think, you know, later if you would like to give me your card I can have someone from our Smart Way Transport program contact you to kind of keep you informed as these programs are developed and look for opportunities in your particular area.

It is exactly targeted to these individual owner-operators that cannot afford to buy a brand new truck, and we are looking at ways for them to even buy that next used truck at a much lower interest rate, possibly, you know, using DOT bonds or EPA DERA Funds next year, if we get the 50 million in grant funds to help buy down the interest rates. So that is exactly the type of targets we have for the innovative financing.

As far as the actual emissions impacts of large trucks, particularly that come and go through areas, I think that would be kept really more at the state level, probably through the State Implementation Plan process where they have a baseline inventory in their State Implementation Plan, so it would probably be best to work with the State of New York, and, I guess, you know, obviously Region 2 probably has some

good data in terms of what the sources of the emissions inventory are.

MS. WILKINS: Let me begin, first, by thanking you for such a comprehensive and compelling set of information and resources. This is really interesting.

I am curious about how one is evaluating and/or tracking results out of all the work that you have been doing. I think since 2005, in terms of the collaborative effort, what do you know in terms of any impacts on health, local, public policy around land use, and its involvement in some of these activities?

I have a lot of other questions, but I am going to kind of keep it there for a minute.

MR. BEVERIDGE: I can speak to that, to some degree. I cannot claim at the moment that we can rack up big numbers in the emissions reduction because the programs -- I don't believe the programs are physically in place yet. The ones we are asking for we are seeing pilot projects that are showing promise.

We had a pilot project -- actually, we had one shipper, Masklines (*) shipped to low sulfur fuels.

We had a state regulation requiring it and auxiliary engines that jumped out ahead and said, well, we

are going to use it in all of our engines within the 24-mile limit.

Of course, simultaneously, the agents, the organization that represents them, Pacific Shippers Association, I think it is called, PMSA, something like that, is suing the state over that very regulation. So it is kind of a split-brain psychology around some of this stuff. Right.

We have had a Pilot Truck Replacement program at the Port of Oakland that was paid for by some port mitigation funds that came out of a lawsuit against the port back in the '90s, by the community. They replaced about 60 or 70 trucks, I believe. Obviously, those who are -- that's a measurable emission.

Reduction. We have not seen the data from it yet.

And the program, while it is a good start, we are not really convinced that it is meeting the social justice needs of this community that owns these trucks. We are hoping to make sure that if the state's going to pay to put money into industry that it starts looking at who the most at-risk workers in this industry are and the people who have the worst vehicles, because this, as the lady from New York

mentioned, these are folks who cannot afford to do militations out-of-pocket.

We can wind up putting a lot of people out of work and turning the industries over to giant global corporations, basically, if we are not careful.

One of the areas -- you mentioned policy I think. One of the areas we are seeing slow traction in is actually in land use, and it is one of the ones I thought we would see the least traction in because it is about zoning and private property control, and the use of land.

In the past couple of years, our Land Use Committee and its many partners have succeeded in convincing the City of Oakland that they need to use some of the Oakland Army base for what we call ancillary maritime support, which is trucking, parking and other types of truck service businesses that now reside in our community.

One of the reasons we have a lot of trucks driving through the community and into the community is because they come there looking for food, services, fuel, and places to park overnight. So we believe if we move those things closer to the port onto this large piece of land that is now available since the decommissioning of the Army base, that those businesses will move out of the community, and

that land will be freed up for other uses.

Two years ago City planners thought that was a stupid idea because the land was so much more valuable as a retail mall. Today, they are actively working with business to put out RFPs to create those sorts of facilities.

We are hoping it goes a lot further because there is a lot greater land use than just truck parking. There is cross-dock warehousing and a variety of other things that are necessary close to the port because, otherwise, those things have to move 20 or 30 miles away. That adds freeway congestion, and it adds a whole slew of other problems.

So if we really look at these things comprehensively, we have to do things that maybe people do not think are the sexiest way to use land.

But that sort of thing, obviously, Margaret Gordon's appointment to the Port Commission is a big one, where our new mayor has stepped up and said this makes sense, impacted communities should have a greater role. Port Commissions shouldn't just be run by land developers and attorneys. So there's a couple of things.

We are hoping over the next two years in our CARE grant that we will -- one of our challenges is actually to identify ways to clearly measure and document success that is

coming out of this. Collaboratives are a little difficult because you cannot jump up and say I did it. There were 50 people at the table, and the solutions, the creative ideas came out of that. And then people grab ideas and run with them.

Industry may say, well, that sounds good to me, I am going to go do it instead of waiting around for all to yell to take it to the next step.

So we hesitate to grab credit, but at the same time we have to somehow document success.

MR. WILSON: Thank you. Now we have three more questions, and we are running right at the time. It is about a couple minutes before 12:00, according to my clock. So, Kathryn and Joyce, and then Paul, and I know it will put us over a little bit, but we are going to end it there, and I don't know whether we are going to turn it right back over to Richard and Charles before we close out for this session. Okay? All right. Thank you.

MS. BROWN: It is my understanding that a port authority is not a port authority is not a port authority. I live in Cincinnati, Ohio, and we have a port authority. It is an active port authority, and, needless to say, Cincinnati has not been an active port for years since the powerboat

went out.

Could somebody just briefly explain for me what is the breadth of diversity in these organizations, both in terms of political dimensions, as well as their organizational structures?

MS. BAILEY: There is a huge breadth of diversity. Many of the public port authorities are quasi-governmental, chartered by their state or local governments. Some are -- the Port of Baltimore is actually a division of the state government, so they are set up in very different ways.

Some of the ports run all or a part of their own operations, meaning they actually run the terminals and handle the freight that comes off the ships.

Many, many of them are simply landlords. They just rent the land to the terminal operators.

Port authorities do not just do maritime transportation-related economic development either. There are support services, as Brian was referring to. And, increasingly, ports are getting into a lot of mixed use developments.

The Port of Bellingham, Washington and Everett are doing a lot of mixed use and break residential down on

the waterfront, and some of the ports have more recreational marinas, and fishing piers then they -- and beaches then they have cargo operations. It depends very much on the will of the jurisdiction, how the land will be used.

What I hear consistently that port authorities do want is a level playing field for doing business.

MR. BEVERIDGE: I could add one thing to that. I know our port is what we call a semi-autonomous/quasi-governmental agency. It is defined in the port in the City of Oakland's charter, but there is a big metaphorical wall around it to protect it and its business affairs from the City sort of raiding its profits.

The port functions as a trustee of maritime land shoreline, and in that regard is not supposed to be using that land for the highest and best public use, either maritime or public access for recreation to the shore.

In recent they have figured out ways to redesignate some of that land for a variety of other purposes, like housing, because they say they do not need it for maritime purposes. They have simultaneously not done a very good job of making money off of those projects.

So the people who are appointed to the -- the mayor appoints commissioners to the board and the City

Council votes on them.

So the people who sit on that port board are fairly critical to what happens both to the port and with developments along our shoreline.

MS. KING: Just a quick comment. Columbus was not the first person, European here. We did have prophecies, and we did tell the Europeans what they were doing would eventually lead to environmental destruction.

But I am more concerned about jurisdiction. There is, you know, jurisdiction within each Indian nation that certainly affects the port authorities and affects this movement because we have -- I live on the St. Lawrence Seaway, and that is 2,800 miles of a shipping channel, and that 2,800 miles, you know, if you say that they can use bad fuel, you know, until they reach another port, I mean, that might not be until Detroit from Montreal, and the communities that it won't be affecting.

But the other thing is for Lori. Do you look at the projection of when these ports expand and triple what will be the net gain or the net loss of these mitigation efforts you are working on?

MS. STEWART: Well, those emission inventory projections I have mentioned that now show for 2030 the

ocean-going vessels contributing 50 percent, that that, really, you know, is based on projection with the growth that is projected.

And then as far as the existing engines go, it is hard to say how much we will actually be able to replace, depending on funding availability under the DERA provisions, the diesel emissions provisions, and innovative financing and so forth.

But we are projecting far enough out that by, say, the 2030 time frame we should be looking at, you know, virtually all new vehicles that are subject to the new standards.

I think the problem for the states is the shorter term, the next 10, 15 years, trying to get the reductions that are needed. And we just don't know until we know what kind of funds we have, how many of those current legacy fleet engines we are going to be able to clean up.

Oh, one other thing. I did want to mention that tribes are an explicit eligibility entity under the 50 million in DERA grant funds for FY '08, and we would encourage more grant applications from the tribes. We really have not had many. In the past, we funded maybe a few hundred thousand in the past on projects there.

MR. MOHAI: Yes. This question is for Mr. Scott. You mentioned that 10 percent of sensitive sites, like schools, hospitals, and homeless shelters are within an eighth of a mile of industrial facilities at high-risk of chemical accidents, or pretty close to that. I was quickly trying to write down notes.

My question here is, is there a formal definition for sensitive sites that was used in this analysis? And I am very curious as to what other things might be on that list. Are schools, hospitals, and homeless shelters everything, or are there other things on that list?

And, also, are there any reports or web sites that give more information about the data for that estimate?

MR. SCOTT: You know, I don't know all the details on that so I am not sure if one my helpers can help me on that.

(Pause)

MR. SCOTT: We will make that available. We picked that off from someone else. So I don't have all the particulars on the data sets for that slide.

MR. BEVERIDGE: I can help a little bit with that. That data came from Knowledge for Change, a 2002 report. And you can find both the report and all of the

background data for it at pacinst.org, the Pacific Institute's web site. They have all three of our reports and all the accompanying data.

MR. MOHAI: ---?

MR. BEVERIDGE: That was one that we did in conjunction. Yes, they are our research partners, so, yes. That was our original indicator set report called, "Knowledge for Change."

MR. WILSON: Thank you. We will do the close-out comment or question from -- you relent. All right. Thanks a lot. Thank you for all your comments, thank you all for your input. This ends this session, and we will turn it back over to Richard and Charles. Appreciate your comments and the input. Thanks a lot.

MR. MOORE: Well, we would like to thank the panel for an excellent, what we think is a dialogue, a continuing dialogue for your presentations and the information that you provided us. So, on behalf of the Committee, again, we look forward to continuing to communicate and work together.

I just had, Charles, very quick, a couple of comments in terms of some of the presentations, and so on.

One, just to remind us, again, if you could

please, Brian, just take back to Margaret Gordon our best wishes. We had the opportunity, and Jeff and several others of us had the opportunity, to be hosted by your organization in Oakland when we were in the Bay Area a couple weeks ago. So I hope things work out all right with the Port Commission.

The Mexico-U.S. border issues, I just flagged them earlier. Again, just keep in mind as we continue to move through this that California, Texas, Arizona, and New Mexico are cross-border issues -- I mean a cross-border communities to the country of Mexico.

The freight that is coming back and forth, across the Mexico-U.S. border, unfortunate, some of the recent comments that have been made about truck drivers from Mexico and the trucks being a little bit raggedy and all that kind of thing, and the standards not being up to U.S. standards, that is put up to question. But the point of the matter let's just be somewhat cautious as we are pushing forward.

I think, Brian made this comment around the globalization aspects because if we are not careful, although Mexico, we know very clearly, is a sovereign country, that we may be driving some of those small independent truckers out of jobs. And so on, and so we need to figure out ways to do cross-collaborations, both with the U.S. and with our Mexico

entities in terms of agencies, and so on.

The other point really was, you know, around the inter-agency. We keep hearing that in all the presentations and all the discussions just to flag again that the real need, as we move forward on this Goods Movement for the continuing work and thinking, and so on, in terms of the Interagency Working Group, and see where we can kind of overlap both on the federal side, and you all talked a little bit about some of the other collaborations with other entities, and so on.

I think another point, to me that was very important, that our panelists flagged again, was the leveraging points.

And that is something that we continue to hear in Environmental Justice communities, the real importance, although the EPA, in this case, may sometimes say that is not our area of work, or it is another agency, or whatever, that the role that the EPA, both the regions and the Washington office of the U.S. EPA, can play in terms of getting other agencies and potential partners to the table.

We have seen that happen in many issues, and, again, this was flagged by one of our panelists in terms of doing that.

The other one was the continued involvement -- I am bringing this up from the unions, particularly around -- well, all levels of the Goods Movement, whether it is transportation and trucking, or whether it is sports, and so on, and we have seen some of that in some of the slide presentations that were presented, that we need to continually keep in mind the role between not only unions and communities, grassroots communities, and so on, but just making sure that we always move to get all entities at the table, and so on.

The other one was the independent truckers. Very, very important because a lot of those truckers are not -- in many cases, are not in union, but a lot of the independent truckers, and so on, and it was my understanding that there was an organization that was formed nationally, called the "Independent Truckers for Justice." So based on that, then, keeping the involvement again of all levels of the workers, and so on, at the table.

And then my last point is around the grants. The grants, and so on, again, some of that was spoken to, in this other kind of context, but just a continual need around this to keep grassroots groups at the table at all levels of capacity, and the resource question to be able to help to

make that happen, in terms of helping to keep the leveraging at the table.

Charles, those were my closing comments. If you had any additions?

MR. LEE: No. I think it is time for lunch, right?

So, Victoria, should we have everybody come back at 2:15? Okay. So it is 1:15 now, and I guess we will be back here at 2:15.

MR. LEE: I'm sorry, Samantha. You joined us at the table. Could you introduce yourself, please?

MS. BEARS: Oh, I'm sorry. I'm Samantha Bears. I am representing --- who was called away to another meeting. I am from the Office of Enforcement Compliance and Environmental Justice in Region 3.

MR. MOORE: Great. Thank you. Have a very good lunch.

(Whereupon, a luncheon recess was taken at 1:20 p.m.)

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

(2:20 p.m.)

MR. MOORE: Okay. Welcome back from lunch. The rest of the folk will be joining us here little by little.

Charles, did you want to say anything before I turn it over to Larry?

MR. LEE: No. No.

MR. MOORE: Okay. I just wanted to mention to the Council members that you know sometimes that the presentations, sometimes we are trying to keep it kind of tight and so on, but then they go a little bit over, and then we get a little bit, but we are kind of -- but wanted to make sure, at least, that the Council is feeling as though that you are able to ask, you know, questions, make comments, and so on.

That is one of the purposes of really doing, and information is the purpose of having people come in and present to us, and so on. I think they have done a pretty terrific job so far, but if your opinion is, is if I am not allowing for enough time, or whatever, for questions or comments, or whatever, just flag it to me, because you know I am pretty easy to work with. So just flag it to me, and we

will make sure it happens.

Sue?

MS. BRIGGUM: Can we get copies of the full slides that people present? Because I notice that there is really interesting stuff went by too quickly, and I would want a copy of them.

MR. LEE: Okay.

MS. JOHNSON: Yes. Those copies will be e-mailed to you guys.

MS. BROWN: Richard --

MR. LEE: Yes?

MS. BROWN: -- has the Working Group received these same presentations?

MR. LEE: Okay. That is a question that I cannot answer. Shankar?

MR. WILSON: No.

MS. BROWN: Has not?

MR. WILSON: No. This is the first time we have seen these presentations.

MS. BROWN: Okay. And are all members of the Working Group here right now?

MR. WILSON: No.

MS. BROWN: No. Okay. Would you say half,

three-quarters?

MR. WILSON: One-fourth.

MS. BROWN: One-fourth?

MR. WILSON: About one-third maybe. Only the members of the NEJAC who participate on the Work Group are here.

MR. LEE: Yes. Let me just explain. The members of the Working Group that are here, like Shankar said, members of the NEJAC and its two co-chairs, one of whom Terry Goff was going to be but had a family emergency.

And the purpose of this is to provide for the Executive Council who has to ultimately act upon the draft recommendations background into the issue.

I think it is fair to say that a lot of this, in one way, shape, or form, has been shared with members of the Work Group or they, themselves, have a lot of intimate knowledge of this to begin with.

Whatever is presented here is going to be shared with them. I do not know if there is anything else to say to add to that, but that is the present status.

I mean, I will say this: If we had an unlimited amount of money, then we can bring everybody here, but we do not have unlimited amount of money.

MS. JOHNSON: I would also like to add that the level of detail for the presentations today are not at a level that the Work Group is going to be exploring.

For example, Kathleen Bailey's presentation. She will be having a -- discussing having presentations with the Work Group on a conference call, going to more detail about EMS, things like that.

So, yes, the information will be shared with them, but it is also going to be shared at a much deeper level to get to the meat of the matter. Expect that.

MR. MOORE: Any other comments before we move on?

(No response)

I think, and correct me if I am wrong as we move on, also with the Working Group, Shankar can request, from my understanding, particular presentations, or additional information, or whatever, that the Working Group deems necessary to be able to carry out its charge.

MR. WILSON: Yes.

MR. MOORE: Okay. Lang, if we are ready, I am going to turn this part of the agenda over to Lang to facilitate this panel -- moderate this panel.

Maryland Goods Movement Experience

Moderator: Lash Marsh

MR. MARSH: Thank you, Richard. This part is taking the discussion of Goods Movement more to the ground, and we are going to spend the next hour-and-a-half talking about the experience and Goods Movement in Maryland, particularly around the Port of Baltimore.

We have some speakers. We are going to begin with Zelma Maldonado, who is with the EPA Region 3, Office of Enforcement, Compliance, and Environmental Justice. And she is going to give an overview of some of the environmental challenges and opportunities and the Goods Movement arenas within regards to multi-modal and the different forms of transportation meeting together.

Then Brian Hug, who is the deputy program manager of the air quality Planning Program at the Maryland Department of the Environment, is going to talk about the transportation planning process and how Goods Movement issues fit in there, particularly with regard to the federal requirements for air quality conformity with the state implementation plan. I won't get into explaining that, but he will.

Anne Ferro will come up next. Anne is the President of the Maryland Motor Truck Association, a non-profit trade association serving the trucking industry in

Maryland and was formerly the motor vehicle administrator. So she has a lot of state experience as well.

Carol Eshelman, who is the Executive Director of the Brooklyn and Curtis Bay Coalition, a local, non-profit, community development corporation. She is going to talk about the community perspective of the goods move issue here in the port area.

And then, finally, Frank Hamons, who is with the Port of Baltimore as the Deputy Director of Harbor development, and I guess it is called, technically the Maryland Port Administration. Right?

Frank is going to talk from the perspective of somebody who has dealt with complex public policy issues, using community involvement, public participation, and community government, collaborative governance and so on, on how that works with regard to complex issues, like Goods Movement, although his perspective is more on deep water dredging, as I understand it. So lessons learned from another arena.

So why don't we start out, then, with Zelma, and I will try to give you a one- or two-minute warning somehow. Throw something from this end of the table or whatever.

Presentation

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Zelma Maldonado, EPA Region 3

Office of Enforcement, Compliance, and Environmental Justice

MS. MALDONADO: As was mentioned, I work in the U.S. EPA Region 3 office. I work in the Office of Enforcement, Compliance, and Environmental Justice, or ECEJ for short.

One of the main goals of my office is to develop integrated strategies, including combination of education, compliance assistance, technical support, in order to promote environmental stewardship and environmental compliance.

In 2006, OEC identified Goods Movement as a good opportunity, an industry where they may be the opportunity to provide compliance assistance. At that time we initiated an evaluation and research of the industry and what environmental issues may pose.

(Slide)

As you know, imports from China and Southeast Asia has made the West Coast the peripheral route or maritime transport and Port Long Beach community received at least over 8 million tons a year. So, as you know, the West Coast represents a lot more environmental issues than off in the East Coast.

(Slide)

However, it has been forecast that countries like India and Brazil, and Columbia are becoming up and coming importers. So it could be quite possible that the East Coast is going to receive a lot of that impact. It means potential growth for the East Coast.

(Slide)

Not only that, the size of the vessels are used, have been increasing. It is estimated that in the near future vessels that can carry up to over 4,000 tons are going to be 33 percent of the worst fleet.

So these vessels require deeper channels for navigation. In our coast, two of our ports in the Region 3 have the potential to go to that, which is the Port of Baltimore and the Port of Virginia. So, needless to say, there is upcoming environmental challenges for the East Coast.

So what are these challenges?

(Slide)

Air emissions, storm water, oil management, wetlands, ballast water, and dredging. These have been identified throughout the nation as issues that come with growth and expansion.

They may or may not affect the East Coast. In

order for us to evaluate how they will affect the East Coast, we started conversations with the Maryland Port Authority just to start looking into how it is being addressed in the East Coast as kinds of issues.

Of course, whenever possible, I will go over these issues in a little detail. Whenever possible, I will mention what is being done in our area.

(Slide)

As you know, air emissions is one of the biggest is one of the biggest environmental concerns posed by poor industry. Sources are the vessels, the harbor craft, cargo handling equipment, locomotive, and highway vehicles. And, as you know, the sources, the main cause, is the use of diesel fuels.

In the Region 3 we are as part of the EPA's national effort. We offer assistance through the mid-Atlantic Plain Diesel Program, assist states and other organizations to reduce diesel emissions by providing even financial assistance to port authorities and public entities in order for them to explore new technologies on how to reduce their emissions.

Some of the things that have been implemented in the Maryland Port Authority -- an Maryland Port Authority is

here today so they can probably, if there is a lot of detail, that you want to discuss, they can probably talk about it in a little more detail.

But one of the things that they have done is they have converted a lot of their cargo handling equipment to to also low sulfur, diesel fuels. They have switched some of their short to vessel entry trains to electrical power.

Some of their operators have come up with innovative ideas on how to do their idling.

(Slide)

Storm water is an issue that pertains to ports specifically because of the high acres of impervious service. It could be a high contributor to land base solutions. EPA regulates these type of discharges through the Storm Water National Pollution Elimination System, and this is an area where OECJ thinks that it would be a good opportunity to offer assistance to this industry.

(Slide)

Oil management. There is an estimate that at least 70 percent of oil pollution occurs during routine operations rather than catastrophic events. So some of these examples that you see on the board are of routine operations that could be managed better or controlled in such a way that

minimize the effects of oil spills.

EPA regulates the management of oil through the spill prevention, Countermeasures and Control Program. This program is not delegated to the states, and this is another area where OEC sees an opportunity to provide further assistance.

(Slide)

Ballast water is the water that is used to balance the vessel, and it has less carbon than the maximum capacity. Needless to say, the unloading of these waters in the international creates problems with eco-systems and invasive species.

There is some guidance out there by the International Maritime Organization, and currently there is a decision pending in court about if EPA should or should not address these discharges to the MPDS program.

One of the things that Maryland Port Authority has done is they developed the Baltimore Ballast Water Treatment Technology Treatment Demonstration Program, and through this program they have been developing treatment systems for ballast water. So there is some learning that we need to do from the Maryland Port Authority there.

(Slide)

Issues related to wet lands. Of course, coastal lands/wet lands are strongly influenced by the ever-growing coastal population. Most of our wet lands have been most to development, and these are some of the industrial activities that could be managed or to minimize impact to wet lands.

Land-based water populations, like I talked to you, is storm water issues. Oil spill and dredging. All those can be weight to me, my impact to wet lands.

(Slide)

Dredging. It is basically needed in the port to maintain the depth for the vessel traffic. Dredging only creates issues to sediment disturbance, but it is estimated about 5 to 10 percent of dredge material may contain some type of contamination.

So it is important to keep in mind about dredging. EPA and the U.S. Corp of Engineers are responsible for the implementation of regulations for dredging.

Pretty much the Corp of Engineers is in charge of permitting, and EPA is in charge of guidance on who gets this permit and how.

This particular topic is where MPA has creative an innovative modeling on how to involve the community and how to get all the stakeholders involved.

Needless to say, all of these other issues that I mentioned to be also addressed in a way that Maryland Port Authority, in the model that Maryland Port Authority had used, to address through dredging issues. Thanks. Thank you.

MR. MARSH: Thank you. Perfect timing. Thank you very much.

So next will be Brian Hug.

Presentation

by Brian Hug, MDE

Air and Radiation Management Administration

MR. HUG: I wanted to thank you all for inviting me. I am Brian Hug, and I am the Deputy Program Manager of the Air Quality Planning Program here at MDE, the Maryland Department of the Environment.

The program that I am the deputy of, we do air quality plans for the State of Maryland, as well as transportation and general conformity, which is something I will touch in in this presentation.

We also do the emission inventory, which is something I heard in the earlier panel that we talked a little bit about. The group that I help manage does the emission inventory for the State of Maryland and works very

closely with the Maryland ports to make sure that we have a pretty good guesstimate of what the emission sources are and what the approximate emissions are for the State of Maryland.

(Slide)

I am going to talk a little bit about the basics of air quality in Maryland, for those of you who are not from this region.

For the most part, we have two primary pollutants of concern in Maryland. Ozone and fine particles. We have seen a lot of improvements in both of those pollutants over the past 10 years. More specifically, even in the last four or five years. But we still have a lot of work to do, and EPA standards continue to change, so it is going to be an ongoing battle for us.

We are very, very close to meeting both the ground level ozone and the fine particle standards as they stand right now. But it is definitely something that keeps us busy.

Two other pieces that our program touches is something called "Regional Haze," which is more of an esthetic issue than it is more of a visibility issue, not a health-based issue, but it is the same pollutants that we try to control for the health-based standard.

Obviously, anything that ends up in the air eventually ends up in the Bay. So you can see why it is an important part of what we do here at Maryland.

What are the National Ambient Air Quality Standards? Most of you know what they are, but I just wanted to mention that these are the pollutants that EPA sets standards for. CO lead, nitrogen dioxide, PM10, which is coarse particles. PM2.5, which is fine particles. Ozone and sulfur oxide.

The ones that we have a hard time with in Maryland is that PM2.5 standard and the ozone, and the 8-hour ozone standard.

This map is just to give you a sense of where our air quality monitors are in the State of Maryland. They are spread fairly well throughout the state, more centered towards Baltimore City. It is population based as well as where we have the hardest time meeting some of the standards. That is where we try to locate a lot of these monitors. A lot of them around the city, which is where the port is. So I think we have a pretty good handle on the air quality data in this region.

(Slide)

What areas of the state have a hard time meeting

the National Ambient Air Quality Standards, or the NAQS. I will start calling them NAQS. This way it speeds up the process.

The center of the state, for the most part, is that I-95 corridor that goes from Washington, D.C. up through Baltimore, and then up through Cecil County, into Philadelphia. That is where the -- the vast majority now is the population is, and that is where traffic is, and a lot of our power plants and industrial sources, and that is where we have the hardest time meeting the standard.

(Slide)

Is actually just a map of the fine particle, non-attainment areas, which you can see, for the most part, mirrors the same areas that we have an ozone problem. It is a little smaller. We dropped off a couple counties. Cecil County, in particular, which is the far right corner, and one of the counties to the south, Calvert County. But, overall, those two problem areas lap.

(Slide)

There are a lot of good news stories regarding Maryland's air quality. We used to have something called the one-hour ozone standard. I know I am preaching to the choir for the most part here, but that one-hour ozone standard, we

were supposed to meet in 2005, in the Baltimore region as well as Washington, D.C. Washington, D.C. actually attained that standard in 2005. Baltimore missed by one-hour in one monitor over the course of a three-year period. So we were so close to meeting the standard, but it did not.

But by the time we had to meet that standard, the standard had been changed to an 8-hour ozone standard, so we are ever-faced with changing standards, and ones that are more protective of Public Health.

(Slide)

Fine particles is another piece of what we do at MDE. There is a lot of regulations that we already have in place that are helping us get to where we need to be with respect to fine particles. We have a lot of controls for NOx, nitrogen oxide, under the ozone programs that give us a lot of benefits.

Fuels. We have done a lot of work with fuels to lower their sulfur content and make them as clean as possible, and that gives us a lot of benefit.

The Acid Rain program took care of a lot of the sulfur emissions that also play a part in fine particle formation.

So we have already seen a pretty remarkable

decrease in our fine particle monitoring levels, even though our Air Quality Plan is not due until April of next year. So we are working on more regulations to control for fine particles, but progress has already been made. And, actually, we have seen a decrease in the fine particle levels in 14 of the 17 monitors that we have that measure that pollutant. So definitely good news.

(Slide)

I get this question a lot. What is a SIP, what is the State Implementation Plan. And those of you who ever seen a copy of a SIP, this is a pretty good slide. My best phone call that I always get is, I want to get a copy of Maryland's SIP, and, you know, it is a multiple choice question. Is it a nice, neat report, a large file of information, filing cabinets of documentation, but the real answer is, it is all of the above.

We have four five-foot tall filing cabinets that are basically what I consider the Maryland SIP. It is all the regulations that we ever write, all the emission inventory numbers, all of the air quality modeling, and all kinds of other documentation. Sure, there is a nice three or four page executive summary, but it is definitely a large report, and something that we have been working on for the

past 20 years.

(Slide)

What are the components of our air quality plan, and here is where I will start talking a little bit about transportation and general confirmatory.

Hit it again. I have little tabs that pop up.

One of the biggest pieces, the backbone is the emission inventory. We like to take a snapshot of what the emissions are and what we project them to be.

Rate of progress.

What are the trends in the emissions that are occurring.

We set budgets for mobile emissions. And I will talk a little bit about that more in a minute.

Have we implemented all of the reasonable controls that the region could possibly implement to get to meet the standard as fast as possible. That is an analysis that we have to do as part of our SIP.

What are the contingency measures? What if we do not make it? What if we put all of these regulations in place, and we predict that we are going to have air quality of X, Y, and Z in the future, but we actually do not get there? What are the things that are going to kick start at

that point to get us to where we need to be?

And, lastly, what does the modeling show us?

We like to take a look at what regulations we have and what the emissions are, what regulations we have in place, and we like to predict the future to see exactly where we think air quality is going to be in the next three, four, five years.

(Slide)

So how does the SIP and the stuff that we do at MDE regarding air quality interact with stuff that is either done in the transportation arena or, more specifically, the port?

SIPs utilize emission reductions from ports, as well as mobile emissions, as part of our, you know, goal-reaching exercise.

But the most important thing that a SIP does is it actually sets an emission's budget for mobile source emissions. For those of you who know what transportation conformity is, and if you do, I feel bad for you. It is a very complicated process and one that not a lot of people truly understand.

As part of our SIP exercise, we predict what future emissions are going to be from all the sources. And

what we do is we also predict what we think the mobile source emissions are going to be for a certain region.

We basically set that as an emissions budget. In other words, emissions from mobile sources cannot exceed that number, whether it is for ozone. We set budgets for ozone, for NOx and volatile organic compounds, VOCs. If it is for PM, we set it for SO2, we set it for ammonia. We can set it for a lot of different pollutants. PM direct.

We set these budgets in the SIP, in our State Plan, and then the Transportation Planning folks, who do Transportation Planning for region, which is normally done by the MPOs, the Metropolitan Planning Organizations, they come up with their transportation plan. They try to predict what the emissions are from their --

MR. MARSH: Brian, excuse me. Can you try to wrap up in the next minute or so?

MR. HUG: Yes. From the Transportation Planning side. And this is my last slide.

(Slide)

So we try to do in that process is make sure that the transportation emissions from future plans do not exceed what we have set in our SIP, basically. And that is transportation confirmatory.

With the port, we work closely with the MPOs, as well as the port, to try to protect what the mobile emissions coming in and out of the port are. So that is one side of the arena.

One last thing I want to touch on is, on the port property itself, or an airport, or something like that, is general conformity, which is another piece of the air quality pie.

Basically, think of transportation conformity handles the emissions of anything that is on the roadway. General conformity is anything that happens at a federal facility that kind of stays on post or on base, basically.

I know I ran out of time, but that is the work that we do at MDE, trying to make sure that there is that counter-balance between emissions and growth, and what it is going to do to the air quality in Maryland. Thank you.

Presentation

by Anne S. Ferro, President

Maryland Motor Truck Association

MS. FERRO: Thank you, Lane. Again, my name is Anne Ferro. I am going to talk real quickly just to the

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first slide. If you would put up the first slide. Let me stay on that a minute to describe generally the trucking industry here in Maryland.

(Slide)

Those at a high level and then right to the port environment, which is what we are talking about from NEJAC's perspective.

Maryland is a very -- significantly a truck-dependent state. Over 90 percent of our communities are dependent solely on trucks for their goods. We all can imagine that. We do not go shopping down at the port. Very few of us shop at the Airport. And even few of us go down to the rail depots to shop. We are dependent on trucks.

Now, in Maryland, as goes the state, so goes the port. Over 90 percent of the freight moving in and out of the Port of Baltimore is being moved by truck.

In other ports you might see a 50-50 relationship between rail and trucking, but, again, by the virtue of our north-south market, as well as our close in market to the Ohio Valley and lack of double stacking, we are heavily a truck-dependent port.

The port community -- or let me talk about trucking generally.

For those who do not know the trucking industry, we generally describe it in big sectors, like over-the-road trucking. The guys that go the really long distance hauls across the country.

The less than truck load, or LTL sector, which is doing sort of oddball delivery, they may take a piece of local machine shop's equipment, along with a piece of freight ordered, and they may have multiple customers on a single truck load. So it is a less than truck load, a kind of varied schedule.

And we have tank truck haulers that are moving fuel out of a certain area in the Port of Baltimore, called Curtis Bay. We have huge tank farms down here on the port.

And the dominant trucking industry in a port is what we call the inter-mobile trucker, carrying containers. Maryland is a very significant ro-ro port, with a lot of Caterpillar equipment, a lot of equipment that is on wheels, whether it is cars or tractors. That is our ro-ro market, and Maryland is, I think top in the country for ro-ro. So you have a lot of flatbed traffic, too.

But the inter-mobile community of trucking, for whatever reason, is primarily a community of owner operators. I would suggest that is because most of the trucking

community that operates around the port likes the business because it is close to home, because they get home at night, because they live near where they working, and trucking, generally, the inter-mobile in particular, will consider themselves at the low rung of the ladder in the trucking hierarchy, if you ever think of the trucking hierarchy.

The trucking industry is a marginal business. Our gray carriers are doing 90 to 10 cents on the dollar. That is a really strong trucking fleet, trucking company. Some of our national carriers.

A good trucking company, a really good one, is doing probably 5 to 7 cents on a dollar.

An average company is doing about 2 to 5 cents on a dollar.

And a not unusual company is doing a penny to two pennies on a dollar.

The owner-operator is a break even equation.

I bring that to your attention only to reinforce why some of the next slides I am going to talk about may be some technologies that achieve fuel, achieve emissions reductions and in particular matters that you are not necessarily seeing in an inter-mobile community and a poor community.

(Slide)

What is the trucking industry doing in the context of NOx and PM, which I think Brian talked about as the most significant factor here in Maryland.

(Slide)

In the early '90s, actually over a series of years, EPA has dragged the trucking industry into a cleaner engine. In some cases, the trucking industry stepped up to the plate, in other cases it did not. And EPA mandates, created what we have today, which is the 2007 trucking engines and 2010 engines, which run slowly on ultra low sulfur diesel fuel.

And by ultra low sulfur diesel that means we are taking a low sulfur diesel, which was already 500 parts per million of sulfur in the diesel itself, down to 15 parts per million.

If you throw the last picture up there, you will see what this means in reduction.

It is the equivalent of dropping a glass of liquid into a full swimming pool, going from 500 -- actually, 15 parts per million of sulfur into the full -- I should say the full gallon of fuel.

It is a C-change in what is being omitted and

achieves a significant in particulate matter.

To further reinforce that, the new truck engines, which were mandated for any truck manufactured in 2007 and newer, they use a diesel particulate filter that further captures any other particulate matter coming out of that engine. So a truck today is 10 percent cleaner than anything we saw in '98, and '98 was actually a product of emissions reductions from '88 and '86 mandates. Or I should say '88 and '92 mandates through EPA.

So the truck today is significantly cleaner. But that is the new truck. That is 2007 and newer.

In 2010 -- in 2007, I should say, 80 percent of all diesels sold, on-road diesel sold, had to be ultra low sulfur diesel. In this market, in particular, virtually all of that is ultra low sulfur.

So whether you are driving the new engine or an old engine truck, you are using ultra low sulfur diesel, which is already putting out fewer particulates than what we had in the past. That transition came underway in 2006 here in -- actually, nationwide.

In 2010, 100 percent of all diesel fuel sold has to be low sulfur diesel. So it is significantly cleaner at whatever age engine a company or an operator is using.

In the poor community, because we are talking primarily about operators who are financing their own business completely, they are not necessarily using the 2007, the newer engines.

Large truck fleets have been changing over for sure, and many owner operators, if you stand outside our port gates, you will see many have just great looking trucks. There is no doubt about it.

But is it the newest technology? No, it is not, and that is where we look to retrofit, to help.

(Slide)

And if you just jump to the next slide, it is really just a good example of visual, of what the new engine combined with ultra low sulfur did in terms of removing sulfur particulates from the fuel.

And you can see from the fattest bar all the way down to that little green bar, which is what we will hit in 2010, to see change in what a truck has been emitting, and that is a very important change.

In 2010, you are getting closer to significantly more NOx reductions as well, although even today's engine has removed a lot of the NOx.

So the next question is what can the older trucks

use? And this is where we get to a program called Smartway.

Does anybody know what EnergyStar is? I am sure you all have EnergyStar appliances.

(Slide)

Smartway is the trucking industry EPA partnership equivalent to the EnergyStar. If you are branded Smartway and if it is a shipper, you are saying we will only use 25 percent of our -- at least 25 percent of our motor carriers must be Smartway partners. It means that a trucking company that is part of Smartway has committed to achieve certain fuel use and fuel economy in emissions reductions in a very set period of time. It has been a very -- I think a very effective EPA program.

But the challenge, again, is getting it to the owner-operator, getting it to the small company owner who is operating in a port environment.

Some of these factors -- and Carol Eshelman and I were talking about this -- the market is going to drive some of this to happen because of the fuel savings gained by incorporating some engine retrofits for an owner-operator.

Today, and this year, because of rising fuel costs, the industry is on record to spend about \$100 billion dollars on fuel. That is twice what was being spent in 2003,

and almost three times prior, around 2000.

An average trucker is going to put a thousand dollars worth of fuel in his truck a week. That is \$50,000 a year in fuel.

Achievements in auto reduction, achievements in fuel economy are very important to that individual truck owner if he or she can afford the retrofits to make them happen.

(Slide)

So, in terms of what the industry is doing from a Smartway partnership -- Smartway strategies include idle reduction technologies, like APUs -- alternative power units -- that allow a truck owner to turn to an electric or a modified generator to run that truck when they are not -- to run their heating and cooling system in their truck, and their electrical system in their truck, rather than use a gallon of fuel for hour.

Single-wide tires. If you can believe it, we all see a tractor-trailer with double, two tires per either side of the axle. A single-tire actually is far more fuel efficient. It is twice the cost, and it is much more expensive to maintain if there is a blob of some kind.

But for a larger fleet, they can afford to shift

to that, and there are fuel savings generated.

Driver training. I just was at a training session this morning with our maintenance counsel that identified that the difference between -- in fuel economy, between a good truck driver and an average or not so good truck driver could be a 35 percent savings in fuel economy. It is significant. A qualified driver is a treasure.

One point I really do want to make about the fact that owner operators who are living and working near the port in which they serve are in an industry that is now paying, it is a good blue collar job. It is a \$40,000 a year job on average, with benefits, with both health and pension benefits, because a good driver is hard to find.

The standards for being a truck driver are significantly higher than they were 20 years ago. It is a tough industry to operate in safely, pass all security checks that one needs to get in and out of a port environment, and without any kind of incidence on your driving record. And people are not flooding into the trucking industry to take that on as a profession.

So, again, that truck driver becomes a more and more valuable commodity, and it just reinforces the value of that job in a blue collar industry environment.

So, jumping forward, what we can do, here is what a single tire, a single wide-based tire looks like compared to doubles, and jump onto the next.

(Slide)

Fuel savings, 4 percent. Here is an alternative -- an auxiliary power unit. Fuel savings of up to 8 percent when installed in a truck, but it costs \$7,000 to put it in. An owner-operator operating on a break even basis doesn't have that 7,000 in pocket to do.

Are there financial incentives? Yes. And I am very pleased that our EPA Smartway representatives are meeting with me and some of my inner model members in the next few weeks to see what financial incentives could be broadcast within the inner model community to improve overall emissions.

(Slide)

Just an example of the kind of technology. You know, it is an engine picture to you. That is a \$7,000 cost to a truck owner. In an inner model environment, that owner is not going out and buying a brand new truck to refinance in order to get the best emission savings.

If they are going to do anything they are going to need to retrofit a truck that they may have paid off

several years ago, because they have worked very hard to achieve that payoff and complete ownership.

When you install an APU, you add about 400 pounds of weight to the truck. That weight allowance takes away from the weight you can carry as a truck driver, which means it is taking money out of your pocket. So there is a disincentive right there by weight to install some of this technology.

Federal motor carriers authorized a weight allowance. States are taking that as a voluntary compliance issue. States do not feel -- not all state law enforcement are granting that weight allowance. So it is sort of a hit or miss allowance from state to state. If a trucker installs it on his truck, he may or may not be carrying an extra 400 pounds, depending what state he is in.

So that sort of uniformity is very important in the trucking environment in order to minimize disincentives to install this kind of equipment.

The same holds true for idle reduction strategies. I heard a speaker earlier this morning talk about the fact that EPA has developed a model idling law. We would really encourage the adoption of that.

I would like to share with you what we call a

CAB card, which is the truckers' sheet that lists every state's idling law so no matter what state he or she is in, they know what they need to comply with.

I actually would like to e-mail it to your staff. I am sorry I did not bring it with me.

It is very complex. It is just like a Chinese puzzle. You have just got to make sure you get it all just right for it all to fit, and the closer we could get to uniform standard the better.

Lastly, again, financial incentives would make a big difference. In a new truck -- if you order a new truck, that is about -- and I mean by a truck, I just mean the tractor piece not the trailer. It is about \$100,000 investment. A little bit more now with the newer engines. Probably closer to 110, 112,000.

And EPA will add another \$7,000 to that cost. The federal excise tax of 5 percent will apply to the addition of that APU, to the overall truck value.

We would encourage a tax break if you are going on installing APU from the excise tax credit. Again, if you wait six or seven months, you can put it on as a retrofit after the fact and avoid that excise tax implication, but how much more efficient to have it done at the time the vehicle

is purchased, and at time of manufacture.

So that sort of weight allowance and just that basic tax implication of adding what is a very good emissions reduction strategy are the kind of things that we would encourage to ensure that the industry is making the transition into fuel economy standards that I think continue to bring the reduction in NOx and PM, and financial incentives through things like Smartway.

At the grassroots level of a trade association, we represent most of the smaller carriers not the big folks. It is really the state associations that need to carry that discussion out to the trucking industry and owner-operators with the help of Smartway. So thank you for the time.

MR. MARSH: Thank you.

Next is Carol Eshelman.

Presentation

by Carol Eshelman

Brooklyn-Curtis Bay

MS. ESHELMAN: I am here in Gloria Nelson's place, sort of. Gloria is from Turner Station, which is kind of across the harbor, but both of us represent basically communities that are classic Environmental Justice communities.

(Slide)

The Brooklyn-Curtis Bay Coalition was set up because Brooklyn and Curtis Bay are what are the two Southern-most communities in the City of Baltimore. They were actually at one point part of Anne Arundel County, and this is part of it. You know, they are sitting there on that borderline, and there is a river in between, and they are kind of the forgotten part.

So we were set up as a 501C3 work both to reunite the community organizations to focus on long-range solutions, and particularly economic development, but we have gotten into a little bit of everything.

(Slide)

We just want these communities to become neighborhoods of choice. And we are not trying to -- contrary to what a lot of the other communities around the Harbor, we are not trying to become a yuppy community.

Our routes are in the working community, and we want to remain a working community, and that, in and of itself, almost makes it a little bit more of a challenge as we try to revitalize the communities.

(Slide)

These communities were initially -- they were

actually farms, and they supplied the food to Baltimore City across the Patapsco River, and then they became the location of many of the major industries, and they grew rapidly between World War I and World War II.

Steel companies, coal companies, locomotive cars for the railroads. You can name it, it was made out on Brooklyn and Curtis Bay, including the Liberty ships.

(Slide)

Right now, the average income in Maryland is about 56,000. The average income in Brooklyn and Curtis Bay, just to illustrate, is \$26,000.

About 40 percent of the population has below 25,000 income. So this is, again, kind of indicative of some of these communities that are in this Environmental Justice area, if you will, and have kind of been neglected.

About 40 percent of the people do not have a high school degree. Not to surprisingly, about 40 percent are either unemployed or underemployed.

We are down to about 150 vacant and boarded houses when the coalition started. The census there were several thousand, but there was never quite that many, but we did have several hundred.

Vacant was a lot of just what the slumlords and

what was on the market in their county and in the census. So what we count as vacant is a little different.

(Slide)

I mentioned that we are, you know, southern part. We are surrounded, and here is where we get into some of the discussions earlier.

We are surrounded by highways. 895, 695, 295, 95, and I have a map coming up where a peninsula we are next to, the major, one of the major industrial areas of the city, the Fairfield, Curtis Bay, Hawkins Point areas. Many of these are active. There are some superfunds out there. No surprise. Some Brownfields, some things like that. As I mentioned, we are isolated by the city, by the Patapsco River, and we are kind of at the northern end of Anne Arundel County, which is a very wealthy county.

(Slide)

Frank, can I borrow that pointer, if I could figure out how to use it, this little thing?

So this is the communities. We have a 100-acre park, and we have some really neat things.

And then we have -- this is all the industry around the communities. This is 895. Here is the ports, roll on-roll on operations. Tank farms are mostly down on

this end.

Trucks come across here. They come straight up Patapsco Avenue, up and down Pennington Avenues. Basically any industry that is out here the trucks have to go through the communities in order to get out.

So, at one point, there were a lot of other emission issues, but I would say now the majority of the issues are really more about the trucks and the truck traffic than -- other than there is down in this area down here, a little bit further, in the lower part of 21226 zip code is the power plant, Brendon Shores, which really is accountable for making the 21226 zip code like number 9 or 10 in the county in terms of emissions. Hopefully once the new state Knox regulations go in that should kind of knock 90 percent out of that out of that air.

(Slide)

As I mentioned, some of the challenges, vacant homes, our commercial streets are a lot of vacant store fronts, undervalued homes, disproportionate truck traffic. Unfortunately, some of the trucks also support our drugs and prostitution problems, and we have a lot of slum landlords, or a lot of turnover in the properties, a lot of illegal flipping of properties occurred in these areas.

(Slide)

And so part of what, as a coalition we have been doing is that we have been working to kind of get people to start looking at the neighborhoods a little bit differently.

We have renovated 13 houses. They were all vacant. We have also been working on some other projects. We have active community associations. Both Brooklyn and Curtis Bay, historically.

We have had fairly strong community associations back into the '50s.

We had -- I showed you the 100p-acre park.

We have middle school and elementary schools. We do have a high school. The city is actually thinking of putting -- we are working with them to get a high school into the area, because that bridge and that river is also for the community members. It is a barrier and crossing into the city is very scary to a lot of the people that live there.

We have just been recognized by the city as a healthy neighborhood, and you are like, after all I just told you, how can we be a healthy neighborhood?

But that is really recognition that we are a neighborhood that is working together and that we have affordable housing. It is a good place for people to come,

particularly from middle class families to come and buy houses, and we actually get some help and some incentives to help people buy their first homes.

We have churches, we have a library. We are less than 10 minutes from the Inner Harbor, and we have a diverse affordable housing stock.

(Slide)

So in the future, you know, some of the things that we have been working on and some of the things that we want -- you know, that we need to look and work with everybody, is there has got to be benefits.

We are not saying, and we don't expect, all of the port operations and all of the industry to disappear. They are part of the history of these communities, but there was a time when the people that lived in these communities worked at the factories, and worked at the places. This is not the case anymore.

So one of the things is that we have to find ways for partnerships for jobs. We have to find ways. The businesses, I don't think too many of them stop to think about coming over to the community for lunch, not that there are too many places. But we have to find ways to work on those kinds of things, and we need to find ways to reduce the

pollution.

I was talking about the idea, and we have been talking with the city, and the state, and everybody else, about trying to figure out how to get the trucks up on to 895, and at least not going directly through the community.

If that means reducing the tolls, then maybe that is something we need to do, if we have to add some more on-off ramps, things like that.

We have one road that people cannot make a left-hand turn to go south, so they come straight down our main commercial corridor, which then means we have all these trucks on that commercial corridor.

There are a lot of just small things that are not necessarily big cost items that we can do to work together.

We have two streets that are one is one way, direction, and one is one way, the other direction. Both of them have trucks on it. Why not make one of them just the truck route and one the cars.

They are very -- what, to me, seems simple. I found that it does not seem to go quite that fast when I start thinking in the discussions with other people.

But I think it is trying to figure out how communities and industry, if we are going to keep

particularly our ports and the port being close by, if we are going to be neighbors, then we have to figure out how to be good neighbors.

The community has got, and we have been working on our end, to not always say, well, the industry caused our problems. We do not want to talk to them. We are trying to get past that to how can we dialogue, what can we do to work together?

And industry, I think, has to also come and recognize that they have to pay a price for living and working right next to a community, and that there are some investments that they need to make right in their backyard to make sure that they can continue to work where they want to work, too.

I think that was it.

MR. MARSH: Great. Thank you.

And now, Frank, it is up to you to finish.

Presentation

by Frank Hamons, Deputy Director

of Harbor Development, Maryland Port Administration

MR. HAMONS: All right. Good afternoon.

Well, I am very familiar with Carol's community.

As a matter of fact, we have been working with the community.

That is why I wanted to tell you a little bit about Maryland Management Program and Community Outreach Program, which is an integral part of it.

I will show you first -- this is obligatory. I will show you why we dredge. All ports have to do this, and then we will talk about the structure of our program, the community involvement, the Harbor team in particular. Carol was on the Harbor team. Make some examples and some conclusions.

(Slide)

We are an important engine -- economic engine in the state. Approximately 42,300 jobs are port-generated. There are about 86,000 other jobs that are linked to port activities. 2.4 billion in personal wages and salaries, 1.9 billion in business revenues, 1.1 billion in local business purchases. So we generate a lot of money.

(Slide)

Our DMMP structure. Talked with the governor. We have an Executive Committee that was put into law in 2003. We have a Management Committee that has policy-level people from all the state and federal regulatory and resource management agencies who sit on that.

Then we have a series of Citizens Committees that

are involved here. The Citizens Committee. And we have Hart-Miller Citizens Oversight Committee. That is a specific project.

Cox Creek is another one.

Innovative Reuse Committee, which just resulted in our putting out an RFP on the street right now. We have a pre-proposal meeting coming up, actually this week on Innovative Reuse and Dredge Material.

And then we have the Harbor Team here, and that is highlighted a little bit because that is the way we are doing business now, and that is the first and best example of how we do it.

The Bay Enhancement Working Group is all technical people. They evaluate everything we do and make recommendations, agree or disagree that it is a good thing to do.

(Slide)

Harbor Team represents a change in approach. How we used to do it.

We generate placement options and ideas, formal public comment on those proposed ideas and say, you know, here is what we want to do. And the most frequent response is, "Over my dead body. We don't want you to do that."

So we ended up in court a lot.

We decided in 2003 we had to change the way we did business. Here is what we do now. Stakeholders participate beginning in option selection. So as we are trying to decide what to do with dredge material, we generate 1.5 million yards a year in Baltimore Harbor, the channel for -- the channel total for Baltimore is about between 5 and 6 million, if you look at it all. We are 150 miles from the ocean up here. There are a lot of dredge channels leading up here.

Now we bring them in in option selection and project development. They stay with us. They provide options, ideas. They can suggest options and have.

And community enhancements. We recognize we are going to work in your neighborhood. You want to get something out of it. Let's make it part of the project and will stay part of the project and that is what we will go forward with.

Stakeholder involvement continues into operation. Once we get them and they learn what we are doing, we want to realize that investment for the rest of the project, and say, we won't let go of them. So it really pays off.

We have a professional team to provide engineers,

biologists, whatever it takes. They provide support to the Harbor Team. They do not sit around the table, they sit around the walls.

The Harbor Team sits around the table and conducts its business. When they need support and when they need descriptions, and when they need analyses, the support team provides that.

(Slide)

Harbor Team structure. The members represent potentially impacted at local interests around Baltimore Harbor, leaders of nearby communities, local governments, communities activists, environmental groups, businesses, state and federal agencies. Function and support, as I said, attend all meetings, provide information as requested.

(Slide)

The process. The citizens participate in identifying placement reuse options for Baltimore Harbor to also benefit community. They were created in the spring of 2003. The first meeting was March of 2003, and they issued recommendations in October.

(Slide)

Charge to the Harbor Team. Identify placement

option to satisfy Harbor dredge material, placement needs for the next 20 years, at 1.5 million cubic yards a year.

I went to the Maryland Port Administration in April 1980 to create a 20-year plan. That is 27 years ago, I am still trying to do it.

We told them, give us some options to try to come up with a 20-year plan, and they did it in nine months. That's pretty good.

Develop these options and larger projects that will further their land use visions for their community shorelands.

The Harbor Team members own the process. The meetings are lead by a facilitator familiar to and trusted by all the parties. The facilitator is not MPA's voice. The facilitator is the community's voice to MPA. The function of that facilitator is to go find out what the community is concerned and worried about and bring that back to us. We are our own voice when we are sitting around. When the Harbor Team wants to hear from us, we are there.

The team members dictate meeting agendas, speakers, presentations, information flow.

(Slide)

Recommendations that the Harbor Team made:

Renovation and operation of our Cox Creek site.
We have done that.

In further studies they said Masonville, Sparrows Point and BP Fairfield. Masonville is the one we are talking about today.

Sparrows Point was interesting because the same neighborhoods that instigated a law, oh, about 20 years ago, they said you can't do any more dredge material at containment sites within 5 miles of the Hart-Miller Pleasure Island site. Recommended this site, and it is within 5 miles. Represents from the same.

So the way you deal with people makes a huge difference. And now they are saying we may make an exception to that, we will support an exception to that law for this project, but they identified this as a potential project, and they are working to help develop the project. So the kind of difference that makes in the response that you get from neighborhoods it is really amazing.

Innovative reuse of dredge material. And we have the RFP on the street. That is a result of that recommendation.

Legislative modification. As I mentioned, needed for a Sparrows Point option.

Community enhancements included as an inseparable part of all of the projects.

(Slide)

This is kind of an overview of Baltimore Harbor, and if you just punch through it it will show you.

That is the Masonville site that was recommended. That is the BP Fairfield, and that is Sparrows Point. Just to let you know, here is the five-mile boundary from the Hart-Miller Pleasure Island change.

So when they recommended that we look at this site, they basically knew that it was inside the restricted limit of the law that they had also instigated.

Here is the Cox Creek site that has now been renovated and is operational.

(Slide)

Community request for Masonville. Masonville -- I was amazed at the request that we got. It was mostly environmental.

The Masonville project will provide the first Brooklyn-Curtis Bay community access to the water in many decades, and that was one of the first things that we told at one of the first community meetings we had with these people, is that we are a waterfront community, and we cannot get to

the waterfront.

So water access, with an area providing limited public access. When I say, "limited," that is not saying, you know, five people can go in there, but it means that there is a lot of habitat that has been developed there, and there would be hiker/biker trails, and we will show you later, but they wanted a clean shoreline, and we have started that already.

We moved over 8,000 -- between 8,000 and 9,000 tons of debris out of one area already.

They want shoreline trails, observation towers, habitat enhancement, passive recreation, bird sanctuary. Well, an eagle builds a nest out there, and he was the favorite of both neighborhoods. He built it in the wrong tree. The tree fell down, but they want him to come back, so they want a bird sanctuary, so we are going to do that.

They want an education center for the communities. Right now, that RFP is also on the street to design a green building, used by the community.

Canoe kayak launch. They didn't want any motorboats in there.

Wanted us to enhance wetlands, and they wanted community stewardship.

(Slide)

This one -- why don't you just key this one all in at the time. This shows the wetlands enhancement, reef creation in this Masonville Cove, substrate improvement that we are doing. I could explain all these. Bird sanctuary I talked about.

That is non-title wetlands will go in there.

Fringe wetlands. That is a conservation easement which will go on there. You see the trails, the education center.

That was what the community asked for as part of the project now. You can see a little bit of the project. The project that we were looking for is here, for dredge material placement. It is 130 acres, and will last for quite a while. It has 16 million yards of capacity and will help us take care of the channels in Baltimore Harbor for a good many years. It is not the only thing we need, but it will help us for a good many years. So this is right beside it.

I had a 92-year-old woman tell me in one of the first meetings we had that she had learned to swim down there and would like to swim down there again at some point. I hope we make it in time for her. We are going to try.

We have made a commitment that all of the

community enhancements will go under construction the same time that the project goes under construction, and hopefully will be completed within the same time period, which is about two years.

(Slide)

Progress to date, Masonville Cove enhancement and clean-up initiated May 14th, 2007. That was the 8,000 to 9,000 tons.

Environmental Center Design Art was advertised May 18th. We are about ready, I think, to sit down and evaluate those. Masonville permits were received to build and construct the dredge material containment sites September 13th, very recently. The project pre-judging was initiated on the 15th. So this is a project that is now.

(Slide)

What are the conclusions. The Port of Baltimore channels must be dredged not only to remain competitive now and in the future.

Dredge Material Management program must be effective.

Outreach and stakeholder involvement are essential to program success. It must start in the Option/Selection phase, so we bring people in right at the

beginning.

We do not determine -- we will go look for people who are likely to dislike what we are doing, and bring them in first, and then the communities designate who they want. We don't select who is on this Harbor Team. The communities select who they want on the Harbor Team.

The Outreach and Stakeholder involvement must be comprehensive and open and should continue throughout Option Development and Implementation. It is just a new way of doing things.

In the neighborhood that Carol just described we had two public hearings on this project and didn't have a single speaker in opposition on the Dredge Material Management Project. That is, the Corps of Engineers walked out of there with us, and said, that's a first. So it is a better way of doing business.

That's it. Thank you.

MR. MARSH: Thank you.

(Applause)

MR. MARSH: Thank you all for great presentations.

I need to do a time check before we get into the questions because we were supposed to be done in five

minutes, but we started 20 minutes late. So how much -- I don't want to take away from the Goods Movement work either. So shall we do 10 minutes of questions?

MR. MOORE: Could I just make a suggestion before we move on? That was excellent information, a lot of information. We know how this is going to go.

Could I just make one suggestion that we not take a break? We stand up for just a minute just to get the blood flowing again so we can dive back into the questions and comments. Just a minute, please. Council members, don't leave your chairs except to stand up, if that is agreeable. Mr. Lang?

MR. MARSH: Okay. That is fine.

(Whereupon, a recess was taken.)

MR. MARSH: Thank you, Richard. I have a few questions, but I think I would like to open with questions from the group, and then I can do mine if there is time.

So, Joyce, would you like to begin?

Questions and Answers

MS. KING: The first question was you are getting some economic development, but what kind of income have you lost due to prostitution and drugs?

And the other question will be, when you are

dredging, what is the reason for dredging? Is there erosion, larger tankers, lower ocean level, and what are those innovative reuses of the dredged material?

MR. HAMONS: Well, we are 150 miles from the ocean, and there is 126 miles of dredged channel that serves the Port of Baltimore, and there is a natural shallowing that occurs in this channel.

When I talk 5 to 6 million yards, that is over that 126 miles. There is dredging somewhere every year, and you have to do that to maintain channel dimensions.

The ships that are coming in and out, when you see it out there, it looks like, oh, there is a whole lot of water under that ship.

It used to be that the bulk ships, flank tankers, and ore ships and coal ships extended deepest in the water, had the deepest draft.

Container ships are getting so big now, you remember the one slide, they needed two now. So we have ships that leave the Port of Baltimore in a 50-foot channel. We have a 50-foot channel, drawing 47-1/2 feet of water. So they are going out, and, you know, you see them in the middle of the Bay, above the Bay bridge, and it looks like, you know, all this water around them, and they are this close to

the bottom.

When it shoals up in there, the sediment will settle. There is sediment in the water all the time. It comes off to the shoreline. The water comes down the Susquehanna. That is the main source up here.

And it will tend to move around the bottom, and it will settle in the deepest, quietest water, and that is the channel's bottom. So it ends up, you know, moving into the channel, and then you have to take it back out again.

You cannot let it shoal up. If it starts to shoal up and the ship touches, that is a problem. There is a grounding, and the ship has to be pulled. There are all kinds of problems there. So you cannot let that happen.

So channel maintenance is the biggest issue, and that is why we do the dredging every year. There are some areas that shoal up more than others, so we tend to try to go a little deeper there to compensate for that. But it is just maintenance of the infrastructure.

MS. KING: When you are using the dredged material, how do you use dredged material?

MR. HAMONS: Well, it used to be you just found a deep place, and you dumped it. Years and years ago that is the way they did it.

Now we rebuild islands. One of the things we are doing now is Poplar Island. It is 1,040 acres. It is half wetlands. Habitat is being constructive with dredged material. Half upland a habitat. Same thing at Poplar Island. We are turning -- I mean Hart-Miller Island; we are turning that into habitat.

So what you have to do now is you have to do something beneficial with it. We have one open water site left, and that sunsets at the end of 2010, so there won't be any after 2010. And what we are doing now is creating constructing habitat, and that sort of thing.

The Masonville project, actually is serving as a capping and containing operation. That is one of the dirtiest places in Baltimore Harbor. A site of an old shipyard. Maryland Shipping and Dry Dock. You name it, it is on the bottom there. 27 abandoned ships, or vessels, in that area. We are breaking them up and moving those. We will cover those.

So there is -- generally, this project, generally speaking, is a clean-up of a very dirty part of the harbor, and it was worked out with the citizens. That is the greatest part. They said, look here, and so that is fine. It was a good place to look.

MR. MARSH: Carol, do you want to try the other question?

MS. ESHELMAN: I do not have any data, but, yes, we have businesses who have closed because of the fear of the corner groups hanging out and the prostitutes going up and down. Others that just will not open. So part of, you know, it is always a two-way, trying to get those pioneers in there that will fill the empty stores.

But we also got some owners of the building to -- everybody says, we are going to be the next best stop in the city because we are so close. So we have a lot of people just holding on to properties and not even returning our calls, and we are trying to see if we couldn't put some tenants in some of those buildings.

So we are at kind of that Catch-22 part of the whole thing. If we can get a couple people to be the brave ones and maybe not make quite as much on their property, but to get it going. So we are working on it.

MR. MARSH: Bill, do you want to go next?

MR. HARPER: Yes, thanks. Anne, this is for you.

You were talking about the low sulfur -- super low sulfur diesel fuel. How readily available is that, and is it readily available throughout the country?

MS. FERRO: The answer is yes. By today, 80 percent of all diesel fuel is manufactured, refined and sold, must be ultra low sulfur diesel for on-road use.

So the challenge, and you hit on a key fear of the trucking industry. If they are investing in a brand new 2007 truck, and they cannot find ultra low sulfur diesel, they cannot run it, because those trucks cannot run on a low sulfur fuel. It will blow out the engine, and there is no warranty.

So, certainly in our region, it is available virtually everywhere. There are a few instances on the Eastern Shore where I heard that they have only the low sulfur diesel, but that is in very rare instances. Again, it is a national standard, and so 80 percent that is refined and sold must be ultra low sulfur, and by 2010 it will be 100 percent.

Now the off-road and marine users, by 2010, have to be using ultra low sulfur in all new engines.

So the shift is pretty quick and pretty dramatic. So a simple answer to your question, they solved the pipeline issues with ultra low sulfur because you cannot carry any fuel that has sulfur in it, near it, or behind it, or ahead of it, or it will pick up the sulfur. So it is really

everywhere.

MR. MARSH: Omega?

MR. WILSON: Yes. I have a question. I think Carol may be able to respond to it, and maybe some of the rest of the panel also.

It has to do with infrastructure that is related to but not the major infrastructure that is used to handle the rolling stock, the tractor-trailer trucks and everything. Of course, we are talking about community impact, and my experience in a smaller community is that those trucks and the tractor-trailers do not stay exactly, you know, on the streets, where, quote/unquote, "you expect them to."

So what is the impact, and is this something you are addressing or looked at and measured, the damage to residential streets. The damage to community areas, and the cost of repairing it, including the physical damage for the infrastructure. And this may be attached a little too much to the question, is the whole impact of mortality of residents in these communities and injuries related to these diesel trucks and, you know, related road stock?

MS. ESHELMAN: I must say I think we are pretty lucky that I do not recall of any fatalities in terms of car, truck, or even people truck accidents. There was one injury

that I can remember in the five, six years that I have been working. So on that respect, we are good.

Again, we do not have quantifiable data, but we have people staying in their houses, and, you know, have stress cracks. Particularly, in Curtis Bay on the two streets where the truck traffic goes one way east and the other way west, and that is one of the reasons if we could get all the trucks on the one road and turn that two-way, it would help some of that.

The other thing is that we are finding that quite a few of them were looking for some solutions. They are taking shortcuts through the neighborhood now.

Well, especially the more we push the restrictions of certain trucks and certain sizes on the street, they are starting to do these. And, unfortunately, sometimes the more we get the prostitutes off the main street they go off to the side streets, too.

So it is kind of an interesting -- you know, it is always the dynamics and the pushes and the shoves. But I think if we can get -- you know, we will address the trucks first and keep them off the residential streets, and then, hopefully, some of the other issues, as we get more people in, we get rid of -- a big problem is our slum landlords. We

have close to 50-50 now with housing ownership and rental.

The rental properties, many of them are people sitting on them again. Investors that think that tomorrow or the next day, this is going to be now with the housing boom bust going on, who knows when, but a lot of them are sitting on that.

They rent month-to-month. They do not do background checks. So it just perpetuates a lot of the issues. If we could even just get them to all invest in their properties. Yet the city is understaffed in terms of inspections. I mean, all these things, and how you get them all to work together, it is really hard.

MR. MARSH: Elizabeth.

MS. FERRO: If I could just comment on that. I think you hit on a point, and Carol touches it, too.

The whole issue of congestion and trucks finding alternative routes, is an important issue when it comes to idle reduction strategies, because as long as -- Maryland system wanted to work freight bottle necks in the country. That is just between our rail congestion and our highway congestion, and you saw the highway surrounding Carol Eshelman's neighborhood.

As long as trucks are stuck in traffic, and cars,

too, the reality is they will find a way through. And the unfortunate reality is they are on side streets where they should not be.

So enforcement is a key effort, but infrastructure enhancement is fundamental to that piece as well, to ensure that if you have trucks, they are clear, or you have identified truckers and trucks are using them, and enforcement is keeping them off.

We have been part of a Dundalk Truck Impact Study, similar, other side of the port, and the whole impact of trucks running through the neighborhood, an empty container rattling on a washboard street. You can imagine at day time or night, it is tough.

It adds road improvement, it is ensuring trucks are on truck corridors, it is ensuring they are staying off restricted routes. But as long as we have a congestion issue, and we do, I think that is just an issue to -- it is an important factor to keep in mind, because someone described trucks like water. It will find a way through. As long as people demand stop, someone is going to move it.

I am not waiving the issue off at all. I am saying there are pieces we all need to be aware of to address.

MS. YEAMPIERRE: This has to do with housing. One of the unfortunate consequences for the Environmental Justice movement is that environmental remediation often leads to the displacement of the very people who we fought to have live in a safe and healthy environment.

So I was just wondering, what is the demographic of the people? Who are these pioneers? For me, the word "pioneers" is equivalent to gentrification because we see it often in ads, and it is really offensive.

When you talk about month-to-month tenancies and background checks, those things that people from low income, people who survive month-to-month, who do not have income, often have challenges with. So I just want to know who are the folks that are moving in and are benefitting from these environments of remediation?

MS. ESHELMAN: You hit on a lot of what we struggle with, because I said earlier we are not trying to gentrify* the neighborhoods, although a little of diversity of income would be good for everybody. It would bring some more stores, cut the prices down in some of the stores.

And that is what I meant by pioneers, only in some of the stores, trying to get some people, some more businesses so that people can get to a store without having

to pay for a cab or a bus or ways like that. So I was referring to small and the local businesses in that respect.

We recognize our problem with -- and I guess it is not so much the month-to-month payment, it is the way that people keep the properties. I cannot tell you how many pictures I have taken of the property the people are renting that are owned by these slum landlords. They are abhorrent.

People are paying 700, 800, 900 dollars a month to live with roaches and rodents, and mold and mildew. So I guess, you know, one hand one thing, feed the model of somebody investing more in their properties and things, but we have to find a way. I do not know the answer, but it is one that we are addressing.

We also have the Federal Housing Project within Brooklyn and Curtis Bay, too. That has about 25 to 30 percent vacancy right there and a lot of issues are within that. So finding a way.

And the city says, from a triage point of view, this is one of the better ones. We do not have money to put in it. So, with all the cutbacks at the federal level on some of those issues, too, it is a problem.

MR. MARSH: Richard and Charles, I have four more cards up, but we are out of our 15 minutes. I think unless

somebody really has a burning question, I would like to call it a halt here, or do you want to go ahead?

MR. WILSON: No. I can take this off, and anybody else, and then --

MR. MARSH: Okay. Well, make your questions and answers very brief, then. Thanks.

Let's see. I think Chuck was next.

MR. BARLOW: I just wondered if -- and, Zelda, this may be for you, but we were talking a little bit about the larger ships that we see in the future, and I wondered if, generally, environmental agencies see the larger ships as a better environmental prospect or a worse environmental prospect.

I wonder if maybe a newer ship with perhaps a more efficient engine and a better fuel to cargo ratio, but I don't know. There may be other things. I have no idea. So I am just asking that question.

MS. MALDONADO: I think it is a give and take. Bigger ships are going to require more dredging. They are going to have, at some point, more emissions. So it is going to be a give and take. I think they are coming, because, you know, imports are going to keep going up, and, I mean, they are coming. They are a thing of the future. So we have to

plan accordingly to try to deal with them.

MR. MARSH: Donele, do you want to go next?

MS. WILKINS: Thank you. This question is for Carol and Frank.

You talked about your doing things differently in terms of the process for engaging people. I wanted to understand better how you assure capacity capabilities on the level of community to be engaged.

Oftentimes we want to bring people into a process, and they may not be properly prepared, if you will, to really be effectively engaged. And I need to understand how you incorporate a process for ensuring that the citizens at the table have the capacity to really be effectively engaged?

MS. ESHELMAN: I am not sure we completely did it in the best way we could have. But what we were engaged in at the same time, simultaneously as the Harbor Team was meeting, was the community was working on what we called our Strategic Neighborhood Action Plan.

So we were holding town meetings, and we were holding -- we had five different subsets of that environment house safety, housing, and economic development.

And so they were meeting at least once a month,

sometimes once a week, it seemed like. Some people had a lot of -- and we were bringing a lot of experts in from the city working with everyone on those subcommittees, and then they would reports back at the town meetings. We held, I think, three town meetings a year there for a while. It was pretty intense.

So that is kind of the process that we were using. We would get about 100 people, which is still a very low percentage. We had a newsletter that went out, too. We printed 5,000 newsletters. So we kept trying to keep people involved, and, you know, even to this day, there will be people who will say -- part of it, too, is we have a lot of turnover of population, so you will have people involved in that process.

We are about to go back and revisit it because it has been five years since we really started the process, and there have been a lot of change in population. So we want to go back and kind of go through it again.

But we have had up to about 100 people. We have been in the park this past weekend where we had all five of the proposed designs for the green buildings, and we solicited input from everyone. So we have tried a lot of different ways, from small meetings. We would go the

Community Association meetings in addition to the town meetings and report out everything that is going on.

We had a point, and this is one of the things that I think the port did very well. We had a point where some of the community was really -- and, again, the turnover, new people coming in, and they came to a meeting, learned about the dredge facility, and everything that was going on about two weeks before the testimony.

Frank brought, I think, about engineers and everyone else sat around, and spoke to about four community members. I mean, I cannot imagine what it cost in dollars, but that made such a big difference. And these were leaders in the Community Association. And they got it. They understood.

They heard a lot of the same presentations that the Harbor Team had gotten, and that, you know, I, as a Harbor Team was not as effective as getting and delivering that information. But when the engineers and the scientists sat down and went through it line-by-line about how the liner and the dredge walls, and how to protect from water going back in to the river, and all of those kinds of issues that people were concerned about. They got it.

So sometimes it takes that little extra effort,

but being willing to sit down. So that is what we have tried to do.

MR. MARSH: Jody.

MS. HENNEKE: I have a couple of observations and a real question. The first one is for Brian.

Having had your job once upon a time for the State of Texas, you almost made the pieces of a SIP make sense. However, no one can ever call it a neat, tidy report. I am just sorry.

The next is, I do not think it should go unmentioned that while the ultra low sulfur fuel has resulted in fewer transportation emissions, it did result. The production of that fuel did result in increased emissions for those communities immediately surrounding those refineries. The State of Texas has a quite a few of those.

You know, it is kind of under the heading of "No Good Deed Goes Unpunished." But it truly does matter where you live, and I do not think that should go unmentioned.

Then my real question is for Frank. In my new job, I deal with the Franks of the Texas Gulf Coast.

Was there a particular reason for the epiphany and the change in how the port decided to go about dealing

with soliciting input, or did you kind of slide into it? Because that is a radical change for the way many industries want to deal with folks that they think may oppose whatever is they want to do.

MR. HAMONS: Yes, I guess there was an epiphany of sorts. Our first project, Hart-Miller Island -- when I say "our first project," it was not the first one, it was the first island that we restored, basically, and that was doing it -- it took a total of 14 years, from the time it was proposed to the time it went operational. Fourteen (14) years.

So you look at that. And the cost of building it went from 11.5 million to 58 million by the time we got it built.

There is still residual resentment in the neighborhoods, so you deal with that all the time.

We had started looking in Baltimore Harbor, knowing that we needed some sites in Baltimore Harbor, and mentioned the site in a report, and created a firestorm just from the mention of this, and it is just because that site was named. That was all it took. So we said, we are going to have to do something different.

So what we did, we sent people out in the

neighborhoods, identified all the community organizations, and everything else, to help create the Harbor Team, pulled them into a room, sat down with them and said, do you agree we need to maintain a port? They said, yes.

Said, okay. You have not liked our options much for a few years. What will you do with this stuff?

And that is the way we started. The first couple of meetings, I mean, you did not know where it was going to go. There was a lot of tensions and that sort of thing.

We kept providing information and kept answering questions. There was a confidence and a team spirit that began to develop here, and they met every six weeks for nine months. They did more work than some of the consultants. Every three weeks, I mean, for nine months.

They did an enormous amount of work. You know, you could watch this whole thing developing. By the time we got to the end of it, we had people who were totally opposed at the beginning of this process to what we were doing. We were sitting on the Harbor Team.

This one lady in particular I remember started defending the port when somebody said something at 180 degrees.

We have taken Masonville. It is now under

construction. It will be completed five years from the point in time when the Harbor Team said, you should look at this. 14 for Hart-Miller, 5 years for Masonville.

How much is that nine years worth? It is worth a great deal in all. So investment here -- our investment in the community is paying back loads.

MR. MARSH: Thank you, Frank. And Paul?

MR. MOHAI: Thank you. My question is related to Chuck's earlier question there. I was struck. A couple of speakers mentioned that the ships are getting bigger, and I forget whose presentation showed the diagram. I had never thought about that before, so I learned something new.

I guess I would like to know two things. What is causing the ships to be bigger? We had sort of a general answer to that about the more commercial products, but that is sort of a general answer, because I would like to know would it be still possible to bring in the same amount of goods with a different way of doing it?

The reason I bring up that question, because if the ships are getting bigger, there needs to be more dredging. And the question that comes to mind, what are the environmental damages resulting from the dredging? To what extent does do the bigger ships cause a lot of the subsequent

problems with more trucks, with more pollution, et cetera?

And the other question pertaining to all of that is, who in the end pays for the dredging, and is this another example where the costs are not really being internationalized by the industry?

Several community people mentioned about the cost to their community. There having to bear the cost, and industry needs to internationalize that. Is this something similar?

I guess the question in my mind is, why are the ships getting bigger, and are the ships getting bigger as a result of Indian Public subsidies?

MR. HAMONS: Well, you asked a lot of questions.

MR. MOHAI: Yes. I am sorry.

MR. MARSH: Ships are getting bigger. Actually it is an economy of scale issue. I mean, if you look at ton mile, that sort of thing, of the cargo and everything else like that, you get a lot better return.

Ships are bigger, but they are actually cleaner than a lot of old ships right now. They are cleaner in every way, and they have more restrictions, more capabilities. By the way, the Port of Baltimore actually has funded ballast water research and is getting back into setting up perhaps a

center for the testing of ballast water treatment systems. So we are one of the few ports that are involved in that, too, recognizing a responsibility. We have ships going up and down the Bay.

Yes, they require more dredging. That means that -- well, job security for me. I have to figure out a way to get this done in an environmentally safe and friendly way, and take care of the material that is generated in a way that actually enhances and adds to the Bay's eco-systems instead of detracting from it.

There are ways to do that. They cost more. They cost a lot more than the old ways of just dumping it in a deep hole somewhere.

But then you get a return on that, too. If you look at, we are putting 570 functioning acres of wetlands in Pauper Island and in the island's habitat, which is disappearing in the Chesapeake Bay. We are restoring that.

So what is that worth? What is the value of that? I mean, that is where your return comes. It is hard to put a dollar on it sometimes, but that is where your investment is coming back. There are ways to do it. This is the way to stay out of court if you involve the communities early on. We just have to change the way we are doing

business.

But the ships, if you look at what a ship can carry now, and the speed at which some of these large ships can carry it, some of these ships are capable of running 30 knots. And they do it on less fuel than some of the smaller ships used to do it, and someone would get, like Wil Helmsen, one of our mainlines, the largest ro-ro carrier in the world, is very green. They have gone to ultra low sulfur diesel in their ships.

And they recognize it. And they have an active research program on ballast water and everything else to try to become, you know, more environmentally friendly and actually enhance the area in which they are working. So they are recognizing their responsibilities, so there are other shipping lines doing this, too.

But what they have done is they combined the vessel sharing arrangements. Used to get a whole lot more ships that were smaller. Now you get larger ships, but you may get the cargo from five, or six, or seven shipping lines on that one shift because of the agreement.

So you get one ship calling. Unloads as much cargo as 10 ships used to unload. So what is the difference? Ten ships coming and one ship coming, there can be a

significant difference in contamination, in air emissions, and everything else.

So, actually, you can make it cleaner than it was when they were smaller. It is possible, you know, and in many ways that is what we are working on.

MR. MARSH: Well, I wanted to thank all of you from the Port of Maryland and the state for your presentations. They were excellent and raised a lot of very germane and relevant issues for us. So thanks again.

(Applause)

MR. MOORE: I also would like to thank you all. I have learned a lot. You know, we live right next to the Rio Grande, so we have got a lot of ships coming down the Rio Grande at this point.

I just had some quick comments as we move forward, Shankar.

One, I think, you know was around the question of the Comment of Enforcement. I think as we continue to move forward, we have obviously been noticing throughout the years and have come to the EPA and other government agencies around the lack of enforcement and communities of color and working class community.

That is very, very important as we move forward

on many of these clean-ups and so on, that the enforcement is not slid back on because we are attempting to try to move forward.

The other one was around gentrification, has come up several times and displacement. We had some of that similar comment and discussion that took place when we visited the community of Oakland several weeks ago at another activity.

So if we went to LA, if we went to New York, if we went around the country, looking at these particular issues, then we are going to see gentrification and displacement, and we have really got to figure out ways to do that.

And then my last comment was to Carol's comment, was that around it being simple. You had made a comment about -- to me it is very simple, and I cannot remember exactly what the example was that you were giving.

What to say, at least from the Southwest Network and in the southwest, "Make things complicated, because if they are too simple because if they are too simple they won't be understood."

So, again, we would like to thank you for your making it simple and not complicated, and for the work that

you all are doing.

Shankar, we are at a moment of decision. We have to finish one more presentation or discussion, discussion, much more than even a presentation. I think some information and a discussion, and that is on the Goods Movement Working Group and the update and the action plan.

So then my question is, because we will not want to be late for the Public Comment period, my question, then, to you all is do we want to take a three-minute break -- do we want to take a three-minute break and agree to be back, or Shankar, or Council members, do you want to continue without the break? That is your decision that you need to make.

(Pause)

Don't take three minutes to talk about it.

Shankar? Take a three-minute break. Thank you.

(Whereupon, a recess was taken.)

MR. MOORE: We are going to get started. We, again, just wanted to thank the panelists for their presentations. As we move forward, I know that as you give the report back from Goods Movement Working Group, and we begin to open it up for discussion, that there were several points that were made in there, and the Working Group will

take those up, and we will also as in NEJAC.

So now we will turn over to Mr. Shankar the floor to give the report back and discussion on the Goods Working Group. Thank you, Shankar.

Discussion: Goods Movement Work Group Updates
and Action Plan

by Shankar Prasad, GMWG co-Chair

MR. PRASAD: Thank you, Richard, and thank you all the members. And, also, for the last panel, I want to thank them for the excellence of the presentations they made.

To start off, it is too sad that we are missing my co-chair, who has been very, very helpful and has assisted a lot throughout. Mr. Terry Goff, because his personal -- some family emergency which has prevented him to be here. He has been very instrument and helpful in getting the people to come on board and to focus on issues.

In your handout you will notice that the list of the Goods Movement Working Group are listed. They are the primary people who have been participating. Usually we are having bi-weekly conference calls between the people. We have a weekly conference call and to decide upon the next week's agenda. We so far probably had about six or seven conference calls and one face-to-face meeting.

At the same time, most of the people have been very active and help participated, and that is one of the reasons that you saw some of our preliminary parts working to bring up some presentations to you, through the slides, before the weekend, and we took it very hard, very seriously to heart.

A couple of you sent me an e-mail and commented that you would like to have the material beforehand, before coming to the meeting, and I think the staff for making sure that it was forwarded to all of you before.

I want to speak my mind, so sorry if it comes across as a criticism. It is not a criticism, it is more of a constructive ideas as to how we move forward.

One of the challenges we are also facing is the number of people are the people representing reference stakeholder interest on a regular basis in our conference calls.

So far we have had a good luck in terms of Terry has not missed one, and Greg has been very helpful from the Bank of America.

But on the other hand when it came to the question of the ports or the railroads, I am sorry to say that we have not had a similar success.

But that does not mean that we are neglecting. I and Terry have made personal updates and have contacted them. They have agreed to be. In fact, Charles and I will be have some discussions during our next meeting as to what next steps we have to do, and what corrective steps can be taken. That is one of the things we have.

Also in your handouts I want to draw to the attention one of the big things we have -- challenges we had was, it is such a big and major issue. A complex issue involves multiple stakeholder interest and multiple ways to address the interest. So how do we draft our draft report? How do we got about what are the items that we need to be focused on?

So what you are seeing as a Table of Contents, the one page of it that came to you, that is supplied in your ring binders, is what we cam up as a preliminary draft.

This session, especially I asked Charles to extend it and also to include it for some additional discussions on Thursday morning, is essentially related to seek input from each and everyone of you, the members of this Council, so you are comfortable with the direction we are moving and also address any other issues or concerns that you may have, now or as we forward.

Also, other ways to consider is how some of you are specifically interested in a particular topic can also probably be joining us on those conference calls, as long as it is not a big --- issue does not come into play.

So if some of you are interested in the regulatory mechanisms, or the incentive mechanisms, or the collaborative problem solving, or whatever, we will be scheduling for each of those items on which we want to base the recommendations on.

We will also be having separate conference calls, and so I invite you all to join as well.

So that is the basic intent. I have a short presentation to go over, and then depending on the time and how we want to proceed, we can go with each of those mechanisms.

One of the things I also noticed, which was brought to my attention earlier, was that we are missing an enforcement piece in terms of specific mechanisms and enforcement compliance piece in terms of making recommendations. So we will have to give additional some additional talking to that aspect as well.

With that, if anybody has any questions specifically related to this Table of Contents, I think we

can start discussing on that aspect.

(No response.)

MR. PRASAD: Okay. Before you want, I just tried a few thoughts of recapturing of what we earlier were talking about.

(Slide)

There is a lot of aspects. Lots of people say how to go about it, how to characterize it. What I want to impress upon you is that currently methodology exists, and California has take the first step to the extent feasible. I am not saying this is a perfect way, but in some form or the other, in an acceptable methodology that is being used by U.S. EPA and has collected the statewide impacts of Goods Movement and its projected growth.

They are using the baseline 2005 and projecting on to the emissions calculated for 2020. This is the analyzed number of health impacts that we see happening. We are using the 2005 as a baseline.

(Slide)

On the other hand, taking from that aspect what the next step wide was, we calculated something that was on a state-wide basis but, on the other hand, we also did the same thing specifically for the Port of Los Angeles and Long Beach

which are before the four ports in the world and the largest in the nation. Here is what we calculate were the number.

What I am trying to impress is while we may think of Goods Movement as the way to control in the context of what is technologically feasible or economically feasible are an incentive that is to the extent available. It is nice to think of that in a philosophical way because sustainability and the growth is essential, and we cannot live without it, so let the growth overtake.

But, on the other hand, is that the growth needed at that particular place, or we should be looking holistically some other means of looking at this Goods Movement issue?

It is something that we, as a Committee, has to think and has to make if there is one at any specific sector of recommendations or evaluations, we have to make that happen, or we have to make those recommendations. That is the reason I want to say that.

For example, when we look at what the Port Maryland made the statements, it was all about the process. But, on the other hand, what has it deserted? Has it made a difference to the community in terms of the risk reduction in the immediate vicinity?

What actions have been taken or what can be located to that particular community to reduce the risk from that emissions. It is an issue that needs to be considered when we bring about this aspect.

(Slide)

Taking the aspect similarly that for the Port of Los Angeles and Long Beach, you will see that these concentric rings or the isolates have been calculated specifically for those areas.

You will see that the -- essentially what is there, you are looking at about a 1,060 tons of direct diesel PM emissions found on an annual basis, results in any way from about propane fire, from about 4.5 to about 0.4 micrograms for me to -- cubic meter increase in the PM to find phalellas (*).

What it means is that inner circle that you are seeing where more than about 33,000 people live, have the highest amount of the burden that you will face.

We, like in California, also have a cancer risk number associated with diesel PM so we can calculate what is the burden of cancer risk within that inner isoplate, which comes through about 500 in a million.

And our normal -- for example, in Los Angeles, if

one wants to open a facility, it the maximum cancerous risk that can have is 25 in a million. That is what we are talking here today at the level of damage. These intermissions happening Port of Los Angeles and Long Beach. 53,000 people are being exposed on an annual basis for a cancer-risk of more than 500 in a million. That is the status today.

We are taking care of that -- we are projecting the growth, and it is going to double by 2020 and triple by 2040.

(Slide)

We talk of ports, but shall also recognize it is not the ports. Goods Movement involves much more than ports. So here is another example we have done of the rail yard in commerce area, which includes being both as a Union Pacific.

Here also you will see a similar isoplates drawn regarding the area risk levels, which are here because of the interest that we are dealing with the EPA just to use the microgram increase levels.

(Slide)

Why are we talking the interplay between the Environmental Justice and Goods Movement? You will see the distribution of the population change when you look at the

proximity of the region from the sources.

Whenever we have a concentration of sources, whether it is the port, or a railroad, or something, this is the kind of a distribution that you will see across. That is something that we may want to consider, and that is what I am exploring with Charles and whether we could get the similar examples from other areas of the country so that we can make sure that the report includes this information that will stress upon the importance of why Goods Movement and Environmental Justice have to be addressed.

(Slide)

This I already stated how, when you look at the facility and how the cancer spreads as you move away from the area.

So the question becomes here is that raises this. If we are going to allocate \$500 million, for example, or if we find that kind of money, or even if we do the \$50 million, do we focus on spending that money on an incentive or where non-regulatory mechanism or anything that will bring about a regional change and also assist in our super attainment, or should we be focusing that primary effort of spending that money on those people who are having that mechanism risk and maximally exposed?

It is a policy question, it is a philosophical question, but it is an issue that we need to grapple with and try to come up how do we differentiate that and how do we focus on spending those kind of resources?

And, as I said earlier in the morning, these are huge, huge emissions. Mind you, what I have shown today is only about what is calculated as a direct PM effects not an indirect PM. If we were to include the NOx, which gets connected and contributes as a PM to 5 as well, these numbers, I would predict, approximately are based on the times we have done that, it will almost double.

So if you are looking at the impacts, you can totally visionalize apply, the impacts would be much more double, which would be higher.

But the isoplates would be different. The reason being the NOx takes it -- it needs time and some light, and so on, so it would have disbursed along the time, and it could probably have a regional impact than as a localized impact.

So that is the brief presentation I have. And then however the Committee wants to, you are all welcome to think about it, and we can start some in preliminary discussions.

MR. MOORE: So I think we are ready to open it up for discussion and comments. I just wanted to refer to our materials under NEJAC charge to the Working Group, and just remind us of these four areas that are listed under the charge of the Good Movement Working Group.

What are the most significant community, environmental, and or public health concerns related to air pollution from the Goods Movement activities, was number one. In our discussions, I am not re-opening it up for discussions, I am just reminding us because this is where we need to be grounded in.

How can information resources be better used to identify and excess the population segments or communities that are likely to bear the maximum burden of impacts, and I think as we go through this, one, two, you can see in Shankar's presentation some of the documentation that is beginning to be gathered.

And, number three, what strategies can EPA pursue to ensure militations of impacts and promote collaborative policy solving and meaningful community involved in the decision-making processes at the federal, state, tribal? Very, very, very important. We have had this discussion before. Federal, state, tribal and local government levels.

And then, number four, was what strategies can stakeholders pursue to ensure emissions reductions, including but not limited to financial options, technological solutions, land use guidelines, as well as regulatory mechanisms.

So that, for those that just received this, is the charge that the Working Group is working under, in terms of a charge and so on. And then you can see where Shankar was referring to. Again, he made comment to. It says, Draft Report Proposal -- Proposed Table of Contents.

So, from my understanding, Shankar, in terms of that comment, it was under Advice and Recommendations. I think there was one that was spoke to around enforcement, and I think that you picked that up. I don't know. I understand that you are talking about adding that to the Advice and Recommendations, if I am correct?

MR. PRASAD: Yes.

MR. MOORE: Thank you. Okay. So let's then do questions, comments. Omega?

Questions and Answers

MR. WILSON: Yes. Thank you, Richard.

I have a question for Shankar relative to the last panel presentation and something that you said and was

also said in our last panel presentation.

My question had to do with mortality and, you know, mortality, of course, is a health disparity by any means. I think that is the ultimate, is people losing their lives and being impacted. And, of course, it had to do with the air quality, the physical impact of the vehicles that create the air quality, you know.

You mentioned the numbers. You talk about the health disparities, and you had some in your presentation there.

The last panel kind of intimated that they did not have the data base or the information available to answer those kinds of questions, or they really did not know. At least one person in their community.

Do we need that information? You know, are we making that a part, or a primary part of the reason to mobilize people to address what we want to address with the Goods Movement and air quality?

In other words, are we putting that in the place where people could say, this is the reason that we need to address this.

I know there is a lot of data that goes behind everything that we are talking about in a hat suit. But as

far as what is actually happening to residents, what is actually happening to children, what has actually happened to seniors and regular hard-working folks, as far as the human impact is concerned, are those numbers somewhere, or do we need to reproduce those numbers to put some more environmental justice fuel, so-to-speak, in the NEJAC engine?

MR. PRASAD: One of the things, as you know, what Terry and I addressed this in our working group a couple of times is, that if a region or a specific project, specific data is needed, that needs to be generated for a specific action, what we wanted to say was here is what has been done, and it can be done.

But, on the other hand, to make the set of recommendations we want to make are in the direction we want to go, is use this kind of the data to show that, for example, this is the extent of damage that happens, which has been, I am not saying only California, there may be some other places, also some similar data may be available, and hopefully that our consultants will be able to give us that piece.

And then say that because the Goods Movement projections we will be able to get both from EPA and, hopefully, from DOT, to some extent, on that aspect.

Recognizing that this is the level of the problem that can happen even in one state and recognizing how high it would be in other places, we need to acknowledge these EJ issues and move forward in this direction.

The Goods Movement Working Group was not so much in favor of saying that this become a research direction or data acquiring machinery or mechanism to be set forth into taking action.

We always said that as we made the NEJAC recommendation last time up in NEJAC, it supports to be any recommendation has to be made for action.

So it was with that intention. But, however, that does not mean that a project proponent or a city or a region can prioritize this particular one needs more data or needs to go and do analysis. At that level of a project, I think one could go and do that.

And I will say it is not that easy to generate that data because we needed the ports and the rail yards to cooperate with us, to give us a detailed entry level, and so on, in order to come up to that level of finite data.

Did I answer your question?

MR. WILSON: Yes, you did. Thanks.

MR. MOORE: Lang?

MR. MARSH: Thanks. Just to follow up on that.

In the outline, in the Appendix, one of the Appendices is the community profiles, and it says that they will include information on an analysis of impacts, such as differential exposures, air quality, and so forth.

This is more of a question, I guess, for EPA, which I think is preparing these.

Will similar kinds of data, if available, be presented in those profiles?

MS. JOHNSON: Yes. What we will do is take advantage of available data, recognizing that some regional data bases will include some more in-depth data for Public Health that other agencies have collected, while others have not. So we will take advantage of it and that to the analysis.

MR. MOORE: Donele? Oh, I'm sorry, Sue. I skipped right by you. Sue, and then we will go to Donele. Thank you.

MS. BRIGGUM: It occurs to me that a lot of the function of NEJAC has been educational as well as recommendations, and the information that you laid out is astounding to me even if it is limited to one port or one state.

But it is very solid, and it occurs to me the numbers are really traumatic. Yes, I am an old regular-superfund person. I am not used to seeing any sites that pose that level of risk. It is really profound.

What you mentioned was very important in terms of useful guidance to the agency in terms of allocation of resources. You don't see a great deal of kind of political attention, et cetera, to Goods Movement and the health implications, and I think it is because of the lack of that kind of comparative data.

So I would encourage us to have that information in there, even if it just from one port, because I think it is extremely telling and very compelling.

The second thing I noted was, a very important point, where you said if you were to take the PM numbers and if, instead, you were to add PM and NOx, it would double the numbers, but it would change the area of influence, which means that it is important for people to understand there is something behind localized impacts in their Environmental Justice implications.

Because one of the difficulties is, if you would take all the data and put it all together, it kind of looks like, gee whiz, everybody has really got a lot of risk out

here, and people just give up and move on, which is why I felt what you did was extremely important to take a very significant contaminate and show that it is trapping with demographics. That is also informative in terms of the Environmental Justice importance of Goods Movement and the real motivation to focus that as well.

So I really hope that all that information will be written up in the report itself because I think it is really dramatic.

MR. PRASAD: We will definitely try.

MS. WILKINS: Shifting the discussion a little bit, I was struck by sort of the absence of key state coders on the governmental side, like the Department of Transportation, and other entities that have some impact and influence on decisions.

One of the things I was thinking in terms of, what NEJAC can do, and what has seemed to work in the past is sort of leveraging relationships with agencies throughout the government and how we can bring those key partners to the table.

I think about we have been done in Detroit and Southeast Michigan. Some of our greatest barriers have had to do with plans that, say, the Department of Transportation

has been sort of shepherding for years before there is any kind of involvement on those decisions.

As we have tried very hard to put our hands around like proposed intermodal freight terminal that brought potentially -- could bring potentially 16,000 trucks to a particular neighborhood in the City of Detroit, and some other things with a new port authority, and whatever, it seems that our biggest barrier has been how to intersect with the Department of Transportation, for instance, in their planning processes.

And I am not sure where in this set of recommendations would that be featured or integrated, but we would like to kind of have some conversations around there.

MR. PRASAD: If you are seeing the resources recommendations, actually, we make it a point that EPA take an active role in educating and other federal and state and local agencies will have the jurisdiction or the financing authority for addressing the Goods Movement. We make that specific recommendation, actually, on that, in that context.

MS. WILKINS: I'm sorry for overlooking that.

The other little thing I want to add, which may also be in there.

I was also struck by some of the reports in terms

of finding ways to reduce contaminants or toxin levels, or whatever, say in gas or diesel fuel, and that kind of thing, and was wondering what information do we have that speaks to promoting a different way of producing those vehicles on the manufacturers. And I am not sure if we have a role in suggesting how to have some impacts or provide some incentives for manufacturers to design a different kind of vehicle. Long term, but probably an option.

MR. PRASAD: I wish Terry was hear because he would have loved to hear that. He is the one who is taking the lead, in terms of the technology. In fact, a couple of additions were made by Andreo Rico (*) of the Goods Movement, and he included them, and certainly I will pass this on, and he will definitely make sure to address that.

MR. MOORE: Samantha?

MS. BEERS: I apologize. I am on the onset of a bit of a cold, so if I sound like I have difficulty speaking, those of you know me will know that is generally there.

I want to just add a cautionary note. I am hearing a lot of folks talk about the importance of having adequate and up to date and accurate health information, and I think that is absolutely important in order to be able to put things together to talk about what are the actual risks

to communities.

As a part of the EJSEAT discussion you are going to hear tomorrow, Tinka Hyde, who chairs that group, Reggie Harris who is here in the audience, who is a toxicologist in Region 3, and myself, are going to share with you some of the discussions we have been trying to have state-by-state with health departments to get that kind of up to date data.

It is not that it is impossible to get, but it does take an extra amount of combination of persistence and direct contact to get that data.

So I would think that you might want to start with a smaller group of ports, one or two perhaps, in trying to focus on getting that data and mapping that as part of your study because it would probably be exhaustive to try to get it anywhere in any time reasonable.

In my region we have been working on trying to get this data for about seven months. It is not impossible, it is just ---.

MR. PRASAD: I fully understand and appreciate that. That is the whole reason. In fact, this effort is no more than a three-year effort. So what we see here, it has taken.

The only thing that I want, we want to refer to

the EJSEAT, but do you think that we will be able to get some data in a six-month period to add it our report?

MS. BEERS: It is my experience that if you go and you meet directly with the State Health Department, you explain what you want the data for, and you bring with you someone who is completely fluent in GIS and/or computer technology to let you know what form you can accept the data in, I mean, you fill out the paperwork, you have a very good shot. But, again, it would have to be sort of incisor-like, and you have to bring with the computer guy who speaks that language.

MR. PRASAD: I will certainly explore with Charles and others to see how much we can do through it in this report on that.

MR. MOORE: Questions, comments? Laura?

MS. YOSHII: One of the things that we talked about earlier is the interest on the Agency's part to make sure the leadership within the Agency has the opportunity to really understand firsthand the recommendations of the NEJAC.

So as this work continues, maybe even identified in the report is what is the communication strategy for the NEJAC Work Group report, to which audiences within EPA, and then even in making the recommendations probably would be

more powerful to break it into, you know, the regional level. What are the headquarters priorities from the NEJAC perspectives, and think about it almost from an implementation perspective since I know the interest of this group is to be really action-oriented.

MR. LEE: Just let me say, Laura, thanks for that comment.

I think as this process, in terms of this work group is beginning to its work, one of the things that we had always wanted to do was to assemble a small group of senior agency officials, such as yourself, because, you know, Region 9 is a very important part in terms of the Goods Movement issue, and people like Rob Brenner from the Office of Air, and others to be determined, to check in with you every so often.

We had actually wanted to do that in preparation and finalization of the charge from the EPA to the NEJAC, but I think we had to go ahead with that and granted that.

So with the going forward, especially as the recommendations become developed, or to get your insights, but also so that nobody gets blind-sided in terms of what the recommendations are.

Ultimately, you know, the purpose of these

recommendations is for EPA to see if they want to implement them. So we want to do that.

So that is part of the -- I guess the infrastructure we have to put in place for this work group.

The other one, which is kind of there, but not necessarily operating at the level I would like to see, is there is a lot of staff people, many who presented here today, who are associated with this issue. We want to check in with them and use them as resources every so often as well.

MR. MOORE: Any other comments, questions?

MR. RIDGWAY: It is slightly related. Early yesterday flying across the country reading an article that came out about global warming and the rapid melting of the ice in the north and opening up of a Northwest Passage may change the dynamic, especially when we heard about large ships that are becoming more common. It may bypass from Asia for America and go through this Northwest Passage that they say is going to open up much sooner than earlier was anticipated.

From an EJ perspective, I think that there is a potential there for erosion problems up in the far north where there is very low population, and this gets to

Shankar's question about do we look at where the impacts are the greatest, and certainly in the LA area they are phenomenally large as opposed to a very small populated huge area in the Northern part of the Hemisphere.

And I don't know. There is a potential to make some reference to that maybe in the appendix. Keep an eye on that for EPA to the extent they have a role there, but I see that as a potential emerging issue.

These big ships create huge wakes, and if you are talking about Tundra that is warming up, soil erosion could be huge, and then you are talking about impacts on traditional hunting, gathering living situations. I don't mean to complicate that, but I do see that as a potential issue coming in the decades to come.

MR. MOORE: Charles.

MR. LEE: Yes. You noticed in the agenda there is an item. I think we went over it with you in preparation for this meeting, is the very last meeting on the agenda, which is like a time for you to share any thoughts you may have around potentially issues of concern to you or emerging issues, and certainly what you raised is probably one of those that you stated.

And Kathy said before, you know, she said that we

need to be thinking about things like sustainability and climate change, and certainly we will want to hear from you about what you think are issues that are emerging issues that the Agency should be dealing with.

MR. MOORE: Any other questions or comments?

MS. BROWN: Shankar, you have proposed some very big questions, and being new to this group I do not necessarily understand how and where and when we will have this discussion that will inform your decision in how to phrase some of these recommendations.

When is this going to happen? Are you hoping that will happen right now? Is this what happens Tuesday afternoon or Thursday afternoon?

MR. PRASAD: We are planning to continue this discussion under of those headings we mentioned on Thursday morning. So today we will probably restrict. We were hoping to finish the regulators recommendations today, but looking at the time, and, also, maybe it is well for all of you to glance through this today and tomorrow to lower this, and we will be able to spend under each of those recommendations any suggestions, any input, and additional considerations, we will be glad to take it and discuss it further with the Working Group.

That is what our plan is, that at about seven set of principles on which we are making recommendations, and I hope today's slides that was circulated include all of them. If not, I will make sure tomorrow you get any missing pieces.

MR. LEE: Kay, I am glad you asked that because maybe if we could clarify for the Committee what specifically you would like to come out of the discussion on Thursday. I mean, what is it that you need for them to answer, or what questions do you need to have answered, in order for you to move forward.

MR. PRASAD: With each of those, under each category, we are opted what is the principal behind and why some specific sites. It is a very strong proposal so we have just had one conference call on this, and came up with this in about a week's time, and we also have not had another conference call to discuss each of these.

So are we in -- first of all, are you happy with the Table of Contents if it meets it? And then under that part of it, do you -- in general, you may wordsmith it for variance because we, ourselves, will probably be wordsmithing quite a bit on terms of the principles of these items in terms of the language.

But, in general, I mean the right direction. I

will bear something additional as a second principle and an additional principle you would like to see to be addressed are included.

And something completely missing because we all have our own -- I mean, we are tuned to grow up in silo vision, so as well as the EJ is beyond silos, and how to separate them out. So any help, any assistance will be useful.

MR. MOORE: So we are not today, or not at this moment, really discussing moving to recommend this proposed Table of Contents, but we are really asking people again to look at this as one piece, and the other comments that Shankar made to engage in that discussion on Thursday.

Were there any other questions or comments?
Victoria?

MS. JOHNSON: My comment is not related to this discussion, so when you are finished with that, I want to add one thing.

MR. MOORE: Okay. Any other comments or questions in regards to this discussion?

(No response.)

MR. MOORE: Without, then, I just wanted to flag a couple of things that we move forward here in terms of the

challenges.

One, I think that we really need to -- that the counsel should have some concern, and we need to figure out a way, and, Shankar, I know in your communications with Victoria, because Victoria is staffing from OEJ the Goods Movement Working Group, that we are having a lack of attendance by some of the members. You flag that.

We need to really figure out, not at this moment, but we need to figure out how we are going to come to some solution about that, because there are some real key individuals for all the right reasons in terms of the states and in terms of others, that has been identified. There has been a lack of participation.

So I think that is a real crucial piece. And you can see inside your binder that it lists the chairs and then it lists also the members of the Work Group. So we need to move forward with that.

I think the other, not waiting until Thursday on behalf of the Council, that when the Good Movement Working Group is conference calling, or whatever, that we are always welcome to participate in those conference calls. And then, in some cases, if we are in the area where the Working Group is meeting, then we could also sit in on some of those

meetings.

I think the other is really e-mails and the updates that we are getting from the Working Group. Please respond. If there are comments, questions, concerns, or whatever, back to either Terry or Shankar through Victoria, and then that is another intersection there of involvement that we can have.

If we are not receiving the minutes or the discussions around those, then I would just encourage the staff and the chairs to make sure that the -- we are trying not to overwhelm you with a tremendous amount of paper because we know how busy everybody is, and then you get all the paper, and then sometimes you do not read it. I am not speaking for myself, I am just -- so I would encourage for us to take a look at those reports or those report when we are getting some of that information.

So I saw a couple of cards. Did I get it or no?

MR. PRASAD: Katherine has not received any so far.

MR. MOORE: That is why I re-grouped. I saw the expression. I saw the expression.

Okay. The next quick one, then, as we move to close out for the evening meal, is the medical statistics.

And that was flagged. I do not want to spend a lot of time on it, but I mean I do know. I mean, if you can imagine, even as agencies, sometimes some of the difficulty there is to obtain that information from both the state and local public health officials, school nurses, you know, whatever those are, just think about what grassroots groups go through in order to try to pull some of that information together with no staff, no paid staff, with no whatever.

So that is very, very important, and I think you are to be congratulated, Shankar. Not yourself as an individual, but yourself and the others that have been involved in that in California and other places to really try to pull that together, because I think that whole ethnic breakdown and then the medical consequences or what we have seen there, is crucial to the whole picking of what we are trying to move forward with in terms of the recommendations to document and improve the fact of the consequences of many of this, of much of this.

So were there any other comments before I go to -
- yes, ma'am? Before we got to other business?

Okay. Other business?

MS. JOHNSON: Actually, I just want to add to one comment regarding the Working Group conference calls.

Most definitely welcome your interest and participation, but because of getting the quorum issue, it would be very important that you contact me or Shankar so that we can coordinate those members who wish to participate on a call, because we will be limited to the number of participants.

Right now we have 5 members out of 19 NEJAC members already participating on the Working Group. We can really only go four more people. Now there could be a substitute, possibly. That could be arranged. But we are limited on that, and we have to make sure we do not skirt that issue or ignore that very requirement.

MR. MOORE: That is a very important piece of clarification. Thank you, Victoria. Kathy?

MS. BROWN: I have two questions. One is earlier today there was a comment about a November meeting in San Francisco with DAHS and EPA. Are NEJAC members expected to attend that?

MR. MOORE: No. I was just trying to give a general sweep of some of the activity that is happening.

MS. BROWN: Okay. Okay.

MR. MOORE: And just a couple of those. No, that is not actually a formal meeting. It is a formal meeting,

but it is a meeting that was called by the Southwest Network, which is the group that I am the director of with HHS and the EPA.

So thank you for the clarification.

MS. BROWN: Okay.

MR. MOORE: But it is not an open meeting, as a matter of fact.

MS. BROWN: Okay. One other question. What might one expect tonight?

MS. JOHNSON: I do not have the count yet, but I would assume that we are probably at about 15 to 17 officially signed up. That would include those individuals who signed up in advance and but may not be here.

So I think you anticipate that we are going to be here until 9:30, unless, of course, you guys do not try to fill the time, but I figure between 9:00 and 9:30 we should be done.

MS. BROWN: So what are the rules of engagement?

MS. JOHNSON: For who? For you or for the public commenters? Richard can tell you what the rules of engagement are for you as members of the Executive Council. For the members of the public, the guidelines are also in your binder, and each presenter is limited to five minutes

for their comment.

We do not have PowerPoint or media presentations, which tend to make things longer. So it is five minutes. You are welcome to provide a written statement, which you may or may not read into the record. That is your decision.

Then Richard will open it up for discussion on that particular commenter with the members of the Council, and then he will move on to the next person.

Another general rule is that to accommodate as many organizations as possible, one person for each organization will be allowed to provide comment before you consider second and third members from the organization. That is just for a matter of fairness.

But those go to the end of the list. So we do know we have two or three organizations that had said they were going to have at least one other person.

I think that covers that. You will get a list of -- when you come back from dinner there will be a list of the people who have signed up, their comment, and you will have that on your chair when you get back. I think that covers it.

MR. MOORE: So if the cancel members have questions in terms of the presenters then, you know, we move

those questions forward. Either a question of clarification or whatever.

And I would just quickly add, that was a very good job, Victoria. Thank you.

Sometimes the Council and even the Washington office of the U.S. EPA some of the testimony sometime is directed toward the regions. So we have always really -- or some of the comments are directed towards the regions, and we really always encouraged, and you can see amongst those that have participated, EJ coordinators and other leadership that are here from regions, and then we ask that they also take good notes in terms of the testimony to see if there is any response, because we do not want to create any expectations or to add any confusion to how the particular issue was going to be moved forward.

I run a very tight ship, as those know. I will be chairing that. Victoria has already explained that people have five minutes, and we will hold up little cards, and we will move forward. But we would hope that everyone, those that are also here with us, can sit in during the public comment.

Any other questions? Yes, sir?

MR. ROSENTHAL: Richard, one question. I am sure

it is in our booklet, but are the comments tonight limited to Goods Movement or are they across the board?

MS. JOHNSON: This time we did not limit -- let me say this. In the past, we have usually asked for comments about a specific issue, but did not limit it to those. We would always just consider the special topic first and then any other discussion afterwards.

For tonight, it is open in terms of any comment related to Environmental Justice in EPA.

MR. ROSENTHALL: I have a follow up to that one then. Since our charter limits us go Goods Movement, the questions come that are outside that area, then how do we handle those?

MR. LEE: Well, you have one charge, not a charter. The charter is, I don't know what it says. It has like eight or nine things in it, you know, but it is very general and broad in terms of Environmental Justice at EPA. So that is the charter under which this FACA is convened by EPA.

And then you have a charge specific to one issue. It is expected that you will get other charges in the near future, particularly as these issues that are going to be presented tomorrow around programmatic integration and

Environmental Justice are discussed.

I think it is premature to come up with a charge at that point, because, you know, we want to hear the questions that are being asked and your issues of concern, and then go back and really thoughtfully figure out a way to make best use of your time and expertise. So there is going to be more.

And then thirdly, of course, in terms of the public comments, there are going to be many public comments that are going to be made about the different individuals, organizations, or communities concerns that, like Richard said, it is very important for EPA to listen to and to appropriately have the appropriate office respond to them.

MR. MOORE: Thank you. There was another question, was where is the activity going to be held this evening, it will be held in this room.

Okay. Anything else before we break?

(No response.)

MR. MOORE: Okay. Well, thank you all. We will reconvene back at --

MS. JOHNSON: Richard, I do have one thing. This is my off topic.

MR. MOORE: Okay.

MS. JOHNSON: For those of you who have asked for copies of today's presentations, we are going to actually be able to post them to the NEJAC web site. I cannot give you a time of when that will occur because we have web site maintenance going on.

In the interim, our contractor who handled all the on-line registrations, they will be posting the PDF document that I will create of today's presentations, and they will host that in the interim until we can actually get them posted onto the NEJAC web site.

MR. LEE: Yes. Only one proviso. I don't think it is going to be an issue but, you know, there are all these policies about what gets posted on the EPA web site. It is contingent upon that. And Victoria and I do not know all the rules. So, yes.

MR. LEE: Yes, but we are surprised that you do not know all the rules.

MR. MOORE: Okay. Let us have a very good dinner. We will reconvene back at 6:30. Thank you.

(Whereupon, the meeting was adjourned at 5:05 p.m.)

E V E N I N G S E S S I O N

(6:37 p.m.)

MR. MOORE: We will open up this session for the evening.

I think we have quorum. Welcome back. We would like to welcome those that will be presenting public comment this evening.

My name is Richard Moore for those that I have not had the opportunity to meet. It has been great seeing some of you. I have not -- quite frankly, we have not seen each for a little bit of a while.

I know you are not going to make my job difficult. I am going to chair this public comment session this evening. We had talked about basically the protocol earlier for public comment.

Victoria is going to help me out. Since I do not have the list in front of me, Victoria, the people that signed up.

MS. JOHNSON: You don't have the list?

MR. MOORE: Not to my knowledge. I have not seen it yet. I think the list may be coming out.

So is going to assist Victoria in terms of the timekeeping? Lisa will do it. Okay.

For those that were not here this afternoon, each presenter will have five minutes. So we would really ask, you know, I think we have so far 15 people that have signed up for public comment. So we would ask those to be respectful. We know that five minutes many times is difficult. It is difficult for myself when I have given public comment, both the NEJAC Council and other venues in the Southwest and throughout the country. But we would ask you to assist us by sticking within the five minutes.

If we are ready to go, the first I have on the list was Margaret Gordon, although we know that Margaret is

not here. It was said earlier that Margaret had to stay in Oakland. She has a very, very important meeting this evening.

So the next person, then, is Mildred McLain. I do not see Mildred here at this point. If she comes in later, then we will re-put her back on the list.

The third person was Edith from the Connecticut Department of Environmental Protection. Is Edith here at this point?

(No Response)

MR. MOORE: Okay. Now, if people know these people when they are coming in, if you could just pass that information on to the folks that are sitting in the front or at the table, we will re-get back on the agenda.

Chendra Taylor from the Southern Environmental Law Center?

(No Response)

MR. MOORE: Is Albert here from NRDC?

(No Response)

MR. MOORE: Now, I do know that there some question about the door downstairs. I don't know if that was taken care of or not, but I happened to be outside getting some fresh air when they were getting ready to lock the door.

So I do not know if that has been taken care of, but some people have to come in from another entrance. I hope they are going to become knowledgeable of that.

Is Linda here from the Environmental Crisis Center?

I am going to go down this list just for a second and then just see who else we have, and then we are going to start off right with you pretty quick.

Leslie Fields. Is Leslie here? I saw Leslie, actually. She drove by. I saw her driving by in the car.

So why don't we begin then. Linda, if you will join us, please, at the table here, and we will be ready to take your testimony.

I will say while you are coming up here that we do consider this testimony as very, very important. Public comment, and so on, and it will not be taken in vain or little by this NEJAC Council, and I think those that are present from the Environmental Protection Agency.

So, Linda, welcome.

(Pause)

Public Comment

by Linda Safley

MS. SAFLEY: Hi. I am very glad to be here and

would like to thank everyone on the Council for the very important work that they do.

My name is Linda Safley. I am the Executive Director of the Environmental Crisis Center.

Over the years it has been quite a challenge living in Maryland and seeing the changes going on with the environment.

The toxic waste issues that have been going on well on clean-up sites are a number of superfund sites, and, as a matter of fact, structures have been built on some of the land over on the superfund sites.

There are concerns about the groundwater, especially when it comes down to the toxic chemicals leaking from the CSX, train line carrying toxic chemicals like high-level radioactive waste.

As with other concerns, there was talk of building another nuclear plant in Maryland. There are those of us who are not thrilled with this idea for energy needs. We already have one outdated nuclear plant, Calvert Cliffs.

Our energy issues are a major concern to all of us, and we are working towards a sustainable planet.

We also have concerns for liquified coal. As a matter of fact, some of our legislatures have voted against

using liquified coal for energy. The ground we live on sustains our trees, and plants, and every other living thing, so we cannot continue to allow any poison to anything because it is killing us.

This past summer has been one of the hottest on record, and we have had more than our share of bad air days, with very little rain.

Very bad drought conditions, and these conditions, our food supply is not in a good way and across the country the same thing. We have to do more to stop global warming with these conditions.

Some of us believe that science can help in some ways by seeding the clouds to make rain. When our crops are gone, and the rivers and streams are drying up, and nature is being plundered for just plain greed, we know we have to do better.

Maryland has had its share of calamities over the years, and the industries have to be responsible for the contamination that has been poisoning these areas once and for all.

With this being said, our beautiful Chesapeake Bay has suffered from the discharges of coal power plants, and it was covered up to a certain extent and then

exposed, but our fish are in danger of extinction because of neglect. All of these issues are important to us, and we are hopeful that more can be done to save our resources.

MR. MOORE: We appreciate that. I mean, it is very difficult, and I have been somewhat familiar throughout the years with some of the issues that your group has been working on, and you are to be commended for that work. I know the struggle has been a long one, and will continue to be, but we compliment and congratulate you for your community efforts that you are involved in and your organization.

MS. SAFLEY: Thank you.

MR. MOORE: Council members, are there any questions or comments? Shankar?

Questions and Answers

MR. PRASAD: Thank you for being here, and I appreciate your comments.

Do you have any specific suggestions?

MS. SAFLEY: Excuse me?

MR. PRASAD: Any specific suggestions or recommendations that you want NEJAC to consider? I know we can do more. We can do better. So do you want us to specifically address what we should consider in our deliberations over time?

MS. SAFLEY: Well, we had a chemical accident Aberdeen, Maryland, I believe we did, not that long ago, where the chemical, you know, was released into the atmosphere.

You know, we would just like to know, when they are coming through the state with kind of like, you know, contaminated waste that they are carrying, and then there has been leaks from the train in different, you know, areas.

MR. PRASAD: All right. Thank you.

MR. MOORE: Is there a representative here from the region, either the EJ coordinator or representative from the Region of Indus?

(Pause)

MR. MOORE: So following up on Shankar's comments, Linda, is there any particular, again, recommendations, or whatever, that you would make to the Council?

MS. SAFLEY: Well, we talked to our legislatures, and they know of the CSX line coming through Maryland, and they are concerned about it, and they just tell us, you know, to keep asking the officials, trying to get like a time line, when they are coming through. And so far I do not know if anything is being done about it.

MR. MOORE: That is helpful.

Council members, are there any other comments or questions?

MS. KING: We have that same concern with toxic waste and volatile materials going through Indian country. And, as far as we know, because of the Homeland Security Guidelines, we cannot get a copy of the manifest, as well as, you know, we have an issue with the ships coming through our territory, and, again, we cannot get, you know, what is on their ships.

MR. MOORE: Thank you. Any other comments, questions, from the Council?

(No response)

MR. MOORE: Okay. Linda, thank you very much, again, for your hard work. Let us continue to work together on these issues.

The next person on the list, and I am going to go back and recall some of the other names.

Leslie Fields from the Environmental Justice Center. Welcome, Leslie.

Public Comments

by Leslie Fields

MS. FIELDS: Good afternoon, everybody, and

Mr. Chairman and NEJAC members.

I am sorry I was not here a minute ago. I had to go to the ladies room, and then I got lost.

My name is Leslie Fields, and I am the fairly new National Environmental Justice Director for Sierra Club, based in Washington. I am also adjunct law professor at Howard University School of Law.

I am here today on behalf of the Sierra Club and also the authors of Toxic Waste Race of Twenty to read into the record a letter and a pact that they sent me to give to you all. You know the authors of Toxic Waste and Race of Twenty very well. They are Dr. Robert Bullard, Dr. Paul Mohai, Dr. Robin Saha, and Dr. Beverly Wright, and they could not be here, and asked me to come up from D.C. to deliver this testimony.

In addition to that, they have also, in their packet, have the letter, which is pretty much the same as much as that testimony, which was also delivered to the first Environmental Justice hearing, in the U.S. Senate, which was July 25th. I know many of you are familiar with that.

Over the 100 organizations signed the recommendations, including the Sierra Club. And then, also, they also wanted me to include the Executive Summary of the

Toxic Waste Race. So I am just going to read a little bit of the letter they wanted to put into the record, and I am available for questions.

Also, I know you all know the authorities very, very well, and one of them is right there. Hi, Dr. Mohai. I just noticed.

But I appreciate this opportunity to testify.

I also just want to say I am also delivering this testimony in the memory of a dear friend and NEJAC member, Damon Whitehead, who passed away this summer. He passed away in July, the day before his 40th birthday. And he was a dear, darling friend to many of us. He was a great lawyer, and we miss him very much.

I know when he was with NEJAC, he put a lot of effort into it. He was always kept me abreast to NEJAC when I was living in Texas. So I just hope that NEJAC can continue the work that he was involved in and his memory. Thank you.

"We are co-authors of the recently released report, 'Toxic Waste and Race of Twenty,' grassroots struggle to dismantle environmental racism. The report commemorates and updates the landmark 1987, 'United States Crisis Report, Toxic Waste and Race' in the United States.

"Our new report, also sponsored by the ECC is the first national study to use the 2000 census data, a current national data base of commercial hazardous waste facilities, GIS, to count persons living nearby to assess nationally the extent of the racial and socioeconomic disparities and, in fact, the locations.

"Toxic waste and race also examines racial disparities by EPA by region of state and metropolitan areas.

"The study conclusions include racial and socioeconomic disparities in the location of the nation's hazardous waste facilities of geographically widespread in the U.S.

"People of color are concentrated in the neighborhoods and communities with the greatest number of facilities using the 2000 census, and race continues to be a significant independent predictor of commercial hazardous waste facility locations when the socioeconomic and other non-racial facts are taken into account.

"Toxic Waste and Race of Twenty also documents EPA's poor response to the Katrina disaster and provides a case study of the governmental neglect and lack of oversight in Dixon, Tennessee.

"These examples in the data analysis of the 1970

original report demonstrate the continuous severity of Environmental Justice."

And I will just jump to the recommendations.

"Toxic waste and race and the hundred organizations who sponsored the letter offer simple prescriptions of:

'Implement EPA, Office of Inspector General's recommendations, to fully implement Environmental Justice Executive Order 12898;

'To protect community right to know;

'To acquire cumulative risk assessments and facility permitting;

'To acquire safety buffers and facility permitting and fence line community performance bonds for variances;

Require state by state assessments, report cards on the EJ, and to require Brownfield's Community Revitalization Analysis.'

"We request that NEJAC and EPA adopt the recommendations of Toxic Waste and Race of Twenty. We also urge NEJAC to press EPA for a timetable of the implementation of the EPA Office of Inspector General's recommendations as of September 2006, which EPA has accepted.

"Thank you for your consideration."

Dr. Mohai is here, obviously, but I am also available for questions.

MR. MOORE: Thank you, Leslie. And good evening.

Counsel members, are there any comments or questions from the counsel?

Questions and Answers

MS. WILKINS: Listening to the recommendations and the one specifically requesting that NEJAC respond to the recommendations that were accepted in September 2006 -- I think you said September 2006 -- I was wondering where we were as a body in regards to that set of recommendations?

MR. LEE: You know, I should just speak to it. I talked about it earlier today but tomorrow there is going to be a whole session on the Environmental Justice Program Reviews.

With respect to a schedule -- well, let's backtrack.

As was said, the Agency did agree with the Inspector General's recommendations. There was a corrective action plan that was developed by EPA that was accepted by the Inspector General, and the Agency has a schedule, the specifics of which I do not have on top of my head but,

essentially, it involved the convening of a work group, it involved the development protocols around four functional areas in terms of standards, setting, and rule making, remediation, and clean-up enforcement, and permitting.

And then there is going to be a set of pilots that test the protocols as well as just testing it in relationship to the Environmental Justice national priorities.

And then sometime in fiscal year 2008 there will be the beginnings of ongoing Environmental Justice program reviews by agency offices.

MR. MOORE: Counsel members, any additional comments or questions?

(No response)

MR. MOORE: All right. Leslie, thank you very much.

MS. FIELDS: All right. Thank you.

MR. MOORE: Yes? I'm sorry.

MR. PRASAD: No, it is a question for Charles.

You said the work group will be considered. What group will be found? Is it an internal work group or an external work group?

MR. LEE: Yes. It is an internal work group. It

has been formed, is ongoing right now, and actually close to completing a lot of its work.

MR. MOORE: Any other questions? Do we move forward? Or comments?

MS. BROWN: Richard?

MR. MOORE: Yes, ma'am.

MS. BROWN: Leslie, did you bring extra copies of the documents you were reading from?

(Pause)

MR. MOORE: All right. Sorry, we are just trying to get the order, regroup. Some of the other people have come in.

So the next public comment representative will be Sylvia from the Center for Community Action Environmental Justice. Sylvia, if you will join us at the table, please.

She was here, but she stepped out? Then we will go to the next person, then we will put her right back. I don't know about the women's restroom, but the men's restroom downstairs was locked, so we had to go to another.

If we could have Lou from the Washington Village Neighborhood join us, please.

Public Comment

by Lou Takacs

MR. TAKACS: Good evening, everyone. I am Lou Takacs. I am the Public Safety Director for Washington Village Pigtown Neighborhood Planning Council.

Many of the government charts and agencies will know the area as Washington Village. However, as the residents call it "Pigtown," and that is how I am going to refer to it in my presentation.

WPNPC is a committee-based organization. I want to talk a little bit about how our collaborative problem-solving process was a success and why it was a success under the grant we received from EPA.

Our organization focuses on economic revitalization and public safety along with community development and coordination to improve the neighborhoods along the Washington Boulevard corridor here in Baltimore City.

What we found is that in order to have continued success, there is almost a sense of ongoing development of partnership, of collaboration. We started with just over 10, 11 exact, community partners when we started our grant in May of 2004.

As we come to the conclusion of that grant, we have now added three times that many, over 30 additional collaborative partners. This ranges everything from community housing in Baltimore City, to individual volunteer organizations, such as AmeriCorp, and other volunteer organizations that are private.

What we found is that there is a significant emphasis on synergy, that, as you do one event, it leads to connections with other collaborators, or with other providers. Let me give you an example.

We did a "Clean It Like You Mean It" campaign in the schools. This got some media attention, the mayor's office, neighborhoods, in Baltimore City saw it, came to us and said, look, we want to sponsor a day with AmeriCorp, so we had 160 volunteers come from AmeriCorp to do a street-wide cleaning in Washington Village Pigtown, which led to MDE, Maryland Department of the Environment, recognizing us as an environmental benefits district, which then led to our participation on the Governor's Commission on Environmental Justice and Sustainable Communities.

Throughout all of these efforts there is a sense of synergy and a sense of purpose to our strategy. We do not try to reinvent the wheel. We try to establish to increase

the stakeholders and enhance partnerships with our university and academic partners, and also, at the same time, educate the community, "Don't Frighten, Enlighten."

We check in and inform the residents of our projects and goals, how they can participate, and how they can, in fact, become more invested in their community.

So, again, we are not preaching to them, we are teaching them how to engage within the confines of Environmental Justice and how that affects them on a day-by-day basis.

We use the synergy from the events to fuel others. We grab kids attention with slogans like, "Clean it Like You Mean It," "Green it Like You Mean It," "Talking Trash," "Reduce, Reuse, Recycle."

We utilize businesses and associations and faith-based groups, by not enraging them against each other, by engaging them along commonalities and along similar goals.

Basically, what we do is what I was advised by our regional tech three years ago, "Tell a Story," and that is what we have done throughout this. We continue to focus on sustainability, and we have applied on different grants, on NIEHS for assessment and remediation of soot, soil, and dust in urban spaces, had smoke alarms for everyone,

community health disparities, working with different community partners.

The emphasis here is on collaboration, it is on problem-solving and, at least in our case, it has been shown to work.

MR. MOORE: Thank you. Thank you.

Are there any questions or comments from the counsel? Yes, sir?

Questions and Answers

MR. RIDGWAY: Do you also include businesses in your collaborative effort, or does this not include business?

MR. TAKACS: No. We reach out to businesses because Washington Village Pigtown is our main street designation within Baltimore City. We work with the businesses as they change, and there is a rapid change in transition going on along the Washington Boulevard corridor, so we are constantly reaching out to them. It is an area we hope to strengthen as well.

MR. MOORE: Donele?

MS. WILKINS: I like some of your clever phrases and quips.

I am curious about how -- it seems like you guys are pretty successful at getting the community to respond to

some sort of small activities like neighborhood clean-ups, and that kind of thing.

Can you describe any activities around sort of industrial sources or sort of good neighbor policies?

MR. TAKACS: That has been done largely through our collaboration with the University of Maryland School of Nursing Community Health Programs, and that is to identify causes of, for example, health disparities, asthma being specific, other pulmonary diseases.

They were essential in the establishment in getting us information for our "Talk and Trash" pamphlet, and we put out over 4,000 of those to educate people against the hazards of dust, smoke in the air, soot, et cetera, and that was done even two years ago.

MS. WILKINS: Thank you.

MR. TAKACS: We engage, also, people through community public safety meetings, and we update these public safety meetings with any additional information on how environmental efforts are going. We have not worked directly with industry.

MS. WILKINS: I was going to ask as a follow up, have you seen any significant changes as a result of that broad-based education at the grassroots level, not the change

at the grassroots but -- maybe so. At the grassroots level sort of pushing industry for some changes at their level?

MS. WILKINS: Yes. You see the residents who three years ago would not step out of their houses because they were ashamed of living in such trash. Now coming out sweeping the areas in front. The kids involved, in fact, if you drive along South Carey Street, heading north just under the viaduct, you will see a little sign that says, "Your Mess is our Stress."

That was put on through the Diggs Johnson Middle School. They put that out there on their own, and that was a direct result of our going out and educating and saying, here is how we want you to engage with your environment, be participatory.

MR. MOORE: Okay. We had Laura, and then Lang, and then I will keep going around.

MS. YOSHII: I just wanted to actually congratulate you on your success, and thank you for coming to share your story.

We talked earlier the NEJAC about the desirability to share some of the success stories because part of what we hope to try to build both within the agency, with the support from the NEJAC, is to share kind of the best

practices, best stories, so I hope you will really put the call out for those kind of written, you know, testimonials, so-to-speak, you will share that with us.

MR. TAKACS: Absolutely.

MR. MOORE: Thank you. Lang?

MR. MARSH: Yes. I also wanted to thank you and the others who have or will testimony for coming and sharing with us.

My question was sort of along the same lines about whether you have involved government, any level of government in your collaborative efforts and particularly any ways that they have either delivered or been held accountable for something?

MR. TAKACS: Absolutely. We have engaged with the agencies in Baltimore City, including Department of Public Works, Department of Health, Department of Baltimore City Housing Developments, and Housing Authority.

Most recently we were selected as the first of two, one of two, initial neighborhoods receiving "Deep Clean" designation through the mayor's office, of "Cleaner Greener" initiative.

What that meant was that all the agencies, from Sanitation Code Enforcement to Public Works, to

transportation, to lighting, to the fire department, all came through with us on a walk-through through the neighborhood to identify what was needed, and then on August 4th we had a huge event that was community-wide, where we had 120 volunteers, plus agency representation, and equipment to do a deep clean of Pigtown.

We worked very closely with mayor's office and neighborhoods, and we worked very closely to engender positive relationships that build on and put people in connection with who to call when you have a violation, who to contact, and to follow through on it. We want to teach people how to engage.

MR. MOORE: Charles?

MR. LEE: Yes. Just in response to your point, Laura, we are doing a set of case studies of lessons learned from the collaborative problem-solving grants, and Washington Pigtown is one of them.

Another one is Pecoima (*) Beautiful. You know that well.

And a third one, actually, is Mebane, North Carolina, Omega's project.

MR. TAKACS: If I might make one final comment. I would like to thank very much the EPA for the support that

we have gotten from our regional tech, from the advisors, and from the individuals who have come down to Baltimore, or out to Baltimore, from the EPA to help, either staff or attend the events that we have had under this initiative. It has been very gratifying to see.

MR. MOORE: Jolene?

MS. CATRON: Hi, Lou. Thanks for sharing your good word with us. I think it is really good to hear of positive things happening out in communities. I kind of have to questions.

Number one, about sharing the information and the work that you have done in the past. Do you have a web site?

MR. TAKACS: I'm sorry?

MS. CATRON: Do you have a web site?

MR. TAKACS: No, we do not.

MS. CATRON: No web site. Okay.

MR. TAKACS: No web site.

MS. CATRON: And then I am also really interested in how you engage youth and community activism and in improving communities.

Are you associated with any other youth, national youth groups? Do you work with any national youth groups?

MR. TAKACS: I mentioned AmeriCorp. Some of our

initial community partners were St. Jerome's Head Start and Paul's Place. Paul's Place runs an after-school program, St. Jerome's is done through Associated Catholic Charities and runs Head Start for kids up to age four, I believe it is.

Through our contacts with community health nurses at University of Maryland, they went in and actually did studies, and also did curriculum on "Clean it Like You Mean It", on "Talk and Trash", and engaged the youth in this.

We even have -- I have it back here, I am not going to read it all. We have a "Clean it Like You Mean" rap, that actually the kids wrote themselves and then presented it an event that we did.

We try to engage the kids at all levels, and if we grab them, even if we have missed out on the parents, we make the kids aware that trash is danger, it is hazardous, and should not be done.

MS. CATRON: Thank you.

MR. MOORE: Omega.

MR. WILSON: Lou, good to see you again.

MR. TAKACS: Good to see you, too.

MR. WILSON: Of course, we are also in the same vane of a collaborative problem-solving project.

One of the questions I have you is there are not

that many collaborative problem-solving projects, you know, that are funded.

I was curious, for everybody else to hear, of course, is how many other organizations, or environmental organizations, environmental justice organizations, or community organizations, are interested or have expressed interest in the collaborative problem-solving process, and how you might be involved or how a project that is not finished but at least finished the collaborative, formal collaborative problem-solving process, can share that information? Because my experience is that a lot of community groups do not know, they are unaware of how it works.

MR. TAKACS: I think part of it is that there is not necessarily a uniform understanding of what environmental justice itself means, and that there is a constant discussion and a re-definition at some levels.

People will think it means one thing, people will think it means another. Talking with the agencies and collaborators that we have had over the last three years where we tried to engage them and is the idea of focus on one step at a time, one goal at a time, and engage them with that.

When we share the fact that this collaborative problem-solving, it is always described that way. It is a collaboration, it is not meant for one person at one organization to ride off into the sunset bearing a banner. What it means is we are all carrying the banner, and we are all taking part.

So we are engaging that just as part of the process and getting to get new people in. And this answers part of your question with volunteers. We reach out to them, but then they reach out to us, too.

They will say we have service providers that have to do a service day at University of Maryland School of Medicine to celebrate our 200th anniversary; do you have something in the neighborhood we could do? So we identify six projects for these individuals to come out and take part in.

And, as such, they are exposed to the collaborative problem-solving, they are also exposed to us as an organization.

MR. MOORE: All right, Lou. We would like to thank you for your testimony this evening.

We are going to move now, I think, back. Sylvia is present from the Center for Community Action and

Environmental Justice. Welcome to the NEJAC meeting.

Public Comment

by Sylvia Betancourt

MS. BETANCOURT: Good evening, members. My name is Sylvia Betancourt, and I work with the Center for Community Action and Environmental Justice, which is based in the City of Riverside, in California.

I apologize for stepping in a little bit late.

I was raised in an area, the City of Commerce East, Los Angeles, which is entirely encircled by the Goods Movement-type of industries, between two inter-mobile facilities, the two largest rail companies on the West Coast, Union Pacific and BNSF, and the 710 freeway, which is the freeway that brings the trucks directly from the port into these two inter-mobile facilities.

So you could say that this particular area is kind of like the hub before it goes out in the Inland Valley.

I currently live in Long Beach, which is the entry point for all of these trucks and for all of the cargo that comes into Southern California, and I work in Riverside.

The reason that I am here today is because I want to share with you some of the experience that I have lived and many of the community members where I grew up, and the

community members where I currently work experience.

As I was growing up I had the sense that, in the community that I lived in, something was wrong with having our neighborhood completely surrounded by industry and that there was something definitely wrong with so many of our neighbors and people that I grew up with, people who were leaders and models in my neighborhood pass away from cancer or be diagnosed with cancer.

It is very hard for me still to talk about it.

It is the kind of thing I do not often talk about because a lot of times when you are talking with politicians, it gets dismissed. But I have a sense that this group here today has a very personal interest in what I am talking about.

So as I was growing up I had the sense that there was something wrong but did not quite have the words to be able to articulate it. As I became more informed about my environment and the relationship with all of the impacts that we were experiencing, I was able to articulate that, you know, this is about environmental injustice in communities that are predominantly made up of people of color, predominately people who are working class, and that is where I come from.

And so what you find in these neighborhoods is a very direct impact on our health, on our lungs, on our quality of life, because what happens is, as you see trucks coming in from the port on the 710 freeway, these trucks are competing with cars that are just a fraction of the size.

When they go out into your neighborhoods, you are sharing your neighborhood streets, which were not built for large vehicles, which were not built for so many vehicles.

Currently there are 47,000 truck trips per day that come out of the Port of Los Angeles. This is expected to triple. So in neighborhoods like ours, in Wilmington, Long Beach, up the corridor, into Commerce East, LA, and out to Mira Loma (*) and San Bernardino, these communities are bearing the brunt of the industry as it expands. These communities are paying for it with our health.

I know that the California Air Resources Board shared some of the numbers that they actually quantified. You know, to me, it is startling to think that someone can quantify the number of people who would die prematurely from exposure to diesel, which can have very harmful effects.

But 5,400 people would die prematurely in the State of California. 5,400 is a number, and it is a large number, but one person dying prematurely because of exposure

to an industry encroached into their neighborhood is unconscionable.

You know, when I think about how personal it is, you know, it is a very difficult topic.

I want to share with you also that I brought what is a "White Paper," the Modesto Avila Coalition (*), which is a group of community members made up from the Port of Los Angeles out to Riverside San Bernardino, came together and wrote this, literally. You know, put together what are our thoughts, the impacts that we experience, and I want to share this with you today.

This is a very good reflection of how we perceive the Goods Movement and its impact on our communities, that this is, in fact, and Environmental Justice.

Will I have another opportunity to speak, and I just take 30 seconds? I want to share something positive with you.

MR. MOORE: Please.

MS. BETANCOURT: What I also wanted to share with you is that this same group, the Modesto Avila Coalition has grown a bit, and we are also collaborating with the University of Southern California, and Occidental College, and the Long Beach Alliance for Children with Asthma.

We are coming together on Friday, November 30th and Friday, December 1st to have a conference on Healthy Solutions for Communities Impacted by trade, ports, and Goods Movement. It is an entirely collaborative project made up of these community groups and academics.

What we will bring together the science that corroborates what we have all been experiencing and also community members who will be leading panels and also break-out sessions. We look forward to seeing you there.

I believe that this will be an experience, a conference that will also bring about change. Because our objective in this conference is to develop a platform for action so that then we can take those solutions and move them forward with action, not just words, but to do something that can bring some relief to these communities through these large groups of people.

I thank you for the additional time.

MR. MOORE: Thank you. Counsel members, are there any -- remember, on our teleconference, I think, that this conference was announced during public comment on our telephone conversation call. I was just being reminded of that, and I really do ask you to -- I thank you bringing this, because we had requested, actually, that some

information be sent. So, thank you for sharing it with us.

MS. BETANCOURT: Okay.

MR. MOORE: Counsel members, are there any comments or questions?

(No response)

MR. MOORE: Okay. I do not see who went up first, but I think what I will do, with your agreement, I will go with Paul, because Paul has asked, and then we are going to keep moving around. Paul.

Questions and Answers

MR. MOHAI: Yes. Thank you.

One of the things that you mentioned, I was struck by it, your comment that the industries encroached on your community. So often we hear it is the other way around, that people move, the communities moved to where the industries are.

Although I know that this is not necessarily an activity that you or your group would necessarily do, but does your community, or yourself, have a history of your community that helps document some of that?

Because I think a lot of times the communities that are affected are somehow blamed because, you know, they are the ones that moved to where the pollution was, and so it

was their choice, and now they are complaining about it, and I really take a note of what you said about the industry encroaching.

You are obviously a life-long resident there, so you have some personal knowledge, as well as your relatives, and parents and grandparents, and so on.

MS. BETANCOURT: Yes. In fact, I often hear comments where people will say, well, community members should just move. But it is not the kind of situation where community members can always afford to move.

I can give you two examples. One in the area where I was raised, where the Union Pacific facility actually -- and most of these facilities grow out of maybe a spur or an opportunity.

And the elders in my neighborhood tell the story that they remember behind our homes there used to be Japanese farms, and that there were gardens in that area, and that during the time of the internment in World War II -- after World War II -- that Union Pacific came in and took it over so that they, you know, gated it off and just put down more lines, and since then it has grown unbelievably.

Another example I could give you is in Mira Loma where there was also another Union Pacific auto facility

where it was -- well, now it is right next to a high school, and the high school in this community existed there first, and this rail line was really just a spur. It was just a line that shot out to the side. But they have turned it into a large facility. Even go so far as to have a gate exit on to the street that goes directly in front of the high school.

So there seems to not even be a regard for the neighbors that there are around it, and they have simply continued to grow.

Another example are the warehouses as well in the Riverside area. If you know anything about Riverside, California, it was all dairy farms and fields. Big, beautiful fields and are now mega-warehouses that go up within a matter of weeks. These are right next to homes which act as magnets for trucks.

And then there is no separation between what is, you know, residential area and what is industry. It is all just, you know, come together.

MR. MOORE: All right. Thank you, Sylvia.

I think the order was Jolene, Donele, and Shankar.

MS. CATRON: Thank you, Sylvia, for providing this information to us.

I have kind of a difficult time really putting my hands around this Goods Movement and the Environmental Justice issue because I am from the middle of Wyoming, and we are two hours from anything, really, basically.

So I just wanted to say just a comment that I appreciate you putting a human perspective to this issue for me, and I will definitely read through them with everything else that you gave me.

MS. BETANCOURT: Thank you. I hope that you do read it. It does very much come from the perspective of community that is seen through our eyes. Thank you.

MR. MOORE: Thank you. Donele?

MS. WILKINS: Thank you. I want to echo my appreciation as well, and I feel you in terms of the fight that you have taken on.

I am curious about your community's involvement or having any contact like with the Federal Highway Administration or the Department of Transportation, what has been your experience with them. Have they been held accountable around an Environmental Justice accountability, around public health, or environmental assessments and those kinds of things? Just what has been your experience?

MS. BETANCOURT: That is quite a question.

To begin, I think to address the first part of your question, the experience that we have had with CALTrans, which is Transportation Administration in California, has been -- well, let me back up a little bit.

With the Westside Riverside Council of Governments, the director of our particular campaign, the Goods Movement campaign, is working directly with the COG to develop truck routes so that they are in areas that are moved away from communities that, as far as we can, just given the zoning. We are working with them directly as well.

Then the Executive Director of our organization, Penny Newman, is working with TRA Corridor Improvement Fund, which is also directly with CALTrans.

And then to answer your question on health risk assessments, I really would have to say, in my personal experience, health risk assessments, while they can be informative and we really did want a health risk assessment done in the neighborhoods that are located directly adjacent to these rail facilities, we recognize that they do have weaknesses, and we recognize that perhaps it should be done in conjunction with other studies.

The second piece to that is I do not believe that the outreach was done in a way that was informative enough

for people to be able to grasp what was the actual impact of the health risk assessments because oftentimes, you know, we are speaking different languages.

We all speak English, but we, you know, maybe using a lot of technical terms, and we do not always understand. And if this is not the kind of work I am doing everyday, you know, I can't be faulted for not understanding what you are trying to communicate to me, and communication really has to go both ways.

It is my responsibility to help you to understand what my experience is so that you can make better decisions that impact me directly, but it is your responsibility to explain to me that the data that you have gathered in such a way that I can understand the impact that it is having on my life. So that has been my experience with the health risk assessments.

MR. MOORE: All right. Thank you.

I think the last card, Shankar?

MR. PRASAD: Sylvia, nice to see you again, and thanks for coming and sharing your views with the NEJAC, and for the members and the members of the public. It is the work of this group, have current organization and have previous organization, along with the work of Jessie Marcus

and others, which has been able to put us in the road map, as a spot to have made some headway into the designation of Goods Movement.

Secondly, we did not achieve or define where these people wanted us to go, but at least we took that first step, and I appreciate your efforts to keep us on line to make sure that happened.

Without this kind of a fight or a controversy and bringing it to the attention of the different organizations, we would not have been successful in getting \$1 billion from that one passage that passed in November for specifically addressing the emission issues from the Goods Movement, and another \$2 billion in the mitigation and other corridor issues.

So thank you very much. I want to publicly acknowledge that, and keep up the good work.

MS. BETANCOURT: Thank you very much, Shankar. I truly appreciate that recognition, especially since it has been a very personal battle. And I know that we have not always seen eye-to-eye. That does not necessarily mean we do not like you, it just means --

MR. MOORE: I feel the same way every once in a while.

(Laughter)

MS. BETANCOURT: We just need to understand where we are coming from, and I think that it is very important to recognize that Southern California, that the South Coast Basin, has a very unique experience within this Goods Movement system, and that our little communities, working class communities, of people who worked hard, who played by the rules, who carved out a little space for themselves, are being impacted directly, and other people are making decisions for them. It just does not feel like it is very fair.

So we would hope that we could have this representation on this Council because that voice is very important. Thank you for your time.

MR. MOORE: Thank you. I think one more card, and then we are going to move to the next person.

MR. RIDGWAY: Thank you for your testimony.

Based on what you said and all we have heard earlier, I personally am curious, and I am thinking maybe other counsel members might be.

To better understand the relationship between the rail industry in EPA, to the extent that we may be able to use that information relative to the task at hand on the

movement of goods, we heard earlier that the rail industry has not been, as I understand, engaging too much so far, and clearly they are a large factor.

So I do not have a question for you, but it is an observation that maybe we can flush out a little bit more later. And thank you for your testimony.

MS. BETANCOURT: Yes. That history with the railroad has been very tenuous and, one, they demonstrate that, for example, they would allow a train to derail in our neighborhood, where miraculously no one was killed, but homes were completely destroyed, and then they do not do anything to go about to make amends for it.

You know, it tells you very clearly the message that they are sending. So if we are referring to asking them to change their operation so that they do not impact communities so that we do not breathe the air -- breathe the diesel that is spewing from the locomotives, well, and they still do not respond, well, we need someone to intervene and act on behalf of us. That is why we come to you and to CARB and EPA.

MR. MOORE: Thank you very much, Sylvia.

MS. BETANCOURT: Thank you.

MR. MOORE: Okay. I think, then, the next person

will be Mike from the Business Network for Environmental Justice, and then afterwards will be Jessie from the Coalition for a Safe Environment.

Public Comment

by Michael Steinberg

MR. STEINBERG: Good evening. My name is Michael Steinberg, and on behalf of the Business Network for Environmental Justice, I am very pleased to be here to speak to the Council this evening.

The Business Network is committed to the non-discrimination mandates in Title VI of the Civil Rights Act, and in Executive Order 12898.

Our members are strongly committed to working with EPA, with the states, with our host communities, and with other stakeholders to address Environmental Justice concerns.

Our members also seek to be responsible members of the communities in which they operate.

My brief remarks this evening will focus on the topic of enforcement in communities with Environmental Justice concerns.

We appreciate the work that EPA has done to date in developing the Smart Enforcement Assessment Tool, or

EJSEAT, as it is known. But EJSEAT is only a tool. We believe that the most important thing EPA can do at this point in time is to move forward with stepped up enforcement in communities that face heavy pollution burdens.

Now I understand that may not be what you are accustomed to hearing from industry, so permit me to back up a little bit and explain why we believe that.

First, equal enforcement of our environmental laws is an important and highly visible indicator of our government's commitment to Environmental Justice.

There is no other action EPA could take at this time that would provide more bang for the buck in the area of Environmental Justice than launching a series of pilot enforcement actions to underscore that commitment.

These actions should target appropriate industrial, commercial, and governmental facilities to ensure that they are complying with the law.

I say this fully recognizing that some of our own member companies could conceivably find themselves on the receiving end of the enforcement actions, and still I say this is where EPA should be focused at this point in time.

The second reason is we think EPA clearly has adequate legal authority today to move in this direction.

Over the last 30 years Congress and the agencies have put in place a comprehensive and stringent program, a framework of environmental regulation.

What EPA needs to do now is to devote more resources to ensuring that those standards are being met. This will need to be done in close cooperation with state governments, in the case of delegation, but there is a leadership role for EPA here that we would very much like to see begin.

Third, I would like to comment on EJSEAT and why we think that may not be the most important focus at this particular time. I realize that counsel has not yet given full consideration to EJSEAT, but I want to sketch out some of the issues that we perceive at least.

It is a little bit like what we saw with EPA's tool kit for addressing Environmental Justice complaints two years ago, and it is a little bit like what we saw several years before that in the case of the Title VI guidance.

For one thing the indicators used in EJSEAT are a wide variety. Some are classic indicators of pollution burdens, others do not have an obvious connection to Environmental Justice concerns.

For example, the educational level or the language spoken by community residents may or may not have anything to do with Environmental Justice.

More importantly, the EJSEAT tool focuses on disparate impacts. This may not be the most useful approach to addressing Environmental Justice concerns because the law requires equal treatment not equal results. Let me explain what I mean.

Environmental standard setting, permitting and enforcement must be carried out in a way that is neutral and non-discriminatory, but that is not the same as guaranteeing that any group or any particular person will have equal environmental exposure.

It is not realistic in a free society to think that all groups will be located equally distant from all categories of facilities, whether we are talking about landfills or libraries. Differences in exposure are inevitable, and they are not necessarily indicative of Environmental Justice.

The real problem with EJSEAT, like any other tool, is that we end up focusing on the tool instead of focusing on the communities.

Any effort to quantify environmental injustice

and develop a quantitative ranking is going to consume limited government resources. We would much rather see those resources deployed on the ground where action can be taken and results can be taken and results can be achieved.

We are ready to work with EPA and its state partners to make enforcement pilots a success.

I would be happy to answer any questions that counsel might have.

MR. MOORE: Thank you very much. It is great to have you here. I have to say that we have been, not only we as a Council but many Council members, including Sue and others, that have been representing business and industry, not only on the NEJAC Council from various different times but through the Title VI FACA and several of the other FACAs that others have been a part of, that we have been and will continue to attempt to engage in discussion and encourage those in the business community not only to give testimony but to actively continue to work hand-in-hand not only with grassroots groups but with other agencies, and so on, to try to move forward on some of the solutions to these.

So I think, then, we will go on the opposite side this time. We will start off with Shankar, and then we will work our way back over on this side.

Shankar.

Questions and Answers

MR. PRASAD: I have a couple of questions and clarifications, more this time of where you are coming from.

What is the size of the organization and what sort of organizations do you normally represent, this networking folks?

MR. STEINBERG: The Business Network Association, with some 200 members, companies in a variety of industries, industrial sectors, committed to addressing Environmental Justice concerns --

MR. PRASAD: Small and large?

MR. STEINBERG: Small and large. Yes.

MR. PRASAD: You mentioned the word of focus on enforcement and heavy pollution burden.

MR. STEINBERG: Yes.

MR. PRASAD: Can you provide a definition or a summary of what that would be? I mean, that is one of the challenges we have when we talk of the cumulative impact or a burden.

And then you went on to the extent of saying that you cannot differentiate an exposure and a credit cannot be granted because that is a fundamental difference of opinion

when you come to the question of discussing environmental justice, or we can control whether it is the state, or the federal, or anybody whether if you are as an industry or as a people asking for reduction in emissions and does thereby result in a reduction and exposure, and ultimately hoping that reduces the risk.

When we set a standard, or when you are talking of a 25 in a million at a risk level, the assumption of equity is that all people will be exposed to a risk level not above the threshold.

So it is built in that and to say that that is an inevitable thing is a fundamental opinion of how you interpret that equity.

And if I am wrong, and if I missed something, please.

MR. STEINBERG: I think it is possible and, indeed, long overdue to move forward on ensuring that facilities are complying with the standards that are on the books and in their permits, and I think there is a tremendous benefit to be achieved by doing that, particularly in communities where the pollution burden is or may be heavy.

And I think that would be, to my way of thinking, a higher priority for the government at this point than

attempting to quantify to several decimal places, a ranking system that says this community is a slightly higher priority than that community.

MR. PRASAD: But you mentioned the word that you have to look at the issue of heavy pollution burden, and that automatically begs the question that you have to prioritize, what are those communities that you want to focus on?

Would you suggest ultimately that we focus on minority and the racial basis of differentiation on the communities?

If we are talking about ensuring that facilities -- industrial, commercial, governmental -- are meeting their obligations under the law today, it is hard for me to see how you can choose the wrong community.

Now, I fully support your view of saying that enforcement must be increased and so on, but when you come to the question of heavy pollution burden, are you aware of saying the standards process, or anything, I think there is a big confusion around here.

Maybe you want to go back to your Network and provide us some better clarity on this issue, at some future point in time.

MR. STEINBERG: Very well.

MR. MOORE: Okay. I think the order is Elizabeth, Laura, Omega, and then Donele. Elizabeth?

MS. YEAMPIERRE: I hope I am not repeating something that was already said.

I think the problem with the Equal Treatment Analysis is that it assumes that everything is the same, and I think that efforts have to be made to level the playing field, which is the reason why disparate impact and cumulative impact is so important.

Most of our communities are on the boarder of more privileged communities, and you can put 10 trees on that side, and that is really cool for them, and 10 trees on our side is not going to do anything in terms of leveling the playing field.

So I think it requires an affirmative step, something more in order to reduce emissions. It requires a recognition that the history of discrimination has left our communities in a place that more is required, and so that is what is troubling about some of the things that you have said.

I think it is honorable that our businesses are attempting to work closely with our communities and looking at their practices and trying to work in a way that supports

the human infrastructure, because I think that is so important.

But I think that that is what I would find worrisome about that analysis. It does not address root causes, and it certainly does not level the playing field.

MR. STEINBERG: I would suggest that stepped-up enforcement in communities that are experiencing heavy pollution burdens would be an important step toward leveling the playing field. It might go as far as you would like to see it go in some situations, but it seems to me it would be a useful first step, a step that has not been taken.

I would say, again, I think it is the best use of EPA resources at this point in time.

MR. MOORE: Thank you. Laura.

MS. YOSHII: Mr. Steinberg, I just want to thank you for offering your comments and being so refreshingly candid and clear about some recommendations.

I would have to say that I really support the recommendation that the agencies time is better spent not getting lost in too much analysis or paralysis, and, you know, we do see, as a fundamental responsibility of upholding the law. We have, first and foremost, responsible to carrying out the regulations.

So just to show you, from Region 9's perspective, anyway, you had asked is there anybody, you know, that would be interested in pilot or sharing that interest, we are definitely very interested in talking more about -- not only talking more about that, I mean we definitely have that as part of our fundamental -- a fundamental piece of Environmental Justice strategies, ensuring that we are ensuring compliance in Environmental Justice communities.

MR. MOORE: Omega.

MR. WILSON: Yes. Very interesting comments and presentation.

I am from North Carolina, and the question I have has to do with the structure, the association of businesses, and part of it has to do with Chamber of Commerce because some Chamber of Commerce organizations contacted us recently wanted to -- about helping something, and we raised the question about getting involved in Environmental Justice, so we address Environmental Justice issues. Then all communications just disappeared. None. I mean everything was totally one way.

My question has to do with what does the Chamber of Commerce -- and I would think that the large number of members, the representative group that you are talking about,

are members at various levels -- local, state, national.

What are they saying, or how did they respond? And the other part of that question is, are they in a position to formally, openly, publically campaign in support of all those things that support the process of compliance and enforcement -- EPA, Office of Environmental Justice, Environmental Justice Executive Order, as well as Title VI.

And, of course, I could keep enumerating those, but come out where formally Chamber of Commerce organizations at the national level encourages state and local business agencies to support what you are talking about?

MR. STEINBERG: I cannot speak for the Chamber of Commerce in North Carolina. I do not know the specifics of the situation.

It is unfortunate that, in some cases, we have seen dialogue cut off because the stigma of Environmental Justice issues chills communication and makes it difficult for business to enter into open and frank discussion. It is unfortunate, but that does happen sometimes.

I do not think that that is reflective of the U.S. Chamber of Commerce, but it may have happened in your circumstance.

I think the members of the Business Network who

are involved in most sectors of the American economy are in favor of dealing with these issues directly, and I would think that over time we will see a greater ability to do exactly that.

It does not mean we will agree on everything. Some of the issues that you mentioned in your list I think are obviously more complicated and controversial than others, but addressing the concerns is certainly what it is all about.

MR. WILSON: Just quickly. I raised those because none of those have to be new policy, all those of few policy. All those that are current policy, and some of them are Constitutional Law. That is the reason I asked that.

So these businesses and the organizations associated should be, in fact, publicly supported and have already. That is the question I am raising.

Because we are talking about compliance from the business side to Environmental Justice issues. We are talking about compliance. I am talking about compliance from the business community to statutory law that already exists to protect low income minority communities that we are calling Environmental Justice communities already.

That is the part that I am raising for the

community that you are talking about -- the business community that you are talking about.

MR. STEINBERG: I think the business community is committed to complying with, and I began by saying Title VI, the Executive Order, and the other pieces of our legal framework that address Environmental Justice.

But, as the first question pointed out, there are parts of those legal mandates that are not crystal clear and that are subject to debate and discussion, and I think that is where we tend to have our disagreements.

MR. MOORE: I think our last commenter will be Sue.

MS. BRIGGUM: This is for you, Omega. It is a clarification. I am old, and I remember when the Business Network for Environmental Justice was founded.

And, in fact, it is after the Chamber that -- the Chamber will do what the Chamber does, but the Business Network was created because a number of people in the business community said, you know, Environmental Justice is an extremely important issue.

And we need to have an organization that will become educated on this topic and be a constructive voice for the business community, and it was very much calculated the

Business Network for Environmental Justice. The intention is that that is a constructive organization that is eager to dialogue.

I think the Chamber positions -- Mike will not know, because he is not representing that group. It is the organization created just to talk about this topic and as constructively as we can. We are a member.

MR. PRASAD: Thank you for the clarification, Sue.

MR. MOORE: Okay. Counsel members, are we ready to move on? We would like to thank you very much for your testimony.

MR. STEINBERG: Thank you.

MR. MOORE: Okay. The next presenter will be Jessie from the Coalition for Safe Environment.

Public Comment

by Jesse Marquez

MR. MARQUEZ: I would like to thank you for this opportunity to speak to you. This is my first time coming before NEJAC.

I did prepare written comments. I did prepare a three-page summary of my concerns, outcomes, and recommendations. To support that, I prepared a 12-page

document with more specific details.

If any of you had to read one document on "Impacts of Ports and Goods Movement," and make it a Goods Movement 101 class, this is it.

I also submitted 100 pages of other documents which includes photos, charts, graphs, and other studies and news media for you to review. But, because of another presentation, I am not going to speak about that today because you can read it.

I do want to address another issue that is also very important because it addresses a comment made by Sue, and it was also addressing it, a comment made by Omega.

With all due respect to Shankar and his presentation, I would like to express to you an Environmental Justice interpretation of that same information.

For you to understand, in the State of California, not one Environmental Justice organization has any vote of confidence in Health Risk Assessments. We have no vote of confidence in any agency, or lead agency, that prepares and contracts to have Health Risk Assessments done, and here is why.

They are not based on any information of public health from your community or my community. They do not do

any public health survey of the project community. So if you do not do a public health survey, which established a public health baseline, how can you calculate a risk if you cannot tell me how many people have lung cancer, asthma, sinusitis, bronchitis. If you do not have that data, you cannot make a calculation.

But let me tell you right now, as I speak, our organization is conducting the most comprehensive public health survey in U.S. history, and I have some of the facts of the first 300 of that survey.

There are 150 public health questions, and I will give you an example. Out of the 300 I have read, there was one lung cancer. Okay?

So the population of Wilmington is 60,000. So if it is a sample, 300 into 60,000 equals 200 lung cancers. But since the port only makes up 25 percent of the air pollution, then that makes it 50.

So our health survey discloses that if you are going to make a prediction that there are 50 lung cancers in Wilmington, whereas in Shankar's presentation it pointed out, out of the 2,400, it was 29 for all of the Port of LA and Port of Long Beach complex.

So that is the difference when organizations such

as mine have learned the techniques of research and study where we can interpret some of this data.

I live in Wilmington, where Organization is located. That is where the Port of Los Angeles is located. There is no port in downtown LA. It is 20 miles south towards the water.

The Port of LA is the number one largest container port in the United States. It is also the number one largest air polluter.

The Port of Long Beach, its neighbor, is the second largest container port in the United States. It is the second largest air polluter.

Wilmington and the Harbor have six oil refineries. They are the third largest pollution source in Southern California. And, yes, there are permits, regulations, rules, et cetera, but not a single one of them requires any industry, any company, any port, to mandate and reduce its air pollution to zero or near zero. None.

Every law, every rule, every regulation, by any government regulatory agency, has been comprised and negotiated with industry. That is why our Environmental Justice communities have the worst environment and are suffering the largest public health crisis in U.S. history.

And I ask that you do review my information. There are organizations such as mine and many others, and just like you heard Sylvia speak, that have delved into the subject, and we offer ourselves as resources to you.

We can identify our problems. We can identify our solutions. We can provide you recommendations, and we can provide you alternatives.

Pollution can be 90 percent eliminated right now from every single industry today. Companies just refuse to do it. Government agencies refuse to mandate it.

So I thank you for this time. I do have extra copies of these two documents I can pass out if anyone wishes to have a copy. Thank you.

MR. MOORE: Thank you, Jesse. Comments, questions? Shankar.

Questions and Answers

MR. PRASAD: Jesse, thanks for coming. I know how it is agreed and disagreed, and that is too bad continuance, but still we have always appreciated your efforts to keep us on line. Thank you.

MR. MOORE: Counsel members, any additional comments? Elizabeth?

MS. YEAMPIERRE: Yes. I just wanted to -- it is

really clear to us that in our communities, which either have language barriers or undocumented that the information about the health of our community is always under represented.

I wanted to ask you about the survey instrument that you -- how was it developed, how was it funded? Is that one of your recommendations that these alternative opportunities to assess risk or take it into account?

MR. MARQUEZ: Yes. In my 12-page paper, one of them mentions that public health surveys be conducted in order to still be a public health baseline.

In terms of our health study, we started off first doing a small Leukemia Survey of a refinery, and when we discovered all of the health systems, we realized that we needed to grow to a larger public health survey, so that you do know, since our organization was founded in 2001, we have had a United Front with other environmental groups, community groups, public health efficacy groups.

We have stopped and delayed 17 Port of LA and Port Long Beach projects. So in over five years no new terminal project has been approved, no expansion has been approved because we have learned how to interpret our SEQUA documents and the NEPA, Environmental Impact Assessments, and Environmental Impact reports.

I have read over 30 EISes and EIRs. Not one complied with NEPA, not one complied with SEQUA. Yet they were approved and rubber-stamped by every government agency.

Why? Because we, the public, were never trained how to interpret those in order to validate the findings.

And because, in the Harbor area, there are now a dozen of us, Los Angeles groups, that can review those documents, we have been able to challenge the Port of LA and the Port of Long Beach on every one.

Right now, this health survey is being done because the Port of LA released a 6,000 page EIS/EIR for the new trade pack expansion.

And that is why we decided to do the survey. We created the survey. We reviewed some federal university community-based surveys in order to come up with ours.

Each one has every possible thing that you could want on it. Name, address, phone number, male/female gender, income.

It was written by another college person on an access relation with data base program, so you can produce any kind of report. We offer this complete package to everybody.

We have a flyer in English and Spanish that is

sent out ahead of the survey so it advises the public it is going to be performed, why it is being performed, what is going to happen with the information. Then we have a survey both in English and Spanish.

If someone is not there, we have a pink flyer that says, sorry we missed you, it is important that you participate; we will come back, or you can call for an appointment.

Then we have the access data base program that we can enter all the data into it, and I have another Ph.D. candidate from the University of Irvine who has written a JS Macking Program (*) so that we can now enter the data into it. We offer this for free to anybody that would like to have it, and we would assist with any training that anyone would like to have. We have already had three inquiries from university students who would like to tap into our data to find their little Master's thesis project that they are doing research on.

But we welcome anyone that would like to review it, and anything that would improve it. Thank you.

MR. MOORE: Good. Thank you very much, Jesse, for coming a long ways, like many of the others, to be here this evening. Thank you for your testimony.

I think we have four, if I am correct, I think three or four, more people that will present counsel members. Bob from the Institute of Social Medicine and Community Health.

As you come up, please identify yourself again for the record and the organization or institution you are representing.

Public Comment

by Bob Griss

MR. GRISS: My name is Bob Griss. I am the Executive Director of the Institute of Social Medicine and Community Health, located in Great Falls, Virginia, a suburb of Washington, D.C.

I want to speak about three things.

One is civil rights;

Two is the comparability of the environmental system with other systems. I am a health specialist, a health care policy specialist, so I came here because I was curious how the Environmental Justice system of accountability is being used, because I am looking for mechanisms that can be imported into the health care delivery system.

I am also wanting to talk briefly about format,

the format of the meeting, because I have enjoyed it a lot, and have some recommendations.

As far as civil rights are concerned, I think it is very important for us to recognize that we are here because of the concept of equality. This is a civil rights concept, and the Executive Order was a way of operationalizing the Civil Rights law.

If we lose sight of that, I think we lose sight of what we are trying to do and the leverage that we actually have.

But I actually came here as a disability specialist. Most of my work on civil rights is based on the Americans with Disabilities Act, which is the strongest Civil Rights law that we have.

They have concepts like reasonable accommodation. Yes, it costs more, but because it is civil rights, you have to do it under certain conditions.

They have concepts of public accommodation, which is not selected -- does not just pertain to hospitals, but to the whole health care delivery system.

They also have concepts of program accessibility, which I am trying to figure out how to extend from individual entities to the community, defined geographically and the

government's responsibility for it.

Now there are many systems in our country. Education is a good example. Title VI had a lot to do with desegregation of the public schools because the court was not sufficient in Brown versus Board of Education to get the systems to change, so Title VI was supposed to use the leverage of funding. That leverage is quite important in all of the systems that we are trying to integrate.

When I look at the different systems, I see data being gathered on race and ethnicity that we do not even dream about collecting in the health care system on a mandatory basis, the way they do in "No Child Left Behind," for example, or the way they do for mortgage loans that are not even paid for through government money but are regulated by the government, or the employment system where employers have obligations to submit information to a collective body which looks at it for clues about discrimination that then lead to further examination.

So let me say that I am really quite pleased to be here because I think there are some great similarities between the environmental system and the health care system. They are both geographically based.

We have a tendency to think in health care that

race and ethnicity is an individual characteristic, and we sort of ignore the fact that it has a lot to do with the structure of power in a geographical area, and that has a lot to do with the resources that are available.

So if you want equality, if you want equal access, you have got to do things to structure, and that is something that you clearly are focusing on in your Environmental Justice work.

Title VI is a requirement of all federal agencies, so I heard a lot of talk about wouldn't it be nice if we could get the transportation people to take this seriously? In fact, on the web, it looks to me that there are many models of how to use Environmental Justice that other federal agencies at least have things on the web, saying good recommendations. I do not know what is actually being implemented.

But I want to say that all of the issues that you are talking about here have applicability to other systems, other sectors of society.

NEJAC is not just making recommendations for EPA. You are creating an opportunity for other systems to recognize systems of accountability that could work to make our society more democratic, more equal.

In terms of format, I want to just say that the idea of having consumer reactors to the program initiatives is a very exciting. I come from Washington, D.C. That is very rare. You rarely have consumer advocates providing a reality test for how the program actually works.

But I feel that you ought to be encouraging comments from consumers on all of the major topics of the meeting not just the Goods Movement issue.

And, lastly, I feel you ought to be making available the handouts to the audience when your panelists, when your members get material, and it is not shared with the audience. The concept of public participation is a little -- anyway, inconsistent.

Lastly, transcripts. You are making a transcript of this meeting, and it is going to be transcribed, but only a summary is supposed to be available. I think that there have been many gems in this meeting that I would like to be able to read closely.

Even if you want to make available a summary for easy read to everybody, I think you ought to make available through the Internet the transcript, which you are making any. Thank you.

MR. MOORE: Victoria?

Questions and Answers

MS. JOHNSON: I will go ahead and address the last couple comments.

Regarding the transcripts, the NEJAC, since its inception, since transcripts were made, they are available on the NEJAC meeting web site. Transcripts as well as full meeting summary. So we consider them two separate documents, and they are available on the web.

MR. GRISS: Glad to hear it.

MS. JOHNSON: Yes. Going back to 1994.

The other question was a comment regarding copies. We would like to make copies. Very often when we get presentations, particularly for this one, we had a lot of them come late, just enough time to actually get them to the members themselves.

However, we are going to be posting them on the Internet, and hopefully, within I think the beginning of next week, they should be on the web site. That should be written on the white board outside here.

You could access it from our link, from our NEJAC meeting web site, where you click on this meeting, and it should take you to the outside web site that will have the document of all the presentations, not only from today but as

well as from tomorrow and the next day.

MR. GRISS: Thank you.

MR. MOORE: Donele.

MS. WILKINS: I just want to thank you, first, for your passion and appreciate your passion.

I also want to acknowledge that the whole consumer versus panel kind of interaction that you have with Environmental Justice, we want to thank for that grassroots folks pretty much demanded that some accountability happen at this level, and so you are seeing -- you are benefitting from that.

I am curious because there are a lot of things you said that resonate with me in terms of systems and learning from those and connecting them.

What, if anything, have you done, have you written anything? What is your work, and what are you planning to do in terms of what you discussed today, and is there someplace we can find some of those analyses or comparatives?

MR. GRISS: I am writing a paper now, and I will share it with Richard as soon as it is finished. I will be doing a presentation at the American Public Health Association on Civil Rights and Health Care. In that paper,

I do make reference to other systems besides health care, as systems of public accountability.

I will just say one word about disability because not everybody knows what this means.

Disability is a very heterogeneous category. The ADA is not trying to get everybody the same services. It is not like enforcing the same standard. The standards are very individualized.

A deaf person who does not speak sign language does not benefit from a sign language interpreter. Many deaf people can make due if they are hard of hearing, which 90 percent of deaf people are, that they do not need an interpreter.

So it is not like we have clear standards that need to be enforced the way the representative from the business community suggested that we already have enough -- or not enough, but we already have very many standards that could be meaningfully enforced.

What I heard from the meetings here was that communities are very unequal, and they need to evolve solutions. We even saw examples of how the consumer group that was resisting dredging got many of their needs met through a collaborative process.

I am very excited about that kind of collaborative process because I think health care delivery needs to be strengthened at the community level. We do not pay attention to health care at the community level. We expect the marketplace to take care of that through a competition process instead of a coordination process.

And what I heard here in the few examples that were mentioned today were examples of collaboration when people got together around EJ principles and said what are our resources, how can we find a common ground?

The ADA does have some standards for physical accessibility, but many of the standards -- and I have used them all in private insurance, in Medicare, in Medicaid, and in Managed Care. I have applied them and won in terms of Methods of Administration.

These are not simply -- you know, will the wheelchair fit in the hallway. We are talking about interpretation of things, and the trick is getting the non-discrimination standards applied to the system, to the community, not just to an individual entity, which you expect in a marketplace to be competing.

I really thought there was an interesting comment made by Brian Beveridge about the ports in Oakland. When he

was talking about cutthroat competition among truckers and how often the truckers who are using the most run-down trucks, they did not have the capacity to invest in the kinds of technology that you would like.

So the solution is not how do you impose an existing standard on whatever exists there now, but how do you fashion a system where everybody's needs are reconciled in a way that still delivers the EJ principles that is sensitive to equality.

I think that is what we really are struggling with. I hope we find it in health care. I do not think "No Child Left Behind" is a good example of a successful system, but at least they are measuring things, and they are saying, hey, we have an accountability problem and, hopefully through creative looking at the way different sectors are dealing with Title VI, we will come up with some good recommendations.

I will be looking at your work in the future because this is my first exposure to Environmental Justice, and I am very impressed with what I have seen.

MR. MOORE: Great. Thank you.

MR. GRISS: Thank you.

MR. MOORE: I think we have one more card, and if

we could keep the response very short, we have three more people to testify. Omega.

MR. WILSON: Okay. Thank you.

I would like to tie this to Bob's contribution to what Jesse said a moment ago. Yes, Jesse is still here.

Our personal experience from Environmental Justice in evaluating Environmental Justice in doing our own surveys, verified the age population in our Environmental Justice community was almost twice as much as the general population and, for that reason, a lot of those people had disabilities just merely because of age.

The other question that was a factor, and this may be in somebody's data base already, maybe you already have it, is that in discussing this issue with impacted residents, one of the reasons of the aging population in EJ communities, at least in our area, had to do with those people who grew out of the community, who, quote/unquote, could do better, did not come back because of the environmental impact, because of the disproportion and adverse impacts on the community. They found someplace else to go so the communities were aging very, very quickly.

So we wind up with a lot of disabled people in the community, not trying to access a public building, but

just trying to deal with the issues we are talking about here and find a lot of difficulty in even getting out of the house to come to highway meetings or public hearings, or city Council meetings. So I just say that.

You may want to respond, or if there is any response necessary. Thank you.

MR. MOORE: Very briefly.

MR. GRISS: I think I understand what you are saying, and it makes sense to me. The ADA is not a solution in itself to the Environmental Justice problem. Just because a disabled person is living there does not mean that the system is going to respond.

It took sit-down demonstrations in HEW offices to get the regulations published four years after the statute was passed. But I feel that there are principles in the ADA that belong in Title VI. Title VI was extended to people with disabilities through Section 504 and then upgraded to ADA to make it work for people with disabilities.

And I think this conflict of reasonable accommodation is a very important point that is missing in your work. It is one of the reasons it is going to be hard to equalize resources, because we do not have the mechanisms to cross-subsidize, which are so crucial.

And the last thing I want to say is health care, health status is a measure of powerlessness. It is a measure of how much power or powerless you are.

If you understand it that way, it is not just the clinical symptoms that you have to be manifesting. You then say, what kinds of structural changes are needed in the system to equalize?

And I think that we have a very important agenda, not just in environmental work, but in education and housing and health care for sure.

MR. MOORE: Good. Thank you very much for your testimony.

MR. GRISS: Thank you.

MR. MOORE: Okay. Next presenter will be Thomas from the Washington Village Neighborhood.

Public Comment

by Thomas Denton

MR. DENTON: Good evening. My name is Thomas Denton. I am a Community Organizer in the Washington Village Pigtown, Neighborhood Planning Council.

As a community organizer, I act as a foot soldier to pull off a lot of planned events that we have in the community.

During our last telephone conference with our Senior Environmental Protection Specialist, he spoke of sustainability in the community. Sustainability, to me, means a community organization like Washington Village Pigtown, Neighborhood Planning Council, formulating and implementing the plan and have the community residents and associations work together to keep this plan in place.

Back in August of 2006, I met a gentleman who had an interest in joining our efforts to make the community a safer place to live, work, and play. Come to find out this gentleman owned several houses in the community. We talked, and he decided to join us on our community clean-ups that we held two times a month.

He participated in our clean-ups and introduced other developers who had a stake in developing and revitalizing the community. Therefore, it was an investment for developers to join forces with the community organization to help make this community more attractive to their potential buyers and long-time residents who felt the city had all but forgotten them.

Out of this partnership the Washington Village Develop Association was formed. The Association members represent the largest group of home ownership investment in

the community. We have worked with them to conduct community clean-ups every weekend since our first in October of 2006.

WPNPC has provided community service workers. These individuals are court-ordered to complete a certain amount of community hours based on the crime they committed.

We also provide tools, equipment, trash bags, and other necessary materials.

WPNPC helps the community sustain their clean-off by providing a tool pantry for the community use. On any given day you may see residents sweeping in front of their homes and sidewalks.

Any residents or businesses can sign out equipment, such as lawn mowers, weed eaters, broom, shovels, garden tools, things of that nature.

Partnering with the City of Baltimore allows all trash bags provided by the city to be picked up as long as they are placed on any street corner in the community. The numbers do not lie. This partnership has hauled away 150 tons of trash since that first community clean-up. How is that for a self-sustained community?

Any questions?

MR. MOORE: Thank you. Counsel members, any comments or questions?

(No response)

MR. MOORE: All right. Thank you very much,
Thomas.

MR. DENTON: All right. Thank you.

MR. MOORE: It's great to see you again.

MR. DENTON: Good to see you, too.

MR. MOORE: Our next person -- we have two more
presenters, counsel members. The next person will be Jan
from the Center for Community Action/Environmental Justice.

(Pause.)

MR. MOORE: Rachel, from the Center. The name of
the organization? I'm sorry. Please repeat it again. But
it is the Center for Community Action/Environmental Justice,
but introduce yourself.

MS. LOPEZ: Yes, I will. Thank you.

Public Comment

by Rachel Lopez

MS. LOPEZ: Thank you, members, for allowing me
to speak here today.

My name is Rachel Lopez, and I work with the
Center for Community Action/Environmental Justice, based in
Riverside. I am also a resident of the Meta Loma area in
Riverside County, unincorporated area of Riverside.

And I just wanted to touch a little bit about what Meta Loma looks like to us, those that live, work, and play in the area.

Our community is inundated by warehouses. I know some of you are aware of that. There are over 100 warehouses in our community. From the air it looks like a sea of warehouses. Those warehouses are magnets for trucks and the train.

One of our high schools, one of our high schools in Meta Loma is situated right next door to a Union Pacific auto facility, one of the world's largest auto facility, that expanded in 2004, right next door to our high school.

Those trucks enter and exit right next door to the high school, to the athletic field where our students are playing their sports, where they attend school on a daily basis.

Union Pacific, unfortunately, has not wanted to cooperate about taking care of some of that mitigation through community meetings and through the new HRA that has just come out with the Meta Loma rail yard.

Also in our community the trucks that come and go through our community end up down our streets. I live in an area that is very rural, where there are no sidewalks, and

you hear the horses walking down the street at 11:00 or 12:00 at night. During the week, early-morning buggies are going down the street.

These trucks come in to our community. They get stuck in our streets because they bottom out. We had a truck stuck in front of our house for over four hours that could not move. He bottomed out and had to remove every single vehicle after that, a truck carrier.

But the area there in Meta Loma is -- and I know some of you know this -- has the worst air, the fourth worst air in the nation.

Our community members have put forth various efforts to have their voices heard through our local agencies, through agencies such as the South Coast, the ARB, and the EPA.

Some of the agencies have come forward and have assisted us in many areas. Some not as much as we would have liked to have them do. Some we felt were not helpful at all.

The community of Meta Loma is in a critical air quality area, and my presence here today is just to reiterate some of what Sylvia had talked about, about the Goods Movement coming through our communities and the inundation of the pollution, the diesel, and the health effects to our

children.

Our children are also part of the USC Children's Health Study that is being conducted in our area, and there are many students and children in our communities that have asthma and suffer respiratory illnesses. I, myself, also have asthma and various different allergies because of the pollution in our area.

So I just wanted to, again, reiterate some of what our community faces on a daily basis and look to agencies such as your's to assist these communities. Not just Meta Loma but all of the communities that are impacted by the effects of the Goods Movement.

Thank you.

MR. MOORE: Thank you.

Any comments or questions, counsel members?

Questions and Answers

MR. PRASAD: Rachel, thank you, once again. It is nice to see you again here, and thanks for the good work, your group.

Once again, I just want to acknowledge that her group has been active for over 25 years in the area and has kept the awareness, and so on.

I also remember I was back in Los Angeles work

the local air district, and there are two instances. There was a train with three engines running, which was parked, idling, for about 28 hours.

We had no way to control that, and when people called or when some of these people complained, what happened was subsequently for a few weeks when they would come or pass through there was some that ---. So it was -- and things have changed.

It is not that but, at the same time, that is what, as I said earlier in the morning, we have been able to increase the acknowledgment and awareness issues, but how we grapple this and move on to the next step is the challenge we have. And thank you for sharing your opinions here.

MS. LOPEZ: Thank you very much. Thank you.

MR. MOORE: Any other comments or questions from the counsel?

(No response)

MR. MOORE: Thank you very much for your testimony.

MS. LOPEZ: Thank you.

MR. MOORE: I think that completes the list that we had.

I just wanted to close this particular session

by --

MR. WILSON: I just want a clarification. I know Chandra Taylor is here. She's on the list, but she has not been called. I did not know whether or not she had decided to speak or not.

MR. MOORE: Okay. Sorry about that. Is there anyone else -- just before you proceed -- was there anyone else that was on the list that has not been called or that was called earlier, just before?

(No response)

MR. MOORE: Well, I apologize for that. Please identify yourself and your organization, and begin your testimony.

MS. TAYLOR: Thank you very much.

Public Comment

by Chandra Taylor

MS. TAYLOR: My name is Chandra Taylor. I practice law with Seven Environmental Law Center in Chapel Hill, North Carolina. We are a private, non-profit law firm, 34 attorneys, and we exist to protect the south's natural resources.

I appreciate you all's time. I did step out and missed my name being called, so thank you, and thank you,

Omega.

My comment is very general. I have been in the practice of environmental law for one year, and I really appreciate how open this process is, that you conduct it in a way so that all the public can come and listen and get more ideas about how to be more effective in their work, and how to carry out the tenants of Environmental justice.

I look at environmental justice as a tool in terms of helping my clients. The way that I have seen it used in practice in North Carolina has been as a way to challenge the sufficiency of the EIS when we are looking at permitting.

One thing that I have thought of as a challenge is that in practice, I find that that is the only way that I can talk about environmental justice is in terms of the sufficiency of EIS and the administrative process. I have been able to speak about EJ issues and policy work and the legislature.

But I do wonder occasionally if the agency has a position on whether EJ should have more teeth, whether there should be actionable claims just on EJ alone without having to look at the sufficiency of a Environmental Impact Statement.

I am not sure how the agency feels about it, but I did want to speak and say thank you very much for this open process. I am really excited about thinking more about ports in protecting the south's resources. A lot of our states do have ports, and I do not think this is an issue that we have focused on a great deal.

Of course, what we do is dictate it by what clients come to us, but we do have some influence in bringing the attention to important issues and to the extent that ports are something that effects our environment, it is something that I am glad that I know about it.

So thank you very much.

MR. MOORE: Thank you very much. And, again, I apologize. We should have went back to the list.

Any questions or comments from the counsel?

Elizabeth?

Questions and Answers

MS. YEAMPIERRE: Yes. Just one quick one as a more seasoned lawyer.

The courts may not be your place given the state of the federal courts, but certainly purport law actions, cases involving land use, and things of that sort, and, of course, always community legal education. That is always an

opportunity. Thank you.

MS. TAYLOR: Thank you.

MR. MOORE: Omega?

MR. WILSON: I just want to ask you some questions because I know you have done presentations at the legislature.

Issues being discussed have to do with increased court action because of plans to create major landfills, land use, in North Carolina for the whole coast, or most of the coastal states in the country, which would bring huge amounts of waste and garbage.

So increased support action, or port transportation of that garbage, barges of trash, and land use is where it is going to be put, and from a legal point of view -- from a legal and Environmental Justice point of view, how was the state legislature responding to it?

MS. TAYLOR: With the Solid Waste Management Act of 2007, in North Carolina, we have new legislation to handle our solid waste, generally.

There are very important citing restrictions that have been implemented by the North Carolina Legislature that will dictate where a landfill is able to be cited.

I think also in that legislation, in terms of the

ports, themselves, the way that you set up the question, is helpful for me to think about it. There are traffic studies in that, and I do not think that the shipping issues were addressed broadly in the legislation, and it could be because it was not brought to the attention of the legislature.

But to the extent that the citing restrictions made it so that those mega-landfills, at this point, will not be cited along North Carolina's coast, I think we dodged a bullet in terms of that greater amount of traffic through the ports in North Carolina.

But I think the traffic studies, in terms of thinking about Goods Movement, that was addressed in this legislation, and that North Carolinians are thinking more about just how things get from here, there, and how that affects the community along the way.

Does that answer your question, Omega?

MR. WILSON: Yes. That's good. Thank you.

MS. TAYLOR: Thank you.

MR. MOORE: Donele.

MS. WILKINS: First of all, I want to thank you for being brave enough to be the last one to come up and answer questions and make your comments.

Also, pleased to see a young, new person coming

into the field of environmental law. Rah-Rah.

You said that you are with an organization that is non-profit. Describe your typical client and how that client is able to get the services from your firm, and how do you guys stay alive?

MS. TAYLOR: Our typical client is a 501C(3) that is protecting a natural resource in the traditional sense of it being a coastal wetland or a mountain-top area.

For instance, right now, we are representing the River Keeper Group on a water quality issue in the central part of the state.

We are funded totally by donors. We do not accept fees from our client. They might pay for litigation costs but not for attorney-fee time. So we have been able to be around for 20 years through the support of key fairly large donors along the way.

We do get attorney's fees from litigation, but that goes right back into our litigation fund, and I do not think would be nearly enough to support 34 attorneys and 30-plus other staff or 6 states.

I am not sure if that answered how do we get our clients?

MS. WILKINS: You answered the question.

MS. TAYLOR: Okay.

MS. WILKINS: So I just did not get the answer I wanted, so let me ask this question.

I am an Environmental Justice resident, defined as an environmental justice impacted. How can I get services from someone like you?

MS. TAYLOR: I appreciate your question, and I think it is something that -- it is a question that I think about a lot as an attorney in this field, is that, first of all, there would need to be a 501C(3); and,

Second, because of the way that our organization practices now is that there would need to be a tangible, natural resource.

We do not have cases right now that are primarily public health. We do have some mercury litigation, that is air quality litigation, and we represent medical professionals because medical professionals are very concerned about the effect of mercury on human health.

But, typically, it would be an organization that somehow has been allied with -- I do not do case selection. I am a staff attorney, and I work on the cases that are presented to me that I get to work on, but I would like to have some influence in that over the years and looking for a

501C(3) who has a really big issue that is threatening the natural resource, as well as the public health of that community, would be something that would get the organization before our Litigation Approval Committee.

MS. WILKINS: One last follow up, just real quick.

So I have some property, and it belongs to my family, it has been in my family a long time. A company is located near it and has been imposing itself on my property and contaminating it.

So I go to Regennisis (*) and say, I need help, because my property and my family is impacted this industry. So then Regennisis is a 501C(3) can come to you --

MS. TAYLOR: Yes.

MS. WILKINS: And I could be a secondary beneficiary?

MS. TAYLOR: Well, it would not be stated on our pleadings that there would be a private secondary beneficiary. We would be looking at the needs of the group of persons who are interested in the issue.

MR. MOORE: Great. Thank you very much for the comments and for your testimony.

I think, with that, that we have completed

today's session.

MR. LEE: Just to make one comment.

MR. MOORE: Yes.

MR. LEE: The comment before -- I am the last comment before you get to adjourn tonight. I just wanted to say, you know, for the record, how much we appreciate all the people that made Public Comment.

I think everybody said it already, but I will say it again, that all of us have been really inspired by the energy and commitment that those of you traveled long distances and have come in, we really appreciate that. Every time there is a Public Comment I think we all learn a lot from it, and we will take that back with us.

I just want to say, also for the record, that we will -- the Office of Environmental Justice, will contact each of the offices that are appropriate relative to each of the comments so that they are aware, and they will act accordingly. So thank you very much.

MR. MOORE: Thank you very much, Charles.

Any closing comments by the counsel members?

MR. MOHAI: Yes. Being a new member, and this being my first Public Comment session, I am curious as to whether the comments that were made this evening will be made

available not only to the counsel but also publicly, and what the various uses of the comments will be?

MS. JOHNSON: I'm sorry, I only heard part of it.

You wanted to know if it was going to be made available to who beyond the counsel? All Public Comment is included as part of the transcript, even any comments that are submitted to us in writing, in lieu of a verbal comment. Those are actually incorporated verbatim into the transcript.

The transcript is then also made available to the public. We have it available on the web, and for those who do not have access to the web, you make other arrangements to have that.

They are also summarized as part of the meeting summary that is developed, a summary statement presented, and included as part of that meeting summary. There is a whole section on that.

As far as where it goes within the Agency, part of the process of having an open dialogue with Public Comment, the way it is designed here, is that not only are commenters informing the members of the NEJAC, providing comment to the NEJAC, but you have people in the agency who are with the agency, and they are also here to hear public comment and taking it back to their respective programs and

regional offices.

For the comments that are directed to the NEJAC, in terms of the recommendations, it is within the purview of this body to actually consider them as part of deliberations, particularly those comments like, for example, the Goods Movement ones.

When you are making your decisions about the final report and the final set of recommendations, keeping the comments like these in mind, that is how you incorporate that into the discussion and into the development of the final recommendations.

MR. LEE: Quick point on that. The NEJAC is a Federal Advisory Committee, is chartered to provide advice and recommendations to EPA and so, therefore, it is hoped that you take these comments and try to incorporate it as far as what you think, like Victoria said, should provide as part of that advice.

I think, also, that we are going to go through -- we hope that you take note of what you hear is important, and when we have that discussion at the end of this meeting about what you think are emerging issues, you know, that is very important for you to consider.

You know, there is always -- like there is a

tradition in the NEJAC that used to go something like this: People bring their problems to the NEJAC with the expectation that NEJAC would actually address them. But the NEJAC is not empowered, does not have the authority, nor does it have the resources as a group of volunteers to be those responding.

Therefore, EPA takes note of those and refers the issues to the appropriate office for EPA to respond.

MR. MOORE: All right. Thank you very much for all of that.

Any other closing comments? Shankar? Brief. Thank you.

MR. PRASAD: A quick comment. There are a couple of issues that were already brought out and articulated by the Business Action Network in terms of the risk assessment.

Before we say that somebody from EPA respond, if there is an opportunity, I would like to raise those two issues for discussion among the NEJAC members, and then we make some kind of recommendation on that because it has implications on what sort of recommendations we make, either on the Goods Movement or any other issues.

MR. LEE: Yes. But we have to be clear. The recommendations that you make in terms of EPA's response has to do with recommendations around policies for EPA.

The question of the resolution or the site-specific issue, I mean, you can obviously provide some thoughts about it, but that really is the responsibility of the specific office involved. Do you understand the distinction?

MR. MOORE: Okay. Thank you. Any other comment?

(No response)

MR. MOORE: Again, thank you all that testified today. This session is closing. We will reconvene tomorrow morning in this room, at 9:00 a.m.

(Whereupon, the meeting was adjourned at 8:48 p.m., to resume September 19, 2007, at 9:00 a.m.)

